



Municipality of
Dutton Dunwich

**THE CORPORATION OF THE MUNICIPALITY
OF DUTTON DUNWICH**

By-Law No. 2023-58

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE COUNCIL OF
THE MUNICIPALITY OF DUTTON DUNWICH, AND OF ITS COMMITTEES
AND THE CONDUCT OF ITS MEMBERS**

WHEREAS subsection 238(2) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, requires every municipality to pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council for the Corporation of the Municipality of Dutton Dunwich deems it advisable to enact a by-law to govern the proceedings of Council, the conduct of its Members and the calling of meetings, and to provide for procedures and statutory requirements in accordance with the Municipal Act, 2001, and to repeal all previous by-laws related thereto;

NOW THEREFORE the Council of the Corporation of the Municipality of Dutton Dunwich enacts as follows:

Section 1 – DEFINITIONS AND INTERPRETATION

- 1.1. For the purposes of this Procedural By-law; unless stated otherwise or the context requires a different meaning:
 - 1.1.1. **“Acting Head of Council”** means the Deputy Mayor when the Mayor is absent or refuses to act or the office of the Mayor is vacant or, when the Mayor and Deputy Mayor are absent or refuse to act or the offices of the Mayor and Deputy Mayor are vacant, the member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor who shall exercise all of the rights, powers and authority of the Head of Council while so acting.
 - 1.1.2. **“Ad Hoc Committee”** means a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.
 - 1.1.3. **“Advisory Committee”** means a committee appointed by Council to act in an advisory capacity to Council on operational and strategic issues during the full term of Council.
 - 1.1.4. **“Chair”** in the case of the Council, means the Mayor, Deputy Mayor or the Member appointed to act as Chair during the absence of the Mayor and Deputy Mayor from a Meeting or a portion of a Meeting. While acting as Chair the Member shall exercise all of the powers and responsibilities of the Mayor under this Procedural By-law. In the case of a Statutory Public Meeting, Public Meeting or a Court of Revision Hearing, Chair shall mean the Mayor, Deputy Mayor or the Member, whoever presides over a portion of the Meeting of the Statutory Public Meeting, Public Meeting or a Court of Revision Hearing as provided for in this Procedural By-law. In the case of an Ad Hoc Committee or Advisory Committee, Chair means the Member appointed as such by the Committee.
 - 1.1.5. **“Clerk”** shall mean the Clerk of the Corporation of the Municipality of Dutton Dunwich and shall include the Deputy Clerk and any official of the Municipality appointed by Council to exercise the power(s) of the Municipal Clerk in the absence of the Clerk or Deputy Clerk.
 - 1.1.6. **“Committee”** means a committee of Council and includes Standing Committees, or sub-committees of the Standing Committees.
 - 1.1.7. **“Committee of Adjustment”** means the group of individuals appointed by the Council of the Municipality to the Committee of Adjustment pursuant to the provisions of the *Planning Act*.

- 1.1.8. **"Committee of the Whole"** means a Committee composed of all the Members of Council. The purpose of this committee is to enable Council to give detailed consideration to a matter under conditions of freedom approximating that of a Committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of Council, but have the status of recommendations which Council is given the opportunity to consider further and which it votes upon finally under its Rules of Procedure.
- 1.1.9. **"Council"** means the Council of the Corporation of the Municipality of Dutton Dunwich.
- 1.1.10. **"Councillor"** means a person elected or appointed as a Member of Council but does not include the Mayor.
- 1.1.11. **"Delegation"** means a person or group of persons desiring to verbally present information or to make a request to Council or a Committee.
- 1.1.12. **"Deputy Mayor"** means the Member of Council who is elected to the position and who, in the absence of the Mayor, shall exercise the powers and responsibilities of the Mayor provided for in this Procedural By-law or any other by-law or statute.
- 1.1.13. **"Holiday"** means a holiday as defined by the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F, as amended or replaced from time to time.
- 1.1.14. **"Local Board"** means a local board as defined in the *Municipal Act*.
- 1.1.15. **"Mayor"** shall mean the Head of Council for the Municipality and includes the Acting Mayor when acting in place of the Mayor.
- 1.1.16. **"Meeting"** means an event wherein business is transacted for any regular or special purpose by Council or Local Board, or a Committee or sub-Committee of either of them, as the case may be, where, (a) a quorum of Members is present, and (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council, Local Board or Committee.
- 1.1.17. **"Member"** means a Member of Council, including the Mayor, or a member of the Committee, including the Chair.
- 1.1.18. **"Member Vacancy"** means a Member of Council who vacates their seat on Council either permanently or temporarily as outlined in Section 3.5.
- 1.1.19. **"Minutes"** means a record, without note or comment, of all resolutions, decisions and other proceedings of the meetings of Council and its Committees, whether closed to the public or not.
- 1.1.20. **"Motion"** means a question or proposal to be considered by Council or a Committee and which is moved and seconded and is subject to debate. When a Motion is adopted, it becomes a Resolution.
- 1.1.21. **"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time.
- 1.1.22. **"Municipality"** means the Corporation of the Municipality of Dutton Dunwich.
- 1.1.23. **"Newspaper"** means a printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than one week, consisting in great part of news of current local events of general interest and made available to the public.
- 1.1.24. **"Pecuniary Interest"** means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.
- 1.1.25. **"Planning Act"** means the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.
- 1.1.26. **"Point of Order"** means a statement made by a Member during a Meeting drawing to the attention of the Mayor or Chair a breach of the Rules of Procedure.
- 1.1.27. **"Point of Privilege"** means the raising of a question that concerns a Member, or all of the Members of Council, when a Member believes

that his rights, immunities or integrity or the rights, immunities or integrity of Council or staff as a whole have been impugned.

- 1.1.28. **"Pregnancy and Parental Leave"** for the purposes of this Procedural By-law, means the period of time the Member of Council will not attend meetings of Council of any Committee to which the Member has been appointed as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
 - 1.1.29. **"Presiding Member"** means the Mayor or Acting Mayor, Chair or other member of Council designated to preside at meetings.
 - 1.1.30. **"Recorded Vote"** means the written record of the name and vote of every Member present when the vote is called on any matter or question during a Meeting of Council.
 - 1.1.31. **"Resolution"** means a Motion that has been carried by Council or Committee.
 - 1.1.32. **"Rules of Procedure"** means the rules and requirements contained within this Procedural By-law.
 - 1.1.33. **"Vice Chair"** means such Member of a Committee who has been appointed to act in the place and stead of the Committee Chair when such Chair is absent from a meeting of the Committee for any cause and who shall exercise all the rights, power and authorities of the Chair.
 - 1.1.34. **"Website"** means the Municipality of Dutton Dunwich website address identified as www.duttondunwich.on.ca
- 1.2. Unless the context otherwise requires, in this Procedural By-law the words used in the male gender shall include the female gender and the singular shall include the plural, and vice-versa, as the context requires.

Section 2 – GENERAL PROVISIONS

2.1. Applicability

- 2.1.1. Save as otherwise provided herein, the Rules of Procedure and requirements of this Procedural By-law shall be observed in all Meetings and shall be the rules and requirements which govern the order of business at Meetings.

2.2. Suspension of Rules and Procedures

- 2.2.1. Notwithstanding Section 2.1.1, the following may be temporarily suspended by a vote of three-quarters (3/4) of the Members present and voting:
 - a) Rules about a change to the order of procedure in the agenda;
 - b) Rules about delegation status;
 - c) Rules about the increase or decrease of delegation speaking time and debate limitations.

2.3. Issue Not Addressed

- 2.3.1. If an issue is raised that is not expressly addressed in this Procedural By-law, the issue shall be decided by the Mayor, Deputy Mayor or Chair, subject to an appeal to the Council.
- 2.3.2. Any rules or procedures not provided for in these Rules of Procedure shall be determined in accordance with the rules of procedure known as Robert's Rules of Order.

2.4. Video Taping of Council, Committee and Local Board Meetings

- 2.4.1. The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media or members of the general public is permitted only with the approval of Council.
- 2.4.2. Notwithstanding the above, the provisions of this Section shall not apply to municipal staff.

- 2.4.3. No Member shall use an electronic device to broadcast, record or otherwise publish or distribute audio or video of any open or closed meeting nor photographs of any closed meeting.
- 2.4.4. All communication devices shall be switched to 'silent' or 'vibrate' upon entering the location where any Meeting of Council is being held.

Section 3 – CONDUCT AT MEETINGS

3.1. Duties of the Mayor

- 3.1.1. It shall be the duty of the Mayor, or Acting Head of Council, to carry out the responsibilities of a head of council set forth in the *Municipal Act*, in addition to the following responsibilities:
- a) To open the Meeting of Council by taking the Chair and calling the Members to order;
 - b) To announce the business before Council in the order in which it is to be acted upon;
 - c) To receive and submit, in the manner prescribed by this Procedural By-law, all motions presented by Members;
 - d) To recognize any Member who wishes to speak and to determine the order of speakers;
 - e) To put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the results;
 - f) To decline to put to vote motions which contravene the provisions of the Procedural By-law;
 - g) To enforce the provisions of the Procedural By-law;
 - h) To enforce on all occasions the observance of order and decorum among the Members;
 - i) To call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chamber, or the place of Meeting, as the case may be;
 - j) To cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting and, if necessary, to direct the Clerk to seek appropriate assistance from the Ontario Provincial Police Service;
 - k) To authenticate, by signature, all by-laws and Meeting minutes;
 - l) To rule on any points of order raised by Members of Council;
 - m) To represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things;
 - n) To adjourn the Meeting when the business is concluded, or if considered necessary by the Mayor because of grave disorder, to adjourn the sitting without putting to the vote any question or suspended the sitting for a time to be named.
- 3.1.2. By virtue of his/her office, the Mayor is appointed as an ex-officio member of Advisory Committees and Municipal Service Boards.

3.2. Duties of the Deputy Mayor

- 3.2.1. Where the Mayor gives notice to the Clerk that he/she will be absent from the Municipality, or of his/her absence through illness, or his/her office is vacant, or he/she refuses to act, then the Deputy Mayor shall act in his/her place and instead of the Mayor and, while so acting, has and may exercise all the rights, powers and authority of the Head of Council.

3.3. Participation of Chair in Debate

- 3.3.1. The Chair who presides over any part of a Meeting may state relevant facts and the Chair's position on any matter before Council without leaving the Chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a motion or debate without first leaving the chair.

- 3.3.2. If, during a Meeting of Council, the Mayor desires to leave the chair to move a motion or take part in the debate pursuant to Section 3.3.1, or otherwise, the Mayor shall call on the Deputy Mayor or, in his absence, the Acting Head of Council to preside until the Mayor resumes the chair.

3.4. Duties of the Members of Council

- 3.4.1. It shall be the duty of the Members to carry out the role of Council as set forth in the *Municipal Act*, in addition to the following responsibilities:

- a) To attend Meetings;
- b) To deliberate on the business submitted to Council;
- c) To vote when a motion is put to a vote, except where otherwise disqualified from doing so by law;
- d) To represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things;
- e) To Chair the portion of a Meeting for which he is the appointed Chair and assume the duties of the Mayor as detailed in Section 3.1.1.; and
- f) To apply and respect the Rules of Procedure.

- 3.4.2. Members shall adhere to the Municipality's Code of Conduct Policy (By-law 2023-35) as adopted by Council and as amended from time to time and the Council Member-Staff Relationship Policy (WE 25-2020).

3.5. Member Vacancy

3.5.1. Vacancy of Seat of Member of Council

- I. The office of a Member of Council becomes vacant if the Member:

- a) Becomes disqualified from holding the office of a Member of Council;
- b) Fails to make the declaration of office before the deadline;
- c) Is absent from the meetings of council for three (3) successive months without being authorized to do so by a resolution of Council;
- d) Resigns from his or her office;
- e) Is appointed or elected to fill any vacancy in any other office on the same council;
- f) Has his or her office declared vacant in any judicial proceeding;
- g) Forfeits his or her office under the Act or any other Act; or
- h) Dies, whether before or after accepting office and making the prescribed declarations.

Seats declared vacant by the municipality will be dealt with as outlined in the Act.

- II. Upon notice of vacancy, the Member's compensation and expense reimbursement eligibility will cease and will be provided to the Alternate Member so appointed by the municipality in the same manner.
- III. An Alternate Member, so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.
- IV. An Alternate Member, while acting in this capacity, shall be governed by all applicable policies of the Municipality such as but not limited to the Council Code of Conduct.
- V. An Alternate Member so appointed shall have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and applicable support resources such as but not limited to the Municipality's Integrity Commissioner.

3.5.2. Temporary Replacement of Municipal Head of Council on Upper-Tier Council

Council may appoint one of its Members as an Alternate Member to temporarily replace a person who is a member of both the upper tier and lower tier Council if the member is unable to attend an upper tier council meeting to act in place of a Member Vacancy. Only one alternate can be appointed per Council term.

3.5.3. Pregnancy and Parental Leave

- I. The provisions of this Section applies to a Member of Council who is absent from Meetings of Council for at least three (3) consecutive months as a result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member and in accordance with Municipal Policy AW 19-2019 and Section 259(1.1) of the Municipal Act.
- II. The office of a Member of Council shall not become vacant if a Member is absent for twenty (20) consecutive weeks or less when such absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
- III. Prior to the Member missing meetings of Council for three (3) consecutive months, a Member of Council shall provide a request for pregnancy and/or parental leave in writing to the Clerk.
- IV. If a Member wishes to seek a leave in excess of twenty (20) consecutive weeks, the Member shall request an extended leave, in writing to the Clerk, as soon as the need for an extended leave is known. If an extended leave is requested, the Clerk shall prepare a report for Council's consideration of the extended leave.
- V. Members shall still receive all Council Agenda packages.
- VI. Any Member on pregnancy or parental leave shall continue to receive remuneration afforded to regular Members of Council.
- VII. Members of Council on pregnancy or parental leave shall continue to have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and staff support.

Section 4 - COMMITTEES

4.1. **Creating, Amending or Dissolving a Committee**

Council may create a new Committee, dissolve, or amend its mandate/terms of reference in accordance with the following provisions.

4.2. **Creating a New Committee**

Council may create a new Committee in response to any of the following:

- Requirements of applicable legislation or regulation (Federal, Provincial or municipal by-law);
- Changing priorities;
- To address significant public issues or trends;
- Recommendation and report by staff; and
- Any other reason deemed appropriate by Council.

In creating a new Committee, Council shall have regard for the following:

- Establishing a clearly defined mandate and terms of reference;
- Membership and quorum requirement/qualifications;
- Composition of the Committee, board or working group;
- Alignment with the Strategic Plan goals and objectives;
- The reporting relationship and frequency of progress reports;
- Public interest and financial considerations;
- Staff resources to be made available and the impacts on the municipal departments;
- The need for any sub-committees; and
- Defined timeline for completion of the assigned tasks.

To establish a new Committee, Council must by resolution direct staff to assist in establishing the Terms of Reference. The terms of reference, once refined, are to be adopted by resolution by Council.

4.3. **Amending a Committee and/or its Mandate**

Amendments to the mandate/terms of reference of a Committee can be initiated by Council or by the Advisory Board through a resolution and in a report completed by the staff lead and approved by Council.

The following factors may be considered by Council when amending a Committee's mandate/terms of reference:

- Results of the Committee's annual report which measures progress against fulfilling the mandate;
- Impact of the change on the mandate/Terms of Reference;
- Continued relevance of the Committee's purpose and/or function;
- The degree of public interest;
- Changes to the applicable legislation or regulations;
- Changing Council priorities or new issues at Council;
- Cost analysis and required resources.

4.4. **Dissolving a Committee**

The dissolving of a Committee may be triggered by any one of the following:

- Expiration of the prescribed term;
- Completion of the Committee's task or mandate;
- Effectiveness of the Committee's operation (e.g. frequency of meetings, amount of committee business, number of cancelled meetings);
- Resolution of the issues that led to the creation of the Committee;
- The legislative requirement for the Committee no longer exists;
- Merger with another Committee;
- Results of the annual report which measures progress against fulfilling the mandate;
- Changing Council priorities;
- Report and recommendation by staff and approved by Council.

4.5. **Annual Report**

Committees of Council will report to Council annually respecting the following matters:

- a) A summary of the Committee's focus areas for the following year including an estimated monthly timeline to assist in resource allocation of volunteers and to set Council expectations,
- b) A concise summary of the activities and accomplishments of the Committee in the past year.

4.6. **Special or Ad Hoc Committee**

Special or Ad Hoc Committees may be appointed by Council to deal with specific issues when necessary and such committees shall be dissolved by resolution of Council upon completion of the Committee's work. The duties and all administrative details of the Special or Ad Hoc Committee shall be outlined in their terms of reference. Such Committees do not have the power to appoint subcommittees or add to their membership

4.7. **Committee of the Whole**

4.7.1. Location, Date and Time of meetings

- Meetings of Committee of the Whole shall be held in Council Chambers, commencing at 5:00pm

Section 5 - MEETINGS

5.1. **Place of Meeting**

- 5.1.1. Unless otherwise directed by Council, all Regular and Special Meetings shall be held in the Council Chambers of the Municipal Office at 199 Currie Road, Dutton, Ontario.
- 5.1.2. A member of Council, of a Local board or of a Committee or either of them, can participate electronically in a Meeting and have their votes be counted in determining whether or not a quorum of Members is present.

5.2. **Inaugural Meeting**

- 5.2.1. The Inaugural Meeting of the Council shall be held on the first Wednesday following the start date of the new term of Council, in a year in which a municipal election is held, at a time determined by the Head of Council-Elect and the Clerk.
- 5.2.2. The Clerk shall be responsible for the location, content and format of the Agenda for the Inaugural Meeting and all arrangements related thereto.

5.3. **Regular Meetings**

- 5.3.1. Regular Meetings of Council shall be held on the second and fourth Wednesday of each month commencing at 5:00 p.m., unless such a day is a Holiday, or on such other day and time as may be determined from time to time by resolution of Council.
- 5.3.2. The agenda shall be considered as Notice of regular meetings of Council.

5.4. **Special Meetings**

- 5.4.1. In addition to Regular Meetings, the Mayor may, at any time, summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.
- 5.4.2. The Clerk shall summon a Special Meeting of Council when requested to do so in writing by a majority of Members, at the time mentioned in the request.
- 5.4.3. Written notice of a Special Meeting of Council shall be given to all Members at least twenty-four (24) hours before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective municipal e-mail address.
 - a) The written or verbal notice shall indicate the nature of the business to be considered at the Special meeting as well as date, time and place of the Meeting.
- 5.4.4. No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting except with the unanimous consent of all Members present and voting at such Meeting.
- 5.4.5. All Special Meetings of Council shall be held at the location of the last Regular Meeting of Council unless an alternative location is specified in the notice of Special Meeting.
- 5.4.6. Lack of sufficient notice, as provided for herein, shall not affect the validity of holding a Special Meeting or any action taken thereat where all Members are present at the Meeting or where any Member or Members who are absent consent to the holding of such Meeting and so inform the Clerk.

5.5. **Emergency Meeting**

- 5.5.1. Notwithstanding any other provision of this By-law, on urgent and extraordinary occasions, an emergency Special Meeting of the Council may be called by the Mayor without advance notice being given by the Clerk pursuant to this By-law, to consider and deal with such urgent and extraordinary matters.
- 5.5.2. Notwithstanding any other provision of this By-law, on urgent and extraordinary occasions, Council may, by Resolution, authorize the holding of a Regular or Special Meeting at a location outside the Municipal boundaries.

5.6. **Statutory Public Meetings, Public Meetings, Joint Meetings, Court of Revision Hearings, Hearings or Information Sessions Held Under the Planning Act, Development Charges Act and Other Applicable Legislation**

- 5.6.1. Council from time to time may conduct a Statutory Public Meeting, Public Meeting, Joint Meeting, Court of Revisions Hearing, Hearing or other Information Session for any purpose giving such Notice as may be deemed necessary or required by law.
- 5.6.2. If Council is required to hold a Statutory Public Meeting, Public Meeting, Joint Meeting, Court of Revisions Hearing, Hearing or other Information Session the Rules of Procedure outlined herein shall govern.

5.7. Meetings Open to Public

- 5.7.1. Subject to Section 4.8. of this Procedural By-law, all Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.
- 5.7.2. The Mayor or Chair may request that members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the Meeting until order is restored in the Council Chambers.

5.8. Closed Meetings

- 5.8.1. Except as otherwise provided herein, all Meetings shall be open to the public.
- 5.8.2. Council may, by resolution, close a Meeting or part of a Meeting to members of the public if the subject matter being considered is:
- a) The security of the property of the municipality or local board;
 - b) Personal matters about an identifiable individual, including Municipal and local board employees;
 - c) A proposed or pending acquisition or disposition of land by the Municipality or local board;
 - d) Labour relations or employee negotiations;
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
 - f) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) A matter in respect of which the Council, board, committee or other body hold a closed meeting under another Act;
 - h) Information supplied in confidence to the municipality by another level of government;
 - i) Third-party information supplied in confidence to the municipality which if disclosed, could significantly prejudice a competitive position or interfere with other negotiations (e.g., trade secret or scientific, technical, commercial, financial or labour relations information);
 - j) Information (e.g., trade secret or scientific, technical, commercial, financial information) that belongs to the municipality and has monetary value;
 - k) A position, plan, procedure, criteria or instruction to be applied to negotiations; or
 - l) Educating or training members of the Council, a local board or committee.

Council must consider the following topics in a closed meeting:

- a) The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, board, commission or body is the head of an institution for the purposes of that Act
 - b) An ongoing investigation respecting the municipality by the Ontario Ombudsman, an appointed municipal ombudsman, or an appointed closed meeting investigator.
- 5.8.3. A motion by Council to close a Meeting or part of a Meeting to the public shall state:
- a) The fact of the holding of the closed Meeting; and
 - b) The general nature of the subject matter to be considered at the closed Meeting.
- 5.8.4. Where a Meeting or part of a Meeting is closed to the public, Council shall request those persons not specifically invited to the closed Meeting to vacate Council Chambers, or such room in which the Meeting is being held, as the case may be.
- 5.8.5. A Meeting or part of a Meeting shall not be closed to the public during a vote except where permitted by law including, without limitation,

subsection 239(6) of the *Municipal Act*, which allows a Meeting to be closed to the public during a vote pursuant to Sections 239(2) or (3) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality, and Council deems that it is in the best interests of the Municipality to do so.

- 5.8.6. Notwithstanding Section 5.8.5, the vote on a resolution approving a contract for the acquisition or disposal of land, including the sale of road allowances, shall be conducted in open session.
- 5.8.7. Notwithstanding Section 5.8.2, Council shall not close a Meeting or part of a Meeting during the presentation of an investigation report by the Integrity Commissioner or the following deliberations and vote by Council for the purposes of openness, accountability and transparency.
- 5.8.8. The Motion to rise from "In Camera" shall include the time that Council arose.
- 5.8.9. The Clerk shall record without note or comment all resolutions, decisions and other proceedings at a Meeting of Council when it is closed to the public.
- 5.8.10. Members shall ensure that confidential all matters disclosed to them during closed Meetings are kept strictly confidential. Any breach of confidentiality for information disclosed in closed Meetings shall be subject to the penalties contained in the Council Code of Conduct.

5.9. **Quorum**

- 5.9.1. A quorum of Council shall be three (3) Members. A concurring vote of a majority of Members present and voting is necessary to carry a Resolution.
- 5.9.2. A quorum of an Ad Hoc Committee shall be a majority of the Members of the Ad Hoc Committee.
- 5.9.3. If a quorum is not present within thirty (30) minutes after the time appointed for the Meeting, the Clerk or designate shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or other Meeting called in accordance with the provisions of this Procedural By-law.
- 5.9.4. If at any time during a Meeting quorum is lost, the Meeting shall automatically be recessed until a quorum is re-established. If the loss of the quorum continues for thirty (30) minutes, the Meeting shall stand adjourned either until the next regular Meeting or until a special Meeting is called to deal with matters remaining from the adjourned Meeting. This clause shall also apply if quorum is lost during an electronic Meeting because of technology issues.

5.10. **Education and/or Training Sessions**

- 5.10.1. An education and/or training session of Council shall be subject to the Rules of Procedure applicable to Meetings contained in this Procedural By-law.
- 5.10.2. The Council, in deciding to convene an education and/or training session, shall designate the general purpose or purposes for which the session is to be held.
- 5.10.3. An education and/or training session may be held at any place designated by the Council at the time at which it makes its decision to convene the session, whether or not within the boundaries of the Municipality or any adjacent municipality.

5.11. **Public Notice of Meeting**

- 5.11.1. Public Notice shall include:
 - I. Date;
 - II. Time;
 - III. Location; and
 - IV. Method of participation for Members of Council or Committee, the public and staff (in-person, electronic or a combination of both)

Regular Meetings

- 5.11.2. Public notice of the Regular Meeting schedule for each month shall be posted on the Municipal Website no later than the first week of the month prior to the commencement of the monthly schedule.
- 5.11.3. Public notice of each regularly scheduled Meeting shall be deemed to be given by making the agenda available for viewing on the Municipal Website by 12:00 Noon on the Monday preceding the regularly scheduled Meeting.

Special Meetings

- 5.11.4. Notice of amendment to the Schedule of Regular Meetings shall be posted on the Municipal Website at least one week prior to the amended Meeting date where practicable to do so.
- 5.11.5. Notice of Special Meetings shall be posted at the Municipal Office, on the Municipal Website not less than twenty-four (24) hours before the time appointed for the Special Meeting

Emergency Special Meetings

- 5.11.6. Where an Emergency Special Meeting of Council is held in accordance with Section 5.5., notice of the Emergency Special Meeting shall be posted at the Municipal Office and on the Municipal Website as soon as practicable following the Meeting and shall indicate the nature of the business considered at the Emergency Special Meeting.

5.12. Adjournment – Due Hour

- 5.12.1. Except as provided in Section 11.29., a Regular or Special Meeting of Council shall adjourn at the hour of 11:00p.m., in in session at that time, and shall reconvene at such other day and time as Council, by resolution, may direct.
- 5.12.2. Except as provided in Section 11.30., a Committee of the Whole shall adjourn at the hour of 8:00p.m., in in session at that time, and shall reconvene at such other day and time as Council, by resolution, may direct.

5.13. Cancellation of Meeting

- 5.13.1. The Mayor or the Deputy Mayor, in the Mayor's absence, or the Clerk, in the absence of both the Mayor and Deputy Mayor, may cancel any Meeting of Council if they are of the opinion that weather conditions or an emergency warrant. The Clerk shall inform as many Members as he/she is able to reach, the media and any persons that are scheduled to be in attendance.
- 5.13.2. Postponement of the Meeting shall not be for any longer than the next regularly scheduled Meeting of Council or Committee.

Section 6 – MEETING AGENDAS

6.1. Council Meeting Agenda – 1st monthly meeting

- 6.1.1. The Clerk shall cause to be prepared an electronic Agenda under the following headings for the use of the Members at the first Regular Meeting of Council each month:
 - I. Opening of the Meeting and Reading of Land Acknowledgment
 - II. Declaration of Pecuniary Interest
 - III. Adoption of Draft Minutes of Previous Meeting(s)
 - IV. Review of Items Not Listed on Agenda
 - V. Delegation(s)/Presentation(s)
 - VI. Correspondence
 - VII. Consent Agenda
 - i. Receive for Information
 - ii. Committee Reports
 - iii. Monthly Reports to Council
 - a) Public Works Department
 - b) Water Department

- c) Wastewater Department
- d) Fire Department
- e) Building Department
- f) Recreation Department
- g) Drainage Department
- h) Planning Department
- VIII. Reports to Council
 - i. Clerk
 - ii. CAO/Treasurer
 - iii. Other Staff Reports
- IX. New Business
- X. Unfinished Business
- XI. Announcements
- XII. Proposed By-laws
- XIII. Closed Session
- XIV. Confirm Proceedings
- XV. Adjournment

Council Meeting Agenda – 2nd monthly meeting

6.1.2. The Clerk shall cause to be prepared an electronic Agenda under the following headings for the use of the Members at the second Regular Meeting of Council each month:

- I. Opening of the Meeting
- II. Declaration of Pecuniary Interest
- III. Adoption of Draft Minutes of previous Meeting(s)
- IV. Review of Items not listed on Agenda
- V. Delegation(s)/Presentation(s)
- VI. Correspondence
- VII. Consent Agenda
 - i. Correspondence
- VIII. Reports to Council
 - i. Clerk
 - ii. CAO/Treasurer
 - iii. Other Staff Reports
- IX. New Business
- X. Unfinished Business
- XI. Announcements
- XII. Proposed By-laws
- XIII. Closed Session
- XIV. Confirm Proceedings
- XV. Adjournment

6.1.3. The agenda shall be placed on the Municipal Website no later than 12:00 Noon on the Monday preceding the commencement of the Regular Council Meeting in question.

6.1.4. The business of Council shall be considered in the order as it appears on the agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

6.2. Public Meeting Agenda

6.2.1. The Clerk shall cause to be prepared an electronic agenda under the following headings for the use of the Members at a Public Meeting

including for planning meetings, Committee of Adjustment meetings and Court of Revision meetings:

- I. Opening of the Meeting
 - II. Disclosures of Pecuniary Interest
 - III. Chairman's Remarks on the Purpose of the Meeting
 - IV. Staff and/or Consultant Remarks
 - V. Correspondence/Comments
 - VI. Public Participation
 - VII. Adjournment
- 6.2.2. The agenda shall be placed on the Municipal Website no later than 12:00 Noon on the Monday preceding the commencement of the Public Meeting in question.
- 6.2.3. The business of Council/Committee shall be considered in the order as it appears on the agenda, unless otherwise decided by a vote of the majority of the Members present and voting.
- 6.3. **Committee of the Whole**
- 6.3.1. The Clerk shall cause to be prepared an electronic agenda under the following headings for the use of the Members at a public meeting:
- I. Opening of Meeting
 - II. Disclosures of Pecuniary Interest
 - III. Items for discussion
 - IV. Adjournment
- 6.4. **Meeting Minutes**
- 6.4.1. The Clerk shall cause the Minutes to be taken of each Meeting of Council whether it is closed to the public or not. These minutes shall include:
- a) The place, date and time of the Meeting;
 - b) The name of the Presiding Member or Members and the record of attendance of the Members;
 - c) Should a Member enter after the commencement of the Meeting or leave prior to adjournment, the time shall be noted;
 - d) Declarations of pecuniary interest;
 - e) The reading, if requested, correction and confirmation of the minutes prior to the Meeting;
 - f) All resolutions, decisions of the Meeting without note or comment.
- 6.4.2. The Minutes of each Meeting shall be presented to Council for confirmation at the next Regular Meeting of the subject Meeting type.
- 6.4.3. Where the Minutes have been delivered to the Members in advance of the Meeting, the Minutes shall not be read, and approval of the minutes shall be noted in the minutes of the meeting.
- 6.4.4. Following approval of the Minutes, the Minutes shall be signed by the Mayor and the Clerk.
- 6.4.5. The Clerk shall ensure that the Minutes of the last Regular and Special Meetings of Council are posted on the Municipal Website and prepared in accordance with Section 6.4. of this Procedural By-law.

Section 7 – ORDER OF PROCEEDINGS - COUNCIL

- 7.1. **Call to Order**
- 7.1.1. As soon as a Quorum is present after the hour set for the holding of the Meeting, the Mayor shall take the Chair and call the Members present to order.
- 7.1.2. If the Mayor does not attend a Meeting within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Deputy Mayor shall preside over the Meeting and shall exercise all duties and responsibilities of the Mayor as outlined in this Procedural By-law until

the Mayor is present at the Meeting and able to perform his responsibility to assume the chair.

- 7.1.3. If the Deputy Mayor is also not present within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Clerk shall call the Meeting to order, and the Members present shall appoint a Presiding Member who shall act as Chair of the Meeting until the arrival of the Mayor or Deputy Mayor, whoever is the first to arrive and is able to assume the chair.

7.2. **Disclosures of Pecuniary Interest**

- 7.2.1. As required by the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, at the commencement of a Meeting, or prior to considering a Motion under New Business or at the first Meeting attended thereafter, a Member who was absent from any previous Meeting at which such matter was considered, such Member shall disclose any pecuniary interest and state the general nature of such interest and it shall be recorded in the Minutes.
- 7.2.2. A Member shall file with the Clerk a written statement of any interest declared by the Member in accordance with s. 5.1 of the Municipal Conflict of Interest Act, and its general nature, and the Clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure.
- 7.2.3. In the case of items to be discussed in a Closed Session Meeting, the Member declaring a pecuniary interest shall leave the Meeting and shall take no action to participate in, or influence, the vote of the other Members when said item is to be considered by Council.

7.3. **Presentations/Special Events**

- 7.3.1. At the request of a Member of Council or the Municipality's staff, any person, organization, corporation, or appointed official may be permitted to address the Members to inform them of matters of significance to the Municipality provided that the request has been submitted to the Clerk by 12:00 Noon on the Thursday of the week preceding the Meeting.
- 7.3.2. Presentations shall include only the following:
- I. Civic recognition/awards;
 - II. Presentations by Municipal staff or consultants retained by the Municipality;
 - III. Presentations from senior levels of government or other municipal governments.
- 7.3.3. Municipal audio-visual equipment may be used to assist in presentations, provided that permission has been obtained for the use of such equipment from the Clerk at the time the presenter contacts the Clerk to register for the meeting. The presentation material must be provided to the Clerk by 12:00 Noon on the Thursday of the week preceding the Meeting.

7.4. **Announcements**

- 7.4.1. During the announcement portion of the Meeting, Members may announce or comment on community events and activities when recognized by the Chair.

7.5. **Minutes**

- 7.5.1. Minutes of previous Meetings shall be listed under this section of the Council Agenda.
- 7.5.2. Previous Meeting Minutes may be disposed of through a single resolution or, alternatively, any Member may request that one or more recommendations contained in the Minutes be separated and voted on separately.

7.6. **Motions and Notices of Motion**

- 7.6.1. A Member of Council may file a Motion to be placed on the Council Agenda with the Clerk no later than 12:00 Noon on the Thursday of the week preceding the Council Meeting at which it is to be presented for consideration and dealt with.

- 7.6.2. A Member of Council may file a Notice of Motion with the Clerk no later than 12:00 Noon on the Thursday of the week preceding the Council Meeting at which it is to be presented, of which shall be deliberated at the next Regular Meeting of Council.

7.7. Correspondence

- 7.7.1. All correspondence intended to be presented to Council shall be legibly written or printed, shall not contain any impertinent or improper matter or language, shall identify the author(s) by name and municipal address and shall be filed with the Clerk before it is presented to Council.
- 7.7.2. Every item of correspondence shall be delivered to the Clerk no later than 12:00 Noon on the Thursday of the week prior to the Meeting. The Clerk, at this own discretion, is delegated the authority to direct the item of correspondence or a summary thereof to the appropriate Agenda. The Clerk shall ensure that a summary of the content of the correspondence is prepared and included in the Agenda.
- 7.7.3. Notwithstanding Section 7.7.2, and at the discretion of the Clerk, correspondence received after 12:00 Noon on the Thursday preceding the Meeting and being of an urgent nature or directly relevant to a matter on the agenda for the Meeting, may be communicated to Council by way of an Addendum to the agenda including a summary of the content of the correspondence item.
- 7.7.4. Upon presentation of a motion and prior to its approval, any item of correspondence may be the subject of limited discussion.
- 7.7.5. The Clerk is required to verify whether it is the intent of an individual to include their correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Members or staff and constituents or stakeholders will not be included unless the Clerk is satisfied that it was clearly the individual's intent to include his or her correspondence.

7.8. Reports to Council

- 7.8.1. By Council via an Addendum the Reports to Council section of the Council agenda shall include any report that, due to timing, urgency, the important nature of the report and/or expediency, the Clerk has determined should be considered.

7.9. By-laws

- 7.9.1. No by-law, except a by-law to confirm the proceedings of Council, a by-law granting authority to borrow under the authority of the Municipal Act, or any by-law arising as the result of an order or decision of any quasi-judicial body, shall be presented to Council unless the subject matter thereof has been considered by Council and has been approved by Council. The Clerk shall prepare and include in the Council agenda a summary of all By-laws, specifying the title of each by-law.
- 7.9.2. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks, except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the number and date affixed.
- 7.9.3. Every by-law that is reported with or without amendment shall be given a first, second and third reading on the affirmative vote of the majority of the Members present and voting.
- 7.9.4. The Clerk shall endorse on all by-laws enacted by Council, and the date of enactment.
- 7.9.5. Every by-law which has been enacted by Council shall be numbered and dated, and shall be signed by the Mayor, or his designate, and the Clerk, sealed with the seal of the Municipality and, thereafter, shall be retained under the control of the Clerk.

7.10. Unfinished Business

- 7.10.1. Any matters presented, considered, referred or tabled or any delegation not otherwise disposed of through the consideration of an Agenda matter, shall be disposed of during this portion of the Meeting.

7.11. **By-law to Confirm the Proceedings of Council**

- 7.11.1. At the conclusion of all Regular and Special Meetings of Council and prior to Adjournment, a Confirming By-law shall be brought forward to confirm the actions of the Council at that Meeting in respect of each Motion, Resolution and other action taken and a Confirming By-law, when introduced, shall be taken as having been read and shall be voted on without debate.

Section 8 – ORDER OF PROCEEDINGS – PUBLIC MEETINGS

8.1. **Public Meetings**

- 8.1.1. Public Meetings shall be conducted in the follow manner:
 - I. The Chair shall state the purpose of the Public Meeting and shall explain to those present how the Public Meeting shall be conducted;
 - II. A member of the Municipal staff and/or Municipal Consultant shall then address the Council to present the matter to Council;
 - III. If applicable, the applicant or agent who is present shall then make representation regarding the matter;
 - IV. Members of the Committee shall be given the opportunity to ask questions or seek clarification regarding the matter; and
 - V. Members of the public shall then be permitted to make representation regarding the matter.

Section 9 - DELEGATIONS

9.1. **Delegations**

- 9.1.1. There shall be no more than two (2) delegations, in total, scheduled for any Regular Meeting of Council or Committee unless the Head of Council or Chair approves additional delegations no later than forty-eight (48) hours prior to the Regular Meeting.
- 9.1.2. Persons desiring to verbally present information on matters of fact or to make a request to Council or Committee shall give notice, including specific details regarding the subject of their address to the satisfaction of the Clerk no later than 12:00 Noon on the Thursday of the week prior to the Meeting.
- 9.1.3. Notwithstanding Section 9.1.2, Council may, at their sole discretion, entertain delegations with less notice as the circumstance may warrant with a two-thirds (2/3) majority.
- 9.1.4. Notwithstanding Section 9.1.3, a person wishing to present information is not required to give written notice nor be listed on the agenda with respect to a matter before Council for which the public has been given notice of the Public Meeting under the *Planning Act*, any other Act or according to municipal policy, as required.
- 9.1.5. Delegations shall be permitted to speak on a matter only once within a six (6) month period and shall be limited to speak for no more than ten (10) minutes and be so advised in advance of their delegations. An extension to speak may be decided, without debate, by a majority of Members present. Where a delegation consists of a group of three or more persons, the group may address the Council for no more than fifteen (15) minutes. Where a Delegation has not provided the Clerk with supporting documentation in advance but wishes to provide Members with written communication supporting the Delegation's comments at the time of the presentation, the documentation shall be provided to the Clerk and may be distributed to the Members at the discretion of the Clerk.
- 9.1.6. Municipal audio-visual equipment may be used to assist in presentations, provided that permission has been obtained for the use of such equipment from the Clerk at the time the presenter(s) contacts the Clerk's Department to register for the meeting. The presentation material must be provided to the Clerk by 12:00 Noon on the Thursday of the week prior to the scheduled day of the Meeting.
- 9.1.7. No Delegation shall:

- I. Speak disrespectfully of any person;
 - II. Use improper language or un-parliamentary language;
 - III. Speak on any subject other than the subject for which they have received approval to address Council; or
 - IV. Disobey the Rules of Procedure or a decision of the Chair of Council.
- 9.1.8. Members of Council shall be permitted to ask questions of delegates only to clarify their submissions or to elicit further information from them that is relevant to their submission, but shall not enter into debate with any representative of any such delegation. With the permission of the Chair, the CAO or Clerk may ask questions of any delegations. All questions to delegations shall be addressed through the Chair.
- 9.1.9. Council may refuse to hear a delegation when, in the opinion of Council the subject of the presentation is beyond the jurisdiction of the Municipality.
- 9.1.10. No delegations shall be permitted to closed agenda items.
- 9.2. **Petitions**
- 9.2.1. Every petition intended to be presented to Council, shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person, with their mailing address and telephone number, and filed with the Clerk.
- 9.2.2. Personal information will be redacted from the information published in the agenda.
- 9.2.3. Every petition shall be delivered to the Clerk not later than 12:00 Noon on the Thursday of the week prior to the Meeting before the commencement of the Meeting of Council.
- 9.2.4. The Clerk shall have the authority to determine whether a petition contains any impertinent or improper matter or language, and whether it is within the purview and jurisdiction of Council to receive and be included in the agenda.

Section 10 – RULES OF DEBATE AND CONDUCT

10.1. Conduct of Members of Council

- 10.1.1. No Member shall:
- I. Speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
 - II. Use offensive words or un-parliamentary language or speak disrespectfully against Council, against any Member or against any officer or employee of the Municipality of Dutton Dunwich;
 - III. Speak on any subject other than the subject being debated;
 - IV. Disobey the Rules of Procedure or a decision of the Chair, whoever is in the chair for the Meeting or a portion of the Meeting, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by the Council pursuant to Section 9.6 if a Member persists in any such disobedience after having been called to order, the Chair shall forthwith order that Member to vacate the Council Chambers or room in which the Meeting is being held, but if the Member apologizes, he may, by majority vote of the Members, be permitted to retake his seat;
 - V. Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability; or
 - VI. Where a matter has been discussed in a closed Meeting, and where the matter remains confidential, disclose the content of

the matter or the substance of the deliberations of the closed Meeting to any person.

10.2. Address the Chair

- 10.2.1. Any Member desiring to speak shall signify their desire to speak in such a manner as the Chair may direct, and upon being recognized by the Chair, shall address the Chair, only.

10.3. Order of Speaking

- 10.3.1. When two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.

10.4. Point of Privilege

- 10.4.1. Where a Member considers that his integrity, the integrity of the Council as a whole, or the integrity of staff has been impugned, the Member may, on a Point of Privilege, rise with the consent of the Chair for the purpose of drawing the attention of Council to the matter.

- 10.4.2. The Mayor or Chair shall:

- I. Interrupt the matter under consideration;
- II. Ask the member raising the Point of Privilege to state the substance of and ask the basis for the Point of Privilege; and
- III. Rule on the Point of Privilege immediately without debate by Council or committee.

- 10.4.3. When a Member is permitted to raise a Point of Privilege, it shall take precedence over other matters, but the Member shall not be permitted to enter into any argument or introduce any Motion related to the Point of Privilege.

- 10.4.4. When the Chair considers that the integrity of the administrator or a member of municipal staff has been impugned or questioned, the Chair may permit the administrator or staff to make a statement to Council.

10.5. Point of Order

- 10.5.1. When a Member desires to call attention to a violation of the Rules of Procedure, the Chair shall:

- I. Interrupt the matter under consideration;
- II. Ask the Member raising the Point of Order to state the substance of and the basis for the Point of Order; and
- III. Rule on the Point of Order immediately without debate by Council or Committee.

10.6. Appeal of Ruling of Chair

- 10.6.1. A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or Chair shall be final.

- 10.6.2. If the decision is appealed, the Chair will give concise reasons for their ruling and will call a vote by Council, without debate on the following question: "Will the ruling be sustained?", and the decision of Council is final. The Chair may vote on this question, In the event of a tie of votes, the ruling of the Chair shall be deemed to be sustained.

10.7. Members Speaking

- 10.7.1. When a Member is speaking, no other Member shall pass between the Member and the Chair or interrupt the Member except to raise a Point of Order.

10.8. Question Read

- 10.8.1. Any Member may require the question or motion under discussion to be read at any time during the debate but no so as to interrupt a Member while speaking.

- 10.8.2. No Member shall speak more than once to the same question without leave of Council except that a reply shall be allowed to be made only by a Member who has presented the motion, but not by any Member

who has moved an amendment or procedural motion in response to that motion.

10.9. Time Limited

- 10.9.1. No Member, without leave of Council shall speak to the same question or in reply for longer than five (5) minutes.

10.10. Questions

- 10.10.1. A Member may ask a question for the purposes of obtaining information relating only to the matter under discussion and such questions must be stated concisely and asked only through the Chair.
- 10.10.2. Notwithstanding Section 10.3.1 when a Member has been recognized as the next speaker, then immediately before speaking, such Member may ask a question through the Chair to any Member, the Administrator Staff, concerning any matter connected with the business of the Municipality currently under discussion but only for the purpose of obtaining information, following which the member may speak.

Section 11 – MOTIONS

Reading

- 11.1. All Motions must be introduced by a mover and a seconder before the Chair may put the question or Motion on the floor for consideration. If no Member seconds the Motion, the Motion shall not be on the floor for consideration and therefore shall not be recorded in the minutes.
- 11.2. When a motion is presented in a Meeting, it shall be read in its entirety before debate.
- 11.3. Notwithstanding Section 11.1, if a Motion is printed in the Agenda as either a separate item or as part of a Report, it need not be read in its entirety unless requested to do so by a Member but shall be deemed as read for the purposes of introducing the Motion.

Withdrawn

- 11.4. After a Motion is properly moved and seconded, it shall be deemed to be in possession of Council or the Committee but may be withdrawn by the mover at any time before decision or amendment.

No debate until properly moved and seconded

- 11.5. No Member shall speak to any Motion until it is properly moved and seconded, and the mover is entitled to speak first if the Member so elects. If debated, the question or motion may be read before being put.

Motion ruled out of order

- 11.6. Whenever the Chair is of the opinion that a Motion is contrary to these Rules of Procedure, the Chair shall rule the Motion out of order.

Not within jurisdiction of Council

- 11.7. A Motion in respect of a matter which requires the exercise of a legislative power by Council which is not within its jurisdiction shall not be in order at a Meeting of Council.

Motions without notice and without leave

- 11.8. The following matters and Motions may be introduced orally by a Member without written notice and without leave, except as otherwise provided by this Procedural By-law, and shall be decided without debate:
- I. A Point of Order or Point of Privilege;
 - II. To adjourn;
 - III. To table the question without directions or instructions;
 - IV. To suspend the Rules of Procedure;
 - V. To lift from the table;
 - VI. To divide the question;
 - VII. To refer (without instructions);
 - VIII. Question be now put; and

- IX. To recess.
- 11.9. The following Motions may be introduced orally by a Member without notice and without leave, except as otherwise provided by this Procedural By-law, and may be debated:
 - I. To refer with direction (direction for referral only to be debatable);
 - II. To table with instructions (instructions for tabling only to be debatable);
 - III. To amend; and
 - IV. To rescind.

Priority of disposition

- 11.10. A Motion properly before Council for decision must be disposed of before any other Motion can be received except a Motion in respect of matters listed in Sections 11.8 and 11.9.

Motion to amend

- 11.11. A Motion to amend:
 - I. Shall be presented in writing if requested by the Chair;
 - II. Shall relate to the subject matter of the main Motion;
 - III. Shall not be received proposing a direct negative to the question; and
 - IV. Shall be put to a vote in reverse order to the order in which the amendments are made.
- 11.12. Only one motion to amend an amendment to the original Motion shall be allowed and any further amendment must be to the original Motion.

Question be now put

- 11.13. A Motion that the question be now put:
 - I. Is not debatable cannot be amended;
 - II. Cannot be proposed when there is an amending Motion under consideration, except for the purpose of moving that the amending Motion be put;
 - III. When resolved in the affirmative, requires that the question, Motion, amending Motion or Motion as amended, whichever is under consideration be put forward immediately without debate or amendment;
 - IV. Can only be moved in the following words, "that the question be now put", and
 - V. Requires an affirmative vote of two-thirds (2/3) of the Member present and voting.

Motion to refer or defer/postpone

- 11.14. A Motion to refer or to refer back or to defer or to postpone the question may include instructions respecting the terms upon which the question is to be referred or deferred or postponed.
- 11.15. A Motion to refer or to refer back or to defer or to postpone the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debateable.
- 11.16. A Motion to refer or to refer back or to defer or to postpone the question may not be amended except where instructions are included, in which case, only the instructions may be amended in accordance with the provisions in Section 11.15.

Motion to table

- 11.17. A Motion simply to table is not debatable except where instruction are included, in which case, only the instructions shall be debatable. Such Motion cannot be amended.
- 11.18. A Motion to table with some condition, opinion, or qualification added to the Motion shall be deemed to be a Motion to defer or postpone made under Section 11.14, Section 11.15 and Section 11.16.

11.19. The matter tabled shall not be considered again by Council until a Motion has been made to lift from the table the tabled matter at the same or subsequent Meeting.

11.20. A Motion to lift a tabled matter from the table is not subject to debate or amendment.

Motion to divide

11.21. A Motion containing distinct proposals may be divided and a separate vote shall be taken upon each proposal contained in a motion if decided upon by a majority vote of the Members present and voting.

Motion to rescind

11.22. A Motion to rescind a previous action of Council requires a majority vote of the Members present and voting provided that notice has been given at the previous Meeting or in the Agenda for the Meeting, and in the case the aforesaid notice has not been given, the Motion to rescind requires a two-thirds (2/3) vote of the Members present and voting.

11.23. A Motion to rescind is not in order when action has been taken on the order of Council of which it is impossible to revise. The part of an order of Council which has not been acted upon, however, may be rescinded.

Reconsideration

11.24. A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:

- I. Only a Member who voted thereon with the majority may make a Motion to Reconsider;
- II. Such motion must be supported by two-thirds (2/3) of the Members present and voting in favour of such reconsideration before the matter is re-opened for debate;
- III. Debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
- IV. If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on; and
- V. A vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.

Motion to recess

11.25. A motion to recess shall provide for Council to take a short intermission within a Meeting which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were when interrupted.

11.26. A motion to recess is not debatable, but it is amendable as to the length of the recess and is not in order when another motion is on the floor.

Motion to adjourn

11.27. A motion to adjourn is not debatable or amendable and shall always be in order except:

- I. When another Member is in possession of the floor;
- II. When a vote has been called;
- III. When the Members are voting; or
- IV. When a Member has indicated to the Chair his desire to speak on the matter before Council.

11.28. A motion to adjourn, if carried, without qualification, will bring a Meeting or session of the Council to an end.

11.29. A motion to proceed beyond the hour of 11:00 p.m.:

- I. Shall not be amended or debated;
- II. Shall always be in order except when a Member is speaking, or the Members are voting; and

- III. Shall require the support of two-thirds (2/3) of the Members present and voting.
- 11.30. A motion to proceed the Committee of the Whole meeting beyond the hour of 8:00 p.m.:
 - I. Shall not be amended or debated;
 - II. Shall always be in order except when a Member is speaking, or the Members are voting; and
 - III. Shall require the support of two-thirds (2/3) of the Members present and voting.
 - IV. Only one Motion to extend the automatic adjournment beyond 8:00pm shall be permitted per meeting, and the maximum allowable extension shall be to 9:00pm.

Section 12 – VOTING ON MOTIONS

- 12.1. Immediately preceding the taking of a vote on a Motion, the Chair may state the question in the form introduced and shall do so if required by a Member.
- 12.2. After a question is finally put by the Chair, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- 12.3. Every Member present at the Meeting, when the question is put, shall vote thereon unless disqualified under the Municipal Conflict of Interest Act to vote on the question.
- 12.4. Except where the Member is disqualified under the Municipal Conflict of Interest Act from voting, if a Member does not vote when a question is put, that Member shall be deemed to have voted in the negative.
- 12.5. A Member not in his seat when the question is called by the Chair is not entitled to vote on that question.
- 12.6. Each Member has only one vote.
- 12.7. The Chair shall announce the result of every vote.

Unrecorded vote

- 12.8. The manner of determining the decision of the Council on a Motion shall be at the direction of the Chair and may be by voice, show of hands, standing or otherwise.

Recorded vote

- 12.9. Immediately preceding or after the taking of a vote on a Motion, a Recorded Vote may be requested by a Member at which time each Member present, except a Member who is disqualified from voting by any Act, shall announce his vote openly and the Clerk shall record his name and his vote on the question.
- 12.10. The order in which Members, present and voting, vote on Recorded Votes shall be:
 - I. Ward Councillors (in ascending numerical order);
 - II. Deputy Mayor; and
 - III. Mayor
- 12.11. If, during the Recorded Vote, any Member present and eligible to vote refuses to vote, the Member shall be deemed and recorded as voting against the question.

Section 13 – CONDUCT OF THE AUDIENCE

- 13.1. Members of the public who constitute the audience in the Council Chambers, or other such place where a Meeting is held in accordance with Section 4 of this Procedural By-law, during a Meeting shall respect the decorum of Council, maintain order and quiet and may not:
 - I. Address Council without permission;
 - II. Interrupt any speaker or action of the Members or any person addressing Council;
 - III. Speak out;

- IV. Applaud;
 - V. Behave in a disorderly manner; or
 - VI. Make any noise or sound that proves disruptive to the conduct of the Meeting.
- 13.2. Placards, signs, posters, etc. or any advertising devices shall not be permitted in the Council Chambers, or any other location in which Council may conduct their business.
- 13.3. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers or any other location in which Council may conduct their business if their behaviour is deemed to be disruptive to the business at hand.

Section 14 – ELECTRONIC PARTICIPATION

- 14.1. The following rules and regulations shall apply with respect to electronic participation in a Meeting of Council:
- a) A Member who is unable to attend a Meeting of Council in person may participate in that Meeting by electronic or other communication facilities enable all participating Members, whether attending in person or through electronic participation, to hear and be heard by all other Members.
 - b) Except for all or any part of the Meeting of Council that is closed to the public, the electronic or other facilities are capable of and enable the public to hear, or watch and hear, all Members participating in the Meeting.
 - c) A Member who intends to participate in any such Meeting of Council by electronic or other communication facilities shall give reasonable notice to the Clerk. In all such circumstances, the Clerk will, as soon as reasonably possible, provide the Member intending to attend by electronic participation with instructions on how to connect to and participate in that Meeting by electronic or other communication facilities.
 - d) There shall be no limit upon the number of Members who may attend a Meeting of Council by electronic or other communication facilities.
 - e) The Mayor (or designate), as Chair, shall lead the Meeting and be present from a designated meeting location supported by the CAO (or designate), where possible.
 - f) Each Member attending the Meeting by electronic or other communication facilities shall notify the Chair and other Members when they join the Meeting and, if and when applicable, upon leaving the Meeting.
 - g) Any Member attending and present during a Meeting by electronic or other communication facilities shall be counted for purposes of quorum at the commencement of an at any point in time during the Meeting.
 - h) Any Member attending and present during a Meeting by electronic or other communication facilities may participate in all aspects of the Meeting as if present in person, including but not limited to debate, questioning, presentation or motion, and/or voting.
 - i) During the course of a Meeting within which any Member is participating by electronic or other communication facilities, the Chair (or designate) shall announce each agenda item on the floor of the Meeting and shall thereafter maintain an orderly meeting process, including keeping Members fully informed.
 - j) Any Member attending and present during a Meeting by electronic or other communication facilities may vote on any matter being considered in such Meeting and that vote shall be counted and, as set forth below, duly recorded.
 - k) During the course of each vote conducted within such Meeting
 - i. All votes shall be recorded vote by the Clerk, as directed by the Chair, unless Council decides otherwise.

- ii. The Clerk shall call the name of each Member to vote and shall thereafter record such indicated vote of that Member as “yes” or “no”.
 - iii. If the Member, whether present in person or electronically and after two attempts, fails to respond to the call of his or her name, then the vote is recorded as “no”, unless directed otherwise by the Chair.
 - iv. The Clerk shall announce the results of the vote to the Chair and Council.
- l) During the course of the Meeting:
- i. Each Member shall remain silent and attentive to the proceeding when not assigned to the floor by the Chair.
 - ii. Each Member shall listen for their name to be assigned to the floor to speak or to vote.
 - iii. All Members shall take and abide by the directions of the Chair in order to facilitate an effective, efficient, and orderly Meeting.

Section 15 – Administrative Authority of Clerk

- 15.1. The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of proceedings.
- 15.2. Significant changes to by-laws, minutes, and other Council and Committee documentation including change in meaning, shall be presented to Council or the involved Committee for approval and adoption.

Section 16 - ADMINISTRATION

- 16.1. THAT this Procedural By-law shall be administered by the Clerk.
- 16.2. THAT in cases where the Rules of Procedure contained in this Procedural By-law conflict with the Municipal Act, the Municipal Act shall prevail.
- 16.3. THAT this Procedural By-law shall prevail to the extent of a conflict with any other by-law pertaining to procedure and rules of Meetings.
- 16.4. THAT this Procedural By-law shall come into full force and effect on the 28th day of September, 2023.

READ a first and second time this 28th day of September, 2023.

READ a third time and finally passed this 28th day of September, 2023.

Original Signed by:
Mike Hentz, Mayor

Original Signed by:
Tara Kretschmer, Clerk

Appendix 1
Motions Table

Motion	Debateable	Amendable	Special Majority
Adjourn	No	No	
Point of Privilege	No	No	Chair Rules*
Point of Order	No	No	Chair Rules*
Call a vote on the motion	No	No	
Motion to amend	Yes	Yes	
Defer	No	No	
Refer	Yes	Yes	
Extend Council meeting beyond 11pm	No	No	Two thirds of the Members present
Extend Committee of the Whole meeting beyond 8pm	No	No	Two thirds of the Members present
Reconsideration	Yes	No	Two thirds of entire Members of Council
Appeal the Chair's ruling	No	No	
Suspend the Rules of Procedure	No	No	Two thirds of the entire Members of Council
Extend delegation speaking time beyond the 10 minutes	No	No	

*A point of order/privilege is ruled on by the Mayor/chair. Any member may appeal the Chair's ruling which must then be decided by a majority vote of the Members present without debate.