

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2016-010

(as amended by 2017-034, 2018-028, 2019-007, 2019-041, 2020-012, and 2020-029)

Being a by-law to repeal and replace By-law 859-2010, as amended, to govern the scheduling, location and proceedings of meetings.

Recitals:

1. The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires municipalities in Ontario to pass by-laws to govern the proceedings of their meetings.
2. By-law Number 859-2010 was passed in this regard on June 16, 2010. Several amendments have occurred since the by-law was enacted.
3. Council considers it appropriate to make some additional amendments, modernize the language, and to consolidate all of the amendments.
4. The rules and regulations contained in this By-law shall be observed at all Meetings of Council and Committees, as applicable. The rules and regulations set out in this By-law may be waived or suspended by a vote of the Council (or Committee) from time to time.
5. In any circumstances which are not covered by the provisions of this By-law, the procedure to be followed shall be, as near as may be, that written in "Roberts Rules of Order".

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

Part One: Definitions and Interpretation Rules

1.01 Definitions:

Where the words defined in the lettered paragraphs of this Section appear in the text of this By-law with their initial letters capitalized, it is intended that they are interpreted as defined. Where a word appears in the text of this by-law without its initial letter capitalized, it is intended that it is to be interpreted as ordinarily defined in the English language.

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.
- (b) "Assembly" means the group of persons attending a Meeting, whether it is the Council, a Committee, or another group assembled for a purpose.
- (c) "By-law" means this by-law, as amended from time to time, including its recitals and schedules, which form integral parts of it, unless it is followed by a number. Where

the word “by-law” is capitalized and followed by a number, the reference is to the Corporation’s by-law that possesses that number.

- (d) “Clerk” means the person fulfilling the role of a municipal clerk as required by the Act.
- (e) “Committee” means a committee, created by Council, made up of persons that include one or more Members of the Council.
- (f) “Committee of the Whole” means a Committee comprised of all of the Members of Council. The intention of a Meeting of the “Committee of the Whole” is to consider matters and make decisions which are not binding until ratified by Council.
- (g) “Corporation” means The Corporation of the Municipality of Neebing.
- (h) “Council” means the Council of the Corporation, elected in accordance with the *Municipal Elections Act, 1996* (S.O. 1996, c. 32, Sched., as amended from time to time).
- (i) “Council Chambers” means the room or rooms within the Municipal Administration Complex designated as the “Council Chambers” by the Corporation.
- (j) “Deputation” means a formal appointment to address an Assembly.
- (k) “Deputant” means a person addressing an Assembly.
- (k.1) “Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance. (*Added by By-law 2020-012, amended by By-law 2020-029*)
- (l) “Head of Council” means the Mayor. In the absence of the Mayor, the Deputy Mayor shall act as the Head of Council.
- (m) “Meeting” means a meeting of Council or a Committee, whether occurring as part of a regular schedule, or whether called as a “special” meeting. In any case, a Meeting must have a scheduled start time and agenda, and must be attended by a properly appointed person to act as Clerk for the Meeting or Secretary for the Committee, as appropriate.
- (n) “Member” means any elected member of the Council, including the Head of Council.
- (o) “Neebing” means the geographic area under the jurisdiction of the Corporation.
- (p) A “Point of Order” is raised when a Member believes that the Rules of Proceeding are not being appropriately followed. The Point of Order is raised to allow for discussion and conclusion on the issue.

- (q) A “Point of Privilege” is a matter which need not relate to business under discussion, but relates to a matter of immediate and over-riding importance. A Point of Privilege, may be raised personally, for example, when a Member believes that he or she is being mis-quoted by another speaker on a topic, for the purpose of correction. A Point of Privilege may be raised on behalf of the Assembly, for example, if there is excessive noise and Members cannot hear what is being said or presented. The Point of Privilege is raised for the purpose of remedying that circumstance.
- (r) “Presiding Officer” means a Member of Council or Committee who functions as the chair at a Meeting. The Presiding Officer at a Council Meeting is most often the Head of Council or the Deputy Mayor.
- (s) “Quorum” means a number of persons which is more than one-half of the number of persons in the composition of the Assembly. For example, when Council is made up of seven persons, a Quorum of the Council is four or more of those persons. When a Committee is made up of five persons, a Quorum of the Committee is three or more of those persons.
- (t) “Rules of Proceeding” mean the rules set out in this By-law.
- (u) “Secretary” means a person assigned to be the records-keeper and minute-taker for any Committee.
- (v) “Town Hall Segment” means an informal portion of the Meeting, governed by Part Two Point One of this By-law, in which members of the public may address the Assembly on matters of interest in accordance with the rules set out in this By-law.
(Added by By-law 2019-007)

1.02 **Interpretation of “Includes”:**

The words “include”, “including” and “included” do not limit in any way the words or phrases that precede or follow them.

1.03 **Gender/Plural:**

This By-law is to be read with all changes of gender or number required by the context.

1.04 **Headings:**

The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

Part Two: Agendas, Notices, Closed Sessions/Meetings

2.01 Agendas:

The Clerk shall prepare an agenda in advance of any Meeting of Council. The Secretary to a Committee shall prepare an agenda in advance of any Meeting of the Committee unless the Committee has determined for itself that an agenda is not required.

In developing the agenda, the Clerk shall place on it any items of business that have arisen in Needing requiring Council's attention, and any items of business that the Head of Council has requested be placed on the agenda.

Members of Council may request of the Clerk that matters be placed on the agenda for discussion, however, no individual Member of Council may require the Clerk to research or develop a report for the agenda. The development of reports that involve significant research and/or preparation time by administrative staff require a resolution of Council. (This does not prevent the Clerk from developing and presenting any report on a matter requires Council's attention.)

Resolutions requesting reports on new items of business may be passed during the "New business" portion of the Meeting.

Agendas for regular Council Meetings are to be prepared and available to Members after close of business on the Friday prior to the Meeting. Agendas for special Council Meetings are to be prepared and available to Members as soon as practicably possible after the calling of the Meeting and prior to the commencement of the Meeting.

The Presiding Officer may review a draft Agenda with the Clerk or Committee Secretary, as appropriate, prior to its finalization, and may remove from the Agenda any items of correspondence or requests for Deputation that have been placed in the draft Agenda by the Clerk. *(Added by 2017-034.)*

Where an item is removed from the Agenda, the Clerk or Secretary, as applicable, shall advise the author of the correspondence, or the person or organization requesting a Deputation, of the reason that the item will not be placed before the Assembly. Copies of the correspondence in this regard shall be distributed to the Members invited to the meeting for which the draft Agenda was prepared. *(Added by 2017-034.)*

2.02 Format of Agendas for Council Meetings:

The agenda for a Council Meeting shall be prepared under the following headings, in the order presented, as follows:

1. Preliminary Matters

- Call to order

Attendance

Town Hall Segment *(Added by By-law 2019-007)*

Accept/Amend Agenda for this Meeting

Request/Receive Declarations of Pecuniary Interest under the Municipal Conflict of Interest Act (if any)

2. Hear Deputations from Audience Members
3. Consent Agenda: Minutes, Reports, Correspondence
4. Reports and Correspondence Requiring Direction
5. By-laws
6. New Business - Announcements
7. Closed Session

Rise from Closed Session

Matters Arising from Closed Session

8. Confirmation By-law *(added by By-law 2018-028)*
9. Adjourn the Meeting

2.03 Format of Agendas for Committee Meetings:

The agenda for a Committee Meeting shall be prepared under the headings and in the format determined by the Committee itself, from time to time.

2.04 Special Council Meetings:

Special Council Meetings may be scheduled in three different ways.

Special Council Meetings may be scheduled by resolution of Council.

The Head of Council may at any time, summon a special Meeting of Council. In order to do so, the Head of Council shall provide a minimum of seventy-two (72) hours' notice to the Clerk, who shall give the Members of Council as much notice of the special Meeting as possible, but in any event, no less than forty-eight (48) hours' notice.

A majority of Members of Council may, at any time, summon a special Meeting of Council by petition. Upon receipt of a petition from a majority of the Members of Council, the Clerk shall summon, for the purpose, and at the time mentioned in the petition, a special Meeting. A minimum of forty-eight (48) hours' notice of any special Meeting shall be provided to the Members by the Clerk.

The only business to be dealt with at a special Meeting is that which is stated in the notice of the meeting and in the agenda for the meeting.

2.05 Emergency Council Meetings:

In any case where there is an immediate threat or perceived immediate threat to any person's life or property within Neebing, or where there is an immediate threat or perceived immediate threat to any of the Corporation's properties and/or road ways, the Head of Council or the Clerk may call an emergency Council Meeting, by whatever means available, to be held in a location that is most convenient to the situation. Where it has been invoked, the Corporation's Emergency Plan (approved by By-law Number 168-1990, as amended) takes precedence over this section of this By-law.

2.06 Notices:

By-law 2015-007, as amended, is the Corporation's Notice By-law. It governs notice provision for all Meetings or changes to places, dates or times of Meetings.

2.07 Meetings are Open:

Except as provided in Section 2.08, all Meetings are open to the public.

2.08 Closed Meetings or Closed Sessions within Open Meetings:

A Meeting or part of a Meeting may be closed to the public in order to discuss any matter for which the Act allows a Meeting to be closed to the public.

Prior to holding a Meeting (or part of a Meeting) closed to the public, the Assembly shall pass a resolution clearly stating that the Meeting is to be closed, including the legislative authority for closing the Meeting. The resolution shall provide sufficient detail to demonstrate that the resolution is being passed with appropriate authority.

Where a Meeting is closed to the public, no member of the public may attend, unless the person's attendance is essential for the business at hand. For example, if the Meeting is an educational meeting as authorized under the Act, the persons providing the education or training to the Members will necessarily be in attendance to provide that education or training. If the purpose of the meeting is to receive legal advice, legal counsel will need to attend to provide it.

No Meeting shall be closed to the public during the taking of a vote, except for the provision of procedural instructions or direction to the Clerk.

2.09 Meetings of Committee of the Whole:

Council shall meet as Committee of the Whole for the purposes of undertaking public

meetings required by the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Council may meet as Committee of the Whole at any time for the purposes of considering any items of business which may require or benefit from a less formal Meeting procedure, or a period of time to reflect upon decisions prior to ratifying them through resolution of Council.

Committee of the Whole meetings will be scheduled, as required, by resolution of Council.

Part Two Point One: Town Hall Segment *(Added by By-law 2019-007)*

2.1.01 **Registration:**

Persons wishing to address Council at the Town Hall Meeting will be requested to print their names on an attendance sheet, as they enter the room.

2.1.02 **Call to Order:**

When Item 1(c) of the Meeting Agenda, being the Town Hall Segment of the Meeting, is reached, the time shall be noted, and the Presiding Officer shall call the Town Hall Segment of the Meeting to order. The Presiding Officer will invite those who have put their names on the registration sheet to address Council, one at a time, in the order in which their names are printed. If no one has signed the registration sheet, the Presiding Officer may simply ask members of the audience to address the Assembly by show of hands, or other appropriate method.

2.1.03 **Time Limit:**

Subject to Section 2.1.05, the Town Hall Segment is limited in duration to a maximum of thirty (30) minutes.

2.1.04 **Meeting Rules:**

Any person may address Council during the Town Hall Segment of the Meeting. Subject to Sections 2.0.06 and 2.1.07, the rules set out in this By-law apply to the Town Hall Segment of the Meeting. In addition, the rules the lettered paragraphs of this Section also apply.

- a) No person may speak more than five (5) minutes, or more than once. Each subject matter has a limit of ten (10) minutes.
- b) Only one person may speak at a time. Any person attempting to interrupt, "shout over", or otherwise disrupt another person who is addressing Council will be sanctioned as set out in Section 5.07 of this By-law.
- c) Persons speaking at the Town Hall Segment of the Meeting may not address matters that are already on the agenda. Those persons may speak as Deputants to the Meeting in accordance with Part Five of this By-law.

- d) Council Members may ask questions of those persons who are speaking.
- e) No portion of any Town Hall Segment of the Meeting shall be closed to any member of the public at any time.
- f) No resolutions may be moved or debated during the Town Hall Segment of the Meeting. No decisions will be made on consensus. Any matters raised which require a decision of Council must be placed on the agenda for a future Council Meeting.
- g) Except in the case of emergency or urgency, no matters raised at the Town Hall Segment of the Meeting may be added to the agenda for the Council Meeting scheduled on the same evening

2.1.05 **Extending the Hour of the Town Hall Segment of the Meeting:**

When thirty (30) minutes have passed, any member of Council may move a motion to extend the hour of the Town Hall Segment of the Meeting by a stated number of minutes. If the motion is seconded and passed, the Town Hall Segment of the Meeting can resume.

Only one motion to extend the hour of the Town Hall Segment of the Meeting is permitted.

If any of the following occur:

- (a) no motion to extend the hour of the Town Hall Segment of the Meeting is moved or seconded;
- (b) a motion to extend the hour of the Town Hall Segment of the Meeting fails to pass; or
- (c) the time limit set out in the resolution to extend the hour of the Town Hall Segment of the Meeting is reached;

regardless of whether or not everyone who wished to speak has spoken, the Town Hall Segment of the Meeting will conclude, and the Presiding Officer will move on to Item 1(d) of the agenda for the Council Meeting.

Any persons who had not had an opportunity to address the Assembly at the Town Hall Segment of the Meeting will receive priority to speak to the Assembly at the next Town Hall Segment of a future Council Meeting.

2.1.06 **Meeting Rules:**

The Meeting rules set out in Part Three of this By-law do not apply to the Town Hall Segment of the Meeting.

2.1.07 **Deputation Rules:**

Sections 5.04 through 5.06 do not apply to the Town Hall Segment of the Meeting.

Part Three: Rules for Council Meetings

3.01 **Place of Meetings:** *(amended by By-law 2020-029)*

Council Meetings involving personal attendance shall be held at the Council Chambers unless circumstances require a larger facility or an alternate location. Wherever a Council Meeting is to be held at an alternate location, a resolution of Council is required to authorize the location. Committee Meetings shall take place wherever the Committee determines is appropriate. Electronic Meetings without any personal attendance do not have a location, as they are held virtually.

3.02 **Inaugural Meeting:**

The inaugural Meeting, being the first Meeting held after a municipal election, shall take place at 6:00 p.m. on the first day of December following the election. If that day falls upon a Friday, Saturday or Sunday, the inaugural Meeting shall take place at 6:00 p.m. on the following Monday. The first Regular Meeting of Council following the inaugural Meeting will be on the first Wednesday following the inaugural Meeting.

3.03 **Regular Council Meetings:**

Regular Council Meetings will be held on the first and third Wednesdays of the months of February, March, April, May, June, September, October, November and December, commencing at 6:00 p.m. *(Amended by By-law 2019-007)* One Regular Council Meeting will be held on the third Wednesday of the month of January. Regular Council meetings will be held on a single Wednesday in each of the months of July and August. The Council will, at or prior to the second Regular Council Meeting in June, by resolution, schedule the meetings for July and August. *(Amended by By-law 2018-028.)*

3.04 **Absence of Head of Council:**

In a circumstance where, at the time that a Council Meeting is to commence and the Head of Council is not present, and does not attend within fifteen (15) minutes after the time appointed for the Meeting, the Deputy Mayor shall call the Members to order. The Deputy Mayor shall preside over the Meeting and shall have all of the rights, powers and authority of the Head of Council.

In circumstances where both the Head of Council and the Deputy Mayor are absent at the time that a Council Meeting is to commence, and neither attends within fifteen (15) minutes after the time appointed for the Meeting, the Clerk shall call the Members to order. The Members shall appoint from amongst themselves a Presiding Officer who shall preside over the Meeting and shall have all of the rights, powers and authority of the Head of Council.

3.05 **Absence of Quorum:**

In a circumstance where, at the time that a Council Meeting is to commence a Quorum of Members is not present, the Assembly shall wait fifteen (15) minutes for the arrival of

latecomers. If, after the passage of fifteen (15) minutes a Quorum of Members is not present, the Assembly shall adjourn. The Clerk shall prepare minutes to indicate those who were present and to record the lack of Quorum. All business on the agenda for that Meeting will be adjourned to the next Regular Meeting of Council, or at a Special Meeting of Council called for the purpose of replacing the Meeting which failed.

3.06 **Attendance in Person:** *(Amended by By-law 2020-029.)*

The Corporation's preference is that all members attending Meetings must do so in person, however, attendance through electronic means at any Meeting, with the exception of the inaugural Meeting, will be permitted in accordance with this Section.

Any member requesting to attend a Meeting through electronic means will advise the Clerk or Committee secretary, as applicable, at least twenty-four (24) hours before the time that the Meeting is scheduled to commence. Where the Corporation has the technology to allow such attendance, it shall be permitted.

Where at least one member is attending by electronic means, the Meeting is an "Electronic Meeting" as defined in this By-law. There is no limit to the number of members who may attend electronically.

3.06.1 Quorum for Electronic Meetings

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

3.06.2 Participation Electronically

A member attending the Meeting by electronic means shall indicate verbally, during a break in conversation or debate of the members present in person, that he or she wishes to address the Assembly. The Presiding Officer shall record the request and call upon that member in accordance with his or her turn as noted by the Presiding Officer. At his or her discretion, the Presiding Officer may establish a procedure to call upon each member attending by electronic means during each debate on each question, to be certain that all who wish to participate have had an opportunity to do so.

Any member participating in Meetings through electronic means must vote on motions audibly, provided he or she has not declared a pecuniary interest. The Chair will ask each member participating electronically to audibly provide his or her vote when called by name. If no audible response is discerned, attempts will be made to verify that the member is still connected to the Meeting. If he or she does not respond, he or she will be noted as having left the Meeting. If he or she indicates that the connection remains intact, but does not provide a response to the question, he or she will be recorded as having voted in the negative.

3.06.3 Notice

The public notice of an Electronic Meeting which involves electronic participation by more than a Quorum of members shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting. Where electronic participation by more than a Quorum of members is not known to the Clerk (or Committee secretary) prior to 24 hours prior to the Meeting, the Clerk (or Committee secretary) shall provide the public with notice of a means to electronically access the Electronic Meeting as soon as reasonably practicable, and at least two hours prior to the start of the Meeting.

3.06.4 Deputations

Persons wishing to address Council as Deputations may request to do so via electronic means. Where same is possible, the Clerk shall make arrangements. If it is not possible, and except in cases of urgency, arrangements will be made to defer the matter which the Deputant wishes to address, to a future Meeting where in-person attendance will be possible. In cases where urgency prevents deferral, the Deputation may be made in writing, and Council will take the written Deputation into consideration with respect to the matter at hand.

3.06.5 Deputations at Fully Electronic Meetings

Where all attendees at a Meeting are participating in the Meeting via electronic means, Deputations may request to speak to Council via electronic means as well. Where same is not possible, and except in cases of urgency, arrangements will be made to defer the matter which the Deputant wishes to address, to a future Meeting where in-person attendance will be possible. In cases where urgency prevents deferral, the Deputation may be made in writing, and Council will take the written Deputation into consideration with respect to the matter at hand.

3.06.6 Application and Conflict

The Procedure By-law applies to Electronic Meetings, except where it conflicts with any Provincial legislation or order. The Provincial legislation or order shall prevail to the extent of any conflict.

3.07 **Call to Order:**

As soon after the hour fixed for the holding of the Meeting as a Quorum is present, the Presiding Officer shall take his or her chair and call the Meeting to order.

3.08 **Amending the Agenda:**

The Presiding Officer shall, as one of the preliminary matters before the Assembly, call for a resolution to either approve the agenda or to amend the agenda.

The agenda may be amended by changing the order of proceeding, by adding information relating to any item of business on the agenda, or by adding, where appropriate, new business to the agenda.

As one of the purposes of the agenda is to provide notice to members of the public of the business which will be conducted at the Meeting, no item of new business shall be added to the agenda unless it is of an urgent nature. Alternatively, an item of new business may be added for discussion purposes, but no decision will be made on that item until a subsequent Meeting, for which the item will be listed on the agenda.

3.09 **Conduct of Proceedings:**

The Presiding Officer shall, after calling the Assembly to order:

1. announce the business in the order in which it is to be acted upon;
2. receive motions presented by Members relating to the matters on the agenda;
3. put to a vote all questions which are moved and seconded, or which necessarily arise in the course of proceedings, and announce the result of the vote;
4. decline to put to vote any motions which infringe on the Rules of Proceeding;
5. receive all messages or communications and announce them to the Assembly;
6. authenticate all by-laws, resolutions and minutes of the Council, taking care to see that they are in conformity with the laws and by-laws applicable in Neebing;
7. inform the Assembly, when necessary, on any points of order or privilege;
8. represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
9. retain order in the Assembly, restraining the Members, or others present, within the Rules of Proceeding where appropriate, including expelling persons who persist in disorder after having been appropriately warned;
10. where order cannot be maintained, to put the following question, without adjournment, amendment or debate:

“that such member(s) of the Council or the public be ordered to leave

the premises for the duration of the meeting, pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended”;

11. in circumstances of grave disorder which cannot be remedied, to adjourn the Meeting without question and direct the Clerk to seek appropriate assistance from the police; and
12. adjourn the Meeting when business has been concluded or when the curfew has been reached without passage of an extending resolution.

3.10 **Order of Business:**

The business of the Council shall be taken up in the order in which it stands upon the agenda, as amended, unless otherwise decided by the Council.

Any items listed in the agenda which have not been disposed of by Council at such time as the Meeting stands adjourned shall be placed on the agenda for the next Regular Meeting of Council.

3.11 **Consent Agenda:**

The following rules govern the approval of business matters listed within Section 3 of the Council meeting agenda, being the Consent Agenda portion.

1. The Clerk shall place on the Consent Agenda all minutes being considered for approval or receipt, voucher reports, items which have been previously thoroughly discussed, non-controversial resolutions and other routine items.
2. Approvals of contracts and passage of by-laws shall not be included in a consent agenda.
3. In the event that any Member wishes to propose a resolution that is different from the recommendations of the Clerk presented for an item in the Consent Agenda, he or she shall request that the item be removed from the Consent Agenda and placed in Section 4 of the Council meeting agenda. This request shall be made at the time that the Assembly considers the motion to approve or amend the agenda.
4. Removal of an item from the Consent Agenda in accordance with Paragraph 3.11(3) above does not require a mover and seconder, and is not subject to debate. Any matters that are removed from the Consent Agenda shall be placed at the end of Section 4 of the agenda, to be dealt with sequentially.
5. A single resolution to approve the recommendations proposed for all items

listed in the Consent Agenda shall be considered by Council when the Consent Agenda is presented.

6. In the event that any Member wishes to make a comment on or otherwise discuss an item that is listed on the Consent Agenda, but is content with the recommendation proposed for that matter, he or she may raise the issue for comment after passage of the resolution to adopt the recommendations for the items in the Consent Agenda. The item need not be removed from the Consent Agenda for that purpose.

3.12 **By-laws:**

Unless it is a requirement of applicable law (as is the case, for example, for by-laws under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended), the passage of a by-law does not require three readings. Except as otherwise required by law, all by-laws will be passed with a single resolution.

By-laws will be introduced with a numbering system which includes the year that the by-law was introduced, and a number indicating the sequence in which the by-law was passed, in relation to other by-laws. For by-laws that are frequently used, a number may be reserved by the Clerk which is out of sequence with other by-laws.

Once passed, by-laws must be signed by the Presiding Officer and the Clerk who were at the meeting at which the by-law was passed. Once signed, all by-laws shall be sealed with the Corporation's seal, and deposited with the Clerk for safekeeping.

At the end of each Meeting of the Council, the Clerk shall present to the Assembly a by-law to confirm all of the proceedings that took place at that Meeting. (*Amended by By-law 2018-028.*)

3.13 **Motions:**

No motion shall be debated by the Assembly unless it is moved and seconded. Once a motion has been moved and seconded, it belongs to the Assembly and cannot be withdrawn except by resolution of the Assembly.

3.14 **Motions Introduced Upon Notice of Motion:**

Motions which may not be made without first providing notice of motion are:

- a motion to reconsider an item, as set out in Section 3.22 of this By-law;
- a motion to discharge a Committee or alter its membership;
- a motion to amend the current year's budget (after it has been approved); or
- a motion to amend this By-law.

Where a motion must be brought with notice, the notice of motion shall be delivered to

the Clerk no later than noon on the Thursday before date of the Meeting at which it will be heard. If that day, or the Friday of that week, is a statutory holiday, as observed by the Corporation, the notice is to be received by the Clerk before noon on the Wednesday prior to the Meeting. The motion shall be printed in full in the agenda for the Meeting of the Council at which it is to be considered. The motion shall be submitted to the Clerk in writing under the signatures of the mover and seconder.

3.15 **Dispensing with Notice:**

A motion which must be brought upon written notice, other than a motion to amend this By-law, may be introduced without notice if the Council, without debate, votes to dispense with the notice. Council may not dispense with notice of a motion to amend this By-law.

3.16 **Dividing a Question:**

A motion which contains more than one element may be divided prior to taking the vote, such that each portion of the motion is voted upon individually. This enables a Member who agrees with some of the elements of the motion, but not all of them, to vote accordingly. Any Member can ask to have a question divided at any time prior to the vote being taken on the question. Questions are divided without a resolution of Council, upon the request of any Member, without the necessity for a seconder.

3.17 **Debate:** *(Amended by By-law 2020-029.)*

When a motion has been moved and seconded, the Assembly may debate the motion. The Presiding Officer will read or state the motion for debate for clarity.

The Member who moved the motion has the right to speak to the matter first and last. All other Members are restricted to speaking to the matter once only, and for a maximum of five minutes.

The Presiding Officer may participate in the debate, and, if he or she does so, he or she does not need to leave his or her seat in order to do so.

All debate is undertaken through the Presiding Officer, and all Members debating the motion shall address comments to the Presiding Officer. The Presiding Officer recognizes speakers in the order in which they indicated a wish to participate in the debate.

When a Member has the floor, no other Member may interrupt him or her except on a Point of Order or a Point of Privilege.

Members must speak only on the subject matter in debate.

Members must obey the rules of the Council and all decisions of the Presiding Officer or

Council relating to questions of order or practices, or the interpretation of the Rules of Proceeding.

Any Member may require the question or motion under discussion to be read at any time during the debate, but may not interrupt another Member while he or she is speaking.

No Member may criticize any prior decision of the Council. A notice of motion to reconsider a prior decision of Council is not criticism for the purposes of this Rule of Proceeding.

When debate has concluded, the Presiding Officer shall put the question to the Assembly for a vote. When the Presiding Officer is putting the question, no Member shall leave the Meeting or make any disturbance.

3.18 **Amendments to Questions on the Floor:**

Motions to amend a question that is being debated may be moved during the debate, and must be seconded. Once moved and seconded, the motion to amend is debated immediately, and debate on the main motion is suspended pending the outcome of the motion to amend.

A motion to amend a question cannot be contrary to the motion itself.

Only one motion to amend a question being debated may be considered at one time.

A motion to amend shall be debated and voted upon prior to the vote on the main motion.

If the motion to amend the question fails, debate can continue on the main motion.

If the motion to amend the question is successful, debate continues on the main motion as amended.

A maximum of two motions to amend may be introduced to any question in the process of debate, at two separate times.

3.19 **Voting:** *(Amended by By-law 2020-029.)*

The Presiding Officer shall read the question and call for a show of hands of those Members who are in favour of the motion, followed by a call for a show of hands of those Members who are opposed to the motion. After the vote, the Presiding Officer shall declare whether or not the motion has carried.

No votes may be taken upon a ballot or in secret.

The vote of every Member, including the Presiding Officer, has equal weight.

In circumstances where there are an equal number of votes in favour of a question and against the question, the question fails.

Every Member present shall vote upon each question, subject to applicable law (such as, for example, the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended). If a Member abstains from voting without legal reason, his or her vote shall be counted as a negative vote.

Prior to the time that the question is called, any Member can request that a vote be recorded. This request does not require either a seconder or a resolution of the Council. Where a recorded vote is taken, the Clerk shall ask each Member in turn to state allowed whether he or she is in favour or, or opposed to, the question, and shall announce and record the result. The minutes of the Meeting shall reflect the votes of each Member.

If a Member believes that the Presiding Officer's declaration of the vote result is in error, he or she may request that the question be called again for the purpose of a recorded vote.

When the question has been put to a vote by the Presiding Officer, no Member shall speak to the question nor make any other motion until after the vote has been taken and the result declared.

When the Presiding Officer calls for the vote on a question, each Member shall occupy his or her seat and shall remain in his or her place until the result of the vote has been declared by the Presiding Officer. During that time, no Member shall cross the floor to speak to another Member, or make any comment or other disturbance. Section 3.06.2 applies to voting at Electronic Meetings.

3.20 **Points of Privilege:**

When any Member raises a Point of Privilege, the Presiding Officer shall deal with that point prior to proceeding with the business at hand at the time that the point was raised.

The Member raising the Point of Privilege shall be asked to clarify and/or expand upon the point, and the Presiding Officer shall address the Point of Privilege with the Assembly, or with any particular Member, as appropriate.

The Presiding Officer's ruling on the Point of Privilege is final and not subject to objection.

3.21 **Points of Order:**

When any Member raises a Point of Order, the Presiding Officer shall deal with that point prior to proceeding with the business at hand at the time that the point was raised.

The Member raising the Point of Order shall be asked to clarify and/or expand upon the point, and the Presiding Officer shall address the Point of Order with the Assembly, or

with any particular Member, as appropriate. The Presiding Officer may call upon the Clerk for his or her opinion with respect to the Point of Order prior to making a ruling with respect to the point.

The Presiding Officer's ruling on the Point of Order may be appealed to the Assembly. A motion to appeal the Presiding Officer's ruling on the Point of Order requires a seconder. If seconded, the motion shall be voted upon immediately, without debate. The decision of the Assembly in this regard is final and not subject to objection.

3.22 Revisiting Prior Decisions of Council:

As set out in Section 3.19 of this By-law, any Member can request a recorded vote after an unrecorded vote has been taken on any question before the Assembly if there is doubt about the accuracy of the result of the vote.

Any decision of the Council made by resolution is effective for the term of that Council, subject to reconsideration. Any decision of the Council made by by-law is effective until that by-law is amended or rescinded.

Should a Member wish to have the Council re-consider a matter that has been decided, or wishes to have the Council repeal a by-law which has been passed, during the term of that Council, he or she shall provide a notice of motion indicating the decision that he or she wishes to have revisited, and providing the additional information which was not available to the Council when the original decision was made.

No decision of Council can be subject to re-consideration without new facts or information being provided which was not available to the Council when the matter was originally before the Assembly.

A matter may only be reconsidered once during a term of Council unless a motion is passed by the Assembly to waive this rule.

3.23 Curfew:

No item of business may be dealt with at a Council Meeting after 10:30 p.m. unless a resolution extending the time has been unanimously adopted. In the event that a resolution extending the time is not unanimously adopted, the Council Meeting will adjourn at 10:30 p.m. All unfinished business will be placed on the agenda for the next regular Meeting of Council unless Council establishes otherwise through a resolution passed prior to the curfew.

Part Four: Rules for Committee Meetings

4.01 General and Specific Rules:

The Committee rules set out in this By-law are general in nature. If a by-law creating a

Committee contains rules that conflict with these general rules, then the specific rules in the Committee's by-law over-ride the general rules in this By-law. If the by-law creating the Committee is silent with respect to a matter covered by the general rules in this By-law, then the rules in this By-law apply to that matter.

4.02 **Regular and Special Committee Meetings:**

Each Committee shall determine for itself a regular schedule for its Meetings. Committees will meet regularly enough to undertake the business set out for the Committee in its terms of reference.

No notice is required to Committee Members for regular and recurring Committee Meetings. No special Meeting of a Committee shall be held without providing at least one week's prior notice to its Members.

4.03 **Presiding Officer and Secretary:**

Each Committee shall choose its Presiding Officer and its secretary from amongst its Members at the first Meeting of the Committee after it is created, or at the first Meeting of the Committee for a new term of Council. The secretarial post may be rotated, however, the position of Presiding Officer of a Committee shall remain constant (subject to resignations that may occur from time to time) throughout a term of Council.

4.04 **Terms of Reference:**

Each Committee created by Council has terms of reference in the by-law that created the Committee. The Presiding Officer is responsible for keeping the Committee's work and recommendations to Council within the jurisdiction of the terms of reference. Any Committee may recommend to Council changes to its terms of reference at any time.

The Committee's authority to make decisions is restricted to the authorities set out in its terms of reference, and to decisions relating to the operation of the Committee and its Meetings. Otherwise, the Committee's authority is restricted to making recommendations to the Council for final decision.

4.05 **Rules for Meetings:** *(Amended by By-law 2020-029.)*

Committee proceedings are intended to be less formal than those at Council Meetings. That having been said, a Committee Meeting is a business meeting and must be conducted accordingly, with appropriate decorum. Committees may adopt the Rules of Proceeding set out in Section 3 of this By-law for Council Meetings, with the appropriate changes to make the Rules of Proceeding applicable to the Committee Meeting if they choose to. Wherever he or she considers it necessary, the Presiding Officer of the Committee may require the Committee to abide by Rules of Proceedings contained in this By-law for the purposes of Council Meetings, with the appropriate changes to make the Rules of Proceeding applicable to the Committee Meeting. Section 3.06.2 also applies to rules for Electronic Meetings.

Part Five: Rules for the General Public

5.01 Audience: *(Amended by By-law 2020-029.)*

Any person may attend a Council Meeting to observe the proceedings. Persons in attendance should sign the attendance sheet provided, but are not required to do so. All persons in attendance must abide by the rules of conduct set out in Part Six of this By-law. Section 3.06.3 applies to allow audience attendance at Electronic Meetings.

5.02 Media:

Persons representing public media are welcome to attend Council Meetings and may attend Committee Meetings at the discretion of the Presiding Officer of the Committee.

5.03 Electronic Devices and/or Recordings: *(Amended by By-law 2020-029.)*

Members of the audience must turn electronic devices to “silent” or “vibrate” so as not to interrupt the Meeting. Should a person in attendance wish to respond to a call, text or other telecommunication, he or she must step outside of the Council Chambers, or leave the Meeting, to do so. Speaking aloud on a device or texting on a device is not permitted in Council Chambers during the course of a Meeting.

No person may record the proceedings of a Meeting in any manner (apart from taking personal notes) without the prior permission of the Assembly. This rule applies to all members of the audience, including persons representing media.

5.04 Deputations: *(Amended by By-law 2020-029.)*

Any person wishing to address Council on any matter must make a written request to the Clerk no later than noon on the Thursday before the commencement of the Meeting of the Council. If that day, or the Friday of that week, is a statutory holiday, as observed by the Corporation, the notice is to be received by the Clerk before noon on the Wednesday prior to the Meeting.

A Deputation request may be submitted after the deadline noted above if the Deputation relates to an item of business included on the Meeting’s agenda. In that case, the Clerk shall advise the Presiding Officer that the motion to amend the agenda for that Meeting should include the Deputation as a new item.

The written request for the Deputation shall be legibly written and must include:

- a) The subject matter on which the person wishes to address the Council;
- b) The outcome that the person is seeking;
- c) The efforts, if any, the person has made to achieve the desired outcome working with Administration prior to making his or her request of Council.

If the Deputant introduces other material or information at the Meeting, it must relate to the information in the written request.

The written request will be included in the agenda as a matter of public record and should not contain any confidential information that the Deputant does not wish to be made public.

If the written request is lengthy or contains material that is complex or expensive to copy, the Deputant may be required to pay a fee for the reproduction of the material, or may be required to bring eight copies of the material to the Clerk for distribution in the agenda package.

If the Deputant wishes to distribute additional documents as information at the Meeting, a copy of the documents submitted must be retained by the Clerk as part of the record of the Council Meeting.

Deputants must follow the “conduct and decorum” rules in Part Six of this By-law.

Deputations are restricted to ten minutes in length, exclusive of a period of questioning at the conclusion of the Deputation. Regardless of the number of persons who are part of the

Deputation, the time limit remains ten minutes unless this rule is relaxed through a resolution of the Assembly.

A Deputation is a presentation to Council – it is not a time to question Members of Council and receive answers, or enter into debate with any member of Council. Persons wishing to question Members of Council on any issue must do so outside of Meeting times.

Deputants must restrict their comments to the subject matter outlined in their requests for Deputation.

Where more than one person has requested to address Council on the same subject matter, the Presiding Officer may request that Deputations subsequent to each preceding Deputation only bring forward new information. Sections 3.06.4 and 3.06.5 apply to Deputations at Electronic Meetings.

5.05 **Restrictions on Deputations:**

The Clerk shall not include in any Meeting agenda a request for a Deputation in any of the following circumstances:

- a) the Deputation relates to a subject matter that is not within the jurisdiction of the Corporation;
- b) the Deputation relates to existing or potential litigation involving the Corporation;
- c) the subject matter has already been presented to Council by the Deputant, or an organization to which the Deputant belongs or is affiliated, within the same

- term of Council;
- d) the subject matter is a request to re-consider an earlier decision made by the Council within the same term of Council; or
 - e) the correspondence seeking the Deputation contains language that is disrespectful, foul or offensive, insulting or slanderous against any person.

5.06 Appeal of the Refusal:

Where the Clerk has refused a Deputation request in accordance with Section 5.05, the person making the request may seek an exemption from Section 5.05 in writing. The Clerk will report to Council on the request for the exemption, outlining why, in his or her opinion, Section 5.05 applies. By resolution of Council, an exception to the rules in Section 5.05 may be made, in which case, the Deputation will be scheduled for the next regular Meeting of the Council.

5.07 Sanctions:

Where a Deputant, or any member of the audience, including representatives of the media, disregards any one or more of the rules set out in this By-law, the Presiding Officer shall advise the person of his or her error, remind him or her of the rules, and request that he or she adhere to the rules.

If the person repeatedly ignores the rules, the Presiding Officer may call an end to the Deputation and/or ask the person to leave the premises. Where a person refuses to leave the premises, he or she may be escorted from the building.

Council may, at its discretion, prohibit one or more persons from being eligible to request Deputations for a period of time.

Council may, at its discretion, issue a notice under the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended, to any person prohibiting his or her attendance to any place or places that Council considers appropriate. A copy of all such notices shall be provided to the police for enforcement purposes.

5.08 Petitions:

Members of the public may, from time to time, present written petitions to individual Members of Council or to the Clerk. Every petition to be presented to the Council, shall be legibly written or printed, shall not contain any obscene or improper matter or language, and shall be signed by at least one person, and filed with the Clerk. Any petitions meeting these requirements, and regarding matters that are within the jurisdiction of Council, that are received by the Clerk at or prior to noon on the Thursday prior to the next Council Meeting shall be included in the agenda for that Council Meeting.

Part Six: Conduct and Decorum

6.01 **Language:**

No person shall, at any time during a Meeting, speak disrespectfully of the Reigning Sovereign, of any of the Royal Family, of the Governor-General, of the Lieutenant Governor of any Province, or of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

No person shall, at any time during a Meeting, use disrespectful, foul or offensive, un-parliamentary, insulting or slanderous words against any other person.

6.02 **Improper Conduct:**

No person shall, at any time during a Meeting, demonstrate improper conduct. Improper conduct is any behavior which detracts from the orderly progression of the business at hand in any Meeting. Improper conduct includes:

- speaking out of turn;
- addressing the Assembly without being recognized by the Presiding Officer;
- arguing (as opposed to debating) or shouting;
- creating noise in order to disrupt the Meeting;

- making gestures in order to disrupt the Meeting;
- waving signs or placards;
- failing to follow the directions or sanctions of the Presiding Officer;
- foul or offensive language; and/or
- disrespect or name-calling.

6.03 **Presiding Officer's Rulings to be Respected:**

All persons in attendance at a Meeting shall observe and obey the directions of the Presiding Officer.

Should any Member of Council persist in disobedience after having been called to order by the Presiding Officer, the Presiding Officer may, immediately, with no amendment, adjournment or debate, put the question that "such Member be ordered to leave his seat for the duration of the Meeting of the Council".

If the offending Member apologizes, he or she may, by vote of the Assembly, be permitted to retake his or her seat.

Part Seven: Records

7.01 **Minutes:**

The Clerk shall record the minutes of the Meetings of Council or of Committee of the Whole. The Secretary of the Committee shall record the minutes of the Meetings of that Committee.

Minutes shall record:

- a) the place, date and time of the Meeting;
- b) the name of the Presiding Officer;
- c) a record of attendance of the Members;
- d) a record of attendance of those members of the public who attended and signed to indicate their attendance;
- e) all disclosures of pecuniary interest in accordance with the Municipal Conflict of Interest Act, together with a statement of the reason that the interest was declared; and
- f) the decisions with respect to all of the matters of business set out in the agenda, without note or comment.

7.02 **Approval of Council Minutes:**

Minutes of every Council Meeting shall be prepared after the Meeting and brought forward to the next regular Council Meeting for approval.

Confidential minutes of closed Meetings or closed portions of open Meetings shall be prepared after the Meeting and brought forward to the next Regular Council Meeting for approval in closed session. Where there are no other matters on the agenda to be considered in closed session, the minutes of the closed session Meeting closed portion of an open session Meeting shall be held back for approval until such time as there is a scheduled closed session Meeting or closed portion of an open Meeting.

Decisions of the Council are binding decisions prior to the approval of the minutes of the Meeting at which they were made.

7.03 **Approval of Committee of the Whole Minutes:**

Resolutions made at Committee of the Whole Meetings shall be recorded in the minutes of the Meeting as recommendations to Council. Minutes of Committee of the Whole Meetings shall be prepared after the Meeting and brought forward to the next regular Council Meeting for ratification.

Decisions of the Committee of the Whole are not binding decisions unless and until the recommendations contained in the Minutes of the Committee of the Whole Meeting are ratified at a Council Meeting.

7.04 **Receipt of Committee Minutes:**

Minutes of Committee Meetings shall be prepared after the Meeting and provided to the Clerk for inclusion in the next regular Council Meeting for receipt.

Decisions made by Committees are not “approved” by Council through receipt of the minutes of the Committee. Any decision made by a Committee that requires Council approval shall be brought forward to the Council, through a report or through correspondence, for consideration. A resolution of Council is required to approve Committee actions or decisions unless the action or decision is within the Committee’s power in accordance with its terms of reference.

7.05 **Agenda Packages:**

The agenda packages for each Council or Committee of the Whole Meeting shall be retained by the Clerk in a file which contains the entire package that was distributed to Members of Council, the attendance record of the Meeting, and all documents or other material that was distributed at the Meeting.

Part Eight: General

8.01 Suspension of Rules:

Any procedure required by this By-law may be suspended by the Assembly by resolution passed by a majority of Members present, with the exception of the dispensing of notice of a motion to amend this By-law.

8.02 Effective Date:

This by-law shall come into force and take effect on the 4th day of May, 2016.

8.03 Repeal:

By-law 2010-859 is repealed.

ENACTED AND PASSED IN COUNCIL this 20th day of April, 2016, as witnessed by the Corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

Amendments:

2017-034 – Add an agenda review process (October 18, 2017)

2018-028 – Add ability to participate electronically; add confirming by-law (December 19, 2018)

2019-007 – Adding Town Hall Segments; changing start time (February 20, 2019)

2020-012 – Adding provisions for electronic meetings during an emergency.

2020-049 – Adding provisions for electronic meetings after state of emergency ended.