



**Municipality of Middlesex Centre  
Procedure By-Law  
2023-0xx**

**A by-law to provide rules for governing the order and procedures of the Council of the Municipality of Middlesex Centre**

**WHEREAS** Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25 requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**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

**AND WHEREAS** it is deemed expedient to adopt by by-law to govern the order and procedure of the Council of the Corporation of the Municipality of Middlesex Centre;

**THEREFORE** the Council of the Corporation of the Municipality of Middlesex Centre enacts as follows:

**SECTION 1: SHORT TITLE**

1.1. This by-law may be known as the "Procedure By-law."

**SECTION 2: DEFINITIONS**

2.1. **"CAO"** means the Chief Administrative Officer of the Municipality.

2.2. **"Chair"** means the person presiding at a meeting whether it be the Mayor, a member of Council or an duly appointed member of a Committee.

2.3. **"Clerk"** means the Clerk of the Municipality of Middlesex Centre, ~~a designate appointed by the Clerk, in writing, or Deputy Clerk,~~ or an appointed designate.

2.4. **"Closed Meeting"** means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act.

2.5. **"Committee of Council"** means any advisory or other Committee, sub-Committee composed of members of one or more boards or Councils, or other Committee or similar entity, appointed by Council.

2.6. **"Confirmatory By-law"** means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous

meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

2.7. **“Council”** means the Council of the Municipality of Middlesex Centre.

2.8. **“Councillor”** means a member of Council, other than the Mayor or the Deputy Mayor.

2.9. **“Decorum”** ~~means behaviour that, in the opinion of the Presiding Officer, promotes an atmosphere of respect in Council Chamber.~~

2.10. **“Delegation”** ~~means a person or persons who address Council or any Committee in the manner described within the provisions of this by-law.~~ means any person, group of persons, firm or organization, who is neither a member of Council nor an appointed official of the Municipality and who is speaking to Committee or Council.

2.11. **“Deprecating”** means attacks of character, attacks of reputation, name calling, or comments that are injurious to reputation, derogatory, slanderous or libelous.

2.12. **“Deputy Mayor”** means the Deputy Mayor of the Municipality of Middlesex Centre.

2.13. **“Electronic Meeting”** means a meeting called and held 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.

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

2.15. **“Emergency Meeting”** means a meeting of the Council called without notice to address circumstances of emergency.

2.16. **“Head of Council”** means the Mayor of the Municipality of Middlesex Centre or their designate.

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

2.18. **“Majority”** means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or Committee present at the vote and not prohibited by statute from voting.

2.19. **“Mayor”** means the Mayor of the Municipality of Middlesex Centre.

2.20. **“Meeting”** means any regular, special, closed, or other meeting of the Council or a Committee of Council or Local Board 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.

- 2.21. **“Member”** means a member, including the Mayor and Deputy Mayor, of the Council or Committee of Council of the Municipality of Middlesex Centre.
- 2.22. **“Motion”** means a question to be considered by the Council or a Committee of Council which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.
- 2.23. **“Municipal Act”** means the Municipal Act, S.O. 2001, c.25 as amended or replaced from time to time.
- 2.24. **“Notice of Motion”** means an advance notice to members of Council of a matter on which Council will be asked to take a position.
- 2.25. **“Pecuniary Interest”** means a direct or indirect financial interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50, as amended.
- ~~2.26. **“Presiding Officer”** means the Mayor of the Municipality of Middlesex Centre or the Deputy Mayor or the appointed Chairperson of a Committee, or in the absence of the foregoing, the member appointed in accordance with this By-law.~~
- 2.27. **“Recording Equipment”** means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not being limited to computers, cell phones, voice recorders, and cameras.
- 2.28. **“Recorded Vote”** means where a vote is taken for any purpose and a member of Council requests immediately prior to the taking of the vote that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- 2.29. **“Regular Meeting”** means a meeting of Council held at the times and dates specific in this by-law and approved by Council part of an annual calendar.
- 2.30. **“Rules of Procedure”** means the rules and procedures set out in this by-law.
- 2.31. **“Special Meeting”** means a separate meeting of Council which is focused on one or more particular and specific items or subjects.
- 2.32. **“Workshop”** means a meeting convened for the purpose of educating or training the members, for providing the members with information and/or advice, or to solicit input from the members.

## SECTION 3: GENERAL

### 3.1. General Rules

- 3.1.1. The provisions contained in this by-law shall govern the proceedings of Council and Committees, **with necessary modifications**, unless otherwise prescribed.
- 3.1.2. **Where a Local Board or Committee of the Municipality has not adopted a procedure by-law, such board or Committee shall be deemed to have adopted this procedure by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council meetings as set out herein.**
- ~~3.1.3. The Clerk shall be present at all meetings of Council; however, a Deputy Clerk may act instead at the meeting of the Council and the Deputy Clerk or the Clerk's designate may act at Committees. Should the Clerk or Deputy Clerk find the need to be absent during the course of the Council meeting, some other person shall be appointed by resolution of Council to act during the absence.~~
- 3.1.4. In any case for which provision is not made in these rules and regulations, the procedure to be followed shall be the most similar procedure found in the most recent edition of Roberts Rules of Order in existence at the time shall be referred to.
- 3.1.5. Members shall comply with the Municipal Conflict of Interest Act, S.O. 1990.
- 3.1.6. The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including the media, shall be permitted subject to approval and/or direction of the Mayor or Chair, **and provided the recording is carried out in a manner that does not interfere with proceedings at the meeting.**
- 3.1.7. Cell phones are required to be either turned off or placed on vibrate during Council or Committee meetings.
- ~~3.1.8. Should the Municipality of Middlesex 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.~~
- 3.1.9. Despite Section 3.1.1, the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the members present and voting.
- 3.1.10. **The suspension noted in Section 3.1.9 shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.**

## SECTION 4: MEETINGS

### 4.1. Inaugural Meeting

- 4.1.1. The Inaugural Meeting of the new Council, after a regular election, shall be held in accordance with the Municipal Act on the first Wednesday after the beginning of the term of office in the Council Chambers at the Middlesex Centre Municipal Office or at such alternate location as determined by the Clerk. ~~The day, time and place of regular meetings may be altered by resolution of Council.~~
- 4.1.2. No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Office have been made by the members of Council.

### 4.2. Regular Meetings

- 4.2.1. The rules and procedures contained in Sections 6, 7 and 8 shall apply with necessary changes.
- 4.2.2. Regular Council meetings shall be held at the Middlesex Centre Municipal Office, or at such other place as specified in the meeting agenda.
- 4.2.3. All meetings of Council and Committees are open to the public except as provided for in the Municipal Act.
- 4.2.4. The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

Call to Order

Disclosure of Pecuniary Interest

Additions to the Agenda

Adoption of the Minutes

Delegations and Presentations

Consent Agenda

Staff Reports

Closed Session

Committee of Adjustment

Planning Act Public Meetings

Notice of Motion

Correspondence

County Council Update

Other Business

By-laws

Adjournment

- 4.2.5. Members may participate electronically in Regular meetings in accordance with the Electronic Participation provisions contained in this by-law;
- 4.2.6. Prior to the first meeting in each calendar year, Council shall establish a schedule of all regular Council meeting dates for the calendar year. Except as otherwise noted on the meeting agenda or the meeting calendar, meetings will generally be held twice monthly on the first and third Wednesday of the month, with the first meeting scheduled for 9:30 a.m. and the second at 5:00 pm. Exceptions to this schedule may be made to avoid conflicts and for the months of July and August to accommodate a reduced schedule of summer meetings.
- ~~4.2.7. Any regular meeting of Council, except for the inaugural meeting, may be postponed by the Clerk to a day to be named in the notice given, but such postponement shall not exceed two weeks.~~

### **4.3. Public Meetings**

- 4.3.1. Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council is by statute required to hold a public meeting before the passing of a by-law, the Clerk shall call a Public Meeting.
- 4.3.2. The Clerk may call a Public Meeting at any time where so directed by the Head of Council for the purpose of soliciting feedback from the public on issues of importance to Council.
- 4.3.3. Notice of a Public Meeting shall meet the notice requirements of the statute under which the Public Meeting is required. If the Public Meeting is not required by statute, notice shall be provided in accordance with Section 4.7 of this By-law.
- 4.3.4. Delegations at a Public Meeting are not required to provide written submissions to the Clerk in advance of the meeting, unless otherwise prescribed by legislation. However, Delegations are encouraged to provide written submissions to the Clerk in order to facilitate the efficient conduct of the meeting.
- 4.3.5. Public Meetings can be held in conjunction with the scheduled Regular Meetings as required.
- 4.3.6. The procedures set out in this by-law shall continue to apply to a Public Meeting held pursuant to this section, except that this section and the statute or by-law under which the Public Meeting is required, shall prevail to the extent of any conflict.

#### 4.4. Special Meetings and Emergency Meetings

- ~~4.4.1. A special meeting may be summoned by the Mayor or when a petition is presented to the Clerk by a majority of Council. The Clerk shall notify all members of Council of each special meeting at least 24 hours prior to the time appointed for such meeting. The notice provision can be waived for an emergency meeting with the consent of a majority of all members of Council.~~
- 4.4.2. A special meeting may be called for by the Mayor at any time.
- 4.4.3. Upon receipt of a petition or a resolution of the majority of the Members of the Council, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition. A resolution of Council shall be deemed to be a petition.
- 4.4.4. The calling of a Special Meeting shall be in accordance with the Notice provisions of this by-law. Council is permitted to conduct meetings electronically or in hybrid format provided this is specified in the meeting notice.
- 4.4.5. Notwithstanding any other provision of this by-law, the Mayor may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without notice, provided that an attempt has been made by the Clerk to notify the members about the meeting in the most expedient manner available. An Emergency Meeting may only be called by the Mayor to deal with an emergency or extraordinary situation.
- 4.4.6. No business may be transacted at a Special or Emergency Meeting other than that specified in the notice of such meeting.
- ~~4.4.7. In the event that the Province and/or Municipality has declared an emergency and an Emergency Meeting of Council or a special meeting of Council has been called and it is not possible to members of Council to physically come together and be present, electronic participation will be allowed and participating electronically will be counted for the purpose of Quorum.~~
- ~~4.4.8. In the event that the Province and/or Municipality have declared an emergency a member(s) may participate in a meeting via teleconferencing or other electronic means that has been tested for reliability and can be muted to block background noise;~~
- 4.4.9. Members may participate electronically in a Special or an Emergency meeting of Council.
- 4.4.10. In-person public attendance for an Emergency meeting may be restricted when it has been deemed in the public interest to do so. Meetings will continue to be broadcast to the public using electronic means, where it is possible to do so.
- ~~4.4.11. Counting electronic participants for quorum purposes and allowing electronic participation in Council meetings are only available during emergencies. Once the emergency has ended, regular meeting rules will apply;~~

- ~~4.4.12. In the event that a statutory public meeting under the Planning Act or Drainage Act is required, public participation will be facilitated remotely via electronic communication as deemed appropriate by the Clerk.~~
- ~~4.4.13. Members of the public that wish to participate in a scheduled public meeting will be required to notify the Clerk in writing via email before 4:30 p.m. the Monday prior to the public meeting and provide the following; First and Last Name, Mailing Address, the Application Number they wish to speak to along with their speaking notes. The Clerk will then provide details on how to join the meeting.~~
- ~~4.4.14. Public Delegations will be facilitated remotely via electronic communication. The provisions set out in Section 19 still apply. Confirmed delegations will be provided details on how to join the meeting.~~

#### **4.5. Electronic Meetings**

- 4.5.1. Notwithstanding any other provision of this by-law, a meeting of Council or Committee may be conducted by Electronic Meeting where deemed appropriate by the Head of Council.
- 4.5.2. The procedures set out in this by-law for an inaugural, regular, special or emergency meeting shall continue to apply to an Electronic Meeting, except that this section shall prevail to the extent of any conflict.
- 4.5.3. Where an Electronic Meeting is held, such meeting will be chaired physically from a location within the municipality or an adjacent municipality as specified by the Head of Council, as is necessary in accordance with section 236(1) of the Municipal Act, 2001.
- 4.5.4. In the case of an Emergency, an Electronic Meeting may be held at any convenient location within or outside the Municipality.
- 4.5.5. An Electronic Meeting may be held without physical attendance by the public.
- 4.5.6. An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 4.5.7. The notice of Electronic Meeting shall include sufficient information to provide the public with a means to electronically access the open session of an Electronic Meeting.
- 4.5.8. Delegations may be received at an Electronic Meeting by electronic means.
- 4.5.9. Notwithstanding any other provision of this by-law, a Public Meeting or Hearing may be conducted electronically where deemed appropriate by the Head of Council, including but not limited to during periods of Emergency.
- 4.5.10. The procedures set out in this by-law shall continue to apply to a Public Meeting held pursuant to this section, with the exception that the applicable statute or by-law, shall prevail to the extent of any conflict.



## 4.6. Electronic Participation for Members

- 4.6.1. Subject to the provisions of the Municipal Act, a member of Council may participate electronically in a Regular Meeting, Special Meeting or Emergency Meeting of Council which is either open or closed to the public. In the case of a member participating electronically in a closed meeting, the member must attest to the fact that they recognize they will be in a closed session and are able to ensure confidentiality.
- 4.6.2. Members participating electronically will count towards quorum and have the ability for full participation including the ability to vote in both public and closed session (in-camera) meetings. Voting may take place by way of roll call, or via an alternate method authorized by the Chair.
- 4.6.3. Members shall advise the Chair and Clerk, as soon as practicable and at least 24 hours prior to the scheduled meeting, of their intent to participate electronically. Upon approval, staff will accommodate electronic participation on a best-effort basis and subject to available resources that may be required for the delivery of competing essential municipal services. All attempts will be made to ensure meetings are broadcasted and recorded.
- 4.6.4. All members of Council shall be given the opportunity to attend and participate electronically in five (5) meetings of Council per calendar year, at the discretion of the Chair or designate.
  - 4.6.4.1. Council may pass a resolution to allow a member to participate electronically past the five (5) meetings set out above.
- 4.6.5. 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.
- 4.6.6. Notwithstanding the above, in the event of a connection/service interruption with a member of Council participating in the meeting electronically, the chair may recess the meeting for up to 15 minutes. After 15 minutes of not connecting or if the interruption persists, the meeting shall resume and no other efforts shall be taken to reconnect the member. The minutes shall reflect the time at which the member ceased to participate in the meeting by reason of the technical problem. **If a quorum is lost, the meeting will be deemed to be adjourned.**
- 4.6.7. In accordance with Section 8.1 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
- 4.6.8. The provisions for electronic participation may be applied to Committees and Local Boards at the discretion of the Chair.

## 4.7. Notice of Meetings

- 4.7.1. The Clerk shall give public notice of all regular open and closed Council and Committee meetings by inclusion on the municipal website at least 72 hours prior to the meeting.
- 4.7.2. The Clerk shall give public notice of all special open and closed meetings of Council and Committee by inclusion on the municipal website as soon as possible after the meeting is called and no later than 24 hours prior to the meeting.
- 4.7.3. Section 4.7 shall not apply to emergency meetings. The Clerk shall give public notice for emergency meetings by inclusion on the municipal website as soon as possible after the meeting is called and shall notify all members.
- 4.7.4. Public notice shall include the following:
  - Date;
  - Time;
  - Location of meeting; and
  - Method of participation for Council, the public and staff (in-person, electronic or a combination of both).
- 4.7.5. The schedule of Council meetings shall be advertised on the municipal website. The Clerk, in consultation with the Mayor or Chair, has the authority to make adjustments to the meeting calendar.
- ~~4.7.6. In the case of Special Council meetings notice shall be given by posting the agenda on the municipal website. The Clerk shall revise the meeting schedule in the event that a special meeting is called.~~
- 4.7.7. Notwithstanding the above, the date, location, method of participation or time of Council meetings may periodically be altered if, in the opinion of the Clerk, the change of meeting date, location or time is appropriate to accommodate the Council meeting. Notice for such changes shall be provided on the municipal website and on the agenda for the meeting.
- ~~4.7.8. The Clerk shall notify all members of Council of each Emergency Council Meeting at least 24 hours prior to the time appointed for such meeting. The notice provision can be waived for an Emergency Council Meeting with the consent of a majority of all members of Council and shall post the agenda to the municipal website.~~
- 4.7.9. Any regular meetings of the Council may be postponed to a day named in:
  - A resolution of Council passed by the majority of Members; or,

- A notice by the Clerk as deemed necessary by the CAO and Mayor, due to inclement weather or emergency. Notice shall be given by the Clerk on the website, posted at the location where the meeting was to be held, and sent directly to the Members.

#### **4.8. Quorum and Commencement**

- 4.8.1. The Mayor or Chair shall call the members of Council to order as soon after the hour fixed for holding of the meeting **if** a quorum is present.
- 4.8.2. In the absence of the Mayor and Deputy Mayor or meeting Chair, the Clerk shall call the members to order and the Council shall choose a Chair from the members present and that person shall preside over the meeting or until the arrival of the Mayor, Deputy Mayor or Chair.
- 4.8.3. A majority of all members of Council shall constitute a quorum and be necessary for the transaction of business. A majority of all members shall be determined as four (4) members of Council.
- 4.8.4. If a quorum is not present fifteen (5) minutes after the time appointed for the commencement of the meeting, the Clerk 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.
- 4.8.5. 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 are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 4.8.6. If during the course of a Council meeting, a quorum is lost, the Mayor or Chair shall declare that the meeting shall stand recessed temporarily **until a quorum of members is re-established** or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- ~~4.8.7. If members of Council are not going to be in attendance or are going to be late for a meeting, they shall inform the Clerk in advance of the meeting.~~
- ~~4.8.8. In the event that the Province and/or Municipality has declared an emergency and an Emergency Meeting of Council has been called Electronic participation will be allowed and participating electronically will be counted for the purpose of Quorum.~~

## SECTION 5: CLOSED MEETINGS

### 5.1. Closed Meetings

- 5.1.1. All meetings of Council and Committees shall be open to the public except as provided for in Section 239 of the Municipal Act, 2001.
- 5.1.2. Subsection 239 (2) (3) and (3.1) sets out specific exceptions to the requirement to hold an open public meeting if the subject matter of the meeting or part of the meeting deals with:
- (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.

### Other Criteria

(3) 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 the 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 the Municipal Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

### **Educational or Training Sessions**

(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

5.1.3. 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, 2001. In addition to subsection 239(6), direction or instruction may be given in a closed session.

5.1.4. Prior to any meeting being closed to the public, the Council or Committee shall state by public resolution:

a) the fact of the holding of the closed meeting; and

b) the general nature of the matter being considered at the closed meeting.

~~5.1.5. Pursuant to Section 239 (3) of the Municipal Act, a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.~~

~~5.1.6. Upon the completion of the closed session, the members shall immediately reconvene in open session. A resolution may or may not be enacted regarding the business that was discussed in the closed session.~~

5.1.7. Following a closed meeting of Council or Committee, the Mayor or Chair shall disclose, in a general manner, how the agenda items were dealt with in the closed meeting.

- 5.1.8. When a closed session is necessary, it will be a requirement that minutes be prepared but shall not require a resolution of approval. Minutes will be circulated with the next in closed session agenda package and the Clerk will ask for concurrence of the contents of the minutes during the meeting. Any changes proposed will be agreed upon by Council and reflected in the minutes.
- 5.1.9. The Clerk and/or their designate shall attend all closed meetings and record the proceedings, including procedure motions and direction given to staff, without note or comment.
- 5.1.10. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.
- 5.1.11. Any Member who contravenes the confidentiality clause noted in Section 5.1.10, may be subject, by majority vote of the Council, to penalties in accordance to the adopted "Code of Conduct" policy.
- ~~5.1.12. Any member who contravenes Section 5.7 shall be deemed not to be acting in the interest of, on behalf of, or within the authority of the Council or the Municipality of Middlesex Centre. Any violation of this regulation may result in exclusion of the offending member from future closed meetings of Council. That member will no longer be provided with correspondence, materials or information proposed to be dealt with by Council at a closed meeting.~~
- ~~5.1.13. The determination of whether or not a violation has been committed of Section 5.7 of the closed meeting provisions of this by-law, and the length of the exclusion from closed meetings, shall be made by Council prior to the affected member being excluded from any closed meeting. The results of Council's deliberations shall be reported in the open session of Council.~~
- ~~5.1.14. If the purported violation of the closed meeting provisions of this by-law by more than one member is to be considered, a separate resolution of Council with respect to each affected member is to be adopted.~~

## **SECTION 6: AGENDAS, MINUTES AND PROCEEDINGS**

### **6.1. Agenda Preparation and Posting**

- 6.1.1. Prior to each regular meeting of Council, the Clerk shall prepare an electronic agenda of business to be brought before Council at such meeting. Council shall be notified of the availability of the agenda at least 48 hours prior to the meeting except in circumstances over which the Clerk has no control.
- 6.1.2. Written materials received after the agenda has been prepared may be added to the agenda until 3:00 p.m. on the Monday preceding the meeting, at the discretion of the CAO, unless otherwise provided herein. Items received after this time may only be added by a resolution passed by a majority of Council

present as urgent matter(s) requiring immediate action or attention and may include time sensitive material.

- 6.1.3. The Clerk may prepare a revised agenda advising Council or Committee of written submissions relating to matters on the agenda or in order to deal with an urgent matter requiring a Council decision.
- 6.1.4. Items or matters will not be added to the agenda after distribution to Council or Committee unless directed by the Head of Council, CAO and/or Department Head and if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.
- 6.1.5. Notwithstanding any unforeseen circumstances (technical malfunctions or operational hindrances) an electronic copy of the agenda shall be posted on the municipal website on the Friday before the meeting. All revised agendas will be posted on the website by 2:00 p.m. on the day of the meeting, or in the case of a morning meeting, by 5:00 p.m. on the day prior.
- 6.1.6. If these deadlines cannot be met, the Clerk will post a notice on the municipal website with an approximate time of availability and a general reason for the delay.
- 6.1.7. Agendas shall be formatted as detailed in Section 4 of this by-law, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law.
- 6.1.8. The business of Council shall be taken up in the order as listed on the agenda, unless otherwise decided upon by the Mayor, meeting Chair, or a majority vote of Council.
- 6.1.9. Finalized staff reports shall be provided to the Clerk by 9:00 a.m. on the Monday one week prior to the week of the scheduled Council meeting for inclusion in the meeting agenda. ~~electronic agenda package to Council.~~
- ~~6.1.10. The title of any verbal reports or updates should be listed on the agenda and revised agendas.~~
- 6.1.11. Delegations are required to register for an agenda in accordance with Section 7 of this By-law.
- 6.1.12. No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or Committee. The Mayor and/or Chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or Committee.

## **6.2. Consent Agenda**

- 6.2.1. All items for the Consent Agenda shall be determined by the Clerk.

- 6.2.2. 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.
- 6.2.3. Items listed under the Consent Agenda shall be routine matters, staff reports, reports in response to Council questions, introductory reading of by-laws and other matters of a non-controversial nature.
- 6.2.4. Unless any member of Council requests otherwise, the Consent Agenda shall be considered by Council in a summary manner.
- 6.2.5. A member of Council may request that an item on the Consent Agenda be extracted, discussed and voted upon separately.

### **6.3. By-laws**

- ~~6.3.1. 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 the Clerk, specifying the number and title of the by-law.~~
- 6.3.2. The Clerk shall ensure that by-laws are prepared and placed on the agenda.
- 6.3.3. By-laws may be given first, second and third reading by way of one resolution.
- 6.3.4. By-laws may be given all three readings at the same meeting, except when requested otherwise by a motion passed by the majority of the Members present or as otherwise provided in law.
- 6.3.5. By-laws may be considered separately or jointly with other by-laws in the sequence as determined by the Mayor or Chair.
- 6.3.6. Amendments to separate by-laws may be proposed during the course of the debate.
- 6.3.7. A by-law shall deem to have been read upon the title or heading or short description thereof being read or taken as read unless a member of Council requests the by-law or any portion thereof to be read in full.
- 6.3.8. The Clerk may make minor 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.
- 6.3.9. 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 Mayor.
- 6.3.10. A confirming by-law shall be passed prior to the adjournment of each Council meeting to confirm the actions and proceedings of Council.



## 6.4. Minutes

- 6.4.1. Minutes of the Council meeting, whether it is closed to the public or not, shall record:

the date, time and place of the meeting;

the names of the Chair or officers and the record of the attendance of the members;

any disclosure of pecuniary interest;

correction and adoption of the minutes of prior meetings, and

a summary of all the other proceedings of the meeting, including resolutions and decisions, **without note or comment.** ~~limited notes or comments as warranted.~~

- 6.4.2. Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.

~~6.4.3. Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.~~

- 6.4.4. 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.

- 6.4.5. The Clerk shall ensure that the minutes of the regular and special meetings are circulated along with the agenda prepared in accordance with Section 6 of this by-law, 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 once approved by Council.

- 6.4.6. 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 the same may be recorded in the minutes.

- 6.4.7. 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.

- 6.4.8. Approved meeting minutes shall be signed by the Mayor and Clerk.**

## SECTION 7: DELEGATIONS, PRESENTATIONS AND COMMUNICATIONS

### 7.1. Delegations

- 7.1.1. Any person wishing to appear before Council on municipal business shall submit a request to the Clerk **by 4:30 p.m. on the Monday of the week of the scheduled meeting.** ~~at least 10 business days in advance of the meeting.~~ The request must be accompanied by a brief description of the subject matter and **include any written information/supporting material that the person intends to present.**
- 7.1.2. The Clerk ~~in consultation with the Mayor~~ shall evaluate the request for delegation and decide whether the request complies with the criteria set out within this by-law and will schedule delegations accordingly.
- 7.1.3. **A delegate may only address Council or Committee with respect to an item on the agenda.**
- 7.1.4. **Delegates wishing to speak on a matter not on the agenda shall provide the Clerk in writing a request outlining the subject matter of the delegation and the action being requested to be taken by Council;**
- **The Clerk will advise the Mayor and the appropriate department head of the request;**
  - **The Clerk will advise the requestor that the Mayor and Department Head has been made aware of the request;**
  - **The requestor will be advised of any actions taken or if known, when the item is coming forward to Council.**
- 7.1.5. **Notwithstanding the above,** the Clerk may, upon receipt, refer any correspondence or petition to a department head without the prior consideration of Council.
- 7.1.6. The Clerk may direct that a delegation be received by a Committee for consideration and recommendation to Council on a particular matter rather than addressing Council directly.
- 7.1.7. The Clerk may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council, appears to be frivolous, or would be better dealt with in another forum. ~~If the delegation wishes to appeal the decision, the information must be distributed under separate cover to Council for their consideration.~~
- ~~7.1.8. Once a date and time has been established for the person requesting delegation status, the Clerk shall provide confirmation electronically, by telephone, by fax or in writing.~~
- 7.1.9. **A delegate may address Council for a period of time not exceeding five minutes. Council may extend the five-minute time period by a majority vote of the members present. Such a motion shall be decided without debate.**

- 7.1.10. A delegation consisting of five or more individuals who are present at the meeting may address Council as a group and shall be limited to two (2) speakers. A group delegation may address Council for a period of time not exceeding ten minutes in total.
- 7.1.11. Delegations addressing Council shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner. Political satire and criticism will not be permitted, and the Chair shall enforce this provision.
- ~~7.1.12. All remarks shall be addressed to the 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 Mayor or Chair.~~
- ~~7.1.13. Any person desiring to address the Council by oral communication, who has not requested delegation status, shall not be permitted to speak unless determined by unanimous consent of the Council.~~
- ~~7.1.14. After a delegation has been heard at a Council meeting and it is felt that a further hearing on the same topic is warranted, the Council may so recommend and shall determine the time and date of such further hearing.~~
- 7.1.15. 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.
- 7.1.16. Delegations that have previously appeared before Council on a subject shall provide new information only in any subsequent presentations relating to that matter.
- 7.1.17. Members of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.
- 7.1.18. The Mayor or Chair has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- 7.1.19. A person involved in a matter of litigation or potential litigation with an individual member of Council, the Municipality of Middlesex Centre or Council as a body, or any municipal staff member, shall not be permitted to address Council on any topic that relates to the litigation or potential litigation.
- 7.1.20. No delegations shall be made to notices of motion on a Council or Committee agenda. Delegates will have an opportunity to speak at a subsequent Council or Committee meeting when that item will be discussed.

- 7.1.21. Delegations may participate electronically provided that the meeting is being held electronically or with an option for electronic participation. Individuals wishing to participate electronically shall notify the Clerk or designate of this request in accordance with the delegation registration timelines and shall adhere to any established municipal guidelines for electronic participation.

## **7.2. Public Presentations**

- 7.2.1. Requests from an outside organization or group to make a presentation to Council or a Committee shall be submitted in writing to the Municipal Clerk for consideration.
- 7.2.2. Public presentations are for information only. Outside organizations, groups or individuals requesting that Council take action on a matter of municipal business, including items listed on a meeting agenda, shall register in accordance with the Delegations section of this by-law.
- 7.2.3. A request from an outside organization or group to make a presentation to Council or a Committee shall only appear on an agenda upon approval of the Mayor or Committee Chair, and Department Head for the appropriate service area.
- 7.2.4. Presentations by outside organizations or groups shall not be permitted for the sole purpose of generating publicity or promotion.
- 7.2.5. Public presentations at a meeting shall be limited to a maximum of 10 minutes and shall be heard at the beginning of a Council or Committee meeting.
- 7.2.6. Outside organizations or shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline.

## **7.3. Municipal Presentations**

- 7.3.1. Presentations by municipal staff or consultants at meetings shall endeavour to be a maximum of 10 minutes.
- 7.3.2. Presentations by staff providing information with no accompanying report shall be heard at the beginning of a regular Council meeting.
- 7.3.3. Where a staff or third-party presentation accompanies an item on an agenda, the item shall be placed under items for discussion with the report and shall be brought forward for consideration immediately after the presentation has been made. If delegates wish to speak on an item with a presentation, the item shall not be considered until all delegates on the item have been heard.

## **7.4. Written Submission and Petitions (incl. correspondence)**

- 7.4.1. Individuals may submit written correspondence or petitions related to matters listed on the agenda by the timelines specified in Section 7.3 for inclusion on

the agenda or revised agenda. Personal information will be redacted from the information published in the agenda.

7.4.2. Petitions may be submitted in an electronic or paper-based format.

7.4.3. Petitions submitted to Council:

7.4.3.1. shall contain a clear statement of the matter on which Council is being asked to take action;

7.4.3.2. shall be a matter within the jurisdiction of Council;

7.4.3.3. shall include the signature, printed name and full address of each petitioner. If the signatures are affixed to more than one sheet, then the intent or action requested of the petition must be repeated at the top of each signature sheet; and

7.4.3.4. shall provide a key contact name, mailing address and telephone contact information for the individual or group initiating the petition, or submitting the petition to the Clerk.

a. For paper-based petitions, each petitioner must provide their name, full address and original signature. Petitions must be legible, typewritten or printed in ink. The petition must contain original signatures only, written directly on the petition.

b. For electronic petitions, each petitioner must provide their name, full address and valid email address in place of the original signature.

c. The petition must clearly disclose on each page that it will be considered a public document at the Municipality and that information contained in it may be subject to the scrutiny of the Municipality and other members of the general public.

~~d. shall be made available by the municipality to the public upon request.~~

~~e. No information shall be severed from petitions as they are considered to be a part of the public record.~~

7.4.4. Petitions submitted via an external petition website (e.g., change.org) will not be accepted as a formal petition but may be included as correspondence on a Council agenda if the subject is related to an upcoming agenda item.

7.4.5. If a Petition Organizer would like to present the petition to Council, they must submit a delegation request in accordance with Section 7.3 of this by-law.

## SECTION 8: PROCEDURAL MATTERS

### 8.1. Disclosure of Pecuniary Interest

- 8.1.1. A Member must identify and disclose any pecuniary interest on any item or matter before Council, Committee or Local Board and the general nature thereof (pursuant to the Municipal Conflict of Interest Act), **prior to the matter being discussed**. This disclosure shall be made in writing on the form available from the Clerk and the Clerk shall keep track a registry of the disclosures that will be available to the public.
- 8.1.2. Where a member of Council has a pecuniary interest in any matter, ~~including that of a spouse, child or parent~~ and is present at a meeting of Council at which the matter is the subject of consideration, the member:
- a. shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the member has a pecuniary interest;
  - b. shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;
  - c. shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
  - ~~d. shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session.~~
- 8.1.3. **Notwithstanding the provisions of Section 4.8 of this by-law, when a majority of the Members have disclosed a pecuniary interest, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.**

### 8.2. Motions and Voting

- 8.2.1. A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- 8.2.2. **Council or Committee shall not debate any motion until it has been moved or seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor, chair or Clerk at any time during debate.**
- 8.2.3. Motions may be presented verbally or in writing. When a motion has been moved and seconded, the Chair shall present the motion for the members, at which time each member of Council shall be permitted to speak once to the question, and not more than once except with permission of the Chair.

8.2.4. Discussion or debate of the motion shall be restricted to members of Council. If clarification is required from a delegation or staff member, permission is required from the Chair.

8.2.5. After a motion has been stated or read it shall be deemed to be in possession of Council but it may be withdrawn by consent of the majority of Council members present.

~~8.2.6. Once the Mayor or Chair 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.~~

~~8.2.7. 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.~~

8.2.8. When a motion is under consideration no other motion shall be received unless it is a motion:

8.2.8.1. To refer the motion to Committee, Council, staff or any other person or body. Such a motion to refer:

a) is open to debate;

b) is amendable; and

c) shall preclude amendment or debate of the preceding motion.

8.2.8.2. To amend the motion. Such a motion to amend:

a) is open to debate;

b) shall not propose a direct negative to the main motion;

c) shall be relevant to the main motion;

d) is subject to only one further amendment, and any amendment more than one must be to the main motion; and

e) if more than one motion to amend is put forward, they shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main motion is put to the vote.

8.2.8.3. To defer the motion to another time. Such a motion to defer:

a) is not open to debate;

- b) is not subject to amendment; and
- c) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.

8.2.8.4. To adjourn the meeting. Such a motion to adjourn:

- a) is not open to debate;
- b) is not subject to amendment; and
- c) shall always be in order.

8.2.8.5. To call a vote on the motion. Such a motion to call a vote on the motion:

- a) cannot be amended;
- b) cannot be proposed when there is an amendment under consideration;
- c) when resolved in the affirmative, shall be followed by voting on the motion, without debate or amendment;
- d) when resolved in the negative, shall be followed by resumption of debate; and
- e) shall always be in order.

8.2.9. When one or more motions as set out in Section 8.2.8 have been made, the order of the vote shall be as follows:

- a) To defer the motion;
- b) To refer the motion;
- c) Upon the amendments in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
- d) Then, upon the main motion or upon the main motion as amended. If any amendments have been carried.

8.2.10. 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.

8.2.11. **Except as otherwise provided**, every member of Council shall have one vote ~~and shall vote when a motion is put forward.~~

~~8.2.12. The Mayor or Chair shall vote with the other members of Council on all questions.~~



8.2.13. Failure to vote by a qualified member of Council shall be deemed to be a negative vote.

8.2.14. Any motion on which there is a tie vote shall be deemed to be defeated, except where otherwise provided by any act.

8.2.15. Recorded Votes

- a. The Mayor or Chair 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. When a member of Council present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute.
- b. For the purposes of recorded votes, the Clerk shall call the names beginning with the Councillor who requests the recorded vote and continuing with the Councillor to their left with the exception of the mayor who will vote last. The members of Council shall respond yea or nay when called upon. The names of those who voted for and those voted against shall be noted in the minutes.

~~8.2.16. Any motion having an equal number of votes shall be deemed to be lost.~~

8.2.17. When a motion is put forward, every member entitled to vote shall do by voice, electronic voting, show of hands, standing or otherwise, as determined by the Chair.

8.2.18. The Mayor or Chair shall declare the vote on all questions and should his/her declaration be stated by any member of Council to be in doubt, the Mayor or Chair shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

### **8.3. Notice of Motions**

8.3.1. A member of Council shall give notice of intent that they plan to introduce a motion at a subsequent meeting of Council to bring forward a new matter or introduce any measure or change in the Council's established policy.

8.3.2. The giving of notice requires no seconder and is not at that time debatable.

8.3.3. A Council member may introduce a motion at a meeting regarding a matter that would not otherwise be considered at the meeting or by submission to the Clerk to be included in the meeting Agenda.

~~8.3.4. A Notice of Motion shall be submitted to the Clerk prior to the Council agenda being prepared.~~

## 8.4. Reconsideration

- 8.4.1. After a motion has been decided, a member who voted in the majority may move for reconsideration thereof at any subsequent meeting. A motion for reconsideration may be seconded by any member who voted on the original motion either for or against. ~~No discussion of the question shall be allowed until the motion for reconsideration is approved by a two-thirds majority (5 members) of Council members present.~~
- 8.4.2. Council may only reconsider a matter that has not been acted on by an officer, employee or agent of the municipality.
- ~~8.4.3. Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.~~
- 8.4.4. No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- 8.4.5. A member of Council who voted on the prevailing side of the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the Mayor or Chair shall determine that the motion to reconsider is being appropriately introduced.
- 8.4.6. Any member who was absent at the time the vote was taken on the Main Motion, shall be deemed to be a Member who voted with the majority for the purposes of Section 8.4.1 of this by-law.
- 8.4.7. No motion for reconsideration of any decided matter shall be permitted more than once during a period of twelve months following the date on which the question was decided, nor shall a motion to reconsider be reconsidered.
- 8.4.8. If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.
- 8.4.9. A motion to reconsider must be carried in the affirmative by a vote of two-thirds of the entire Council.
- ~~8.4.10. No question shall be reconsidered more than once during the term of Council, nor shall a motion to reconsider be reconsidered.~~

## 8.5. Rules of Debate

- 8.5.1. Any member desiring to speak will signify their desire to speak by raising their hand and upon being recognized by the Chair will address their question or comments through the Chair.

- 8.5.2. When two or more members signify a desire to speak, the Chair will recognize the member who, in the opinion of the Chair, signified first by a show of hands and next recognize in order the other members.
- 8.5.3. The Chair shall preserve order and decide all questions of order without argument or comment.
- 8.5.4. When the Chair has determined a question of order, any member of Council may appeal to Council with the provisions of this by-law. **The members of council, if appealed to, shall decide on the case by majority vote, but without debate.**
- ~~8.5.5. If the Chair determines he or she wishes to take part in any debate, while addressing Council, the Chair shall place another member in the Chair. If the Mayor 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 his/her place until he/she resumes the chair.~~
- 8.5.6. Any member of Council may require the question or motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member speaking.
- 8.5.7. Any member of Council may request a recess of the meeting. The Chair may allow a recess.
- 8.5.8. The Mayor or Chair may speak last on a motion.
- 8.5.9. The Mayor or Chair may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavouring to persuade the Council to support that position, then they shall first leave the chair.
- 8.5.10. The Mayor or Chair does not need to vacate the chair to simply state support or opposition to a motion on the floor.
- 8.5.11. When a Member is speaking to a motion, they shall confine their remarks to the motion and shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the Members present.**
- 8.5.12. A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the Members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.**

## **8.6. Point of Order**

- 8.6.1. A member may raise a point of order at any time, whereupon the Mayor or chair shall:**
  - a) Interrupt the matter under consideration;**

- b) Ask the member raising the point of order to state the substance of and the basis for the point of order; and
- c) Rule on the point of order immediately without debate by Council or Committee.

8.6.2. A Member of Council or Committee may appeal the ruling of the Mayor or chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

### **8.7. Point of Privilege**

8.7.1. A Member shall seek leave of the Mayor or meeting chair to raise a point of privilege. After leave is granted, the Member shall state the point to the Mayor or chair and then remain silent until the Mayor or chair has ruled on the point. There is no debate on a point of privilege.

8.7.2. A Member of Council or Committee may appeal the ruling of the Mayor or chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

8.7.3. Where the Mayor or chair considers that the integrity of any municipal employee has been impugned or questioned, the Mayor or chair may permit staff to make a statement to Council or Committee.

### **8.8. Adjournment**

8.8.1. Meetings shall adjourn no later than 11:00 p.m., unless otherwise decided before the curfew hour of 11:00 p.m. by the majority of the members present.

8.8.2. Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.

## **SECTION 9: CONDUCT AND RESPONSIBILITIES**

### **9.1. Council and Committee Responsibilities**

9.1.1. Members of Council shall come prepared to every meeting by having read all the material supplied, including the agenda and staff reports, to facilitate discussion and the determination of action at the meeting. The members are encouraged to make inquiries of staff regarding the materials supplied with the agenda in advance of the meeting.

9.1.2. 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.

- 9.1.3. No member of Council shall have the authority to direct or interfere with the performance of any work for the Municipality.
- 9.1.4. Council affirms that the business of Council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the Mayor or Chair is expected to maintain decorum by all persons in attendance at its meetings in accordance with this by-law and the Municipal Act.

## **9.2. Role of Mayor**

- 9.2.1. It is the role of the Mayor as the Head of Council:
  - a. to Act as Chief Executive Officer of the municipality;
  - b. to preside over Council meetings so that its business can be carried out efficiently and effectively;
  - c. to provide leadership to Council;
  - d. to represent the municipality at official functions; and
  - e. to carry out the duties of the Head of Council under any Act;
- 9.2.2. In the absence of the Mayor, the Deputy Mayor shall carry out their duties and/or act in place of the head of Council, and while so acting, the Deputy Mayor shall have all the rights, powers and authority of the Head of Council.
- 9.2.3. In the event that the Deputy Mayor is unable, for any reason to act in the place and stead of the Mayor, Council shall appoint an Acting Mayor to act in the place and stead of the Mayor and while so acting, shall have all rights, powers and authority of the Head of Council.
- 9.2.4. As the 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.

## **9.3. Role of Council**

- 9.3.1. It is the role of Council:

- a. to represent the public and 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 will provide;
- d. to ensure that administrative policies, practices and procedures and controllership polices, practices and procedures are in place to implement the decisions of Council;
- e. to ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
- f. to maintain the financial integrity of the municipality; and
- g. to carry out the duties of Council under any Act.

~~9.3.2. When a member of Council takes a pregnancy/parental leave in accordance with the approved Policy and if that members sits on other Committees or boards, then by Council resolution, the Council shall appoint a replacement member of Council to fulfil those duties.~~

#### **9.4. Duties of the Chair**

9.4.1. The Mayor shall be the Chair for Council meetings. In the absence of the Mayor or if the Mayor's office is vacant, or if fifteen minutes after the time fixed for the regular or special meeting the Chair is not present, the Deputy Mayor shall be Chair of regular, special and closed meetings of Council. If the Mayor and Deputy Mayor are both absent, Council shall appoint a Chair from the members present.

9.4.2. The Role of the Chair is to:

- a. open the Meeting of Council and calling the Members to order;
- b. preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. ensure that members of the public feel safe to participate in public debate; and
- d. ensure decorum is maintained within Council Chamber;
- e. put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the result;

- f. require a recorded vote to be taken on any question upon request of a Member if such request is made prior to commencement of voting or immediately thereafter;
- g. decline to put to vote motions which infringe this by-law; and
- h. authenticate by signature, when necessary, all by-laws, minutes and documents authorized by Council.

## **9.5. Conduct of Members**

### **9.5.1. No member shall:**

- a. use offensive words or language that is not inclusive;
- b. engage in private conversation while in the Council meeting or use electronic devices including cellular phones, ~~paggers, blackberries, tablets and computers~~, in a manner which disrupts the proceedings of Council or may influence a vote;
- c. leave their seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- d. disturb another Member, or the Council itself, by any disorderly conduct disconcerting to any Member speaking;
- e. resist the rules of Council, or disobey the decision of the Chair or of the Council on questions of order or practice or upon the interpretations of the rules of procedure;
- f. speak without first addressing the Chair; or
- g. where a matter has been discussed in closed session, and where the matter remains confidential, disclose the substance of deliberations of the closed session meeting.

## **9.6. Decorum of Council Meetings**

### **9.6.1. To preserve and protect the decorum of Council Chamber or other meeting place of Council, no person participating in a meeting, including members of the audience attending electronically or in-person, may undertake any of the following actions:**

- a. make deprecating comments about, or speak disrespectfully of, or malign the integrity of any member of staff member, Council or the public;
- b. use offensive words or an aggressive tone of attack;

- c. disobey any rule or request of the Chair or any decision of Council on questions of order or practice;
  - d. enter into cross debate with the Chair, members of Council, other delegations or 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 Committee or any other person addressing Council;
  - h. display or have in their possession picket signs or placards in the Council Chamber or meeting rooms or within any municipally owned building used for such purposes;
  - i. applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council.
  - j. carry on private conversations enough to disrupt the Council meeting.
- 9.6.2. 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 by-law and the Municipal Act.

## **SECTION 10: COMMITTEES AND LOCAL BOARDS**

### **10.1. Committees**

- 10.1.1. Local Boards and Committees appointed by Council shall have the same terms of office and for such Local Boards and Committees shall be congruent with the term of Council unless otherwise determined by Council.
- 10.1.2. Council may by resolution establish ad hoc Committees, which shall advise the Council on matters assigned or referred to it.
- 10.1.3. The provisions of this by-law, with necessary modifications, shall apply to the various Local Boards and Committees appointed by the Council unless specific terms of reference have been adopted by Council.



## **SECTION 11: SEVERABILITY/REPEAL/ENACTMENT**

### **11.1. Severability**

- 11.1.1. Should any section, sub-section, clause or paragraph or provision of this by-law be declared by a Court to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

### **11.2. Repeal**

- 11.2.1. By-law(s) 2017-026, 2020-023, 2020-033 and any other bylaw inconsistent herewith, are hereby repealed upon the date this bylaw comes into force and effect.

### **11.3. Enactment**

- 11.3.1. This by-law shall come into force and take effect on the date of its final passing.