

THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

BY-LAW NO. 23 - 2020

BEING A BY-LAW TO AMEND THE MUNICIPAL CODE (SCHEDULE A - GENERAL GOVERNMENT POLICIES) COUNCIL, BOARDS, COMMITTEES: RULES OF PROCEDURE

WHEREAS it is deemed advisable to update certain sections of the Municipal Code and to incorporate certain policies in keeping with current practices; and

NOW THEREFORE The Corporation of the Municipality of Arran-Elderslie hereby enacts as follows:

1. That Schedule A - General Government, Policies: Council, Boards, Committees: Rules of Procedure - be deleted and be replaced with the following:

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Rules of Procedure

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Article 1

SHORT TITLE

1.1 Citation

This by-law may be cited as the “Procedural By-law”.

Article 2

INTERPRETATION

2.1 Acting Mayor – defined

“Acting Mayor” means a member of Council appointed by Council from time to time to act in the absence or incapacity of the Mayor and the Deputy Mayor.

2.2 Clear days – defined

“clear days” means that where there is a reference to a number of clear days, they shall be counted by excluding the day on which the notice is given and the day of the meeting.

2.3 Clerk – defined

“Clerk” means the Clerk or the Deputy Clerk of the Municipality.

2.4 Committee – defined

“Committee” means any advisory or other committee, subcommittee or similar entity of which at least fifty per cent of the members are also members of one or more Councils or local boards.

2.5 Corporation – defined

“Corporation” means The Corporation of the Municipality of Arran-Elderslie.

2.6 Council – defined

“Council” means the Council of the Municipality of Arran-Elderslie.

2.7 Deputy Mayor – defined

“Deputy Mayor” means the individual elected to the position of deputy mayor and who will act in the place or stead of the Mayor in the absence or incapacity of the Mayor.

2.8 Electronic Participation – defined

“Electronic Participation” means a member of Council participating electronically in a meeting. Electronic participation only applies during any period where an emergency has been declared by the Premier, Cabinet or the Municipal Head of Council under the Emergency Management and Civil Protection Act. Once the emergency has ended, regular meeting rules will apply.

2.9 Holiday – defined

“holiday” means any holiday as defined in the *Interpretation Act*; Boxing Day; and any holiday proclaimed by Council as a civic holiday.

2.10 Local Board – defined

“local board” means 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, and for the purposes of this By-law, excluding the public library board, police services board, a school board and a conservation authority.

2.11 Mayor – defined

“Mayor” is the member of Council holding the office of “Mayor”.

2.12 Masculine – feminine – defined

Words importing male persons include female persons.

2.13 Meeting – defined

“meeting” shall mean any regular, special, committee or other meeting of a Council, or a local board or of a committee of them, where,

- a) a quorum of members is present, and
- b) 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.

2.14 Member – defined

“member” means a member of Council and includes the Mayor.

2.15 Point of information – defined

“point of information” is a request directed to the Presiding Officer or to another member or to staff of the Corporation, for information relevant to the business at hand, but not related to a point of procedure.

2.16 Point of procedure – defined

“point of procedure” is a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of the Council 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 parliamentary situation or the effect of a motion.

2.17 Point of order – defined

“point of order” is the raising of a question by a member for the purpose of calling attention to any departure from this by-law or the customary modes of proceedings in debate or the conduct of the Council’s business.

2.18 Presiding Officer – defined

“Presiding Officer” means the Mayor or in his absence the Deputy Mayor or, in the absence of both of them, the member appointed under Section 6.4 to act in their absence, while presiding at meetings of Council.

2.19 Question of privilege – defined

“question of privilege” is the raising of a question which concerns a member or the Council collectively, when a member believes that another member has spoken disrespectfully towards him or the Council, or when he believes his comments have been misunderstood or misinterpreted by another member or members.

2.20 Quorum – defined

“quorum” means a majority of the whole number of Members required to constitute the council.

2.21 Recorded Vote – defined

“recorded vote” means the recording of the name and vote of every member on any matter in question.

2.22 Rules of procedure – defined

“rules of procedure” means the rules and regulations provided in this by-law.

2.23 Special Committee – defined

“special committee” means a committee of Council which is established to consider and report on a specific subject, project, or undertaking.

2.24 Substantive Motion – defined

“substantive motion” means any motion except the following:

- i) to extend the time of the meeting
- ii) to refer
- iii) to amend
- iv) to defer
- v) to postpone indefinitely or to set a specific day
- vi) to adjourn

Article 3

GENERAL PROVISIONS

3.1 Rules – regulations – observed – by Council

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in Council and committees, including standing or special committees.

3.2 Reference – Bourinot’s Rules of Order

When any matter relating to proceedings in Council or in committees arises which is not covered by a provision of this by-law, the procedure to be followed shall be decided with reference to Bourinot’s Rules of Order.

3.3 Conflict – Bourinot’s Rules of Order

In the event of any conflict between the provisions of this Chapter and the provisions of the authority referred to in Section 3.2, the provisions of this by-law shall apply.

3.4 Conflict – statutory provisions

The provisions of this by-law are subject to any statutory provisions in effect from time to time and in the event of any conflict between such statutory provisions and this by-law, the statutory provisions shall apply.

3.5 Rules – suspension – alteration – 2/3 consent – required

Despite Section 3.19 or any other provision of this by-law, in the absence of any statutory obligation the rules and regulations contained in this by-law may be suspended or altered for a single occasion with the consent of not less than two-thirds of the members present.

3.6 Quorum – majority of members

A quorum of Council shall consist of a majority of the members of the Council.

3.7 Quorum – not present – adjournment – exception

If at any meeting the number of members is reduced to less than a quorum, subject to the provisions of the *Municipal Conflict of Interest Act*, the Council meeting shall stand adjourned.

3.8 Decisions – Council – expressed – resolutions – by-laws

The Municipality makes decisions and expresses itself by Council passing resolutions and enacting by-laws.

3.9 Resolutions – by-laws – passed – enacted – majority vote

Except as otherwise provided, resolutions and by-laws are passed and enacted by majority vote.

3.10 Reconsideration – after six months – any decision

After a matter has been decided by Council, that matter may be reconsidered during the term of that Council any time after six months after the matter was decided, without the need for a Council resolution that the matter may be considered.

3.11 Reconsideration – within six months – conditions

After a matter has been decided by Council, that matter may be reconsidered by Council during the term of that Council within six months after the matter was decided, only if Council by a two-thirds majority vote at the same meeting determines that the matter may be reconsidered or at a subsequent meeting, only if notice for reconsideration has been given and included in the agenda.

3.12 Reconsideration – once only

No question for which Council has agreed to a reconsideration may be reconsidered more than once, and a vote to reconsider shall not be reconsidered.

3.13 Adjournment – due to hour

A regular or special meeting of Council shall adjourn at the hour of 11:30 p.m. if in session at that time and shall reconvene at such other day and time as Council by resolution may direct.

3.14 Meeting – extension – majority vote – required – limited

Despite section 3.12, Council may agree to an extension of a meeting beyond 11:30 p.m. but not beyond 12:30 a.m. the following day, if a majority of the members agree to do so; if the meeting is in session at 11:25 p.m. and Council has not considered whether or not to extend the meeting, the Clerk shall rise and ask whether any member wishes to make such a motion.

3.15 Adjournment – meeting not extended

If a Council meeting is still in session at 11:30 p.m., or if extended, at 12:30 a.m. the following day, the Clerk shall rise to notify Council and members of the public that the meeting is adjourned and of the date and time to which the meeting is adjourned.

3.16 Orders – authority – reserved – with Council

No order or authority for the Corporation or any of its employees to do any matter or thing shall be recognized as emanating from a committee, the authority of committees being limited to the making of recommendations to Council, provided, despite anything in this by-law to the contrary, a committee shall have the authority to direct employees to report to it on any matter within that committee's jurisdiction as set forth in this by-law.

3.17 Taping – broadcasting – permitted – conditions

Council and committee meetings which are not closed to the public in accordance with the provisions of this by-law may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licenced telecommunications company, or by any person provided that such taping, televising or recording is carried out in a manner which does not interfere with proceedings at the meeting and provided that such persons and representatives of such companies advise Council at the beginning of the meeting (if they have not so advised the Clerk prior to the meeting) of their intention to record.

3.18 Taping – request – to Clerk – prior notice

Any telecommunications company wishing to tape a Council or committee meeting is requested to advise the Clerk at least one clear business day prior to the commencement of the meeting.

3.19 Amendment – repeal – on agenda – consideration

Subject to Section 3.1 and except as otherwise specifically provided elsewhere in this by-law, no amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless the proposal

to amend or repeal has been considered at a prior Council meeting and the waiving of this requirement by Council is prohibited.

3.20 Amendment – repeal – majority vote – required

This by-law may be amended or repealed by a majority vote of the members present.

Article 4

MEETING

4.1 First meeting – Municipal Act – applicable

The first meeting of Council after a regular election shall be held in accordance with the provisions of the *Municipal Act, 2001* not later than the 31st day after the term of the new Council commences.

4.2 First meeting – date – place – fixed by Clerk

The first meeting of Council after a regular election shall be held on the first Monday in December following the election, and the place shall be fixed by the Clerk.

4.3 Council – meeting schedule – second – fourth Monday – monthly

Except for the first meeting in a term of Council or as otherwise provided, regular meetings of Council shall be held on the second and fourth Monday of every month for the purpose of transacting all business of Council.

4.4 Council – meeting schedule – exceptions

Despite the provisions of Section 4.3, in the months of July, August and December, Council shall meet only once per month on the second Monday of the month.

4.5 Council – regular meeting – different day and time

Despite the provisions of Sections 4.3 and 4.4, Council may, at a regularly scheduled meeting, pass a motion to hold a subsequent regularly scheduled meeting at a different day or time.

4.6 Regular meeting – location

Unless otherwise specifically set out in the notice for a meeting, all regularly scheduled meetings of Council or a committee shall be held in the Council Chambers at the Municipal Administration Building, 1025 Bruce County Road 10, Chesley, Ontario.

4.7 Special meeting – Council - committee meeting – location

Special meetings of Council or a committee of Council or other committees and boards defined under this by-law shall be held at a place and time set out in the notice for the meeting.

4.8 Public notice – regularly scheduled meetings

Public notice of a regularly scheduled meeting of Council or a committee shall be given by posting the date and place of the meeting on the Municipality's website not less than five clear days in advance of the date of the meeting.

4.9 Public Notice – special meetings

Public notice of a special meeting of Council or a committee shall be given by posting the date and place of the meeting on the Municipality's website not less than two clear working days in advance of the meeting.

4.10 Public notice – emergency meetings

Despite Section 4.9, public notice of a special meeting of Council or a committee summoned to deal with an emergency shall be given by posting a notice on the door of the Council Chambers or such other place as the meeting is held.

4.11 Public notice – education and training meetings

Despite Sections 4.8 and 4.9, public notice of a meeting of Council or a committee that is closed to the public and is held for the purpose of educating or training the members of Council or a committee, as the case may be, shall be given by the passing of a resolution by Council or the committee at a meeting open to the public stating:

- i) the fact of the holding of the closed meeting;
- ii) the general nature of its subject matter; and
- iii) the legislative provision allowing for the holding of the closed meeting.

4.12 Public notice – other closed meetings

Despite Sections 4.8 and 4.9, public notice of a Council or a committee meeting that is closed to the public, except a meeting held for the purpose of educating or training the members of Council or a committee, as the case may be, shall be given by the passing of a resolution by Council or the committee at a meeting open to the public stating:

- i) the fact of the holding of the closed meeting;
- ii) the general nature of the matter to be considered at the closed meeting.

4.13 Public notice – municipality’s website not operational

Despite Sections 4.8 and 4.9, in the event the Municipality’s website is not operational, public notice of a meeting shall be given by posting a notice on the door of the Council Chambers, in the case of a regularly scheduled meeting, not less than five clear days in advance of the date of the meeting and in the case of a special meeting, not less than one clear day in advance of the date of the meeting, and the public notice shall be subsequently posted to the Municipality’s website once normal operation has been restored.

4.14 Saving

If, by oversight or otherwise, the notice of a regularly scheduled meeting required by Section 4.8, the notice of a special meeting of Council or a committee required by Section 4.9, or the public notice of a special meeting of Council or a committee summoned to deal with an emergency required by Section 4.10 is not given in the manner prescribed, the meeting of Council or committee, as the case may be, shall not be void or voidable by reason of such failure to give notice or the insufficiency of any notice and no proceeding at that meeting shall be void or voidable by reason of such failure to give notice or the insufficiency of any notice.

4.15 Holiday – meeting – next following day – not holiday

If a regular meeting falls on a holiday, the meeting shall be at the same hour on the next following day not being a holiday, unless otherwise determined by Council.

4.16 Regular meeting - commencement

Regular meetings referred to in Section 4.6 shall commence at 9:00 a.m. unless otherwise determined by Council at an earlier meeting.

4.17 Additional – subsequent meeting – majority vote

Council by a majority vote of members present at a regular meeting of Council may determine that a subsequent meeting is to be held on a day or at a time different than that specified in Sections 4.6 and 4.15.

4.18 Open to public – exception

Except as otherwise provided in Sections 5.8 through 5.10 inclusive, Council meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct;

4.19 Audience – Council meeting – restrictions

Members of the public who constitute the audience in the Council Chambers during a Council meeting:

- i) may not address Council without permission of the Council; and
- ii) shall maintain order and quiet.

4.20 Public member – expulsion – improper conduct

The Presiding Officer at any meeting may cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a meeting and if necessary the Presiding Officer shall direct the Clerk to seek the appropriate assistance from the Ontario Provincial Police.

Article 5

SPECIAL MEETING

5.1 Summoned – by Mayor – at any time

The Mayor may at any time summon a special meeting of Council.

5.2 Summoned – by Clerk – majority – petition of Council

The Clerk, upon receipt of the petition of a majority of members, shall summon a special meeting for the purpose and at the time specified in the petition.

5.3 Notice – two days in advance – requirements

Except as provided in Sections 5.4 and 5.5, at least two clear working days notice, in writing, of all special meetings shall be given to all members, either:

- i) by leaving a copy of the notice with the member;
- ii) by leaving a copy of the notice at the place of residence of the member;
- iii) by leaving a copy of the notice at the place of business of the member;
- iv) by leaving a copy of the notice in the mailbox of the member at the municipal office.

5.4 Emergency – prior notice – not required

The notice requirement in Section 5.3 shall not apply to a special meeting summoned to deal with a genuine emergency.

5.5 Emergency – notice – method

For an emergency meeting, the Clerk shall use his best efforts to give notice of the emergency meeting and the purpose or purposes of the meeting to each member, either verbally or in writing, and notice shall be given as far in advance of the meeting as practicable.

5.6 Business – stated – in notice – other – prohibited

No business other than that stated in the notice shall be considered at the special meeting. Council may determine with the consent of not less than two-thirds of the membership present to suspend this provision.

5.8 Closed – may be – reasons

Despite Section 4.18, and according to Section 239.(1) of the Municipal Act, a meeting or part of a meeting may be closed to the public only if the subject matter relates to:

- i) the security of the property of the municipality or any local board;
- ii) personal matters about an identifiable individual, including municipal or local board employees;
- iii) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
- iv) labour relations or employee negotiations;
- v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- vii) a matter in respect of which a Council, a board, committee or other body may hold a closed meeting under another Act.
- viii) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the

municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group or pensions, or organization.

- x) 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; or
- xi) a position, plan, procedure, criteria or instruction to be applied to any negotiation carried on or to be carried on by or on behalf of the municipality or local board.

5.9 Closed – shall be – reasons

In accordance with Section 239(2) of the Municipal Act, a meeting or part of a meeting shall be closed to the public if the subject matter relates to the consideration of:

- a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council or a committee is designated as the head of the institution for the purposes of the Act; or
- b) an ongoing investigation respecting the municipality, a local board or a municipality-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.3(1) of the *Municipal Act*.

5.10 Closed – may be – educational and training meeting

Despite Section 4.18, a meeting may be closed to the public if the meeting is held for the purposes of educating or training the members, provided that, at the meeting, no member shall discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or committee, as the case may be.

5.11 Closed – resolution – reasons set forth

Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:

- i) the fact of the holding of the meeting; and
- ii) the general nature of the matters to be considered at the closed meeting.

5.12 Closed – vote – not permitted

A meeting shall not be closed to the public during the taking of a vote except if:

- i) Sections 5.8 or 5.9 permits or requires a meeting to be closed to the public; and
- ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.

Article 6

ORDER OF BUSINESS

6.1 Quorum – present – meeting – call to order

When there are sufficient members present to constitute a quorum at the time set for the commencement of the meeting or as soon thereafter as the quorum is present, the Mayor, or if the Clerk has been advised that the Mayor will be absent or late, the Deputy Mayor, shall take the chair and call the meeting to order.

6.2 Quorum – not present – in 30 minutes – adjournment

If there is no quorum within 30 minutes after the time appointed for the meeting, the Clerk shall record the names of all members present at that time and the meeting shall be deemed to be adjourned until the next regular meeting, unless a special meeting is called for that purpose in the meantime.

6.3 Mayor absent – Deputy Mayor – call to order – presiding

In the event the Mayor does not attend within 15 minutes after the time appointed, the Deputy Mayor shall assume the chair, call the members to order, and if a quorum is present preside during the meeting or until the arrival of the Mayor.

6.4 Mayor – Deputy Mayor – absent – procedure

In the absence of the Mayor and Deputy Mayor, if a quorum is present within 15 minutes of the appointed time, the Clerk shall call the meeting to order and a Chair shall be chosen from the members present, who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

6.5 Quorum – members

- a) If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk in advance of the meeting.
- b) To be considered as part of Quorum for a meeting the Council member must be physically present for the meeting.
- c) During an emergency that has been declared by the Premier, Cabinet or the Municipal Head of Council under the Emergency Management and Civil Protection Act any member taking part by Electronic Participation will be considered as part of the Quorum.
- d) No member shall be absent from any Regular Council Meeting without endeavoring to provide substantive notice of such absence to the head of Council or the Clerk at least twenty-four (24) hours prior to commencement of the meeting from which the member shall be absent when possible.
- e) Where a member is absent from the Regular Meeting of Council for three (3) consecutive months without being authorized to do so by resolution of Council, that member seat shall be declared to be vacant, in accordance with the provisions of Section 159(1) and in Exceptions (1.1), (2), (3) and procedures as set out in Section 263(1) on the *Municipal Act* shall apply.

6.6 Adjournment – agenda – consideration – subsequent

If Council is unable to meet for want of a quorum the agenda delivered for that meeting shall be considered at the next regular meeting of Council prior to consideration of the agenda for the subsequent meeting or it shall be the agenda for a special meeting called for that purpose.

6.7 Order of business – set out in agenda

The normal order of business for regular and special meetings of Council shall be as set forth in the agenda.

6.8 Order of business – alteration

When an alteration of the order of business is desired for the convenience of the meeting, Council may determine to make that alteration without further discussion.

Article 7

AGENDA

7.1 Headings – order – prepared by Clerk

The Clerk shall prepare for use of members at all regular meetings of Council, an agenda under the following headings:

- i) adoption of agenda;
- ii) disclosure of pecuniary interest and general nature thereof;
- iii) minutes of previous meetings
- iv) business arising out of the minutes
- v) public meetings
- vi) presentations
- vii) delegations
- viii) correspondence
- ix) staff reports
- x) reports of Members
- xi) health and Safety
- xi) other Business
- xiii) resolution to move into closed session and general nature thereof

- xiv) resolution to reconvene in open session
- xv) adoption of recommendations arising from closed session (if any)
- xvi) by-laws
- xvii) adjournment

7.2 Delivery – to members – prior to meeting

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Council are delivered or mailed to each member so that they will be received in each case by the Thursday of the week immediately preceding the meeting.

7.3 Delivery – to members – prior to meeting – special meeting

Where a special meeting of Council is scheduled or a regular meeting of Council is scheduled on a different day or time than the regular schedule, the Clerk shall use his best efforts to ensure that the agenda will be received by each member at least one clear working day in advance of the date of the meeting.

7.4 Delivery – to members – emergency meeting

Where an emergency meeting of Council has been summoned, the Clerk shall use his best efforts to deliver the agenda for the meeting to members as far in advance of the meeting as is practicable.

7.5 Distribution – to officials – staff – public libraries

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Council are distributed to all Municipal officials and staff who are entitled to receive copies thereof and made available to the general public at the Municipal Offices and the public libraries by 3:00 p.m. on the Friday immediately preceding the meeting. Where the meeting is to be held on a day other than the regularly scheduled day, the agenda shall be provided by 3:00 p.m. of the working day before the meeting.

7.6 Not delivered – on schedule – meeting valid

Failure by the Clerk to meet that schedule set out in Sections 7.2 to 7.4 inclusive will not invalidate the Council meeting or any proceeding thereat.

7.7 Submissions – to Clerk – deadline – Council meetings

All submissions for inclusion in the agenda for regular meetings of Council including notices of motion pursuant to Section 3.11 shall be in the hands of the Clerk not later than 12 Noon on the Monday prior to the date on which the agenda is to be distributed to members.

7.8 Special meeting – preparation – requirements

For special meetings, the agenda shall be prepared as the Mayor, or in the case of a petition, the Clerk, may direct.

Article 8

CORRESPONDENCE – PETITION

8.1 Included on agenda – Clerk

On receipt of an item of correspondence or a petition intended for Council, the Clerk may include it as an item on the agenda for the next regular meeting of Council for which the Clerk is accepting agenda items in full or in summary as he sees fit.

8.2 Referred to department head – copy to Council

On receipt of a communication or petition intended for Council the Clerk may refer it to a department head for reply and send a copy of the communication to all members.

8.3 Request for action – report required – exception

Communications listed in the agenda which contain a request for action on the part of Council shall not be acted upon without Council first receiving a

report from staff or a committee of council or a local board as the case may be, unless the action is of a routine or congratulatory nature.

Article 9

DELEGATION

9.1 Address – request – in writing

When a person or a representative of any group of persons wishes to address Council, he shall so advise the Clerk, in writing, prior to 12 Noon on the Monday of the week preceding the week of the meeting and he shall include his reasons for requesting to address Council. The request shall also provide sufficient information to provide Council with an understanding of the purpose of the delegation.

9.2 Address – requested late – justified – added to agenda

Where the request to appear as a delegation is received after the deadline set out in Section 9.1 and the Clerk is satisfied that the matter is sufficiently urgent that it cannot wait until the next regular meeting, the Clerk shall provide a request to Council that the delegation be added to the agenda.

9.3 Address – requested late – added to next agenda

Where the conditions set out in Section 9.2 are not met, the Clerk will add the delegation to the agenda for the next regular meeting of Council and shall so advise the person or representative.

9.4 Address – requested – at meeting – majority consent

No person or representative of any group of person will be permitted to address Council without the consent of a majority of the members present, other than persons entitled by statute to be heard or persons invited by notice authorized by Council, who has not advised the Clerk of their wish to address Council in accordance with the provisions of Sections 9.1 and 9.2 and, with respect to advice under Section 9.3, who have not been included in the agenda by the Clerk.

9.5 Address – maximum duration – limitations

Except with the consent of Council, no person shall address Council for more than 10 minutes, exclusive of the time required to answer questions put to him by Council, except that a group of persons may have more than one spokesman provided that the total length of time such spokesmen address Council shall not exceed 15 minutes, exclusive of the time required to answer questions put to them by Council.

Article 10

PRESIDING OFFICER - DUTY

10.1 Meeting – call to order

It shall be the duty of the Presiding Officer to open meetings of Council by taking the chair and calling the meeting to order.

10.2 Motion – written – received – submitted

It shall be the duty of the Presiding Officer to receive and submit, in the proper manner, all written motions presented by members.

10.3 Vote – put to – questions – announce result

It shall be the duty of the Presiding Officer to put to a vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the result.

10.4 Rules of order – determination – motions – amendments

It shall be the duty of the Presiding Officer to determine what motions or amendments are in order, subject to an appeal to Council, and decline to put any motion or amendment before Council which he deems to be clearly out of order or contrary to law.

10.5 Rules of procedure – maintained

It shall be the duty of the Presiding Officer to follow the rules of procedure and keep the members, when engaged in debate, within the rules of procedure.

10.6 Order – decorum – enforcement – preservation

It shall be the duty of the Presiding Officer to observe order and decorum and enforce on all occasions the observance of order and decorum among the members.

10.7 Order – to vacate seat – procedure - requirement

It shall be the duty of the Presiding Officer to call by name any member persisting in breach of the rules of procedure and, subject to a majority vote of members present, order him to vacate the Council Chambers.

10.8 By-laws – resolutions – minutes – authentication

It shall be the duty of the Presiding Officer to authenticate by his signature, when necessary, all by-laws, resolutions and minutes of Council.

10.9 Member – selection – committees – as required

It shall be the duty of the Presiding Officer to select members who are to serve on committees when directed to do so by resolution of the Council or a rule of procedure.

10.10 Representation – support – Council

It shall be the duty of the Presiding Officer to represent and support Council, declaring its will and implicitly obeying its decisions in all things.

10.11 Adjournment – suspension – meeting – when necessary

It shall be the duty of the Presiding Officer if he considers it necessary because of grave disorder, to adjourn the sitting without question put or suspend the sitting for a time to be named by him.

Article 11

RULES OF CONDUCT – DEBATE

11.1 Speaking – Presiding Officer – to leave chair

The Presiding Officer may answer questions and comment in a general way while continuing to chair the meeting but if he wishes to speak on a question taking a definite position and endeavouring to persuade Council to support that position, he shall first call on the Deputy Mayor, if he is present and not the Presiding Officer, or otherwise call on any other member to chair the meeting while that question is being discussed.

11.2 Speaking – order – determined – by Presiding Officer

When two or more members wish to speak, the Presiding Officer shall name the member who is to speak first.

11.3 Speaker – recognition – by Presiding Officer

When a member wishes to speak at a Council meeting he shall be recognized by the Presiding Officer before doing so.

11.4 Speaking – twice only – exception – Council approval

Members shall not speak more than twice on a motion except with the consent of Council.

11.5 Speaking – twice – all members heard from

No member shall speak a second time unless all members have had an opportunity to speak once.

11.6 Motion – member making – additional 3 minutes

Despite Sections 11.3 through 11.5 inclusive, the member who has made a motion (other than a motion for an amendment or a procedural motion) shall

be allowed to close the debate for a maximum of an additional three minutes after all other members have been given an opportunity to speak.

11.7 Speaking – time limitation

A member shall speak for a maximum of five minutes each time speaking on a main motion and three minutes each time speaking on any amendment.

11.8 Question – put through – Presiding Officer

A member may ask a question of a previous speaker only through the Presiding Officer and the question must be stated concisely and relate to the speaker's remarks but, in any event a member may ask a question of the Presiding Officer or of staff through the Presiding Officer prior to the motion being put to a vote.

11.9 Motion – in debate – read – any time

Any member may require the motion under debate to be read at any time during the debate.

11.10 Disturbance – disorderly conduct – prohibited

No member shall disturb the proceedings of Council or another member by any disorderly conduct.

11.11 Insults – offensive words – prohibited

No member shall use offensive words or insulting expressions in referring to Council, any member, any official of the Municipality or any member of the public.

11.12 Disobedience – rules – Presiding Officer – prohibited

No member shall disobey the rules of procedure or decision of the Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of procedure.

11.13 Disturbance – leaving seat – during vote – prohibited

No member shall leave his seat or make any noise or disturbance while a vote is being taken or until the result is declared.

11.14 Interruption – speaker – prohibited – exception

No member shall interrupt a member while speaking, except to raise a point of order or question of privilege.

11.15 Disclosures of Pecuniary Interest and Nature Thereof

- a) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest and general nature thereof, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member shall, in accordance with the *Municipal Conflict of Interest Act*:
- i) Prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof;
 - ii) File a written statement of the member's interest and its general nature at the meeting or as soon as possible after the meeting;
 - iii) Not take part in the discussion of, or vote on any question in respect of the matter; and
 - iv) Not attempt in any way whether before, during or after the meeting to influence the voting on the matter.
- b) Where a meeting is not open to the public, in addition to complying with the requirement set out in 4.21 above, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- c) Where the interest of a member has not been disclosed by reason of the member's absence from a particular meeting, the member shall disclose the member's interest and otherwise comply at the first meeting of Council or Committee of the Whole, as the case may be, attended by the Member after the particular meeting.

- d) The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a member, and this record shall appear in the minutes of that meeting.
- e) The Clerk shall maintain a registry of written statements and declarations of the pecuniary interest of members and make it available for public inspection.

Article 12

QUESTION OF PRIVILEGE – POINT OF INFORMATION ORDER – PROCEDURE

12.1 Consideration – immediate

Whenever a question of privilege or a point of procedure arises it shall be considered immediately.

12.2 Question of privilege – procedure – over all matters

A member may rise at any time on a question of privilege and a question of privilege shall take precedence over all other matters.

12.3 Point of information – answer – by Presiding Officer

When a point of information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate member or staff member.

12.4 Speaker – interruption – decision – Presiding Officer

A member may interrupt the person who has the floor to raise a point of order or a point of procedure when such member feels that there has been a deviation or departure from the rules of procedure and upon hearing such point of order or point of procedure, the ruling of the Presiding Officer shall be final unless a challenge is made pursuant to Sections x and x. The Presiding Officer shall state the rule or authority applicable in the case.

12.5 Chair – challenged – overruled – procedure

Whenever a member wishes to challenge the ruling of the Chair on a point of order or point of procedure (including a determination that a motion is out of order) he shall make a motion substantially as follows: "That the decision of the Chair be overruled." Thereafter the question shall be put to Council and Council shall decide the matter, by majority vote of members present, immediately without debate and this decision shall be final.

12.6 Chair – challenge – refused – by Chair – procedure

If the Presiding Officer refuses to put the question "That the decision of the Chair be overruled." the Council forthwith shall request the Deputy Mayor to put the question or if the Deputy Mayor is the Presiding Officer or is absent or refuses to put the question, any member shall be entitled to put the question before Council from the floor.

12.7 Call to order – member – decision to expel

In the event that a member persists in a breach of Sections 11.10 through 11.14 inclusive, after having been called to order by the Presiding Officer, the Presiding Officer shall without debate put the motion: "Shall the member be ordered to leave his or her seat for the duration of the meeting?"

12.8 Expulsion – ordered – member to leave – exception

If Council decides in the affirmative by a majority of the members present, the Presiding Officer shall order the member to leave his seat for the duration of the meeting, but if the member apologizes, the Presiding Officer, with the approval of Council, may permit him to resume his seat.

Article 13

MOTION – ORDER

13.1 Moved – seconded – before debate – vote

A motion shall be moved and seconded before being debated or put to a vote.

13.2 Withdrawal – at any time – before vote

After a motion has been moved and seconded, it is in the possession of Council for consideration but, with the consent of the majority of Council and without debate, it may be withdrawn at any time before it has been voted on.

13.3 Public – to be heard – only after hearing

If members of the public are to be heard on a matter, no motion shall be received until they have been heard.

13.4 Put – public participation – prohibited

No further public participation on a matter will be allowed after the motion has been duly made and seconded.

13.5 Debate – amendment – permitted

All motions which properly are before Council for consideration are open to debate and may be amended except as specifically provided elsewhere in this by-law.

13.6 In order – procedure

When a motion has been moved and seconded and is being considered by Council, no motion shall be received except a motion:

- i) to adjourn the meeting;
- ii) to proceed beyond the hour of 11:30 p.m.;
- iii) to close the debate;
- iv) to refer the question to some other person or group for consideration;
- v) to defer the question to a certain time or date;
- vi) to amend the amendment; or
- vii) to amend the main motion;

which shall have precedence in the order in which they are named.

13.7 Adjourn – requirements

A motion to adjourn:

- i) shall not be amended or debated; and
- ii) shall always be in order except when a member is speaking or the members are voting.

13.8 Proceed – beyond 11:30 p.m. – requirements

A motion to proceed beyond the hour of 11:30 p.m.:

- i) shall not be amended or debated; and
- ii) shall always be in order except when a member is speaking or the members are voting.

13.9 Close debate – requirements

A motion to close the debate:

- i) shall not be amended or debated;
- ii) requires the affirmative vote of two-thirds of the members present.

13.10 Refer – requirements

A motion to refer a matter under consideration to a committee or to staff may be introduced in writing but without notice and without leave, and:

- i) shall be open to debate and may be amended; and
- ii) shall include the terms on which the motion is being referred, the time at which the matter is to be returned and whatever explanation may be necessary as to the purpose of the motion.

13.11 Defer – requirements

A motion to defer to a certain time or date may be introduced in writing but without notice and without leave, and:

- i) shall be open to debate as to the advisability of postponement; and
- ii) may be amended as to the time or date to which the matter is referred.

13.12 Amendment – requirement

A motion to amend:

- i) shall be open to debate;
- ii) shall not be directly contrary to the main motion;
- iii) shall relate to the subject matter of the main motion.

13.13 Amendment – one at a time – limitation

Only one amendment at a time shall be presented to the main motion and only one amendment at a time shall be presented to an amendment.

13.14 Amendment – put – reverse order – voting procedure

The Presiding Officer shall put amendments in the reverse order to which they have been moved and when all amendments are voted on, the Presiding Officer shall put the main motion, incorporating any adopted amendments.

13.15 Suspend – rules – regulations

A motion to suspend the rules and regulations of this by-law may be introduced in writing but without notice and without leave and shall be decided by a simple majority of the members present at the meeting.

13.16 Point of order – procedure – information – privilege

A motion on a point of order, point of procedure, point of information or question of privilege may be introduced orally and without notice and without leave and such motion shall be voted upon without debate. The decision of Council on such a motion shall be final.

Article 14

VOTING

14.1 Motion – multiple – distinct propositions

When a motion under consideration contains two or more distinct propositions, where any member so requests the vote upon each proposition shall be taken separately.

14.2 Motion – after all spoken – put by Presiding Officer

The Presiding Officer shall put a motion to a vote immediately after all members desiring to speak on the motion have spoken.

14.3 Motion – put to vote – speaking – prohibited

After a motion is put to a vote by the Presiding Officer, no member shall speak to that motion.

14.4 Motion – vote – required – unless disqualified

Every member present, except the Mayor, shall vote on every motion unless the member is disqualified to vote by reason of a conflict of interest or other statutory disqualification.

14.5 Failure – to vote – deemed negative – exception

Every member, except the Mayor, present at a meeting who is not disqualified from voting in accordance with Section 14.4, shall be deemed to be voting against the motion if he fails to vote.

14.6 Mayor – to vote – after members – exception

The Mayor may vote after the other members have voted except when the Mayor is disqualified from voting by reason of a conflict of interest or other statutory disqualification, in which case he shall leave the chair.

14.7 Equality of votes – decision – deemed negative

Any motion which receives an equal division of votes shall be deemed to have been decided in the negative.

14.8 Method – show of hands – exception – recorded vote

Except for a recorded vote, voting shall be by show of hands. During an emergency that has been declared by the Premier, Cabinet or the Municipal Head of Council under the Emergency Management and Civil Protection Act, any member taking part by Electronic Participation will vote with verbal response of “yes” or “no”.

14.9 Result – announced – by Presiding Officer

The Presiding Officer shall announce the result of every vote.

14.10 Result – disagreement – immediate – vote retaken

If a member disagrees with the announcement by the Presiding Officer of the result of any vote, he may object immediately to the Presiding Officer’s declaration and require that the vote be retaken.

14.11 Recorded vote – when requested – or required

A recorded vote shall be taken when called for by any member immediately prior or immediately subsequent to the taking of a vote or when required by law or under this by-law.

14.12 Recorded vote – alphabetical order

When a recorded vote is taken all members, unless disqualified by statute, must vote in alphabetical order, with the exception of the Mayor who shall be polled last, and any failure to vote by a member including the Mayor who is not disqualified shall be deemed to be a negative vote.

14.13 Names – votes – position – recorded

The names of those who voted for and those who voted against the motion shall be entered in the minutes.

14.14 Majority – requirement – by-law

Whenever this by-law requires a vote of a simple majority or two-thirds or all of Council, the requirement shall be interpreted as meaning such majority, fraction or total of the members who are present and qualified to vote on the matter provided that his by-law or a relevant statute does not specify differently.

14.15 Greater than majority – required – recorded vote

Whenever this by-law or any statute requires that a by-law be passed or any other action taken by a vote of two-thirds or any other fraction of Council greater than a majority, that vote shall be taken by recorded vote.

Article 15

BY-LAW

15.1 Consideration – approval – by Council

No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

15.2 Introduction – by member – title read – 3 readings

Every by-law shall be introduced upon a motion by a member specifying the title of the by-law and shall receive three readings before it is passed.

15.3 Vote – on third reading – majority required

A by-law shall be passed when a majority of the members present on the third reading vote in favour of the by-law, provided not statute requires a greater majority.

15.4 Reading – three – same day – permitted – exception

Unless otherwise provided by law, a by-law may receive all three readings on the same day.

15.5 Amendment – part of by-law – inserted by Clerk

All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

Article 16

MINUTES

16.1 Information – requirements – taken by Clerk

The Clerk shall take minutes of each Council meeting which minutes shall record, without note or comment:

- i) the place, date and time of meetings,
- ii) the name or names of the presiding member or members and the record of attendance of the members,
- iii) the reading, and if requested, correction and adoption of the minutes of prior meetings; and
- iv) all resolutions, decisions and other proceedings of Council.

16.2 Previous meeting – minutes – read aloud – majority request

The minutes of the previous meeting shall not be read aloud unless requested by a majority of the members.

Article 17

STANDING COMMITTEE

17.1 Standing committees – appointment

At the beginning of each new term of Council, Council shall establish its standing committees (if any), the composition of such standing committees, and appoint a Chair for each standing committee of Council.

17.2 Standing committees – composition – review

The chairmanships and committee composition shall be reviewed at the mid-term of the Council term, or at such other time as Council deems appropriate.

17.3 Mayor – ex officio member – standing committee

In the event that a standing committee is not composed of all members of Council, the Mayor shall be an *ex officio* member of the committee. The Mayor may be counted in determining if a quorum is present but shall not be included in the number of committee members used to determine quorum. The Mayor shall also have full voting privileges as an *ex officio* member.

17.4 Standing committee – meeting – at call of chair

A meeting of a standing committee of Council will be held at the call of the chair of the committee.

17.5 Standing committee – agenda – prepared by Clerk

The Clerk shall prepare an agenda for all standing committee meetings in the form described in Section 7.1 so far as applicable.

17.6 Agenda – delivery – to members – prior to meetings

The Clerk shall use his best efforts to ensure that copies of the agenda for scheduled meetings of standing committees are delivered or mailed to each member so that they will be received on that day which is two clear working days in advance of the day of the meeting.

17.7 Agenda – not delivered – on schedule – meeting valid

Failure by the Clerk to meet the schedule set out in Section 17.6 will not invalidate the standing committee meeting or any proceedings thereat.

17.8 Agenda – submission deadline

All submissions for scheduled meetings of any standing committee shall be in the hands of the Clerk not later than 12 Noon of the day which is four clear working days in advance of the day of the meeting.

17.9 Chair – to preside – all meetings – voting authority

The Committee Chair, or in his absence the vice chair (if any), or in the absence of both, such other member of the committee as may be chosen by the committee, shall preside at every meeting and may vote on all questions submitted.

17.10 Vote – equal – deemed negative

In a case of an equal division of votes, the Committee Chair shall not have a second or casting vote and the question shall be deemed to have been decided in the negative.

17.11 Presiding Officer – powers – responsibilities

Except as otherwise provided in this by-law, the committee member presiding at a meeting of a standing committee, while presiding, shall have all of the powers and responsibilities of the Presiding Officer at a meeting of Council.

17.12 Quorum – majority of members

A quorum of any standing committee shall be the majority of its members.

17.13 Special committee meeting – called by Chair

A special meeting of a standing committee may be called by the Committee Chair whenever he considers it necessary.

17.14 Special Committee meeting – called – written request – majority

The Committee Chair or in the case of his neglect or failure, the Clerk, shall call a special meeting of the standing committee whenever a majority of the members of that committee request in writing such special meeting.

17.15 Special meeting – committee – procedures

The provisions of this by-law for the conduct of meetings of Council shall apply to committee meetings, so far as they are applicable.

17.16 Business – procedure – exceptions

The business of standing committee meetings shall be conducted in accordance with the rules governing the procedure of Council, so far as they are applicable.

17.17 Speaking – to motion – once – until all spoken

A member shall not speak more than once to a motion until every member who desires to speak has spoken once.

17.18 Motion – to close debate – prohibited

A motion to close a debate shall not be permitted at a committee meeting.

17.19 Chair – permitted a position – without leaving

The Committee Chair or other presiding member may take a definite position and endeavour to persuade the committee on that position without leaving the chair.

17.20 Minutes – committees – taken by Clerk

The Clerk or any employee of the Corporation designated by the Clerk shall take minutes of committee meetings.

17.21 Report – to Council – all matters – recommendations

A standing committee shall report to Council on all matters connected with the duties imposed on the committee by Council and on all matters referred to it and shall recommend such action as it deems appropriate.

17.22 Open meetings – exception

The provisions of Sections 5.8 – 5.10 inclusive, regarding closing meetings to the public, apply to standing and special committees of Council and, except

as permitted or provided in those sections, committee meetings shall be open to the public.

Article 18

COMMITTEE – SPECIAL

18.1 Establishment – special committees – as necessary

Council may appoint such special committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, and duration of the committee established.

18.2 Special committee – Mayor – ex-officio member

The Mayor shall be *ex officio* a member of all special committees unless otherwise determined by Council. The Mayor may be counted in determining if a quorum is present but shall not be included in the number of committee members used to determine quorum. The Mayor shall also have full voting privileges as an *ex officio* member.

18.3 Special committee – chair – appointed – procedures – determined by Council

When a special committee has been appointed by Council for a specific purpose, Council shall name the member of that special committee who is to act as Committee Chair, and shall determine whether or not the rules of procedure for Council shall apply to that special committee.

18.4 Special committee – work – report – complete – committee dissolved

When a special committee has completed its work and made its report, that committee shall be deemed to be dissolved.

18.5 Agenda – special committee meetings – preparation

For special meetings of a standing committee or other committee, the agenda shall be prepared as the Committee Chair, or in the case of a petition, the Clerk, may direct.

18.6 Business – procedure – exceptions

The business of special committee meetings shall be conducted in accordance with the rules governing the procedure of Council, so far as they are applicable.

2. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

READ a FIRST and SECOND time this 23rd day of March 2020.

READ a THIRD time and finally passed this _____ day of _____ 2020

Steve Hammell, Mayor

Bill Jones, CAO/Clerk