

# THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

## BY-LAW NO. 77-2020

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Being a by-law of the Corporation of the Municipality of Thames Centre to govern the proceedings of council, boards and its committees

**WHEREAS** council of The Corporation of the Municipality of Thames Centre deems it desirable to enact a Procedural By-law to govern the calling, place and proceedings of council, boards and committees, pursuant to Section 238 of the Municipal Act.

**NOW THEREFORE** council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. **SHORT TITLE**

This By-law shall be cited as the “Council, Boards and Committees Procedural By-law”.

2. **DEFINITIONS**

In this By-law:

- 2.1 Act means the Municipal Act, 2001, as amended from time to time.
- 2.2 AdHoc Committee means a special purpose committee of limited duration, appointed by council to consider a specific matter and which is dissolved automatically upon submitting its final report to council, unless otherwise directed by council.
- 2.3 Adjourn means to end the meeting.
- 2.4 Advisory Committee means a committee established by council to advise on matters which council has deemed appropriate for the committee to consider.
- 2.5 Chair means the person presiding at a meeting whether it be the mayor, a member of council or a duly appointed member of a committee.
- 2.6 Chief Administrative Officer means the chief administrative officer (CAO) of The Corporation of the Municipality of Thames Centre.
- 2.7 Clerk means the clerk of The Corporation of the Municipality of Thames Centre, a designate appointed by the clerk, in writing, or deputy clerk.
- 2.8 Closed Session means a meeting, or portion thereof, closed to the public in accordance with the *Municipal Act, 2001*. (See Appendix “A” of this by-law for closed meeting exceptions).
- 2.9 Committee means any committee that may be appointed by council from time to time.
- 2.10 Confirmatory By-law means a by-law of council that adopts, ratifies and confirms the actions of council at its meeting.
- 2.11 Correspondence means a letter, memorandum, report, notice, electronic mail, facsimile, petition, etc.

- 2.12 Council means council of The Corporation of the Municipality of Thames Centre.
- 2.13 Councillor means a person elected or appointed as a member of council.
- 2.14 Decorum means behavior that, in the opinion of the Presiding Officer, promotes an atmosphere of respect in council chambers.
- 2.15 Delegation means a person(s) addressing council, board or committee at a meeting for the purpose of making a request, recommendation or expressing concerns.
- 2.16 Deprecating means attacks of character, attacks of reputation, name calling, or comments that are injurious to reputation, derogatory, slanderous, or libelous.
- 2.17 Deputy Mayor means the deputy mayor of the Municipality of Thames Centre elected by general vote, who also represents the municipality at Middlesex County council along with the head of council. Presides at all meetings of council in the absence of the mayor.
- 2.18 Electronic Meeting means a meeting called and held in full or in part via electronic means (including, but not limited to, video conference, audio conference, teleconference, or other appropriate electronic means), and with or without in-person attendance.
- 2.19 Emergency means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise, as defined in the municipality's Emergency Response Plan.
- 2.20 Friendly Amendment means an amendment that is perceived by all parties as an enhancement to the original motion.
- 2.21 Head of Council means the mayor and who shall preside at all meetings of council.
- 2.22 Majority means more than half of the votes cast by those members of council present at the meeting.
- 2.23 Mayor means the member of council who has been elected by a general vote as mayor and in accordance with the *Municipal Act, 2001*, acts as the chief executive officer of The Corporation of the Municipality of Thames Centre; and, who along with the deputy mayor, represents the municipality at Middlesex County council.
- 2.24 Meeting means any regular, special or other meeting of a council, board or a committee of either of them, where
- (a) a quorum of members is present, and
  - (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of council, board or committee.
- 2.25 Minutes mean a record without note or comment of all resolutions, decisions and other proceedings of the meetings of council, board or committee, whether it is closed to the public or not. (See sub-section 239 (7) of *Municipal Act*).

- 2.26 Motion means a question to be considered by council, board or committee of council which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.
- 2.27 Municipality or Corporation means The Corporation of the Municipality of Thames Centre.
- 2.28 Pecuniary Interest means a direct, indirect or deemed financial interest as described in the *Municipal Conflict of Interest Act*.
- 2.29 Point of Order means the raising of a question by a Member for the purpose of calling attention to a deviation or departure from the rules of procedure.
- 2.30 Point of Privilege means the raising of a question by a Member where they feel that their integrity, the integrity of the Council, or the integrity of staff has been impugned by another member, a delegate, a presenter or a speaker.
- 2.31 Presentation means information presented to council, board or committee by an individual, body, government or agency on an issue that may not require any action to be taken by council, board or committee.
- 2.32 Presiding Officer means the person designated to preside at a council, board or committee meeting. (See sub-section 238(4) of the *Municipal Act*).
- 2.33 Quorum means the majority of the members of council, board or committee. (See section 237 of the *Municipal Act*).
- 2.34 Recorded Vote means the recording of the name and vote of every member who is present at the meeting when a member present requests immediately before or after the taking of the vote that the vote be recorded. (See sub-section 246 (1) of *Municipal Act*).
- 2.35 Report means a written document prepared by municipal employees, committees, consultants, solicitors or other individuals appointed by council for the purpose of providing advice, alternatives and/or recommendations on various matters.
- 2.36 Resolution means a formal motion duly moved and seconded by members of council, board or committee.

### **3. AUTHORITY**

The *Municipal Act*, provides that council may determine its own rules of procedure for meetings, subject to restrictions and requirements of the *Municipal Act*. The following set of rules shall be in effect upon their adoption by council until such time as they are amended or new rules adopted.

### **4. GENERAL RULES**

- 4.1 The provisions contained in this by-law shall govern the proceedings of council, boards and committees unless otherwise prescribed.
- 4.2 In any case for which provision is not made in these rules and regulations, the procedure to be followed shall be as near as may be followed in the most recent edition of Roberts Rules of Order in existence at the time shall be referred to.

- 4.3 Members of council shall comply with the *Municipal Conflict of Interest Act*.
- 4.4 The use of recording equipment may be permitted with the approval of the head of council or presiding officer.
- 4.5 Cell phones are required to be either turned off or placed on vibrate during council, board or committee meetings.
- 4.6 Should the Municipality of Thames Centre be requested to provide a person with a disability a document or information, the Municipality will take into consideration the communication needs of the person with a disability and endeavour to provide the information to the person in a format that takes into account the person's disability.
- 4.7 Vacancies
- (a) Should any member of council fail to attend meeting of council for three (3) successive months without being authorized to do so by a resolution of council, the office becomes vacant. (See sub-section 259 (1) (c) of *Municipal Act*).
- (b) Notwithstanding the above, an office is not vacated by a Member of Council who is absent for twenty (20) consecutive weeks or less if the absence is as a result of the Council Member's pregnancy, the birth of the Council Member's child or the adoption of a child by the Council Member in accordance with Subsection 259(1.1) of the *Municipal Act*. See also *Pregnancy and Parental Leave for Members of Council Policy*.
- 4.8 Temporary Replacements on Upper-tier Council
- (a) Council may appoint one (1) alternate member to temporarily replace a person who is a member of both the lower-tier and upper-tier council if the member is unable to attend an upper-tier council meeting.

## 5. MEETINGS

- 5.1 Meeting - Location
- (a) In-person meetings of council shall take place in council chambers at the Municipal Office, 4305 Hamilton Road, Dorchester. See Section 7.3 for Electronic Participation at Meetings.
- (b) In the event that it is not convenient or feasible to hold the meeting in council chambers, council or the clerk, as the case may be, may specify a location within the municipality or an adjacent municipality to hold its meeting (e.g. such as in the event of an emergency).
- (c) Notwithstanding sections 5.1(a) and (b) above, in the event of an emergency, as defined under section 2.19 of this by-law, council shall determine, at its discretion, other locations within or outside the municipality to hold its meeting. The clerk shall provide notice of such meeting in accordance with section 6.3 of this by-law.

- (d) Council to the best of their ability will have meeting locations accessible to persons with disabilities. Also, council shall ensure that any members of council with disabilities are adequately accommodated to ensure their participation.

#### 5.2 Meeting Schedule - Times

- (a) The first or inaugural meeting of the new council after a regular election shall be held on the first Wednesday after the beginning of the term of office at 11:00 a.m. The inaugural meeting shall be for ceremonial purposes only consisting of the swearing in of members.
- (b) Prior to the first meeting in each calendar year, council shall establish a schedule of all regular council meeting dates for the calendar year, including, time and location of the meetings.
- (c) Except as otherwise noted on the meeting schedule or as directed by council, there shall be two (2) meetings per month and such meetings shall consist of one (1) day meeting and one (1) evening meeting. Except as otherwise noted on the meeting schedule or as directed by council, meetings shall commence at the hour of 1:00 p.m. and the evening meetings shall commence at the hour 5:00 p.m.
- (d) Notwithstanding the above, there shall be only one (1) meeting per month in July, August and December. Except as otherwise noted on the meeting schedule or as directed by council, these meetings shall commence at 1:00 p.m. The head of council or clerk may change the commencement time of these meetings.
- (e) See section 26 of this by-law for adjournment of the day and evening meetings.

#### 5.3 Meeting Schedule – Special Meetings

- (a) The head of council may, at any time, call a special meeting of council.
- (b) Upon receipt of a petition of the majority of the members of council, the Clerk shall call a special meeting of council for the purpose and at the time and location mentioned in the petition.
- (c) No business may be transacted at a special meeting other than that specified in the notice or agenda.

#### 5.4 Meeting Schedule - Emergency Meetings

Notwithstanding any other provision of this by-law, the mayor may at any time call an emergency meeting of council, as defined under section 2.19 of this by-law, or any other similar unforeseen circumstance, at any time.

## **6. NOTICE OF MEETINGS**

### **6.1 Regular Meetings**

- (a) The schedule of council meetings shall be advertised on the municipal website. The posting of the meeting schedule shall constitute notice for all council meetings. The clerk shall revise the meeting schedule if it is deemed necessary to cancel a meeting, change the date, location or time of a meeting.
- (b) The council meeting agenda will be posted on the municipal website for public viewing at least seventy-two (72) hours in advance of said meeting. The posted agenda shall be considered as notice of regular meetings of council. The agenda shall include the date, time and place of the meeting.

### **6.2 Special Meetings**

- (a) The clerk shall ensure that notice of each special meeting of council is provided to the members of council and the public at least twenty-four (24) hours in advance of the said meeting by posting on the municipal website. The members of council shall receive notice of the special meeting electronically or by telephone.
- (b) The clerk shall revise the meeting schedule in the event that a special meeting is called.

### **6.3 Emergency Meeting**

- (a) The clerk shall ensure that notice of an emergency meeting of council is provided to the members of council and the public once the meeting has been scheduled. The members of council shall receive notice of the emergency meeting electronically or by telephone. The public shall receive notice by posting on the municipal website. If it is not feasible to provide notice by any of the above methods, then notice shall be given in whatever manner is deemed to be effective and appropriate, given the circumstance.

### **6.4 Cancelled Meetings**

- (a) The clerk, in consultation with the head of council, may cancel a meeting of council when, in their opinion, there is sufficient cause to do so. The clerk shall provide notice of cancellation of a meeting to council, municipal staff and all other interested parties a minimum of three (3) hours in advance of a meeting. Notice of cancellation of a meeting shall be provided in a manner deemed to be effective appropriate given the circumstance. The public shall receive notice by posting on the municipal website and/or by posting notice on the entrance doors located at the municipal office; or in the event that the meeting is being held at another location, the entrance door of the meeting location.

6.5 Lack of receipt of the notice by any member of council shall not affect the validity of holding a meeting nor any action taken at a meeting.

6.6 The notice requirements set out in this by-law are minimum requirements only, and the clerk may give notice in an extended

manner if in the opinion of the clerk, the extended manner is reasonable and necessary in the circumstances.

## **7. MEETINGS OF COUNCIL**

No meeting of council is a properly constituted meeting unless the Clerk or acting clerk appointed by council, is present.

### **7.1 Open Meetings**

- (a) All regular meetings, special and emergency meetings of council, local boards and meetings of committees of either of them, shall be open to the public, but a meeting or any part thereof may be closed to the public, subject to the provisions of Section 239 of the *Municipal Act*.
- (b) All votes of council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 239(6) of the *Municipal Act*.

### **7.2 Closed Sessions**

- (a) For purposes of this section, a meeting not open to the public shall be called a "closed session".
- (b) All meetings of council, board and committee shall be open to the public except as provided for in section 239 of the *Municipal Act*. See Appendix "A" of this by-law for closed meeting exceptions, as amended from time to time.
- (c) Before holding a closed session, council shall state by resolution the reason for holding the closed session and the general nature thereof. See Appendix "A", sub-section 239 (4) of this by-law for resolution for closed session under the *Municipal Act*.
- (d) A meeting shall not be closed to the public during the taking of a vote except as provided for in subsection 239 (6) of the *Municipal Act*. See Appendix "A", sub-section 239 (6), for exceptions.
- (e) When a closed session is necessary, it will be a requirement that the minutes shall be prepared without note or comment but shall not require approval.
- (f) Electronic Meetings (including hybrid) – Password protected Closed Session agenda packages may be sent electronically to all council members when any member is participating remotely. Members shall delete agenda once the meeting that the agenda was prepared for has adjourned.
- (g) In-person Meetings – closed session agenda packages shall be circulated to council members on coloured paper in advance of the closed session. The closed session material shall be returned to the clerk or their designate at the close of the meeting at which the closed session is held.
- (h) Upon the completion of the closed session, council members shall immediately reconvene in open session and the head of council or presiding officer shall report the results of the closed session.

- (i) The clerk shall be responsible for retaining a confidential copy of all original documentation distributed in relation to closed sessions, and for retaining the confidential minutes of all closed sessions in the electronic records management system.
- (j) It shall be the responsibility of the members of council and municipal staff to respect the confidentiality of all matters disclosed to them and materials provided to them during closed sessions.

### 7.3 Electronic Participation at Meetings

#### **Electronic Meeting**

- (a) Notwithstanding any other provision of the Council Procedural By-law No. 77-2020, a regular or special or other meeting of Council may be conducted by an Electronic Meeting where deemed appropriate by the Head of Council in his or her sole discretion, including, but not limited to in the case of an emergency declared pursuant to the EMCPA, in accordance with this section and any Emergency Electronic Meeting Protocol as may be approved by Council.

#### **Physical Place**

- (b) Where an Electronic Meeting is held, such meeting will be chaired physically from a location within the municipality or an adjacent municipality identified in the posted public agenda, as is necessary in accordance with section 236(1) of the Municipal Act. The Electronic Meeting shall be presided over by the Mayor or their designate.

#### **Physical Attendance of Public**

- (b) Where necessary, an Electronic Meeting may be held without physical attendance by Members, municipal staff or the public.

#### **Public Notice of Electronic Meeting**

- (c) Whenever possible, the posted agenda will include sufficient information for the public to electronically access the open session of an Electronic Meeting.

#### **Public Meetings**

- (d) Statutory public meetings involving public participation will be facilitated remotely via electronic communication as deemed appropriate by the Clerk.
- (e) Members of the public who wish to participate in a scheduled public meeting shall notify the Clerk in the manner outlined in the public meeting notice.

#### **Delegations**

- (f) Public Delegations will be facilitated remotely via electronic communication as deemed appropriate by the Clerk. The provisions set out in Section 18 apply. Confirmed delegations will be provided details on how to join the meeting remotely.

### **Quorum and Voting**

- (g) A Member of Council who is participating electronically in a meeting may be counted in determining quorum at any point in time during the meeting and shall be entitled to vote through a vote recorded by the Municipal Clerk as if they were attending the meeting in person.

### **Closed Meeting**

- (h) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.

### **Application and Conflict**

- (i) Notwithstanding the foregoing, Council Procedural By-law No. 77-2020 shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Electronic Meeting Protocol, attached as Appendix "C", approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

## **8. CALLING OF MEETINGS TO ORDER AND QUORUM**

- 8.1 The head of council or presiding officer shall call the members of council to order as soon after the hour fixed for holding of the meeting a quorum is present.
- 8.2 A majority of all members of council shall constitute a quorum and be necessary for the transaction of business. A majority of all members of council shall be determined as three (3) members of council.
- 8.3 If a quorum is not present one-half ( $\frac{1}{2}$ ) hour after the time appointed for the commencement of the meeting, the clerk or their designate shall indicate that no quorum is present and record the names of those members of council in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- 8.4 Where the number of members of council who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990*, such that, at that meeting the remaining members of council are insufficient to constitute a quorum, the remaining members of council shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 8.5 If during the course of a council meeting, a quorum is lost, the head of council or presiding officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- 8.6 If members of council are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the clerk in advance of the meeting.

## **9. ROLE OF COUNCIL**

- 9.1 The role of council is described under section 224 of the *Municipal Act*. See Appendix "B" of this by-law for section 224 of the *Municipal Act*.

- 9.2 Members of council shall come prepared to every meeting by having read all the material supplied, including the agenda and municipal staff reports, to facilitate discussion and the determination of action at the meeting. The members of council are encouraged to make inquiries of municipal staff regarding the materials supplied with the agenda in advance of the meeting.
- 9.3 Requests for substantive reports shall be authorized by council resolution and the resolution shall identify the appropriate department or department head and objectives of the report.
- 9.4 No member of council shall have the authority to direct or interfere with the performance of any work for the Municipality.

## **10. ROLE OF HEAD OF COUNCIL**

- 10.1 The role of the head of council is described under section 225 of the *Municipal Act*. See Appendix "B" of this by-law for section 225 of the *Municipal Act*.

## **11. HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

- 11.1 The role of the head of council as chief executive officer is described under section 226.1 of the *Municipal Act*. See Appendix "B" of this by-law for section 226.1 of the *Municipal Act*.

## **12. ROLE OF PRESIDING OFFICER**

- 12.1 The head of council, if present, shall preside as chair at all meetings of council. In the event that the head of council is absent; has a conflict under the *Municipal Conflict of Interest Act*; refuses to act; or the office becomes vacant, the deputy mayor shall act in the place and stead of the head of council, and while so acting the deputy mayor may exercise all the rights, powers and authority of the chair while presiding at meetings.
- 12.2 In the absence of both the head of council and the deputy mayor, and if a quorum is present, council shall elect a chair from amongst its members of council present. While presiding, the member appointed by council shall have all the powers of the head of council.
- 12.3 As soon after the hour of the commencement of the meeting, provided a quorum is present, the head of council or presiding officer shall take the chair and the members of council shall be called to order.
- 12.4 The head of council or presiding officer shall:
  - (a) preside over council meetings so that its business can be carried out efficiently and effectively;
  - (b) ensure that the members of the public feel safe to participate in public debate;
  - (c) preserve order and decorum within council chambers in accordance with Section 13 of this by-law;
  - (d) put to vote all questions which are duly moved and seconded and to announce the result;
  - (e) authenticate by electronic signature all by-laws, minutes and, when necessary, documents authorized by council;

- (f) represent and support council, declaring its' will and obeying its decision in all things;
- (g) ensure that the decisions of council are in conformity with the laws and by-laws governing the activities of council;
- (h) adjourn the meeting when business is concluded;
- (i) adjourn the meeting without question in the case of grave disorder arising in council chambers;
- (j) The head of council or presiding officer may 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, including inappropriate behaviour towards members of council and municipal staff and to order the individual or group to vacate council chambers where such behaviour persists.

### **13. DECORUM OF COUNCIL CHAMBERS**

13.1 To preserve and protect the decorum of council chambers or other meeting place of council, no person participating in the meeting, including the members of the audience, may undertake any of the following actions:

- (a) make deprecating comments about, or speak disrespectfully of, or malign the integrity of any member of council, municipal staff or the public;
- (b) use offensive words or an aggressive tone of attack;
- (c) disobey any rule or request of the Presiding Officer or any decision of council on questions or order of practice;
- (d) enter into cross debate with the presiding officer, members of council, other delegations or municipal staff;
- (e) appear before council for the sole purpose of generating publicity or personal attacks;
- (f) address council without permission;
- (g) interrupt any speech or action of the members of council or any other person addressing council;
- (h) display or have in their possession picket signs or placards in council chambers or meeting rooms or within any municipally owned building used for such purposes;
- (i) applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of council;
- (j) carry on private conversations enough to disrupt council meeting.

13.2 Council affirms that the business of council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the head of council is expected to maintain decorum by all persons in attendance at its meetings in accordance with this Procedural By-law and the Municipal Act.

## 14. COUNCIL CODE OF CONDUCT

- 14.1 The municipality's "Council Code of Conduct" shall govern the actions and behaviour of the members of council and municipal staff. The code of conduct may be found on the municipality's website or a copy may be obtained from the clerk.

## 15. AGENDAS

### 15.1 Regular Council Meeting Agendas

- (a) The Clerk or designated staff shall prepare an agenda for meetings of council. The following are the headings that may be included on an agenda:

1. Call to Order
2. Additions to Agenda
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Announcements
5. Presentations/Delegations
6. Consent Agenda
  - approval of minutes
  - correspondence
  - petitions
  - information
7. Committee of Adjustment
8. Public Meetings
9. Staff Reports
10. Mayor's Report/County Council Report (day meeting)
11. Unfinished Business
12. New Business
13. Notices of Motion
14. Closed Session
15. By-laws
16. Meeting Schedule
17. Adjournment

The order of business shall be taken upon the order in which it stands on the agenda, unless otherwise decided by consent of the majority of council.

- (b) The clerk shall place any agenda items not dealt with at a meeting on the agenda for the next regular meeting, unless otherwise decided by council.
- (c) Walk-in reports and other matters for open or closed meetings shall be discouraged. However, there may be circumstances, such as time sensitive situations that require matters not on the agenda to be dealt with immediately.

Walk-in matters may be added to the Agenda at the consent of the majority of Council members present.

- (e) The head of council or any member of council may bring before council, any business that they feel should be deliberated upon by council. These matters need not be specifically listed on the agenda; however, may be brought before council under new business.

## **16. DISCLOSURE OF PECUNIARY INTEREST**

16.1 Prior to a particular matter being addressed, members of council shall declare a pecuniary interest that they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act*, as amended. Such members of council shall then be precluded from participating in any way regarding the matter in questions. A member must identify and disclose any pecuniary interest (direct, indirect or a deemed (eg family interest)) on any item or matter before council, board or committee and the general nature thereof, pursuant to the *Municipal Conflict of Interest Act*.

## **17. ANNOUNCEMENTS**

17.1 Announcements includes past or upcoming events that a member of council wishes to inform other members of council and the public. Announcements are not required to be recorded in the minutes.

## **18. PRESENTATIONS/DELEGATIONS**

18.1 Presentations and delegations shall be scheduled to be held at the evening meetings, some exceptions may apply wherein presentations and delegations may be heard during a day meeting.

18.2 Any person appearing before council on municipal business shall notify the Clerk in writing at least one week in advance of the council meeting. The request must and be accompanied by a brief description of the subject matter of the presentation or delegation. Any presentation material must be provided to the Clerk by noon a week prior to the meeting. Submissions may be made electronically through email.

18.3 The Clerk may direct that a delegation be received by a board or committee for a board or committee consideration and recommendation to council on a particular matter rather than addressing council directly.

18.4 The clerk or head of council may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of council. If the delegation wishes to appeal the clerk's decision, the information must be distributed under separate cover to council for their consideration.

18.5 Once a date and time has been established for the person requesting delegation status, the clerk shall provide confirmation electronically, by telephone or in writing.

18.6 The head of council has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.

18.7 The scheduling of delegations shall be limited to three (3) delegations per meeting depending on the number of public meetings scheduled for that meeting and unless otherwise determined by the head of council or clerk.

18.8 Delegations shall limit their address to ten (10) minutes, including questions. Upon consent of the majority of the members of council present, the ten minute time limit may be extended.

- 18.9 A delegation requesting to speak for more than ten (10) minutes at the time of the request for delegation status may be permitted with prior approval of the head of council or the clerk.
- 18.10 Each person addressing council shall give their name and address in an audible tone of voice or with assistance for the record.
- 18.11 All remarks shall be addressed to council as a body and not to any member thereof. No person, other than members of council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of council. No questions shall be asked to the members of council, except through the head of council or presiding officer.
- 18.12 If an organization wishes to address council, it is recommended that one person be chosen to speak for the group/organization.
- 18.13 Delegations appearing before council with respect to the same matter on the agenda will be requested to limit their delegation so as not to repeat the same points.
- 18.14 After a delegation has been heard at a council meeting and it is felt that a further hearing on the same topic is warranted, council may so recommend and shall determine the time and date of such further hearing.
- 18.15 Council may not necessarily make a decision on requests by delegations at the meeting the request is made, but may instead refer the request to municipal staff for further information and/or recommendation.
- 18.16 Information and tips for delegations is provided on council page of the municipality's website ([www.thamescentre.on.ca](http://www.thamescentre.on.ca)).

## **19. CONSENT AGENDA**

- 19.1 All items for the consent agenda shall be determined by the Clerk.
- 19.2 Consent agenda items shall be preceded by an explanatory note which indicates that items listed under the consent agenda are considered routine and are enacted in one motion in order to expedite the meeting.
- 19.3 Items listed under the consent agenda shall be routine matters, reports provided for information purposes, reports in response to council questions, council and committee meeting minutes, receiving petitions and correspondence items and other matters of a non-controversial nature.
- 19.4 Petitions filed with the clerk and presented to council shall contain original signatures, and all information on the petition, including names, addresses and telephone numbers shall become part of the public record of the meeting at which it is presented. Petitions presented to council shall be formally received by resolution without debate. Once received, petitions may be referred by council to the appropriate department head for a subsequent report.
- 19.5 The clerk may, upon receipt, refer any correspondence or petition to a department head without the prior consideration of council.
- 19.6 A member of Council may request that an item(s) on the consent agenda be extracted and discussed and voted on separately.

## **20. MINUTES**

### 20.1 Minutes - (included in Consent Agenda)

(a) Minutes of council, whether it is closed to the public or not, shall record:

1. the date, time and location of the meeting;
2. the record of attendance of the members of council;
3. all resolutions and decisions;
4. all the other proceedings of the meeting without note or comment, whether it is closed to the public or not;
5. any disclosure of pecuniary interest;
6. correction or adoption of previous minutes.

20.2 The minutes shall be signed electronically by the mayor or presiding officer and by the clerk after they have been approved by council.

20.3 Presentations, delegations, petitions and communications received by council in the course of a meeting shall only be referred to in a brief and summary manner.

20.4 The clerk shall ensure that the minutes of regular and special meetings are circulated with the next regular meeting agenda package and that minutes of closed meetings are circulated with the next closed session agenda package. The minutes of regular and special meetings shall be posted on the municipal website for public inspection.

20.5 The onus shall be upon the members of council attending after commencement of the meeting to inform the clerk of their arrival in order that same may be recorded in the minutes.

20.6 Meeting minutes may be adopted by council or the respective committee without having been read at the meeting at which the question of their adoption is considered.

20.7 The minutes shall be filed once approved by council.

## **21. STAFF REPORTS**

21.1 Staff reports shall be received by the Clerk for no later than 12:00 noon on the Monday that precedes council meeting these include department reports, committee and board reports, committee of adjustment/public meeting reports, quarterly and annual reports.

21.2 Reports of departments included on the agenda and posted on the municipal website will not contain municipal staff signatures.

## **22. UNFINISHED BUSINESS**

22.1 When any matter listed on the agenda is left undisposed of at the time of adjournment, shall be noted and repeated on each subsequent agenda until dealt with or removed from the agenda by leave of council.

## **23. NEW BUSINESS**

23.1 New business includes any correspondence to council that may not necessarily require a municipal staff report in order to be considered by council.

Also, new business may include matters that are introduced by a member of council at a meeting, however, consideration of the matter shall be given at the next regular meeting unless otherwise determined by consent of the majority of the members of council. See also section 15.1 (e) of this by-law.

## **24. NOTICE OF MOTION**

### **24.1 Submitted Prior to the Meeting**

Notice of motions shall be given in writing to the clerk no later than 12:00 noon on the Wednesday preceding the regular council meeting so that the matter may be included on council agenda.

### **24.2 Submitted During Meeting**

A notice of motion may be submitted to the clerk during a meeting, in which case:

- (a) during the "Notices of Motion" portion of the meeting, the head of council or presiding officer shall have the notice of motion read; and
- (b) the notice of motion shall be recorded in the minutes and placed on the agenda for the next regular meeting; or
- (c) a motion may be introduced and considered at a meeting without notice if it is duly moved and seconded; and receives two-thirds (2/3) vote of the members of council.

24.3 The member who initiated the notice of motion need not be present when the related motion is read.

24.4 A notice of motion may be withdrawn orally by its originating member prior to the related motion being read.

## **25. BY-LAWS**

25.1 Council shall be provided with a draft copy of all by-laws which are on the agenda for consideration. Every by-law shall be introduced by motion and may receive three readings prior to it being passed. Unless legislation mandates, nothing may prevent council from giving all three readings to a by-law at one sitting of council.

25.2 By-laws may be considered separately or jointly with other by-laws in the sequence as determined by the head of council or presiding officer.

25.3 Amendments to separate by-laws may be proposed during the course of the debate.

25.4 A by-law shall be deemed to have been read upon the title, by-law number, heading or short description thereof being read or taken as read unless a member of council requires the by-law or any portion thereof to be read in full.

25.5 Every by-law enacted by council shall be numbered and dated and shall be sealed with the seal of the corporation and signed by the clerk and head of council or presiding officer and shall be filed by the clerk for safekeeping.

- 25.6 The clerk may make corrections of errors and omissions in any by-law before it is signed and sealed for the purpose of ensuring complete implementation of council's decision.
- 25.7 The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision of council and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

**26. ADJOURNMENT/CURFEW/RECESS**

- 26.1 Meetings shall adjourn no later than three (3) hours after the start of the meeting, as scheduled, unless otherwise decided before the curfew by the majority of the members present.

Special meetings are not subject to adjournment rules.

- 26.2 Any member of council may request a recess of the meeting; The presiding officer may allow a recess.

**27. MOTIONS/RESOLUTIONS/VOTING**

- 27.1 A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- 27.2 Every member of council shall have one vote.
- 27.3 The head of council or presiding officer shall vote with the other members of council on all questions.
- 27.4 Failure to vote by a qualified member of council shall be deemed to be a negative vote.
- 27.5 Once the head of council or presiding officer states a question, the motion shall be deemed to be in the possession of council but may, with consent of the majority of council, be withdrawn at any time before decision or amendment.
- 27.6 After a motion has been read, a member may propose a friendly amendment following which the mover may:
- (a) accept the friendly amendment, in which case the motion shall be read incorporating the amendment; or
  - (b) reject the friendly amendment, in which case it may be presented as an amendment.
- 27.7 Only one amendment shall be allowed to an amendment. The order of voting shall be:
- (a) an amendment to an amendment; then
  - (b) an amendment to a motion; then
  - (c) the motion, as amended.
- 27.8 A motion may only be put in the positive and not in the negative. A motion to not do something does not need to be made. A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.

27.9 After a motion is finally put to a vote, no member of council shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

Except where expressly provided in statute, any question on which there is a tie vote shall be deemed to be lost. See section 245 of the *Municipal Act*.

27.10 All votes shall be announced openly, as carried, defeated or lost, by the head of council or presiding officer. The clerk shall record the results of the votes as follows:

- a. if passed "Carried";
- b. if not passed "Defeated"; and
- c. if tied "Motion Lost" = "Defeated"

27.11 The head of council or presiding officer shall declare the vote on all questions and should their declaration be stated by any member of council to be in doubt, the head of council or presiding officer shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

27.12 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the head of council or presiding officer and may be by voice or show of hands.

27.13 Recorded Votes

- (a) The head of council or presiding officer shall require a recorded vote to be taken on any question upon request of a member of council if such request is made prior to the commencement of the voting or immediately thereafter. When a member of council present requests a recorded vote, all members of council present at the meeting shall vote, unless otherwise prohibited by statute.

## **28. RECONSIDERATION**

28.1 Despite a previous decision, a member of council may ask that a previous resolution be reconsidered.

28.2 Council may only reconsider a matter that has not been acted on by an officer, employee or agent of the municipality.

28.3 Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.

28.4 When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was dealt with, the motion for reconsideration shall be resolved at that meeting and shall require the support of the majority of the members of council present.

28.5 Subject to section 28.3, when a motion for reconsideration is made at a subsequent meeting at which the question to be reconsidered was dealt with, the motion for reconsideration must be made within a three (3) month period. A motion for reconsideration shall require the support of the majority of members of council.

28.6 A member of council who voted on the prevailing side of the original motion, or a member who was absent from the meeting when the

question was considered, must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the head of council or presiding officer shall determine that the motion to reconsider is being appropriately introduced.

28.7 A resolution to reconsider shall not be reconsidered.

28.8 Once council has decided a motion, a committee may not seek to reconsider the same issue, nor consider any other issue which could create a result inconsistent with council's decision, unless a motion for reconsideration is authorized by two-thirds (2/3) majority of council members.

## **29. RESCIND OR AMEND SOMETHING PREVIOUSLY ADOPTED**

29.1 A two-thirds (2/3) vote of the members of council without notice or a majority of the members of council with notice is required to rescind or amend something previously adopted by council. The motion to amend something previously adopted cannot go beyond the scope of notice, otherwise two-thirds (2/3) vote of the members of council is required. When an action of a resolution has been done, such resolution cannot be rescinded or amended.

## **30. RULES OF DEBATE**

30.1 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:

- (a) a point of order or personal privilege;
- (b) to lay on the table (to defer temporarily);
- (c) to postpone indefinitely or to a specific day; and
- (d) to move the previous question (immediate vote on the main motion).

30.2 The following motions may be introduced without notice and without leave:

- (a) to refer;
- (b) to adjourn; and
- (c) to amend;

30.3 Every member of council prior to speaking to any question or motion shall raise their hand and obtain permission from the head of council or presiding officer to speak.

30.4 When two or more members of council wish to speak, the head of council or presiding officer shall name the member who has the floor and shall be the member, who, in the opinion of the presiding officer raised their hand first.

30.5 No member of council shall speak more than once to the same question without the consent of council or until all other members of council have had the opportunity to speak to the question a first time, except in explanation of a material part of his speech which may have been misconstrued, and in doing so, they are not to introduce a new matter.

30.6 The head of council or presiding officer may speak last on a motion.

30.7 If the head of council or presiding officer desires to leave the chair for the purpose of taking part in the debate or for any other

reasons, the deputy mayor shall assume the chair in their place until the head of council or presiding officer resumes the chair.

- 30.8 The head of council or presiding officer may answer questions and comment in a general way without leaving the chair, but if they wish to make a motion or speak to a motion taking a definite position and endeavouring to persuade council to support that position, then they shall first leave the chair.
- 30.9 The head of council or presiding officer does not need to vacate the chair to simply state support or opposition to a motion on the floor.
- 30.10 When the head of council or presiding officer calls for the vote on a question, each member of council shall occupy their seat until the result for the vote has been declared by the head of council or presiding officer, and during such time no member shall walk across the room to speak to any other member or make any noise or disturbance.
- 30.11 When a member of council is speaking, no other member shall pass between him/her and the chair or interrupt him/her except to raise a point of order.
- 30.12 Any member of council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

### **31. POINTS OF ORDER AND PRIVILEGES**

- 31.1 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect, in accordance with section 244 of the *Municipal Act*.
- 31.2 Unless otherwise authorized by the head of council or presiding officer, all members of council, municipal staff and guests shall address council through the head of council or presiding officer and only when recognized to do so.
- 31.3 Any member of council may raise a point of order.
- 31.4 When a member is called to order, the member shall cease speaking unless allowed to explain. The ruling of the head of council or presiding officer shall be obeyed without debate, subject to an appeal to council.
- 31.5 Upon appeal of any decision of the head of council or presiding officer the question of order shall be decided by council and the decision shall be final.
- 31.6 If the member of council who made the motion claims the floor and has not already spoken on the question, they are entitled to be recognized in preference to other members of council.

### **32. BOARDS AND COMMITTEES**

For purposes of this section, a reference to committees includes boards.

- 32.1 Special or ad hoc committees may be established from time to time by council to consider a specific matter. The committee shall report directly to council. Once an ad hoc committee has completed its work, the committee shall be deemed to be dissolved, unless otherwise determined by council.

- 32.2 Council may appoint representatives to serve on boards, advisory committees, or any other body to which council is required or empowered to appoint a representative. Appointments to such boards or committees may be a member of council or may be a person appointed from amongst its ratepayers.
- 32.3 Boards and committees appointed by council shall have the same terms of office as council unless otherwise determined by council.
- 32.4 The provisions of this by-law, with necessary modifications, shall apply to the various boards and committees appointed by council unless specific procedures have been outlined in terms of reference as adopted by council.
- 32.5 Duties of Boards and Committees
- (a) Municipal committees must consider, inquire into, report, and make recommendations to council about the matters that are related to the general subject indicated by the name of the committee, and matters that are assigned by council.
- 32.6 Appointment of Chair and Vice-Chair
- (a) A member of council appointed to a committee shall be appointed as Chair.
- (b) The chair and vice-chair shall be appointed by the committee at the commencement of the committee's term, or from time to time as may be required.
- (c) The chair of a committee shall act as the presiding officer at committee meetings.
- (d) In the event that the chair is absent, the vice-chair shall act in the place and stead of the chair.
- (e) In the event that both the chair and vice-chair are absent, the committee members present at the meeting shall decide, by consensus from amongst its committee members, a chair to preside over the meeting.
- 32.7 Appointment of Committee Secretary
- (a) An employee of the Municipality of Thames Centre shall be appointed as the board or committee secretary for the purpose of taking the meeting minutes.
- 32.8 Schedule of Committee Meetings
- (a) At its first meeting, after its establishment, a board or committee must establish a regular schedule of meetings to include the date, time and location of such meetings.
- (b) Where revisions are necessary to the annual schedule of committee meetings, the committee secretary shall ensure the meeting schedule is updated to include any revisions to the date, time and location or cancellation of a committee meeting.
- (c) The chair of a committee may call a special meeting of the committee in addition to the regularly scheduled meetings or may cancel a meeting. The location for a special meeting

shall be determined by the chair or committee secretary provided the location is accessible to the public. See section 32.9 of this by-law for notice of special committee meetings.

- (d) The chair shall summon a special meeting of a committee when requested to do so by a majority of the members of the committee.

### 32.9 Notice of Committee Meetings

- (a) Once the committee has established a schedule of its regular meetings in accordance to section 32.8 of this by-law, notice of such meetings shall be provided by posting a copy of the meeting schedule on the municipal website ([www.thamescentre.on.ca](http://www.thamescentre.on.ca)).
- (b) In addition to section 32.9(a), a copy of the agenda shall be provided to the committee members and posted on the municipal website for public viewing. The posted agenda shall also be considered as notice of regular and special meetings of a committee. The agenda shall include the date, time and location of the meeting
- (c) Notice of a regular committee meeting shall be given to all members of the committee and the public at least forty-eight (48) hours before the time appointed for the meeting. Notice of regular meetings shall be provided to the committee members by one of the following methods: electronically; telephone; fax; or delivery to their place of residence/business. Notice to the public shall be provided in the manner identified in section 32.9(a) and (b) above.
- (d) Notice of a special committee meeting shall be given to all members of the committee and the public at least twenty-four (24) hours before the time appointed for such meeting. Notice of special meetings shall be provided to the committee members by one of the following methods: electronically; telephone; fax; or delivery to their place of residence/business. Notice to the public shall be provided in the manner identified in section 32.9(a) and (b) above. If it is not feasible to provide notice by any of the above methods, then notice shall be given in whatever manner is deemed to be effective and appropriate, given the circumstance.
- (e) No business other than that indicated in the written notice shall be considered at a special meeting.

### 32.10 Delegations

- (a) Any person wishing to appear before a committee on committee business shall notify the committee secretary in writing at least three (3) days prior to the committee meeting. A written brief outlining the subject matter of the presentation and any other relevant documentation must be submitted to secretary for circulation with the agenda to the committee members. The written brief shall contain the name and contact information (address/telephone number/fax number/e-mail address) making the submission.
- (b) Once a date and time has been established for the person requesting delegation status, the committee secretary shall

provide confirmation electronically, by telephone, by fax or in writing.

- (c) The Clerk may direct that a delegation be received by a committee for committee consideration and recommendation to council on a particular matter rather than addressing council directly.

#### 32.11 Attendance at Committee meetings

- (a) Council members who are not members of a committee may attend the meetings of the committee. See section 32.14 for conduct and debate and section 32.15 for voting at committee meetings.
- (b) Should a council representative of a committee fail to attend three (3) successive regular or special meetings thereof, without being authorized to do so by resolution of the committee, the Members of the committee may certify such failure and thereupon the membership of such person on the committee is terminated and council may appoint another council representative in their place. Reception of a written notice of regret by the committee or council shall constitute authorization for the purposes of this subsection.

#### 32.12 Minutes of committee meetings

- (a) Minutes of the proceedings of a committee must be:
  - (i) legibly recorded;
  - (ii) electronically signed by the chair or presiding officer and committee secretary;
  - (iii) open for public inspection; and
  - (iv) circulated to council on a regular basis.

#### 32.13 Quorum

The quorum for a committee is a majority of all of its or committee members.

#### 32.14 Conduct and Debate

- (a) The rules of council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this by-law. See sections 14 and 30 of this by-law for Conduct of Proceedings and Rules of Debate.
- (b) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion with the permission of a majority of the committee members present.

#### 32.15 Voting at Board or Committee Meetings

- (a) Council members attending a meeting of a committee of which they are not a member must not vote on a question.

32.16 Committee Decisions not Binding on Council

- (a) No decision of any committee shall be binding on council.

32.17 Emergency Standing Committee

- (a) In the absence of the head of council, the following individuals are authorized to declare that an emergency exists within the boundaries of the Municipality of Thames Centre:
- (i) Deputy Mayor (should the head of council be unable to fulfill their obligation);
  - (ii) Councillor ward 1 (should the deputy mayor be unable to fulfill their obligation);
  - (iii) Councillor ward 2 (should councillor ward 1 be unable to fulfill their obligation); and
  - (iv) Councillor ward 3 (should councillor ward 2 be unable to fulfill their obligation); and
- (b) Subject to the restrictions identified in sections 23.1 to 23.5 of the *Municipal Act*, an Emergency Standing Committee is hereby constituted to assume all of the powers of council, upon the happening of the following:
- (i) the head of council, or in the absence of the head of council, the deputy mayor, or the Lieutenant Governor or Premier of the Province of Ontario has declared that an emergency exists in the municipality pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E ; and
  - (ii) the head of council, or in the absence of the head of council, the deputy mayor, or in both of their absence, the chief administrative officer or clerk, has determined that it is not reasonably feasible to constitute or maintain a quorum of council for the purpose of holding properly scheduled meetings of council to govern the affairs of the municipality and to respond to municipal issues during the continuance of the emergency condition.
- (c) The Emergency Standing Committee shall be comprised of those member(s) of council who remain capable, notwithstanding the existence of the emergency condition, to attend a meeting or meetings of the Emergency Standing Committee.
- (d) Notice of meetings of the Emergency Standing Committee shall be given by the clerk or by the chair of the committee to the committee members electronically, by telephone, by fax or by whatever manner is deemed to be effective and appropriate, provided that lack of receipt of the notice by any member of the committee shall not affect the validity of holding the meeting nor any action taken at the meeting.
- (e) Notice of meetings of the Emergency Standing Committee shall be given by the clerk to the public by posting such notice on the municipal website or by whatever manner is deemed to be effective and appropriate, given the

circumstance.

- (f) Those members of the Emergency Standing Committee who are in attendance at the meeting of the committee shall constitute a quorum for the transaction of business.
- (g) The provisions of this by-law shall apply, with necessary modifications as the circumstances may warrant, to meetings of the Emergency Standing Committee.
- (h) The authority of the Emergency Standing Committee to make decisions pursuant to the authority granted to it by section 32.17 (b) above shall immediately cease upon the conditions set forth in section 32.17 (b) (i) and (ii) above ceasing to exist.

**32.18 Emergencies - Delegation of Authority to Administration**

- (a) In the event that the head of council, or in the absence of the head of council, a designate(s) as identified in section 32.17 (a), or the Lieutenant Governor or Premier of the Province of Ontario, has declared that an emergency exists in the municipality pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E , and it is not possible to constitute an Emergency Standing Committee pursuant to section 32.17 above, by reason of there being no member of council able to serve on it, as determined by the chief administrative officer, or in their absence, the clerk, all functions of council required to govern the affairs of the municipality and to respond to municipal issues during the continuance of the emergency condition, with the exception of legislative and quasi-judicial functions, shall be exercised by any two of the following members of municipal administration:
  - (i) the Chief Administrative Officer;
  - (ii) Director of Financial Services/Treasurer;
  - (iii) Clerk;
  - (iv) a Deputy Clerk
- (b) Without limiting the generality of section 32.18 (a) above, the functions to be exercised by the members of municipal administration shall include the entering into of contracts for the provision of goods and services to the municipality and the authorizing of payments on behalf of the municipality, including, without limitation, payroll expenses for municipal staff, payments for the provision of goods and services and payment of the costs of responding to the emergency condition, subject to provisions identified in the municipality's Procurement By-law.
- (c) The authority of the members of municipal administration to exercise the functions of council pursuant to section 32.18 (a) above shall immediately cease upon the conditions set forth under section 32.18 (a) and (b) above ceasing to exist.

**33. AMENDMENT OF THESE RULES**

- 33.1 These rules may be amended, or new rules adopted by a majority vote of all members of council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior council meeting.

**34. ADMINISTRATIVE AUTHORITY OF THE CLERK**

- 34.1 The Clerk shall be authorized to make corrections to any by-law, minutes or other council document to eliminate technical or typographical errors prior to the by-law/document being signed.
- 34.2 The Clerk be authorized to amend Appendix A and Appendix B should these sections of the Municipal Act be amended without council approval.
- 34.3 The Clerk be authorized to amend Appendix C should this section require amending to facilitate an electronic meeting.

**35. VALIDITY AND SEVERABILITY**

- 35.1 It is hereby declared that notwithstanding any of the sections or provisions of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of council to enact, such sections or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.

**36. REPEALED BY-LAWS & EFFECTIVE DATE**

- 36.1 By-law Nos. 7-2018, 27-2020, 32-2020 and 49-2020 be hereby repealed.
- 36.2 This by-law comes into force and takes effect on the final passing thereof.

**READ** a **FIRST** and **SECOND** time this 14<sup>th</sup> day of December 2020.

**READ** a **THIRD** time and **FINALLY PASSED** this 14<sup>th</sup> day of December, 2020.

Original signed by:

\_\_\_\_\_  
Mayor, A. Warwick

Original signed by:

\_\_\_\_\_  
Clerk, T. Michiels

## **APPENDIX "A"**

### **CLOSED SESSION SECTION 239 OF THE *MUNICIPAL ACT, 2001***

#### **Section 239 (1) Meetings open to public**

Except as provided in this section, all meetings shall be open to the public.

#### **Section 239 (2) Exceptions**

A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board,
- (b) personal matters about an identifiable individual, including municipal 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, 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 labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (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.

#### **Section 239 (3) Other criteria**

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if council, board, commission or other body is the head of an institution for the purposes of that Act; or

- (b) 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). 2014.

**Section 239 (3.1) Educational or training sessions**

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 council, local board or committee. Appendix "A" cont'd

**Section 239 (4) Resolution**

Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

**Section 239 (5) Open Meeting**

Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.

**Section 239 (6) Exception**

Despite section 244, a meeting may be closed to the public during a vote if,

- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under contract with the municipality or local board.

## APPENDIX "B"

### ROLES SECTION 224, 225 AND 226.1 OF THE *MUNICIPAL ACT, 2001*

#### **Section 224 Council – role**

It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the Municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

#### **Section 225 Head of council – role**

It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that business can be carried out efficiently and effectively;
- (c) to provide leadership to council;
- (c.1) without limiting clause (c), to provide information and recommendations to council with respect to the role of council as described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.

#### **Section 226.1 Head of council as chief executive officer**

As chief executive officer of the municipality, the head of council shall,

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## APPENDIX "C"

### ELECTRONIC MEETING PROTOCOL

Amendments to this Electronic Meeting Protocol (hereinafter, "**Protocol**") may be permitted to be made by simple majority vote of Council to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation or orders.

#### **Prior to Electronic Meeting**

- (a) The Municipality will ensure agenda material has been posted publicly.
- (b) The method and technology used for an Electronic Meeting in Open Session or Closed Session will be determined by the Chief Administrative Officer in consultation with the Municipal Clerk and the Mayor based on the resources available and the prevailing circumstances and context of the emergency.
- (c) Each Member participating in a meeting by *electronic* means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- (d) Electronic devices are to be muted when not speaking to avoid technical disruption.

#### **General**

- (e) The County Director of Information Technology and/or Information Technology personnel assigned by the County Director of Information Technology will ensure that Councillors, the general public, and the press are able to watch and/or hear the business to be carried out at meetings which are held in Open Session by using an online streaming service in order to ensure that the meeting is open and transparent. The County Director of Information Technology and/or Information Technology personnel assigned by the County Director of Information Technology will also ensure that Council Members have appropriate contemporaneous input into the meetings electronically through video and/or audio teleconference.
- (f) The County Director of Information Technology and/or Information Technology personnel assigned by the County Director of Information Technology will ensure that Councillors and necessary staff personnel are able to watch and/or hear and/or stream the business to be carried out at in Closed Session meetings and have appropriate contemporaneous input into the session electronically through video and/or audio teleconference.

#### **Chair**

- (g) The Electronic Meeting shall be presided over by the Mayor or their designate.
- (h) Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.
- (i) The Chair will canvass Members participating by electronic means about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.

### **Member Speaking**

- (j) Each Member will identify themselves and speak to Council through the Chair.
- (k) After a Member is finished speaking, the Chair may confirm verbally if there are remaining Members who wish to speak and will call out the name of next Member assigned to the floor.
- (l) The Chair will confirm that no further Members wish to speak before voting commences.

### **Voting**

- (m) After putting a motion to a vote, each Member participating by electronic means will be required to identify how he or she wishes to vote. The Chair will determine the method of voting to be used.
- (n) If a Member is present in-person or electronically and their respective name is called and no response to indicate a vote is provided, the Chair will ask one more time, and if there is no indication of a vote, the vote will be recorded in negative unless directed otherwise by the Chair.
- (o) The Chair will announce the results of the vote to Council.

### **Member Conduct**

- (p) Each Member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.
- (q) Each Member will listen for their name to be assigned the floor to speak or to vote.
- (r) A Member participating by electronic means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
- (s) A Member participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.

### **Technology Disruptions**

- (t) The Chair may direct that the connection be terminated if the Member cannot be clearly understood, or if a poor connection or background noise is deemed to be disruptive to the meeting.
- (u) In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by staff to reconnect them to the meeting.
- (v) If electronic communication is interrupted during a meeting and remains interrupted while a vote on a motion is taken, the Member affected is deemed to have left the meeting prior to the vote.

### **Posting of Minutes**

- (w) The Municipal Clerk in an expeditious manner following the electronic meeting, shall post the draft Minutes.