

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2018-62

A By-law to provide rules governing the proceedings of its Council, Council Committees, and its members' conduct and to repeal By-law 2010-42, as amended.

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

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

AND WHEREAS Council has reviewed By-law 2010-42, as amended, and now deems it expedient to establish new provisions that reflect current legislative requirements and best practices;

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

Table of Contents

1.	SHORT TITLE	5
2.	DEFINITIONS	5
3.	INTERPRETATION	10
	3.1 Headings and Parts for Convenience	10
	3.2 Plural/Singular.....	10
	3.3 Statutes.....	10
	3.4 Severability	10
	3.5 Prevailing Legislation	10
	3.6 Parliamentary Authority – Robert's Rules	10
	3.7 Decisions Binding	10
4.	APPLICATION	11
	4.1 Regular and Special Meetings	11
	4.2 Local Boards and Committees.....	11
	4.3 Emergency Meetings	11
5.	PARLIAMENTARY PRINCIPLES	11
6.	GENERAL PROVISIONS	11
	6.1 Open to the Public	11
	6.2 Suspend Procedures – Two-thirds Vote	11
	6.3 Holidays.....	12

6.4 Meeting – Cancel.....	12
6.8 Mayor Ex-Officio	14
6.9 Department Heads – Attend Regular Meetings	14
6.10 Use of Recording Equipment	14
7. DUTIES OF COUNCIL	15
7.1 Duties of the Mayor.....	15
7.2 Chain of Office	15
7.3 Duties of the Deputy Mayor	15
7.4 Duties of Members of Council.....	15
7.5 Duties of Alternate Member - County Council.....	15
8. NOTICE OF MEETINGS	16
8.1 Annual Schedule/Calendar	16
8.2 Notice - Regular Meetings	16
8.3 Notice - Special Meetings	16
8.4 Notice – Closed Session.....	16
8.5 Notice – Meeting Change	16
8.6 Notice - Emergency Meetings.....	16
8.7 Notice Requirements	16
8.8 Notice Irregularity.....	17
9. COUNCIL MEETINGS	17
9.1 Inaugural Council Meeting	17
9.2 Regular Council Meetings.....	17
9.3 Council in Closed Session	17
9.4. Special Council Meeting.....	19
10. ORDER OF PROCEEDINGS – AGENDA AND MINUTES	19
10.1 Quorum.....	19
10.2 Agendas (Orders of the Day) and Supporting Material	20
10.3 Call to Order.....	22
10.4 Motion to move into Closed Session	22
10.5 Moment of Silent Reflection and Mayor's Introductory Remarks.....	22
10.6 Declarations of Pecuniary Interest	22
10.7 Approval of Agenda.....	23
10.9 Public Meetings and Hearings	24
10.10 Presentations	24

10.11	Deputations/Petitions	25
10.12	Consent Agenda	26
10.13	Reports	26
10.14	Correspondence Requiring Council Direction	26
10.15	Schedule "A" - Correspondence	26
10.16	General Announcements	27
10.17	Notice of Motions	27
10.18	Adjournment.....	27
11.	BY-LAWS	27
11.1	By-law – Subject Matter Previously Considered	27
11.2	By-laws – Number, Titles	27
11.3	By-laws Passed in One Motion	28
11.4	Confirmatory By-Law.....	28
11.5	Signed, Sealed, Indexed.....	28
12	MINUTES	28
12.1.	Adoption – Consent Agenda	28
12.2	Record - Without Note or Comment.....	28
12.3	Closed Session - Record	28
13.	RULES OF CONDUCT AND DEBATE	29
13.1	Conduct of Council at Meetings	29
13.2	Member Called to Order.....	29
13.3	Member Recognized.....	29
13.4	Member to Speak.....	30
13.5	Presiding Officer – Order of Speaking.....	30
13.6	No Interruption	30
13.7	Speaking Once to Motion.....	30
13.8	Speaking – Five Minutes.....	30
13.9	Questions Related to Motion.....	30
13.10	Request to Read Motion	30
13.11	Presiding Officer – Speaking to Motion.....	30
13.12	Electronic Devices – Silent Mode.....	30
13.13	Conduct of Public.....	31
14.	VOTING	31
14.1	Majority Vote	31

14.2	Time of Vote.....	31
14.3	Speaking During Vote	32
14.4	Show of Hands.....	32
14.5	Mandatory Vote.....	32
14.6	Tie Vote – Lost.....	32
14.7	Deemed Negative Vote	32
14.8	Presiding Officer to Declare Result	32
14.9	Result Marked on Motion - Signed.....	32
14.10	Division of Question	32
	Recorded Vote:.....	32
15.	MOTIONS AND ORDER OF PUTTING QUESTIONS	33
15.1	Motions in Writing	33
15.2	Motions Introduced Without Leave.....	33
15.3	Motion - Read before Discussion	33
15.5	Motion – Not seconded.....	33
15.6	Motion - Ruled Out of Order.....	33
15.7	Motion - Not Within Jurisdiction of Council.....	33
15.8	Schedule "B" - Standard Characteristics of Motions	34
16.	Repeal By-law 2010-42	34
17.	Force and Effect	34
	Schedule "A" – Correspondence Policy	35
	Schedule "B" - Standard Characteristics of Motions	38
	Schedule "C" - Electronic Meeting Protocol	43

1. SHORT TITLE

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

2. DEFINITIONS

- 2.1 In this by-law:

- a) **Ad hoc Committee** means a committee established by Council to review a specific matter and which is dissolved automatically upon submitting its final report to the Council, unless otherwise directed by the Council.
- b) **Advisory Committee** means a committee appointed by Council with a specific mandate of an ongoing nature, which meets regularly to provide recommendations to Council.
- c) **Agenda** means the order in which business is conducted at a meeting and is also referred to as "Orders of the Day".
- d) **Alternate Member - County Councillor** means the councillor appointed by by-law as an alternate member to the Simcoe County Council to act in place of the Mayor or Deputy Mayor at County Council if either is unable to attend a meeting for any reason.
- e) **Amendment** means a formal motion put forth that amends another motion under debate.
- f) **By-law** means a law of the municipality passed by the municipal council.
- g) **Chair** means the person presiding at a Council or committee meeting. The terms "chair" or "presiding officer" shall be used interchangeably in this by-law.
- h) **Chief Administrative Officer** means the Chief Administrative Officer of the Corporation of the Town of Midland or his or her designate.
- i) **Clerk** means the Clerk of the Corporation of the Town of Midland, or his or her designate and, for committees, means the recording secretary.
- j) **Closed Session** means that part of a meeting closed to the public in accordance with the provisions of section 239 of the Municipal Act.
- k) **Committee** means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards, in accordance with the definition of committee set out in section 238(1) of the Municipal Act.

Notwithstanding this statutory definition, all statutory, advisory, ad hoc committees appointed by the Council of the Town of Midland whether they meet this definition or not, shall follow the meeting provisions set out in this by-law.

- l) **Committee of the Whole Council (COW)** means a committee consisting of all members of Council.
- m) **Confirmatory By-law** means a by-law of Council that adopts all resolutions adopted at a Council meeting
- n) **Consent Agenda** means the portion of the agenda that may be approved by Council without debate.
- o) **Correspondence** means a communication addressed to the Mayor, Council or to the Clerk that includes but is not limited to the following: letter memorandum, report, notice, electronic mail (email), facsimile (fax), petition, or other similar document as determined by the Clerk.
- p) **Council** means the Council of the Corporation of the Town of Midland.
- q) **Council Information Package (CIP)** means information submitted to Council (or via the Clerk) for the purpose of informing Council of matters of potential municipal interest.
- r) **Councillor** means an elected or, pursuant to the *Municipal Act*, appointed representative of the Council of the Corporation of the Town of Midland.
- s) **Defer** means to postpone all discussion on the matter until later in the same meeting or to a future date.
- t) **Deputation** means an address to Council or Committee of the Whole or other committee by one or more persons who are not members of Council or Town staff and may include consultants engaged by the Town.
- u) **Deputy Mayor** means the member of Council elected to that position during a municipal election who shall act in the place of the Mayor when the Mayor is absent, refuses to act or declares a pecuniary interest, and who shall exercise all the rights, powers and authority of the Mayor during those specific circumstances.
- v) **Electronic Device** means recording equipment and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means.
- w) **Emergency** means a situation or pending situation within the meaning of the Town's Emergency Response Plan, or any other similar unforeseen

circumstance that presents an urgent or extraordinary matter which is required to be dealt with in the most expedient manner as determined by the Mayor or a majority of Council or the Chief Administrative Officer (CAO) or his/her designate.

- x) **Ex-officio** means that, by virtue of his or her office or position, a person has the right to participate in a committee or local board and to vote unless prohibited by law.
- y) **Friendly Amendment** means the main motion under debate is amended with the consent of the mover and seconder and without the requirement for an amending motion to be made.
- z) **Head of Council** means the Mayor of the Corporation of the Town of Midland.
- aa) **Hearing** means a formal meeting duly constituted to seek public input as required under legislation.
- bb) **Inaugural meeting** means the first meeting of the new Council after a municipal election where the declarations of office are made.
- cc) **Holiday** means a holiday as defined by section 88 of the *Legislation Act*, S.O. 2006, c.21, Schedule F.
- dd) **Local Board** – Pursuant to sections 1(1) and 238(1) of the *Municipal Act*, local board means a board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority. For the purposes of this by-law, local board does not include police services boards or public library boards
- ee) **Majority vote of all members** means a vote of more than half of all the members elected/appointed to the Council/Committee/Local Board
- ff) **Majority vote of all members present** means the vote of more than half of the members present at a properly constituted meeting at which a quorum is present
- gg) **Mayor** means the Head of Council of the Corporation of the Town of Midland.
- hh) **Meeting** - Pursuant to s.238(1) of the *Municipal Act*, meeting means any regular, special or other meeting of Council, a local board or of 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 the Council, local board or committee.
- ii) **Member** means a member of Council, a committee or local board of the Town of Midland.
 - jj) **Minutes** means a record of the proceedings of Council or committee or local board that records the actions taken and decisions made by members at the meeting without note or comment in accordance with section 239(7) of the *Municipal Act*.
 - kk) **Motion** means a question to be considered by the Council or a committee which is moved, seconded and presented, read and is subject to debate. When a motion is carried, it becomes a resolution.
 - ll) **Municipal Act** shall mean the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.
 - mm) **Municipal Election** means a municipal election held pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended.
 - nn) **Notice** means notice provided to members and to the public which advises of the time and place of a meeting.
 - oo) **Notice of Motion** means an advance notice, including the name of the mover, advising Council that the motion described therein will be brought to the next regular meeting, unless otherwise stated by the mover.
 - pp) **Pecuniary Interest** means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act*, R. S. O. 1990, c.M.50, as amended.
 - qq) **Point of Order** means a challenge to the proceedings of the meeting by a member during a meeting drawing the attention of the chair to a breach or perceived breach of the rules of procedure.
 - rr) **Point of Privilege** means a matter where a member expresses a concern in which he/she considers that a question of his/her integrity or the integrity of the Council or committee or local board has been impugned.

- ss) **Presentation** means a ceremonial presentation to or from the Town of Midland.
- tt) **Presiding Officer** means the person presiding over a meeting, who may also be referred to as “chair”. The terms "chair" or "presiding officer" shall be used interchangeably in this by-law.
- uu) **Public Meeting** means a meeting of Council held for the purpose of providing information to the public and obtaining public comments and shall include public meetings on planning matters.
- vv) **Published** means to electronically post to the Town's website the agenda, reports, minutes or other supporting documents available to the Clerk for the purpose of the Council's consideration at an upcoming meeting.
- ww) **Quorum** is a majority of the total number of members.
- xx) **Reconsider** means to reopen debate on a prior decision of Council, as if the decision had never been made, in strict accordance with the requirements of this bylaw.
- yy) **Recorded Vote** means the recording of the name and vote of every member on a matter or question.
- zz) **Recess** means a short break taken during a meeting and is of a duration established by the chair.
- aaa) **Regular Meeting** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- zz) **Refer** means to refer or assign a specific matter or item to a committee/staff or member for further consideration and/or action or reporting back.
- aaa) **Report** means a written or verbal transmittal of information to Council that requires consideration and a decision.
- bbb) **Resolution** means the decision of the Council or committee on any motion.
- ccc) **Special Meeting of Council** means a meeting that is arranged outside of the annual approved calendar/schedule of meetings to deal with only specific item(s) of business.
- ddd) **Staff** means officers and employees of the Town of Midland and may include consultants in the employ of the Town for the purposes of this by-law.

eee) **Standing Committee** means a committee composed entirely of members of Council.

fff) **Supplementary Agenda** means an agenda prepared by the Clerk containing revised or updated information about an item or items of the business which was not available at the time of the original publication of the meeting agenda.

ggg) **Town** means the Corporation of the Town of Midland.

hhh) **Town Website** means the domain name www.midland.ca.

3. INTERPRETATION

3.1 Headings and Parts for Convenience

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

3.2 Plural/Singular

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

3.3 Statutes

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

3.4 Severability

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

3.5 Prevailing Legislation

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

3.6 Parliamentary Authority – Robert's Rules

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

3.7 Decisions Binding

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

4. APPLICATION

4.1 Regular and Special Meetings

The procedures contained in this by-law shall be observed in all regular, special and public meetings of Council.

4.2 Local Boards and Committees

The procedures contained in this by-law shall be observed in meetings of all local boards and standing, statutory, advisory and ad hoc committees of Council, as defined in this by-law, with necessary modifications, and where a specific by-law exists for a local board or committee, it shall prevail over this by-law.

4.3 Emergency Meetings

In emergency meetings, the Presiding Officer shall preside and preserve decorum, applying the rules set out in this by-law at the Presiding Officer's discretion.

5. PARLIAMENTARY PRINCIPLES

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

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

6. GENERAL PROVISIONS

6.1 Open to the Public

All regular meetings of Council, including meetings of a committee or local board, shall be open to the public and no person shall be excluded from a meeting except for improper conduct.

6.2 Suspend Procedures – Two-thirds Vote

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

- a) any statutory requirements with respect to proceedings
- b) contractual agreements binding the Town;
- c) quorum requirements;
- d) amending this procedure by-law; and

- e) extension of a regular or special meeting time

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

6.3 Holidays

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

6.4 Meeting – Cancel

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

6.5 Staff Report – Motion

A request to have staff prepare a formal staff report on a particular matter shall be presented in the form of a written motion.

6.6 Member Unable to Attend

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

6.7 Electronic Participation

A member of Council is not permitted to participate in a meeting electronically.

- a) **Interpretation** – Notwithstanding the above, in this Section the following shall apply, in addition to the definitions in Section 2 of By-law 2018-62:

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the *Emergency Management Act*;

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;

“Emergency Management Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E. 9, as amended;

- b) **Electronic Meetings** – A Regular Council Meeting, Special Meeting of Council, local board or committee may be conducted by Electronic Meeting during an Emergency, provided that the Member is not able to attend in person and that an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.
- c) **Quorum and Voting for Electronic Meeting** – All Members of Council ,including the Chair may participate electronically at an Electronic meeting and shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- d) **Closed Session** – A closed meeting session may only be conducted via an Electronic Meeting if, due to extenuating circumstances during an epidemic or pandemic, it is not possible to convene a quorum of members in person and the matter to be considered is of an urgent nature. The decision to exercise this option shall be decided at the discretion of the Mayor/Chair or a two-thirds vote of the members present at the meeting in-person and electronically.

Unless the above option is exercised by Council, members participating electronically shall not be permitted to participate in any portion of a meeting which is closed to the public.

- e) **Public Notice of Electronic Meeting**– A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

- f) **Delegations In Writing** – An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Town Clerk’s office at clerks@midland.ca prior to the start of the Electronic Meeting, and shall be provided to members at the meeting.
- g) **Application and Conflict** – Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.
- h) **When the Emergency Declaration has ended** - Once the Emergency Declaration has been lifted in all or part of the municipality, regular meeting rules shall apply.

6.8 Mayor Ex-Officio

The Mayor shall be an ex-officio member of all committees appointed by Council. The Mayor shall not be included in the number for quorum and voting purposes unless formally appointed to a committee or board by way of a motion.

6.9 Department Heads – Attend Regular Meetings

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

6.10 Use of Recording Equipment

- a) All open meetings may be audio and/or visually recorded, broadcast and/or streamed publicly by the Town, Rogers TV, or any other party, provided the process does not disrupt the proceedings of the meeting.
- b) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or recording secretary to ensure attendees at the meeting are notified through the Presiding Officer.
- c) The Clerk shall audio record closed session meetings in accordance with best practices received from the Office of the Ombudsman of Ontario. Audio recordings shall be retained in accordance with the Town's records retention by-law.
- d) The inability to record a meeting will not prohibit the meeting from commencing or continuing.

7. DUTIES OF COUNCIL

7.1 Duties of the Mayor

It shall be the duty of the Mayor:

- a) to preside at all meetings of the Council;
- b) to open the meeting by taking the chair and calling the members to order;
- c) to determine how long consideration of a motion should continue before a vote is called;
- d) to designate the member who has the floor when two or more members wish to speak;
- e) to put to a vote all motions which are properly moved and announce the results;
- f) to decline to put to a vote motions that infringe on the rules of procedure;
- g) to require a recorded vote to be taken on any question upon the request of a member if such request is made prior to commencement of voting or immediately thereafter;
- h) to preserve order and decorum and to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behaviour persists;
- i) to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers.

7.2 Chain of Office

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

7.3 Duties of the Deputy Mayor

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

7.4 Duties of Members of Council

It shall be the duty of all members of Council:

- a) to attend meetings of the Council;
- b) to follow the procedural rules and maintain the decorum of the Council meeting.
- c) to comply with Town, provincial and federal laws, including the Council Code of Conduct, as approved;
- d) to maintain the confidentiality of all closed session matters;
- e) to refrain from criticizing decisions of Council.

7.5 Duties of Alternate Member - County Council

Pursuant to the by-law appointing the alternate member to Simcoe County Council, it shall be his/her duty to act in the place of the Mayor or Deputy Mayor at County Council if either is unable to attend a meeting for any reason. The

alternate member shall not sit on behalf of the Mayor or Deputy Mayor at an inaugural meeting of County Council.

8. NOTICE OF MEETINGS

8.1 Annual Schedule/Calendar

Prior to the end of the third quarter of each year, the Clerk shall submit a schedule/calendar of regular meetings for the following year for consideration and adoption by Council. Upon adoption, the schedule will be posted on the Town's website.

8.2 Notice - Regular Meetings

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

8.3 Notice - Special Meetings

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

8.4 Notice – Closed Session

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

8.5 Notice – Meeting Change

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

8.6 Notice - Emergency Meetings

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

8.7 Notice Requirements

Each agenda notice shall include the following:

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

8.8 Notice Irregularity

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

9. COUNCIL MEETINGS

9.1 Inaugural Council Meeting

- a) The inaugural meeting of Council after a regular election shall be held in the Council Chambers on the first Monday in December at 7:00p.m.
- b) Prior to the inaugural meeting, the Mayor-elect shall determine the order of seating of the members in the Chambers.

9.2 Regular Council Meetings

- a) The Council shall meet in the Council Chambers, or in such other place as designated, and the meeting shall take place on the first and third Wednesday of each month, unless otherwise ordered, at 7:00 p.m. Where an alternate location is required, it shall be within the boundaries of the Town or an adjacent municipality at a venue which is accessible to the public.
- b) All meetings shall adjourn by 11:00 p.m. Any unfinished business shall be adjourned to the next regular meeting, unless the members attending determine otherwise prior to the adjournment, or the Mayor calls a special meeting to deal with such matters.
- c) Despite section 9.2 b), Council may pass a procedural motion by a two-thirds (2/3) vote of members present to extend the adjournment time beyond 11:00 p.m.
- d) The time and date of individual regular meetings may be changed by the Mayor, subject to appropriate notice being given pursuant to section 8.5.

9.3 Council in Closed Session

- a) Unless otherwise stated, a closed session meeting may be scheduled by the Clerk on the date of a regular Council meeting at a time to ensure that reasonable deliberation of the matter(s) can be provided.
- b) Council in closed session meetings may be called by the Mayor on an as-needed basis.
- c) Council shall convene in open session and adopt a motion to move into closed session if the subject matter being considered relates to:
 - i) the security of the property of the Town or local board;
 - ii) personal matters about an identifiable individual including municipal or local board employees;

- iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - iv) labour relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the Town or local board;
 - vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - vii) a matter in respect of which Council, a board, committee or other body has authorized a meeting to be closed under another Act;
 - viii) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - ix) a trade secret or scientific, technical, commercial, financial or labor relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - x) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- d) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is 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) of the *Municipal Act*.
- e) A meeting *may* be closed to the public if the following conditions are both satisfied:
- i) the meeting is held for the purpose of educating or training the members; and
 - ii) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- f) A meeting shall not be closed to the public during the taking of a vote, except where:
- i) section 9.3. c) or d) permits or requires that the meeting be in closed session; and
 - ii) the vote is for a procedural matter or for giving direction or instructions to officers, employees, and/or agents of the municipality and/or local

board or persons retained by, or under contract to, the municipality or local board.

- g) Upon completion of the closed session, Council shall consider a motion to rise and report to open session.
- h) The open portion of the Council meeting shall reconvene, and matters discussed in closed session shall be reported out in the form of motions presented.
- i) Minutes from the closed portion of the meeting shall become part of the Council meeting minutes.
- j) The Clerk shall advise the Presiding Officer, if in his/her opinion, the issue (or portion thereof) being discussed at a closed session falls outside the permitted issues that may be discussed in a closed session.
- k) Members shall ensure that confidential matters disclosed to them and materials provided to them for closed session are strictly confidential and will not be discussed with or disclosed to any individual. The members shall be required to return printed confidential materials distributed at the meeting to the Clerk at the end of the meeting.

9.4. Special Council Meeting

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

10. ORDER OF PROCEEDINGS – AGENDA AND MINUTES

10.1 Quorum

- a) Quorum is required for every meeting and shall be a majority of the total number of members, except when a majority of members have disclosed a

pecuniary interest to a matter in accordance with the *Municipal Conflict of Interest Act* wherein the remaining number of members present shall be deemed to constitute a quorum, provided that such number is not less than two (2).

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

10.2 Agendas (Orders of the Day) and Supporting Material

- a) The Clerk shall prepare the agenda for Council meetings.
- b) The Clerk, the Mayor and Chief Administrative Officer (CAO), or his/her designate shall conduct an agenda review on the Tuesday, one week prior to a regular meeting.
- c) Agendas shall be distributed to members and posted on the Town website on the Wednesday by noon one week prior to a regular meeting. After posting the Agenda for a meeting, the Clerk may, on an exception basis, distribute to members additional supporting material for an item on the Agenda. Any additional material that is provided after an Agenda is posted shall also be posted on the Town's website.
- d) The business of each meeting shall be taken up in the order in which it stands on the agenda for that meeting, unless otherwise decided by discretion of the Presiding Officer or a two-thirds (2/3) vote of the members present at the meeting.
- e) The Clerk may prepare a Supplementary Agenda for Council which will contain revised or updated information about an item or items of the business which was not available at the time of the original publication of the meeting agenda. Said Supplementary Agenda shall be posted and provided at the start of the meeting and will be considered part of the regular agenda for the named date.
- f) An item of business not listed on the agenda is not permitted to be introduced at a meeting unless authorized by a two-thirds (2/3) vote of the members present at the meeting or if deemed to be an emergency as defined in section 2.1 u) in this by-law and subject to sections 4.3, 8.6, 9.4

- d) of this by-law respecting proceedings, notice and calling of emergency meetings.
- g)** For closed sessions during a regular meeting, the Mayor, after the agenda is posted and before the commencement of the meeting, may direct that an item be added to the agenda where the emergency nature of the matter requires that it be considered prior to the next meeting of the members. Once in closed session, no item shall be added to the agenda.
- h)** For special and emergency meetings, no business except the business dealing directly with the purpose mentioned in the notice shall be transacted.
- i)** The order of the Council meeting shall be as follows, but necessary modifications to the matters to be included or the order of business may be affected without requiring an amendment to this by-law (Item 10.2 d)

REGULAR COUNCIL

1. Call to Order
2. Declarations of Pecuniary Interest
3. Motion to move into Closed Session

CLOSED SESSION

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

OPEN SESSION – 7:00 P.M.

6. Mayor's Introductory Remarks and Moment of Silent Reflection
7. Declarations of Pecuniary Interest
8. Motions arising from closed session discussions
9. Approval of Agenda
10. Consent Agenda
 - Correspondence for consideration.
 - Council minutes for adoption
 - Council Information Packages for receipt
 - All reports
11. Motion to suspend Council into Committee of the Whole

COMMITTEE OF THE WHOLE

12. Presentations
13. Deputations/Petitions
14. Public Meeting/Hearing
15. Reports and other items withdrawn from Consent Agenda for Council's consideration.
16. Notice of Motions (Motions to be considered at the next regular meeting)
17. General Announcements

18. Motion to close Committee of the Whole and to resume formal Council session

FORMAL SESSION

19. Motion to adopt actions of Committee of the Whole

20. Motions for which notice was given

21. By-laws

22. Confirmatory By-law

23. Adjournment

10.3 Call to Order

- a) As soon after the hour of meeting there is a quorum present, the Mayor shall call the members present to order. In the case of the Mayor not being in attendance within ten (10) minutes of the hour appointed for the meeting of the Council, or when the Mayor is absent, or refuses to act, or the office being vacant, the Deputy Mayor shall act in the place of the Head and shall call the meeting to order. While so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor, until the arrival of the Mayor or, in the event of the continued absence or refusal to act by the Mayor, for the duration of the meeting.

- b) In the case of the Mayor and Deputy Mayor not being in attendance within ten (10) minutes of the hour appointed for the meeting, or when they are absent or refuse to act or the offices being vacant, the Clerk shall call the meeting to order and a Presiding Officer shall be chosen by the members present who shall preside until the arrival of the Mayor or Deputy Mayor or, in the event of their continued absence or refusal to act, for the duration of the meeting.

10.4 Motion to move into Closed Session

Before all or part of a meeting is closed to the public, the Council or committee or local board or committee shall state by resolution:

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

10.5 Moment of Silent Reflection and Mayor's Introductory Remarks

Upon calling a regular meeting of Council to order, the Presiding Officer shall request the members and those in attendance to stand, if able, and pause for a moment of silent reflection.

The Presiding Officer shall provide introductory remarks regarding safety, conduct and proper notice of meeting.

10.6 Declarations of Pecuniary Interest

- a) It is the sole responsibility of the member to understand and comply with his/her legal obligations under the *Municipal Conflict of Interest Act*.

- b) Prior to a particular matter being addressed, members shall declare aloud any pecuniary interests they may have, and the general nature thereof, in connection with that matter. Such members shall then be precluded from participating in any way regarding the matter in question. If the matter is discussed in closed session, the member shall leave the meeting room during that discussion.
- c) Disclosures of pecuniary interest made during a closed session shall include the declaration and its general nature. At the same meeting open to the public after the closed session, or at the next regular open meeting, every declaration of interest made during the closed session, but not the general nature of the interest, shall be made and recorded in the minutes of the open meeting.
- d) Where the pecuniary interest of a member is not disclosed at a meeting due to the absence of the member, the disclosure shall be made at the next open meeting at which the member is present.
- e) Upon declaring a pecuniary interest at a meeting of Council or at a local board or committee, a member shall provide a written statement of the interest and its general nature to the Clerk. The Clerk will include the statement in a registry maintained in accordance with the *Municipal Conflict of Interest Act*.
- f) A member who has declared a pecuniary interest in a matter shall not participate in any way in a motion to adopt multiple items if the matter that is the subject of the pecuniary interest is contained therein. The member may request to divide such a motion in order to vote on those items in which there is no pecuniary interest.
- g) The Clerk shall record the particulars of any disclosure of pecuniary Interest in the minutes.
- h) A member who has declared a pecuniary interest in a matter may move, second and vote on:
 - a) the confirmatory by-law for the meeting in which the interest was declared;
 - b) the motion adopting the minutes of the meeting in which the interest was declared.

10.7 Approval of Agenda

The Presiding Officer shall announce any amendments/additions to the agenda. A vote of majority of the members present is required to approve the agenda.

10.8 Motion to move Council into Committee of the Whole

Council shall state by resolution that it will move into the portion of the meeting that will be conducted in Committee of the Whole to consider public meetings, deputations, matters arising from correspondence, reports, matters tabled, motions for which notice was previously given and other business

10.9 Public Meetings and Hearings

- a) Public Meetings will be held on matters where directed by Council, Town by-law or provincial statute and may be held in the Committee of the Whole portion of the Regular Council Meeting.
- b) The Presiding Officer shall advise of the procedures to be followed at the commencement of the public meeting.
- c) The purpose of the public meeting is to receive input from the public on a particular matter. Accordingly, members shall not enter into debate or discussion of the matter during the public meeting.
- d) Members of the public are limited to a time limit of (5) minutes to speak on a particular matter. The time limit for a spokesperson representing ratepayers is (10) minutes. Time limits may be adjusted at the discretion of the Chair based on the subject matter.
- e) Each person making public representations at a public meeting will be required to provide his/her name and address for purposes of the public record.
- f) After all members of the public have been given an opportunity to speak to the matter under consideration, the Presiding Officer shall adjourn the public portion of the meeting.
- g) Where the public meeting is held as part of a Council meeting, the minutes of the Council meeting shall include the minutes of the public meeting.
- h) Statutory hearings shall be conducted in accordance with the legislation requiring such hearing. In the event specific procedures for the conduct of the hearing are not set out in legislation, the public meeting procedures, insofar as they are applicable, shall be followed.

10.10 Presentations

- a) Presentations shall be received in the Committee of the Whole portion of the Council meeting and may include the following:
 - i. individuals appearing before Council to accept an award or receive recognition from the Town;

10.11 Deputations/Petitions

- a) Deputations and petitions shall be received in the Committee of the Whole portion of the Council meeting and may include the following:
 - i. Consultants or external partners appearing before the Council for the purpose of providing an informational presentation concerning corporate projects, initiatives, programs or services. Council may extend the ten (10) minute time limit for this type of presentation.
- b) Other than deputations or petitions considered by the Clerk to be of an urgent nature, deputants or petitioners shall submit a "Request for Deputation" form to the Clerk's office not later than 12 noon on the Tuesday one week in advance of the Council meeting, for inclusion on the Council meeting agenda. Applicants will be notified to provide any printed materials for inclusion in the agenda package.
- c) No printed material may be distributed without leave of the Presiding Officer. Any printed material is to be provided directly to the Clerk for inclusion with the agenda.
- d) The Clerk shall be provided with a copy of all electronic material included in a deputation or presentation, for the record.
- e) Each deputation shall be limited to a maximum of ten (10) minutes.
- f) No more than five deputations shall be scheduled for any Council meeting, subject to the necessity to deal with matters of an urgent nature. The Clerk shall make a reasonable determination as to deferral of any requested deputations to a subsequent meeting.
- g) Requests from deputants who have previously addressed Council on a topic within the previous 12 months shall not be granted unless they can demonstrate to the Clerk's satisfaction that they have new information to present to Council.
- h) Deputations shall not be allowed if, in the opinion of the Clerk, the subject matter is of a personal, business promotion or derogatory nature relating to municipal officials or personnel in the employ of the Town.
- i) Where an individual in making a deputation to Council does not adhere to the rules as outlined within this section, the Mayor or Presiding Officer has the right to require the deputation to cease and has the authority to have the individual ejected from the Council Chambers. Council may require that future deputations from the individual be in a written format only for the duration of the term of Council.

- j) Members shall address the persons(s) making a deputation or presentation only to ask questions or to provide thanks but not to enter into debate or discussion of the matter. Council may direct the information provided by the deputant be referred to staff for the purpose of review, investigation and future report.

10.12 Consent Agenda

- a) All items of business shall be listed as consent items, with recommendations included, and shall be approved collectively by way of a single motion. Consent Agenda items may include, but not be limited to the following:
 - i) Correspondence for receipt–
 - ii) Committee and agency minutes for receipt
 - iii) Council minutes for adoption
 - iv) Council Information Packages for receipt
 - v) All reports
- b) A member may make brief comments to a consent item, without formally removing that item from the Consent Agenda, prior to the consideration of the adoption of the matters listed.

If a member wishes to debate or amend the recommendation of an item listed on the Consent Agenda, the member shall request that the item be removed from the consent list and dealt with as a separate item. The member wishing to have the item removed from the consent list to allow for debate or amendment of the recommendation should provide the clerk with notice of same in advance of the Council meeting.

10.13 Reports

Reports from boards and committees, standing committees and staff reports shall be presented under the Consent Agenda in the Committee of the Whole portion of the agenda and adopted in one motion. At the request of any member, any report item may be withdrawn from this motion and voted upon separately.

10.14 Correspondence Requiring Council Direction

All correspondence requiring the direction of Council shall

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

10.15 Schedule "A" - Correspondence

Schedule "A" - Correspondence - forms part of this by-law and shall set out procedures for agenda communications received.

10.16 General Announcements

Council members may make announcements, recognize achievements, promote an event or recognize matters of community-wide interest; however, details will not be recorded in the minutes

10.17 Notice of Motions

A member may present a written notice of motion at any regular meeting of Council and the Clerk shall place it on the next Council Agenda under the heading, Motions for Which Notice has been Given.

- a) Notices of motion received during the Council meeting for future consideration shall be received without comment or debate.
- b) A written notice of motion submitted to the Clerk by noon on the Tuesday one week prior to a regular Council meeting and included in the agenda package shall also be considered as adequate notice to be debated at the next regular meeting under the heading, Motions for Which Notice has been Given.
- c) A member who presents a notice of motion shall be present during the reading and debate of the motion.
- d) If not moved at the meeting for which it is scheduled by the member who gave notice, the motion shall be deemed to be withdrawn unless an alternative time for presentation is given.

10.18 Adjournment

- a) All Regular Meetings, Special Meetings and Emergency Meetings shall end when:
 - i. the business of the meeting has been concluded;
 - ii. a motion to adjourn is carried;
 - iii. Quorum is lost and cannot be regained;
 - iv. the hour of 11:00 p.m. has been reached, subject to the provisions of section 9.2 c);
 - v. an emergency exists; or
 - vi. disorder arises and order cannot be restored.

11. BY-LAWS

11.1 By-law – Subject Matter Previously Considered

Subject to the delegation of authority by-law, or Town policy, no by-law, except a confirmatory by-law shall be presented to Council unless the subject matter has been considered and approved by Council.

11.2 By-laws – Number, Titles

The Clerk shall make available to the members a listing of all by-laws proposed for adoption that includes the by-law number and titles. The by-laws will be

linked to the agenda. Full details of the by-laws shall be made available to Council members and the public upon request.

11.3 By-laws Passed in One Motion

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

11.4 Confirmatory By-Law

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

11.5 Signed, Sealed, Indexed

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

12 MINUTES

12.1. Adoption – Consent Agenda

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

12.2 Record - Without Note or Comment

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

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

12.3 Closed Session - Record

The closed session portion of the minutes shall record:

- a) The time of going into closed session and the time of going out
- b) The names of the presiding office and the record of the attendance of members and staff and any other attendees;

- c) a description of substantive and procedural matters discussed, including specific reference to any documents considered
- d) any procedural votes taken or direction given.
- e) a motion to rise and report to open Council or to rise without report to open Council.
- f) shall be audio recorded.

13. RULES OF CONDUCT AND DEBATE

13.1 Conduct of Council at Meetings

No individual shall:

- a) use offensive words or unparliamentary language in or against the Council or against any members, staff or the public;
- b) speak without being recognized by the Presiding Officer or cause a disturbance while another member is speaking;
- c) resist the rules of Council or disobey the decisions of the Mayor or Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- d) criticize any decision of the members, except for the purpose of moving that the question be reconsidered; or
- e) leave his or her seat or make noise or disturbance while a vote is being taken or until the result is declared.

13.2 Member Called to Order

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

13.3 Member Recognized

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

13.4 Member to Speak

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

13.5 Presiding Officer – Order of Speaking

The Presiding Officer shall recognize the members who wish to speak in the order that they come to his/her attention.

13.6 No Interruption

When a member is speaking, no other members shall interrupt, except to raise a point of privilege or point of order.

13.7 Speaking Once to Motion

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

13.8 Speaking – Five Minutes

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

13.9 Questions Related to Motion

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

13.10 Request to Read Motion

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

13.11 Presiding Officer – Speaking to Motion

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

13.12 Electronic Devices – Silent Mode

Members present at a meeting shall ensure that all electronic devices are set to silent mode so as not to be a distraction.

13.13 Conduct of Public

- a) Public attendees at a Council meeting shall maintain order and quiet and shall not address Council, except with the permission of Presiding Officer.
- b) No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council.
- c) Any cellular telephones, pagers or other electronic devices which emit a sound shall be turned off or otherwise set to non-audible.
- d) No person shall use indecent, offensive or insulting language or speak disrespectfully of any member of federal, provincial government, any member of Council or any employee of the Town.
- e) Any person addressing Council as a deputant shall focus his/her comments to the subject matter before Council
- f) Any person who is not conducting themselves in a proper and appropriate manner, will be asked to do so by the Presiding Officer. Any person who continues to conduct themselves in an improper manner will be directed to leave the meeting and may be removed from the meeting if necessary. Any person who is conducting themselves in a manner which poses a threat to the safety of themselves or others shall be ordered from or removed from the meeting without warning. In the event of gross or repetitive misconduct, Council may by resolution suspend the privileges of a member of the public to attend Council meetings for a specified time period.
- g) No person, other than members of Council or Town staff, shall enter the Council floor area during a meeting without the permission of the Presiding Officer.
- h) No person, other than a member of Council or the Clerk shall, before or during a meeting, place on the desks of members or otherwise distribute any material without the permission of the Presiding Officer.

14. VOTING

14.1 Majority Vote

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

14.2 Time of Vote

A motion shall be put to a vote by the Presiding Officer immediately after all members desiring to speak on the motion have spoken, in accordance with this by-law.

14.3 Speaking During Vote

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

14.4 Show of Hands

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

14.5 Mandatory Vote

Every member present shall vote on every motion unless the member declares a pecuniary interest, in which case the member shall refrain from participating in the vote.

14.6 Tie Vote – Lost

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

14.7 Deemed Negative Vote

Every member who is present for a vote and has not declared a pecuniary interest shall be deemed to be voting against a motion if he or she abstains from voting on that motion.

14.8 Presiding Officer to Declare Result

Upon the completion of the vote, the Presiding Officer shall declare whether the motion was carried or defeated.

14.9 Result Marked on Motion - Signed

The result of the vote on each motion shall be marked on the motion by the Presiding Officer who then signs the motion.

14.10 Division of Question

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

Recorded Vote:

- a) A request by a member for a recorded vote shall be made immediately prior or immediately after the taking of the vote.
- b) Upon such request the Clerk shall ask each member to announce his/her vote openly and shall record such vote and declare the results.

- c) The order of voting for a recorded vote shall be in random order drawn by the Clerk, except the Presiding Officer who shall vote last. The Clerk shall call the names of the members and announce the results. The names of those who voted for and against shall be noted in the minutes.
- d) Recorded votes are permitted in standing committees.

15. MOTIONS AND ORDER OF PUTTING QUESTIONS

15.1 Motions in Writing

Except as provided elsewhere in this by-law, all motions shall be in writing and shall be signed by the mover and seconder.

15.2 Motions Introduced Without Leave

The following procedural motions may be introduced without notice and without leave except as otherwise provided by this by-law:

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

15.3 Motion - Read before Discussion

Prior to discussion, the Presiding Officer shall read the motion presented.

15.4 Motion – Amendment

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

15.5 Motion – Not seconded

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

15.6 Motion - Ruled Out of Order

When the Presiding Officer is of the opinion that a motion is contrary to the rules of procedure the Presiding Officer shall rule the motion out of order.

15.7 Motion - Not Within Jurisdiction of Council

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

15.8 Schedule "B" - Standard Characteristics of Motions

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

16. Repeal By-law 2010-42

That By-law 2010-42 and amendments thereto are hereby repealed.

17. Force and Effect

That this By-law shall come into force and effect as of January 1, 2019.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
27TH DAY OF AUGUST, 2018**

THE CORPORATION OF THE TOWN OF MIDLAND

MAYOR – Gord McKay

CLERK – Karen Desroches

Schedule 'A' to By-Law Number 2018-62

Schedule "A" – Correspondence Policy

Principles:

- A. All correspondence addressed to Mayor and Council shall be dealt with by Council, unless otherwise delegated by a policy authorized by resolution or by-law.
- B. If correspondence is addressed specifically to the Mayor, the Mayor, pursuant to the policies set out in this Schedule, shall decide if the correspondence outlines a matter for the Mayor's office directly, or a matter that should be brought before the whole of Council.
- C. If correspondence is addressed to the Clerk, the Clerk, pursuant to the policies set out in this Schedule, shall determine if it is an administrative matter or a matter that should be brought before the whole Council.

Policy:

- 1. Correspondence means a communication addressed to the Mayor, Council or to the Clerk that includes but is not limited to the following: letter memorandum, report, notice, electronic mail (email), facsimile (fax), petition, or other similar document as determined by the Clerk.
- 2. All correspondence intended for a Council agenda shall be forwarded to the Town Clerk for placement on an agenda.
- 3. Under no circumstances shall anonymous correspondence addressed to Council be included on an agenda or become part of the public record. A copy will be retained by the Clerk, pursuant to the records retention by-law, for one year and then destroyed.
- 4.
 - a) Correspondence addressed to Council will become part of the public record and may be published in a report, Council Information Package (CIP), agenda or minutes and published as part of the agenda package on the Town's website.
 - b) Names and addresses contained within the correspondence will be included in the agenda package; whereas telephone numbers and email addresses will be redacted so as not to appear on the published agenda, either on the written paper agenda, or on the internet publication.
- 5.
 - a) Correspondence addressed to Mayor and members of Council which contains information and/or comments about an identifiable individual which, if published by the Town, may expose the Town to potential liability

as a consequence of the publication thereof, will have such comments and/or information redacted prior to inclusion on an agenda. The Clerk shall contact the author and advise of the redaction and invite the author to provide a new letter.

- b) Should it be determined by the Clerk in consultation with the Chief Administrative Officer (CAO) that due to the nature of the correspondence a redaction would still identify an individual/ or circumstance that would unmask an individual, the correspondence shall be forwarded in a confidential manner to Council in a Closed Meeting for consideration.

6. Correspondence addressed to members of Council that includes but is not limited to profane, obscene, defamatory language or otherwise abusive language shall be forwarded in a confidential manner to Council in a Closed Meeting for consideration. The Clerk shall determine whether such correspondence shall be directed to legal counsel or the Ontario Provincial Police (OPP) for advice.

7. Disposition of Correspondence:

Notwithstanding the principle that all correspondence addressed to Mayor and Council shall be dealt with by Council, the following shall apply:

- a) Council Information Policy (CIP) – (adopted by Council June 2014)
Pursuant to the Council Information Policy, correspondence received for information that does not require a written response may be placed in the CIP package and copied or forwarded to staff/agencies

Such correspondence may include:

- i. correspondence from the Association of Municipalities of Ontario
- ii. county of Simcoe communications, including press releases and newsletters
- iii. O.P.P new releases
- iv. resolutions from other municipalities
- v. minutes from Boards and Advisory Committees
- vi. other information items as deemed by the Clerk
- vii. information memos from staff regarding upcoming by-laws, public notices, road closures, tenders, planning notices, notices to residents
- viii. letters addressed to other agencies but copied to Council
- ix. thank you letters/acknowledgement letters/invitations

- b) Direct Response Policy -adopted by Council June 2014 (not implemented)

Correspondence addressed to Mayor and Council and meeting the following criteria, may be responded to via the Direct Response Policy:

- correspondence seeking only factual information

- correspondence dealing with a subject that has been previously dealt with by Council and therefore simply requires a response relaying a Council position
- correspondence that falls within the administration's jurisdiction and does not require a policy decision from Council

The original correspondence and the direct response shall be placed on the CIP for information. If any member of Council wishes to discuss a direct response at an open meeting of Council, the Councillor shall request that the direct response be removed from the CIP and listed under the "Correspondence" section on the next Council agenda.

c) Consent Agenda

Routine correspondence requiring a Council action is placed on the Consent agenda with a staff recommendation for action. A written response is required.

d) Correspondence (Committee of the Whole)

Correspondence of a non-routine nature which requires a direction from Council on how to proceed is placed on the Committee of the Whole portion of the agenda for full Council discussion and direction.

Schedule "B" - Standard Characteristics of Motions

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

PART A - CATEGORIES OF MOTIONS

PART B - STANDARD CHARACTERISTICS OF COMMON MOTIONS

PART C - MOTIONS THAT TAKE A MAJORITY VOTE

- MOTIONS THAT TAKE A TWO-THIRDS VOTE

PART D - ROBERT'S RULES OF ORDER MOTIONS CHART

PART A-CATEGORIES OF MOTIONS

MAIN MOTIONS

- Brings new business before the assembly.

PRIVILEGED MOTIONS (lowest to highest)

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

SUBSIDIARY MOTIONS (lowest to highest)

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

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

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

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

- Reconsider (To Reconsider the Vote on a Motion)

PART B -STANDARD CHARACTERISTICS OF COMMON MOTIONS

ADJOURN

Purpose: To end the meeting NOW!

Needs a second.

Not amendable.

Not debatable.

- A majority vote to adopt.
- Can't be reconsidered but can be made again after some progress in the meeting.

Result: It ends the meeting, and the business halts at the point where the members adjourned. If the members are in the middle of discussing a motion, this motion will come up at the next meeting under unfinished business.

RECESS

Purpose: To take a short intermission and then resume business where the members left off.

As a privileged motion, a motion to recess is made when other business is pending.

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

POSTPONE TO A CERTAIN TIME

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

CLOSE DEBATE

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

REFER TO A COMMITTEE

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

AMEND

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

NOTICE OF MOTION

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

POINT OF ORDER

- Purpose: To correct a breach in the rules. No second.
Not debatable.
Presiding officer rules on the point.
- Cannot be reconsidered.
- No vote required.
- Result: The chair's ruling stands unless someone appeals it.

APPEAL FROM THE DECISION OF THE CHAIR OR APPEAL

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

SUSPEND THE RULES

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

DIVIDE MOTION

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

RECORDED VOTE

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

RECONSIDER

- Purpose: To reconsider the vote on a motion.
- Only a member who voted on the prevailing side can make the motion.
- Needs a second.
- Debatable if the motion it reconsiders is debatable.
- Takes a two-thirds vote.
- Cannot be reconsidered.
- Can be made but not considered when other business is pending.
- Result: If adopted, the motion is again before the assembly as if it had not been voted on.

PART C - MOTIONS THAT TAKE A MAJORITY VOTE

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

PART C - MOTIONS THAT TAKE A TWO-THIRDS VOTE

(Any motion that takes away rights from members)

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

PART D - ROBERT'S RULES OF ORDER MOTIONS CHARTRobertsRules.org (Based on *Robert's Rules of Order Newly Revised (10th Edition)*)

Part 1, Main Motions. These motions are listed in order of precedence.
A motion can be introduced if it is higher on the chart than the pending motion.
§ indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break (Recess)	I move to recess for ...	No	Yes	No	Yes	Majority
§16	Close debate (call question)	I move the previous question	No	Yes	No	No	2/3
§14	Postpone to a certain time (Defer)	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to staff committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion (Amendment)	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§10	Bring business before assembly (Notice of Motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2, Incidental Motions. No order of precedence.
These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Recorded Vote	I move for a recorded vote	Yes	No	No	No	None

Part 3, Motions That Bring a Question Again Before the Assembly.
No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	2/3

Schedule “C” - Electronic Meeting Protocol

The Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and amendments to this Protocol may be permitted to be made by a simple majority vote of Council to accommodate an effective and efficient meeting so long as any such amendments are consistent with the intent of the Procedure By-law and do not directly conflict with the Procedure By-law or are contrary to prevailing Provincial legislation or orders.

General Provisions – Open/Closed Meeting

The Council Chambers shall continue to be the central “hub” for Council meetings.

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor, based on advice and resources available from the Town’s Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Deputy Mayor (or designate) shall lead the meeting and be present from a designated meeting location supported by the Clerk (or designate), where possible.
- Members shall follow meeting leadership from the Mayor as Chair.
- The Chair shall announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.
- In the event of a technical failure during the meeting, Council/Standing Committee shall recess for not more than 10 minutes to allow staff to reinstate the electronic participation. If staff are unable to reinstate the connection and the member or members(s) can no longer participate, the validity of the meeting or decisions made will not be affected. If quorum is lost as a result of a technical failure and cannot be reinstated within 10 minutes, the meeting shall stand adjourned and any items of business shall be carried over to a future meeting.

Closed Meeting Session

- Should Council opt to permit electronic participation in a **closed meeting session**, all members participating remotely shall be required to ensure that no other person is in the location from which they are taking part in the meeting. This would include making appropriate arrangements so that any other persons cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member shall be required to withdraw from the meeting until it has resolved back into public session.

Members shall be issued a confidential link and requested to notify the Clerk at least 24 hours in advance of the scheduled meeting.

Request to Speak and Speaker's List

- To facilitate the meeting process, all members whether participating in-person or electronically shall advise the Clerk in advance of the meeting of any items they wish to speak to or to have withdrawn for consideration under "Reports and other items withdrawn from Consent Agenda for Council's consideration".
- The Clerk shall maintain a Speaker's List for current agenda items.
- Once the meeting has commenced, the Clerk or Chair shall ask each remote participating Member by name to confirm if they wish to be added to Speaker's List on current items or through an alternative means as advised by the Clerk.
- Any Member participating electronically shall indicate their desire to speak when asked by the Chair or Clerk by stating it verbally.
- The Chair and/or Clerk shall manage the Speaker's List based on the Chair's discretion to ensure all Members are able to participate in debate in keeping with meeting rules.
- The Chair shall call out the name of the Member assigned the floor.

Rules of Debate

- The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person, in accordance with Section 13 Rules of Conduct and Debate of By-law 2018-62.

Motions

- The Mayor (Chair) shall read aloud all motions and shall call for a mover/second.
- Any introduced motion accepted by the Chair is to be read by the Chair and/or Clerk
- After the Speaker's List for an item is completed, the Chair shall confirm that no more Members shall be added to Speaker's List before voting commences.

Voting

- All votes shall be a recorded vote conducted by the Clerk, as directed by the Chair, unless Council decides otherwise.
- When the question is called on a motion, the Clerk shall call the name of each

member one at a time. Each member shall state verbally whether they are for or against the motion rather than by a show of hands.

- If a Member who is present in-person or electronically does not respond to the vote when their name is called, the Clerk shall ask one more time, and if there is no indication of vote, the vote shall be recorded as a negative.
- The Clerk shall announce the results of the recorded vote to the Chair and Council,

Member Conduct

- Each Member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.
- Each Member shall listen for their name to be assigned the floor to speak or to vote
- Each Member shall take direction from the Chair in order to facilitate an effective, efficient and orderly meeting.