

**THE CORPORATION OF THE  
MUNICIPALITY OF ARRAN-ELDERSLIE**

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**BY-LAW NO. 76-2021**

**Being a By-Law to govern the proceedings of Council and the  
conduct of its members and the calling of the meetings of The  
Corporation of the Municipality of Arran-Elderslie  
and its Committees and Boards**

Whereas Section 238 (2) of the Municipal Act, 2001 S.O. 2001, c.25, as amended states that every municipality and local board shall pass a procedural By-Law for governing the calling, place and the proceedings of meetings;

And Whereas Section 238 (2.1) of the Municipal Act, 2001 S.O. 2001, c 25, as amended requires that the Procedural By-Law provides for public notice of meetings;

And Whereas The Council of the Municipality of Arran-Elderslie deems it advisable to enact a new By-Law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

1. That Schedule "A" shall form part of this By-law.
2. That By-laws No. 1-1999, 53-2009, 9-2019, 22-2016, 69-2017, and 23-2020 are hereby rescinded.
3. That this By-law shall come into force and take effect on with final passing.

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READ a FIRST and SECOND time this 13<sup>th</sup> day of December, 2021.

READ a THIRD time and finally passed this 13<sup>th</sup> day of December, 2021.

***Original Signed By***

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Steve Hammell, Mayor

***Original Signed By***

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Christine Fraser-McDonald, Clerk

## 1. Definitions

- 1.1. **"Act"** or **"Municipal Act"** shall mean the *Municipal Act*, S.O. 2001, c. 25, as amended from time to time.
- 1.2. **"Acting Chair"** shall mean the presiding officer of a Committee/Board or Council who shall act in the place of the Mayor or Deputy Mayor when both are absent from a meeting of Council or in place of the Committee/Board Chair who is absent for any cause and who shall exercise all the rights, powers and authority of the Mayor or Chair.
- 1.3. **"Addendum"** shall mean any addition to a completed published Council agenda or addition to an item on the Council agenda that the Clerk believes is of an urgent nature and requires immediate attention or consideration.
- 1.4. **"Ad Hoc Committee/Board"** shall mean a Committee/Board established by Council resolution to review a specific issue; once the Committee/Board has reported to Council with respect to its findings and recommendations, the Committee/Board is dissolved.
- 1.5. **"Advisory Committee/Board"** shall mean an advisory Committee/Board established by Council that has a defined purpose and mandate to allow residents with experience, interest and/or opinions in a particular subject area to provide input on a specific issue, through a balanced public process.
- 1.6. **"Alternate Council Member"** shall mean the Council Member appointed by Council of the Municipality to attend Bruce County Council meetings in the place of the Mayor or Deputy Mayor of the municipality, when the Mayor or Deputy Mayor is unable to attend a Bruce County Council/Committee/Board of the whole meeting for any reason. Such appointment shall be for the entire term of Council.
- 1.7. **"Business day"** shall mean Monday to Friday, inclusive, except for statutory or civic holidays observed in the Province of Ontario, or any other day the Arran-Elderslie Municipal Office is not open for business.
- 1.8. **"Call to Order"** shall mean when the Chair notifies Members and the public that the meeting is commencing.
- 1.9. **"CAO"** shall mean the chief administrative officer of the municipality.
- 1.10. **"Chair"** shall mean the presiding officer of a Committee/Board or Council meeting.
- 1.11. **"Clerk"** shall mean the Clerk of the municipality or designate.
- 1.12. **"Code of Conduct"** shall mean a By-law to establish a Council Code of Conduct, as amended from time to time.

- 1.13. **"Comment Period"** shall mean a heading on a Council agenda that provides for comments by the public or media to Council with respect to a specific agenda item. A maximum of two (2) minutes per person is allotted for comments, with a maximum time of ten (10) minutes in total allotted for comment period.
- 1.14. **"Committee/Board"** shall mean a Committee/Board, task force or other body constituted and appointed by Council, including the Committee/Board of the whole.
- 1.15. **"Committee/Board of the Whole"** shall mean a Committee/Board of Council comprised of all Members of Council which may serve as a forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council; or such other purpose as Council may determine from time to time.
- 1.16. **"Confirming By-law"** shall mean a By-law to confirm all of the actions of Council at the previous Council and special meetings as intended to be legal and binding.
- 1.17. **"Council"** shall mean the Council of the Municipality of Arran-Elderslie.
- 1.18. **"Defer"** shall mean to remove a main motion from consideration of Council or a Committee/Board until such time as provided for in the motion.
- 1.19. **"Delegation"** shall mean a person or group of persons who are not Members of Council or Municipal staff who have requested and are permitted to address Council, individually or on behalf of a group.
- 1.20. **"Deputy Mayor"** fulfills the responsibilities of the Mayor in the absence of the Mayor.
- 1.21. **"Division of Question"** shall mean a request by a Member to have a motion containing separate questions, recommendations, or amendments, voted on in sections or parts.
- 1.22. **"Electronic Participation"** shall mean the participation of a Member of Council who participates remotely in any open or closed Council or Committee/Board meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 1.23. **"Emergency"** shall mean an emergency situation as defined by the *Emergency Management and Civil Protection Act*, as amended.
- 1.24. **"Emergency Meeting"** shall mean a meeting of the Council called to address circumstances of an emergency, notice provisions for a meeting of Council may be waived.
- 1.25. **"Ex-officio Member"** shall mean the Mayor's Membership on all Council

Committee/Boards, sub-Committee/Boards. Ex- officio means by "virtue of office" and therefore the Mayor may attend any Committee/Board meetings; however, the Mayor shall have voting privileges and shall not be included when determining the number of Members required for quorum or counted when determining if a quorum is present.

- 1.26. **"Improper Conduct"** shall mean conduct by any person which offers any obstruction to the deliberations or proper action of Council or a Committee/Board.
- 1.27. **"Inaugural Meeting"** shall mean the first meeting of Council held after a municipal election in a regular election year.
- 1.28. **"In Writing"** shall mean handwritten, typewritten or electronically displayed.
- 1.29. **"Local Board"** shall mean a municipal service Board, transportation commission, Board of health, planning Board, or any other Board, commission, Committee/Board, 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.
- 1.30. **"Majority Vote"** shall mean an affirmative vote of more than one-half of the Members present and voting.
- 1.31. **"Mayor"** shall mean the head of Council of the Municipality of Arran-Elderslie.
- 1.32. **"Meeting"** shall mean any regular, special or other meeting of a Council, local Board or of a Committee/Board of Council 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/Board.
- 1.33. **"Member"** shall mean a Member of Council or Committee/Board.
- 1.34. **"Motion to Receive"** shall mean a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken.
- 1.35. **"Municipality/ Municipal"** shall mean The Corporation of The Municipality of Arran-Elderslie.
- 1.36. **"Notice of Motion"** shall mean a motion brought forward by any Member for the consideration of Council.

- 1.37. **"Order of Business"** shall mean the sequence of activities and/or discussions and decisions to be introduced and considered and may only be amended by a vote of Council.
- 1.38. **"Pecuniary Interest"** shall mean a direct or indirect financial interest within the meaning of the *Municipal Conflict of Interest Act*, as amended.
- 1.39. **"Point of Clarification"** shall mean when a Member wants to clarify something that was stated by another Member. This is a statement and not a question.
- 1.40. **"Point of Information"** or **"Point of Parliamentary Inquiry"** shall mean a question asked about a motion or about the process taking place.
- 1.41. **"Point of Order"** shall mean a question by a Member with the view to calling attention to any issue relating to the Procedure By-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion.
- 1.42. **"Point of Privilege"** shall mean a question by a Member who believes that another Member has spoken disrespectfully towards that Member, another Member, staff or a Member of the public who considers that his or her integrity or that of a person has been impugned or questioned by the Member. Can also be used when a Member requires something relating to personal comfort such as temperature, noise level etc.
- 1.43. **"Presentation"** shall mean an address to Council or Committee/Board by a consultant or associated body, or at the request of Council, a Committee/Board or staff.
- 1.44. **"Quorum"** In accordance with Section 237 of the Municipal Act, Quorum shall mean a majority of Council or Committee/Board Members. ). A majority is defined as more than 50%. i.e. if there are seven (7) Members on Council, then quorum would be four (4). Therefore, if a Council or Committee/Board has seven (7) Members, a majority would be four (4) Members.
- 1.45. **"Recorded Vote"** shall mean the recording of the name and vote of every Member on any matter in question.
- 1.46. **"Reports of Members"** shall be a heading on the agenda for the purpose of Members providing information only. Comments are not debatable, nor shall they introduce new business. Comments shall be limited to five (5) minutes per Member.
- 1.47. **"Resolution"** shall mean the decision of Council or its Committee/Boards on any motion.
- 1.48. **"Special Committee/Board"** shall mean a Committee/Board of Council

which is established to consider and report on a specific subject, project or undertaking.

- 1.49. **“Statutory Public Meeting”** shall mean a meeting called to fulfill a statutory requirement of an act.
- 1.50. **“Sub-Committee/Board”** shall mean a Committee/Board established by Council to work on and report on a specific function within the mandate of an advisory Committee/Board. For the purposes of this By-law, sub-Committee/Boards may or may not contain Members of Council.
- 1.51. **“Public Meeting”** shall mean a meeting of Council which provides an opportunity to hear from Members of the public at which Members listen.
- 1.52. **“Unfinished Business”** shall mean agenda items from the previous agenda that were left undisposed of at the time of adjournment of the previous meeting.
- 1.53. **“Website”** shall mean the official municipal website.

## **2. Application**

### **2.1 General**

The rules of procedure set out in this By-law shall govern all proceedings of Council and Committee/Boards.

### **2.2 Statutory Requirements**

Notwithstanding anything in this By-law, where Council or a Committee/Board convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, as amended and as applicable, shall govern the proceedings.

### **2.3 Rules of Order Not Covered**

All points of order or procedure not provided for in this By-law shall be decided in accordance with *Robert’s Rules of Order*, as revised, and the Chair shall submit the ruling.

### **2.4 Use of Pronouns**

Any gender language in this document shall be deemed to be gender neutral.

## **3. Electronic Devices in Council Chambers**

### **3.1 Electronic Devices in Council Chambers**

Electronic devices are permitted in Council chambers during open sessions of a meeting only, provided that they are turned to silent or vibrate during the meeting and are not used to record any aspect of the Council or

Committee/Board meeting, unless the Clerk has given consent prior to the meeting and the recording is otherwise in accordance with this By-law.

### **3.2 Taping – broadcasting – permitted – conditions**

Council and Committee/Board 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. Should the recording interfere with the proceedings of the Council or Committee/Board meeting, the recording privileges may be withdrawn. The ruling of the Chair shall be final unless by appeal to the Council which shall decide on the question without debate.

### **3.3 Closed – Electronic Devices**

The use of electronic devices in Closed Session is subject to the following:

- (a) Members shall be permitted to take an electronic device into Closed Session and use an electronic device for the purpose of accessing the current Agenda and associated Reports, or where the electronic device is being used as a means of participation in the Closed Session;
- (b) The use of any electronic device by a Member for the purpose of recording or transmitting is prohibited;
- (c) The use of any electronic device by a Member for the purpose of communicating to other Members or the Public during a Closed Session is prohibited, other than as used for participation in the Closed Session generally, as in paragraph (a).

## **4. Meeting Locations, Times and Notice**

### **4.1 Inaugural Meeting of Council**

The inaugural meeting of Council shall be held in Arran-Elderslie on the earliest opportunity following a regular municipal election, as called by the Clerk, and agreed upon by the Clerk, Mayor and CAO, and shall be in a manner consistent with the *Municipal Elections Act* and the *Municipal Act*.

## **4.2 Inaugural Meeting Agenda**

- 4.2.1** The Inaugural Meeting shall be ceremonial in nature for purposes of the Members of Council taking their Oath of Allegiance and Declaration of Office.
- 4.2.2** No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 4.2.3** The Clerk shall have prepared for the Members of Council at the inaugural meeting an "Order of Business" as follows, to also include other ceremonial proceedings as deemed necessary and/or desirable:
  - 4.2.3.1** Call to Order
  - 4.2.3.2** Oath of Allegiance and Declaration of Office
  - 4.2.3.3** Mayor's Inaugural Address
  - 4.2.3.4** Confirmation By-law
  - 4.2.3.5** Statements by Members (non-debatable)
  - 4.2.3.6** Adjournment

## **4.3 Meeting Schedule**

Council shall annually adopt a regular meeting schedule for its meetings to be held in the following year including the dates, times and locations for such meetings and the Clerk shall publish the schedule on the municipal website.

## **4.4 Electronic Participation**

- 4.4.1** Any Member of Council who participates remotely in any open or closed Council or Committee/Board meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 4.4.2** Any Member of Council may participate in any open or closed Council, Special Council or Committee/Board meeting electronically and be counted for the purpose of establishing quorum.
- 4.4.3** A Member who joins a meeting via electronic participation partway through the meeting shall advise the Chair and Clerk of their attendance at the meeting.
- 4.4.4** A Member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the Chair and Clerk of their absence from the meeting.

- 4.4.5** Members who have declared a pecuniary interest in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, with regard to a matter being discussed, and are participating electronically, shall not participate in any way with respect to the matter in question and shall disconnect from the meeting while such matter is being discussed, or as otherwise directed by the Clerk or the CAO.
- 4.4.6** Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk's office, and in accordance with this By-law.
- 4.4.7** Any Member of an advisory Committee/Board, local Board, agency, commission and association may participate in meetings electronically and be counted for the purpose of establishing quorum.
- 4.4.8** **Electronic Participation at Closed Meetings – Confidentiality**
  - 4.4.8.1** Members who are participating electronically in a closed meeting shall declare at the commencement of the closed meeting that they shall maintain the confidentiality of the closed meeting and that no person, other than a person authorized to be in attendance, is with the Member, including those who may be in proximity of the Member and able to hear either the closed meeting or the Member's participation. The Member shall take all reasonable precautions to ensure the closed meeting is not overheard by anyone not authorized to be in attendance, which may include the use of headphones.
  - 4.4.8.2** If it comes to the attention of the Chair that a Member who is attending the closed meeting has someone not authorized to attend, then the Chair shall forthwith have the Member disconnected from the meeting.
  - 4.4.8.3** Virtual backgrounds shall not be used by any Member in a closed meeting.
  - 4.4.8.4** Members who are participating electronically in a closed meeting shall maintain audio and/or video connections at all times.
  - 4.4.8.5** If a Member's electronic connection is interrupted or lost due to extenuating circumstances, then the Member may rejoin the closed session by telephone.

**4.5 Cancellation due to Weather**

In the event of inclement weather or other reason, the Chair has the authority to cancel a Council meeting.

**4.6 Notice of Cancellations**

In the event of a meeting cancellation, staff shall post notice of the meeting cancellation on the municipal website and notify the Members by email or by telephone and by any further means deemed appropriate in the circumstances by the Clerk. If the cancellation occurs at the last minute or after regular business hours and staff is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so.

**4.7 Adjournment**

Meetings shall stand adjourned seven (7) hours after being called to order. Council may, by resolution, extend the meeting once for up to one (1) hour. Should the meeting agenda not be completed, all items left over shall be carried over to the next meeting.

**4.8 Notice**

Notice of all meetings of Council and Committee/Boards of Council shall include the agenda and supporting documentation and shall be provided to the Members via electronic mail and to the public via the municipal website.

## **5. Closed Meetings of Council**

**5.1 Exceptions to Open Meeting Requirements**

While all regular and special meetings of Council and Committee/Boards shall be open to the public in accordance with the *Municipal Act*, any meeting that has been deemed closed in accordance with this By-law shall be exempt from this requirement.

**238 (1)** Except as provided in this section, all meetings shall be open to the public.

**Exceptions:**

(2) A meeting or part of a meeting may be closed to 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 or local Board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local Board;

- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local Board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, Board, Committee or other body may hold a closed meeting under another Act;
- (h) 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;
- (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; or
- (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.

#### **Other criteria**

- (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
  - (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, Board, commission, or other body is the head of an institution for the purposes of that Act; or
  - (b) an ongoing investigation respecting the municipality, a local Board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

#### **Educational or training sessions**

- (3.1) A meeting of a council or local Board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:
  1. The meeting is held for the purpose of educating or training the Members.
  2. At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local Board or Committee.

## **5.2 Closed Meeting Procedure**

A motion to go into closed session shall be passed in open session and shall state the nature of the matters to be considered.

No vote shall be taken at a closed meeting except for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, local Board or Committee/Board of either of them or persons retained by or under a contract with the Municipality or local Board.

## **5.3 Reporting Out & Confidentiality of Closed Session Discussions**

Upon the recess of the closed meeting, the Mayor may at the public meeting report that:

- a) a closed meeting was held;
- b) the general nature of the matter or matters deliberated at the closed meeting; and
- c) only on matters on which the Mayor is authorized to report upon by Council at the closed meeting.

No Member shall disclose or discuss, through any means, including written, electronic or verbal communication, to any individual or corporate third party, any information that has been or shall be discussed at a closed meeting of Council or a Committee/Board until such time, and only to the extent that Council or a Committee/Board has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or directed to do so by a court.

## **5.4 Application of Open & Closed Meeting Provisions to all Committee/Boards**

The provisions of Section 239 of the *Municipal Act* and of this Procedure By-law shall apply to all Committee/Boards.

# **6. Special Meetings of Council**

## **6.1 Mayor May Request**

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

## **6.2 Members Request**

The Clerk shall, upon receipt of a written request of the majority of the Members, call a special meeting for the purpose and time mentioned in the petition.

**6.3 Special Meeting Notice**

The Clerk shall provide all Members with at least forty-eight (48) hours' notice of a special meeting.

**6.4 Special Meeting Minimum Notice Requirements to Members**

Minimum notice shall consist of electronic notice followed by a telephone message to all Members if required. If Members accept the electronic meeting request, telephone communication shall be deemed unnecessary.

**6.5 Special Meeting Notice to the Public**

Notice for special meetings of Council shall be posted, as soon as practical after being established, on the municipal website. Agendas and supporting documentation shall be posted as soon as practical prior to the special meeting.

**6.6 Special Meeting Business**

The only business to be dealt with at a special meeting is that which is identified in the notice of the meeting.

**6.7 Special Meeting Validity**

The Clerk shall attempt to contact every Member in relation to a special meeting. The lack of receipt of a notice or of an agenda for a special meeting by any Member shall not affect the validity of the meeting or any action taken thereat.

**6.8 Special Meetings under The Emergency Management and Civil Protection Act**

A Special Meeting may be held, without notice, to deal with an emergency situation as defined under *The Emergency Management and Civil Protection Act*, provided that an attempt has been made to reach the Members by telephone and/or e-mail at their respective residence and/or place of business. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting. The forty-eight (48) hour notice requirement may be waived in the case of emergency as may be determined by the Mayor (or alternate) and/or CAO/Clerk/CEMC (or alternate) and documented in writing (memo or e-mail) to the Clerk.

**7. Quorum for Council/Absence of Council Members**

**7.1. Majority for Quorum**

7.2. A quorum shall consist of a majority of Members of Council. i.e. if there are seven (7) Members on Council, then quorum would be four (4). A majority is defined as more than 50%. Therefore, if a Council or Committee/Board has seven (7) Members, a majority would be more than 3.5, which makes the quorum four

(4) Members.

**7.3. No Quorum Present at Beginning**

If a quorum is not present at a scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the Members present.

**7.4. Loss of Quorum During Meeting**

If a quorum is lost during a meeting, the meeting shall recess. If the quorum is not re-established within fifteen (15) minutes, the meeting shall stand adjourned, and all unfinished business shall be carried forward to the next meeting.

**7.5. Loss of Quorum During Electronic Participation**

If quorum cannot be maintained during a virtual and/or a virtual/electronic meeting, due to the loss of a Members' electronic connection, the Clerk or CAO will advise the Chair that quorum is lost and the meeting will recess for up to fifteen (15) minutes or until the Members' electronic connection is resumed, which could result in a delay to the next available business day. The Clerk will ensure the proper notices respecting the continuation of a Council meeting to the following day or the next available day is on the Municipality's website.

**7.6. Quorum and the *Municipal Conflict of Interest Act***

Notwithstanding Section 7.3 where the number of Members, who by reason of the provisions of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

**7.7. Absence of Council Members**

Notwithstanding Subsection 259(1)(c) of the Act, an office is not vacated by a Member of Council who is absent for 20 consecutive weeks or less if the absence is as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the Act. A Member of Council on pregnancy and/or parental leave shall continue to be paid their respective honorarium.

Where a Member is, will be, or anticipates they will be absent for any reason, including those listed in the foregoing paragraph, the Member shall provide the Clerk with written notice of such actual or anticipated

absence, including the expected duration of the absence, . Council shall appoint another Member or Members to attend Committee/Board meetings that the Member is appointed to in the Member’s absence, where appropriate.

**7.8. Temporary Replacement, Member of Upper Tier Council**

Council may appoint an alternate Member of Council as a temporary replacement for a Member on the upper-tier Council pursuant to section 268 (1), (2) & (3) of the *Municipal Act* by a resolution of Council.

## **8. Agenda Preparation**

**8.1. Agenda Timing and Composition**

The final regular Council meeting agenda, along with copies of any supporting documentation shall be prepared by the Clerk and made available to Members and posted on the website by 12:00 pm on the Friday prior to the meeting.

Members shall request the majority of Council to add an item under “New Business” prior to the adoption of the agenda.

The agenda shall generally consist of the following headings, the order of which may change as the Clerk deems appropriate:

- i. Call to order
- ii. Mayor’s Announcements (if required)
- iii. Adoption of agenda
- iv. Disclosure of pecuniary interest and general nature thereof
- v. Unfinished Business
- vi. Minutes of previous meetings
- vii. Business arising from the minutes
- viii. Minutes of Sub-Committee Meetings
- ix. Public meetings
- x. Delegations/Presentations
- xi. Correspondence (requiring action and for information)
- xii. Staff reports
- xiii. Notice of Motion
- xiv. Member Updates

- xv. New Business
- xvi. By-laws
- xvii. Closed session
- xviii. Reconvene in open session
- xix. Adoption of recommendations arising from closed session
- xx. Adoption of closed session minutes
- xxi. Confirming By-law
- xxii. Adjournment

#### **8.2. Addendum to the Agenda**

An addendum shall include any addition to a completed published Council agenda or addition to an item on the Council agenda that the Clerk believes is of an urgent nature and requires immediate attention or consideration. Addendums shall be circulated to Members and published on the website not later than 12 noon on the Business Day prior to the meeting.

#### **8.3. Electronic System Failure**

In the case of an electronic system failure, power interruption, or any other extenuating circumstance that hinders the posting of the agenda, it shall be posted as soon as possible. Council Members shall be notified by such other method as the Clerk determines to be appropriate.

### **9. Order Of Business**

#### **9.1. Agenda Order**

The business of Council shall be taken in the order in which it stands upon the agenda as prepared.

#### **9.2. Items Left Undisposed**

When any agenda item or items are left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such agenda item or items shall be taken up in succession under the heading Unfinished Business or as the first order of business of each respective heading at the next meeting or special meeting called for that purpose of Council.

#### **9.3. Moving Items Forward on the Agenda**

The order of items may be prioritized by a majority vote of Council to address identified issues for those in attendance.

## **10. Council Minutes**

### **10.1. Content of Minutes**

The minutes of Council, as taken by the Clerk, shall consist of:

- 10.1.1.** The place, date and time of the meeting;
- 10.1.2.** The name of the Chair and the attendance of the Members and staff;
- 10.1.3.** Each item heading and the decision;
- 10.1.4.** The results of any recorded vote;
- 10.1.5.** Any disclosure of pecuniary interest;
- 10.1.6.** Correction and adoption of minutes of prior meetings; and
- 10.1.7.** Pursuant to the *Municipal Act*, the minutes shall be without note or comment.

**10.2.** Draft minutes of Council shall be prepared by the Clerk and included on the next available agenda.

**10.3.** At all regular Council meetings, the Chair shall ask Council if there are any objections to the minutes so delivered or any motion to correct, and after correction and/or change, shall declare the minutes adopted.

**10.4.** After the minutes have been adopted, they will be signed by the Mayor and Clerk.

## **11. Responsibilities of the Chair**

**11.1.** In addition to the responsibilities of the Head of Council as set out in the *Municipal Act*, it shall be the duty of the Chair to ensure an efficient meeting by:

- 11.1.1.** Maintaining order and decorum;
- 11.1.2.** Deciding on all questions of order, subject to an appeal by Council;
- 11.1.3.** Receiving and submitting, in the proper manner, all motions presented to the Members of Council;
- 11.1.4.** Putting to vote all questions which are properly brought before Council or that necessarily arise in the course of proceedings and announcing the results;
- 11.1.5.** Ruling on all procedural matters without debate or comment;

- 11.1.6.** Declining to put to a vote motions which do not comply with the rules of procedure or which are not within the jurisdiction of Council;
- 11.1.7.** Focusing the Members, within the rules of order, when engaged in debate;
- 11.1.8.** Adjourning or suspending the meeting if he/she considers it necessary because of grave disorder;
- 11.1.9.** Remaining neutral and not entering into debate or discussions while in the Chair; and
- 11.1.10.** The Chair shall vacate the Chair in order to move, second or debate on a motion, and shall resume the Chair following the vote on the matter.

#### **11.2. Right to Expel**

The Chair may expel or exclude from any meeting any person or Member whom the Chair feels has exhibited improper conduct at the meeting in accordance with the *Municipal Act* S.241(2), as amended.

#### **11.3. Chair Moving a Resolution or Debating**

When the Chair wishes to move or second a resolution before Council or enter into debate on a specific topic, he/she may call the Deputy Mayor to the Chair, present his/her resolution or comments from the floor and remain out of the Chair until the motion, all amendments, and the main motion to it have been disposed of. In the event that the Deputy Mayor is unable to assume the Chair, the Mayor shall call for an alternate Member to assume the Chair.

#### **11.4. Absence of Mayor and Deputy Mayor**

In the absence of the Mayor and Deputy Mayor, the Clerk shall convene the meeting and call for a motion to fill the role of acting Chair. The matters contained herein shall apply to the acting Chair in the same manner as they apply to the Chair.

#### **11.5. Appeal of Chair's Ruling**

If a Member disagrees with the ruling of the Chair, he or she may appeal the ruling of the Chair. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to calling the vote.

### **12. Conduct of Members**

Members shall conduct themselves in accordance with the Municipal Code of Conduct (CLK03-2021).

**12.1.** No Member shall:

- 12.1.1.** Speak disrespectfully of any Member of Federal or Provincial parliaments, other Members, Council or any official or employee of Arran-Elderslie;
- 12.1.2.** Use offensive words or un-parliamentary language;
- 12.1.3.** Engage in private conversation while in a Council meeting or use electronic devices (including cellular phones) in a manner which interrupts the proceedings of Council;
- 12.1.4.** Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- 12.1.5.** Speak on any subject other than the subject under debate;
- 12.1.6.** Where a matter has been discussed in closed session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed meeting;
- 12.1.7.** Criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
- 12.1.8.** Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

**12.2. Addressing the Chair**

Should more than one Member indicate the intent to address, the Chair shall determine who is entitled to the floor and the order of the remaining Members for speaking.

If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:

- 12.2.1.** After the first occurrence, the Chair calls the Member to order;
- 12.2.2.** After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair shall immediately order the Member to leave his/her seat and observe the meeting from the audience for the remainder of the Meeting;
- 12.2.3.** If the offending Member informs the Clerk that he/she wishes to apologize, the Clerk shall inform the Chair of the Member's request;
- 12.2.4.** At the next available opportunity in the meeting, the Chair shall allow

the offending Member to return to his/her seat to apologize to Council or a Committee/Board. The apology shall not include additional comments or debate by the offending Member or by Council or a Committee/Board;

- 12.2.5.** After an apology is made by the offending Member, Council or a Committee/Board may consent to allow the offending Member to return to the meeting;
- 12.2.6.** Should at any point the offending Member create a disturbance while seated in the audience, the Chair shall order the offending Member to leave the Council chamber or meeting room;
- 12.2.7.** Council cannot appeal and the offending Member cannot seek an apology from Council for the Chair's ruling;
- 12.2.8.** If the offending Member refuses to leave his/her seat or leave the Council chamber or meeting room, the Chair may request that the CAO contact security or police for assistance.

## **13. Duties of the Clerk**

### **13.1. Role of the Clerk assigned by the Municipality related to Council**

In addition to duties set out in the *Municipal Act*, other duties of the Clerk as assigned by the municipality;

- 13.1.1.** To sign every By-law and minutes approved by Council;
- 13.1.2.** To call the meetings to order and preside until the election of a Chair in the absence of the Mayor or Deputy Mayor;
- 13.1.3.** To advise the Chair on procedural matters;
- 13.1.4.** To prepare and circulate the agenda and supporting information;
- 13.1.5.** To prepare the draft minutes and distribute to Members to be included on the next available council meeting agenda;
- 13.1.6.** To advise all departments of decisions by Council; and
- 13.1.7.** To schedule delegations and presentations for Council meetings.

### **13.2. Powers of Deputy Clerk**

In the absence of the Clerk, the Deputy Clerk shall have all of the powers and duties of the Clerk.

### **13.3. Delegation of Powers**

- 13.4.** The Clerk may delegate in writing to any person, other than a Member of Council, any of the Clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.

## **14. Delegations/Presentations**

### **14.1. Notice to Clerk**

Any person desiring to present information on matters of fact or to make a request of Council shall give notice and disclose the subject matter to the Clerk fourteen (14) calendar days prior to the Council meeting at which such person desires to be heard. No delegation is permitted to discuss the same matter with Council or Committee/Borads more than twice in a calendar year.

### **14.2. Responsibility of Clerk**

The Clerk shall evaluate the request for delegation and decide whether the request complies with the criteria set out within this By-law and will schedule delegations accordingly on first come, first served basis. No more than three (3) delegations shall be permitted at any one meeting, and no delegations shall be permitted after the agenda is set, unless it is of a time sensitive nature and is authorized by the Mayor or Chair.

### **14.3. Documentation Required**

Any person who is scheduled to appear as a delegation before Council is required to submit to the Clerk, a written and/or electronic request to appear as a delegation, noting the subject matter, not later than 12 p.m. (noon) at least seven (7) days preceding the Council meeting. All materials to be presented to Council must be included with the original request.

### **14.4. Time Limit**

Each delegation shall be limited in speaking to not more than ten (10) minutes. Extensions to these limits shall be at the discretion of Council. The Mayor or Chair shall notify the delegate when the time has elapsed.

### **14.5. Limit on Questions**

Council Members shall limit their comments to questions for clarification purposes or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.

### **14.6. Delegate Address**

All delegates shall address the Chair and shall state their name and who they represent.

### **14.7. Conduct of Delegates**

No delegates shall:

**14.5.1. Speak disrespectfully of any person;**

**14.5.2. Use offensive language;**

- 14.5.3.** Speak on any subject other than the subject for which he/she has received approval to address Council; or
- 14.5.4.** Disobey the rules of procedure or any decision of the Chair or Council on any other procedural matters.
- 14.5.5.** Speak beyond the time limit permitted.

#### **14.8. Delegation Curtailment**

The Chair may curtail any delegation, any questions of a delegate or debate during a delegation for disorder or any other breach of this By-law, and if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

#### **14.9. Refusal of Delegations**

Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the municipality or the presentation is abusive or includes profanity or threats, including threats of litigation. A person involved in a matter of litigation or potential litigation with an individual Member of Council or Committee of the Whole, the municipality as a body, or any municipal staff Member, shall not be permitted to address Council on any topic that relates to the litigation or potential litigation.

#### **14.10. Delegation, Correspondence and Petition Content**

Every communication, including petitions designed to be presented to Council must be legibly written, typed or printed and shall not contain any obscene matter or language and shall be signed by at least one person and filed with the Clerk.

#### **14.8 Presentations**

Presentations that are requested by Council shall have a time limit as determined between the Clerk and the presenter. Presentations can include training for council, information from contractors, presentations of study findings by consultants or other suchrequests.

### **15. Members of the Public**

#### **15.1. Conduct of Audience at a Meeting**

Members of the public who constitute the audience at a meeting shall refrain from any activity or behavior that would affect Council deliberations and shall not:

- i. Address Council or Committee/Board without permission;
- ii. Bring signage, placards or banners into meetings; or
- iii. Interfere with the conduct of the Council or Committee/Board meeting in

any way.

- iv. Speak disrespectfully of any Member of Federal or Provincial parliaments, Council or any official or employee of Arran-Elderslie;
- v. Use offensive words or un-parliamentary language;
- vi. Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council.
- vii. Enter into cross debate with the Presiding Officer, Members of Council, other delegations or staff;
- viii. Appear before Council for the sole purpose of generating publicity or personal attacks;

## **16. Rules of Debate**

### **16.1. Addressing Council**

To address Council a Member shall request to speak, be recognized by the Chair and direct all comments through the Chair. Members shall not speak more than twice on a motion except with the consent of Council and shall not speak a second time unless all Members have had an opportunity to speak once.

### **16.2. Address the Chair**

Prior to speaking to any question or motion, each Member shall address the Chair.

### **16.3. Order of Speakers**

When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

### **16.4. Interruptions**

When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege;

### **16.5. Motion to be Repeated**

Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.

### **16.6. Speaking to a Question**

Members must indicate their intention to speak to a question through the Chair. No Member shall speak more than twice to the same question without Council's permission, except that a reply shall be permitted only from the Member who has presented the main motion. The total time a

Member may take to speak and obtain any necessary clarification shall not be more than five minutes regardless if they speak one or two times. The mover and seconder of a motion have the opportunity to speak first to a motion. Members' comments shall be relevant to the matter of business before Council or a Committee/Board. Members shall express themselves succinctly without repetition.

#### **16.7. Content of Questions**

A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated briefly and asked only of the Chair, the previous speaker, the CAO, Department Heads or their designates. A Member may also state a point to the matter under discussion without asking a question.

#### **16.8. Point of Order**

When a Member rises on a point of order or point of privilege, the Member shall ask leave of the Chair to explain the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point. Any Member may challenge the ruling of the Chair immediately following the ruling. The Chair's ruling is final unless it is challenged. Council's decision, by vote, is final if the Chair is challenged.

### **17. Motions**

#### **17.1. Motions in Writing**

All substantive motions shall be in writing before being put to Council.

#### **17.2. Motions outside Jurisdiction of Council**

A motion or notice of motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

#### **17.3. Withdrawn Motion**

After a motion has been proposed and seconded, and placed in the hands of the Chair, it shall be considered to be in the possession of the Council but may be withdrawn by the mover and seconder if there are no objections from any Members. If any Member objects, the motion may only be withdrawn by a vote of the Members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented.

#### **17.4. Motions Permitted Without Written Notice**

Oral motions may be added to the agenda following Council approval by a two-thirds vote and on the recommendation of staff with respect to urgent matters.

The following may be introduced orally without written notice and without leave of Council, in accordance with section 1.36 "Notice of Motion" herein:

- i. A point of order, privilege or personal privilege;
- ii. A motion to recess;
- iii. A motion to adjourn;
- iv. A motion to call the question;
- v. A motion to separate the question;
- vi. A motion to receive an item;
- vii. A motion to refer;
- viii. A motion to defer; and
- ix. A simple amendment to a main motion.
- x. A motion to move into a closed session of Council.

#### **17.5. Motions to be Moved and Seconded**

A motion shall be moved and seconded before being open for discussion and consideration.

#### **17.6. Members May Vote Against**

A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

### **18. Specific Motions**

#### **18.1. Motion to Recess**

A motion to recess is not debatable.

#### **18.2. Motion to Adjourn**

A motion to adjourn the Council meeting is not debatable and shall always be in order except:

- i. When another Member is in possession of the floor;
- ii. When a vote has been called;
- iii. When the Members are voting;
- iv. When a Member has indicated to the Chair his/her desire to speak on the matter before Council; or

- v. A motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate, except for the Chair to indicate any remaining pressing needs, in which case the Member shall have the option to withdraw the motion to adjourn;

### **18.3. Call the Question**

A motion to call the question is not debatable. A Member who moved the motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative. A motion to call the question shall be put immediately without debate.

### **18.4. Motion to Defer**

A motion to defer is not debatable except with respect to the time period and shall include:

- 19.4.1.** The time to or period within which, consideration of the matter is to be deferred; and
- 19.4.2.** Whatever explanation is necessary to demonstrate the purpose of the motion to defer.

### **18.5. Consideration of Matter Previously Deferred**

A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be placed on the agenda by staff or by a Member as a notice of motion.

### **18.6. Motion to Refer**

A motion to refer, and any amendment to it, is debatable and shall include:

- i. The name of the Committee/Board or official to whom the motion or amendment is to be referred; and
- ii. The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

### **18.7. Motion to Amend**

A motion to add, delete from, or substitute words in the main motion, shall:

- i. Be presented in writing and seconded by a Member;
- ii. Be open to debate;
- iii. Not propose a direct negative to the main motion;
- iv. Be relevant to the main motion;

- v. Have only one motion to amend the main motion at one time;
- vi. Have only one motion to amend a motion to amend the main motion at one time; and
- vii. Be put in the reverse order to that in which it is moved.

#### **18.8. Voting on motion to amend**

Voting on the main motion and amending motions shall be conducted in the following order:

- i. A motion to amend the main motion;
- ii. A motion, as amended, to amend the main motion; and
- iii. The main motion, as amended.

#### **18.9. Division of Motion**

- i. Any Member may request the Chair to divide any motion into such parts as the Member may submit. If satisfied that the matter under consideration contains distinct proposals, the Chair shall make a ruling on whether to divide the motion and the vote upon each proposal shall be taken separately.
- ii. A Member may appeal the decision of the Chair to the Council which shall vote on whether or not to support the decision of the Chair.

#### **18.10. Motion to Reconsider**

- i. A motion to reconsider a decided matter shall only be introduced by a Member who voted with the majority on the original motion.
- ii. Reconsideration at the same meeting shall require a motion to reconsider.
  - a) After such notice is given no action shall be taken by the Council on the main motion until such reconsideration is disposed of.
  - b) No discussion of the main question shall be allowed unless a motion to reconsider is passed by a majority on a recorded vote.
- i. If a motion for reconsideration is made at a subsequent meeting, the main motion shall not be considered until the motion to reconsider is passed by and such vote shall be by a recorded vote.
- ii. A vote to reconsider shall not be reconsidered.
- iii. No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

### **18.11. Improper Motions**

The Chair shall declare improper motions out of order. These motions include those that are:

- i. Are outside of the scope of jurisdiction;
- ii. Conflict with a previously adopted motion;
- iii. Present essentially the same question that has been defeated earlier in the same meeting without a motion to reconsider; or
- iv. Present a question that Council still has within its reach (such as an item that had been referred to Committee/Board or staff to come back to Council).

### **18.12 Notice of Motion**

The Member shall file the written Notice of Motion with the Clerk by delivering a written copy of the Motion, signed by the mover and seconder. A Notice of Motion shall not be considered by Council unless the mover of the Motion attends the meeting. The motion shall be read by the Mayor without discussion or debate. The Clerk shall include the motion on the agenda of the next regular Council meeting for deliberation.

## **19. Voting**

### **19.1. Order of Voting**

Motions relating to an item under consideration (main motions) shall be voted on in the following order:

- i. A motion to adjourn;
- ii. A motion to recess;
- iii. A motion to call the question;
- iv. A motion to defer;
- v. A motion to refer;
- vi. A motion to amend, in reverse order of its being placed; and
- vii. The main motion.

### **19.2. Members Shall Vote**

Every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. If any Member present does not vote at a meeting of the Council where a question is put, he/she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.

### **19.3. Chair to State the Question**

Immediately preceding the taking of a vote, the Chair shall state the question in the precise form in which it shall be recorded in the minutes unless the wording is provided for visually in front of the Members on their monitors.

### **19.4. Indication of Vote**

A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested.

### **19.5. Conduct During a Vote**

When the Chair calls for the vote on a question:

- Each Member shall occupy his/her seat and shall remain in place until the result of the vote has been declared by the Chair; and
- During this time no Member shall walk across the room or make any other noise or disturbance.

### **19.6. Majority Vote Required**

All decisions of Council shall require a majority vote except as otherwise set out in this By-law.

### **19.7. Tie Votes**

Any motion that receives a tie vote shall be deemed to have been decided in the negative.

### **19.8. Recorded Votes**

A request by a Member present at the meeting for a recorded vote shall be made prior to the vote. When a recorded vote is requested by a Member, the Clerk or Committee/Board secretary, as applicable, shall record the name and vote of every Member on any resolution. When a recorded vote is recorded at Council or Committee/Board meetings, names shall be called in random order, and any failure to vote by a Member, including the Mayor, who is not disqualified from voting, shall be deemed a negative vote.

The Clerk shall announce the results after the vote has been called and Members present have participated (or abstained).

### **19.9. Announcing the Results**

The Chair shall announce the result of the vote, with the exception of the recorded vote where the Clerk shall announce the result.

## **20. By-laws**

### **20.1. Introduced by Motion**

Every By-law shall be introduced by motion, specifying the title thereof.

### **20.2. Three Readings**

Every By-law shall have three readings prior to being passed. By-laws shall be taken as read for the first, second and third readings. A By-law may be passed through all its stages and be finally passed at one meeting with a majority of Members present.

### **20.3. Confirmatory By-law**

The proceedings of the previous regular meetings and special meetings of Council shall be confirmed by By-law so that every decision of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

### **20.4. Amendments to By-laws**

All amendments to any By-laws approved by Council shall be deemed to be incorporated into the By-law and if the By-law is enacted by Council, the amendments shall be recorded by the Clerk.

### **20.5. Duty to Sign Every By-law**

By-laws, once passed, shall be dated and duly signed by the Mayor and the Clerk or the deputies.

## **21. Committee/Boards**

### **21.1. Council Rules apply to Committees/Boards**

Unless stated otherwise, the rules governing the procedure of Council and the conduct of Members as Council shall be observed in all Committees/Boards so far as they are applicable. For greater certainty, when this By-law refers to "Council", then Council and Committee/Board are interchangeable with respect to following the procedure set forth in this By-law.

### **21.2. Composition**

Council shall determine the appropriate number of Committees/Boards, their Membership, mandates and reporting practices. At the beginning of each Council term, Council shall establish its standing Committees/Boards (if any), the composition of such Committees/Boards, and appoint a Chair for each Committee/Board of Council. At Council's direction, the existence or composition of such Committees/Boards may be modified, including

the addition or deletion of any Committees/Boards, as appropriate.

**21.3. Other Appointments**

Appointments and nominees to other bodies shall be recommended by Council.

**21.4. Ad Hoc/Special Committee/Boards**

Council may, from time to time, appoint ad hoc/special Committee/Boards which shall report directly to Council. The establishment of such Committee/Boards should include a specific mandate, terms of reference, and terms of appointment. Ad hoc/special Committee/Boards shall report to Council with a recommendation with regard to their continuation, assumption of responsibilities by Council, or abolishment.

**21.5. Duty of the Chair**

A Chair and vice-Chair shall be appointed by the Members at the first regular scheduled meeting. Each Chair and/or vice Chair shall preside at every meeting of their Committee/Board, may vote on every question submitted for consideration and may require that resolutions be in writing.

**21.6. Ex-Officio Membership**

The Mayor shall be an ex-officio Member of all Arran-Elderslie Committee/Boards, subCommittee/Boards and working groups. He/she shall have the right to take part in discussions, but shall not be included to make up quorum. The Mayor shall have full voting privileges as an ex-officio Member.

**21.7. Notice to Members**

Notice of meetings including agendas, minutes and supporting documentation to the Members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency or if the Member does not have electronic mail. In the event of a meeting cancellation, staff shall notify the Members by email or by telephone as soon as possible.

**21.8. Notice to the Public**

Notice of meetings shall be given in accordance with section 4.9 of this By-law and meetings shall be posted as soon as practical after being established by Committee/Boards. Agendas shall be posted a minimum of two days prior to the meeting. In the case of emergency meetings, notice of the agenda shall be posted as soon as practical. In the event of a meeting cancellation, staff or the Committee/Board secretary, as applicable, shall post notice of the meeting cancellation on Arran-Elderslie's

website and email group. If the cancellation occurs at the last minute or after regular businesshours and staff or the Committee/Board secretary, as applicable, is unable to postthe cancellation as noted, notice shall be posted as soon as it is practical to do so.

**21.9. Role of Committee/Boards**

The role of Committee/Boards shall generally be to make recommendations toCouncil on matters which are in their jurisdiction.

**21.10. Action on Committee/Board Recommendations**

No action shall be taken on Committee/Board recommendations until they aresubsequently approved by resolution at Council.

**21.11. Governing Rules of Procedure**

The rules governing the procedure of the Council and the conduct of Members at Council shall be observed by Committee/Boards as far as they are applicable, and Committee/Boards set out in this section including:

- i. The number of times of speaking on any question shall not be limited;
- ii. A majority vote shall be required to decide any matter before the Committee/Board; and
- iii. Recorded votes shall be called to vote by name in random order.

**21.12. Council Attendance at Committee/Board Meetings**

Members of Council who are not Members of a specific Committee/Board may attend meetings of that Committee/Board as Members of the public and may, with consent of the Chair of that Committee/Board, take part in the discussion, but shallnot be counted in quorum, shall not be entitled to make motions or vote, shall not be reimbursed for attendance at those meetings and shall not be entitled to attend any closed portion of a Committee/Board/Board meeting.

**21.13. Absence of Chair**

In the event of the Chair of a Committee/Board/Board not attending the Committee/Board atwhich he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Committee/Board vice- Chair shall call the meeting to order and preside until the arrival of the Committee/Board Chair.

Should the Committee/Board vice-Chair not be in attendance at the meeting, the recording secretary shall call the meeting to order and ask those Membersin attendance to appoint one of the Members to act in the

place of the Committee/Board Chair for that meeting. Such Member shall then preside until the arrival of the Committee/Board Chair or the Committee/Board vice-Chair. The meeting must have a quorum to commence.

**21.14. Absence of Committee/Board Member**

Should any Member of a Committee/Board fail to attend three successive regular or special meetings without being authorized to do so by a resolution of the Committee/Board, the Committee/Board may certify such failure and provide notice to Council. Thereupon the Membership of such person on the Committee/Board shall be terminated by Council and Council may appoint another Member in their place.

**21.15. Preparation of Agenda**

The appropriate Arran-Elderslie staff person, Committee/Board secretary or Chair shall prepare Committee/Board agendas for distribution.

**21.16. Committee/Board Delegations**

Any person desiring to present information to a Committee/Board may do so subject to the following:

- i. Requests shall be in writing and the information to be presented shall be on matters of fact or to make a request of the Committee/Board;
- ii. Requests shall be made not less than seven days preceding the Committee/Board meeting at which such person desires to be heard;
- iii. Exceptions to the seven business days' notice requirement required in (b) above may be approved by the Committee/Board Chair;
- iv. Any person who is scheduled to appear as a delegation before a Committee/Board is requested to submit written documentation for the Committee/Board's consideration to the Committee/Board secretary not less than seven business days preceding the Committee/Board meeting; and
- v. Rules relating to time limits and conduct shall be as set out in Section 14.

**21.17. Closed Session**

No meeting of a Committee/Board shall be held in closed session except in accordance with Section 5.

**21.18. Declarations of Pecuniary Interest**

Members of Committee/Boards shall adhere to *The Municipal Conflict of*

*Interest Act* with respect to declarations of pecuniary interest in Committee/Boards;

**21.19. Quorum**

A quorum shall consist of more than 50% of the Membership of the Committee/Board. Where the number of Members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, at a minimum of two Members.

**21.20. Committee/Board Minutes**

Draft Committee/Board minutes shall be placed on the agenda for the next regular meeting of Council. Minutes shall be taken by the Clerk or any employee of the Corporation as delegated by the Clerk.

**22. Disclosure of Pecuniary Interest**

**22.1.** Where a Member of Council has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting at which the matter is the subject of consideration, the Member:

- a) shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the Member has a pecuniary interest;
- b) shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;
- c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
- d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration, as may be directed by the Clerk or the CAO, and remain absent from it where the matter is under consideration during closed session or as otherwise directed by the Clerk or the CAO; and
- e) where the interest of a Member has not been disclosed by reason of the Member's absence from a meeting where in the matter was discussed, the Member shall disclose the interest at the next meeting attended by the Member.

## **23. Amendments to By-law**

Public Notice shall be given as required pursuant to the municipal Notice Policy prior to any amendment or repeal of this By-law being considered.

## **24. Conflict**

### **24.1. Severability**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered severed from the remainder of this By-law, which shall continue to be in full force and effect;

### **24.2. By-law Versus Statute**

If there is any conflict between this by- law and any statute, the provisions of the statute prevail.

## **25. Interpreting the Procedure By-law**

- 25.1.** A specific statement or rule in this Procedure By-law has greater authority than a general one; and
- 25.2.** If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, or an appeal by a member, the Chair shall rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order, as amended.
- 25.3.** The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.
- 25.4.** References to words in the plural include the singular, as applicable.

## **26. Enactment**

By-laws No. 1-1999, 53-2009, 9-2019, 22-2016, 69-2017, and 23-2020, and are hereby repealed.

This By-law shall come into force on the date of passing.

Read a first, second, and third time this 6th day of December, 2021.

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Steve Hammell, Mayor

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Christine Fraser-McDonald, Clerk