

# **THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC**

## **BY-LAW NO. 20-25**

### **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 238 (2.1) of the *Municipal Act, 2001* requires that the procedure by-law shall provide for public notice of meetings;

**AND WHEREAS** Subsection 11 (2) paragraph 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 and transparent government;

**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:**

#### **SECTION 1: SHORT TITLE**

**1.1** This by-law may be referred to as the "Procedure By-law."

#### **SECTION 2: DEFINITIONS**

"CAO" means the Chief Administrative Officer of the Municipality or their designate.

"Chair" means the presiding officer at a Meeting, whether it be the Mayor, Deputy Mayor, a Member of Council, or a duly appointed member of a committee.

"City Hall" means the Municipal Offices at 52 Frank Street, Strathroy, Ontario.

"Clerk" means the Clerk of the Municipality of Strathroy-Caradoc, or an appointed designate.

"Closed Meeting" means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the applicable legislation.

"Code of Conduct" means the Code of Conduct or a declaration by Council of the principles of good conduct and ethics.

"Committee" means any Standing Committee or Council or an advisory or special Committee established by Council from time to time.

"Confirming By-law" means a by-law passed for the purpose of giving effect to a decision or proceeding of Council.

"Council" means the Council of the Municipality of Strathroy-Caradoc.

"Councillor" means a member of Council, other than the Mayor or Deputy Mayor.

“Delegation” means an address to Council, a Committee, or Board by a person or group.

“Deputy Mayor” means the Councillor elected to that position in the last regular election or the person appointed to the position.

“Director” means an employee of the Municipality, or their designate or successor in title, who serves in the role of a Director.

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, video conference, audio conference, teleconference, or other appropriate electronic means), and with or without in-person attendance.

“Electronic Participation” means a member of Council or Committee who participates remotely in any open or closed Council or Committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall count towards a quorum of members.

“Emergency Meeting” means a meeting of the Council called without notice to address circumstances of emergency.

“Emergency Weather Event” means a weather event so identified by the Mayor or their designate.

“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.

“Frivolous” means without merit or substance or is trivial, not having any serious purpose or value.

“Head of Council” means the Mayor of the Municipality of Strathroy-Caradoc or their designate.

“Inaugural Meeting” means the first meeting of a newly elected Council.

“Inquiry” means a question filed by a Member before or at a Council or Committee meeting, where staff has been asked to provide additional information about an existing by-law, program, policy, service, legislation or operational matter within the jurisdiction of Council or the respective committee.

“Local Board” means a local board as defined by the *Municipal Act, 2001*.

“Majority” means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or Committee present at the vote and not prohibited by statute from voting.

“Mayor” means the person elected to that office following the regular election or the person appointed to that position.

“Meeting” means any regular, special, closed or other meeting of Council, a Committee of Council, Advisory Committee, or Local Board where a quorum of members is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Committee, or Local Board.

“Member” means any individual elected to Council and includes a person appointed by Council to a Committee or Board, when so noted.

“Motion” means 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.

“*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“*Municipal Conflict of Interest Act*” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

“Municipality” means the Corporation of the Municipality of Strathroy-Caradoc or its geographic area, as the context requires.

“Notice” means written or electronic notice, except where legislation, by-law or policy of the Municipality provides for another form and manner of notice.

“Notice of Motion” means a written notice, given by a member, advising Council that the motion described therein will be brought forward at a meeting.

“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.

“Pecuniary Interest” means a direct or indirect financial interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, as amended.

“Point of Order” means a matter raised by a Member drawing attention to an infraction of this Procedure By-law.

“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.

“Procedural Matter” means a matter or Motion of a procedural nature.

“Public Meeting” means a Meeting held to hear public input as may be prescribed by legislation or where public input is sought on a matter.

“Quorum” means the number of Members required to be present in order for a Meeting to be called to order.

“Recorded Vote” means a vote recorded by the Clerk where a Member who is present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded. Each Member present, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

“Regular Meeting” means a meeting of Council held at the times and dates specific to this by-law and approved by Council as part of an annual calendar.

“Resolution” is the decision on any Motion which receives the vote of the majority of Members present.

“Robert’s Rules of Order” means the most current edition of Robert’s Rules of Order, Newly Revised.

“Rules of Procedure” means the rules and regulations set out 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.

“Special Meeting” means a separate meeting of Council which is focused on one or more particular and specific items or subjects.

“Staff” means an employee(s) of the Municipality.

“Standing Committee” means a Committee established by Council and consisting solely of Members of Council.

“Vexatious” means without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others.

“Workshop” means a gathering of some or all Members for a discussion or learning session where no decision is made or direction given does not in a way materially advance the business or decision-making of the council, local board or committee.

### **SECTION 3: GENERAL RULES**

- 3.1** The provisions contained in this by-law shall govern the proceedings of Council and Committees of the Municipality of Strathroy-Caradoc, with necessary modifications, unless otherwise prescribed.
- 3.2** In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- 3.3** In any case for which the provision is not made in these rules and regulations, the procedure to be followed shall be the most similar procedure found in the most recent edition of Roberts Rules of Order in existence at the time shall be referred to.
- 3.4** 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.
- 3.5** Members shall comply with the *Municipal Conflict of Interest Act*, S.O. 1990.
- 3.6** Cell phones are required to be either turned off or placed on vibrate during Council or Committee meetings.
- 3.7** Despite Section 3.1, the 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:
  - a) Where required by law;
  - b) Contractual agreements binding the Municipality;
  - c) Quorum requirements.
- 3.8** A Motion to suspend the Rules of Procedure required by this Procedure By-law shall not be debatable or amendable.
- 3.9** The suspension noted in Section 3.7 shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such a motion was introduced.
- 3.10** 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.

- 3.11 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.
- 3.12 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.
- 3.13 Council shall review this By-law within the first six (6) months of the second year of each term of Council.
- 3.14 The Clerk shall bring forward housekeeping amendments, as required or as directed by Council.

#### **SECTION 4: CONDUCT AND RESPONSIBILITIES**

##### **Chair of Meeting**

- 4.1 The Chair is a Member and the presiding officer at a Meeting.
- 4.2 The Chair of a Meeting of Council is the Mayor, their designate, or the Deputy Mayor.
- 4.3 In the absence of the Chair the Members present shall appoint a Chair for the purpose of that Meeting or portion thereof.
- 4.4 The Chair is responsible for, where applicable:
  - a) Carrying out the roles and responsibilities of their role as described in the *Municipal Act, 2001*;
  - b) Presiding over the Meeting in an objective manner in accordance with this Procedure By-law;
  - c) Enforcing the Rules of Procedure in this Procedure By-law;
  - d) Enforcing order and good behaviour of all Members at all times;
  - e) Announcing the business before the Members and the order in which matters shall be considered;
  - f) Receiving, stating and framing all Motions presented to clarify their intent as moved;
  - g) Ruling on whether a Motion is in order;
  - h) 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;
  - i) Providing information to Members on any matter related to the business of the Meeting;

- j) 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;
- k) 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;
- l) Recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person, if necessary;
- m) 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;
- n) 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;
- o) Ensuring that all Members who wish to speak on a Motion are given an opportunity to do so in an orderly and respectful manner;
- p) 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;
- q) Putting all Motions deemed by the Chair to be appropriate and in order to a vote and announcing results;
- r) Voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- s) Declining to put to a vote any Motion which contravenes this Procedure By-law;
- t) Calling Members to order;
- u) Adjourning the Meeting when the business of the Meeting has concluded; and
- v) Signing all by-laws, Resolutions, and minutes when required.

#### **Members of Council, Committees and Boards**

##### **4.5** Members are responsible for, where applicable:

- a) 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;
- b) Complying at all time with policies adopted by the Municipality;
- c) Attending scheduled or Emergency Meetings;
- d) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;

- e) Requesting and authorizing substantive staff reports by resolution;
- f) Voting on Motions put to a vote, unless the *Municipal Conflict of Interest Act* prohibits it;
- g) Respecting the Rules of Procedure in this Procedure By-law;
- h) Listening attentively, participating in a Meeting and not interrupting, unless otherwise permitted herein;
- i) Remaining silent in their seats while Members vote and until the Chair announces the results of the vote;
- j) Refraining from using indecent, offensive or insulting language or speak disrespectfully of any individual;
- k) 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;
- l) Respecting and following the decisions of Council, the Committee or Board;
- m) Not disclosing any of the content of a Meeting that was closed to the public or provide confidential documents or materials to unauthorized individuals;
- n) Complying with the Chair's rulings and decisions; and
- o) Complying with the Code of Conduct.

### **Breach of Rules**

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

- a) After the first occurrence, the Chair will call the Member to order.
- b) 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.
- c) Any Member other than the Offending Member may appeal The Chair's ruling in Subsection 4.6 (b), 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.
- d) At the next available opportunity in the Meeting, the Chair will offer the Offending Member the opportunity to apologize to the other Members.
- e) The apology will not include additional comments or debate by the Offending Member or others present.
- f) After an apology, if one is made by the Offending Member, the Chair may allow the Offending Member to return to the Meeting.

- g) 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.
- h) Council cannot appeal the Chair's ruling in Subsection 4.6(g).
- i) 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.

### **Members of the Public**

- 4.7** The Chair may expel or exclude any person who disrupts a Meeting, and may request security and/or police assistance in doing so.
- 4.8** No persons, other than Members and staff, are permitted to approach the area where Members and staff are seated.
- 4.9** Members of the public will submit all materials for Meetings through the Clerk or Secretary.
- 4.10** Attendees shall comply with the directives as referenced in Sections 4.12 and 4.13 "Decorum at Council and Committee Meetings" and comply with rulings by the Chair.
- 4.11** 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.

### **Decorum in Council and Committee Meetings**

- 4.12** To preserve and protect the decorum of the Council Chamber or other meeting place of Council and committees, no person participating in a meeting, including members of the audience attending electronically or in-person, may undertake any of the following actions:
  - a) Make deprecating comments about, or speak disrespectfully of, or malign the integrity of, any member of Council or Committee, staff member, public agencies, or the public;
  - b) Use offensive words or an aggressive tone of attack;
  - c) Disobey any rule or request of the Chair or any decision of Council on questions of order or practice;
  - d) Enter into cross debate with the Chair, members of Council, other delegations or staff;
  - e) Appear before Council for the sole purpose of generating publicity or personal attacks;
  - f) Address Council without permission;
  - g) Interrupt any speech or action of the members of Council or Committee or any other person addressing Council;



- h) Display or have in their possession picket signs or placards in the Council Chamber or meeting rooms or within any municipally owned building used for such purposes;
- i) Applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council;
- j) Carry on private conversations enough to disrupt the Council meeting.

**4.13** Any use of recording, broadcasting or streaming devices by members of the public shall be done respectfully. Should the Chair direct it, members of the public may be requested to move or cease to use recording, broadcasting or streaming devices.

## **SECTION 5: STANDING COMMITTEES**

### **Finance Committee**

- 5.1** The Finance Committee shall be comprised of all Members of Council.
- 5.2** The Mayor or their designate shall be the Chair of the Finance Committee.
- 5.3** The Finance Committee shall review the Municipality's capital and operations budgets.
- 5.4** The Finance Committee shall make recommendations to Council on approval of the Municipality's annual operating and capital budgets.
- 5.5** The Finance Committee has delegated authority to:
  - a) Approve the Meeting minutes of the Finance Committee;
  - b) Direct staff to bring forward information to the Finance Committee as needed, and defer matters to a future Committee of the Whole or Finance 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.

### **Strategic Priorities Committee**

- 5.6** The Strategic Priorities Committee shall be comprised of all Members of Council.
- 5.7** The Mayor or their designate shall be the Chair of the Strategic Priorities.
- 5.8** The Strategic Priorities Committee shall review preliminary reports of proposed Municipal policies, procedures, and other matters that advance the strategic priorities of the Municipality.
- 5.9** The Strategic Priorities Committee has the delegated authority to direct staff to bring forward for Council's consideration proposed Municipal policies, procedures, and other matters as directed at its Meetings.

### **Striking Committee**

- 5.10 The Striking Committee shall be appointed at the Inaugural Meeting of Council's Term of Office to make recommendations to Council with respect to members of Council and the public required to serve on Advisory Committees, Local Boards, and Commissions, or other bodies to which Council is required or empowered to appoint persons.
- 5.11 The Mayor or their designate shall be the Chair of the Striking Committee.
- 5.12 The Striking Committee shall be comprised of the Mayor, the Deputy Mayor, one (1) Ward 1 Councillor, and one (1) Ward 2 Councillor.
- 5.13 Ward 1 and Ward 2 Councillor representation shall be determined by the number of votes received by each member in the Municipal Election, with the Councillor receiving the highest number of votes in their respective Ward being appointed to the Striking Committee.

## **SECTION 6: MEETINGS**

### **General**

- 6.1 All Council and Committee Meetings shall be open to the public except as provided for in the Closed Meetings section of this Procedure By-law and the *Municipal Act, 2001*.
- 6.2 Members may participate in Council and Committee meetings electronically or in a hybrid format provided this is specified in the meeting notice and the meeting is conducted within the Electronic Participation provisions contained within this by-law.
- 6.3 Meetings other than Regular Council Meetings shall take place at a time and location approved by the Members or as required by legislation.

### **Inaugural Meeting of Council**

- 6.4 The Inaugural Meeting of a newly elected Council after a regular municipal election shall be held, in accordance with the *Municipal Act, 2001*, no later than 31 days after the commencement of the term. The Clerk shall have the authority to determine the date, time, and location of the meeting as required.
- 6.5 No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Office have been made by Members of Council.

### **Regular Council Meetings**

- 6.6 Regular 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 when Notice is given.
- 6.7 The Clerk shall, by November 30th of each calendar year, submit a schedule of upcoming Regular Meetings for the following Council year for consideration and adoption by Council. The Clerk, in consultation with the Mayor or Chair, has the authority to make adjustments to the meeting calendar.

- 6.8** Regular Council Meetings will generally be held on the first and third Monday of each month at 6:00 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.
- 6.9** Unless otherwise determined by the Clerk, Council's Closed Session, if any, will be scheduled for the end of the Meeting.

### **Public Meetings**

- 6.10** Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council is by statute required to hold a public meeting before the passing of a by-law, the Clerk shall call a Public Meeting.
- 6.11** Public Meetings may be held in conjunction with scheduled Regular Council Meetings as required.
- 6.12** The Clerk may call a Public Meeting at any time where so directed by the Mayor for the purpose of soliciting feedback from the public on issues of importance to Council.
- 6.13** Notice of a Public Meeting shall meet the Notice requirements of the statute under which the Public Meeting is required. If the Public Meeting is not required by statute, notice shall be provided in accordance with Subsections 6.34-6.37 of this by-law.
- 6.14** Delegations at a Public Meeting are not required to provide written submissions to the Clerk in advance of the meeting, unless otherwise prescribed by legislation. Delegations are encouraged, however, to provide written submissions to the Clerk in order to facilitate the efficient conduct of the meeting.
- 6.15** Digital presentations and visual aids may be submitted to the Clerk in advance of a Public Meeting and will be circulated to Members for their information, but shall not be displayed at the meeting.
- 6.16** The procedures set out in this by-law shall continue to apply to a Public Meeting held pursuant to this section, except that this section and the statute or by-law under which the Public Meeting is required, shall prevail to the extent of any conflict.

### **Special Meetings and Emergency Meetings**

- 6.17** A Special Meeting may be called by the Mayor at any time.
- 6.18** 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. A resolution of Council shall be deemed to be a petition.
- 6.19** Notwithstanding any other provision of this by-law, the Mayor at any time may summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the Clerk to notify Members about the meeting in the most expedient manner available. An Emergency Meeting may only be called by the Mayor to deal with an emergency or extraordinary situation.

- 6.20** No business may be transacted at a Special or Emergency Meeting of Council other than that specified in the Notice of such Meeting.
- 6.21** Delegations shall not be received at Special nor Emergency Meetings unless specifically invited by the Mayor or Chair and/or is provided for as part of the circulation of notice for the meeting.
- 6.22** In-person public attendance for an Emergency Meeting may be restricted when it has been deemed in the public interest to do so. Meetings will continue to be broadcast using electronic means, where it is possible to do so.

### **Workshops**

- 6.23** Workshops for Members may be called by the Mayor or Chair for learning and educational purposes only. No Motions shall be made and no municipal business shall be advanced.
- 6.24** At a Workshop, Members shall not discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 6.25** A record describing, the Workshop 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.
- 6.26** Delegations shall not be received at Workshops.

### **Notice of Meetings**

- 6.27** The Clerk or Secretary shall give 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 in a local newspaper; or
  - d) Providing the agenda to Members and the public; or
  - e) All of the above.
- 6.28** Every Notice of a Meeting shall indicate the date, time, and location of the Meeting, and the method of participation for Members, the public, and staff (in-person, electronic, or a combination of both).
- 6.29** The schedule of Regular Council meetings shall be advertised on the Municipal website.
- 6.30** Nothing in this Procedure By-law shall prevent the Clerk or Secretary from using more extensive forms of Notice.
- 6.31** Nothing in this Procedure By-law shall prevent the Clerk or Secretary from using longer timeframes for providing Notice.

- 6.32** If a Notice of a Meeting 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.
- 6.33** 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. 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.

### **Availability of Agendas**

- 6.34** The Clerk shall give notice of all Regular open and closed Council meetings by making the agenda available on the Municipal website on the Wednesday of the week prior to the meeting, except where not possible due to the availability of resources or technical issues.
- 6.35** The Clerk shall give notice of all Special open and closed meetings of Council by making the agenda available on the Municipal website as soon as possible after the meeting is called and a minimum of twenty-four (24) hours prior to the meeting.
- 6.36** Sections 6.34 and section 6.35 shall not apply to Emergency meetings. The Clerk shall give public notice for Emergency meetings by inclusion on the Municipal website as soon as possible after the meeting is called.
- 6.37** Agendas for Council Workshops and Committees, including Finance Committee, Strategic Priorities Committee, Public Meetings, and Advisory Committees, are generally available five (5) days prior to the meeting date. Five calendar days' notice includes the day the notice was sent and the day of the meeting.

### **Quorum and Commencement of Meetings**

- 6.38** A majority of Members shall constitute a Quorum.
- 6.39** 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.
- 6.40** If during the course of a Meeting, Quorum is lost, the Chair shall declare that the meeting stands recessed temporarily until a quorum of members is re-established, or 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.
- 6.41** In the absence of the Mayor and Deputy Mayor or meeting Chair, the Clerk or Secretary shall call the members to order and the Council or Committee shall choose a Chair from the Members present. That person shall preside over the meeting or until the arrival of the Mayor, Deputy Mayor, or Chair.

### **Cancellation or Postponement of Meetings**

- 6.42** 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.
- 6.43** Where possible, the Clerk or Secretary shall give Notice of cancellations or postponements of Meetings by any of the following methods:
- a) Providing Notice to each Member by e-mail notification prior to the time set for the Meeting;
  - b) Providing Notice to the public by posting a Notice on the Municipality's website;
  - c) Sending a Notice via the Municipality's social media accounts; or
  - d) Where the above cannot be achieved, posting a Notice at the main entrance to City Hall.
- 6.44** Notwithstanding Subsection 6.28, 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.

### **Electronic Meetings**

- 6.45** Notwithstanding any other provision of this by-law, a meeting of Council or Committee may be conducted by Electronic Meeting where deemed appropriate by the Head of Council.
- 6.46** The procedures set out in this by-law for an Inaugural, Regular, Special, or Emergency Meeting shall continue to apply to an Electronic Meeting, except that this section and any Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.
- 6.47** 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*. Electronic Council Meetings shall be presided over by the Mayor or their designate.
- 6.48** In the case of an Emergency, an Electronic Meeting may be held at any convenient location within or outside of the Municipality.
- 6.49** Where necessary, an Electronic Meeting may be held without physical attendance by the public.
- 6.50** An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 6.51** 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.
- 6.52** 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.

- 6.53** Notwithstanding any other provision of this by-law, a Public Meeting or Hearing may be conducted electronically where deemed appropriate by the Head of Council, including but not limited to periods of Emergency.
- 6.54** 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 or Secretary as if they were attending the meeting in person.
- 6.55** During routine periods, all members of Council shall be given the opportunity to attend and participate electronically in five (5) meetings of Council per calendar year.
- 6.56** Council may pass a resolution to allow a member to participate electronically past the five (5) meetings set out above.
- 6.57** Subsection 6.55 shall not apply to meetings held during a State of Emergency, or where health and safety restrictions are in effect, or other scenario that impacts the ability to conduct in-person meetings.
- 6.58** In the event of a technical failure during the meeting, the Chair shall call for a recess of not more than fifteen (15) minutes to allow Staff to reinstate Member(s) attending by electronic participation. If the Member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made. The minutes shall note the time at which the Member ceased to participate in the meeting by reason of the technical problem.
- 6.59** If Quorum is no longer achieved due to technical difficulties, the Meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.

#### **Recording, Broadcasting and/or Live Streaming Meetings**

- 6.60** All Meetings with a Quorum of Members may be audio and/or visually recorded, broadcast and/or livestreamed 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.
- 6.61** All Meetings of Committee of Adjustment and other quasi-judicial bodies or Committees of the Municipality 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.
- 6.62** 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.
- 6.63** The approved minutes of a Meeting will form the official record of the Meeting in accordance with the Municipal Act. Any audio, video, or other record of the Meeting shall not be considered an official record.

- 6.64** The inability to livestream a meeting, that is not solely livestreamed, will not prohibit the meeting from commencing or continuing. In the event of a disruption to a livestream, notice will be posted on the Municipal website as soon as practical.
- 6.65** In the event the meeting is solely livestreamed and such livestreaming capabilities fail and cannot be reinstated, the meeting shall be automatically adjourned after twenty (20) minutes of technical failure.

## **SECTION 7: CLOSED MEETINGS**

- 7.1** 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*.
- 7.2** 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.
- 7.3** A Motion to close a Meeting or part of a Meeting to the public shall state the Intention to close the Meeting to the public; the 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*.
- 7.4** Only votes relating to procedural matters or direction to staff may be taken during a Closed Session, unless otherwise authorized by legislation.
- 7.5** Upon completion of the Closed Session, the Members shall immediately reconvene in Open Session and the Chair shall report, to the extent permissible, any outcomes from the Closed Session; and, if applicable, the Members shall vote on any Resolution(s) originating from the Closed Session.
- 7.6** Any required vote will occur following the Closed Session of the Meeting.
- 7.7** 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.
- 7.8** Minutes of a Closed Session shall be presented for adoption at a scheduled Meeting that does not occur on the same day.
- 7.9** 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.



- 7.10** The Clerk or Secretary shall maintain an annual log of all reports and Resolutions considered in Closed Session, and 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.
- 7.11** 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, Secretary, or Closed Meeting Investigator.
- 7.12** Delegations will not be received in Closed Session.

## **SECTION 8: AGENDAS AND MINUTES**

### **Agenda Preparation**

- 8.1** The CAO and their Staff are charged with providing guidance and recommendations related to municipal business, and implementing the decisions of the Council.
- 8.2** The CAO shall convene regularly scheduled internal meetings to review draft agenda items in order to support the business of Council.
- 8.3** 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.
- 8.4** 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.
- 8.5** Council and Committee agendas will be made available in accordance with Section 6.8 regarding Availability of Agendas.
- 8.6** Regular Council Meeting Agendas shall be generally formatted as follows, but modifications to the matters included or to the Order of Business may be made by the Clerk and/or Head of Council without requiring amendments to the by-law:

Call to Order

Roll Call

Approval of the Agenda

Declarations of Pecuniary Interest and General Nature Thereof

Delegations, Community Presentations and Petitions

Public Meeting(s)

Approval of Minutes

Consent Agenda

Correspondence

Advisory Committee and Local Board Meeting Minutes

Other Routine Matters

Consideration of Items Requiring Discussion (Consent Agenda)

Drainage Matters

Notices of Motion

Staff Reports

County Council Report

Announcements and Inquiries by Members

Closed Session

Report on Closed Session

Consideration of By-laws

Schedule of Meetings

Adjournment

- 8.7** The business of the Meeting is dealt with in the order stated on the published agenda unless the Members consent to changing the order.
- 8.8** The Order of Business for meetings of Committees and Local Boards are at the discretion of the Chair.

**Additional or Added Items and/or Corrections**

- 8.9** An additional or added item is any item that is to be added to an agenda following publication.
- 8.10** The Clerk may prepare a revised agenda advising Council or Committee of additional items, or of delegations and written submissions relating to matters on the published agenda.
- 8.11** All revised agendas will be posted on the Municipal website by 12:00 p.m. on the day of the meeting, or in the case of a morning or afternoon meeting, by 4:00 p.m. on the day prior.
- 8.12** Members are required to consent to the introduction of additional items received after this time by approving the agenda, as amended.

- 8.13** 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:
- a) Government/agency deadlines;
  - b) Legal implications;
  - c) Contractual implications;
  - d) Financial implications;
  - e) Council or General Committee direction; or
  - f) As directed by the CAO, Clerk, or the Mayor.
- 8.14** Any corrections to the agenda may be listed on the additional items to be distributed, for information only.

### **Consent Agenda**

- 8.15** All items for the Consent Agenda shall be determined by the Clerk.
- 8.16** Consent agenda items shall be preceded by an explanatory note which indicates that items listed under the Consent Agenda are considered routine and are enacted in one motion in order to expedite the meeting.
- 8.17** Items listed under the Consent Agenda shall be routine matters such as correspondence, receipt of minutes from advisory committees and local boards, and other matters of a non-controversial nature.
- 8.18** Questions of clarification may be asked by Members about any consent item during the adoption of the Consent Agenda without requiring a separate vote.
- 8.19** Members may request that a matter be removed from the Consent Agenda to be dealt with separately under "Consideration of Items Requiring Discussion" on the Regular Agenda.
- 8.20** In the event that a Member declares pecuniary interest on an item that is included in the Consent Agenda, that item shall be considered under "Consideration of Items Requiring Discussion" on the Regular Agenda.
- 8.21** The Consent Agenda shall be adopted in a single Motion.

### **Staff Reports and Presentations**

- 8.22** 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.
- 8.23** Staff or third-party presentations, if related to a report on the agenda, shall occur at the time the report is discussed.

- 8.24** Presentations by Staff or consultants at Meetings shall be a maximum of ten (10) minutes unless otherwise authorized.
- 8.25** 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.
- a) An Information Report does not contain recommendations.
  - b) A Member may request an information report by way of a Motion.
  - c) 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.
  - d) Where required due to urgency or timing, information reports may be considered directly at Council as an agenda or added item.

### **Notice of Motion**

- 8.26** A member of Council shall give notice of intent that they plan to introduce a motion to bring forward a new matter or introduce any measure or change in Council's established policy.
- 8.27** 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 ten (10) days prior to the Meeting and shall be considered at that meeting of Council.
- 8.28** The giving of notice requires no seconder and is not at that time debatable.
- 8.29** Consideration of the Motion shall take place at the next Regular Council Meeting or a Special Meeting called for that purpose.
- 8.30** 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.
- 8.31** It is the duty of the Member to:
- a) Prepare the Notice of Motion and proposed Motion, in writing;
  - b) Submit the proposed Motion in the manner prescribed herein;
  - c) Ensure the content of the proposed Motion allows for it to be published on a public agenda.
- 8.32** The member who initiated the Notice of Motion must be present when the motion is read.
- 8.33** A Notice of Motion may be withdrawn orally by its originating member prior to the related motion being read.

### **County Report**

- 8.34** 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.

**Announcements and Inquiries by Members**

- 8.35** Members may speak for no more than three (3) minutes on Public Service Announcements and community events, unless the consent of Council is granted.
- 8.36** An Inquiry to be made at a meeting of Council may be submitted to the Clerk in writing at least 24 hours in advance of the meeting at which it is to be made.
- 8.37** No new business shall be introduced during Announcements and Inquiries by Members. Instead, Members are encouraged to submit a Notice of Motion to initiate a discussion on matters of interest.
- 8.38** Announcements and Inquiries by Members shall not be recorded in meeting minutes unless required by parliamentary procedure.

**By-laws**

- 8.39** By-laws are considered by Council and approved by Motion.
- 8.40** Every by-law adopted by Council is done under the seal of the Municipality and signed by the Clerk and the Mayor.
- 8.41** 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.
- 8.42** The following types of by-laws may be presented directly to Council without an accompanying staff report:
- a) Those directed to be presented directly to Council;
  - b) The appointment of staff for by-law inspection, municipal law enforcement and provincial offences administration;
  - c) Consolidation of by-laws or housekeeping amendments;
  - d) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
  - e) A by-law to levy interim property taxes;
  - f) A by-law to set tax rates in accordance with the approved budget;
  - g) Part-lot control by-laws;
  - h) Assumption by-laws;
  - i) A by-law to establish a public highway;

- j) Minor amendments resulting from changes to provincial enabling legislation; and
- k) Other administrative by-laws deemed appropriate by the CAO, Clerk or Mayor.

**8.43** 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.

**8.44** 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.

**8.45** All by-laws, including the confirming by-law, shall be voted on prior to Adjournment.

### **Adjournment**

**8.46** The duration of a Council or Committee meeting shall not exceed four (4) hours, unless a majority of Members pass a resolution to extend the meeting. The resolution must include a proposed time of adjournment of the meeting.

### **Minutes**

**8.47** The Clerk, Secretary, or their designate shall record the minutes of Meetings without note or comment. The minutes shall record:

- a) The date, time and location of the Meeting;
- b) The name of the Chair and a record of the attendance of Members;
- c) Any disclosure of pecuniary or conflict of interest;
- d) The name and nature of presenters and Delegations; and
- e) All Resolutions, decisions and other proceedings of the Meeting.

**8.48** Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.

**8.49** Minutes of Meetings are submitted to the next meeting of Council for receipt.

**8.50** 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.

**8.51** A Committee report is submitted to the next Regular Council meeting for consideration of the recommendations, if any, to Council.

**8.52** Minutes of each Meeting are presented to the subsequent regular Meeting for approval. The approved minutes form the official record of the Meeting.

- 8.53** After the Council Meeting minutes have been approved by Council, they shall be signed by the Mayor and Clerk.
- 8.54** Approved Meeting minutes may be posted on the Municipality's website after approval by Council or the applicable committee.
- 8.55** 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.

## **SECTION 9: DELEGATIONS, PUBLIC PRESENTATIONS AND COMMUNICATIONS**

### **Delegations**

- 9.1** Anyone wishing to appear before Council shall submit a request to the Clerk no later than ten (10) calendar days prior to the scheduled meeting date for consideration to be included on an upcoming Regular Council Agenda.
- 9.2** Delegates shall provide the Clerk with a written submission detailing the purpose of the requested appearance. The submission shall include any written information/supporting material that the person intends to present for inclusion on the agenda. Additional materials may not be circulated at the meeting.
- 9.3** Delegates requesting specific financial assistance or services in-kind from Council shall be directed to a Finance Committee meeting. Requests for financial assistance or contributions made outside the Finance Committee Meeting must include a detailed written request to the Clerk at least ten (10) days 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.
- 9.4** Any person wishing to appear before Council with respect to an item appearing on a published agenda shall submit a request to the Clerk by 12:00 p.m. (noon) on the Friday prior to the scheduled meeting. The request must be accompanied by a brief description of their deputation content and include any written information/supporting material that the person intends to present.
- 9.5** Delegations shall be on a subject that is within the jurisdiction or sphere of the Municipality.
- 9.6** 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.
- 9.7** Delegates who share the same position on a matter or are from the same organization, are encouraged to speak as one delegation.
- 9.8** Delegates shall be restricted to a speaking limit of five (5) minutes, regardless of whether they are representing an organization, association or other group. The consent of the Members is required to extend a delegation beyond five (5) minutes.
- 9.9** Delegates are not permitted to appear as a Delegation in relation to same item at a subsequent Meeting, but may submit written material to Members through the Clerk.

- 9.10** The Clerk may limit the frequency and/or number of times a group or individual may appear before a Committee or Council.
- 9.11** Delegation requests received after the deadline or limit has been reached will be acknowledged by the Clerk but may not placed on an agenda.
- 9.12** Delegations concerning active planning applications will be permitted at the Meeting where the application is being considered. Where required by provincial legislation, members of the public wishing to delegate without having registered in advanced will be called upon by the chair to speak following the completion of all registered delegates.
- 9.13** Council may not necessarily make a decision on requests by delegations at the meeting where the request is made, but may instead refer the request to municipal staff for further information and/or recommendation.
- 9.14** No delegation shall be permitted to address Council on any matter that is before any Court for decision.
- 9.15** Delegates shall comply with the directives as referenced in Sections 4.12 and 4.13 "Decorum at Council and Committee Meetings".
- 9.16** Delegates who contravene Sections 4.12 or 4.13 will not be permitted to finish their submission and will be asked by the Chair to take their seat in the gallery.
- 9.17** Anyone requesting to address the Members on an item that is on the agenda may do so at the sole discretion of the Chair.

#### **Public Presentations**

- 9.18** 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.
- 9.19** Community Presentations are for information only. Outside organizations, groups or individuals requesting that Council take action on a matter of municipal business, including items listed on a meeting agenda, shall register in accordance with the Delegations section of this by-law.
- 9.20** Requests from an outside organization or group to make a presentation to Council or a Committee shall be submitted in an electronic format, along with any accompanying materials, to the Clerk for consideration at least ten (10) days prior to the Meeting date for inclusion on the agenda. Additional materials may not be circulated at the meeting.
- 9.21** Community Presentations may be up to five (5) minutes. The consent of the Members is required to extend a presentation beyond five (5) minutes.
- 9.22** The Clerk or Secretary may limit the frequency and/or number of times a group or individual may appear before the Council.

#### **Petitions and Written Submissions (including Correspondence)**



**9.23** Written Submissions

- a) Individuals may submit written correspondence regarding municipal business to Council via the Clerk no later than ten (10) days prior to the Meeting for consideration of inclusion on the agenda.
- b) 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.
- c) 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.
- d) Where required due to urgency or timing, correspondence may be considered directly by Members as an Additional Item in accordance with the provisions of this by-law.
- e) Council's receipt of correspondence does not constitute endorsement by the Municipality of the correspondence nor its contents nor any recommendations contained or actions advocated therein.
- f) Written submissions shall not contain any obscene or defamatory language or content.
- g) Personal information will be redacted from the information published in the agenda.
- h) Anonymous correspondence will not be circulated to Council.

**9.24** Petitions

- a) Petitions shall be submitted to the Clerk for Council's consideration in an electronic or paper-based format.
- b) Petitions shall be on a matter within the jurisdiction of Council.
- c) Individuals may submit petitions to Council via the Clerk no later than ten (10) days prior to the Meeting for consideration of inclusion on the agenda.
- d) Petitions shall 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.
- e) Petitions shall provide a key contact name, mailing address, and telephone contact information for the individual or group initiating the petition or submitting the petition to the Clerk.
- f) For paper-based petitions, each petitioner must provide their name, full address, and original signature. For electronic petitions, each petitioner must provide their name, full address, and valid e-mail address in place of the original signature.

- g) 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 Members as an Additional Item in accordance with the provisions of this by-law.
- h) If a petition organizer would like to present the petition to Council, they must register in accordance with the Delegations section of this by-law.
- i) The Municipality is not accountable for the accuracy or reliability of petitions that are submitted.

#### **9.25 Motions from Other Municipalities**

- a) All requests for endorsement of resolutions from other municipalities will be electronically circulated to Council on a bi-weekly basis, 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 be added to an agenda for consideration.
- c) The Municipality shall respond to resolutions of support from the originating Municipality or organization only.
- d) Council's receipt of resolutions from other municipalities does not constitute endorsement by the Municipality of any recommendations or actions they may contain.

#### **9.26 Proclamation Requests**

- a) Mayor and Council do not issue proclamations declaring days/weeks/months commemorating organizations, individuals, community groups, or activities.
- b) All proclamation requests received will be acknowledged by the Clerk, with the advice that such requests are not placed on a published Council agenda.

### **SECTION 10: PROCEDURAL MATTERS**

#### **Declarations of Pecuniary Interest**

- 10.1** Members of Council and Committees 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.
- 10.2** When a majority of the Members have disclosed a pecuniary interest, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two (2).

- 10.3 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.
- 10.4 A public registry of all declarations of interest will be maintained by the Clerk in accordance with the *Municipal Conflict of Interest Act*.
- 10.5 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.
- 10.6 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 their interest and otherwise comply at the next Meeting.
- 10.7 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.

### **Speaking Order and Limit**

- 10.8 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.
- 10.9 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.

### **Rules of Debate**

- 10.10 Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- 10.11 An item becomes a matter of business before the Council after it has been recognized by the Chair and been moved and seconded.
- 10.12 Any Member may require that a Motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- 10.13 Members shall express themselves succinctly without repetition.
- 10.14 Discussion or debate of the motion shall be restricted to members of Council. If clarification is required from a delegation or staff member, permission is required from the Chair.
- 10.15 Questions may be asked only of:
  - a) The Chair;
  - b) Staff;

- c) A previous speaker; and
- d) A delegation.

### **Motions - General**

- 10.16** Every Motion in any Meeting requires a mover and a seconder.
- 10.17** 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.
- 10.18** A Motion or amending Motion shall not be debated nor entered into the Minutes unless it has been seconded.
- 10.19** 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.
- 10.20** Any Member may request that the question or motion under discussion to be read for the Member's information at any time during the debate, but not so as to interrupt a Member speaking.
- 10.21** The Mayor or Chair may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavouring to persuade the Council to support that position, then they shall first leave the chair.
- 10.22** The Mayor or Chair does not need to vacate the chair to simply state support or opposition to a motion on the floor.
- 10.23** The Chair of a Meeting may second a Motion.
- 10.24** 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.
- 10.25** If any Member does not vote, they will be deemed as voting in the negative (except where prohibited from voting by statute or subject to the declaration of pecuniary interest).

### **Motion under Debate**

- 10.26** 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.

### **Motion to Adjourn**

**10.27** A Motion to adjourn means a Motion to end a Meeting.

**10.28** 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.

**10.29** A Motion to adjourn is not amendable, except when moved to set future time for adjourning.

**10.30** A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.

**10.31** The duration of a Council or Committee meeting shall not exceed four (4) hours, unless a majority of Members pass a resolution to extend the meeting. The resolution must include a proposed time of adjournment of the meeting.

### **Motion to Recess**

**10.32** A Motion to recess means to suspend a meeting for a specific length of time.

**10.33** Any member of Council may request a recess of the meeting. The Chair may allow a recess.

**10.34** When items of business remain to be considered, a Motion to recess:

- a) Specifies the length and 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.

### **Motion to Table**

**10.35** 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.

**10.36** 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.

**10.37** 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.

**Motion “To Put the Question to a Vote” or “To call the Vote”**

**10.38** 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.

**10.39** 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.

**Motion to Refer**

**10.40** A Motion to refer means to direct a matter under discussion to Staff or another Committee for further examination or review.

**10.41** 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.

**10.42** This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.

**Motion to Defer**

**10.43** 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.

**10.44** 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.

**10.45** This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.

#### **Motion to Amend**

**10.46** The purpose of this Motion is to modify a Motion. It cannot be used to directly contradict or negate the effect of another Motion.

**10.47** 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.

**10.48** 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.

#### **Motion Containing Two or More Matters**

**10.49** 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.

**10.50** 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.

#### **Withdrawal of Motion**

**10.51** After a motion has been stated or read it shall be deemed to be in possession of Council, but may, with permission of the Council, be withdrawn before decision or amendment.

**10.52** 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.

### **Adoption in a Single Motion**

**10.53** One or more items on an agenda may be adopted in a single Motion.

### **Voting - General**

**10.54** 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.

**10.55** 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.

**10.56** Each Member present and voting is to announce or indicate their vote upon the Motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

### **Majority Vote**

**10.57** 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

**10.58** Unless this Procedure By-law states otherwise, a matter passes when a majority of Members present vote in the affirmative.

**10.59** Where required in this Procedure By-law, a two-thirds majority means 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

### **Tie Vote**



**10.60** Any Motion on which there is a tie vote is deemed to be defeated.

**Recorded Vote**

**10.61** 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.

**10.62** 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.

**10.63** 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.

**10.64** Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

**Reconsideration of a Matter**

**10.65** 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.

**10.66** Decisions which contractually bind the Municipality shall not reconsidered.

**10.67** 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.

**10.68** 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.

**10.69** Once the reconsideration Motion has carried, the matter is reopened in its entirety unless the reconsideration Motion specifies otherwise.

**10.70** If the matter is reopened, all previous decisions of the Council remain in force until the Council decides otherwise.

**10.71** No Motion to reconsider may, itself, be the subject of a Motion to reconsider.

**10.72** Notwithstanding the time period set out in this subsection, 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.

**Point of Order & Point of Privilege**

**10.73** A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:

- a) A deviation or departure from this Procedure By-law; or
- b) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.

**10.74** Upon hearing such Point of Order, the Chair decides and states his/ ruling on the matter.

**10.75** 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.

**10.76** If no Member appeals, the decision of the Chair is final.

**10.77** 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.

### **Point of Personal Privilege**

**10.78** 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.

**10.79** Upon hearing such Point of Personal Privilege, the Chair shall rule on the matter.

**10.80** 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.

**10.81** With the exception of providing an apology, a Member only addresses the Chair for the purpose of appealing the Chair's ruling of a breach of privilege to the Council or a Committee.

**10.82** If no Member appeals, the decision of the Chair is final.

**10.83** If a Member appeals the Chair's ruling to the Council, Board or Committee, the Member has the right to state their 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.

## **SECTION 11: COMMITTEES AND LOCAL BOARDS**

**11.1** Local boards and committees appointed by Council shall have the same terms of office and shall be consistent with the term of Council unless otherwise determined by Council.

**11.2** Unless prohibited by statute, Council may, at its discretion, alter the composition of any Board, Committee, or public body to which the Council appoints members.

- 11.3** Council may by resolution establish ad hoc Committees, which shall advise the Council on matters assigned or referred to it.
- 11.4** Where a Local Board or Committee of the Municipality has not adopted a procedure by-law, such board or Committee shall be deemed to have adopted this procedure by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council meetings as set out herein.

## **SECTION 12: SEVERABILITY / REPEAL / ENACTMENT**

### **Severability**

- 12.1** 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.

### **Repeal**

- 12.2** By-law No. 97-18, its amendments, and any other procedure by-law adopted by the Council of the Corporation of the Municipality of Strathroy-Caradoc is hereby repealed.

### **Enactment**

- 12.3** This by-law shall come into force and take effect on the date of its final passing.

READ AND PASSED this 18th day of February, 2025.