



Procedure By-law By-law 97-18 - Consolidated

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Amendments:

<u>By-law Number</u>	<u>Date Passed</u>
21-20	April 3, 2020
23-20	May 4, 2020
67-20	November 2, 2020

The Corporation of the Municipality of Strathroy-Caradoc

By-law No. 97-18

Being a By-law to govern the proceedings of Council and Committee meetings of the Municipality of Strathroy-Caradoc.

Whereas subsection 238 (2) of the *Municipal Act, 2001* requires every Council and local board to adopt a Procedure By-law for governing the calling, place and proceedings of Meetings; and

Whereas subsection 11 (2) of the *Municipal Act, 2001* provides that upper and lower tier municipalities may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations; and,

Whereas it is Council's desire to follow a process of municipal governance that reflects an open, transparent government; and

Whereas Council, in the interest of good governance, recognizes a Procedure By-law as a hallmark of accountability and transparency; and,

Whereas Council considers it necessary to enact a by-law in this regard and to repeal any predecessor procedure by-laws adopted by Council;

Now therefore the Council of the Corporation of the Municipality of Strathroy-Caradoc hereby enacts as follows:

Short Title

This by-law may be referred to as the Procedure By-law

1. Definitions

In this Procedure By-law:

- a) "CAO" means the Chief Administrative Officer of the Municipality or their designate;
- b) "Chair" means the presiding officer at a Meeting;
- c) "City Hall" means the Municipal Offices at 52 Frank Street, Strathroy, Ontario;
- d) "Clerk" means the Clerk of the Municipality, or their designate;

- e) “Closed Session” means a Meeting, or part of a Meeting of Council or a Committee or Board, which is closed to the public as permitted by the applicable legislation;
- f) “Code of Conduct” means the Code of Conduct, if any, or a declaration by Council of the principles of good conduct and ethics;
- g) “Committee” means any Standing Committee of Council or an advisory or special Committee established by Council from time to time;
- h) “Confirming By-law” means a by-law passed for the purpose of giving effect to a decision or proceeding of Council;
- i) “Council” means the Council of the Municipality of Strathroy-Caradoc;
- j) “Delegation” means an address to Council, a Committee or Board by a person or group;
- k) “Deputy Mayor” means the Councillor elected to that position in the last regular election or the person appointed to the position;
- l) “Director” means an employee of the Municipality, or their designate or successor in title, who serves in the role of a Director;
- m) “Emergency Weather Event” means a weather event so identified by the Mayor;
- n) “Friendly Amendment” means an amendment to the Motion under debate which has the consent of the mover and seconder, and which does not require an amending Motion to be made or voted on;
- o) “Frivolous” means without merit or substance or is trivial, not having any serious purpose or value;
- p) “Head” means the individual or body determined to be the head under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*
- q) “Inaugural Meeting” means the first meeting of a newly elected Council;
- r) “Informal Caucus” is an impromptu or unscheduled consultation of members for the purpose of collecting feedback to be considered more formally at a later time;
- s) “Local Board” means a local board as defined by the *Municipal Act, 2001*;
- t) “Mayor” means the person elected to that office following the regular election or the person appointed to that position;

- u) “Meeting” means any regular, special or other Meeting of Council, a Committee or Board and includes any Advisory Committees, Committee of the Whole and Local Boards, but not a Workshop or training session;
- v) “Member” means any individual elected to Council and includes a person appointed by Council to a Committee or Board, when so noted;
- w) “Motion” a formal proposal by a Member, in a Meeting, that the body take certain action. The proposed action may be of a substantive nature, or it may be that a certain view be expressed, or direct that a particular investigation be conducted and the findings reported back for possible further action;
- x) “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
- y) “Municipal Conflict of Interest Act” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended;
- z) “Municipality” means the Corporation of the Municipality of Strathroy-Caradoc;
- aa) “Notice” means written or electronic notice, except where legislation, by-law or policy of the Municipality provides for another form and manner of notice;
- bb) “Offending Member” means a Member who has been found by the Chair to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;
- cc) “Point of Order” means a matter raised by a Member drawing attention to an infraction of this Procedure By-law;
- dd) “Point of Personal Privilege” means a matter raised by a Member which concerns the health, safety, rights, or integrity of the Member, the Council, the Board, a Committee, Staff or anyone present at a Meeting;
- ee) “Procedural Matter” means a matter or Motion of a procedural nature;
- ff) “Public Planning Meeting” means the statutory public Meeting held pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or other statute;
- gg) “Quorum” means the number of Members required to be present in order for a Meeting to be called to order;
- hh) “Resolution” is the decision on any Motion which receives the vote of the majority of Members present;

- ii) “Robert’s Rules of Order” means the most current edition of Robert’s Rules of Order, Newly Revised;
- jj) “Rules of Procedure” means the rules and regulations contained in this Procedure By-law and which govern the proceedings of Council and its Boards and Committees which have not adopted their own Rules of Procedure;
- kk) “Staff” means an employee(s) of the Municipality;
- ll) “Standing Committee” means a Committee established by Council and consisting solely of Members of Council;
- mm) “Vexatious” means without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others;
- nn) “Workshop” means a gathering of some or all Members for a discussion or learning session where no decision is made or direction given.

2. Purpose and Application

- a) This By-law shall be known as the Procedure By-law and establishes the rules of procedure for Council and certain Committees and Boards.

3. Principles of the Procedure By-law

- a) The principles of openness, transparency and accountability to the public guide the Municipality’s decision-making process. In the context of Meetings, this is accomplished by:
 - i) Ensuring the decision-making process is understood by the public and other stakeholders;
 - ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this Procedure By-law and other statutory requirements;
 - iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c) The principles of parliamentary law governing Meetings include:

- i) Every Member has the right to one vote, unless prevented by law;
- ii) Each Member has the right to be heard on a matter, unless prevented by law;
- iii) Members have the right to information to help make decisions, unless prevented by law;
- iv) Members have the right to an efficient meeting;
- v) Members have the right to be treated with respect and courtesy;
- vi) Members will first and foremost consider the well-being and interests of the Municipality.

4. Interpreting the Procedure By-law

- a) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- b) 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, the Chair will rule. In making a ruling, the Chair may consult the Clerk, the CAO or Secretary, rely on previous rulings and practices, or refer to Robert's Rules of Order.

5. Suspension of Rules

- a) Rules of Procedure provided for in this Procedure By-law may be suspended by a two-thirds majority vote of Members present, with the exception of the following circumstances:
 - i) Where required by law;
 - ii) Contractual agreements binding the Municipality;
 - iii) Quorum requirements.
- b) A Motion to suspend the Rules of Procedure required by this Procedure By-law shall not be debatable or amendable.

6. Standing Committees

- a) Budget Committee
 - i) The Budget Committee shall be comprised of all Members of Council.
 - ii) Council shall appoint the Chair of the Budget Committee.

- iii) The Budget Committee shall make recommendations to Council on approval of the Municipality's annual operating and capital budgets.
- iv) The Budget Committee has delegated authority to:
 - (a) Approve the Meeting minutes of the Budget Committee;
 - (b) Direct staff to bring forward information to the Budget Committee as needed, and defer matters to a future Committee of the Whole or Budget Committee meeting; and
 - (c) Direct staff to prepare and bring forward for Council's consideration a report summarizing Committee recommendations on the annual capital and operating budgets.
- v) Budget Committee Meetings will be held as outlined in the Meeting Schedule approved by Council, or at the call of the Chair who shall be responsible for circulating the Committee Agenda to Members as far before the meeting as possible.

7. Committees and Boards

- a) This Procedure By-law shall govern Meetings where an adequate procedure by-law has not been adopted.
- b) Unless prohibited by statute, the Council may, in its sole discretion, alter the composition of any Board, Committee or public body to which the Council appoints members.

8. Chair of Meeting

- a) The Chair is a Member and the presiding officer at a Meeting.
- b) The Chair of a Meeting of Council is the Mayor, their designate or the Deputy Mayor.
- c) In the absence of the Chair the Members present shall appoint a Chair for the purpose of that Meeting or portion thereof.

9. Duties of the Chair

- a) The Chair is responsible for, where applicable:
 - i) Carrying out the roles and responsibilities of their role as described in the *Municipal Act, 2001*;
 - ii) Presiding over the Meeting in an objective manner in accordance with this Procedure By-law;

- iii) Enforcing the Rules of Procedure in this Procedure By-law;
- iv) Enforcing order and good behaviour of all Members at all times;
- v) Announcing the business before the Members and the order in which matters shall be considered;
- vi) Receiving, stating and framing all Motions presented to clarify their intent as moved;
- vii) Ruling on whether a Motion is in order;
- viii) Protecting Members from a Motion that, in the opinion of the Chair, is Frivolous, Vexatious or tending to cause delay, by refusing to acknowledge the Motion;
- ix) Providing information to Members on any matter related to the business of the Meeting;
- x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order subject to an appeal by any Member on any question of order in respect to the business of the Meeting, and giving the facts, circumstances and reasons for the ruling;
- xi) Calling a vote on the question of sustaining the ruling of the Chair, and announcing the results of the vote, if there is an appeal to the ruling of the Chair. In this regard, the Chair may provide further explanation of the ruling prior to calling the vote;
- xii) Recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person, if necessary;
- xiii) Recessing the Meeting for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder;
- xiv) Ensuring that Members take a health break by, when requested, announcing a minimum ten (10) minute recess after two (2) hours have passed since the last break;
- xv) Ensuring that all Members who wish to speak on a Motion are given an opportunity to do so in an orderly and respectful manner;

- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, recording secretary or other appropriate person to read Motions before calling the Members to vote;
- xvii) Putting all Motions deemed by the Chair to be appropriate and in order to a vote and announcing results;
- xviii) Voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- xix) Declining to put to a vote any Motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Adjourning the Meeting when the business of the Meeting has concluded; and,
- xxii) Signing all by-laws, Resolutions, and minutes when required.

b) Department Chairs

- i) Where a Member has been appointed to present departmental reports to the Council the Chair shall meet, in person or otherwise, on a weekly basis to be briefed by the Director.

10. Members of Council, Committees and Boards

- a) Members are responsible for, where applicable:
 - i) Carrying out the responsibilities of the role of a Member as described in the *Municipal Act, 2001*, *Municipal Conflict of Interest Act* and any other legislation;
 - ii) Complying at all time with policies adopted by the Municipality;
 - iii) Attending scheduled or emergency Meetings;
 - iv) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
 - v) Voting on Motions put to a vote, unless the *Municipal Conflict of Interest Act* prohibits it;
 - vi) Respecting the Rules of Procedure in this Procedure By-law;
 - vii) Listening attentively, participating in a Meeting and not interrupting, unless otherwise permitted herein;
 - viii) Remaining silent in their seats while Members vote and until the Chair announces the results of the vote;
 - ix) Refraining from using indecent, offensive or insulting language or speak disrespectfully of any individual;
 - x) Refraining from engaging in private conversation while in the Meeting or using communication devices in any manner that disrupts the Member speaking or interrupts the business of the Meeting;
 - xi) Respecting and following the decisions of Council, the Committee or Board;
 - xii) Not disclosing any of the content of a Meeting that was closed to the public or provide confidential documents or materials to unauthorized individuals;
 - xiii) Complying with the Chair's rulings and decisions; and

- xiv) Complying with the Code of Conduct, if any.

11. Breach of Rules

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

- i) After the first occurrence, the Chair calls the Member to order.
- ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave their seat and to observe from the gallery.
- iii) Any Member other than the Offending Member may appeal the Chair's ruling in 11(a)(ii), and the Members may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to their seat.
- iv) At the next available opportunity in the Meeting, the Chair will offer the Offending Member the opportunity to apologize to the other Members.
The apology will not include additional comments or debate by the Offending Member or others present;
- v) After an apology, if one is made by the Offending Member, the Chair may allow the Offending Member to return to the Meeting;
- vi) Should, at any point, the Offending Member create a disturbance while seated in the gallery the Chair will order the Offending Member to leave the meeting room;
- vii) Council cannot appeal the Chair's ruling in subsection 11(a)(vi).
- viii) If the Offending Member refuses to leave his/her seat or leave the meeting room as directed by the Chair, the Chair may request the CAO contact security or the police for assistance.

12. Right of Public Input and Notice

- a) The public has the right to have input and receive Notice of the public decision-making process. The methods for doing so include: writing to the Clerk or Secretary, submitting a petition, or speaking as a Delegation. The public will receive Notice in accordance with the requirements of legislation, this Procedure By-law and the Municipality's Notice By-law, if any;

- b) Should an individual wish to be provided with further Notice related to a matter of business, they are required to indicate this wish to the Clerk or Secretary on the prescribed form, which is available on the Municipality's website or at City Hall;
- c) Delegations in person may be permitted at the discretion of the Chair.

13. Members of the Public

- a) The Chair may expel or exclude any person who disrupts a Meeting, and may request security and/or police assistance in doing so;
- b) No persons, other than Members and staff, are permitted to approach the area where Members and staff are seated;
- c) Members of the public will submit all materials for Meetings through the Clerk or Secretary;
- d) Attendees are responsible for:
 - i) Maintaining order, being of good behaviour and not heckling, or engaging in conversations, displaying placards or props or any behavior that may be considered disruptive;
 - ii) Speaking respectfully at all times when invited to speak;
 - iii) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices;
 - iv) Complying with the ruling of the Chair who reserves the right to require pre-approval of the activities referenced in (iii) above.
- e) All communication devices shall be turned off or set to silent mode during any meeting, with the exception of assistive devices for people with disabilities.

14. Preparation of Agendas

- a) The CAO and their staff are charged with providing guidance and recommendations related to municipal business, and implementing the decisions of the Council.
- b) The CAO convenes a regularly scheduled internal meeting to review draft agenda items in order to support the business of Council.

- c) The Member appointed to present departmental reports will meet with Director of the department to review reports and agenda items in advance of the Meeting.
- d) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public access to agendas and agenda items, following approval by the CAO and/or Director.

15. Availability of Agendas

- a) Council Meeting agendas are generally available to Members of Council and the public on each Thursday preceding a Meeting except where not possible due to the availability of resources or technical issues.
- b) Closed Session agendas will be provided to Council in accordance with the protocol established by the Clerk.
- c) Special Committee of the Whole, Council, Workshop and Emergency Meeting agendas will be provided to Members in accordance with the publishing timeframes set out in the Notice of Meetings section of this Procedure By-law and may be adjusted where necessary at the discretion of the Clerk.
- d) Agendas for Committees, including Budget Committee, but not Committee of the Whole, are generally available five (5) days prior to the meeting date.

16. Additional or Added Items and Corrections

- a) An additional or added item is any item that is to be added to an agenda following publication.
- b) Any corrections to the agenda may be listed on the additional items to be distributed, for information only.
- c) Members are required to consent to the introduction of additional items by approving the agenda, as amended.
- d) Requests for items to be added to the agenda as an additional or added item shall have met at least one of the following conditions:
 - i) Government/agency deadlines;
 - ii) Legal implications;

- iii) Contractual implications;
 - iv) Financial implications;
 - v) Council or General Committee direction; or
 - vi) As directed by the CAO, Clerk or the Mayor.
- e) Additional items to a Meeting agenda are available on the day of the Meeting;

17. Reports of Council and Committees

- a) In accordance with established administrative protocols, reports prepared by staff are first submitted in writing to the CAO and then to the Clerk and distributed with the agenda.
- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

18. Information Reports

- a) An information report is prepared for the information of Members and generally relates to a matter considered at a Meeting, or is a matter of municipal business;
- b) An information report does not contain recommendations;
- c) A Member may request an information report by way of a Motion.
- d) Information reports may be circulated by the CAO or Clerk directly to Members by email and made available to the public on the Municipality's website in accordance with the timelines set out in the Availability of Agendas section of this Procedure By-law.
- e) Where required due to urgency or timing, information reports may be considered directly at Council as an agenda or added item.

19. Meetings

- a) Meetings Open to the Public
 - i) All Meetings shall be open to the public except as provided for in the Closed Session section of this Procedure By-law.

- b) Inaugural Meeting
 - i) The first Meeting of a newly elected Council after a regular municipal election shall be held on the first Monday in December or such other date and time at the sole discretion of the Clerk.
- c) Approval of the Meeting Schedule
 - i) Prior to December 31st of each year, the Members shall adopt a Meeting schedule for the next calendar year. The Meeting schedule is posted to the Municipality's website.
- d) Location of Meetings
 - i) Council Meetings shall take place at City Hall, or at another location within the municipality or adjacent to the municipality, as authorized by the Mayor or by Council, or as provided for in the *Municipal Act, 2001* when Notice is given.
 - ii) Meetings other than meetings of the Council shall take place at a time and location approved by the Members or as required by legislation.
- e) Schedule of Meetings
 - i) Council Meetings will generally be held on the first and third Monday of each month at 6 p.m. Where the Meeting day is a public or civic holiday, Council will meet at the same hour on the day immediately following the holiday.

Unless otherwise determined by the Clerk, Council's Closed Session, if any, will be scheduled for the beginning of the Meeting.
- f) Public Planning Meetings
 - i) Council will meet to consider development related applications and other matters that have been submitted under the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
 - ii) Members of the public shall be given an opportunity to participate in such meetings and provide their views to the Council.
- g) Quorum

- i) A majority of Members shall constitute a Quorum.
 - ii) As soon as there is a Quorum after the time appointed for commencement of a Meeting, the Chair will call the Meeting to order. If a Quorum is not achieved 30 minutes after the time appointed for commencement of a Meeting, the Clerk, Chair or Secretary shall indicate that no Quorum is present and the Meeting shall not proceed.
 - iii) If during the course of a Meeting, Quorum is lost, the Chair shall adjourn the Meeting until the date of the next scheduled Meeting. The agenda items not yet considered are deemed to be deferred to the next scheduled Meeting.
- h) Late Arrival
- i) If a Member arrives late at a Meeting, any prior discussion is not reviewed without the majority consent of the Members present.

20. Notice of Meetings

- a) General Provisions
 - i) The Clerk or Secretary gives Notice of a Meeting by:
 - (a) Posting the annual approved schedule of Meetings; or
 - (b) Using the Municipality's social media accounts and website; or
 - (c) Publishing Notice on the Municipality's regular advertising page in the local newspaper; or
 - (d) Providing the agenda to Members and the public; or
 - (e) All of the above.
 - ii) Every Notice of a Meeting shall indicate the date, time and place of the Meeting, and the contact information for the Clerk or Secretary's office.
 - iii) Nothing in this Procedure By-law shall prevent the Clerk or Secretary from using more extensive methods of Notice.
 - iv) Nothing in this Procedure By-law shall prevent the Clerk or Secretary from using longer timeframes for providing Notice.
- b) Special Meetings

- i) A special Meeting may be called by the Chair at any time. At a special Meeting the Members shall consider only matters included in the Notice of Special Meeting. The Notice requirement for a Special Meeting may be waived upon receipt of the consensus of Members to do so.
 - ii) Upon receipt of a written petition from a majority of the Members, the Clerk, Chair or Secretary will summon a Special Meeting for the specific purpose, location and time identified in the petition.
 - iii) In addition to the general Notice provisions in this Procedure By-law, Notice of a Special Meeting shall be made by providing an agenda at least twenty-four (24) hours prior to the Meeting or if the Meeting is to be scheduled in less than twenty-four (24) hours, then by providing an agenda at the first opportunity to do so.
 - iv) Where deemed by the Chair to be expedient and in the interest of the community, the Mayor or their designate, may facilitate an informal caucus of members of Council regarding decisions which are pressing in nature. Informal caucus or Council decisions shall have no force until dealt with by way of Council resolution at the first available opportunity.
- c) Workshop Meetings
- i) Workshop Meetings for Members may be called by the Chair to discuss issues in an informal venue. No Motions shall be made.
 - ii) A record describing, in general terms, the Workshop Meeting and the subject matter discussed is made following all Workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.
 - iii) In addition to the general Notice provisions in this section of the Procedure By-law, the Clerk or Secretary shall give Notice of a Workshop Meeting by providing an agenda at least twenty-four (24) hours prior to the Workshop.
 - iv) Delegations, as defined herein, shall not be requested nor permitted at Workshop Meetings.
- d) Cancellation or Postponement of Meetings

- i) A Meeting may be cancelled or postponed by the Chair where it is known in advance that Quorum will not be achieved or in the event of an emergency or Emergency Weather Event, or where the Meeting is no longer required, as deemed by the Mayor.
- ii) Where possible, the Clerk or Secretary shall give Notice of cancellations or postponements of Meetings by any of the following methods:
 - Providing Notice to each Member by email notification prior to the time set for the Meeting
 - Providing Notice to the public by Posting a Notice on the Municipality's website;
 - Sending a Notice via the Municipality's social media accounts;
 - Posting a Notice on the Municipality's regular advertising page in the local newspaper, if time permits; and
 - Where (c) cannot be achieved, posting a Notice at the main entrance to City Hall.
 - (a) Notwithstanding subsection 19.d ii), in the case of an emergency or an Emergency Weather Event, the Clerk shall provide Notice to each Member and the public as soon as possible.
- e) Invalidation of Notice of Meeting
 - i) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.
- f) Electronic Meetings
 - i) Electronic Meetings

Notwithstanding any other provision of Rules of Procedure By-law 97-18, a regular or special or other meeting of Council may be conducted by Electronic Meeting where deemed appropriate by the Head of Council in his or her sole discretion, including but not limited to in the case of an emergency declared pursuant to the EMCPA, in accordance with this Section and any Electronic Meeting Protocol as may be approved by Council.

ii) Physical Place

Where an Electronic Meeting is held, such meeting will be chaired physically from a location within the municipality identified in the posted public agenda, as is necessary in accordance with section 236(1) of the Municipal Act, 2001. The Electronic Meeting shall be presided over by the Mayor or his/her designate.

iii) Physical Attendance of Public

Where necessary, an Electronic Meeting may be held without physical attendance by the public.

iv) Quorum and Voting for Electronic Meeting

Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.

v) In Camera Session

An Electronic Meeting may include an In Camera Session, which shall be conducted in the absence of the public.

vi) Public Notice of Electronic Meeting

The posted agenda will include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

vii) Delegations

An electronic meeting will permit public delegations by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk prior to the start of the electronic meeting, and shall be provided to Members participating in the meeting.

viii) Application and Conflict

Notwithstanding the foregoing, Rules of Procedure By-law #97-18 shall continue to apply to an Electronic Meeting held pursuant to this Section 20, except that this Section 20 and any Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

- g) Public Meetings/By-laws
 - i) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be published on the municipal social media accounts and municipal website and shall be provided in the time frame prescribed in the Act or its regulations, and if the timeframe is not so prescribed, notice shall be given at least once, not less than five (5) days or more than thirty (30) days prior to the proposed action being taken.

21. Closed Session

- a) Matters of Closed Session
 - i) Members may, by Resolution, close a Meeting or part of a Meeting to the public in accordance with section 239 of the *Municipal Act, 2001*.
 - ii) Members may also move into a Closed Session to exclude the public for the following purposes:
 - (a) 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, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*.
- b) Notice of Closed Session
 - i) Where a matter is to be considered in Closed Session, wherever possible, written Notice by way of a published agenda will include:
 - (a) The fact that the Meeting will be closed to the public as provided for in the *Municipal Act, 2001*; and

- (b) The general nature of the matter to be considered at the Closed Session.
- c) A Motion to close a Meeting or part of a Meeting to the public shall state the:
 - i) Intention to close the Meeting to the public; and
 - ii) General nature of the matter to be considered at the Closed Session, and the grounds for closing the Meeting as set out in the *Municipal Act, 2001*.
- d) Voting during Closed Session
 - i) Only votes relating to procedural matters or direction to staff may be taken during a Closed Session, unless otherwise authorized by legislation.
- e) Upon completion of the Closed Session:
 - i) The Members shall immediately reconvene in open session;
 - ii) The Chair shall report, to the extent permissible, any outcomes from the Closed Session; and,
 - iii) If applicable, the Members shall vote on any Resolution(s) originating from the Closed Session.
- f) Reporting Out and Confidentiality of Closed Session Discussions
 - i) Any required vote will occur following the Closed Session of the Meeting.
 - ii) Closed Session agendas, minutes or reports shall provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in Closed Session and the position of the Municipality.
 - iii) Minutes of a Closed Session shall be presented for adoption at a scheduled Meeting that does not occur on the same day.
 - iv) Other than to other Members where permitted, no Member shall disclose or discuss, through written, electronic or verbal communication or any other means, to any individual or corporate third party, any information that has been or will be discussed at a

Closed Session until such time that it has been determined that the matter, or any part of the matter, may be made public, subject to review by the head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* or if directed to do so by a court.

- g) Openness and Transparency
 - i) The Clerk or Secretary shall maintain an annual log of all reports and Resolutions considered in Closed Session, conduct an annual review with the CAO and staff to determine which items are no longer sensitive and/or confidential. The Clerk shall prepare an Annual Report of all Closed Session items approved for public release, and shall post the report on the Municipality's website. Items identified for release shall qualify for 'routine disclosure' in accordance with the Municipality's freedom of information practices.
- h) Closed Meeting Investigation
 - i) A person may request that an investigation be undertaken to determine compliance with the requirements of the *Municipal Act, 2001* and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by submitting a written request to the Clerk or Secretary.

22. Speaking Order and Limit

- a) The Chair shall maintain a list of Members who have requested to speak or ask questions. The Chair shall designate Members to speak or ask questions in the order in which they appear on the list. The Chair shall give priority to Members who have not already spoken to the matter in the Meeting.
- b) Members are permitted to speak two (2) times on a matter, the first time being for a maximum of ten (10) minutes, and the second time being for a maximum of five (5) minutes; and

23. Rules of Debate

- a) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.

- b) An item becomes a matter of business before the Council after it has been recognized by the Chair and been moved and seconded.
- c) 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.
- d) Members shall express themselves succinctly without repetition.
- e) Questions may be asked only of:
 - i) The Chair;
 - ii) Staff;
 - iii) A previous speaker; and,
 - iv) A delegation.

24. Order of Business – Municipal Council

- a) The order of business of Council, Committee of the Whole or another Committee is at the discretion of the Chair but in general conformity with the following:
 - i) Call the Meeting to Order
 - ii) Roll Call
 - iii) Approval of the Agenda
 - iv) Declarations of Pecuniary Interest and General Nature Thereof
 - v) Closed Session
 - vi) Community Presentations
 - vii) Delegations
 - viii) Consent Agenda
 - ix) Advisory Committee Meeting Minutes
 - x) Consideration of Items Requiring Discussion (Regular Agenda)

- xi) Notices of Motion
- xii) New Business
- xiii) CAO Update (from time to time)
- xiv) Adjournment

25. Order of Business - Other

- a) The order of business for any other meeting type is at the discretion of the Chair.

26. Record of Meetings

- a) The Clerk or Secretary records the minutes of Meetings without note or comment. The minutes shall record:
 - i) The date, time and location of the Meeting;
 - ii) The name of the Chair and a record of the attendance at the Meeting;
 - iii) The name and nature of presenters and Delegations; and
 - iv) All Resolutions, decisions and other proceedings of the Meeting;
- b) Minutes of Meetings are submitted to the next meeting of Council for receipt.
- c) The receipt of minutes by Council does not constitute endorsement by the Municipality of any recommendations or actions contained in the minutes unless the Council expressly does so.
- d) A Committee report is submitted to the next regular Council meeting for consideration of the recommendations, if any, to Council.
- e) Minutes of each Meeting are presented to the subsequent regular Meeting for approval. The approved minutes form the official record of the Meeting.
- f) After the Council Meeting minutes have been approved by Council, they shall be signed by the Mayor and Clerk.
- g) Approved Meeting minutes may be posted on the Municipality's website as they become available.

- h) The Clerk or Secretary shall ensure that the minutes of each Meeting are made available to Members within a reasonable amount of time after the holding of such Meeting.

27. Changes in Order of Agenda

- a) The business of the Meeting is dealt with in the order stated on the published agenda unless the Members consent to changing the order.

28. Declarations of Pecuniary Interest

- a) Members are required to make declarations of pecuniary interest in accordance with the requirements of the *Municipal Conflict of Interest Act* and/or other relevant legislation and shall refrain from speaking to and voting on the matter.
- b) At a Meeting at which a Member discloses a pecuniary interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the Secretary of the Committee or Local Board.
- c) A public registry of all declarations of pecuniary interest will be maintained by the Clerk in accordance with the *Municipal Conflict of Interest Act*.
- d) Where a Meeting is not open to the public, in addition to complying with the requirements set out in the Closed Session section of this Procedure By-law, the Member shall leave the Meeting or the part of the Meeting during which the matter is under consideration.
- e) Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Member's interest and otherwise comply at the next Meeting.
- f) The Clerk or Secretary shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting.

29. Staff and Community Presentations

- a) Staff Presentations
 - i) Staff presentations, if related to a report on the agenda, shall occur at the time the report is discussed. Presentations by Staff at Meetings shall be a maximum of ten (10) minutes unless otherwise authorized.

b) Community Presentations

- i) Community Presentations may be made to Members on matters of interest to the Municipality. Such presentations are received or presented by the Chair of the Community Organization, where one has been appointed, or their designate.
- ii) Requests to be added to the Community Presentations section of an agenda shall be submitted to the Clerk or Secretary at least seven days prior to the Meeting date.
- iii) Any accompanying materials must be submitted to the Clerk or Secretary in an electronic format at least one week prior to the Meeting date.
- iv) Community Presentations may be up to five (5) minutes. The consent of the Members is required to extend a presentation beyond five (5) minutes.
- v) The Clerk or Secretary may limit the frequency and/or number of times a group or individual may appear before the Council.
- vi) The Clerk or Chair may deny a Delegation request.

30. Delegations at Meetings of Council and Council Committees

a) General Provisions

- i) Delegates shall be encouraged to appear at the appropriate Committee first rather than Council.
- ii) Anyone wishing to appear as a delegation shall make such a request by submitting the prescribed form to the Clerk no later than one week prior to the scheduled Meeting date.
- iii) Delegates shall advise the Clerk of any audio visual equipment which will be required and shall submit supporting material to the Clerk for approval in an electronic format no later than one week prior to the Meeting date.
- iv) Delegates requesting specific financial assistance or services in-kind from Council shall be directed to a Budget Committee meeting. Requests for financial assistance or contributions made outside the Budget Committee Meeting must include a detailed written request to

the Clerk at least one week prior to the Meeting, which will be forwarded to the appropriate department for review. A decision will not be made at the Meeting where the Delegation is heard.

- v) The Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise the requester of the earliest possible date when their Delegation request may be accommodated. A limit of four (4) Delegations will be considered at a Meeting.
 - vi) The Clerk may limit the frequency and/or number of times a group or individual may appear before a Committee or Council.
 - vii) Delegation requests received after the deadline or limit has been reached will be acknowledged by the Clerk but may not be placed on an agenda.
 - viii) Delegations shall be on a subject that is within the jurisdiction or sphere of influence of the local government. Delegations shall be related to an item of business on the agenda or at the discretion of the Clerk.
 - ix) Delegations concerning active planning applications will be permitted at the Meeting where the application is being considered.
 - x) Delegates shall refrain from making statements or comments that are, in the opinion of the Chair, frivolous or vexatious in nature.
 - xi) Delegates who share the same position on a matter or are from the same organization, are encouraged to speak as one delegation.
 - xii) Delegates shall be restricted to a speaking limit of five (5) minutes, regardless of whether they are representing an organization, association or other group.
 - xiii) Delegates are not permitted to appear as a Delegation in relation to the same item at a subsequent Meeting, but may submit written material to Members through the Clerk.
- b) Conduct of Delegates

- i) Delegates shall not make detrimental, offensive or insulting comments, or speak ill of, or malign the integrity of Staff, the public, Members or other external public agencies.
 - ii) Delegates who contravene this section will not be permitted to finish their submission and will be asked by the Chair to take their seat in the gallery.
- c) Delegations at Council Meetings
- i) Anyone requesting to address the Members on an item that is not on the agenda may do so at the sole discretion of the Chair.

31. Consent Agenda

- a) Consent Agenda will include the following items:
 - i) Receipt of the Minutes (i.e. Special Council, Workshop, Closed Session) (Council Meeting agenda only);
 - ii) Procurement items that are within the approved budget;
 - iii) Communications;
 - iv) Information reports requested by Members through motions; and
 - v) Items as directed by the CAO, Clerk or Mayor.
- b) Questions of clarification may be asked by Members about any consent item during the adoption of the Consent Agenda without requiring a separate vote.
- c) Members may request that a matter be removed from the Consent Agenda to be dealt with separately under Consideration of Items Requiring Discussion (Regular Agenda).
- d) In the event that a Member declares a pecuniary interest on an item that is included on the Consent Agenda, that item shall be considered under Consideration of Items Requiring Discussion (Regular Agenda).
- e) The Consent Agenda shall be adopted in a single Motion.

32. Notice of Motion

- a) A Member wishing to introduce an item for debate by Council will provide a Notice of Motion to the Clerk in writing for inclusion on a regular agenda seven days prior to the Meeting or with the unanimous consent of the Members present.
- b) The Motion(s) will be placed on the agenda of the next meeting.
- c) The CAO or Staff may be requested to comment on the Motion raised in this section, but no staff report will be prepared unless the Motion, once adopted by Council, is referred to staff for a further report.
- d) It is the duty of the Member to:
 - i) Prepare the Notice of Motion and proposed Motion, in writing.
 - ii) Submit the proposed Motion in the manner prescribed herein;
 - iii) Ensure the content of the proposed Motion allows for it to be published on a public agenda.

33. County Report

- a) A representative of the Municipality serving on County Council will provide a report at regular Meetings of Council on matters of interest to the Municipality.

34. New Business

- a) Any Member may present and introduce any matter of new business during the New Business portion of the Meeting, and shall have regard to the following guidelines:
 - i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Director or appropriate Staff;
 - ii) Members are discouraged from raising substantive policy matters; and,
 - iii) Members are encouraged to raise announcements and community events under the Public Service Announcements portion of the Council agenda.

35. Public Service Announcements

- a) Members may speak for no more than three (3) minutes on public service announcements and community events, unless the consent of Council is granted.

36. By-laws

- a) By-laws are considered by Council and approved by Motion.
- b) Every by-law adopted by Council is done under the seal of the Municipality and signed by the Clerk and the Mayor.
- c) Unless directed by statute, all by-laws shall be given first, second and third and final readings in a single Motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be dealt with separately.
- d) The following types of by-laws may be presented directly to Council without an accompanying staff report:
 - i) Those directed to be presented directly to Council;
 - ii) The appointment of staff for by-law inspection, municipal law enforcement and provincial offences administration;
 - iii) Consolidation of by-laws or housekeeping amendments;
 - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
 - v) A by-law to levy interim property taxes;
 - vi) A by-law to set tax rates in accordance with the approved budget;
 - vii) Part-lot control by-laws;
 - viii) Assumption by-laws;
 - ix) A by-law to establish a public highway;
 - x) Minor amendments resulting from changes to provincial enabling legislation; and,

- xi) Other administrative by-laws deemed appropriate by the CAO, Clerk or Mayor.
- e) Every Council Meeting shall be confirmed by by-law so that every decision of Council at that Council Meeting and every Resolution of the Meeting 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.
- f) All amendments to any by-law approved by Council shall be deemed to be incorporated into the by-law and if the by-law proposing the amendment is enacted by Council, the amendments shall be inserted by the Clerk.
- g) All by-laws, including the confirming by-law, shall be voted on prior to Adjournment.

37. Adjournment

- a) No item of business shall be considered at a Meeting of Council after 10:30 p.m. unless a majority of the Members present pass a resolution to extend the hour. The Resolution must include a proposed time for adjournment of the Meeting.

38. Correspondence

- a) Where correspondence is not requested to be included on a Meeting agenda, it shall be circulated by the Clerk or Secretary to Members, the CAO, Directors and applicable Staff for their information, and forms a part of the records.
- b) Where correspondence has been requested to be included on a Council, Board or Committee Meeting agenda or on the request of a Member to the Clerk, Chair or Secretary, correspondence is placed on the agenda for consideration. Where required due to urgency or timing, correspondence may be considered directly by Members as an Additional Item.
- c) The Council's receipt of correspondence does not constitute endorsement by the Municipality of the correspondence or its contents or any recommendations contained or actions advocated therein.

39. Petitions

- a) Petitions may be submitted to the Clerk and will include a minimum of two (2) electors and their respective addresses unless otherwise required by law, and a clear statement of the purpose for the petition.
- b) The request conveyed in the petition will be considered by the Committee or Council for disposition. Where required due to urgency or timing, petitions may be considered directly by Council.
- c) The Municipality is not accountable for the accuracy or reliability of petitions that are submitted.

40. Motions from Other Municipalities

- a) All requests for endorsement of resolutions from other municipalities will be electronically circulated to Council and acknowledged by the Clerk, with the advice that the Municipality does not take action 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.
- b) A Member may request that a resolution from another municipality be added to an agenda for consideration.
- c) The Council's receipt of resolutions from other municipalities does not constitute endorsement by the Municipality of any recommendations or actions they may contain.

41. Motions – Impact on Corporate Resources

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a Motion that makes an impact on corporate resources where a matter:
 - i) Has already been approved by Council;
 - ii) Is considered by the CAO to be minor in nature; and/or,
 - iii) Falls within existing service levels.

42. Procedures Concerning Motions

a) General Rules

- i) Every Motion in any Meeting requires a mover and a seconder.
- ii) When appropriately moved and seconded, every Motion, other than a Motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for debate.
- iii) A Motion or amending Motion shall not be debated unless it has been seconded.
- iv) A Member may move a Motion in order to initiate discussion and debate, but vote in opposition to the Motion. A seconder of the Motion may vote against the Motion.
- v) A Motion or amending Motion may not be withdrawn without the consent of the mover and seconder.
- vi) The Chair of a Meeting may second a Motion.

All Members of Council, a Board or a Committee will vote on all Motions except in the instance where the Member refrains from voting on an issue due to a declaration of a pecuniary interest in the matter by the Member.

If any Member does not vote, he/she will be deemed as voting in the negative (except where prohibited from voting by statute).

b) Motion under Debate

- i) When a Motion is under debate, no other Motion may be considered except for the following Motions, to be considered in the listed order of priority:
 - (a) To adjourn;
 - (b) To recess;
 - (c) To table an item;
 - (d) To put the question to a vote or call the vote;
 - (e) To defer; (f) To refer;
 - (g) To amend.

c) Motion to Adjourn

- i) A Motion to adjourn means a Motion to end a Meeting.
 - ii) A Motion to adjourn is not debatable and shall always be in order except when:
 - (a) Another Member is in possession of the floor;
 - (b) A vote has been called; or
 - (c) Members are voting.
 - iii) A Motion to adjourn is not amendable, except when moved to set future time for adjourning.
 - iv) A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.
- d) Motion to Recess
- i) A Motion to recess means to suspend a meeting for a specific length of time.
 - ii) When items of business remain to be considered, a Motion to recess:
 - (a) Specifies the length of time of the recess;
 - (b) Is debatable as to the length or timing of the recess; and
 - (c) Can only be amended with respect to the length of the recess.
- e) Motion to Table
- i) A Motion to table means to postpone a matter without setting a definite date for future discussion for a matter. A tabled Motion that has not been decided on by Council during the term of Council in which the Motion was introduced is deemed to have been withdrawn.
 - ii) A Motion to table:
 - (a) Is not to be amended or debated; and
 - (b) Applies to the Motion and any amendments thereto under debate at the time when the Motion to table was made.
 - iii) If the Motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the CAO, or a Member through a Motion, brings it forward to a subsequent Meeting.

- f) Motion “To Put the Question to a Vote” or “To call the Vote”
 - i) A Motion “To Put the Question to a Vote” or “To call the Vote” means to stop debate and immediately proceed to vote on the Motion.
 - ii) Any Member may request the Chair “To Put the Question to a Vote” or “To call the Vote” by presenting a Motion that the question “now be put to a vote.” A Motion to put the question to a vote must:
 - (a) Be seconded;
 - (b) Is not open to debate;
 - (c) Immediately put to a vote without debate;
 - (d) Requires a 2/3 majority vote to close debate.
- g) Motion to Refer
 - i) A Motion to refer means to direct a matter under discussion to Staff or another Committee for further examination or review.
 - ii) A Motion to refer a matter under consideration to a Committee or to Staff:
 - (a) Shall be debatable as to the rationale of referring, and cannot go into the merits of the Motion or subject being referred; and
 - (b) May be amended as to the Committee or group to whom it is being referred, as to the time the Committee or Staff reports back, and as to directions given to the Committee or Staff; and
 - (c) Includes the terms on which the Motion is being referred and the time at which the matter is to be returned; and
 - (d) Includes the reasons for the referral.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- h) Motion to Defer
 - i) A Motion to defer means to postpone all discussion on a matter until a future date or time, one which is established as part of the Motion.
 - ii) A Motion to defer to a certain time or date:
 - (a) Is open to debate as to advisability of postponement and cannot go into the merits of the Motion or subject being postponed; and

- (b) May be amended as to the time or date to which the matter is to be deferred.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- i) Motion to Amend
- i) The purpose of this Motion is to modify a Motion. It cannot be used to directly contradict or negate the effect of another Motion.
 - ii) A Motion to amend:
 - (a) Is open to debate; and,
 - (b) Is to be relevant to the main Motion; and
 - (c) Is applied to a Motion at one time, and that **amendment** may be amended [by a secondary amendment], which then cannot be amended.
 - iii) If a Motion to amend is not considered a Friendly Amendment, then the Motion to amend:
 - (a) If more than one Motion, will be put to a vote in the reverse order to that in which they were moved;
 - (b) Will be decided upon or withdrawn before the main Motion is put to the vote;
 - (c) Will not be amended more than once, provided that further amendments may be made to the main Motion; and,
 - (d) Will not be directly contrary to the main Motion.
- j) Motion Containing Two or More Matters
- i) When the Motion under consideration concerns two (2) or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.
 - ii) A vote on the main Motion or the Motion, as amended, may be split for the purpose of complying with the *Municipal Conflict of Interest Act*, or at the discretion of the Chair.
- k) Withdrawal of Motion

- i) A request to withdraw a Motion:
 - (a) May only be made by the mover of the Motion;
 - (b) Requires consent of the seconder of the Motion; and,
 - (c) Is in order any time during the debate.
- l) Adoption in a Single Motion
 - i) One or more items on an agenda may be adopted in a single Motion.

43. Voting

a) General Rules

- i) After a Motion is finally put to a vote by the Chair, no Member speaks to it nor will any other Motion be made until after the vote is taken and the result has been declared.
- ii) All Members will vote on all Motions. Failure by any Member to announce their vote openly and individually, including an “abstention,” is deemed to be a vote in the negative.
- iii) Each Member present and voting announces or indicates their vote upon the Motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

b) Majority Vote

- i) A majority means more than half of the Members present, or:
 - (a) If 9 Members present: 5
 - (b) If 8 Members present: 5
 - (c) If 7 Members present: 4
 - (d) If 6 Members present: 4
 - (e) If 5 Members present: 3
- ii) Unless this Procedure By-law states otherwise, a matter passes when a majority of Members present vote in the affirmative.
- iii) Where required in this Procedure By-law, a two-thirds majority means $\frac{2}{3}$ of the Members present, or:

- (a) 2/3 of 9: 6
- (b) 2/3 of 8: 6
- (c) 2/3 of 7: 5
- (d) 2/3 of 6: 4
- (e) 2/3 of 5: 4

c) Tie Vote

- i) Any Motion on which there is a tie vote is deemed to be defeated.

d) Recorded Vote

- i) A recorded vote is only permitted at Council Meetings and will be taken at the request of a Member prior to the commencement of the vote being taken or immediately thereafter.
- ii) Unless a pecuniary interest has been declared, a Member's failure to participate in a recorded vote shall be deemed to be a negative vote.
- iii) A recorded vote at Meetings will be taken as set out below:
 - (a) Each Member announces their vote openly, and the Clerk or Secretary records the Member's vote in the minutes. Votes are called in the order determined by the Clerk or Secretary.
- iv) Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

e) Proxy Voting

i) Appointment of Proxy

Notwithstanding any other provision of By-law 97-18, a member of Council may appoint another member of Council as a proxy to act in their place when they are absent from a meeting in accordance with section 243.1 of the Municipal Act, 2001 by notifying the Clerk of such appointment in accordance with a process to be established by the Clerk.

ii) Rules for Appointing Proxy

The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection 43 e) i):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. A member who has a pecuniary interest described in subsection 5(1) of the Municipal Conflict of Interest Act in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.
4. A member who is disabled from participating in a meeting under the Municipal Conflict of Interest Act shall not, if the interest is known to the member, accept a proxy appointment in respect of the matter.
5. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
6. Where a recorded vote is requested, the Clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259(1)(c).

iii) Pecuniary Interests

1. Appointing Member

If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the Municipal Conflict of Interest Act in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- a. notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- b. request that the Clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the Clerk.

For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the Municipal Conflict of Interest Act in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5(3) of the Municipal Conflict of Interest Act with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

2. Proxyholder

If, after accepting a proxy, the proxyholder discovers that they have a pecuniary interest described in subsection 5(1) of the Municipal Conflict of Interest Act in a matter to be considered at a meeting that is to be attended by the proxyholder, the proxyholder shall, as soon as possible,

- a. notify the appointing member of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- b. request that the Clerk revoke the proxy with respect to the matter in accordance with the proxy

revocation process established by the Clerk.

For greater certainty, if, after accepting a proxy, a proxyholder discovers that they have a pecuniary interest described in subsection 5(1) of the Municipal Conflict of Interest Act in a matter that was considered at a meeting attended by the proxyholder, the proxyholder shall comply with subsection 5(3) of the Municipal Conflict of Interest Act with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

iv) Revocation of Proxy Process

A proxy may be revoked by the appointing member or the proxyholder in accordance with the process established by the Clerk.

v) Participation of Proxyholder

A proxyholder participating in a meeting of Council shall identify when he or she is voting, speaking or asking a question on behalf of the appointing member. (Municipal Act, 2001, S. 238(3.1-3.4) and 243.1)

44. Reconsideration of a Matter

- a) Council cannot reconsider a matter until six (6) months have passed from the date of the matter's original disposition by Council, except upon a vote in the affirmative of two-thirds majority of the Members present.
- b) Decisions which contractually bind the Municipality shall not be reconsidered.
- c) A Motion to reconsider shall be introduced by way of a Notice of Motion and considered either at the next Council Meeting or at a special Meeting called to reconsider the Motion unless the Council, without debate, dispenses with the requirement for a Notice of Motion on a two-thirds vote.
- d) A Motion to reconsider is debatable, which debate will be restricted to the rationale for reconsidering the matter, and no debate of the main Motion shall be allowed until the Motion for reconsideration is carried.
- e) Once the reconsideration Motion has carried, the matter is reopened in its entirety unless the reconsideration Motion specifies otherwise.
- f) If the matter is reopened, all previous decisions of the Council remain in force until the Council decides otherwise.
- g) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- h) Notwithstanding the time period set out in s.44(a), if a Council matter was lost as a result of a tie vote due to an absent Member, the matter may be reconsidered at the next Council meeting via a Motion to reconsider carried by a majority of the Members present.

45. Point of Order

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
 - i) A deviation or departure from this Procedure By-law; or
 - ii) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- b) Upon hearing such Point of Order, the Chair decides and states his/her ruling on the matter.
- c) Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
- d) If no Member appeals, the decision of the Chair is final.
- e) If a Member appeals the Chair's ruling to the Council, Board or Committee, the Member has the right to argue their case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair should be sustained without further debate. The decision of the majority of the Members who are present at the Meeting is final.

46. Point of Personal Privilege

- a) A Member may rise at any time on a Point of Personal Privilege where the Member feels that their health, safety, rights, or integrity of the Council, a Committee Member, Staff or anyone present at the Meeting has been called into question by anyone present at the Meeting.
- b) Upon hearing such Point of Personal Privilege, the Chair shall rule on the matter.
- c) Where the Chair rules that a breach of privilege has taken place, the Chair may require that the offending Member or individual apologize and, failing such apology, require the Member or individual to vacate the Meeting room for the duration of the Meeting.
- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of privilege to the Council or a Committee.

- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair be sustained without further debate. The decision of a majority of the Members who are present at the Meeting is final.

47. Public Record

- a) All communications that the Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

48. Administrative Authority of Clerk

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.
- b) The Clerk is authorized to create and amend an annotated version of the Procedure By-law from time to time, to assist Members in complying with the rules as enforced and interpreted.

49. Recording, Broadcasting and/or Live Streaming Meetings

- a) All Meetings with a Quorum of Members may be audio and/or visually recorded, broadcast and/or live streamed publicly by the Municipality, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.
- b) All Meetings of Committee of Adjustment, Property Standards Committee, and other quasi-judicial bodies or Committees of the Municipality may be audio and/or visually recorded, broadcast and/or live streamed publically by the Municipality, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.
- c) Attendees permitted by the Chair to use their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or recording secretary to ensure attendees at the Meeting are notified through the Chair.

- d) The approved minutes of a Meeting will form the official record of the Meeting. Any audio, video, or other record of the Meeting shall not be considered an official record.

50. Review of Procedure By-law

- a) Council shall review this By-law within the first six (6) months of the second year of each term of Council.
- b) The Clerk shall bring forward housekeeping amendments, as required or as directed by Council.

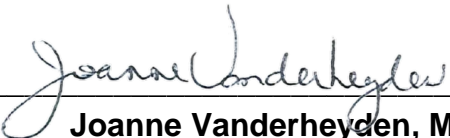
51. Severability

- a) Each and every one of the provisions of this Procedure By-law is severable and if any provisions of this Procedure By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions of this Procedure By-law shall remain in full force and effect.

52. Enactment

- a) By-law Number 23-07 and any other procedure by-law adopted by Council is hereby repealed.
- b) This By-law shall come into full force and effect on January 01, 2019.

Enacted by Council of the Municipality of Strathroy-Caradoc this 17th day of December, 2018.



Joanne Vanderheyden, Mayor



Fred W. Tranquilli, Municipal Clerk