



## **Municipality of Kincardine Procedural By-law 2023 -**

A By-law to provide the rules for governing the order and procedures of the Council of the Municipality of Kincardine

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## 2. Definitions

In this By-law:

**“Agenda”** means an Agenda for Council, Local Board, Statutory Committee, or Ad-Hoc Committee Meeting.

**“Ad-Hoc Committee”** means a Committee created by Council, with a defined starting and ending date, who reports directly to Council on a specific matter.

**“Appeal”** means to ask for reconsideration of the decision of the Chair.

**“Chair”** means the person in a Meeting who is presiding the Meeting at the time that the Meeting is being held.

**“Chief Administrative Officer”** or **“CAO”** means the Chief Administrative Officer of The Corporation of the Municipality of Kincardine.

**“Clerk”** means the Clerk of The Corporation of the Municipality of Kincardine, or their designate authorized by the Municipal Act and appointed by By-law.

**“Closed Session”** means a Meeting or part of a Meeting closed to the public as provided in the Act.

**“Committee”** means Statutory Committees and Ad-Hoc Committees, which may be appointed by Council from time to time.

**“Confirmatory By-law”** means a by-law passed at the conclusion of each Council Meeting confirming the actions of Council taken at that Meeting.

**“Consent Agenda”** means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.

**“Council”** means the Members of the Council of The Corporation of the Municipality of Kincardine.

**“Deputy Mayor”** means the Member who holds the position of Deputy Mayor and acts in place of the Mayor when they are absent.

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

**“Emergency”** or **“Emergencies”** shall have the same meaning as that in the Emergency Management and Civic Protection Act, R.S.O. 1990, c. E.9 and shall mean a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

**“Ex-Officio”** means ‘by virtue of the office’. The Mayor is an Ex-Officio Member and may attend and participate in all Statutory and Ad Hoc Committee Meetings and shall have full voting privileges and shall not be counted towards Quorum.

**“Hybrid Meeting”** means a type of in-person Meeting operation that also includes Electronic Participation.

**“Local Board”** means a Local Board of the Municipality as defined in the Municipal Act.

**“Mayor”** means the Head of Council and shall have the same meaning as Head of Council in the Municipal Act.

**“Member”** means a Member of the Council, Local Board, Statutory Committee, or Ad-Hoc Committee, as the case may be.

**“Meeting”** means any regular, special or other Meeting of the Council, Local Board, Statutory Committee, or Ad-Hoc Committee, 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 the Council, Local Board, Statutory Committee, or Ad-Hoc Committee.

**“Motion”** means a question, moved by a Member and seconded by another Member, presented, read and is for the consideration of Council or a Committee. When a Motion is carried, it becomes a Resolution.

**“Municipal Act”** or the “Act” means the Municipal Act, 2001, c.258 as amended and replaced from time to time.

**“Municipality”** means The Corporation of the Municipality of Kincardine.

**“Notice of Motion”** means an advance notice to Members of a matter on which Council will be asked to take a position.

**“Point of Order”** means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.

**“Point of Privilege”** means a matter that a Member considers to question their integrity and/or the integrity of Council.

**“Quorum”** means a majority of Members of Council.

**“Recorded Vote”** means where a vote is taken for any purpose and a Member of Council requests immediately before or after the taking of the vote that the vote be recorded, each Member present except a Member who is disqualified from voting by any Act shall announce their vote openly and the Clerk shall record each vote.

**“Resolution”** means a Motion that has been carried.

**“Special Meeting”** means a Meeting not scheduled in accordance with the approved calendar of Meetings.

**“Statutory Committee”** means such Committees as the Municipality establishes by applicable statute.

**“Workshop”** means a Meeting of Council, intended for all Members of Council which shall be conducted in accordance with Section 12.2 of this by-law.

### **3. Purpose and Principles**

#### **3.1 Purpose**

- a) The purpose of the Procedure By-law is to define the rules for the order and dispatch of business in Council. The Rules of Procedure contained in this by-law will be observed in all proceedings of Council, unless specifically provided, and with the necessary modifications shall apply to all Meetings of Local Boards, Statutory Committees, and Ad-Hoc Committees.

- b) This By-law sets out processes that are open and transparent.

### **3.2 Principles**

- a) Each Member has the right to:
  - i. Vote - One vote, subject to the declaration of pecuniary interest;
  - ii. Information to help make decisions, unless otherwise prevented by law;
  - iii. Make Motions;
  - iv. Speak in debate;
  - v. An efficient Meeting; and
  - vi. Be treated with respect and courtesy.
- b) No item shall be placed on an Agenda with respect to a matter which is not within the jurisdiction of Council or Committees. The Mayor and/or Chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or Committees.
- c) If any provisions of this By-law are in conflict with the Act, or any other legislation, the provision of the legislation shall prevail.
- d) If any provision or provisions of this By-law shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

### **3.3 Suspension of Rules**

- a) No provision of this By-law shall be temporarily suspended except by an affirmative vote of at least two-thirds of the entire nine (9) Members of Council (six Members) for each incidence of suspension of rules.
- b) The suspension shall only apply to the procedure(s) or rules(s) which are stated within the Motion to suspend and only during the Meeting in which such Motion was introduced.
- c) The following procedure(s) or rules(s) cannot be suspended:
  - i. No other business in Special Meetings; and
  - ii. Any items directed in the Municipal Act or any other relevant legislation.

## **4. Accessibility**

The Municipality of Kincardine is committed to ensuring equal access to Council and Committee Meetings for all people, regardless of their abilities, and making Agenda documents accessible to all. This is done by Meeting or exceeding the Accessibility for Ontarians with Disabilities Act (AODA). Copies of all documents are available in an accessible format upon request.

## **5. Roles and Responsibilities**

### **5.1 Council**

- a) It is the role of Council per Section 224 of the Act:



- i. To represent the public and consider the well-being and interests of the municipality;
- ii. To develop and evaluate the policies and programs of the Municipality;
- iii. To determine which services the Municipality will provide;
- iv. To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v. To ensure the accountability and transparency of the operations of the municipality;
- vi. To maintain the financial integrity of the municipality; and
- vii. To carry out the duties of Council under the Act.

## **5.2 Mayor**

- a) It is the role of the Mayor as the Head of Council per Section 225 and Section 226.1 of the Act to:
  - i. To act as chief executive officer of the municipality, which has the following meaning:
    - uphold and promote the purposes of the Municipality;
    - promote public involvement in the Municipality's activities;
    - act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, regionally, provincially, nationally, and internationally; and
    - participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.
  - ii. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
  - iii. To provide leadership to Council;
  - iv. Provide information and recommendations to Council with respect to the role of Council as described in 5.1 a .
  - v. Act as the official spokesperson for Council;
  - vi. Represent the Municipality at official functions;
  - vii. Serve on the Council of the County of Bruce;
  - viii. Represent and support the Council and its decisions in all matters;
  - ix. Serve as an Ex-Officio Member of all Statutory Committees and Ad-Hoc Committees established or appointed by Council; and
  - x. Carry out the duties of the Head of Council under any Act.

## **5.3 Mayor – Voting**

- a) The Mayor or the Chair, except where disqualified to vote by reason of declaring a pecuniary interest, has one vote with the other Members.

## **5.4 Chair**

- a) The Chair will act as presiding officer over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order, points of privilege, and deciding on all questions relating to the orderly procedure of the Meetings, subject to an Appeal by any Member to the Council, Local Board, Statutory Committee or Ad-Hoc Committee of any ruling of the Chair.

- b) The Mayor shall be the Chair for Council Meetings. In the absence of the Mayor, the Deputy Mayor shall be the Chair. If both the Mayor and Deputy Mayor are absent, Council shall appoint a presiding officer from the Members present by Motion.
- c) If the Mayor desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Deputy Mayor, or in the absence of the Deputy Mayor, on another Member, to fill their place until resuming the Chair.

### **5.5 Deputy Mayor**

- a) In the absence of the Mayor, the Deputy Mayor shall act in the place of the Mayor, and while so acting, has and may exercise all the rights and powers, and authority of the Head of Council.
- b) The Deputy Mayor will attend Bruce County Council in the absence of the Mayor.

### **5.6 Members of Council**

- a) It is the role of the Members of Council to:
  - i. Come prepared for every Meeting, including reviewing the Agenda and background information prior to the Meeting;
  - ii. Act in accordance with their Declaration of Office and all municipal policies and procedures including but not limited to the Code of Conduct for Member of Council and the Council-Staff Relations Policy;
  - iii. Speak only to the subject under debate;
  - iv. Carry out the responsibilities of their roles as described in any Act, or a by-law or policy of the Municipality;
  - v. Abide by and uphold the by-laws and policies of the Municipality and under no circumstances take it upon themselves individually to circumvent established policies; and
  - vi. Respect the rules of procedure at all Meeting.
- b) No individual Member has the authority to direct or interfere with the performance of any work for the Municipality.

### **5.7 Clerk**

- a) It is the role of the Clerk per Section 228 of the Act, to:
  - i. Carry out the responsibilities of their role as described in the Act, any other Act or a by-law or policy of the Municipality;
  - ii. Provide procedural advice to the Chair and to Members on the Agenda business and on preparing Motions;
  - iii. Record without note or comment, all Resolutions, decisions and other proceedings of the Council;
  - iv. If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
  - v. Keep originals or copies of all by-laws and of all minutes of the proceedings of the Council; and
  - vi. Perform such other duties as prescribed by law or by direction of Council.

- b) The Clerk is authorized to make minor modifications or corrections of an administrative numerical, grammatical or descriptive nature or kind to any by-law, Motion or Resolution and/or minutes as they may be required for the purpose of ensuring correct and complete implementation of the actions of Council and where such modifications or corrections do not alter the intent;
- c) The Municipality shall allow for Electronic Participation by the Clerk and municipal staff in both open and closed Council Meetings per Schedule A - Hybrid Meeting Procedure.
- d) The Clerk will be present at all Meetings of Council.
- e) The Clerk may delegate in writing to any qualified person, other than a Member of Council, any of the Clerk's powers and duties under the Municipal Act or any other Act.
- f) Despite the delegation, the Clerk may continue to exercise the delegated powers and duties.

## **6. Inaugural Meeting**

### **6.1 Inaugural Meeting – Date and Details**

- a) The Inaugural Meeting of a new Council shall be held on the 15<sup>th</sup> day of November or the first business day following November 15<sup>th</sup> in a regular election year at 5:00 p.m. in the Council Chambers or any other location otherwise designated, which may include by telephone or video conferencing.
- b) At the Inaugural Meeting, each Member present shall make their declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate.
- c) The order of business for the Inaugural Meeting of Council shall be as follows:
  - i. Call to Order/Roll Call
  - ii. Land Acknowledgement Statement
  - iii. Declaration of Office
  - iv. Inaugural address by Mayor and Council Members
  - v. Adjournment
- d) In the event it is necessary to cancel the scheduled Inaugural Meeting, the Mayor-Elect, in consultation with the Clerk, shall decide upon the next suitable date and time for the Inaugural Meeting of Council to be held.

## **7. Meeting Open to the Public**

### **7.1 General**

- a) Except as provided in this By-law, all Meetings of Council, Local Boards, Statutory Committees and Ad-Hoc Committees will be open to the public.

## 7.2 Decorum in the Council Chambers

- a) Council affirms that the business of Council is an important function and that it will not tolerate incivility in its Meetings on the part of any individual or group, and that the Mayor or Chair is expected to maintain decorum by all persons in attendance at its Meetings in accordance with this Procedure By-law and the Municipal Act.
- b) To preserve and protect the decorum of the Council chambers or other Meeting places, no person participating in a Meeting , including Members of the audience, may undertake any of the following actions:
  - i. Make deprecating comments about, or speak disrespectfully of, or malign the integrity of staff, the public, Mayor, Members of Council or Committee;
  - ii. Use indecent, offensive, defamatory, disrespectful or insulting language or an aggressive one of attack;
  - iii. Use offensive words;
  - iv. Use language that is not inclusive;
  - v. disobey any rule or request of the Chair or any decision of Council on question or order or practice;
  - vi. Enter into cross debate with the Chair or any decision of Council on questions of order or practice;
  - vii. Appear before Council for the sole purpose of generating publicity or personal attacks;
  - viii. Address Council without permission;
  - ix. Interrupt any speech or action of the Members of Council, staff or any other person addressing Council;
  - x. Bring in any signs or placards into, or hand out any brochures, pamphlets, buttons or literature in the Council chambers or Meeting rooms;
  - xi. Applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council;
  - xii. Bring food or beverages into the Council Chambers or Meeting room unless authorized;
  - xiii. Bring into the Meeting room any electronic devices which emit a sound, unless such devices are turned off or silenced;
  - xiv. Carry on private conversations enough to disrupt the proceedings;
  - xv. Bring into the Meeting any animal other than a service animal as per the Municipality's Accessible Customer Service Standards.
- c) The Mayor or Chair may expel or exclude from any Meeting any person who has engaged in improper conduct at the Meeting if the Mayor is satisfied that evidence exists to support the expulsion or exclusion and states the reason.
- d) The Mayor or Chair may unilaterally suspend the Meeting until order is restored in the Meeting.

## 7.3 Recording of Meetings

- a) Council, Local Board, Statutory Committee, and Ad-Hoc Committee Meetings, not held in Closed Session and with the authorization of the Clerk, may be taped, televised, or otherwise electronically or mechanically recorded by a cable television or online streaming company, by another licensed telecommunications company, or by any other media in such a manner as not to interfere with Meeting proceedings.

- b) Should the recording interfere with the proceedings of a Meeting, the recording privileges may be withdrawn by the Clerk.
- c) At Meetings of Council, Local Boards, Statutory Committees, and Ad-Hoc Committees, the use of cameras, electronic lighting equipment, flash bulbs, recording equipment and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the media or the recording secretary of the Meeting, including but not limited to members of the public, is prohibited unless authorized in advance by the Clerk, CAO, Mayor or Chair.
- d) When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the Meeting, whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a record of the Meeting.

## **8. Notice of Meetings**

### **8.1 Notice – Minimum Requirement**

- a) The notice requirement set out in this By-law and the Municipality's Notice Policy are minimum requirements only and the Clerk may give notice in an extended manner if, in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.
- b) Lack of receipt of notice by any Member shall not affect the validity of holding a Meeting nor any action taken at the Meeting.

### **8.2 Regular Meetings**

- a) Notice shall not be required to be given to the Members of regular Meetings of the Council unless the day of the Meeting is other than that provided in this By-law. The electronic notice of posting of Agendas therefore shall be considered as adequate notice of such regular Meetings.
- b) The Clerk will endeavour to ensure that Agendas are available a minimum of five (5) days in advance of a regular Meeting of Council.
- c) The Agenda for a Council Meeting will be posted on the Municipality's website.

### **8.3 Addendums**

- a) After the Agenda has been posted, the Clerk, in consultation with the Mayor or CAO, may amend the Agenda by way of an Addendum.
- b) In the interest of transparency, Addendums are to be avoided wherever possible. However, where necessary, Addendums will be posted to the Municipality's website and Council will be informed by email of the posting of the Addendum as soon as possible and no later than 4:30 p.m. on the Tuesday before the Meeting.

## **8.4 Special Meetings**

- a) At least twenty-four (24) hours notice of all Special Meetings shall be given by the Clerk. Such notice shall be provided by electronic mail or telephone to the Members of Council. Notice to the public will be posted on the Municipality's website.
- b) The notice to be given shall indicate the nature of the business to be considered, as well as the Special Meeting date, time and place of the Meeting.

## **8.5 Closed Session**

- a) Notice of a Closed Session shall be included as a Motion to move into closed in the published Agenda for Council Meetings.

## **9. Council Agenda Development**

### **9.1 Agenda Development Meeting**

- a) The Mayor and the CAO will endeavour to hold regular meetings to discuss, plan, and coordinate the development of Council Meeting Agendas. The Mayor will also endeavour to solicit Council Members' input to inform the development of the Council Meeting Agendas.
- b) The regular meetings of the Mayor and CAO shall take place at a frequency determined by the Mayor and CAO, taking into consideration the workload of upcoming Council Meetings, and any other relevant factors.
- c) The Mayor and CAO shall prioritize and organize Agenda items based on their importance, urgency, and alignment with the Municipality's strategic priorities and approved plans.

## **10. Pre Meeting Question Submission and Response Timeline**

### **10.1 Timelines**

- a) Council Members shall endeavour to submit all questions related to an Agenda and addressed to the Clerk and CAO not later than 12:00p.m., two days prior to the scheduled Meeting.
- b) Staff, through the CAO and Clerk, shall provide responses, or an explanation of the work required to provide the response, to all submitted questions, addressing the entire Council, no later than 2:00 p.m., one day before the scheduled Meeting.
- c) The Clerk shall be responsible for ensuring timely dissemination of questions to staff and the subsequent distribution of staff responses to all Council Members.

## **11. Regular Meetings of Council**

### **11.1 Location, Date and Time of Meetings**

- a) Regular Meetings of Council will be held in the Council Chambers at the Municipal Administration Centre, or any other location otherwise designated, which may include by telephone or video conferencing, on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Wednesday of every month, commencing at 5:00 p.m.

- b) If the Regular Meeting falls on a public or civic holiday, Council shall meet at the same hour on the next following business day, which is not a public or civic holiday, unless otherwise provided by Resolution.
- c) Despite subsection 11.1a), during the month of December of each year, there will be one regular Meeting convened on the second (2<sup>nd</sup>) Wednesday of the month.
- d) The Mayor may, with appropriate notice, and in consultation with the Clerk, postpone or cancel any regular Meeting of Council if it has been determined that there are insufficient Agenda items for the Meeting, or if it appears that inclement weather or an Emergency situation will prevent Members from attending.

## 11.2 Order of Business

- a) The Clerk, in consultation with the Mayor and Staff, shall have discretion to prepare for the use of Members, an Agenda which may include any combination of the following:
  - i. Call to Order/Roll Call
  - ii. Land Acknowledgement Statement
  - iii. Amendments, Additions or Deletions to/from the Agenda
  - iv. Disclosure of Pecuniary Interest and the General Nature Thereof
  - v. Adoption of Minutes of Regular and Special Meetings of Council
  - vi. Unfinished Business
  - vii. Matters for Public Participation
    - Committee of Adjustment Meeting
    - Public Meetings
    - Delegations and Presentations
  - viii. Matters for Discussion & Direction
    - Staff Reports (action items)
    - Addendum Items
  - ix. Matters for Decision
    - Notice of Motion – Prior to the Meeting
    - Notice of Motion – At the Meeting
    - Motions
    - Consideration of By-laws
  - x. Matters for Information
    - Consent Agenda
    - Members of Council General Announcements
    - Chief Administrative Officer Announcements
  - xi. Closed Session (if Required)
    - Matters Arising from Closed Session
  - xii. Confirmatory By-law
  - xiii. Adjournment
- b) The business of Council will be taken up in the order on which it appears on the Agenda unless otherwise decided by a vote of the majority of the Members present and voting.
- c) Members may, at a time provided in the Agenda, make announcements, recognize achievements, promote an event or recognize matters of community wide interest. Details will not be recorded in the minutes.

## **12. Special Meeting**

### **12.1 Calling of Special Meeting**

- a) Per the Act, the Mayor may, at any time, call a Special Meeting by giving written direction to the Clerk stating the date, time, and purpose of the Meeting.
- b) Per the Act, upon receipt of a written petition of the majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose of and at the time and date mentioned in the petition.
- c) No business other than that indicated in the notice described in Section 8.4 shall be considered at a Special Meeting.
- d) Special Meetings may contain a Closed Session if necessary.

### **12.2 Workshops**

- a) Council Workshops will be held on an as required basis regarding matters where Council time is required for:
  - i. Receiving a briefing on municipal business;
  - ii. Discussing emerging priorities and issues, including strategic planning; and
  - iii. Education and training.
- b) No decision shall be made at a Workshop. Any matter requiring a decision shall be reported back to Council for consideration and approval.
- c) A Workshop may include a Closed Session in accordance with the rules of this By-law and the Act.
- d) The Clerk shall prepare the Agenda and it will be dependent on the subject of the Workshop.
- e) A record describing, in general terms, the proceedings and the subject matter will be made and placed on a future Council Agenda to be received for information only.
- f) Quorum of Council is not required for a Workshop to proceed. Should a Quorum not be present at a Workshop, the Workshop could continue if the majority of the Members wish to continue. The Workshop would not be considered a Meeting of Council and no record of the Workshop would be made.

### **12.3 Hybrid Meeting**

- a) Any Meeting of Council, Local Boards, Statutory Committees, Ad-Hoc Committees or Workshop may be conducted as a Hybrid Meeting in accordance with the Act and the Hybrid Meeting Procedure outlined in Schedule A of this By-law.
- b) Electronic Participation shall be allowed at any scheduled Meetings of Council, Local Boards, Statutory Committees, Ad-Hoc Committees or Workshop.



- c) The Municipality shall allow for Electronic Participation by Council Members in both open and closed Council Meetings per Schedule A, Hybrid Meeting Procedure.

### **13. Call to Order and Quorum**

#### **13.1 Call to Order**

- a) The Mayor will call the Meeting to order as soon after the hour of the Meeting as a Quorum is present.
- b) In the absence of the Mayor or Deputy Mayor, the Clerk shall call the Members to order and the Council shall choose a Chair from the Members present and that person shall preside over the Meeting or until the arrival of the Mayor or Deputy Mayor.

#### **13.2 Quorum**

- a) Quorum is achieved when a majority of the Members are present.
- b) If a Quorum for a Meeting is not present within fifteen (15) minutes of the time fixed for commencement of the Meeting, the Clerk will indicate that no Quorum is present and record the names of those Members in attendance and the Meeting will stand adjourned until the next scheduled Meeting.
- c) Per the Act, where the number of Members who are unable to participate in a Meeting by reason of the provisions in the Municipal Conflict of Interest Act, R.S.O. 1990, such that at a Meeting the remaining Members are insufficient to constitute a Quorum, the remaining Members will be deemed to constitute a Quorum, provided such number is not less than two.
- d) If during the course of a Meeting, a Quorum is lost, the Mayor or Chair will declare that the Meeting will stand recessed until a Quorum is re-established. If the loss of Quorum continues for fifteen (15) minutes, the Meeting shall stand adjourned until the date of the next scheduled Meeting or until a Special Meeting is called to deal with the matters remaining from the adjourned Meeting. This clause shall also apply if Quorum is lost during an electronic Meeting because of technology issues.

### **14. Disclosure of Pecuniary Interest**

- a) When a Member has such interest in the question under debate, they shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act and shall not take part in the consideration or discussion of the said matter nor shall they vote on any Motion in regard to the matter.
- b) Members shall file, with the Clerk, a written statement of interest and its general nature on the form prescribed by the Clerk at the Meeting at which a Member discloses an interest, or as soon as possible afterwards.
- c) Except as follows, the Member shall, in instances where the Council is Meeting in Closed Session, vacate their seat and the Meeting room until the question is decided, and the Clerk shall duly record the circumstances in the minutes.

- d) Where the matter under consideration is whether to suspend the remuneration paid to the Member if the Integrity Commissioner has reported that, in their opinion, the Member has contravened the Municipality of Kincardine Code of Conduct for Council, Local Board and Committee Members, the Member may take part in the discussion even at a Closed Session, however, the Member is not permitted to vote on any question in respect of the matter.

## **15. Minutes**

### **15.1 General**

- a) The minutes of Meeting proceedings shall not record any discussion undertaken in the course of a Meeting but shall only record decisions expressed in Resolution form and shall record all such Resolutions including those which are affirmatively voted upon by a majority of the Members present and those Motions which are defeated.
- b) Presentations, delegations, petitions and communications received in the course of a Meeting shall only be referred to in a brief summary manner in the minutes of the Meeting.

## **16. Unfinished Business**

When any matter listed on the Agenda is left undisposed of at the time of adjournment, either for want of a Quorum, a curfew, or otherwise, such matter(s) shall be considered at the next regularly scheduled Meeting of Council.

## **17. Delegations**

### **17.1 General**

- a) Any person desiring to attend Council for the purpose of making a verbal presentation with respect to items for Council's consideration that fall under Council's mandate shall submit a request no later than one week before the regular Council Meeting and in the form provided by the Clerk.
- b) The Clerk shall evaluate the request for delegation and decide whether the request complies with the criteria set out in this By-law and will schedule delegations accordingly.
- c) The Clerk may direct that a delegation be received by an ad-hoc Committee for consideration and recommendation to Council on a particular matter rather than addressing Council directly.
- d) The Clerk may refuse to place a delegation on the Agenda if the issue is not considered to fall within the jurisdiction of Council, appears to be frivolous or would be better dealt with in another forum. A delegation may Appeal the Clerk's decision to the Mayor and CAO.
- e) Delegations shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner.
- f) Delegations addressing Council (or a Local Board, Statutory Committee, or Ad-Hoc Committee) shall be limited to a maximum of five (5) minutes. Council may extend the five (5) minute time period by a majority vote of the Member present. Such a Motion shall be decided without debate.

- g) Delegations consisting of more than (5) persons shall be limited to two (2) speakers and shall be limited to a maximum of (5) minutes.
- h) There is a maximum of three (3) separate delegations per Meeting unless otherwise determined by the Clerk or Council.
- i) Any Member may direct questions through the Chair to the delegation but shall not make statements or enter into debate with the delegation.
- j) Delegations, which request action to be taken by the Council, shall be referred to Administration, by majority vote, for a report that shall be presented to Council at an ensuing Council Meeting. Under no circumstances, shall a decision from Members of Council be made on a request by a delegation at the same Meeting the delegation has been heard.
- k) A delegation, once heard, shall not be entitled to be heard on substantially the same matter unless new information is being provided to assist Council (or a Local Board, Statutory Committee, or Ad-Hoc Committee) in its decision making.
- l) No delegation shall be made to Council or Committees on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- m) No delegations shall be permitted to speak on a Notice of Motion to reconsider a Resolution.
- n) Delegations may be scheduled to address via Electronic Participation or in-person.
- o) Whenever a delegation in its presentation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member of Council, may be recognized by the Mayor or Chair on a "Point of Order" whereby the Members of Council so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

## **18. Motions**

### **18.1 General**

- a) Notice shall be given of all Motions for introducing new matters, other than a Point of Order or a Point of Privilege.
- b) No Motion shall be discussed unless such notice has been given in one of the following:
  - i. Growing out of reports or communications on an Agenda;
  - ii. By Notice of Motion at a previous Meeting; or
  - iii. By Notice of Motion prior to a Meeting that is filed with the Clerk by 12:00 p.m. (noon) on the Wednesday proceeding the date of the Meeting at which the Motion is to be introduced.

- c) A Motion may be introduced without notice with the approval of the majority of Council.
- d) Motions shall be submitted to the Clerk in writing and shall be complete and correct.
- e) Motions in respect of a matter of privilege or adjournment may be made verbally.
- f) A Motion may only be put in the positive and not in the negative. A Motion to not do something does not need to be made.
- g) A Motion must be formally seconded before the question can be put on a Motion and recorded in the minutes.
- h) The Motion shall be printed in full in the Agenda for that Meeting of Council and for each successive Meeting of Council, until the Motion is considered or otherwise disposed.
- i) When a Motion has appeared on two (2) successive Council Meeting Agendas and has not been dealt with, it shall be deemed to have been withdrawn and will be dropped from the Agenda unless Council otherwise decides.
- j) The Chair may call for a vote after each Member has spoken once.
- k) The Mayor, Chair, the Clerk, or any Member, will at the earliest opportunity, raise as a concern that the subject matter of debate may be contrary (*ultra vires*) to the Municipality by-laws, provincial or federal statutes and shall apprise the Council thereof, stating the rules, by-laws or statutes which are applicable to the case.

### **18.2 Notice of Motion - Prior to a Meeting**

- a) Notice of Motion provided before a Meeting of Council shall:
  - i. Be in writing;
  - ii. Include the name of the mover and seconder;
  - iii. Be filed with the Clerk by 12:00 p.m. (noon) on the Wednesday proceeding the date of the Meeting at which the Motion is to be introduced.
- b) The Motion shall be printed in full in the Agenda for that Meeting which it is to be considered.

### **18.3 Notice of Motion - At the Meeting**

- a) Notice of Motion provided at a Meeting of Council shall:
  - i. Be in writing; and
  - ii. Include the name of the mover and seconder.
- b) All Notices of Motion received by the Clerk at the Notice of Motion segment of the Agenda, may be read out by the mover or the Mayor during that segment.
- c) Consideration of a Notice of Motion provided at a Meeting shall be in order at the next regular Meeting.
- d) Prior to Council's consideration of a Motion of which notice has been given previously, a revised Motion on the same subject, approved by both the mover and the seconder, may be substituted for the original one contained in the Notice of Motion by noon on the Wednesday before the Meeting it is to be considered.

#### **18.4 Motion to Recess**

- a) A Motion to recess shall provide for Council to take a short intermission within a Meeting, which will not end the Meeting, and after which, proceedings shall immediately resume at the point where they were when interrupted.
- b) A Motion to recess is
  - i. Not debatable;
  - ii. Shall include the length of recess;
  - iii. The length of the recess can be amended; and
  - iv. Not provided when another Motion is on the floor.

#### **18.5 Friendly Amendment**

- a) A Member may ask if the mover and seconder of the Motion would accept a change in it, termed a friendly amendment. Both the mover and seconder may either accept or reject the proposed change.
- b) If the proposed change is accepted, the changed Motion will be read.
- c) If the proposed change is rejected, the Member suggesting the change can propose an amendment.

#### **18.6 Order of Voting**

- a) After a Motion is moved, seconded and read aloud, it shall be deemed to be in the possession of the Council.
- b) A Motion may be withdrawn at the joint request of the mover and seconder at any time before decision or amendment.
- c) When a Member moves a Motion or an amendment to a Motion that is not included as part of the Agenda package, that Councillor shall provide a written copy of the Motion to the Mayor or Chair prior to the vote being taken.
- d) A Motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order. The Mayor or Chair in consultation with the Clerk will determine if the matter is within the jurisdiction of the Council.
- e) When a Motion is under consideration no other Motion shall be received unless it is a Motion:
  - i. To refer the Motion to a Committee, Council, staff or any other person or body. Such Motion to refer:
    - is open to debate;
    - shall include the name of the body to whom the Motion is to be referred, the terms upon which it is to be referred, and the date or period, if any, within which the matter is to be referred;
    - is amendable; and
    - shall preclude amendment or debate of the proceeding Motion.
  - ii. To amend the Motion. Such a Motion to amend:
    - is open to debate;
    - shall not propose a direct negative to the main Motion;

- shall be relevant to the main Motion;
  - is subject to only one further amendment, and any amendment more than one must be the main Motion; and
  - if more than one, shall be put in the reverse order that in which they were moved, and shall be decided or withdrawn before the main Motion is put to the vote.
- iii. To defer the Motion to another time. Such a Motion to defer:
- is not open to debate;
  - shall include the time, place and the purpose of the deferral;
  - is not subject to amendment; and
  - applies to the main Motion and any amendments thereto under debate at the time the Motion to defer is made.
- iv. To call a vote on the Motion. Such a Motion to call a vote on the Motion:
- cannot be amended;
  - cannot be proposed when there is an amendment under consideration;
  - when resolved in the affirmative, shall be forwarded by voting on the Motion, without debate or amendment;
  - when resolved in the negative, shall be followed by resumption of debate; and
  - shall always be in order.
- f) Once all Motions relating to the main Motion have been dealt with and once the main Motion is put, there shall be no further discussion or debate and the Motion shall be immediately voted on.
- g) A Motion may be voted against by the mover and seconder.

## **19. By-laws**

### **19.1 General**

- a) All by-laws, together with a brief description and the notation of the number of readings required, shall be listed on the Agenda for the Meeting at which they are to be read.
- b) By-laws may be given first, second and third reading by way of one Resolution. In situations where a by-law is adopted in principle to confirm general support or per any Act, the by-law will be given first and second reading, until required details are available for the third and final reading.
- c) By-laws may be considered separately or jointly with other by-laws.
- d) Amendments to separate by-laws may be proposed during the course of debate.
- e) A by-law shall be deemed to have been read upon the title or heading or short description thereof being read or taken as read.
- f) Every by-law which is passed by Council shall be sealed with the seal of the Corporation, signed by the Mayor, or the Chair of the Meeting at which the by-law was passed, and by the Clerk and shall be deposited with the Clerk.

## **20. Consent Agenda**

### **20.1 General**

- a) The Consent Agenda is to deal with items of routine business unlikely to be subject to debate by Council including statistical and information reports, administrative Motions (including adoption of minutes) and routine and information communications.
  - i. Items on the Consent Agenda are considered en-masse, with one Motion and without amendment or debate;
  - ii. All items to be considered for the Consent Agenda shall be determined by the Clerk;
  - iii. A Member may make a brief comment regarding a consent item prior to the consideration of the Motion, however, if an item requires further discussion, debate or an amendment, it must be removed by request of a Member from the Consent Agenda and placed under Matters for Discussion; and
  - iv. Members will follow the timelines in Section 10 Pre-Meeting Question Submission and Response timeline for questions or requests for items to be removed from the Consent Agenda.

### **20.2 Order of Consent Agenda**

- a) The content and order of items on the Consent Agenda shall be:
  - i. Administrative Motions;
  - ii. Statistical and Information Reports;
  - iii. Minutes of Local Boards, Statutory Committees, and Ad-Hoc Committees; and
  - iv. Routine and Informational Communications (e.g. Motions from other municipalities, updates & event information from Community Partners etc.)

## **21. Closed Session**

### **21.1 General Principles**

- a) Meetings shall be open to the public.
- b) Notwithstanding Section 21.1 a) above, a Meeting or a part of a Meeting may be closed to the public in accordance with Sections 239 (2) of the Act, if the subject matter being considered is:
  - i. The security of the property of the Municipality or Local Board;
  - ii. Personal matters about an identifiable individual, including municipal or Local Board employees, or potential appointees to a Local Board, Ad-Hoc Committee, or other municipally controlled organization;
  - iii. A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
  - iv. Labour relations or employee negotiations;
  - v. Litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
  - vi. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii. A matter in respect of which a Council, board or Committee or other body may hold a Closed Session under another Act;

- viii. Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a province or territory or a Crown agency of any of them;
  - ix. 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 organization;
  - x. 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
  - xi. 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.
- c) Notwithstanding Section 21.1 a), a Meeting or a part of a Meeting may be closed to the public in accordance with 239 (3) of the Act, if the subject matter being considered is:
- i. A request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, board commission or other body is the head of an institution for the purposes of that Act; or
  - ii. An ongoing investigation respecting the Municipality, Local Board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, or the investigator referred to in subsection 239.2(1) of the Act.
- d) Notwithstanding Section 21.1 a) a Meeting or part of a Meeting may be closed to the public in accordance with 239 (3.1) of the Act, if the following conditions are both satisfied:
- i. The Meeting is held for the purpose of education or training the Members;
  - ii. At the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of the Council, Local Board or Committee.

## **21.2 Prior to Moving into Closed Session**

- a) Prior to moving into Closed Session for one of the reasons listed above, Council will pass a Motion stating:
  - i. The fact that Council is convening into Closed Session;
  - ii. The specific provision under the Municipal Act that permits the item to be considered in a Closed Session; and
  - iii. The general nature of the matter to be considered.
- b) Members are prohibited from discussing any additional matters during a Closed Session other than those identified by the Motion passed under subsection 21.2a).



### **21.3 Attendance in Closed Session**

- a) Attendance in Closed Session will be limited to the Members of Council, the CAO, the Clerk or a person appointed as the Clerk for the purpose of the Meeting, and those specifically invited to remain by Council.
- b) The use of electronic devices to record proceedings of a Closed Session by anyone other than the Clerk is prohibited.

### **21.4 Recording of Minutes Closed Minutes**

- a) The Clerk and/or their delegate shall attend all Closed Sessions and record the proceedings, including procedural Motions and direction given to staff, without note or comment.
- b) The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all Closed Sessions.

### **21.5 Closed Session Voting**

- a) Per section 239 (6) of the Act, in relation to a matter considered in a Closed Session, Council may vote:
  - i. On procedural matters;
  - ii. On Motions to rise, report and introduce a proposed recommendation on an open Meeting Agenda; or
  - iii. To give direction to staff or a third party of the Municipality.

### **21.6 Reporting from Closed Session**

- a) The Mayor or Chair shall report out in the open Meeting immediately following the Closed Session and summarize the actions taken in Closed Session. The report will include if direction had been given in the Closed Session in accordance with the Act.
- b) Matters discussed in a Closed Session which require a decision will be brought forward to an open Meeting of Council or Committee.
- c) No Member is permitted to release or make public any information discussed during a Closed Session.
- d) Members are prohibited from discussing the contents of Closed Sessions with anyone other than fellow Members or staff who were present at the Closed Session.

## **22. Confirmatory By-law**

### **22.1 General**

- a) At the conclusion of all regular and Special Meetings of Council and prior to adjournment, a by-law shall be brought forward to confirm the actions taken at that Meeting and any previous Meetings which did not have a Confirmatory By-law, in respect of each Resolution and other actions taken, so that every decision of Council at that Meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

- b) A Confirmatory By-law when introduced shall be taken as read and finally adopted without debate.

## **23. Adjournment**

### **23.1 General**

- a) All Meetings will adjourn when all business listed on the Agenda has been completed or at a time determined in advance of the Meeting, whichever is earlier.
- b) A Motion to adjourn may be made by any Member who has been recognized by the Chair. The Motion must be moved and seconded. A Motion to adjourn shall not be made during a vote on any other Motion.
- c) A Motion to adjourn is not debatable.

### **23.2 Automatic Hour of Adjournment**

- a) All Meetings shall adjourn no later than three hours after the start of the Meeting, as scheduled, unless otherwise decided before the curfew by the majority of the Members present.
- b) Only one Motion to extend the automatic hour of adjournment beyond the three hours shall be permitted per Meeting, and the maximum allowable extension shall be one hour.

## **24. Voting**

### **24.1 General**

- a) When one or more Motions as set out in Section 18.6 e) have been made, the order of the vote shall be as follows:
  - i. To defer the Motion;
  - ii. To refer the Motion;
  - iii. Upon the amendment in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
  - iv. Then, upon the main Motion or upon the main Motion as amended. If any amendments have been carried.
- b) Every Member of Council or Committee shall have one vote.
- c) A Member not in their seat when the question is called by the Mayor or Chair is not entitled to vote on that question.
- d) Any Motion on which there is a tie vote shall be deemed to be defeated, except where otherwise provided by any act.
- e) A failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote, shall be deemed to be a negative vote.
- f) When the Motion under consideration contains distinct clauses, and a Member has requested to vote on each distinct clause, then a vote shall be taken separately on each clause; including each clause added by way of an amendment.

- g) After a vote has been called by the Mayor or Chair, no Member shall be recognized to speak to the Motion or make any other Motion after the result of the vote has been declared.
- h) Members shall vote by raising their hands unless attending electronically where they shall vote verbally.
- i) Where a Motion is “carried” or “defeated” shall be recorded in the minutes of the Meeting.

## **24.2 Recorded Vote**

- a) Where a vote of Council is taken for any purpose, a Member may request immediately prior or immediately subsequent to the taking of a vote be recorded in the minutes.
- b) All Members who are present at the Meeting shall announce their vote openly when called to do so by the Clerk, unless they have disclosed a pecuniary or disqualifying interest or is absent from their seat at the time the vote is taking place.
- c) For the purpose of Recorded Votes, the Clerk shall call the names beginning with the Member who requested the Recorded Vote and continuing with the Member to their left with the Mayor voting last. The Members shall respond yes or no when called upon.
- d) The Clerk shall announce the results after the vote has been called and record the names of those who voted for and those who voted against in the minutes.
- e) If any Member refuses to vote except where the Member has declared a pecuniary interest, direct or indirect, they shall be recorded as voting in the negative on the question.

## **25. Point of Order**

### **25.1 General**

- a) A Member may raise a Point of Order at any time, whereupon the Mayor or Chair shall:
  - i. Interrupt the matter under consideration;
  - ii. Ask the Member raising the Point of Order to state the substance and the basis for the Point of Order; and
  - iii. Rule on the Point of Order immediately without debate by Council or Committee and state the rule or authority applicable.
- b) A Member of Council may appeal the ruling of the Mayor or Chair to Council or Committee which will then decide on the appeal without debate, by way of a majority vote of the Members present. If there is no appeal, the decision of the Mayor or Chair will be final.
- c) Whenever the Chair is of the opinion that any Motion offered is contrary to the rules of this by-law, they shall advise the Members thereof immediately and quote the rule or authorities applicable. Debate shall not be permitted.

## **26. Point of Privilege**

### **26.1 General**

- a) A Member may raise a Point of Privilege at anytime if they consider that their integrity, the integrity of Council or the Committee, or staff has been impugned, whereupon the Mayor or Chair shall:
  - i. Interrupt the matter under consideration;
  - ii. Ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
  - iii. Rule on the Point of Privilege immediately without debate by Council or Committee.
- b) A Member of Council may appeal the ruling of the Mayor or Chair to Council.
- c) If there is no appeal, the decision of the Mayor or Chair shall be final. The Council, if appealed to, shall vote on the Motion without debate by way of a majority vote of the Members present and its decision shall be final.
- d) Where the Mayor or Chair considers that the integrity of any municipal employee has been impugned or questioned, the Mayor or Chair may permit the CAO to make a statement to Council.

## **27. Reconsideration of Motion**

### **27.1 General**

- a) A Resolution that was decided by Council cannot be reconsidered if:
  - i. Action has been taken implementing the Resolution resulting in legally binding commitments that are in place on the date the Motions to reconsider is considered by Council;
  - ii. Action has been taken implementing the Resolution resulting in something that is impossible to undo;
  - iii. It was a Motion to Reconsider;
  - iv. The same result can be obtained by some other Motion; and
  - v. It is determined by the Chair to be dilatory (causing delay).
- b) If Council passes a Resolution and adopts the same matter by by-law, only the Resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.
- c) A Motion to reconsider must be made by a Member who voted with the majority on the original Motion.
- d) No Motion to reconsider shall be made more than once in the twelve month period from the date the matter was decided.
- e) A Motion to reconsider shall require an affirmative vote of at least two-thirds of the entire nine (9) Members of Council (six Members).
- f) Debate on a Motion to reconsider shall be confined to reasons for or against reconsideration. There shall be no discussion of the decided matter proposed to be reconsidered.

## **27.2 Reconsideration – At the Same Meeting**

- a) A Motion to reconsider a decided matter at the same Meeting shall be introduced under Matters for Decision.
- b) A Motion to reconsider a decided matter at the same Meeting, where the Mayor determines that there was a clear misunderstanding of the questions that was put, shall be introduced immediately after the original vote was taken.

## **27.3 Reconsideration – Subsequent Meeting**

- a) A Motion to reconsider a decided matter at a subsequent Meeting shall require a Notice of Motion submitted in accordance with Section 18.2 of this by-law and shall be introduced under Notice of Motion.
- b) The effect of the Notice of Motion to reconsider a decided matter is the suspension of all action that depends on the result of the matter proposed to be reconsidered.

## **27.4 Reconsideration – Affirmative Vote**

- a) If a Motion to reconsider is decided in the affirmative:
  - i) The reconsideration effectively returns Council to just prior to the original Council decision; and
  - ii) Reconsideration of the original Motion shall then be the next order of business unless the Motion specifies a future date.

## **28. Rules of Debate**

### **28.1 General**

- a) When a Motion is presented, it shall be read by the Mayor, Chair or the Clerk before debate.
- b) Any Member may request the question or Motion under discussion to be read at any time during the debate, but may not interrupt a Member speaking in order to make such a request.
- c) No Member shall be deemed to have precedence or seniority over any other Member.
- d) When a Member is speaking, no other Member shall hold discourse which may interrupt or pass between the speaker and the Mayor or Chair.

### **28.2 Speaking**

- a) Every Member, previous to speaking on any question or Motion, shall indicate the wish to speak by raising their hand.
- b) Every Member, on being recognized by the Mayor or Chair, shall remain seated and shall address themselves to the Mayor or Chair.
- c) When two or more Members simultaneously indicate a wish to speak, the Mayor or Chair shall name the Member to be recognized.
- d) Every Member shall confine their remarks to the Motion.

- e) No Member shall, without the leave of Council:
  - i. Speak to an issue for more than five (5) minutes (cumulative); and
  - ii. Speak more than once on an item where another Member wishes the floor who has not spoken the first time to a question, except in explanation of a material part of their speech which may have been misunderstood.

### **28.3 Mayor – Leaving Chair**

- a) The Mayor may answer questions and comment in a general way without leaving the Chair, but if they wish to make a Motion or to speak to a Motion taking a definite position and endeavouring to persuade the Council to support that position, then they shall first leave the Chair.
- b) The Mayor will call on the Deputy Mayor. If the Deputy Mayor is absent, Council shall appoint a presiding officer from the Members present to fill their place until resuming the Chair.

## **29. Conduct at Council Meetings**

### **29.1 General**

- a) Members shall govern themselves according to this Procedure By-law, Code of Conduct for Members of Council, Local Boards and Committees and the Council and Staff Relations Policy.
- b) The Mayor or Chair shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council.
- c) No Member shall speak beside the question in debate.
- d) No Member shall criticize any vote of the Council, except for the purpose of moving that such vote be reconsidered.
- e) Members and Staff shall refrain from disrupting a Meeting through the use of electronic equipment, and shall not text or communicate with other Members during the Meeting so as to advance the proceedings of Council in a way that is inconsistent with this By-law and the Act.
- f) Members shall wear appropriate attire during regularly scheduled, special and Closed Sessions.
- g) No Member shall record or broadcast the proceedings, or discussions amongst Members or staff, without specific authorization by Council and the consent of those involved.

### **29.2 Breach of Rules**

- a) No person shall breach the rules of the Council set out in this By-law, and in the case where any Member should breach such rules, the Member may be called to order by the Mayor or Chair to refrain from any further comment.
  - i. In the event such Member continues to commit a breach of the rules, the Mayor or Chair, will ask the Member to leave their seat for that Meeting and vacate the Meeting place.

- ii. No Member shall be permitted to retake their seat at any Meeting after being ordered by the Mayor or Chair to vacate for committing a breach of any rule of order, without making an apology and receiving the consent of Members, expressed by a majority of the Members present determined without debate.
- b) A Motion for the Mayor or Chair to vacate shall be in order if Members determine that the Mayor or Chair is acting in contravention to this By-law. This Motion shall require the approval of at least two-thirds of the whole Council. The Mayor may vote on this Motion. The Members may then appoint a substitute Chair by Resolution and resume the business of the Meeting.

## **30. Written Submissions/Petitions**

### **30.1 Written Submissions**

- a) Every written submission intended for Council must be submitted to the Clerk.
- b) Every written submission intended for presentation to Council must be legibly written, typed or printed and must contain the signature and contact address of at least one (1) person preferably the addresses of all signatories. For all communication submitted there shall be a designated contact person to whom the Clerk can communicate.
- c) The Clerk shall list in the Agenda only those written submissions, received prior to 12:00 p.m. (noon) on the Wednesday before the Meeting, which pertain to matters contained in the reports and other communications listed in the Agenda.
- d) A written submission which does not pertain to items listed in the Agenda shall be directed by the Clerk to the appropriate department or Committee.
- e) Written submissions containing obscene or defamatory language shall not be listed in the Agenda or be directed to a department or Committee.
- f) The Clerk may, upon receipt, refer any written submissions to a department head without the prior consideration of Council.
- g) No person, other than the Clerk or their designate, shall before or during a Meeting of Council place on the desks of the Members, or otherwise distribute, any material whatsoever.

### **30.2 Petitions**

- a) Petitions may be submitted in written or electronic format and shall meet the requirements set out in the Municipality's Petition Policy.
- b) The Clerk may, upon receipt, refer any petition to a department head without the prior consideration of Council.

## **31. General Rules**

### **31.1 Robert's Rules of Order**

- a) The Procedure By-law shall govern the procedures of the Council. In the case for which provision is not made in this By-law, the current edition of "Robert's Rules of Order" shall be the parliamentary authority, which governs the proceedings. In such cases the decision shall be determined by the Mayor without debate.

## **32. Committees of Council**

### **32.1 Types and Forms of Committees to be Established by Council**

- a) Council shall establish Statutory Committees as required by statute.
- b) Council may establish Ad-Hoc Committees with a specific and time-limited mandate and whose Membership is comprised of a majority of Members assembled from the public with relevant knowledge, skills and experience.
- c) Every Committee established by Council shall be given a Council approved terms of reference that clearly articulates a Committee's mandate and responsibilities, Committee Membership/composition, roles and responsibilities of Committee Members, decision-making process, administrative requirements, reporting requirements, and duration.
- d) The terms of reference shall also explicitly state the role to be played by any and all Members of Council appointed to the Committee.

### **32.2 Appointment of Members to Committees**

- a) Council shall approve the appointment of Members to all Local Boards, Statutory Committees and Ad-Hoc Committees.
- b) The appointments shall be consistent with a Council approved appointments policy.
- c) Members of the public may put their names forward for consideration for appointment based on a Council approved application process administered by the Clerk and publicly available for access on the Municipality's website.

### **32.3 Statutory Committees**

- a) All Statutory Committees established by Council, unless otherwise directed by statute, are advisory in nature and their primary purpose is to provide advice to Council on the matters and questions assigned in their terms of reference.
- b) Statutory Committees shall report to Council through a Staff Report by the Staff Resource or Secretary assigned to the Committee.
- c) Statutory Committees may receive public delegations for input and report to Council on all matters connected with their duties or referred to them by Council and to advise such action as they deem necessary.
- d) A Council Member will be appointed to Statutory Committee as Chair and will be a non-voting Member.



- e) Statutory Committees shall follow the Rules of Procedure as set out in this By-law.

#### **32.4 Ad-Hoc Committees**

- a) All Ad-Hoc Committees established by Council are advisory in nature and their primary purpose is to provide advice to Council on the matters and questions assigned in their terms of reference.
- b) The establishment of Ad-Hoc Committees shall be optional and at the discretion of Council.
- c) Ad-Hoc Committees shall report to Council through a Staff Report by the Staff Resource or Secretary assigned to the Committee.
- d) Ad-Hoc Committees are temporary and shall have clearly defined timeline and are disbanded after a final Staff Report that presents the Committee's advice to Council.
- e) Ad-Hoc Committees may be created when there is a recognized and ongoing need for focused attention, expertise, and oversight on specific matters or areas of municipal governance.
- f) Ad-Hoc Committees may receive public delegations for input and report to Council on all matters connected with their duties or referred to them by Council and to advise such action as they deem necessary.
- g) A Council Member will be appointed to Ad-Hoc Committees as Chair and may, as determined by the terms of reference, be a voting or non-voting Member.
- h) There will only be one Ad-Hoc Committee per municipal department at any given point to ensure timely and focused staff support.
- i) Ad-Hoc Committees shall follow the Rules of Procedure as set out in this by-law

#### **32.5 Framework for Establishing Ad-Hoc Committees**

- a) Council shall consider the following questions in determining the establishment of Ad-Hoc Committees:
  - i. Is there sufficient staff capacity and resources to provide adequate support to ensure that each Committee receives the necessary assistance to fulfill its purpose and responsibilities?
  - ii. How many Committees (including Statutory Committees) per department currently exist?
  - iii. Is there a demonstrated need for a non-statutory Committee related to priorities and plans established in the Municipality's strategic plan, budget, and approved master plans?
  - iv. Is there a need for advice from the public/experts in addition to that provided by staff?

- v. Can a clear set of objectives, scope, questions for examination, and expected outcomes be given to the Committee and codified in a terms of reference document?
- b) In considering the establishment of an Ad-Hoc Committee, Council shall ask staff for a report on the creation of Committee. The report shall contain the strategic and other priorities as approved by Council, proposed terms of reference, necessary skills, competencies, and experience for the Committee, anticipated duration, and reporting requirements to Council.

### **32.6 Electronic Participation at Committee Meetings**

- a) Members of all Committees are allowed to participate in open Meetings through electronic means, such as telephone or video conference. In the case of Electronic Participation, the presence of such Members shall be counted when determining the Quorum requirement. Unless otherwise specified, Schedule A Hybrid Meeting Procedures applies to all Committees.

### **32.7 Committee Chairs**

- a) Council shall appoint a Chair for every Committee from amongst the Members of Council.
- b) In addition to the roles and responsibilities of a Chair prescribed elsewhere in this By-law, the role and responsibilities of a Committee Chair are to:
  - i. Preside over all Meetings;
  - ii. Ensure adherence to the Council approved terms of reference;
  - iii. Consult with the Committee Secretary on items of business intended for inclusion for the Committee Agendas; and
  - iv. Maintain regular communication with assigned Municipality staff.
- c) Council shall endeavour to provide Committee Chairs with appropriate training on the roles and responsibilities of a Chair.

### **32.8 Committee Secretary**

- a) The Clerk shall appoint a Secretary for each Statutory Committee and Ad-Hoc Committee.
- b) Local Boards shall, in consultation with the Clerk, appoint their own Secretary.
- c) Statutory Committee and Ad-Hoc Committee Secretaries shall exercise all the authority of the Clerk for the respective Committee.
- d) Local Board, Statutory Committee and Ad-Hoc Committee Secretaries shall attend training organized and provided by the Clerk from time to time and shall take direction from the Clerk on how to exercise their duties.

## **Schedule A - Hybrid Meeting Procedure**

### **1. Purpose and Application**

This procedure is intended to establish rules and practices governing the process for participating in and conducting Council, Local Boards, Statutory Committees, and Ad-Hoc Committees in an electronic format.

The procedure applies to all Council, Local Boards, Statutory Committee, and Ad-Hoc Committee Meetings, both open and Closed Sessions, where an element of Electronic Participation is present which creates a Hybrid Meeting format whereby some Members, staff and the public attend in-person while others participate electronically.

This Procedure may change due to practical application and the use of different technologies. The Clerk is authorized to make minor adjustments, and/or exceptions, to these protocols where warranted.

### **2. Technology**

The CAO and Clerk will determine the most appropriate electronic method and technology used for Hybrid Meetings in open and Closed Sessions, based on advice and resources from the IT Specialist and taking into consideration the circumstances and context for the given Meeting.

The notice for the Meeting will inform the public on how to connect to the Meeting and will set out public participation parameters.

There is no guarantee of the quality of any Electronic Participation.

Each Member participating in a Meeting by electronic means shall be available at least fifteen (15) minutes before the beginning of the Meeting to assist staff in establishing the electronic connection.

In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the Meeting in real time, the Meeting will continue without attempts by staff to reconnect. The Member may attempt to reconnect and rejoin the Meeting.

At any time during the Meeting, should technical difficulties or other unforeseen circumstances require a recess, the Chair or Clerk will issue instructions on how the Meeting will resume.

### **3. Participation**

- a) Members of Council wishing to participate by electronic means must notify the Clerk 4 hours prior to the Meeting that they wish to attend electronically.
- b) Members attending Meetings electronically will:
  - inform the Chair about their intentions to leave the Meeting either on a temporary or permanent basis;
  - mute their electronic device when they are not speaking;

- ensure that no one other than the Member of Council is present for any Closed Session discussions;
  - keep their video on if participating by video conferencing;
  - identify themselves, if participating by telephone, whenever wishing to speak;
  - abide by all rules of procedure; and
  - dress and act as though in attendance in person.
- c) Open Meeting requirements included in the Municipal Act continue to apply despite any Electronic Participation and specifically:
- d) Members of the public will be permitted to be present for the electronic Meetings which are not closed under the provisions of the Act.
- e) In the instance of a pandemic or public health Emergency, the number of Members of the public who are permitted will be limited to the size and location of the Meeting space.
- f) Members attending by telephone shall verbally announce their vote.
- g) A Member(s) participating by Electronic Means will be deemed to have left the Meeting when they are no longer electronically connected to the Meeting.

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