

**THE CORPORATION OF THE TOWN OF MIDLAND**

**BY-LAW 2022-2**

A By-law to provide rules governing the proceedings of its Council, Council Committees, and its Members' Conduct and to repeal By-law 2018-62, as amended.

**WHEREAS** Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) provides that a Council shall adopt a procedure by-law governing the calling and location of meetings, and meeting procedures;

**AND WHEREAS** Section 238 (2.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that the procedure by-law shall provide for public notice of meetings;

**AND WHEREAS** Council has reviewed By-law 2018-62, as amended, and now deems it expedient to establish new provisions that reflect current legislative requirements and best practices;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:**

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## 1. SHORT TITLE

1.1. This By-law may be referred to as the Procedure By-law of the Town of Midland.

## 2. DEFINITIONS

2.1 In this By-law:

- a) **Ad Hoc Committee** means a Committee established to review a specific matter or to undertake a specific initiative within a specified timeframe, which is dissolved automatically upon completion of its mandate, unless otherwise directed by Council.
- b) **Advisory Committee** means a Committee established by Council, with a specific mandate of an ongoing nature, which meets regularly to advise Council and which is dissolved by Council at its discretion.
- c) **Addenda** means the addition of revised or updated information to an Agenda about an item or items of business, which was not available at the time of the original publication of the Meeting Agenda.
- d) **Agenda** means the order in which business is to be conducted at a Meeting as published.
- e) **Alternate Member - County Councillor** means the Councillor appointed by By-law as an alternate Member to the Simcoe County Council to act in place of the Mayor or Deputy Mayor at County Council if either is unable to attend a Meeting for any reason.
- f) **Amending Motion** means a formal Motion put forth during a Meeting that amends another Motion on the floor, which is under debate.
- g) **By-law** means a By-law passed by Council.
- h) **Chair** means the person presiding at a Council or Committee Meeting.
- i) **Chief Administrative Officer** means the Chief Administrative Officer of the Corporation of the Town of Midland or his or her designate.
- j) **Clerk** means the Clerk of the Corporation of the Town of Midland, or his or her designate.
- k) **Closed Meeting** means a Meeting or part of Meeting where the public is excluded from attending as the subject matter fits within one of the exceptions listed under Section 239(2) and (3) of the *Municipal Act, 2001*.
- l) **Committee** means any Advisory, Ad Hoc, or other Committee, sub-Committee or similar entity of which at least 50 per cent of the Members are also members of one or more councils or Local Boards in accordance with the section 238(1) of the *Municipal Act, 2001*. Notwithstanding this statutory definition, all Statutory, Advisory,

and Ad Hoc Committees appointed by Council are considered Committees for the purposes of this By-law.

- m) **Committee of the Whole (COW)** means a Committee consisting of all Members of Council.
- n) **Council** means Council for the Corporation of the Town of Midland.
- o) **Council Code of Conduct** means the Code of Conduct adopted by Council under By-law 2019-10, or any successor Bylaw, which establishes the general standards of conduct for Members of Council in order to provide good governance and a high level of public confidence.
- p) **Committee Code of Conduct** means the Code of Conduct adopted by Council under By-law 2019-11, or any successor Bylaw, which establishes the general standards of conduct for Members of the Local Boards and Committees in order to provide good governance and a high level of public confidence.
- q) **Confirmatory By-law** means a By-law of Council that adopts the proceedings of the Council Meeting and authorizes its execution.
- r) **Consent Agenda** means the portion of the Agenda that may be approved by Council without debate.
- s) **Conflict of Interest** means a perceived direct or indirect vested interest in a matter to be debated that raises a question of whether a Member's actions, judgment or decision-making can be unbiased within the meaning of the *Municipal Conflict of Interest Act*, R. S. O. 1990, c.M.50, as amended.
- t) **Correspondence** means a communication addressed to the Mayor, Council or to the Clerk that includes but is not limited to the following: letter, memorandum, report, notice, electronic mail (email), facsimile (fax), petition, or other similar document as determined by the Clerk.
- u) **Council** means the Council of the Corporation of the Town of Midland.
- v) **Council Information Package (CIP)** means information submitted to Council (or via the Clerk) for the purpose of informing Council of matters of potential municipal interest.
- w) **Councillor** means an elected or, pursuant to the *Municipal Act, 2001*, appointed representative of Council.
- x) **Defer** means to postpone all discussion on a particular matter until later in the same Meeting, or to a future date.
- y) **Deputation** means an address to Council or Committee of the Whole or other Standing Committee by one or more persons who are not Members of Council or Town Staff.

- z) **Deputy Mayor** means the Member of Council elected to that position during a Municipal Election who shall act in the place of the Mayor when the Mayor is absent, refuses to act or declares a Conflict of Interest, and who shall exercise all the rights, powers and authority of the Mayor during those specific circumstances.
- aa) **Direction** means a formal Resolution passed by Council that instructs Staff to proceed with a specific action.
- bb) **Division Head** means a staff member who manages a departmental section, division or unit of a department and reports directly to a head of department.
- cc) **Electronic Device** means recording equipment and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means or both.
- dd) **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;
- ee) **Electronic Meeting Participation** means the participation of a Council Member remotely, via electronic means, who shall have the same rights and responsibilities and restrictions as if the Member was in physical attendance, with additional applicable considerations.
- ff) **Emergency** means a situation or pending situation within the meaning of the Town of Midland's Emergency Response Plan, or any other similar unforeseen circumstance that presents an urgent or extraordinary matter which is required to be dealt with in the most expedient manner as determined by the Mayor or a majority of Council or the Chief Administrative Officer (CAO) or his/her designate.
- gg) **Ex-officio** means that, by virtue of his or her office or position, a person has the right to participate in a Committee or Local Board.
- hh) **Friendly Amendment** means a minor change to the Main Motion under debate with the consent of the mover and seconder which does not alter the intent of the Motion and which is made without the requirement for an Amending Motion.
- ii) **Inaugural Meeting** means the first Meeting of the new Council after a Municipal Election where the declarations of office are made.
- jj) **Holiday** means a holiday as defined by section 88 of the *Legislation Act*, S.O. 2006, c.21, Schedule F.
- kk) **Information Report** means a written or verbal transmittal of information to Council provided strictly for information and for which debate or consent is not required.
- ll) **Local Board** – Pursuant to sections 1(1) and 238(1) of the *Municipal Act, 2001*, Local Board means a service board, commission, Committee, body or local authority established or exercising any power under any Act with respect to the



affairs or purposes of one or more municipalities, excluding a school board and a conservation authority. For the purposes of this By-law, Local Board does not include police services boards or public library boards.

- mm) **Majority vote of all Members** means a vote of more than half of all the Members elected/appointed to the Council/Committee/Local Board.
- nn) **Majority vote of all Members present** means the vote of more than half of the Members present at a properly constituted Meeting at which a Quorum is present.
- oo) **Mayor** means the Head of Council.
- pp) **Meeting** - Pursuant to s.238(1) of the *Municipal Act, 2001*, Meeting means any regular, special or other Meeting of Council, a Local Board or of a Committee or either of them where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- qq) **Member** means a Member of Council, a Committee or Local Board of the Town of Midland.
- rr) **Minutes** means a record of the proceedings of Council or Committee or Local Board that records the actions taken and decisions made by Members at the Meeting without note or comment in accordance with section 239(7) of the *Municipal Act, 2001*.
- ss) **Motion** means a question to be considered by Council or a Committee which is moved, seconded and presented, read and is subject to debate. When a Motion is carried, it becomes a Resolution.
- tt) **Municipal Election** means a Municipal Election held pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended.
- uu) **New Information** means information that has not been previously presented or considered during the original debate and vote on a decided matter. The information must be new; credible; otherwise not known nor available at the time of the original presentation, debate or decision. What constitutes New Information shall be determined by the Clerk and/or CAO, whose decision is final and binding.
- vv) **Notice** means notice provided to Members and to the public which advises of the time and place of a Meeting.
- ww) **Notice of Motion** means an advance notice, including the name of the mover, advising Council that the Motion described therein will be brought to the next regular Meeting, unless otherwise stated by the mover.
- xx) **Open Meeting** means a Meeting where the public is permitted to attend.
- yy) **Other Committees and Boards** means a Committee established by Council to advise on matters which Council has deemed appropriate for the Committee to

provide recommendations for Council's review, or as established as a municipal services board or a Local Board.

- zz) **Point of Order** means a challenge to the proceedings of the Meeting by a Member during a Meeting drawing the attention of the Chair to a breach or perceived breach of the Procedure By-law.
- aaa) **Point of Privilege** means a matter where a Member expresses a concern in which he/she considers that a question of his/her integrity has been impugned.
- bbb) **Presentation** means a presentation as listed within the Council Agenda.
- ccc) **Public Meeting** means a Meeting of Council held for the purpose of providing information to the public and obtaining public comments and shall include public meetings on planning matters as per the *Planning Act*, R.S.O. 1990, as amended.
- ddd) **Published** means to electronically post to the Town's website the Agenda, reports, minutes or other supporting documents available to the Clerk for the purpose of Council's consideration at an upcoming Meeting.
- eee) **Quorum** is a majority of the total number of Members, meaning 50% + one (1) whether in-person or present via an electronic means.
- fff) **Recess** means a short break taken during a Meeting and is of a duration established by the Chair.
- ggg) **Reconsider** means to reopen debate on a prior decision of Council, as if the decision had never been made, in strict accordance with the requirements of this By-law.
- hhh) **Recorded Vote** means the recording of the name and vote of every Member on a Motion.
- iii) **Recommendation Report** means a written or verbal transmittal of information to Council that requires consideration and a decision.
- jjj) **Refer** means to send a report matter or issue to staff or to a committee for their consideration with a report back to Council at a later date.
- kkk) **Regular Meeting** means a scheduled Meeting held in accordance with the approved calendar/schedule of meetings.
- lll) **Resolution** means the decision of the Council or Committee on any Motion.
- mmm) **Special Meeting of Council** means a Meeting that is arranged outside of the annual approved calendar/schedule of meetings to deal with only specific item(s) of business.
- nnn) **Staff** means officers and employees of the Town of Midland.

- ooo) **Standing Committee** means a Committee composed entirely of Members of Council, but not the whole of Council.
- ppp) **Statutory Committee** means a Provincially legislated Committee appointed by Council with a specific mandate of an ongoing nature, that fulfills a regulatory requirement which meets regularly to provide recommendations to Council.
- qqq) **Terms of Reference** means the document approved by Council which governs a Committee and which sets out the Committee's mandate, scope of authority, and procedural requirements.
- rrr) **Town** means the Corporation of the Town of Midland.
- sss) **Town Website** means the domain name [www.midland.ca](http://www.midland.ca).
- ttt) **Virtual Meeting** means a Council or Committee Meeting held using electronic platforms which meet all statutory and accessibility requirements.

### 3. INTERPRETATION

#### 3.1 Headings and Parts for Convenience

The division of this By-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the By-law.

#### 3.2 Plural/Singular

References to words in the plural include the singular, as applicable.

#### 3.3 Statutes

References to laws in this By-law are meant to refer to the *Statutes of Ontario*, as amended from time to time.

#### 3.4 Severability

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion shall be considered to be severed from the balance of the By-law, the remainder of which shall continue to operate in full force and effect.

#### 3.5 Prevailing Legislation

In the event of a conflict between the provisions of this By-law and the *Municipal Act, 2001* or any other legislation, the provisions of the legislation shall prevail.

#### 3.6 Parliamentary Authority – Robert's Rules of Order

Where any matter of procedure is not provided for in this by-law, *Robert's Rules of Order*, as revised, may be followed. The rules of procedure under this by-law shall be interpreted in accordance with the principles of parliamentary procedure set out in section 5.

### **3.7 Decisions Binding**

Decisions binding the Town may only be made at Council meetings unless authority has been specifically delegated. Committees may only make recommendations to Council for its consideration unless delegated by Council.

## **4. APPLICATION**

### **4.1 Regular and Special Meetings**

The procedures contained in this By-law shall be observed in all Meetings of Council.

### **4.2 Local Boards and Committees**

The procedures contained in this By-law shall be observed in meetings of all Local Boards and Standing, Statutory, Advisory and Ad Hoc Committees of Council, as defined in this By-law, with necessary modifications, and where a specific By-law exists for a Local Board or Committee, it shall prevail over this By-law.

### **4.3 Emergency Meetings**

In Emergency meetings, the Chair shall preside and preserve decorum, applying the rules set out in this By-law at the Chair's discretion.

## **5. PARLIAMENTARY PRINCIPLES**

### **5.1** The procedures set out in this By-law are based on the following parliamentary principles:

- a) All Members have equal rights, privileges and obligations.
- b) Meetings shall be conducted with order, fairness, respect for all attendees, and in good faith.
- c) Only one item of business is to be considered at one time.
- d) The majority vote of Members rules.
- e) The rights of Members in minority must be protected.
- f) Members have a right to relevant information to help make informed decisions.

## **6. GENERAL PROVISIONS**

### **6.1 Open to the Public**

- a) Subject to Clause b) all Meetings shall be open to the public and no person shall be excluded from a Meeting except for improper conduct.
- b) Closed Meetings are not open to the public and are addressed in Section 13.3 of this Procedure By-law.

### **6.2 Suspend Procedures – Two-thirds Vote**

The rules of procedure contained in this By-law may be temporarily suspended by a vote of two-thirds of the Members present, with the exception of the following

- a) any statutory requirements with respect to proceedings
- b) contractual agreements binding the Town;
- c) Quorum requirements;
- d) amending this Procedure By-law; and

- e) extension of a Regular or Special Meeting time

A Motion to suspend the rules of procedure shall not be debatable or amendable.

### **6.3 Holidays**

Where a Regular Meeting falls on a public or civic holiday, said Regular Meeting shall be held on an alternate date at the call of the Chair.

### **6.4 Meeting – Cancel**

- a) The Mayor or Clerk may cancel any Meeting if, in his/her opinion, weather conditions and/or an Emergency warrants such cancellation for public safety or similar reasons. The Clerk will take appropriate steps to communicate a cancellation to Members in a timely fashion and to advise the public via the Town's website.
- b) The Mayor or Clerk may, with appropriate notice, cancel a Meeting if there are insufficient Agenda items for the Meeting or it is determined prior to the Meeting that there will not be a Quorum.

### **6.5 Staff Report – Motion**

A request to have Staff prepare a formal Staff Report on a particular matter shall be presented in the form of a written Motion.

### **6.6 Member Unable to Attend**

If a Member is aware he/she will be unable to attend a scheduled Meeting, he/she shall provide notice of same to the Clerk prior to noon on the scheduled Meeting date in order to ensure that a Quorum will be present for the Meeting.

### **6.7 Mayor Ex-Officio**

The Mayor shall be an ex-officio Member of all Committees appointed by Council. The Mayor shall not be included in the number for Quorum and voting purposes unless formally appointed to a Committee or board by way of a Motion.

### **6.8 Division Heads – Attend Regular Meetings**

Division Heads or designates shall attend regular meetings if they have submitted Agenda items or as deemed appropriate by the Chief Administrative Officer and shall advise the Chief Administrative Officer if unable to attend. Division Heads also reporting to a board or Committee, shall attend from time to time as deemed necessary by the Chief Administrative Officer, Council or the relative board or Committee as the case may be.

### **6.9 Use of Recording Equipment**

- a) All Council/Committee of the Whole Meetings and Special Meetings shall be audio and/or video recorded, broadcast and/or streamed publicly by the Town, or any entity officially retained by the Town, provided the process does not disrupt the proceedings of the Meeting.
- b) The inability to record broadcast and/or stream a Meeting will not prohibit the Meeting from commencing or continuing.

- c) Committee, Board and Closed Meetings shall not be audio or video recorded or streamed.
- d) Individual recording, broadcasting or streaming of meetings by the public or any Member is not permitted without the express consent of the Clerk and all those present at the Meeting.

#### **6.10 Signing Authority**

The Mayor or, in his/her absence, the Deputy Mayor and the Clerk are hereby authorized to sign and seal all agreements and other municipal documents that have been approved by Council, unless otherwise provided or as prescribed in the Delegation of Authority By-law 2019-55, as amended.

### **7. NOTICE OF MEETINGS**

#### **7.1 Annual Schedule/Calendar**

The Clerk shall submit a schedule/calendar of regular meetings for the following year at the Council meeting in December for consideration and adoption by Council. Upon adoption, the schedule will be posted on the Town's website.

#### **7.2 Notice - Regular Meetings**

The Clerk shall give notice to Members and to the public of all regular meetings by posting an Agenda on the Town's website the Wednesday one week prior to the Meeting.

#### **7.3 Notice - Special Meetings**

The Clerk shall give notice to Members and to the public of all special meetings by posting an Agenda on the Town's website at least forty-eight (48) hours prior to the Meeting.

#### **7.4 Notice – Closed Meeting**

Public notice of a Closed Meeting, that is not to be considered of an Emergency nature by the Mayor or Clerk shall be provided through the posting of an Agenda on the Town's website forty-eight (48) hours in advance of the Meeting.

#### **7.5 Notice – Meeting Change**

In the event a Meeting date, time or location changes, the Clerk shall provide notice to Members via email and to the public through a posting on the Town's website.

#### **7.6 Notice - Emergency Meetings**

An Emergency Meeting may be held without notice to the public provided that an attempt has been made by the Clerk to notify all Members about the Meeting as soon as possible and in the most expedient manner available. An Agenda for the Meeting will be posted on the Town's website as soon as practicable.

#### **7.7 Notice Requirements**

Each Agenda notice shall include the following:

- a) the date, time and location of the Meeting; and
- b) list the items of business and order of proceedings.

## **7.8 Notice Irregularity**

Notice which is substantively given but which is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a Meeting or any proceeding taken at a Meeting.

## **7.9 Notice of Electronic Meeting**

A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

## **8. DUTIES OF COUNCIL AND THE CLERK**

### **8.1 Duties of the Mayor or his/her designate acting as Chair**

It shall be the duty of the Mayor to carry out the responsibilities set forth in the *Municipal Act, 2001*, Sections 225 and 226.1 and:

- a) to open the Meeting of Council by taking the Chair and calling the Members to order;
- b) to announce the business before Council and the order in which it is to be acted upon;
- c) to receive and submit, in the proper manner, all Motions presented by the Members of Council;
- d) to put to a vote all Motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- e) to vote on all matters, which are moved and seconded, or necessarily arise in the course of the proceedings;
- f) to decline to put to a vote, Motions which infringe on this Procedure By-law;
- g) to determine how long consideration of a Motion should continue before a vote is called;
- h) to require a recorded vote to be taken on any question upon the request of a Member if such request is made prior to commencement of voting or immediately thereafter;
- i) to designate the Member who has the floor when two or more Members wish to speak;
- j) to enforce this Procedure By-law;
- k) to modulate the Members, when engaged in debate, in accordance with the Procedure By-law;
- l) to enforce on all occasions, the observance of order and decorum among the Members;

- m) to call by name any Member persisting in a breach of this Procedure By-law and order the Member to vacate the Meeting;
- n) to permit questions to be asked through the Mayor of any Officer of the Town in order to provide information to assist any debate when the Mayor deems it proper;
- o) to provide information to Members of Council on any matter touching on the business of the Town;
- p) to rule on any Points of Order raised by Members of Council;
- q) to represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
- r) to order any individual or group in attendance at the Meeting to cease and desist any behaviour which disrupts the order and decorum of the Meeting and to order the individual or group to vacate the Meeting where such behaviour persists;
- s) where it is not possible to maintain order, the Chair may, without any Motion being put, adjourn the Meeting to a time to be named by the Chair; and
- t) to adjourn the Meeting when the business is concluded.

## **8.2 Chain of Office**

Only the Mayor may wear the Chain of Office at Council meetings and at formal events when the Mayor is called upon to represent the municipality.

## **8.3 Duties of the Deputy Mayor**

It shall be the duty of the Deputy Mayor to act as the Mayor when the Mayor is absent, refuses to act or declares a Conflict of Interest, and shall exercise all the rights, powers and authority of the Mayor during those specific circumstances.

## **8.4 Duties of the Committee and Board Chairs**

Duties of Committee and Board Chairs shall be consistent with those listed under Section 8.1 - Duties of the Mayor or his/her designate acting as Chair; however, 8.1 Items n), o) and r) shall not apply.

## **8.5 Duties of Members**

It shall be the duty of all Members:

- a) to prepare for Meetings including reviewing the Agenda and background information prior to the meeting;
- b) to speak only to subject matter under debate;
- c) to vote on Motions;
- d) to attend meetings;
- e) to attend all meetings of a Committee, other Committees and Boards to which the Member has been appointed by Council;
- f) to disclose an interest under Section 5 of the *Municipal Conflict of Interest Act* (MCIA) at a meeting or as soon as possible afterwards and submit to the Clerk a written statement not later than 72 hours after declaring the pecuniary interest on the



prescribed Declaration on Interest Form. The written statements shall be posted on the Municipal website and form the MCIA Registry. This shall be applicable to Members of Council and Local Boards and apply only to matters pertaining to the MCIA'

- g) to state questions to be asked through the Chair;
- h) to follow the Procedure Bylaw and maintain the decorum of the Meeting;
- i) to comply with Town By-laws, and the laws of the Province of Ontario and the laws of Canada applicable therein;
- j) to comply with the Council and/or Committee Code of Conduct at all times;
- k) to maintain the confidentiality of all Closed Meeting matters;
- l) to refrain from criticizing decisions of Council.

#### **8.6 Duties of Alternate Member - County Council**

Pursuant to the By-law appointing the alternate Member to Simcoe County Council, it shall be his/her duty to act in the place of the Mayor or Deputy Mayor at County Council if either is unable to attend a Meeting for any reason. The alternate Member shall not sit on behalf of the Mayor or Deputy Mayor at an inaugural Meeting of County Council.

#### **8.7 Duties of the Clerk**

It shall be the duty of the Clerk to:

- a) be the official Secretary for Council and Committee meetings, responsible for the taking and preserving of minutes and documentation relevant to all meetings;
- b) be responsible for maintaining a confidential copy of all original documentation distributed, relating to Closed Meetings, and for keeping confidential minutes of all Closed Meetings;
- c) appoint another staff Member as official Secretary in his/her absence at Council and Committee Meetings;
- d) assemble and produce Meeting Agendas and manage Agenda deadlines;
- e) ensure notice of Meetings is provided in accordance with the Town's Policy for Giving Notice By-law 2009-20, as amended.
- f) provide to the Chair and to Members advice and clarification on Procedure matters on Agenda business and on preparing Motions;
- g) authenticate by signature when necessary Resolutions, By-laws and Minutes of meetings and certify copies of such documents when required.
- h) remind the Chair that the discussion is not germane to the matter under debate, or otherwise where a breach of the Procedure By-law has occurred, when the Chair fails to recognize same.

#### **8.8 Remuneration/Compensation**

- a) No member of Council shall receive a stipend, remuneration or compensation for any Committee or Local Board that they are appointed to by Council, unless otherwise authorized by the Chief Administrative Officer (CAO). Such compensation authorized by the CAO shall be reported in the annual remuneration report.

- b) If payment is required to be provided and not authorized by the CAO, those funds shall go into general revenues and will form the basis of the funds available for Council grants and donations. Travel expenses shall be exempt from this provision.

### **8.9 Absence of Mayor**

In the absence of the Mayor or if he/she refuses to act as Chair or if the office is vacant, the Deputy Mayor shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor. In the absence of the Deputy Mayor, the Member who received the highest votes will act in the place of the Deputy Mayor in the absence of the Mayor, and so on.

In the absence of the Mayor for the purposes of the Town of Midland Emergency Plan, the Deputy Mayor shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor as prescribed in the Plan. In the absence of the Deputy Mayor, the Member who received the highest votes will act in the place of the Deputy Mayor in the absence of the Mayor, and so on.

The actions provided for above shall apply to any other protocol or procedure that includes the role of the Mayor in the event that he/she is absent.

### **8.10 Duties of the CAO**

- a) to attend all Council Meetings, including Closed Meetings, or send a delegate;
- b) to remind the Chair that certain subject matter under discussion is inappropriate or in breach of the Procedure By-law, or should be discussed in a Closed Meeting, when the Chair fails to recognize same;
- c) to review all Staff recommendations and Reports prior to their submission to Council or a Committee and, when deemed necessary, to submit his/her comments on the said Reports;
- d) to ensure that all Resolutions and By-laws submitted to Council or a Committee accurately reflect the goals and objectives of the Town;
- e) to assist the Council to discharge its responsibilities and, in a non-partisan manner, to aid Council Members to carry out their duties;
- f) to attend all Council Meetings with the right, with the consent of the Chair, to speak but not to vote; and to attend Meetings of the Committees when invited or when the CAO deems it advisable to do so, with the right, with the consent of the Chair, to speak but not to vote;
- g) to exercise general control and management of the affairs of the Town for the purpose of ensuring the efficient and effective operation of the Town; and
- h) without limiting the generality of the foregoing, to perform such other duties as may be necessary to fulfill the intent of the CAO Appointment By-law and to exercise the powers which, from time to time, may lawfully be assigned by the Council.

## **9. COUNCIL MEETING ORDER OF PROCEEDINGS – AGENDA AND MINUTES**

### **9.1 Quorum**

- a) Quorum is required for every Meeting and shall be a majority of the total number of Members, except when a majority of Members have disclosed a Conflict of Interest to

a matter wherein the remaining number of Members present shall be deemed to constitute a Quorum, provided that such number is not less than two (2).

- b) There shall be no meetings without Quorum. If a Quorum is not present ten (10) minutes after the time appointed for the Meeting, the Members shall stand adjourned until the date and time of the next Meeting and the Clerk shall record the names of the Members present upon such adjournment.
- c) Quorum shall be maintained for the entirety of a Meeting. Where Quorum is lost during a Meeting, the Clerk shall inform the Chair who may call a recess for a maximum of ten (10) minutes to regain Quorum. If Quorum cannot be regained, the Members shall stand adjourned until the date and time of the next Meeting.

## **9.2 Agendas and Supporting Material**

- a) The Clerk or designate shall prepare the Agenda for Council meetings.
- b) The Clerk, the Mayor and Chief Administrative Officer (CAO), or his/her designate shall conduct an Agenda review on the Tuesday, one week prior to a Regular Meeting.
- c) Agendas shall be distributed to Members and posted on the Town website by the end of the day one week prior to a Regular Meeting. After posting the Agenda for a Meeting, the Clerk in her or his sole discretion may, on an exception basis, add an item to the published Agenda or provide revised or updated information about an item or items of business which was not available at the time of the original publication of the Meeting Agenda. Items added to the Agenda after posting shall be reflected as an Addenda item.
- d) The business of each Meeting shall be taken up in the order in which it stands on the Agenda for that Meeting, unless otherwise decided by discretion of the Chair or a two-thirds (2/3) vote of the Members present at the Meeting.
- e) An item of business not listed on the Agenda is not permitted to be introduced at a Meeting unless authorized by a two-thirds (2/3) vote of the Members present at the Meeting or if deemed to be an Emergency as defined in section 2.1 ff) in this By-law and subject to sections 4.3 and 7.6 of this By-law respecting proceedings, notice and calling of Emergency meetings.
- f) For Closed Meetings during a Regular Meeting, the Mayor, after the Agenda is posted and before the commencement of the Meeting, may direct that an item be added to the Agenda where the Emergency nature of the matter requires that it be considered prior to the next Meeting of the Members. Once in a Closed Meeting, no item shall be added to the Agenda.
- g) For Special and Emergency meetings, no business except the business dealing directly with the purpose mentioned in the notice shall be transacted.

- h) The order of the Council Meeting shall be as follows, but necessary modifications to the matters to be included on the order of business may be effected without requiring an amendment to this By-law.

#### REGULAR COUNCIL

1. Call to Order
2. Declarations of Conflict of Interest
3. Motion to move into Closed Meeting

#### CLOSED MEETING

4. Closed Meeting Items
5. Motion to rise to Open Session

#### OPEN SESSION – 6:00 P.M.

6. Mayor's Introductory Remarks/Land Acknowledgement Statement/  
Moment of Silent Reflection
7. Declarations of Conflict of Interest
8. Motions arising from Closed Meeting discussions
9. Approval of Agenda
10. Consent Agenda
  - Correspondence for consideration.
  - Council minutes for adoption
  - Council Information Packages for receipt
  - All Reports
11. Motion to suspend Council into Committee of the Whole

#### COMMITTEE OF THE WHOLE

12. Public Meeting/Hearing
13. Presentations
14. Integrity Commissioner - Recommendation Report
15. Deputations/Petitions
16. Committee/Local Board Delegation or Memo
17. Reports and other items withdrawn from Consent Agenda for Council's consideration (includes presentations by consultants regarding a report under consideration.)
18. Notices of Motion (Motions to be considered at the next regular Meeting)
19. General Announcements
20. Motion to close Committee of the Whole and to resume formal Council session

#### FORMAL SESSION

21. Motion to adopt actions of Committee of the Whole
22. Motions for which Notice was given
23. By-laws
24. Confirmatory By-law
25. Adjournment

### **9.3 Call to Order**

- a) As soon after the hour of Meeting there is a Quorum present, the Mayor shall call the Members present to order. In the case of the Mayor not being in attendance within ten (10) minutes of the hour appointed for the Meeting of the Council, or when the Mayor is absent, or refuses to act, or the office being vacant, the Deputy Mayor shall act in the place of the Mayor and shall call the Meeting to order. While so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor, until the arrival of the Mayor or, in the event of the continued absence or refusal to act by the Mayor, for the duration of the Meeting.
- b) In the case of the Mayor and Deputy Mayor not being in attendance within ten (10) minutes of the hour appointed for the Meeting, or when they are absent or refuse to act or the offices being vacant, the Clerk shall call the Meeting to order and a Chair shall be chosen by the Members present who shall preside until the arrival of the Mayor or Deputy Mayor or, in the event of their continued absence or refusal to act, for the duration of the Meeting.

### **9.4 Motion to move into Closed Meeting**

Before all or part of a Meeting is closed to the public, the Council or Committee or Local Board or Committee shall state by resolution:

- a) the fact of the holding of the Closed Meeting;
- b) the general nature of the matter to be considered at the Closed Meeting.

### **9.5 Mayor's Introductory Remarks/Land Acknowledgement Statement/ Moment of Silent Reflection**

Upon calling a Regular Meeting of Council to order, the Chair shall make Introductory Remarks including safety and conduct and read the Land Acknowledgement Statement. The Chair shall request the Members and those in attendance to stand, if able, and pause for a moment of silent reflection.

### **9.6 Declarations of Conflict of Interest**

- a) It is the sole responsibility of the Member to understand and comply with his/her legal obligations under the *Municipal Conflict of Interest Act*.
- b) Prior to a particular matter being addressed, Members shall declare aloud any Conflict of Interest they may have, and the general nature thereof, in connection with that matter. Such Members shall then be precluded from participating in any way regarding the matter in question. If the matter is discussed in a Closed Meeting, the Member shall leave the Meeting room during that discussion.
- c) Disclosures of Conflict of Interest made during a Closed Meeting shall include the declaration and its general nature. At the same Meeting open to the public after the Closed Meeting, or at the next regular open Meeting, every declaration of interest made during the Closed Meeting, but not the general nature of the interest, shall be made and recorded in the minutes of the open Meeting.

- d) Where the Conflict of Interest of a Member is not disclosed at a Meeting due to the absence of the Member, the disclosure shall be made at the next open Meeting at which the Member is present.
- e) Upon declaring a Conflict of Interest at a Meeting of Council or at a Local Board or Committee, a Member shall provide a written statement of the interest and its general nature to the Clerk. The Clerk will include the statement in a registry maintained in accordance with the *Municipal Conflict of Interest Act*.
- f) A Member who has declared a Conflict of Interest in a matter shall not participate in any way in a Motion to adopt multiple items if the matter that is the subject of the Conflict of Interest is contained therein. The Member may request to divide such a Motion in order to vote on those items in which there is no Conflict of Interest.
- g) The Clerk shall record the particulars of any disclosure of Conflict of Interest in the minutes.
- h) Notwithstanding section 9.6 f) a Member who has declared a Conflict of Interest in a matter may move, second and vote on:
  - a) the confirmatory By-law for the Meeting in which the interest was declared;
  - b) the Motion adopting the minutes of the Meeting in which the interest was declared.

### **9.7 Approval of Agenda**

The Chair shall announce any amendments/additions to the Agenda. A vote of the majority of the Members present is required to approve the Agenda.

### **9.8 Motion to move Council into Committee of the Whole**

Council shall state by resolution that it will move into the portion of the Meeting that will be conducted in Committee of the Whole to consider public meetings, deputations, matters arising from Correspondence, reports, Notices of Motions, general announcements.

### **9.9 Public Meetings and Hearings**

- a) Public Meetings will be held on matters where directed by Council, Town By-law or Provincial statute, and may be held in the Committee of the Whole portion of the Regular Council Meeting or via a Special Meeting.
- b) The Chair shall advise of the procedures to be followed at the commencement of the Public Meeting.
- c) The purpose of the Public Meeting is to receive input from the public on a particular matter. Accordingly, Members shall not enter into debate or discussion of the matter during the Public Meeting.
- d) Members of the public are limited to a maximum of five (5) minutes to speak on a particular matter. The time limit for a spokesperson representing taxpayers is ten

(10) minutes. Time limits may be adjusted at the discretion of the Chair based on the subject matter, but in any event are not to exceed fifteen (15) minutes.

- e) Members of the public wishing to speak at a Public Meeting are encouraged to pre-register at least one week prior to the desired Council Meeting.
- f) If unable to attend the Meeting for which they are registered they may provide their written submission to the Clerk.
- g) Each person making public representations at a Public Meeting will be required to provide his/her name and address for purposes of the public record.
- h) After all members of the public have been given an opportunity to speak to the matter under consideration, the Chair shall adjourn the public portion of the Meeting.
- i) Where the Public Meeting is held as part of a Council Meeting, the Minutes of the Council Meeting shall include the Minutes of the Public Meeting.
- j) Statutory hearings shall be conducted in accordance with the legislation requiring such hearing. In the event specific procedures for the conduct of the hearing are not set out in legislation, the Public Meeting procedures, insofar as they are applicable, shall be followed.

#### **9.10 Presentations**

- a) Presentations shall be received in the Committee of the Whole portion of the Council Meeting and may include the following:
  - i. individuals appearing before Council to accept an award or receive recognition from the Town;
  - ii. presentations to the Town of Midland
- b) Members shall not engage in discussion with respect to the presentation other than to request clarification and may not engage in negotiations or debate with the presenter or other Members or otherwise use this time to engage in furthering the business of the Town.

#### **9.11 Deputations**

- a) Deputations shall be received in the Committee of the Whole portion of the Council Meeting. A ten (10) minute time limit applies.
- b) Any person desiring to provide a Deputation shall submit a "Request for Deputation" form to the Clerk's office not later than 12 noon on the Tuesday one week in advance of the Council Meeting, for inclusion on the Council Meeting Agenda. Applicants will be notified to provide any printed materials for inclusion in the Agenda Package.
- c) Persons addressing Council shall confine their remarks to the stated business.

- d) No printed material may be distributed without leave of the Chair. Any printed material is to be provided directly to the Clerk for distribution and/or inclusion with the Agenda.
- e) Every communication to be presented to Council, shall be legibly written or printed and shall not contain any impertinent or improper matter or language.
- f) Individuals addressing Council shall provide a copy of the presentation and/or speaking notes to the Clerk on the Monday prior to the Council Meeting for the record.
- g) Deputations may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the Clerk in consultation with the Mayor.
- h) A person wishing to address the Council concerning an item on the Agenda may request an Emergency Deputation only the first time the matter is on a Council Agenda through the Clerk before the Council Meeting begins. The Clerk will advise the Mayor of the request. Emergency Deputations shall not be considered if a matter has been deferred to a further Council Meeting, or if the business of Council carries over to a further Meeting.
- i) When a request for an Emergency deputation has been given to the Mayor by the Clerk, the Mayor will call for a vote of the Council to waive the rules for deputations to allow the person to speak and upon a majority vote in the affirmative the person will be permitted to address Council.
- j) Each Deputation shall be limited to a maximum of ten (10) minutes, which timing shall be strictly adhered to and governed by the Chair. This time limitation may be extended for as much time as the Chair deems necessary for presentations provided by consultants or other individuals retained by the Town.
- k) No more than two (2) Deputations shall be scheduled for any Council Meeting, subject to the necessity to deal with matters of an urgent nature. The Clerk shall make a reasonable determination as to deferral of any requested deputations to a subsequent Meeting.
- l) Where an individual in making a Deputation to Council does not adhere to the rules as outlined within this section, the Mayor or Chair has the right to require the Deputation to cease and has the authority to have the individual ejected from the Council Chambers. Council may require that future Deputations from the individual be in a written format only for the duration of the term of Council.
- m) Persons addressing Council shall direct their comments and questions to the Mayor or Chair and shall not be permitted to direct inquiries to other Members or to Staff in attendance.
- n) Members shall address the persons(s) making a Deputation or presentation only to ask questions or to provide thanks but not to enter into debate or discussion of the matter. Council may direct the information provided by the person or persons making



the Deputation be referred to staff for the purpose of review, investigation and future report.

**The Clerk shall deny a request for a Deputation where:**

- (o) The subject matter of the Deputation is beyond the jurisdiction of the Town of Midland or there is an existing administrative process (including but not limited to: planning, procurement, contract negotiation, claims) to be followed.
- (p) The subject matter that the person wishes to address, or the outcome that the person seeks from the Committee, is not within the Town's authority.
- (q) The person wishes to address the Committee to request financial support for a purpose which falls within the criteria of the Town's established financial assistance programs.
- (r) The subject matter involves litigation or potential litigation with the Town, or an existing claim or future claim against the Town.
- (s) The subject matter has already been presented to the Committee by the Deputant or an organization to which they belong, unless new information is being presented.
- (t) The person seeks to have a prior decision of Council reconsidered which is inconsistent with Section 16.9.
- (u) The person wishes to address a matter which was the subject of the Public Meeting under the *Planning Act*.
- (v) The subject matter is of a personal, business promotion or derogatory nature relating to municipal officials or personnel in the employ of the Town.

**9.12 Petitions**

- a) Petitions shall be received in the Committee of the Whole portion of the Council Meeting.
- b) Each petitioner must print and sign his or her own name. A paper petition must contain original signatures only, written directly on the petition.
- c) Each petitioner must provide his or her full address.
- d) For electronic petitions, petitioners must provide their name, address and a valid e-mail address.
- e) The petition must clearly disclose on each page that it will be considered a public document at the Town of Midland and that information contained in it may be subject to the scrutiny of the Town and the general public.
- f) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed, shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk.

- g) Petitions which are unsigned, or which contain obscene or defamatory language, shall not be distributed to Council, or at the discretion of the Clerk the language may be redacted and personal information severed in accordance with the *Municipal Freedom of Information & Protection of Privacy Act*.
- h) No printed material may be distributed without leave of the Chair. Any printed material is to be provided directly to the Clerk by noon on Tuesday the week prior to the Meeting for distribution and/or inclusion with the Agenda.
- i) A petition must be addressed to the Town of Midland and request a particular action within the authority of Council.
- j) Persons addressing Council shall confine their remarks to the stated business.

### **9.13 Consent Agenda**

- a) All items of business shall be listed as consent items, with recommendations included, and shall be approved collectively by way of a single Motion. Consent Agenda items may include, but not be limited to the following:
  - i. Correspondence for receipt
  - ii. Committee and agency minutes for receipt
  - iii. Council minutes for adoption
  - iv. Council Information Packages for receipt
  - v. All reports
- b) A Member may make brief comments to a consent item, without formally removing that item from the Consent Agenda, prior to the consideration of the adoption of the matters listed. Any questions regarding an item on the Consent Agenda shall be submitted to the Clerk in writing no later than 12 noon one day in advance of the Council Meeting to give the author of the report an opportunity to prepare a fulsome response.
- c) If a Member wishes to debate or amend the recommendation of an item listed on the Consent Agenda, the Member shall request that the item be removed from the Consent Agenda and dealt with as a separate item. The Member wishing to have the item removed from the Consent list to allow for debate or amendment of the recommendation shall provide the Clerk notice of same not later than 4:00 p.m. on the Monday prior to the Council Meeting.
- d) Where prior notice has not been provided in accordance with this section, a Member wishing to remove an item from the Consent Agenda for the purpose of debate or amendment shall seek the approval of the Mayor in order that the item may be removed from the Consent Agenda and added to the Reports and other Items withdrawn from Consent Agenda for Council's consideration.

#### **9.14 Reports**

Staff Reports shall be presented under the Consent Agenda in the Committee of the Whole portion of the Agenda and adopted in one Motion. At the request of any Member, any report item may be withdrawn from this Motion and voted upon separately.

#### **9.15 Correspondence Requiring Council Direction**

All Correspondence requiring the direction of Council shall:

- a) be legibly written or printed and signed.
- b) anonymous Correspondence will not be placed on an Agenda.
- c) include contact information for at least one person; and
- d) be filed with the Clerk in sufficient time to be included on a Meeting Agenda.

#### **9.16 General Announcements**

- a) The General Announcements portion of the Council Meeting is an opportunity for Council Members to may make announcements, recognize achievements, promote events or recognize matters of community-wide interest.
- b) General Announcements may not be used for:
  - general discussions;
  - to ask questions of or provide direction to Staff;
  - to discuss Agenda items;
  - to discuss Town business (past, present or future);
  - to discuss prior Council decisions;
  - to make private or personal announcements;
  - to discuss Staff performance; or
  - for individual Members of Council to advance personal views or opinions or to promote personal websites, chats, groups or discussions

#### **9.17 Notices of Motion**

- a) A Member may present a written Notice of Motion at any regular Meeting of Council and the Clerk shall place it on the next Council Agenda under the heading, Motions for Which Notice has been Given.
- b) Notices of Motion received during the Council Meeting for future consideration shall be received without comment or debate.
- c) A written notice of Motion submitted to the Clerk by noon one week prior to a regular Council Meeting and included in the Agenda package shall also be considered as adequate notice to be debated at the next regular Meeting under the heading, Motions for Which Notice has been Given.
- d) The Clerk may, in consultation with the Mayor and CAO, refuse the inclusion of a Notice of Motion if it is deemed inappropriate or otherwise a matter that falls within the authority of the CAO or which circumvents an existing administrative process or procedure.

- e) A Member who presents a Notice of Motion shall be present during the reading and debate of the Motion.
- f) If not moved at the Meeting for which it is scheduled by the Member who gave notice, the Motion shall be deemed to be withdrawn unless an alternative time for presentation is given.
- g) Once adopted, the Clerk shall add the recommendation resulting from adoption of the Resolution to the "Council Initiated Recommendations Tracking Sheet". The Tracking Sheet shall be circulated to the Senior Leadership Team and a specific timeline shall be assigned indicating when a report and/or action shall be undertaken. Resolutions that fall within Council's Strategic Priorities shall be given priority. The tracking sheet shall be updated following each Meeting and made available to Members of Council.
- h) Any Notice of Motion with potential budget implications shall not be considered until such time as the financial impact has been determined.
- i) Any Motion to Suspend the Rules in order to allow for discussion of a Notice of Motion at the same Meeting shall only be considered in the event of an Emergency or the potential for missing a crucial timeline or a time sensitive requirement.

#### **9.18 Adjournment**

- a) All Regular Meetings, Special Meetings and Emergency Meetings shall end when:
  - i. the business of the Meeting has been concluded;
  - ii. a Motion to adjourn is carried;
  - iii. Quorum is lost and cannot be regained;
  - iv. the hour of 10:00 p.m. has been reached, subject to the provisions of section 6.2 e);
  - v. an Emergency exists; or
  - vi. disorder arises and order cannot be restored.

### **10. COMMITTEE AND LOCAL BOARDS MEETING ORDER OF PROCEEDINGS – AGENDA AND MINUTES**

#### **10.1 Quorum**

- a) Quorum is required for every Meeting and shall be a majority of the total number of Members, except when a majority of Members have disclosed a Conflict of Interest to a matter wherein the remaining number of Members present shall be deemed to constitute a Quorum, provided that such number is not less than two (2).
- b) There shall be no meetings without Quorum. If a Quorum is not present ten (10) minutes after the time appointed for the Meeting, the Members shall stand adjourned until the date and time of the next Meeting and the Clerk shall record the names of the Members present upon such adjournment.
- c) Quorum shall be maintained for the entirety of a Meeting. Where Quorum is lost during a Meeting, the Clerk shall inform the Chair who may call a recess for a maximum of ten (10) minutes to regain Quorum. If Quorum cannot be regained, the Members shall stand adjourned until the date and time of the next Meeting.

## **10.2 Agendas and Supporting Material**

- a) The Clerk or designate shall prepare the Agenda for Committee meetings.
- b) Agendas shall be distributed to Members and posted on the Town website by the end of the day one week prior to the Meeting. After posting the Agenda for a Meeting, the Clerk in her or his sole discretion may, on an exception basis, add an item to the published Agenda or provide revised or updated information about an item or items of business which was not available at the time of the original publication of the Meeting Agenda. Items added to the Agenda after posting shall be reflected as an Addenda item.
- c) The business of each Meeting shall be taken up in the order in which it stands on the Agenda for that Meeting, unless otherwise decided by discretion of the Chair or a two-thirds (2/3) vote of the Members present at the Meeting.
- d) An item of business not listed on the Agenda is not permitted to be introduced at a Meeting unless authorized by a two-thirds (2/3) vote of the Members present at the Meeting.
- e) The order of the Committee Meeting shall be as follows:

### **REGULAR COMMITTEE**

1. Call to Order
2. Declarations of Conflict of Interest
3. Approval of Agenda
4. Motion to move into Closed Meeting

### **CLOSED MEETING**

5. Closed Meeting Items
6. Motion to rise to Open Session

### **OPEN SESSION**

7. Motions arising from Closed Meeting discussions
8. Presentations
9. Reports
10. Adjournment

## **10.3 Call to Order**

- a) As soon after the hour of Meeting there is a Quorum present, the Chair shall call the Members present to order. In the case of the Chair not being in attendance within ten (10) minutes of the hour appointed for the Meeting the Clerk shall call the Meeting to order and a Chair shall be chosen by the Members present who shall preside until the arrival of the Chair in the event of their continued absence or refusal to act, for the duration of the Meeting.

#### **10.4 Approval of Agenda**

The Chair shall announce any amendments/additions to the Agenda. A vote of the majority of the Members present is required to approve the Agenda.

#### **10.5 Declarations of Conflict of Interest**

- a) It is the sole responsibility of the Member to understand and comply with his/her legal obligations under the *Municipal Conflict of Interest Act*.
- b) Prior to a particular matter being addressed, Members shall declare aloud any Conflict of Interest they may have, and the general nature thereof, in connection with that matter. Such Members shall then be precluded from participating in any way regarding the matter in question. If the matter is discussed in a Closed Meeting, the Member shall leave the Meeting room during that discussion.
- c) Disclosures of Conflict of Interest made during a Closed Meeting shall include the declaration and its general nature. At the same Meeting open to the public after the Closed Meeting, or at the next regular open Meeting, every declaration of interest made during the Closed Meeting, but not the general nature of the interest, shall be made and recorded in the minutes of the open Meeting.
- d) Where the Conflict of Interest of a Member is not disclosed at a Meeting due to the absence of the Member, the disclosure shall be made at the next open Meeting at which the Member is present.
- e) Upon declaring a Conflict of Interest at a Meeting of a Local Board or Committee, a Member shall provide a written statement of the interest and its general nature to the Clerk. The Clerk will include the statement in a registry maintained in accordance with the *Municipal Conflict of Interest Act*.
- f) A Member who has declared a Conflict of Interest in a matter shall not participate in any way in a Motion to adopt multiple items if the matter that is the subject of the Conflict of Interest is contained therein. The Member may request to divide such a Motion in order to vote on those items in which there is no Conflict of Interest.
- g) The Clerk shall record the particulars of any disclosure of Conflict of Interest in the minutes.
- h) A Member who has declared a Conflict of Interest in a matter may move, second and vote on:
  - c) the Motion adopting the Minutes of the Meeting in which the interest was declared.

#### **10.6 Motion to move into Closed Meeting**

Before all or part of a Meeting is closed to the public, the Committee or Local Board shall state by resolution:

- a) the fact of the holding of the Closed Meeting;
- b) the general nature of the matter to be considered at the Closed Meeting.

## **10.7 Presentations**

- a) Presentations shall be received
- b) Members shall not engage in discussion with respect to the presentation other than to request clarification and may not engage in negotiations or debate with the presenter or other Members or otherwise use this time to engage in furthering the business of the Committee.

## **10.8 Agenda**

- a) All items of business shall be listed with recommendations included and shall be approved collectively by way of a single Motion.

## **10.9 Adjournment**

- a) All Regular Meetings, Special Meetings and Emergency Meetings shall end when:
  - i. the business of the Meeting has been concluded;
  - ii. a Motion to adjourn is carried;
  - iii. Quorum is lost and cannot be regained;
  - iv. an Emergency exists; or
  - v. disorder arises and order cannot be restored.

## **11. BY-LAWS**

### **11.1 By-law – Subject Matter Previously Considered**

Subject to the Delegation of Authority By-law, or Town policy, no By-law, except a Confirmatory By-law shall be presented to Council unless the subject matter has been considered and approved by Council.

### **11.2 By-laws – Number, Titles**

The Clerk shall make available to the Members a listing of all By-laws proposed for adoption that includes the By-law number and titles. The By-laws will be linked to the Agenda. Full details of the By-laws shall be made available to Council Members and the public upon request.

### **11.3 By-laws Passed in One Motion**

Unless otherwise requested, all By-laws proposed for adoption shall be passed in one Motion.

### **11.4 Confirmatory By-law**

Council shall enact a By-law to confirm all actions taken by Council at each regular, and special Meeting. A confirmatory By-law shall be listed separately on the regular Agenda as the last item for Council consideration prior to adjournment.

### **11.5 Signed, Sealed, Indexed**

Every By-law enacted by Council shall be signed by the Mayor and Clerk, sealed with the corporate seal and indexed in the By-law Registry.

## **11.6 Editorials and other Changes to By-laws**

The Clerk, in consultation with the Chief Administrative Officer, may make the following changes to By-laws:

- a) correct spelling, punctuation or grammatical errors, or errors which are clerical, typographical or similar in nature;
- b) alter the style or presentation of text or graphics to improve electronic or print presentation;
- c) replace a description of a date or time with an actual date or time;
- d) if a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result;
- e) correct errors in the numbering or provisions or other portions of a By-law and make any changes in cross-references that are required as a result;
- f) if a provision of a transitional nature is contained in a By-law, make any changes that are required as a result; and
- g) make a correction, if it is obvious both that an error has been made and what correction should be taken to more fully represent the documented intention of Council.

## **12. MINUTES**

### **12.1 Adoption – Consent Agenda**

A record of every Meeting shall be kept in the form of minutes. Council minutes shall be presented for adoption as part of the Consent Agenda, and, subject to any corrections, they shall be signed by the Chair and the Clerk and filed in the Clerk's Office.

### **12.2 Record - Without Note or Comment**

Minutes of open meetings shall record, without note or comment:

- a) the place, date and time of the Meeting;
- b) the names of the Chair and the record of the attendance of Members and staff;
- c) the adoption of the minutes;
- d) declarations of Conflict of Interest; and
- e) motions considered and votes taken by Council. Once adopted, each resolution shall be assigned a chronological number prefaced by the year which shall be recorded in the minutes.
- f) The Clerk shall be authorized to make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any By-law, Motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation by Council.

### **12.3 Closed Meeting – Record**

The Closed Meeting portion of the minutes shall record:

- a) the time of going into Closed Meeting and the time of going out;
- b) the names of the Chair and the record of the attendance of Members and staff and any other attendees;
- c) a description of substantive and procedure matters discussed, including specific reference to any documents considered;
- d) any procedure votes taken or direction given; and



- e) a Motion to rise and report to open Council or to rise without report to open Council.

## **13. COUNCIL MEETINGS**

### **13.1 Inaugural Council Meeting**

- a) The Inaugural Meeting of Council after a regular election:
  - i. shall be held on a date and time determined by the Clerk not later than 31 days after the commencement of its term;
  - ii. shall not proceed with business until after the declarations of office have been made by all Members who present themselves for that purpose;
  - iii. shall deem the newly elected Council to be organized within the meaning of the *Municipal Act, 2001* when the declarations of office have been made by a majority of the Members; and it may be deemed organized, and business may be proceeded with notwithstanding the failure of any of the other Members to make such declarations.
- b) Prior to the Inaugural Meeting, the Mayor-elect shall determine the order of seating of the Members in the Chambers.

### **13.2 Regular Council Meetings**

- a) The Council shall meet in the Council Chambers, or in such other place as designated. Meetings shall take place every three (3) weeks on Wednesdays, unless otherwise ordered, and commence at 6:00 p.m. Where an alternate location is required, it shall be within the boundaries of the Town or an adjacent municipality at a venue which is accessible to the public.
- b) A Special Meeting of Council may be called to address matters of an urgent or special nature.
- c) All meetings shall adjourn by 10:00 p.m. Any unfinished business shall be adjourned to the next regular Meeting or Special Meeting, unless the Members attending determine otherwise prior to the adjournment and pass a Procedure Motion by a two-thirds (2/3) vote of Members present, to extend the adjournment time beyond 10:00 p.m.
- d) The time and date of individual regular meetings may be changed by the Mayor, subject to appropriate notice being given pursuant to Section 7.0.

### **13.3 Council in Closed Meeting**

- a) Unless otherwise stated, a Closed Meeting may be scheduled by the Clerk on the date of a Regular Council Meeting at a time to ensure that reasonable deliberation of the matter(s) can be provided.
- b) Council in Closed Meeting may be called by the Mayor on an as-needed basis.

- c) Other than for the purpose of participating in an Electronic Meeting, Council Members are not permitted to bring cell phones, iPads or other Electronic Devices into a Closed Meeting.
- d) Council shall convene in Open Session and adopt a Motion to move into Closed Meeting if the subject matter being considered relates to:
  - a) the security of the property of the Town or Local Board;
  - b) personal matters about an identifiable individual including municipal or Local Board employees;
  - c) a proposed or pending acquisition or disposition of land by the municipality or Local Board;
  - d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
  - f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) a matter in respect of which a Council, Local Board, Committee or other body may hold a closed meeting under another Act;
  - h) 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;
  - i) a trade secret or scientific, technical, commercial, financial or labor 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;
  - j) 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
  - k) 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.

### **Other Criteria**

- e) (3) A meeting or part of a meeting shall be closed to the public 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;
  - ii. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1); or

## **Educational or training sessions.**

- f) (3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
  - 1. the meeting is held for the purpose of educating or training the members.
  - 2. 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.
  
- g) A Meeting shall not be closed to the public during the taking of a vote, except where:
  - i. section 13.3. d) or e) permits or requires that the Meeting be in Closed Meeting; and
  - ii. the vote is for a Procedure matter or for giving direction or instructions to officers, employees, and/or agents of the municipality and/or Local Board or persons retained by, or under contract to, the municipality or Local Board.
  
- h) The Clerk shall advise the Chair, if in his/her opinion, the issue (or portion thereof) being discussed at a Closed Meeting falls outside the permitted issues that may be discussed in a closed session.
  
- i) Upon completion of the Closed Meeting, Council shall consider a Motion to rise and report to open session.
  
- j) The open portion of the Council Meeting shall reconvene, and matters discussed in Closed Meeting shall be reported out in the form of Motions presented.
  
- k) Minutes from the closed portion of the Meeting shall become part of the Council Meeting minutes.
  
- l) **Members**
  - i. shall not disclose any information provided to them related to a Closed Meeting item to anyone outside of the Closed Meeting.
  - ii. Shall not discuss any aspect of a Closed Meeting item with anyone outside of the Closed Meeting.
  - iii. If in person, shall be required to return all printed materials pertaining to the confidential matters, including any notes taken, to the Clerk before exiting the Closed Meeting.
  - iv. If the Member is attending via Electronic Attendance, shall not take any notes of any kind (including without limitation: paper or via the use of any Electronic means), make any recordings (audio, visual, or both) or otherwise communicate with anyone (including family) outside of the Closed Meeting.
  - v. If the Member is attending via Electronic Attendance, must ensure that NO individuals (including, without limitation, family members) are present or within hearing distance in order to maintain confidentiality.

- vi. are permitted to participate in a Meeting remotely via Electronic Attendance (e.g. video or audio teleconference), and such Members shall have all the same rights, responsibilities and restrictions as if they were in physical attendance.
- vii. must, during a Closed Meeting held via audio and video, keep their video on and MUST be visible at all times.
- viii. Members may not use any other Electronic Devices during a Meeting.

#### **13.4 Special Council Meeting**

- a) The Mayor may at any time call a special Meeting of Council upon proper notice to Members.
- b) Upon the receipt of a petition signed by a majority of the Members of Council, the Clerk shall call a Special Meeting, upon proper written notice, for the purpose and at the time specified on the petition.
- c) Business listed in the notice of Meeting shall be the only business conducted at a Special Meeting of Council.
- d) An Emergency Special Council Meeting may be called by the Mayor at any time and at any location as determined by the Mayor or Clerk. For the purposes of this section, an Emergency Meeting may be called for an Emergency within the meaning of the Town's Emergency Response Plan or any other similar unforeseen circumstance.

#### **14. ELECTRONIC PARTICIPATION AT MEETINGS**

- a) Members are permitted to participate in a Meeting remotely via electronic means (e.g. video or audio teleconference), and such Members shall have all the same rights, responsibilities and restrictions as if they were in physical attendance.
- b) A Member who is participating electronically in a Meeting shall be counted in determining whether or not a Quorum of Members is present at any point in time and may participate electronically in any portion of a Meeting that is closed to the public.
- c) Members must keep their video on and must be visible at all times.
- d) Members must not carry on private discussions with members of the public or other Council members during the proceedings of Council by any means (including, without limitation, verbal, texting, email, etc.).
- e) Members must ensure that their faces are visible at all times and may not shut off their video or otherwise remove themselves from public view during a Meeting.
- f) Members must ensure that they do not have other individuals, including family members, visible during a Meeting.
- g) Only appointed Members, Staff and invited individuals or groups shall be permitted to participate electronically in Council or its Committee meetings.

- h) Public Meetings and Deputations – Public participation in an Electronic Meeting may be permitted.
- i) Application and Conflict – Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

## **15. RULES OF CONDUCT AND DEBATE**

### **15.1 Conduct of Council at Meetings**

No individual shall:

- a) use offensive words or unparliamentary language in or against the Council or against any Members, staff or the public;
- b) speak without being recognized by the Chair or cause a disturbance while another Member is speaking;
- c) resist the rules of Council or disobey the decisions of the Mayor or Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- d) criticize any decision of the Members, except for the purpose of moving that the question be Reconsidered;
- e) leave his or her seat or make noise or disturbance while a vote is being taken or until the result is declared; or
- f) carry on private discussions with members of the public or other Council members during the proceedings of Council by any means (including, without limitation, verbal, texting, email, etc.).

### **15.2 Member Called to Order**

- a) A Member called to order by the Chair shall immediately cease further comment and may appeal the Call to Order. The Members, if appealed to, shall vote on the appeal without debate and the decision shall be final. If there is no appeal, the decision of the Chair shall be final.
- b) Where a Member has been called to order by the Chair for disregarding the rules of procedure and the Member persists in any such conduct, the Chair may put the following question, no amendment, adjournment or debate being allowed, "that Councillor [name of Member] be ordered to leave his/her seat for the duration of this Meeting;"
- c) Where the Member apologizes, the Member, by vote of the majority of the Members of Council present, may be permitted to retake his/her seat.

### **15.3 Member Recognized**

Any Member desiring to speak shall signify the intent in such a manner as the Chair may direct and shall refrain from speaking until the Chair has recognized him/her.

### **15.4 Member to Speak**

When a Member has been recognized by the Chair to speak, the Member shall direct his/her questions or comments to the Chair and speak only to the matter under consideration.

**15.5 Chair – Order of Speaking**

The Chair shall recognize the Members who wish to speak in the order that they come to his/her attention.

**15.6 No Interruption**

When a Member is speaking, no other Members shall interrupt, except to raise a Point of Privilege or Point of Order.

**15.7 Speaking Once to Motion**

A Member shall not speak more than once to the same Motion until all other Members have had the opportunity to speak to the matter for the first time, except for the purpose of providing an explanation of a material part of his/her speech which may have been misunderstood and in doing so he/she shall not introduce new matters. No Member shall speak to the same Motion more than twice without leave of Council.

**15.8 Speaking – Five Minutes**

A Member shall not speak to the same Motion, or in reply, for longer than five (5) minutes, without leave of Council.

**15.9 Questions Related to Motion**

A Member shall be restricted to asking questions related directly to the Motion under discussion. The Member may ask a concisely worded question of another Member or appropriate staff person, through the Chair, prior to the Motion being put to a vote.

**15.10 Request to Read Motion**

Any Member may require the Motion under consideration to be read at any time during debate but not so as to interrupt a Member who is speaking.

**15.11 Chair – Speaking to Motion**

The Chair may express an opinion on Motions under debate; however, should the Chair wish to take an active part in any matter under debate, he/she shall leave the Chair and appoint the Deputy Mayor, or other Member, to assume the Chair.

**15.12 Electronic Devices – Silent Mode**

Members present at a Meeting shall ensure that all Electronic Devices are set to silent mode so as not to be a distraction.

**15.13 Conduct of Public**

- a) Public attendees at a Council Meeting shall maintain order and quiet and shall not address Council, except with the permission of Chair.
- b) No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council.
- c) Any cellular telephones, pagers or other Electronic Devices which emit a sound shall be turned off or otherwise set to non-audible.

- d) No person shall use indecent, offensive or insulting language or speak disrespectfully of any Member of Federal, Provincial government, any Member of Council or any employee of the Town, Local Board or Committee.
- e) Any person addressing Council as a deputant shall focus his/her comments to the subject matter before Council
- f) Any person who is not conducting themselves in a proper and appropriate manner, will be asked to do so by the Chair. Any person who continues to conduct themselves in an improper manner will be directed to leave the Meeting and may be removed from the Meeting if necessary. Any person who is conducting themselves in a manner which poses a threat to the safety of themselves, or others shall be ordered from or removed from the Meeting without warning. In the event of gross or repetitive misconduct, Council may by resolution suspend the privileges of a Member of the public to attend Council meetings for the duration of the term of Council.
- g) No person, other than Members of Council or Town Staff, shall enter the Council floor area during a Meeting without the permission of the Chair.
- h) No person, other than a Member of Council or the Clerk shall, before or during a Meeting, place on the desks of Members or otherwise distribute any material without the permission of the Chair.

## **16. MOTIONS AND ORDER OF PUTTING QUESTIONS**

### **16.1 Motions in Writing**

Except as provided elsewhere in this By-law, all Motions shall be in writing and shall be signed by the mover and seconder. This may be done electronically using digital signatures.

### **16.2 Motions Introduced Without Leave**

The following Procedure Motions may be introduced without notice and without leave except as otherwise provided by this By-law:

- a) To suspend the rules of procedure
- b) To table
- c) To postpone definitely (deferral Motion with a specified date/Meeting)
- d) To refer
- e) To amend
- f) To postpone indefinitely (deferral Motion without specifying a date/Meeting)
- g) Any other Procedure Motion

### **16.3 Motion - Read before Discussion**

Prior to discussion, the Chair shall read the Motion presented.

### **16.4 Motion - Amend**

After discussion, a Motion on the floor may be altered by a formal Motion to amend. If the amendment is carried, then the amendment wording shall then become part of the main Motion.

**16.5 Motion – Not seconded**

A Motion that has not been seconded shall not be recorded in the minutes.

**16.6 Motion - Ruled Out of Order**

When the Chair is of the opinion that a Motion is contrary to the rules of procedure the Chair shall rule the Motion out of order.

**16.7 Motion - Not Within Jurisdiction of Council**

A Motion which requires the exercise of a power or powers by Council which are not within its jurisdiction shall not be in order.

**16.8 Motion – budget Implications**

Any Motion having budgetary implications shall be referred to staff or the appropriate Standing Committee for a report regarding such budgetary implications prior to the Motion being debated at Council or Committee.

**16.9 Motion - Reconsideration**

A Motion to reconsider a Motion that was previously decided by the Council shall only be introduced by way of a Notice of Motion put forward by a Member who originally voted with the prevailing side. Such Motion shall pass by two-thirds (2/3) vote and no Motion shall be reconsidered more than once during the term of Council.

Notwithstanding these provisions, the above Reconsideration rule shall not apply to the following:

- a) A Motion passed by previous Councils;
- b) A Motion that, while pertaining to a previously decided Motion, does not alter the core purpose or intent of the previously decided Motion;
- c) A Motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
- d) A Motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

A Motion to Reconsider

- a) is not debatable or amendable; however, the mover and seconder of a Motion to Reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration;
- b) shall only be made at the same Meeting or a Meeting subsequent to the Meeting at which the original Motion was decided;
- c) shall be submitted in writing to the Clerk and printed on the Agenda;
- d) shall not be in order if the action approved in the Motion to Reconsider cannot be reversed or if the original Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to Reconsider is being debated;
- e) shall, if considered at a subsequent Meeting, be declared lost, unless two-thirds of the Council votes therefore and must be moved by a Member who voted with the majority in the original decision;
- f) suspends action on the Motion to which it applies until the Motion to Reconsider has been decided.



If a Motion to Reconsider carries, reconsideration of the decided matter shall be the next order of business. Debate on the matter being reconsidered shall proceed as though it had never previously been considered.

A notice of reconsideration from the Ontario Land Tribunal (or any replacement thereof) shall not be deemed a reconsideration of a Council decision for the purposes of this By-law.

#### **16.10 Schedule A" - Standard Characteristics of Motions**

Schedule "A" -Standard Characteristics of Motions - forms part of this By-law and shall describe the form and standard descriptive characteristics of the most common types of Motions together with a table summarizing the ranking of Motions, in accordance with *Robert's Rules of Order*.

### **17. VOTING**

#### **17.1 Majority Vote**

Unless otherwise specified in this By-law, all votes shall be decided by way of a majority vote of the Members present and eligible to vote at the Meeting.

#### **17.2 Time of Vote**

A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the Motion have spoken, in accordance with this By-law.

#### **17.3 Speaking During Vote**

No Member shall speak to a Motion once the Motion is put to a vote and the results are announced except for clarification on procedural matters.

#### **17.4 Show of Hands**

Unless a recorded vote is called for, all voting shall be done by a show of hands. No vote shall be taken in a Meeting by ballot or by any other method of secret voting. The Chair shall first ask for those in favour of the Motion and then ask for those opposed.

#### **17.5 Mandatory Vote**

Every Member present shall vote on every Motion unless the Member declares a Conflict of Interest, in which case the Member shall refrain from participating in the vote.

#### **17.6 Tie Vote – Lost**

Any question on which there is a tie vote shall be considered to be lost.

#### **17.7 Deemed Negative Vote**

Every Member who is present for a vote and has not declared a Conflict of Interest shall be deemed to be voting against a Motion if he or she abstains from voting on that Motion.

#### **17.8 Chair to Declare Result**

Upon the completion of the vote, the Chair shall declare whether the Motion was carried or defeated.

**17.9 Result Marked on Motion**

The result of the vote on each Motion shall be marked in the Minutes by the Clerk.

**17.10 Division of Question**

When the Motion under consideration contains distinct recommendations, a Member may request a separate vote upon each recommendation. The mover and seconder of the original Motion shall be considered the mover and seconder of each distinct recommendation. The Chair shall have the discretion to determine if the Motion can be appropriately split for the purpose of separate votes.

**17.11 Recount**

The Mayor may, and shall, when requested to do so by a Member, order and conduct a recount of votes before announcing the decision of the Council on any Motion. Where a recount of votes is ordered and conducted by the Mayor, the results of the recount shall be announced by the Mayor and shall be deemed to be the decision of the Council.

**17.12 Recorded Vote**

- a) A request by a Member for a recorded vote shall be made immediately prior to the taking of the vote or immediately thereafter prior to proceeding to the next item of business.
- b) Upon such request the Clerk shall ask each Member to announce his/her vote openly and shall record such vote and declare the results.
- c) The order of voting for a recorded vote shall be in random order drawn by the Clerk, except the Chair who shall vote last. The Clerk shall call the names of the Members and announce the results. The names of those who voted for and against shall be noted in the minutes.
- d) Recorded votes are permitted in Standing Committees.

**18. Repeal By-law 2018-62**

That By-law 2018-62 and amendments thereto are hereby repealed.

**19. Failure to Comply**

Any omissions or failure to strictly comply with this By-law or any other Legislation (including any notice which is substantively given but is irregular) will not invalidate the holding a of a meeting or any proceeding or decision taken at the meeting.

**20. Force and Effect**

That this By-law shall come into force and effect as of January 20, 2022.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19<sup>th</sup> DAY OF JANUARY, 2022.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

\_\_\_\_\_  
**STEWART STRATHEARN - MAYOR**

\_\_\_\_\_  
**SHERRI EDGAR - CLERK**

## Schedule "A" - Standard Characteristics of Motions

<https://www.ndsu.edu/fileadmin/facultysenate/docs/robertsrules.pdf>

### **PART A - CATEGORIES OF MOTIONS**

### **PART B - STANDARD CHARACTERISTICS OF COMMON MOTIONS**

### **PART C - MOTIONS THAT TAKE A MAJORITY VOTE**

#### **- MOTIONS THAT TAKE A TWO-THIRDS VOTE**

### **PART D - ROBERT'S RULES OF ORDER MOTIONS CHART**

### **PART A-CATEGORIES OF MOTIONS**

#### **MAIN MOTIONS**

- Brings new business before the assembly.

#### **PRIVILEGED MOTIONS** (lowest to highest)

- Adjourn (End Meeting Now)
- Recess (Take a Break)

#### **SUBSIDIARY MOTIONS** (lowest to highest)

- Previous Question (Stop Debate)
- Postpone to a Certain Time (Refer)
- Refer to a Committee (Let a Committee Investigate)
- Amend (Change a Motion)
- Notice of Motion

#### **INCIDENTAL MOTIONS** (no rank -- must be taken up immediately)

- Point of Order (To Correct a Breach in the Rules)
- Appeal From The Decision of The Chair or Appeal (To Disagree with the Chair's Ruling)
- Suspend the Rules (To Set Aside a Rule of the Assembly)
- Divide Question.
- Recorded Vote

#### **MOTION THAT BRINGS A QUESTION AGAIN BEFORE THE ASSEMBLY** (when no other business is pending)

- Reconsider (To Reconsider the Vote on a Motion)

## **PART B -STANDARD CHARACTERISTICS OF COMMON MOTIONS**

### **ADJOURN**

Purpose: To end the Meeting NOW!

Needs a second.

Not

amendable.

Not debatable.

- A majority vote to adopt.
  - Can't be reconsidered but can be made again after some progress in the Meeting.
- Result: It ends the Meeting, and the business halts at the point where the Members adjourned. If the Members are in the middle of discussing a Motion, this Motion will come up at the next Meeting under unfinished business.

### **RECESS**

Purpose: To take a short intermission and then resume business where the Members left off. As a privileged Motion, a Motion to recess is made when other business is pending.

- Needs a second.
- Length of recess is amendable.
- Not debatable.
- Majority vote to adopt.
- Can't be reconsidered.
- Result: Members take a short break.

### **POSTPONE TO A CERTAIN TIME**

- Purpose: To put off or delay a decision. Needs a second.
- The time element is amendable.  
Debatable. Debate goes only to the merits of postponing.
- Majority vote to adopt.
- Can be reconsidered.
- Result: Discussion and decision are put off until later in the Meeting or until the next Meeting when no business is pending.

### **CLOSE DEBATE**

- Purpose: To bring to an immediate vote (call the question) Needs a second
- Not debatable
- Not amendable
- Takes a two-thirds vote.
- Result: To end debate on a pending proposal

## **REFER TO A COMMITTEE**

- Purpose: Have a small group investigate a proposal. Needs a second.
- Any variable in the Motion is amendable.  
Debatable. Debate goes only to the merits of referring the Motion to a Committee.
- Majority vote to adopt.
- Can be reconsidered if the Committee hasn't begun discussion of the Motion.  
Result: If adopted, the Motion goes to the Committee to investigate and does not return to the Membership until the Committee is ready to report or until the Membership has adopted a time for the Committee to report back to the assembly.

## **AMEND**

- Purpose: To change the Motion; proposed amendments must be germane to the main Motion.
- Needs a second  
Is amendable, but it must be germane or related to the amendment.
- Debatable. Debate goes only to the amendment.
- Majority vote to adopt. If amending a Motion or document that takes two-thirds vote to adopt, the proposed amendment takes only a majority vote.
- Can be reconsidered.
- Result: If adopted, the proposed change becomes part of the main Motion.

## **NOTICE OF MOTION**

- Purpose: To allow a Member of Council the opportunity to bring a matter of business before the assembly for consideration at the next Regular Meeting of Council.
- Needs a second
- Is debatable.
- Is amendable
- Majority vote to adopt
- Result: Adoption of the Motion confirms Council support on the matter.

## **POINT OF ORDER**

Purpose: To correct a breach in the rules.

No second.

Not debatable.

Chair rules on the point.

- Cannot be reconsidered.
- No vote required.
- Result: The Chair's ruling stands unless someone appeals it.

## **APPEAL FROM THE DECISION OF THE CHAIR OR APPEAL**

- Purpose: To disagree with the Chair's ruling and let the Members decide the disagreement by taking a vote.
- Needs a second.
- Must be made at the time the ruling was made.
- Debatable. However, it is not debatable if it relates to rules of speaking, relates to the priority of business (order of business), or applies to a ruling on an undebatable Motion.
- Not amendable.
- Majority or tie vote sustains the decision of the Chair.
- Can be reconsidered.
- Result: If adopted, it upholds the Chair's ruling.

## **SUSPEND THE RULES**

- Purpose: To set aside a rule of the assembly (except bylaws or the corporate charter).
- Needs a second.
- Not debatable.
- Not amendable.
- Takes a two-thirds vote.
- Cannot be reconsidered.
- Result: Rules are set aside so that Members can do something contrary to the rules.

## **DIVIDE MOTION**

- Purpose: To allow a Motion to be split into separate Motions
- Yes
- Not debatable
- Is amendable
- Takes a majority vote.
- Result: Various parts of the Motion are debated and voted on separately.

## **RECORDED VOTE**

- Purpose: To record the votes (for or against) of each Member
- No second
- Not debatable
- Not amendable
- None
- Result: A record of how each Member voted is recorded.

## **RECONSIDER**

- Purpose: To reconsider the vote on a Motion.
- Only a Member who voted on the prevailing side can make the Motion.
- Needs a second.
- Debatable if the Motion it reconsiders is debatable.
- Takes a two-thirds vote.

- Cannot be reconsidered.
- Can be made but not considered when other business is pending.
- Result: If adopted, the Motion is again before the assembly as if it had not been voted on.

### **PART C - MOTIONS THAT TAKE A MAJORITY VOTE**

- Adjourn
- Recess
- Refer to a Committee
- Amend
- Main Motion

### **PART C - MOTIONS THAT TAKE A TWO-THIRDS VOTE**

(Any Motion that takes away rights from Members)

- Previous Question (Close Debate)
- Object to the Consideration of a Question
- Suspend the Rules
- To Reconsider