



Municipality of
Dutton Dunwich

AGENDA – SPECIAL COUNCIL MEETING #1

March 24, 2020

10:00 a.m.

- 1. Opening of the Meeting**
- 2. Procedural By-law #2020-24**
- 3. Adjournment**

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Green indicates hard copy to follow.



Municipality of
Dutton Dunwich

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

By-Law No. 2020-24

**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 Section 238(2) of the Municipal Act, S.O.2001, c.25 as amended, requires every Municipality to pass a Procedural By-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council for the Corporation of the Municipality of Dutton Dunwich now 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, S.O.2001, c.25 as amended, and to repeal all previous By-laws related thereto;

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

Section 1 – DEFINITIONS AND INTERPRETATION

1.1 For the purposes of this By-law; unless stated otherwise or the context requires a different meaning:

- 1.1.1 **“Acting Head of Council”** shall mean 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 and who shall exercise all of the rights, powers and authority of the Head of Council while so acting.
- 1.1.2 **“Ad Hoc Committee”** shall mean 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”** shall mean 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 shall mean 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"** shall mean a committee of Council and includes Standing Committees, or sub-committees of the Standing Committees.
- 1.1.7 **"Committee of Adjustment"** shall mean the group of individuals appointed by the Council of the Municipality of Dutton Dunwich to the Committee of Adjustment pursuant to the provisions of *the Planning Act, R.S.O., 1990, c.P.13, as amended*.
- 1.1.8 **"Council"** shall mean the Council of the Corporation of the Municipality of Dutton Dunwich.
- 1.1.9 **"Councillor"** shall mean a person elected or appointed as a Member of Council but does not include the Mayor.
- 1.1.10 **"Delegation"** shall mean a person or group of persons desiring to verbally present information or to make a request to Council.
- 1.1.11 **"Deputy Mayor"** shall mean 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 By-law or any other by-law or statute.
- 1.1.12 **"Holiday"** shall mean a holiday as defined by the Legislation Act, 2006 S.O. 2006, c. 21, Schedule F as amended or replaced from time to time.
- 1.1.13 **"Local Board"** shall mean a local board as defined in the Municipal Act, S.O.2001, c.25 as amended.
- 1.1.14 **"Mayor"** shall mean the Head of Council for the Municipality.
- 1.1.15 **"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.
- 1.1.16 **"Member"** shall mean a Member of the Council of the Corporation of the Municipality of Dutton Dunwich who vacates their seat.
- 1.1.17 **"Member Vacancy"** shall mean a Member of the Council of the Corporation of the Municipality of Dutton Dunwich who vacates their seat on Council either permanently or temporarily as outlined in Section 3.5.
- 1.1.18 **"Minutes"** shall mean 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.
- 1.1.19 **"Motion"** shall mean a question or proposal to be considered by Council and which is moved and seconded and is subject to debate. When a Motion is adopted, it becomes a Resolution.
- 1.1.20 **"Municipal Act"** shall mean the *Municipal Act, 2001, (S.O.2001, c. 25)*, as amended or replaced from time to time.
- 1.1.21 **"Municipality"** shall mean the Corporation of the Municipality of Dutton Dunwich.
- 1.1.22 **"Newspaper"** shall mean 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.

- 1.1.23 **"Pecuniary Interest"** shall mean a direct or indirect Pecuniary Interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50*, as may be amended.
- 1.1.24 **"Planning Act"** shall mean the *Planning Act, R.S.O. 1990, c.P. 13*, as amended.
- 1.1.25 **"Point of Order"** shall mean 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.
- 1.1.26 **"Point of Privilege"** shall mean 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.
- 1.1.27 **"Pregnancy and Parental Leave"** for the purposes of this By-Law means the period of time the Member of Council will not attend meetings of Council or 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.
- 1.1.28 **"Presiding Member"** shall mean the Mayor or Acting Mayor, Chair or other member of council designated to preside at meetings.
- 1.1.29 **"Quorum"** shall be as defined in Section 4.9 herein.
- 1.1.30 **"Recorded Vote"** shall mean 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"** shall mean a formal expression of opinion or intention by Council.
- 1.1.32 **"Rules of Procedure"** shall mean the rules and requirements contained within this Procedural By-law.
- 1.1.33 **"Vice Chair"** shall mean 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"** shall mean 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 procedural rules and requirements of this by-law shall be observed in all Meetings and shall be the rules and requirements which govern the order of their business.

2.2 Suspension of Rules and Procedures

- 2.2.1 Notwithstanding Section 2.1.1 of this Procedural By-law, the rules referenced in this Section 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 content;
- 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 By-law, the issue shall be decided by the Mayor, Deputy Mayor or Chair, subject to an appeal to the Council.
- 2.3.2 All points of order or procedure not provided for in these Rules of Procedure shall be decided in accordance with the rules of procedure known as Robert's Rules of Order.

2.4 Video Equipment, Recording Devices and Cellular Telephones

- 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 Cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature shall be turned off immediately if requested by a member of the audience wishing to speak to Council.
- 2.4.3 All communication devices shall be switched to 'silent' or 'vibrate' upon entering the location where any Council Meeting is being held.

Section 3 - DUTIES OF COUNCIL

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 the 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 Municipal 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 suspend the sitting for a time to be named.

- 3.1.2 By virtue of his 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 Municipal Clerk that he will be absent from the Municipality, or of his absence through illness, or his office is vacant, or he refuses to act, then the Deputy Mayor shall act in his 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 deliberate on the business submitted to Council;
 - b) to vote when a motion is put to a vote, except where otherwise disqualified from doing so by law;
 - c) to represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things
 - d) to Chair the portion a Meeting for which he is the appointed Chair and assume the duties of the Mayor as detailed in Section 3.1.1; and
 - e) to apply and respect the Rules of Procedure.
- 3.4.2 Council Members shall adhere to the Municipality's Code of Conduct Policy (WE17-2014) as adopted by Council and as amended from time to time.

3.5 Member Vacancy

3.5.1 Vacancy of Seat of Member of Council

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.

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.

An Alternate Member, so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.

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.

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

The provisions of this sub-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.

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.

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.

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.

Member on pregnancy or paternity leave is exempt from attending meetings of Council and any other Committee to which the Member has been appointed.

Members shall still receive all Council Agenda packages.

Any Member on pregnancy or paternity leave shall participate in events, conferences, committee meetings, constituent meetings or respond to communications at the level they determine, utilizing an out of office email feature to identify they are on leave, the level of service offered and an alternate contact if required.

Members of Council on pregnancy or paternity leave shall continue to receive all remuneration afforded to regular Members of Council.

Members of Council on pregnancy or paternity 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 - MEETINGS

4.1 Place of Meeting

4.1.1 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.

4.2 Inaugural Meeting

4.2.1 The Inaugural Meeting of the Council shall be held on the first Wednesday in December, in a year in which a municipal election is held, at a time determined by the Head of Council-Elect and the Clerk.

4.2.2 The Clerk shall be responsible for the location, content and format of the Agenda for the Inaugural Meeting and all arrangements related thereto.

4.3 Regular Meetings

4.3.1 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.

4.3.2 Where a change is made to the day and time of a Meeting of Council, the Clerk shall notify the Mayor, give notice of the change to all Members in the manner set forth in Section 4.4.3 and provide notice to the Public by posting notice on the Municipal website and at the Municipal Office.

4.4 Special Meetings

4.4.1 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.

4.4.2 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.

4.4.3 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.

4.4.4 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.

4.4.5 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.

4.4.6 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.

4.5 Emergency Meeting

4.5.1 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.

- a) In this case, the consent of two-thirds (2/3) of the Members to hold such a Meeting without advance notice is necessary and such consent, if any, shall be recorded in the minutes by the Clerk.

4.5.2 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.

4.6 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

4.6.1 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.

4.6.2 If Council is required by law 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.

4.7 Meetings Open to Public

4.7.1 Subject to Section 4.8 of this Procedural By-law, Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.

4.7.2 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.

4.8 Closed Meetings

4.8.1 Except as otherwise provided herein, all Meetings shall be open to the public.

4.8.2 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) education and training of the members of the council, local board or committee (as long as no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making).
- i) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them;
- j) a trade secret or scientific, technical, commercial, financial or

labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or the organization;

- k) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- l) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Council **must** consider the following topic in a closed meeting:

- a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

4.8.1 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.

4.8.2 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.

4.8.3 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, Section 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 or persons retained by or under a contract with the Municipality, and Council deems that it is in the best interests of the Municipality to do so.

4.8.4 Notwithstanding Section 4.8.5, 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.

4.8.5 The Motion to rise from "In Camera" shall include the time that Council arose.

4.8.6 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.

4.8.7 Members shall ensure that confidential matters disclosed to them during closed Meetings are kept confidential. Any breach of confidential matters disclosed during closed Meetings shall be subject to the sanctions contained in the Council Code of Conduct.

4.9 Quorum

4.9.1 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.

4.9.2 A quorum of an Ad Hoc Committee shall be a majority of the Members of the Ad Hoc Committee.

4.9.3 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.

4.10 Education and/or Training Sessions

- 4.10.1 An Education and/or Training Session of Council shall not be deemed to be a Meeting of Council and shall not be subject to the rules and regulations applicable to Meetings contained in this By-law.
- 4.10.2 The Council may decide at a Meeting open to the public to convene an informal gathering of its Members to receive and discuss information or advice of a general nature involving subject matters of interest to the Members, at a time and place designated at that time by the Council.
- 4.10.3 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.
- 4.10.4 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.
- 4.10.5 All Members of Council are entitled to attend at the session, together with the designated staff or consultants retained by the Municipality, but the Council, in deciding to convene the session, may decide to exclude the public therefrom.
- 4.10.6 No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education and/or Training Session.
- 4.10.7 The Clerk shall take notes describing, in general terms, each subject matter dealt with during the session and upon conclusion thereof, the notes shall be maintained as a public record under the control of the Clerk which records shall not be subject to Section 6(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act*, as amended.

4.11 Public Notice of Meeting

Regular Meetings

- 4.11.1 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.
- 4.11.2 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

- 4.11.3 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.
- 4.11.4 Notice of Special Meetings shall be posted at the Municipal Office, on the Municipal Website and the Press shall be notified by e-mail not less than twenty-four (24) hours before the time appointed for the Special Meeting.

Emergency Special Meetings

- 4.11.5 Where an Emergency Special Meeting of Council is held in accordance with Section 4.5, notice of the Emergency Special Meeting shall be

posted at the Municipal Office and on the Municipal Website, and shall be communicated electronically to the Press as soon as practicable following the Meeting and shall indicate the nature of the business considered at the Emergency Special Meeting.

4.12 Adjournment - Due Hour

4.12.1 Except as provided in Section 10.30, a Regular or Special Meeting of Council shall adjourn at the hour of 11:00 p.m., if in session at that time, and shall reconvene at such other day and time as Council, by resolution, may direct.

4.13 Cancellation of Meeting

4.13.1 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 is able to reach, the media and any persons that are scheduled to be in attendance.

4.13.2 Postponement of the Meeting shall not be for any longer than the next regularly scheduled Meeting of Council or Committee.

Section 5 - AGENDAS AND MINUTES

5.1 Council Meeting Agenda – 1st monthly meeting

5.1.1 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
- II. Declaration of Pecuniary Interest
- III. Adoption of Draft Minutes of previous Meeting(s)
- IV. Review of Items Not Listed on Agenda
- V. Monthly Reports to Council
 - i) Public Works
 - ii) Utility Dept
 - iii) Wastewater Dept
 - iv) Fire Dept
 - v) Building Dept
 - vi) Drainage Dept
 - vii) Planning Dept
- VI. Delegation(s)
- VII. Correspondence
- VIII. Consent Agenda
 - i) Receive for Information
 - ii) Building/Demolition/Sewer Permits
 - iii) Committee Reports
- IX. Reports to Council
 - i) Clerk
 - ii) Treasurer
 - iii) Executive Assistant
 - iv) MEU Report
- X. Closed Session
- XI. Rise and Report
- XII. Proposed By-laws
- XIII. New Business
- XIV. Unfinished Business
- XV. Announcements
- XVI. Dates for Future Meetings
- XVII. Adjournment

Council Meeting Agenda – 2nd monthly meeting

5.1.2 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)
- VI. Correspondence
- VII. Consent Agenda
 - i. Correspondence
 - Receive for Information
- VIII. Reports to Council
 - i. Clerk
 - ii. Treasurer
 - iii. Executive Assistant
- IX. Closed Session
- X. Rise and Report
- XI. Proposed By-laws
- XII. New Business
- XIII. Unfinished Business
- XIV. Announcements
- XV. Dates for Future Meetings
- XVI. Adjournment

5.1.3 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.

5.1.4 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.

5.2 Statutory Planning Meeting Agenda

5.2.1 The Clerk shall cause to be prepared an electronic Agenda under the following headings for the use of the Members at a Statutory Planning Meeting:

- I. Opening of the Meeting
- II. Declaration of Pecuniary Interest
- III. Chairman's Remarks on the Purpose of the Meeting
- IV. Planner's Remarks/Report on the Purpose and Effect of the Proposed Amendment
- V. Correspondence
- VI. Public Participation
- VII. Adjournment

5.2.2 The Agenda shall be placed on the Municipal Website no later than 12:00 Noon on the Monday preceding the commencement of the Statutory Planning Meeting in question.

5.2.3 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.

5.3 Committee of Adjustment Meeting Agenda

5.3.1 The Clerk shall cause to be prepared an electronic Agenda under the following headings for the use of the Members at a Committee of Adjustment Meeting:

- I. Opening of the Meeting
- II. Disclosures of Pecuniary Interest
- III. Chairman's Remarks on the Purpose of the Meeting
- IV. Planner's Remarks/Report on the Purpose of the Meeting
- V. Correspondence
- VI. Public Participation
- VII. Adjournment

5.3.2 The Agenda shall be placed on the Municipal Website no later than 12:00 Noon on the Monday preceding the commencement of the Committee of Adjustment Meeting in question.

5.3.3 The business of the Committee of Adjustment 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.

5.4 Court of Revision Meeting Agenda

5.4.1 The Clerk shall cause to be prepared an electronic Agenda under the following headings for the use of the Members at a Court of Revision Meeting:

- I. Opening of the Meeting
- II. Chairman's Remarks on the Purpose of the Meeting
- III. Clerk's Remarks Regarding Mailing of Notices and Receipt Of Appeals and Other Correspondence
- IV. Engineer's Remarks on the Purpose of the Meeting
- V. Drainage Superintendent's Remarks
- VI. Appellant's Comments
- VII. Adjournment

5.4.2 The Agenda shall be placed on the Municipal Website no later than 12:00 Noon on the Monday preceding the commencement of the Court of Revision Meeting in question.

5.4.3 The business of the Court of Revision 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.

5.5 Public Meeting Agenda

5.5.1 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 the Meeting
- II. Disclosures of Pecuniary Interest
- III. Chairman's Remarks on the Purpose of the Meeting
- IV. Correspondence
- V. Public Participation
- VI. Adjournment

5.5.2 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.

5.5.3 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.

5.6 Meeting Minutes

5.6.1 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 Officer or Officers 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.

5.6.2 The Minutes of each Meeting shall be presented to Council for confirmation at the next Regular Meeting of the subject Meeting type.

5.6.3 Where the Minutes have been delivered to the Members in advance of the Meeting, the Minutes shall not be read, and a resolution that the minutes be approved shall be in order.

5.6.4 Following approval of the Minutes, the Minutes shall be signed by the Mayor and the Clerk.

5.6.5 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 5.6 of this Procedural By-law.

Section 6 - ORDER OF PROCEEDINGS - COUNCIL

6.1 Call to Order

6.1.1 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.

6.1.2 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.

6.1.3 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.

6.2 Disclosures of Pecuniary Interest

6.2.1 As required by the Municipal Conflict of Interest Act, RSO 1990, c. M.50, ss. 2, ss. 3, 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 direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded in the Minutes.

6.2.2 A Member shall file with the Clerk a written statement of any interest declared by the Member in accordance with the Municipal Conflict of Interest Act, RSO 1990 Act and its general nature, and the Clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure.

6.2.3 In the case of items to be discussed in a Closed Session Meeting, the Member declaring a pecuniary or other conflict of 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 resolved by Council.

6.3 Presentations /Special Events

6.3.1 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.

6.3.2 Presentations shall include only the following:

- a) civic recognition / awards;
- b) presentations by Municipal staff or consultants retained by the Municipality;
- c) presentations from senior levels of government or other municipal governments.

6.3.3 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.

6.4 Announcements

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

6.5 Delegations

6.5.1 See Section 8

6.6 Minutes

6.6.1 Minutes of previous Meetings shall be listed under this section of the Council Agenda.

6.6.2 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.

6.7 Motions and Notices of Motion

6.7.1 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.

6.7.2 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.

6.8 Correspondence

6.8.1 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.

6.8.2 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 his 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.

6.8.3 Notwithstanding Section 6.8.2, 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.

6.8.4 Upon presentation of a motion and prior to its approval, any item of Correspondence may be the subject of limited discussion.

6.9 Reports to Council

6.9.1 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.

6.10 By-laws

6.10.1 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.

6.10.2 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.

6.10.3 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.

6.10.4 The Clerk shall endorse on all By-laws enacted by Council, the date of the several readings thereof.

6.10.5 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.

6.11 Unfinished Business

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

6.12 By-law to Confirm the Proceedings of Council

6.12.1 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.

6.13 Adjournment

6.13.1 See Sections 10.28, Section 10.29 and Section 10.30

6.14 Question Period

- 6.14.1 Any member of the general public shall be permitted to seek clarification or ask questions through the Chair that are pertinent to the items of business identified on the Agenda for the current Meeting.
- 6.14.2 The time allowed for each questioner shall not exceed two (2) minutes.
- 6.14.3 The Question Period shall not form a part of the Minutes.

Section 7 - ORDER OF PROCEEDINGS – PUBLIC MEETINGS

7.1 Public Meetings

7.1.2 Public Meetings shall be conducted in the following manner:

- a) the Chair shall state the purpose of the Public Meeting and shall explain to those present how the Public Meeting shall be conducted;
- b) a member of the Municipal staff and/or Municipal Consultant shall then address the Council to present the matter to the Council;
- c) if applicable, the applicant or agent who is present shall then make representation regarding the matter;
- d) Members of the Committee shall then be given the opportunity to ask questions or seek clarification regarding the matter; and
- e) members of the public shall then be permitted to make representation regarding the matter.

7.2 Adjournment

7.2.1 See Section 10.28, Section 10.29 and Section 10.30

Section 8 - DELEGATIONS

8.1 Delegations

- 8.1.1 There shall be no more than four (4) delegations, in total, scheduled for any Regular Meeting of Council unless the Head of Council approves additional delegations no later than forty-eight (48) hours prior to the Regular Meeting.
- 8.1.2 Persons desiring to verbally present information on matters of fact or to make a request to Council 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.
- 8.1.3 Notwithstanding Section 8.1.2, Council may, at their sole discretion, entertain delegations with less notice as the circumstance may warrant with a two-thirds (2/3) majority.
- 8.1.4 Notwithstanding Section 8.1.3, 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.
- 8.1.5 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 Council 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.

8.1.6 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.

8.1.7 No Delegation shall:

- a) speak disrespectfully of any person;
- b) use improper language or un-parliamentary language;
- c) speak on any subject other than the subject for which they have received approval to address Council; or
- d) disobey the rules of procedure or a decision of the Chair of Council.

8.1.8 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.

8.1.9 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.

8.2 Petitions

8.2.1 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 and filed with the Clerk.

8.2.2 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 and, if in the opinion of the Clerk it contains any impertinent or improper matter or language, the Clerk shall decide whether it should be included in the Agenda.

Section 9 - RULES OF DEBATE AND CONDUCT

9.1 Conduct of Members of Council

9.1.1 No Member shall:

- a) 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;
- b) 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;
- c) speak on any subject other than the subject being debated;
- d) 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;
- e) 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,

- f) marital status, family status or disability; or
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.

9.2 Address the Chair

- 9.2.1 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.

9.3 Order of Speaking

- 9.3.1 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.

9.4 Point of Privilege

- 9.4.1 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.
- 9.4.2 When a Member is permitted to raise such matter 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.
- 9.4.3 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.
- 9.4.4 When a Point of Privilege is raised, it shall be considered and decided by the Chair immediately and the decision of the Chair under this section shall be final.

9.5 Point of Order

- 9.5.1 When a Member desires to call attention to a violation of the Rules of Procedure, the Member shall ask leave of the Chair to raise a Point of Order and, after leave is granted, shall succinctly state the Point of Order to the Chair and the Chair shall then decide upon the Point of Order and advise the Member of the decision.

9.6 Appeal of Ruling of Chair

- 9.6.1 With respect to a ruling on either a Point of Privilege or a Point of Order, if the Member does not appeal immediately thereafter to Council, the decision of the Chair shall be final.
- 9.6.2 If the Member wishes to appeal the decision of the Chair, he shall appeal immediately to Council, otherwise the decision of the Chair is final.
- 9.6.3 If the decision is appealed, the Chair will give concise reasons for his 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.

9.7 Members Speaking

- 9.7.1 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.

9.8 Question Read

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

9.8.2 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.

9.9 Time Limited

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

9.10 Questions

9.10.1 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.

9.10.2 Notwithstanding Section 9.11.1 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 10 - MOTIONS

Reading

10.1 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 it shall not be recorded in the minutes.

10.2 When a motion is presented in a Meeting, it shall be read in its entirety before debate.

10.3 Notwithstanding Section 10.1, 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 of Council but shall be deemed as read for the purposes of introducing the Motion.

Withdrawn

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

No debate until properly moved and seconded

10.5 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

10.6 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

10.7 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

10.8 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:

- a) a point of order or privilege;
- b) to adjourn;
- c) to table the question without directions or instructions;
- d) to suspend the Rules of Procedure;
- e) to lift from the table;
- f) to divide the question;
- g) to refer (without instructions);
- h) question be now put; and
- i) to recess.

10.9 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:

- a) to refer with direction (direction for referral only to be debatable);
- b) to table with instructions (instructions for tabling only to be debatable);
- c) to amend; and
- d) to rescind.

Priority of Disposition

10.10 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 10.8 and 10.9.

Motion to Amend

10.11 A motion to amend:

- a) shall be presented in writing if requested by the Chair;
- b) shall relate to the subject matter of the main motion;
- c) shall not be received proposing a direct negative to the question; and
- d) shall be put to a vote in reverse order to the order in which the amendments are made.

10.12 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

10.13 A motion that the question be now put:

- a) is not debatable cannot be amended
- b) cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;
- c) 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;
- d) can only be moved in the following words, "that the question be now put"; and

- e) requires an affirmative vote of two-thirds (2/3) of the Members present and voting.

Motion to refer or defer/postpone

- 10.14 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.
- 10.15 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 debatable.
- 10.16 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 10.15.

Motion to table

- 10.17 A motion simply to table is not debatable except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- 10.18 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 10.14, Section 10.15 and Section 10.16.
- 10.19 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.
- 10.20 A motion to lift a tabled matter from the table is not subject to debate or amendment.

Motion to divide

- 10.21 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

- 10.22 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 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.
- 10.23 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

- 10.24 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:
 - a) Only a Member who voted thereon with the majority may make a Motion to Reconsider;
 - b) 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;
 - c) debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
 - d) 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
- e) a vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.

Motion to recess

- 10.26 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.
- 10.27 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

- 10.28 A motion to adjourn is not debatable or amendable and shall always be in order except:
- a) when another Member is in possession of the floor;
 - b) when a vote has been called;
 - c) when the Members are voting; or
 - d) when a Member has indicated to the Chair his desire to speak on the matter before Council.
- 10.29 A motion to adjourn, if carried, without qualification, will bring a Meeting or session of the Council to an end.
- 10.30 A motion to proceed beyond the hour of 11:00 p.m.:
- a) shall not be amended or debated;
 - b) shall always be in order except when a Member is speaking, or the Members are voting; and
 - c) shall require the support of two-thirds (2/3) of the Members present and voting.

Section 11 - VOTING ON MOTIONS

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 A Member not in his seat when the question is called by the Chair is not entitled to vote on that question.
- 11.6 Each Member has only one vote.
- 11.7 The Chair shall announce the result of every vote.

Unrecorded Vote

- 11.8 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

11.9 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.

11.10 The order in which Members, present and voting, vote on Recorded Votes shall be:

- a) Ward Councillors (in ascending numerical order);
- b) Deputy Mayor; and
- c) Mayor

11.11 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 12 - CONDUCT OF THE AUDIENCE

12.1 Members of the public who constitute the audience in the Council Chamber, 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:

- a) address Council without permission;
- b) interrupt any speaker or action of the Members or any person addressing Council;
- c) speak out;
- d) applaud;
- e) behave in a disorderly manner; or
- f) make any noise or sound that proves disruptive to the conduct of the Meeting.

12.2 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.

12.3 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 13 – ELECTRONIC PARTICIPATION DURING DECLARED EMERGENCIES

13.1 Whereas Bill 187 an Act to Amend the Municipal Act, 2001 permits electronic participation during the period where an emergency has been declared by the Premier, Cabinet or the Municipal Head of Council under the Emergency Management and Civil Protection Act.

13.2 During the period when an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, a member of Council, of a local board or of a committee can participate electronically and can be counted in determining whether or not a quorum of members is present.

13.3 During the period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act the existing rules under Section 239 of The Municipal Act, 2001 outlining criteria for items that can be discussed in closed session must be adhered to.

13.4 Meetings held under these provisions are required to follow existing meeting rules including providing of notice of meetings to the public,

maintaining meeting minutes and subject to certain exceptions, that meetings continue to be open to the public.

Section 14 - ADMINISTRATION

14.1 THAT This By-law shall be administered by the Clerk.

14.2 THAT any by-law contravening this by-law shall be repealed.

14.3 THAT This By-law shall come into full force and effect on the 27th day of February 2019.

READ a first and second time this 24th day of March 2020.

READ a third time and finally passed this 24th day of March 2020.

Robert (Bob) Purcell, Mayor

Heather Bouw, Clerk