

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2023-085

**By-law to govern the proceedings of Council, the
conduct of its members and the calling of meetings**

WHEREAS pursuant to Section 238(2) of the *Municipal Act*, S.O. 2001 Chapter 25, every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS the Corporation of the Town of Amherstburg deems it advisable to repeal By-law 2014-091, to create a comprehensive by-law to govern the proceedings of Council and the conduct of its members and the calling of meetings;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT By-law 2023-085, attached hereto, is hereby adopted as the by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings in the Town of Amherstburg.
2. THAT By-law 2023-085 may also be referred to as the Procedural By-law.
3. THAT By-law 2014-091 and any other by-laws dealing with the same subject matter are hereby repealed.
4. In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.
5. Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.

Read three times and finally passed this 14th day of August, 2023.


MAYOR - Michael Prue


CLERK - Kevin Fox

1st Reading August 14, 2023

2nd Reading August 14, 2023

3rd Reading August 14, 2023

Contents

1. DEFINITIONS	3
2. RULES OF PROCEDURE.....	5
3. COUNCIL AND COMMITTEE MEETINGS	5
4. SPECIAL MEETINGS	7
5. SPECIAL IN-CAMERA (CLOSED SESSION) MEETINGS.....	7
6. ELECTRONIC PARTICIPATION IN MEETINGS	9
7. PUBLIC NOTICE OF MEETINGS.....	10
8. AGENDAS AND SUPPORTING MATERIALS.....	11
9. DELEGATIONS	12
10. CORRESPONDENCE.....	14
11. NEW BUSINESS	14
12. NOTICE OF MOTION.....	15
13. MINUTES OF MEETINGS.....	15
14. CONDUCT OF PROCEEDINGS	15
15. ROLE OF THE MAYOR AS HEAD OF COUNCIL.....	16
16. ROLE OF DEPUTY MAYOR	17
17. ROLE AND RESPONSIBILITIES OF COUNCIL	17
18. ROLES AND RESPONSIBILITY OF COMMITTEE MEMBERS	18
19. DISCLOSURE OF PECUNIARY INTEREST	18
20. MOTION PROCESS.....	19
21. MOTIONS.....	19
22. RECONSIDERATION OF A MOTION.....	20
23. VOTING	20
24. BY-LAWS.....	21
25. RULES OF ORDER AND DECORUM	21

1. DEFINITIONS

For the purpose of this By-law:

- 1) "Abstain" shall mean to refrain from voting. Abstentions are recorded as a negative vote unless the member is not participating in the vote due to a declared conflict;
- 2) "Agenda" shall mean the written or electronic Order of Business;
- 3) "Assembly" shall mean an assembly of people for the purpose of unhurried consideration and discussion;
- 4) "Board" shall mean an entity established by provincial legislation and tasked with overseeing the operation and delivery of services identified in legislation;
- 5) "Chair" shall mean the person presiding over a meeting of Council or of a Committee of Council. The Chair may vote on all questions;
- 6) "Chief Administrative Officer" shall mean the Chief Administrative Officer of the Corporation of the Town of Amherstburg;
- 7) "Civic or Public Holiday" shall mean those listed as holidays in the *Legislation Act, 2006 Section 88*, as amended from time to time;
- 8) "Clerk" shall mean the Municipal Clerk, or designate, of the Corporation of the Town of Amherstburg;
- 9) "Closed session" shall mean a meeting or portion thereof, closed to the public in accordance with this by-law and section 239 of the Municipal Act, may also be referred to as "In-Camera";
- 10) "Committee" shall mean any Advisory Committee of Council which has been duly appointed to deal with specific administrative matters and provides advice and/or recommendations to Council;
- 11) "Council Member" shall mean any member of the Council of the Corporation of the Town of Amherstburg;
- 12) "Delegation" means a person intending to address the Council or committee on a matter where a decision of the Council may be required;
- 13) "Division of the Question" shall mean a request by a Member to have a long motion divided into parts which are capable of standing alone, so that the parts can be considered separately;
- 14) "Electronic Participation" means that a member can participate electronically in a meeting to the extent and in the manner set out in the by-law;
- 15) "Emergency" shall mean where there are circumstances that could not have been reasonably foreseen which require immediate attention and possible action by Council, committee or board, and which of necessity make it impracticable to provide notice as require by this by-law;

- 16) "Head of Council" shall mean the Mayor of the Corporation of the Town of Amherstburg; where the Mayor is absent or refuses to act, or the office is vacant, the Deputy Mayor shall act as the presiding officer for the purpose of chairing a particular meeting, and while so acting, the Deputy Mayor may exercise all the rights, powers and authority of the Mayor;
- 17) "Improper Conduct" shall mean the conduct of any person or persons which obstructs the proceedings of Council;
- 18) "Local Board" does not include police services boards or public library boards;
- 19) "Majority" shall mean more than half of the votes cast by Members entitled to vote;
- 20) "Mayor" shall mean the Mayor of the Corporation of the Town of Amherstburg;
- 21) "Meeting" means any regular, special, committee or other meeting of a Council or local board;
- 22) "Members" shall refer to a person entitled to full participation in the proceedings of Council and Committees;
- 23) "Notice of Motion" shall mean an advanced notice to members of a substantial matter in which Council will be asked to make a decision;
- 24) "Pecuniary Interest" shall mean a direct or indirect Pecuniary Interest as defined by the *Municipal Conflict of Interest Act*, R.S.O. 1990, chapter M. 50, as amended;
- 25) "Point of Personal Privilege" shall mean a matter that a Council member considers to impugn their integrity or the integrity of the Council;
- 26) "Point of Order" shall mean a matter that a member considers to be a departure from or contravention of the rules, procedure or generally accepted practices of the Council;
- 27) "Precis" means a concise summary of the essential points, statements, facts as an introduction to a by-law;
- 28) "Pro Tem" means for the "time being" and refer to an instance where neither the Chair or Vice Chair is present;
- 29) "Quorum" shall mean a majority of members that comprise the Council or Committee (the quorum for the purpose of Town of Amherstburg Council Meetings, the quorum will be 4 members). For committees, quorum shall mean the majority of the whole number of appointed members eligible to vote;
- 30) "Recorded Vote" shall mean the recording of the name and vote in the minutes of every Council member on a matter;
- 31) "Regular Meeting" shall mean a scheduled meeting held in accordance with the approved calendar/schedule of meetings;

- 32) "Rules of Procedure" shall mean the applicable procedural rules and rules of conduct contained in or referred to in this By-law;
- 33) "Special Meeting" means a meeting not scheduled in accordance with the approved calendar/schedule of meetings; and further includes any meeting of Council called prior to the regular session of Council at every regularly scheduled meeting;
- 34) "Vice- Chair" means in the absence of the Chair at a meeting, they will be charged with the duties of the Chair. The Chair (except where disqualified) may vote on all questions.

(In this by-law, words in the singular include the plural and vice versa, where appropriate.)

2. RULES OF PROCEDURE

- 2.1 The rules of procedure shall be observed in all meetings.
- 2.2 In any case where the procedural by law is silent and a provision is not made in this by-law or the Act, then the Chair shall decide using the Robert's Rules of Order for assistance.
- 2.3 All Council members, except the Mayor and Deputy Mayor shall be addressed as, COUNCILLOR (surname inserted).
- 2.4 The Deputy Mayor shall be addressed as, DEPUTY MAYOR (surname inserted).
- 2.5 The Mayor shall be addressed as, MAYOR (surname inserted) or as YOUR WORSHIP.

3. COUNCIL AND COMMITTEE MEETINGS

- 3.1 All meetings of Council and Committees shall be held in the Council Chambers of Town of Amherstburg Town Hall, 271 Sandwich Street, Amherstburg, or such other place within the Town of Amherstburg as the Clerk may from time to time determine.
- 3.2 The inaugural meeting of Council following a regular municipal election shall be held on the second Monday following commencement of the new term of Council at a time no later than 6:00p.m., except when that day is a public holiday, in which case, the meeting shall be held on the following business day.
- 3.3 The Clerk shall call the inaugural meeting to order and chair the meeting until the Mayor-Elect has taken the Oath of Office. The Mayor shall then assume the chair.
- 3.4 At the inaugural meeting of a Committee in that term of Council, the Committee shall:
- a) Appoint a Chair;
 - b) Appoint a Vice Chair;

- c) Adopt a meeting schedule based upon and aligned with the adopted Terms of Reference.
- 3.5 In subsequent years of the term, at the first meeting of that year the Committee shall:
- a) Appoint a Chair;
 - b) Appoint a Vice Chair;
 - c) Adopt a meeting schedule based upon and aligned with the adopted Terms of Reference.
- 3.6 The Clerk shall call inaugural Committee meetings to order and chair the meeting until the Chair has been appointed. The Chair shall then assume the role of chair.
- 3.7 Advisory Committees of Council shall meet quarterly unless stipulated in the Terms of References or as otherwise required, and subject to the approval of the Clerk.
- 3.8 Regular meetings of Council will be held on the second and fourth Mondays of each month at 6:00 p.m., unless that day is a legal, public or civic holiday, in which case, Council shall meet at the same hour the following day, unless postponement is made with the exception of the months of March, July, August and December where the only regularly scheduled meeting is the second Monday of the month.
- 3.9 Any regular meeting may be postponed to a day named in a notice given through the Clerk's office at least two days in advance of the regular meeting. The Clerk shall also do so in consultation with the Chair.
- 3.10 The Chair shall preside at all meetings.
- a) When the Chair is absent or refuses to act, or the office is vacant, the Vice Chair shall act as the presiding officer for the purpose of chairing a particular meeting, and while so acting, the Vice Chair may exercise all the rights, powers and authority of the Chair.
 - b) The Chair may expel from a meeting anyone who engages in improper conduct in their sole discretion.
- 3.11 If a quorum is present, as soon after the hour fixed for a meeting the meeting shall be called to order. The quorum of any meeting of the Assembly shall be 50% + 1 members thereof;
- a) If no quorum is present 15 minutes after the time appointed for a meeting, the Clerk or recording secretary shall record the names of the members present and the names of the members not present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.
- 3.12 If both the Chair and Vice Chair are absent from the meeting and a quorum is present, the Clerk shall call the meeting to order and another member shall be appointed by the Members present to serve as the Acting Chair or Chair Pro Tem and shall preside over the meeting until the Chair or Vice Chair arrive.

- 3.13 Council and Committee meetings shall stand adjourned at 10:00 p.m. Business may be continued upon a Resolution passed by a majority vote before that hour to a maximum of 11:00 p.m.

4. SPECIAL MEETINGS

- 4.1 The Chair, Clerk or CAO may, at any time, summon a special meeting.
- 4.2 The Clerk shall summon a Special Council meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
- a) This Special Council Meeting shall be held not sooner than 48 hours following the notification or receipt of the petition, as the case may be and the Clerk shall provide notice of the special Council meeting.
- 4.3 Notwithstanding the notice requirement set out above, in the event of a bona fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.

5. SPECIAL IN-CAMERA (CLOSED SESSION) MEETINGS

- 5.1 Council or committee meetings, or portions thereof, may be held in closed session to consider only those matters provided for in accordance with section 239(2) of the Municipal Act, as follows:
- 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

- 5.2 Council or committee meetings, or portions thereof, may be held in closed session to consider only those matters provided for in accordance with section 239 (3) of the Municipal Act, if the following conditions are both satisfied:
- a) The meeting is held for the purpose of educating or training the members; and,
 - b) 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 or Committee.
- 5.3 Council or committee meetings, or portions thereof, may be held in closed session to consider only those matters provided for in accordance with section 239 (3.1) of the Municipal Act, and may also be closed to the public if the following matters are being considered.
- a) If the subject matter relates to the consideration of 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.
 - 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 the Municipal Act, or the investigator referred to in subsection 239.2(1).
- 5.4 Prior to moving into closed session for one of the reasons listed above, the Assembly shall pass a motion to move into closed session. The motion shall state the general nature of the matter to be considered in the closed session and the section of the Municipal Act which authorizes the matter being discussed in closed session.
- 5.5 Only those matters contained in the motion to move into closed session shall be discussed in the closed session.
- 5.6 As per section 239(6) of the Municipal Act, a vote may occur in closed session if the subject of the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, committee, local board or persons retained by or under a contract with the municipality or local board.
- 5.7 Any reports for closed session must be approved by the Clerk and/or CAO or their designate, to verify that the report is appropriately being dealt with in closed session. It is the responsibility of the initiating department, in consultation with the Clerk and/or CAO, to confirm that the matter should be addressed in closed session.
- 5.8 Minutes shall be kept of all closed meetings.
- 5.9 At the next regular meeting following the closed session, the Clerk may report in open session, during the "In-Camera Report Out" section of the agenda, the

general nature of the matter discussed, the section of the Act the matter was held under and whether any staff direction was given.

5.10 When council or committee members determine during a meeting that a matter should be discussed in closed session, then no further notice to the public is required.

5.11 The Clerk, or designate is responsible for the preparation of the closed meeting agenda. All closed meeting agendas, minutes, reports, etc. are considered confidential and are the property of the municipality. All closed meeting materials, in hard copy and/or electronic form, are to be returned to the Clerk upon adjournment of the closed meeting.

5.12 Notwithstanding the provisions for closed meetings noted above, all other procedural rules, as outlined in this By-law, shall apply during closed meetings.

6. ELECTRONIC PARTICIPATION IN MEETINGS

6.1 Notwithstanding any other provision of this By-law, a Meeting may be conducted electronically. The Clerk, in consultation with the CAO and/or Mayor, shall determine the method and technology used for a meeting in which Members meet via Electronic Participation. Such determination shall be based on the resources available at the time, the prevailing circumstances of the Meeting, and any other factors that support the holding of an electronic meeting.

6.2 A Member participating in a Meeting electronically shall:

- a) Be encouraged to provide advanced notice to the Clerk;
- b) Be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the electronic connection;
- c) Ensure their camera is on and will mute their electronic device when he or she is not speaking;
- d) The Chair will canvass the Member about their intention to speak to a matter on the floor and will notify the Member when it is their turn to speak;
- e) Be counted for the purposes of determining Quorum;
- f) After putting a motion to a vote, the Member will be required to identify verbally how he or she wishes to vote;
- g) Inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis;
- h) A Member will be deemed to have left the meeting when they are no longer electronically connected to the meeting;
- i) In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect;
- j) Have the same voting rights as if they were participating in the meeting in person. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. The result of any recorded vote shall be

determined by the Clerk, recorded in the Minutes and the Clerk's determination shall be final.

- 6.3 Members are encouraged to attend meetings in person where possible to facilitate the ease of proceedings. The Office of the Clerk will support Members as needed where accommodations are required.
- 6.4 The Clerk shall monitor and work with Members where a significant number of meetings are attended electronically to assist in providing whatever support is required.
- 6.5 Members participating electronically in a Meeting closed to the public must ensure that they are participating from a location that ensures the privacy and confidentiality of the closed meeting discussion, and orally state the same for the record.
- 6.6 The Chair shall rule on and determine the applicable in-meeting processes as may be adapted to a Meeting with Electronic Participation, which processes shall be consistent with this By-law and in accordance with the Municipal Act.
- 6.7 In the case of a loss of connection, or any connection issue, which impedes the ability of a Member to participate in the Meeting in real time, provided Quorum is maintained, the Meeting will continue. At the discretion of the Chair, a short recess may be taken to allow the Member to reconnect. A Member who is unable to connect electronically to a Meeting will not be able to participate or vote, shall be noted in the minutes as "not present" for that portion of the Meeting in which they are unable to connect, and any vote taken during the Member's absence shall be valid.
- 6.8 An Electronic Meeting will be open to the public, as required by the Municipal Act, 2001, except when closed to the public as permitted by law. A meeting open to the public shall include access and participation for the public to the meeting through electronic access or in-person attendance, where applicable.
- 6.9 The Clerk may, from time to time, establish or amend procedures related to Electronic Participation, provided that such procedures do not conflict with the provisions of this By-law.

7. PUBLIC NOTICE OF MEETINGS

- 7.1 The Clerk shall post on the Town website, notice for all Council and Committee meetings established by Council. This posting serves as notice of the meeting to the public as required by the Municipal Act.
- 7.2 Prior to the first meeting in January of each year, the Clerk, or designate, shall post on the Town website, the Council approved schedule for all regular meetings for the calendar year. Upon approval of the Committee meeting schedule, the Clerk or designate shall post to the Town Website the approved meeting schedule.
- 7.3 The Clerk shall give at least 48 hours' notice, to the public, of all Special meetings, unless the matter is due to the emergency calling of a meeting, then notice requirements are waived.

- 7.4 The Clerk shall post on the Town website, an agenda for each meeting as soon as reasonably possible, prior to the meeting, for which posting may also serve as notice to the public of the meeting.
- 7.5 Where notice of intention to pass a by-law or notice of a public meeting is required to be given by statute, the Clerk shall cause such notice to be published in a local public newspaper in addition to posting on the Town website and other Town media.
- 7.6 Notwithstanding 7.5 noted above, such notice shall be provided in the time frame prescribed in the said statute, or its regulations.
- 7.7 Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
- 7.8 If a matter arises, which in the opinion of the Mayor, is considered to be of an urgent or time sensitive nature, the Mayor may schedule a meeting even if no notice to the public can be given. In such case, the Clerk shall provide as much prior notice to the public, if any, as is reasonable under the circumstance.
- 7.9 Lack of receipt of notice or failure to comply with the notice requirements of this by-law shall not invalidate the holding of the meeting or any decision of Council or a committee made at the meeting.

8. AGENDAS AND SUPPORTING MATERIALS

- 8.1 The Clerk or designate shall prepare agendas of Council and Committee meetings as assigned.
- 8.2 The Municipality shall endeavor to provide notice 10 days in advance by way of the agenda for all regularly scheduled meetings.
 - a) Notwithstanding 8.2 noted above, where notice is governed by other statute or regulations, notice shall be provided in the time frame prescribed in the said statute, or its regulations.
- 8.3 The Clerk or designate shall prepare for the use of its members at Regular Council meetings, an Agenda in the following form and order, however the form and order may be affected without requiring amendment to this by-law:

Call to Order;
Roll Call;
National Anthem;
Disclosure of Pecuniary Interest & General Nature Thereof;
Land Acknowledgement;
Report Out from In-Camera;
Minutes of Previous Meeting;
Recognitions;
Delegations;
Presentations;
Reports – Corporate Services;
Reports – Parks, Recreation, Facilities and Culture;
Reports – Infrastructure Services;
Reports – Engineering and Public Works;

Reports – Planning and Development;
Reports – CAO's Office;
Information Reports;
Consent Correspondence;
Correspondence;
Consent Other Minutes;
Other Minutes;
Unfinished Business;
New Business;
Notices of Motion;
By-laws;
Adjournment.

- 8.4 The Clerk or designate shall prepare for the use of its members at Committee meetings, an Agenda in the following form and order, however the form and order may be affected without requiring amendment to this by-law:

Call to Order;
Roll Call;
Disclosure of Pecuniary Interest & General Nature Thereof;
Land Acknowledgement;
Report Out from In-Camera;
Minutes of Previous Meeting;
Delegations;
Presentations;
Orders of Business;
Information Reports;
Unfinished Business;
New Business;
Adjournment.

- 8.5 The business of the Assembly shall be taken up in the order as listed on the agenda unless otherwise decided by the Chair.
- 8.6 After delivery of the Council agenda, the Clerk may amend the agenda by the way of an addendum (Supplementary Agenda) by adding or deleting matters from the prepared agenda in consultation with the Mayor and/or the CAO. In such an instance notice shall be provided to the public through posting on the municipal website prior to the meeting.
- 8.7 The Clerk shall provide copies of the agenda to Council 24 hours in advance of the public and media, to allow Council time to prepare for possible questions concerning agenda items from the public and/or media.

9. DELEGATIONS

- 9.1 The Town of Amherstburg actively encourages public engagement by inviting members of the community to participate in Council and Committee meetings, fostering a sense of inclusivity and transparency in local governance.
- 9.2 A delegation is a person intending to address the Council or Committee on a matter listed on the agenda where a decision of the Council may be required.

- 9.3 Delegations are permitted from the gallery during statutory public meetings under the Planning Act, or in accordance with any other legislation as required. Delegations are not required to give written notice to the Clerk but are encouraged to do so in order to facilitate the efficient conduct of the meeting.
- a) Requests to participate electronically in a Public Hearing item are required to be submitted to the Town Clerk by noon on the last business day before the day of the meeting.
 - b) Delegation requests regarding any aspect of an official plan amendment, zoning by-law amendment or plans of subdivisions or condominiums will not be accepted between the conclusion of a public consultation meeting which was conducted in accordance with the Planning Act, and the final reading of the By-law.
- 9.4 Delegations during other proceedings of Council or Committees are permitted in relation to matters listed on the agenda stemming from all Administrative reports and by-laws; in accordance with the following:
- a) Persons wishing to delegate at any Council or Committee meetings, shall advise the Clerk, no later than the Thursday before the meeting. Delegations shall provide their name, contact information, association with any organization (if applicable) and the agenda item to be addressed;
 - b) Delegation requests will first be reviewed to determine if it is merely seeking information, and if so, will be directed to the appropriate member of Administration for a response;
 - c) All delegations shall indicate the item on the agenda they wish to speak to, what action they wish the Assembly to take and shall provide a copy of any material intended for public distribution;
 - d) Delegations appearing before Council, who have previously appeared before Council on the same subject matter, shall be limited to providing only new information in any subsequent delegation request.
- 9.5 The Clerk may, from time to time, establish or amend procedures related to the Delegation Process, provided that such procedures do not conflict with the provisions of this By-law.
- 9.6 Unless otherwise authorized by resolution, or by a majority vote of the Council or Committee, a delegation shall be permitted to speak for a maximum of 5 minutes, excluding replies to questions from the members.
- a) Only upon a verbal motion to extend the five-minute limit adopted by the majority shall the five-minute limit be extended and only one such extension is possible.
- 9.7 No more than 10 delegations will be heard per item of discussion by the Assembly.
- 9.8 Following each delegation, Members may ask questions of the delegate before receiving the delegation by way of motion.
- 9.9 Questions of staff by any delegate shall be received by the Chair and addressed when practical prior or during consideration of the subject item, after the conclusion and receipt of all delegations.

- 9.10 Groups are encouraged to select a spokesperson to present their views, however, if a delegation involves two or more people, the total presentation time is still limited to 5 minutes.
- 9.11 Public delegations are permitted to delegate either in person or electronically, provided that those participating electronically can ensure that:
- a) Notice of the request to participate electronically if received prior to the meeting;
 - b) Electronic means of participating in a meeting are available;
 - c) Electronic participation must be clear and uninterrupted and allow for two-way communication. Should the electronic participation result in any unreasonable delay or interference with the meeting, the connection will be discontinued;
- 9.12 Delegates shall not make detrimental, offensive or insulting comments, or speak ill of, or malign the integrity of Staff, the public, Council or Committee or other external public agencies.
- 9.13 Delegates who contravene this section will not be permitted to finish their delegation and will be asked by the Chair to take their seat in the audience.

10. CORRESPONDENCE

- 10.1 Items of correspondence include: communications from other tiers of government, resolutions from other municipalities, local non-profit and charitable organizations, proclamations, flag raisings and letters from recognized professional accredited associations and organizations such as Association of Municipalities of Ontario (AMO) or the Association of Municipal Clerks and Treasurers of Ontario (AMCTO).
- 10.2 All requests for endorsement of resolutions from other municipalities will be electronically circulated to Council, with the advice that the Town does not act on resolutions received from other municipalities, but rather makes its position known through the appropriate municipal association, or alternatively, directly to the relevant Minister or government leader.
- 10.3 Should a Member of Council wish to include a resolution from another municipality on the Council agenda for consideration, they are permitted to request this inclusion by directing it to the Clerk prior to the scheduled release of the Regular Council Meeting agenda.
- 10.4 The Council's receipt of resolutions from other municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.

11. NEW BUSINESS

- 11.1 Members of the Assembly may, after the Agenda has been published, introduce matters during a Meeting under the agenda heading New Business for deliberation and determination at a future meeting.
- 11.2 Members may raise questions regarding matters that may be appropriate for Administrative Report in the form of immediate response or subsequent follow

up. Given the requirements for public notice provisions, Council is discouraged from discussing substantive policy issues in the absence of an Administrative Report. When requesting further Administrative Reports, due consideration should also be given to balancing associated staff work plans, financial impacts and resourcing required.

- 11.3 Council members are encouraged to contact the appropriate Director or the CAO prior to the meeting to raise questions or clarify issues relevant to the matter of interest and to secure additional information as may be required.
- 11.4 Seeking the advice of Administration does not prevent Council from asking the questions in public but provides Administration an opportunity to be better prepared and have answers to the questions at the meeting.

12. NOTICE OF MOTION

- 12.1 A Member desiring to introduce a subject for discussion by Council will provide the proposed Notice of Motion to the Clerk in writing for inclusion in a regular agenda, a minimum of 24 hours in advance of the scheduled meeting.
- 12.2 The Motions will be included on the next Regular Council agenda for consideration and disposition. Motions that are not in order, as determined by the Clerk, will not be included.

13. MINUTES OF MEETINGS

- 13.1 The minutes of Council and Committee meetings shall include:
 - a) The place, date and time of meeting;
 - b) The names of the Members, the CAO, the Clerk and/or staff liaison, as appropriate in attendance;
 - c) All other proceedings of the meeting without note or comment.
 - d) Minutes that are not considered "confidential" will be made available to the public as soon as the material is complete and adopted by Council. Minutes can be viewed via the link to on the Town's website or can be obtained for a fee at the Clerk's office.

14. CONDUCT OF PROCEEDINGS

- 14.1 It shall be the duty of the Chair of any meeting to:
 - a) open the meeting by taking the Chair and calling the meeting to order;
 - b) address the business listed on the agenda;
 - c) receive and address in the proper manner all motions presented by Members;
 - d) put to a vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings and to announce the results;
 - e) decline to put to a vote any motions which infringe the rules of procedure;
 - f) enforce on all occasions the observance or order and decorum among members;
 - g) to adjourn the meeting when the business is concluded;
 - h) to adjourn the meeting without question put in the case of grave disorder arising in the Council or Committee chamber;

- i) maintain confidentiality of all closed session deliberations and matters;
 - j) when, in the opinion of the Chair, the words or conduct of any person, including members of Council, is in contravention of the rules of procedure, or in contravention of the municipality's code of conduct for council members, or is causing unreasonable disruption to the meeting, the Chair may rule the person out of order and require the person to cease the activity.
- 14.2 No Member shall be deemed to have precedence or seniority over any other Member.
- 14.3 No Member shall speak to a question or motion until the Member is recognized by the Chair.
- 14.4 When a Member is speaking no other Member shall interrupt that member except to raise a point of order.
- 14.5 The rules of procedure may be suspended by a unanimous vote of Council and shall be time limited and specific.
- 14.6 The following matters may be introduced orally without written notice and without leave:
- a) A point of order;
 - b) A question of privilege;
 - c) A motion to amend;
 - d) A motion to refer;
 - e) A motion to table the question;
 - f) A motion to vote on the question;
 - g) A motion to suspend the rules of procedure;
 - h) A motion to recess;
 - i) A motion to adjourn.

15. ROLE OF THE MAYOR AS HEAD OF COUNCIL

- 15.1 The role of the Mayor as Head of Council is to:
- a) to act as Chief Executive Officer of the Corporation;
 - b) preside over Council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to council;
 - d) to represent the municipality at official functions;
 - e) to carry out the duties of the head of Council under the Municipal Act or any other Act;
 - f) promote public involvement in the municipality's activities;
 - g) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - h) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
- 15.2 In addition to the duties in section 15.1 noted above, the Mayor is responsible to conduct meetings, consistent with the provisions of this by-law.

16. ROLE OF DEPUTY MAYOR

16.1 The role of the Deputy Mayor is to:

- a) Fulfil the normal duties of a Member of Council as established in Section 224 of the Municipal Act, 2001, as outlined in section 2.4.1 of this by-law;
- b) Assist the Mayor in carrying out the Mayoral responsibilities as established in Section 225 of the Municipal Act, 200, and as delegated to the Mayor in this By-Law;
- c) In the event that Mayor is absent, refuses to act, has declared a pecuniary interest, or resigns from office, it is the duty of the Deputy Mayor to act in the place of the Mayor, and, while so acting, shall have all the powers and duties of the Mayor with respect to presiding at meetings and fulfilling the delegated duties set out in this by-law.

17. ROLE AND RESPONSIBILITIES OF COUNCIL

17.1 The role of Council is to:

- a) To represent the public and to consider the well-being and interests of the municipality;
- b) Develop and evaluate the policies and programs of the municipality;
- c) Determine which services the municipality provides;
- d) Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) Maintain the financial integrity of the municipality;
- g) Members shall act in accordance with the Code of Conduct - Council, Committees and Local Boards;
- h) Members shall not use indecent, offensive words or insulting expressions at any time toward other members, Administration, delegations or members of the public. Members shall not criticize any decision of the Assembly or a decision of the Chair;
- i) Subject to legislative restrictions, Council develops regulations to be adopted in by-laws and resolutions for the overall benefit of the Town;
- j) Council appoints the Chief Administrative Officer to ensure that administrative practices and procedures are in place to implement the directions of Council;
- k) Council members are to be prepared to attend regular and special meetings of Council and committee, to which a member will be appointed by Council to participate in the development of the Town;
- l) Council acts as liaison between the citizens they represent and the Town, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the citizens and community as a whole;
- m) Council oversees the financial affairs and delivery of municipal services through the adoption of policies and budget control guidelines and ensures that appropriate audit procedures and monitoring programs are in place;

- n) No member shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Town. Employees shall be subject only to their supervisors, as established in the formal organizational structure of the Town. All administration takes direction from the CAO who takes direction from Council;
- o) Carry out the duties of Council under this by-law or any Act.

18. ROLES AND RESPONSIBILITY OF COMMITTEE MEMBERS

18.1 The role of Committee members is to:

- a) Members shall act in accordance with the Code of Conduct - Council, Committees and Local Boards;
- b) No Member shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Town. Employees shall be subject only to their supervisors, as established in the formal organizational structure of the Town. All administration takes direction from the CAO who takes direction from Council.

19. DISCLOSURE OF PECUNIARY INTEREST

19.1 It is the responsibility of each Member to determine if they must disclose a pecuniary interest.

19.2 A Member shall declare a direct or indirect pecuniary interest in accordance with the Municipal Conflict of Interest Act, and;

- a) prior to any consideration of the matter at a meeting, shall disclose the interest and the general nature thereof verbally and by filing a written statement of the interest with the Clerk at the meeting or as soon as possible afterwards;
- b) shall not take part in the discussion of, or vote on any motion in respect of the matter;
- c) during or after the meeting, shall not attempt in any way to influence the voting on any such motion; and
- d) the disclosure shall be included in the minutes.

19.3 A copy of each written statement shall be kept in a registry which will be available for public inspection.

19.4 If quorum is lost as a result of declarations of pecuniary interest by one or more members, the remaining Members shall be deemed to constitute a quorum, provided the number of such members is not fewer than two.

19.5 If the declared pecuniary interest is with respect to an item on a closed session agenda, in addition to complying with the requirements above, the member shall forthwith leave the closed session, or that part of the closed session during which the matter is under consideration.

19.6 Where the interest of a member has not been disclosed as required by reason of the member's absence from the meeting, the member shall disclose the interest at the first subsequent meeting thereafter.

20. MOTION PROCESS

- 20.1 Where deemed in order by the Chair, every motion shall be moved and seconded before being spoken to, questioned, debated, or put to a vote.
- 20.2 Any and all directions to administration must be by motion or by-law duly approved by Council or Committee.
- 20.3 Whenever possible, members shall submit motions to the Chair in writing.
- 20.4 Where members of the public are to be heard on a matter, no motion shall be received until they have been heard, and no further public participation shall be allowed after the motion has been duly moved, at which time the motion shall be deemed as confined to table for debate of the members only.

21. MOTIONS

- 21.1 When any motion is under consideration, no other motion shall be received except:
 - a) To Adjourn;
 - b) To Recess;
 - c) Raise a Question of Privilege
 - d) Call for the Orders of the Day
 - e) Lay on the Table
 - f) Previous Question / Close Debate
 - g) Limit of Extend Limits of Debate
 - h) Postpone to a Certain Time/ Postpone Definitely
 - i) Commit/ Refer
 - j) Amend
 - k) Postpone Indefinitely
- 21.2 A motion related to a matter which is not within the jurisdiction of the assembly shall be deemed to be *ultra vires* and out of order and the Chair should heed the advice of the Clerk.
- 21.3 After a motion is moved and seconded it shall be deemed to be in the possession of the assembly, but the Chair may, with the permission of the mover and seconder, allow the motion to be withdrawn at any time before a decision is made on the motion.
- 21.4 A motion to adjourn shall:
 - a) not be amendable;
 - b) not be debatable;
 - c) not include qualifications or additional statements;
 - d) always be in order except when a member is speaking or;
 - e) the members are voting or are about to vote;
- 21.5 A point of personal privilege or a point of order may be raised at any time during a meeting. A point of order or point of personal privilege shall receive disposition of the assembly forthwith upon receipt and when decided, the matters so interrupted shall resume from the point where it was suspended.

21.6 A motion to defer/ postpone has the effect of postponing consideration of a matter and shall include the time for which the matter is deferred, or a description of the circumstances that would cause the matter to be brought back for consideration. A motion to defer shall:

- a) be amendable as it relates to the time element for the deferral;
- b) be debatable only with respect to the merits of postponing consideration of the item; and
- c) preclude amendment and debate of the preceding motion unless the motion to defer has been resolved in the negative.

21.7 A motion to refer a question has the effect of directing a matter under discussion to a specific Council or committee meeting, or to Town staff, the purpose for which shall be stated in the motion. A motion to refer shall:

- a) be amendable;
- b) be debatable only with respect to the merits of referring the matter, to whom the matter is to be referred and any time period within which the matter is to be reported back; and
- c) preclude any amendment or debate of the preceding motion unless the motion to refer has been resolved in the negative.

21.8 A Notice of Motion signed by a mover shall be provided to the Clerk prior to the council meeting. A notice of motion shall not be debated at the meeting where it was introduced, but shall be dealt with at the subsequent meeting.

22. RECONSIDERATION OF A MOTION

22.1 After any decision has been determined by the assembly, any member who voted on the prevailing side may, at the same meeting, or at any other meeting held thereafter, move for a reconsideration of the decision.

22.2 A motion to reconsider must be seconded by any member of Council that was present at the meeting where the original motion was introduced. A motion to reconsider is not debatable or amendable.

22.3 After a motion to reconsider has been moved and seconded, no further action will be taken on the matter that is subject to reconsideration until the motion to reconsider has been voted upon.

22.4 A motion to reconsider will be carried on a majority vote.

22.5 As a result of an affirmative motion of reconsideration, the debate on the original motion being considered shall proceed as though it had never previously been voted on.

22.6 Any decision shall not be reconsidered more than once.

23. VOTING

23.1 Every member, except where disqualified to vote, shall participate on all votes. Failure to vote on a matter shall be deemed as a negative vote.

- 23.2 The manner of determining the decision shall be by show of hands, unless a recorded vote is requested. A vote on a motion will carry if a majority (more than 50%) of those eligible to vote are in favour.
- 23.3 Before the taking of a vote, the Chair may request to have the motion read and shall do so if requested by a member.
- 23.4 After a question has been put to a vote by the Chair, no member shall speak to the question nor shall any other motion be made until the vote has been taken and the result declared by the Chair.
- 23.5 Any member may ask that a motion be divided and that a separate vote be taken for each part of the motion. When requested, the Chair shall, seek a second and if found, put the request to council
- 23.6 Unless a recorded vote is requested, the votes of individual members shall not be recorded.
- 23.7 A member may, prior to a vote request that a recorded vote be taken.
- 23.8 When a recorded vote is taken, the Clerk will ask all members individually, in alphabetical order, except the Chair, who shall be called last, whether he/she is in favour or opposed to the motion on the floor. Following the recording of the vote, the Clerk shall declare whether the motion has carried or failed.

24. BY-LAWS

- 24.1 Every by-law shall be listed on the agenda by an identifying number, followed by a brief description of the intent of the by-law.
- 24.2 Adoption of a by-law shall require a motion made by a council member which identifies the precis statement and the number of the by-law.
- 24.3 Every By-law shall be given three readings prior to passage. The Clerk shall set out on each by-law enacted by Council, the date of each of the readings.
- 24.4 Every by-law enacted by the Council shall be numbered and dated and shall be affixed with the Corporate seal and signed by the Mayor and Clerk and shall be retained by the Clerk for safekeeping.
- 24.5 A confirmatory by-law shall be considered at each regular meeting to confirm all the resolutions passed by Council.

25. RULES OF ORDER AND DECORUM

- 25.1 To preserve and protect the decorum of the proceedings, the following rules shall apply:
- a) Please observe all proceedings in a courteous and respectful manner.
 - b) For everyone's convenience, please remain in the designated public viewing area.
 - c) Respectful and appropriate language is required.
 - d) We kindly request that you respect those speaking by refraining from interrupting the Assembly's proceedings or engaging in cross-debates.

- e) To maintain a productive environment, only approved delegates may address the Assembly.
- f) Attendees shall not have in their possession signs, posters, or advertising devices during the meeting.
- g) To minimize disruption, ensure that digital devices emitting sound are turned off or silenced.
- h) Refrain from applauding, shouting, heckling, or expressing displeasure.