

**The Corporation of the Town of South Bruce Peninsula**

**By-Law Number 31-2020**

**Being a By-Law to Provide for the Rules of Order and Procedure for the Municipal Council of the Corporation of the Town of South Bruce Peninsula**

**Whereas** Section 238 of the Municipal Act, 2001, as amended, requires that every Council and local board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

**And whereas** Council has deemed it expedient to adopt and provide rules of order and procedure for Municipal Council, committees and local boards.

**Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:**

1. **That** the rules for order and procedure be attached hereto and shall form part of this by-law.
2. **That** the by-law shall be considered to be the "Procedural By-Law".
3. **That** any by-laws inconsistent with this by-law are hereby repealed and replaced.
4. **That** this by-law shall come into full force and effect upon the final passing thereof.

**Read a first and second time this 17th day of March, 2020.**

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Clerk**

**Read a third time and finally passed this 17th day of March, 2020.**

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Clerk**

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## Section “A”

### A1 Definitions

- A1.1 “Ad Hoc Committee” means a committee appointed to review and report on a specific issue; once the report is delivered, the Ad Hoc Committee is automatically dissolved.
- A1.2 “Bona Fide Emergency” means a circumstance beyond the control of the municipality which would require it to carry on business in a manner which would not lend itself to usual procedure.
- A1.3 “CAO” means the Chief Administrative Officer as appointed by Council.
- A1.4 “Chair” means the person presiding at a meeting.
- A1.5 “Clerk” means the person appointed by Council to perform the statutory duties as set out in the Municipal Act and in other Acts
- A1.6 “Closed Meeting” means a meeting or part of a meeting closed to the public.
- A1.7 “Committee” means a group of individuals appointed by Council in an advisory capacity.
- A1.8 “Council” means the elected and sworn members of the Council of the Corporation of the Town of South Bruce Peninsula.
- A1.9 “Deprecating” for this by-law means attacks of character, attacks of reputation, name calling, injurious to reputation, derogatory, slanderous or libelous.
- A1.10 “Deputy Mayor” means the person elected to act in the absence of the Mayor.
- A1.11 “Friendly Amendment” means a proposal by a member to make an uncontroversial amendment to a motion.
- A1.12 “Head of Council” means the Mayor.
- A1.13 “Local Board” means a local board as defined in the Municipal Act, 2001.
- A1.14 “Mayor” means the person elected to act as the Head of Council.

- A1.15 “Member” means a member of the Council or a Committee, as the case may be.
- A1.16 “Meeting” means any regular, special or other meeting of Council, of a local board or of a committee of either of them, where a quorum of members is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- A1.17 “Motion” means a question to be considered by the Council or a Committee which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.
- A1.18 “Municipality” means The Corporation of the Town of South Bruce Peninsula.
- A1.19 “Notice of Motion” means an advance notice to members of Council of a matter on which Council will be asked to take a position.
- A1.20 “Recorded Vote” means where a vote is taken for any purpose and a member of Council requests immediately prior to or immediately subsequent 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. During a recorded vote the Mayor will vote last.
- A1.21 “Recording /Electronic Device” means any device used for the purpose of recording or streaming whether it be analogue, digital or other means of recording, including but not being limited to MP3 players, computers, cell phones, voice recorders, and cameras.
- A1.22 “Standing Committee” means a committee appointed to review and report on an area of ongoing interest to the Municipality and that continues to do so on an indefinite basis.

## **A2 General**

- A2.1 No member of Council has the authority to direct or interfere with the performance of any work being carried out by an employee, agent or contractor of the Town. Each employee is responsible only to his or her superior officer as established in the formal organization structure of the Town, except as is directed by Council by-law, resolution or other legislation.

## **A2.2 Role of Council**

- A2.2.1 To represent the public and to consider the well-being and interests of the Municipality;
- A2.2.2 To develop and evaluate policies and programs of the Municipality;
- A2.2.3 To determine which services the Municipality provides;
- A2.2.4 To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- A2.2.5 To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- A2.2.6 To maintain the financial integrity of the Municipality; and
- A2.2.7 To carry out the duties of Council under the Municipal Act or any other Act.

## **A2.3 Role of Mayor**

- A2.3.1 To act as Chief Executive Officer of the Municipality and as Chief Executive Officer shall:
  - A2.3.1.1 Uphold and promote the purposes of the municipality;
  - A2.3.1.2 Promote public involvement in the municipality's activities;
  - A2.3.1.3 Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - A2.3.1.4 Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
- A2.3.2 To approve the agenda, once prepared by the Clerk. The Mayor may remove any item from the agenda which would be in violation of law or policy, harm the Town, does not have sufficient information for Council to make a decision, is not being presented at an appropriate time or for any

other reason that the Mayor feels that including the item of the agenda would be detrimental to the conduct of the meeting.

- A2.3.3 To preside over Council meetings so that its business can be carried out efficiently and effectively;
- A2.3.4 To provide leadership to the Council;
- A2.3.5 Without limiting subsection A2.3.3, to provide information and recommendations to the Council with respect to the role of Council described in subsections A2.2.4 and A2.2.5;
- A2.3.6 To represent the Municipality at official functions;
- A2.3.7 To carry out the duties of the Head of Council under the Municipal Act or any other Act;
- A2.3.8 To act as Council's representative when dealing with other levels of government, their agencies and the private sector;
- A2.3.9 To serve on the Council of the County of Bruce;
- A2.3.10 To serve as an ex-officio member of all committees or other bodies established or appointed by Council but not be a voting member, unless otherwise indicated on the appointments by-law, in the committee Terms of Reference or in applicable legislation.
- A2.3.11 In the absence of the Mayor, the Deputy Mayor shall assume the responsibilities, and have the powers of the Mayor under this by-law.

## **A2.4 Role of Clerk**

- A2.4.1 Record without note or comment, all resolutions, decisions and other proceedings of the Council;
- A2.4.2 If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- A2.4.3 To keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- A2.4.4 To make such minor clerical, typographical or grammatical corrections in form to any by-law, motion or resolution and/or minutes as they may be required for the purpose of ensuring correct and complete implementation of the actions of Council;

- A2.4.5 To perform any other duties required under the Municipal Act or under any other Act;
- A2.4.6 To advise Council of legislative and procedural requirements, as necessary;
- A2.4.7 To prepare the agenda and present to the Mayor for approval prior to publishing.
- A2.4.8 To perform such other duties as are assigned by the Council.

## **A2.5 Conduct for Members of the Public**

- A2.5.1 Members of the public present during a meeting shall maintain order and quiet and shall not address Council except with the permission of Council.
- A2.5.2 No person shall applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council. Council may lead applause when congratulating or showing appreciation for any member of the public, Council or staff.
- A2.5.3 No person shall display signs, placards, banners, emblems or flags without the express permission of the Chair or Council.
- A2.5.4 No person shall bring into the meeting room telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced.
- A2.5.5.1 No person shall use indecent, offensive, derogatory, deprecating or insulting language or speak disrespectfully of any member of Council or any employee of the Town.
- A2.5.5.2 No person shall address Council with subject relating to a matter currently before the courts or administrative tribunals or which deals with litigation, past or present except with the prior direction of the Courts or approval of the Town solicitor. Threats of litigation will also not be heard.
- A2.5.6 No person, with the exception of members of Council and Town employees, may approach the Council table without permission to do so from the Chair or Council as a whole.
- A2.5.7 When ruling on conduct matters, the Mayor may warn the offender of the improper behavior and will request that the behavior ceases. This will be considered to be the only warning.

A2.5.8 If the behavior continues, the Mayor will expel the offender from the meeting. If required, assistance may be sought from local authorities.

A2.5.9 Members of the public will be expected to abide by any policies enacted by Council at any time with respect to conduct.

## **A2.6 Public Notice**

A2.6.1 Public notice of special meetings will be provided on the municipal website and in the front lobby of Town Hall 48 hours prior to the special meeting.

A2.6.2 The exception to this public notice provision is when there is a bona fide emergency. In the case of a bona fide emergency, as much notice as is practicable and possible will be given.

## **A3 Quorum**

A3.1 A majority of the whole number of members required to constitute the Council shall be necessary to form a quorum pursuant to Section 237 (1) of the Municipal Act, 2001.

A3.2 If the number of members, who by reason of the Municipal Conflict of Interest Act are ineligible to vote, is such that there is no quorum, despite any other Act, any number that is not less than one-third of the total number of members of the Council, committee, or board shall be deemed to constitute a quorum, but the number shall not be less than two.

A3.3 Unless a quorum is present within fifteen (15) minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned either until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting, or until the convening of the next regular scheduled meeting of the Council.

A3.4 In the course of a meeting if quorum is lost, the Council shall be adjourned either until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting, or until the convening of the next regular scheduled meeting of the Council.

## **A4 Inaugural Meeting**

A4.1 The first or inaugural meeting of a new Council shall be held in accordance with legislation provided in the Municipal Act and Municipal Elections Act, as may be amended from time to time. The Mayor-Elect and Clerk shall decide upon a suitable date, time, location and agenda for the Inaugural Meeting of Council.

## **A5 Meeting Times**

- A5.1 Except as may be determined under Subsection A8.4 hereto, all regular meetings of Council shall be convened in the Council Chambers on the first (1st) and third (3rd) Tuesday of every month.
- A5.2 The regular meetings will convene at one o'clock in the afternoon (1:00 pm).
- A5.3 Where such Tuesday is a holiday within the meaning of the Interpretation Act, the Council shall meet on the business day next following the regular day of the meeting and at the same time as specified in Subsection A5.2 above or unless otherwise directed by Council resolution.
- A5.4.1 Regular meetings of Council shall not extend beyond the hour of eleven o'clock in the evening (11:00 pm) unless otherwise determined by resolution with a recorded vote receiving two thirds (2/3) support of the members present.
- A5.4.2 Special meetings of Council shall not extend beyond the hour stated in the notice to call the special meeting unless otherwise determined by resolution with a recorded vote receiving two thirds (2/3) support of the members present.
- A5.5 Should Council wish to change the regularly scheduled Council meeting day or time on a permanent basis, the Procedural By-Law must be brought before Council to effect the change.
- A5.6 Notwithstanding A5.5 Council may, by resolution, change an individual regularly scheduled meeting day or time.
- A5.7 The Council may, by resolution, provide that meetings may be held at a place other than at the Town of South Bruce Peninsula Council Chambers, including in an adjacent municipality. In the case of a bona fide emergency, the Chair may give direction to move the meeting to a location other than the Town of South Bruce Peninsula Council Chambers.

## **A6 Absenteeism and Leave of Absence**

- A6.1 All members will endeavor to provide substantive notice of absence from meetings to the Mayor and Clerk at least forty-eight (48) hours prior to the commencement of the meeting from which the member shall be absent.
- A6.2 For the purpose of remuneration, Council members are permitted to be absent from regular Council meetings for four elected days per calendar year.

- A6.3 Special meetings of Council will not be included in the absence provisions as they relate to monetary penalization (ie. a member will not be monetarily penalized for missing any number of special meetings of Council). Special meetings of Council will be included as they relate to absences from the office of Council as included in the Municipal Act.
- A6.4 Any Council member missing more than four regular meetings shall be penalized \$150.00 for the meeting missed.
- A6.4.1 Medical reasons/appointments, Town business and bereavement absences will be considered to be acceptable absences from regular meetings. Council members will not be monetarily penalized for absences for these reasons.
- A6.4.2 The office of Council will not become vacant if the member of Council who is absent for 20 consecutive weeks or less is absent due to the pregnancy of the Council member, the birth of a member's child or the adoption of a child by the member.
- A6.5 The Clerk will keep track of attendance of Council members at meetings.
- A6.6 Where a member of Council has been monetarily penalized for non-attendance at meetings and believes that the absence was justified and in accordance with the policies contained herein, that member of Council shall make a request that Council reconsider the particular penalization. The decision of Council shall be final.
- A6.7 Where a member is absent from the meetings (regular and special) of Council for three successive months without being authorized to do so by a resolution of Council, the office of that member shall be declared to become vacant and procedures as set out in Section 263 of the Municipal Act, 2001 shall apply. The calculation of a month and the first day absent shall be in accordance with the provisions contained in the Legislation Act, 2006, as may be amended from time to time and applicable case law.
- A6.8 If a member desires to leave a meeting of Council prior to adjournment and not return thereto, he/she shall so advise the Mayor at the beginning of the meeting and the time of his/her departure shall be recorded in the minutes.

## **A7 Regular Meetings**

- A7.1 Notice other than the posting of the agenda on the municipal website shall not be required to be given of regular meetings of Council.
- A7.2 Notwithstanding unforeseen circumstances (technical malfunctions or operational hindrances), agendas for regular Council meetings will be

posted by four thirty in the afternoon (4:30 pm) on the municipal website on the Friday preceding the scheduled meeting.

- A7.3 Paper copies of the agenda without attachments or other supporting documentation will be made available to members of the public at the time the meeting commences.
- A7.4 All confidential reports shall be distributed to Council members in paper copy. Confidential information will be copied on yellow paper and will be provided prior to the meeting in which it is to be considered, if it is in the best interest of the Council to receive the information prior to the meeting.
- A7.5 Members of Council will initial and return to the Clerk all confidential information provided.
- A7.6 Members of Council will not be permitted to take the confidential information away from the meeting at which it has been provided. Members of Council may take notes in Closed Session in handwritten format only. Any notes taken by Council members in Closed Session will be given to the Clerk at the end of the Closed Session. The notes will be destroyed by the Clerk. (See also Section A11)
- A7.7 Members of Council may view confidential information by attending the office of the Clerk during regular business hours, subject to the provisions of the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act.
- A7.8 Subject to Section A3, as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members present to order.

## **A8 Special Meetings**

- A8.1 The Mayor may at any time call a special meeting or upon receipt of a petition of the majority of the members of the Council, the Clerk shall call a special meeting for the purpose and at the date and time called by the Mayor or mentioned in the petition.
- A8.2 The members of Council shall be given forty-eight (48) hours' notice of all special Council meetings. Such notice shall be transmitted by facsimile, e-mail or telephone to the members of Council.
- A8.3 Council shall not consider or decide upon any matter unless such matter has been listed in the notice calling the special meeting. The Procedural By-Law shall not be waived to permit the inclusion of matters on a special meeting agenda which were not included in the notice calling the meeting.

A8.4 Notwithstanding the provisions of subsection A8.2, in the event of a bona fide emergency, a meeting may be held as soon as practicable following receipt of the request by the Mayor or petition of the majority of the members of Council, as the case may be, and notice may be given by telephone, personal contact or e-mail as determined by the Clerk.

A8.5 Subject to Section A3, as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members present to order.

## **A9 Order of Business-Regular Meetings**

A9.1 The business shall in all cases be taken up in the general order in which it stands upon the agenda, unless otherwise determined upon a vote of the majority of the members present, by a show of hands, and all questions relating to the priority of business shall be decided without debate. Notwithstanding the above, delegations will be heard in the order included on the agenda or when scheduled, if scheduled for a particular time.

A9.2 Closed Session shall be convened in the order assigned under the agenda or at any other time as indicated on the agenda or as required to complete closed session discussion. A resolution must be passed in open session identifying the Municipal Act section and general nature of the matter to be considered at the closed meeting. At the discretion of the Mayor closed session matters may be held over to the next closed session meeting.

A9.3 The order of business for regular meetings of Council shall be:

- (1) Call to Order
- (2) Attendance and Regrets
- (3) Declaration of Pecuniary Interest and General Nature Thereof
- (4) Public Notice/General Announcements
- (5) Adoption of Minutes
- (6) Public Meetings
- (7) Delegations
- (8) Reports (New Business)
- (9) Departmental Updates
- (10) Correspondence
- (11) By-Laws
- (12) Matters of Urgency
- (13) Notice of Motion
- (14) Reports from Council Members
- (15) Upcoming Meetings
- (16) Unfinished Business
- (17) Closed Session

- (18) Confirmatory By-Law
- (19) Adjournment

## **A10 Order of Business-Special Meetings**

- A10.1 The business shall in all cases be taken up in the general order in which it stands upon the agenda, unless otherwise determined upon a vote of the majority of the members present, by a show of hands, and all questions relating to the priority of business shall be decided without debate.
- A10.2 The order of business for special meetings of Council shall be:
  - (1) Call to Order
  - (2) Declaration of Pecuniary Interest and General Nature Thereof
  - (3) Business for Which the Special Meeting is Called
  - (4) Confirmatory By-Law
  - (5) Adjournment

## **A11 Record of Meetings/Minutes**

- A11.1 The Clerk shall record without note or comment all resolutions, decisions and other proceedings.
- A11.2 Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.
- A11.3 Presentations, delegations, petitions, and communications received by Council in the course of a meeting shall only be referred to in a brief and summary manner.
- A11.4.1 The Town of South Bruce Peninsula shall whenever possible make recordings of regular and special Council meetings using an audio recording device.
- A11.4.2 Assuming no technical difficulty or unforeseen circumstance, audio recordings will be posted on the Town website no later than four (4) business days after the meeting has taken place. When the audio recording is not being posted on the website, a notice will be posted in its place.
- A11.4.3 Audio recordings will be provided on the Town website for a two week time period from their initial recording. Audio recordings will not be retained in the corporate files.

- A11.5.1 Meetings which take place during closed session will not be recorded, streamed or otherwise communicated using a recording device. To ensure that closed session meetings are not recorded, streamed or otherwise communicated using a recording device, the Mayor will if required, direct that the room be searched for recording devices prior to closed session discussion. The Mayor will direct that all in attendance at the closed session not record proceedings using a recording device and will ask all members in attendance if they are recording. Members of Council or others in attendance during Closed Session may be required to close all laptops and remove recording devices from the room, at the discretion of the Mayor.
- A11.5.2 Notwithstanding the foregoing, the Clerk may record the minutes of the closed session proceeding using a computer or other such recording device.
- A11.6 The adoption, by resolution, of the minutes and actions of each and every regular and special meeting of the Council shall be subsequently ratified and enacted by a Confirmatory By-Law at each meeting.

## **A12 Reports (New Business), Correspondence and Departmental Updates**

### **A12.1 Reports**

- A12.1.1 Reports shall include reports from staff, Committees of Council and Local Boards and shall be presented in the form of a standard report, prepared on the Town reporting template. Reports must be signed by the staff member or Committee or Local Board Chair and approved by the CAO prior to the placement of the report on the agenda (scanned/emailed and faxed signatures will be permitted). Reports and any supporting documents must be received by the Clerk no later than twelve o'clock noon (12:00 pm) on the Wednesday preceding the meeting for inclusion in the agenda. The exception to this timeline would be any emergency situation where it is not physically possible to meet the timeline (ie. office closures due to weather). In these instances, the Clerk will determine the day and time when reports are to be received by the Clerk. All reports must be received by the Clerk in a completed form including comments in all sections of the reporting template. Where a report is not completed, the Clerk will return the report to the author for completion prior to it being placed on any agenda.
- A12.1.2 Reports will be reviewed for adherence to policy, law and to ensure that the content of the report does not or will not harm the Town if it were to be published with the agenda. Reports felt to be in violation of law, policy or

which would harm the Town can be rejected by the CAO and not placed on an agenda or items contained within the report may be redacted by the CAO.

A12.1.3 Staff reports will be initiated by staff or as a result of the direction of Council as a whole.

## A12.2 **Correspondence**

A12.2.1 Correspondence in a letter format, addressed to the Mayor and Council and signed by the author (electronic signatures will not be accepted) shall be directed to the Clerk for inclusion on the agenda only when the author specifically requests that the correspondence be included on the agenda. Emails will not be considered to be correspondence for the purpose of inclusion on an agenda.

A12.2.2 Correspondence will be presented in the format of a consent agenda. Staff will provide recommendations for each piece of correspondence in one document. Council will adopt the recommendations in one consolidated motion with the exception of any items which are pulled by individual members of Council for separate discussion and resolution.

A12.2.3 Correspondence must be received by the Tuesday prior to the meeting at 12:00 noon to be included in the consent agenda. Correspondence received after that time will be included on a subsequent agenda for consideration.

A12.2.4 Notwithstanding the above, correspondence addressed to the Mayor and Council which is not included on any agenda along with responses to the correspondence will be scanned and emailed to members of Council or copied and placed in the mailboxes of members of Council.

A12.2.5 Where no policy exists to deal with the content of the correspondence received or where staff requires guidance and direction from Council, the correspondence will be presented to Council in a report or included in the correspondence consent agenda.

A12.2.6 Correspondence or any material containing obscene, derogatory, harassing, confidential or deprecating language, as determined by staff, will not be placed on any Council agenda nor will the correspondence be read at any public meeting.

## A12.3 **Departmental Updates**

A12.3.1 Departmental updates will be verbal updates of departmental activities provided to Council by members of staff.

A12.3.2 Council may ask questions however no direction or resolution will result from a departmental update.

A12.3.3 Departmental updates are to be treated as information only and shall not be considered as a substitute for a report to Council seeking direction.

## **A13 By-Laws**

A13.1.1 No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof and draft by-law has been presented in a report or discussed under a notice of motion, at a public meeting or as a matter of urgency. By-Laws presented in a report or discussed under a notice of motion, at a public meeting or as a matter of urgency may be placed on a subsequent Council agenda for consideration, but may not be placed on the same agenda as the original report, notice of motion or matter of urgency introducing the by-law.

A13.1.2 Notwithstanding the foregoing, where a by-law is presented as requiring immediate adoption, Council may allow for its consideration with the support of a resolution receiving 2/3 majority support in a recorded vote. Should the resolution to consider the by-law not receive 2/3 majority support, the by-law will:

A13.1.2.1 be placed on a future Council agenda for consideration if a majority vote in favour was received; or

A13.1.2.2 die on the table if no majority vote in favour was received.

A13.2 Every by-law shall be given three readings prior to being passed. Upon a majority supported vote of the members of Council, the by-law will be read in its entirety. If a request is not received for the reading of a by-law in its entirety, the by-law number and preamble only will be read for the first and second readings of the by-law.

A13.3 If Council so determines a by-law may be taken as read at any stage of its presentation.

A13.4 Where appropriate, all by-laws shall be introduced by way of one consolidated motion, specifying the title and preamble of each of the by-laws and indicating that all by-laws shall be read a first and second time. A member has the right to pull a by-law out of the consolidated motion if he/she so chooses for a separate vote on first and second reading.

A13.5 The first and second reading of a by-law shall be decided without amendment or debate.

- A13.6 After the first and second reading of a by-law and prior to the third reading of the by-law, any member of Council may ask to debate the by-law, and that by-law shall be discussed separately at the current meeting without the requirement of a resolution to debate.
- A13.7 All by-laws presented and not referred or pulled for separate consideration shall be considered under consolidated motion for third reading.
- A13.8 The third reading of by-laws will be read using the number only unless otherwise directed by a majority of the members of Council.
- A13.9 Every by-law passed by Council shall be dated, signed by the Mayor and Clerk and shall be sealed with the mark of the Corporation.
- A13.10 All by-laws shall be filed and referenced by the Clerk.

## **A14 Delegations**

- A14.1.1 Any person desiring to be heard as a delegation shall submit a written and signed request to the Clerk, on the prescribed form which is attached hereto as Appendix "A". Where the delegation consists of more than one person, only one signature is required. Staff will also be required to complete, sign and submit the prescribed form for any person invited by staff to speak as a third party to any report.
- A14.1.2 Notwithstanding Section A14.1.1, Bruce County Planning Staff, so long as they are providing planning services for the Town will be permitted to speak to any item on a Council agenda in the same manner as Town staff. Unless Council has expressly invited Bruce County Planning Staff to appear as a delegation to discuss a particular matter at a particular meeting, no delegation form or waiving of the Procedural By-Law will be required to permit Bruce County Planning Staff to provide information in a Council meeting.
- A14.2.1 The Clerk will schedule delegations on a first come, first served basis. Delegations will be scheduled on dates as deemed efficient and appropriate by the Clerk. No delegation will be considered to be scheduled until confirmed by the Mayor.
- A14.2.2 No specific time during the meeting will be scheduled for a delegation; all delegations scheduled will be heard in the order included on the agenda and when Council reaches the Delegations heading on the agenda unless such delegation is to be heard in Closed Session.

- A14.2.3 Notwithstanding the provision above, a delegation may be heard at a prescribed time during the meeting when so requested by the delegation and approved by the Clerk.
- A14.2.4 Where a prescribed time has been assigned, the delegation has arrived and Council feels that it would be expeditious to hear the delegation outside of the prescribed time, the delegation, subject to the concurrence of the delegation, shall be heard when decided by the Mayor to be the most appropriate time during the meeting.
- A14.3 Once a delegation date has been scheduled, the completed and signed prescribed form and any materials to be presented to Council must be received by the Clerk not later than noon (12:00 pm) on the Wednesday of the week preceding the day of the meeting. The prescribed form and presentation materials will be uploaded with the Council agenda subject to rules of procedure and approval of the Mayor.
- A14.4 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 and in accordance with all policy and procedure.
- A14.5.1 Council may at its discretion, expressed by majority on a show of hands hear any person in Council regarding the item being currently discussed without the prior scheduling of a delegation.
- A14.6.1 Delegations shall be limited to a maximum of ten (10) minutes of presentation time and a maximum of ten (10) minutes of Council questions unless preauthorized by the Mayor or Clerk. Additional preauthorized time will be indicated on the agenda.
- A14.6.2 If while a delegation is presenting or Council is asking questions, it is apparent that more time is required than the approved time as in item A14.6.1 above, Council may, on a show of hands with the majority being received, permit additional time for the delegation.
- A14.6.2 There will be no prescribed maximum number of delegation spokespeople to address the Council during the permitted delegation time, however the names of all speakers must be included on the delegation request form and it will be understood that all spokespeople share the permitted time.
- A14.6.3 Notwithstanding the provision above, a delegation may be permitted to have additional or substitute spokespeople not previously named on the delegation request form and not included in the published agenda provided that the delegation seeks such permission from the Mayor and permission is granted by the Mayor prior to the beginning of the meeting at

which the delegation is to be heard. The Mayor will announce, prior to the presentation, the names of those spokespeople not included on the delegation request form published with the agenda.

- A14.7 Should there be more than one delegation requested representing the same topic position at any meeting, the person requesting same shall be advised of the earlier request. The second and any additional requests for a delegation on the same meeting representing the same topic position shall be denied. If a delegation is requested representing a different position on the same issue the delegation will be permitted, subject to the provisions contained herein.
- A14.8 A delegation once heard shall not be entitled to be heard on substantially the same matter for a period of three (3) months from the date of first being heard, unless new information is being provided to assist Council in its decision making. It will be determined by the Mayor and/or Clerk if the information being provided shall be deemed to be new.
- A14.9 Refusal by the Clerk of a request to appear as a delegation may be appealed to the Mayor. The ruling of the Mayor shall be final.
- A14.10.1 Delegations will not be scheduled whose subject relates to a matter currently before the courts or administrative tribunals without leave of the courts or the Town solicitor. No appeal to the Mayor will be heard for refusal of delegation requests whose subject matter is before the courts or administrative tribunals.
- A14.10.2 The Town solicitor, human resource service provider and/or insurer will be exempt from the provisions contained in Section A14.10.1.
- A14.11 Delegations will not be scheduled whose subject matter relates to private matters not common to all members of Council. The subject matter of a delegation must be relevant to conducting the business of the Town, promoting the work of partners of the Town, work or events being undertaken by individuals or groups which benefit the community or topics of community interest. Political satire and criticism will not be permitted.
- A14.12 Members of staff, Committees of Council and Local Boards do not appear as delegations and must address Council by way of a report.
- A14.13 Upon hearing a delegation, Council has the option to make a decision at the meeting at which the delegation presents. Any motion to decide a matter brought forward by a delegation will require 2/3 majority support in a recorded vote. A decision to defer the matter for reporting is a permitted action upon hearing a delegation and this action will not require 2/3 majority support. Where a delegation is invited by staff and a

supplementary report is on the agenda for consideration, 2/3 majority support is not required for the motion which accompanies the report.

## **A15 Public Notice/General Announcements**

A15.1 Members of Council and staff may make announcements, recognize achievements, promote an event or recognize matters of community-wide interest without being placed on that meeting's agenda. These announcements will take place during the Public Notice/General Announcement section of the meeting.

A15.2 Public notices posted on the agenda shall be read aloud by the Mayor or Clerk.

## **A16 Public Meeting**

A16.1 Where a public meeting is scheduled, a presentation of the topic of the public meeting will be permitted prior to the Mayor declaring the public meeting to be open and stating the purpose of the public meeting.

A16.2 The Mayor will ask for any comments from members of Council with regard to the public meeting topic. Members of Council will be permitted to speak to the topic.

A16.3 The Mayor will ask for any comments from members of the public in attendance. Members of the public will be permitted to speak upon identifying themselves to the Mayor. Each person wishing to speak will be allotted five (5) minutes and may only speak once, unless otherwise legislated.

A16.4 All persons participating in a public meeting must conduct themselves in a respectful and temperate manner and in accordance with the code of conduct contained herein and in accordance with any other policies set by Council.

A16.5 The Mayor will note any written submission received and where practical and subject to rules of procedure, the written submission will be read aloud.

A16.6 The Mayor will close the public meeting.

A16.7 A decision on the public meeting topic may be considered. Any resolution considered will require a majority vote in the affirmative to be adopted.

## **A17 Closed Session**

- A17.1 Except as provided in this by-law or in the Municipal Act or any other Act, all meetings shall be open to the public.
- A17.2 A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- A17.2.1 The security of the property of the municipality or local board;
  - A17.2.2 Personal matters about an identifiable individual, including municipal or local board employees;
  - A17.2.3 A proposed or pending acquisition or disposition of land by the municipality or local board;
  - A17.2.4 Labour relations or employee negotiations;
  - A17.2.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - A17.2.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - A17.2.7 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;
  - A17.2.8 A matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act;
  - A17.2.9 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;
  - A17.2.10 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 organizations;

- A17.2.11 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
- A17.2.12 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.
- A17.3 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 if the Council, or board or other body is designated the head of the institution for the purposes of that Act.
- A17.4 A meeting of 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:
- A17.4.1 The meeting is held for the purpose of education or training the members.
- A17.4.2 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.
- A17.5 Before holding a meeting or part of a meeting that is to be closed to the public, Council or a local board or committee of either of them shall state by resolution:
- A17.5.1 The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- A17.5.2 In the case of a meeting under Subsection 17.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under subsection 239 (3.1) of the Municipal Act, 2001.
- A17.6 Subject to Subsection A17.7, a meeting shall not be closed to the public during the taking of a vote.
- A17.7 Despite Subsection A17.6, a meeting may be closed to the public during a vote if the subject matter falls into a category where a closed session is allowed; and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or committee of either of them or persons retained by or under contract with the municipality or local board.
- A17.8 Upon reconvening to open session, the Mayor shall report from closed on each item discussed during the closed session.

## **A18 Adjourment**

- A18.1 A motion to adjourn the Council or adjourn the debate shall always be in order, but not debatable, except:
  - A18.1.1 When a member is in possession of the floor;
  - A18.1.2 When a recorded vote has been called for;
  - A18.1.3 When the members are voting;
  - A18.1.4 When it has been decided that the main question shall be put forthwith.
- A18.2 When a motion to adjourn is defeated, no second motion to the same effect may be made until there has been some intermediate proceeding.

## **A19 Rules of Debate and Conduct for Council Members**

- A19.1 The Mayor shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council.
- A19.2 Every member, previous to speaking on any question or motion, shall indicate the wish to speak by raising their hand and when so recognized shall address the Mayor.
- A19.3 When a motion is presented, it shall be read by the Mayor or Clerk before debate.
- A19.4 When two or more members simultaneously indicate a wish to speak, the Mayor shall name the member to be recognized. When a member is speaking, no other member shall hold discourse which may interrupt or pass between the speaker and the Mayor.
- A19.5 Any member may request the question or motion under discussion to be read at any time during the debate, but may not interrupt a member speaking in order to make such a request.
- A19.6 No member shall speak twice to a question without leave of the Council and shall not speak a second time to the question where another member wishes the floor who has not spoken the first time to the question, except in explanation of a material part of their speech which may have been misunderstood.
- A19.7 No member shall speak to the same question or in reply for longer than three (3) minutes.

- A19.8 No member shall speak disrespectfully, or use abusive or unparliamentarily words of expressions in Council. No member shall speak beside the question in debate. No member shall criticize any vote of the Council, except for the purpose of moving that such vote be reconsidered or that alternate action be taken. No person shall breach the rules of the Council, any policies enacted by Council, the decision of the Mayor or of the Council on questions or order of procedure.
- A19.9 In case any member should breach such rules, the member may be ordered by the Mayor, to refrain from any further comment. In the event such member continues to commit a breach of protocol, he/she will be asked to leave their seat for that meeting and will be considered not to be in good standing. No member shall be permitted to retake their seat at any meeting including committees, local boards and other appointments despite any previous appointment by by-law or resolution after being ordered by the Mayor to vacate for committing a breach of any rule or order of the Council, without making an apology and receiving the consent of Council, expressed by a majority of the members present determined without debate.
- A19.10 Rules of debate and conduct apply to the Mayor in the same manner in which they apply to members of Council. Where members of Council on a majority vote of its members present, find the Mayor to be in breach of such rules, the Mayor will be ordered to vacate the seat for that meeting. The Mayor will not be permitted to retake the seat without making an apology and receiving the consent of Council, expressed by a majority of the members present determined without debate.
- A19.11 The Mayor may leave the Chair for the purpose of taking part in a debate or otherwise. If the Deputy Mayor has spoken to the question, another member of Council, as determined by the Mayor, shall take the Chair if they have not spoken to the question. The Mayor shall resume the Chair after the question has been decided.
- A19.12 If all members of Council have spoken to the question or plan to speak to the question, the Mayor shall remain in the Chair and shall be permitted to take part in the discussion.

## **A20 Questions of Privilege and Points of Order**

- A20.1 Whenever any point of order arises, it shall be immediately taken into consideration.
- A20.2 When the Mayor is called on to decide a point of order, the point shall be stated without unnecessary comment and the member shall not exceed

one (1) minute in stating the point of order, and the Mayor or presiding officer shall state the rule or authority applicable.

A20.3 When a point of order is raised, or when a member is called to order from the Mayor, the Mayor shall then decide the point of order. The member may be permitted to explain. The decision of the Mayor shall be final, unless an appeal is made to Council. The method for appeal shall be that a member declares that they appeal the decision of the Mayor or Chair. Another member must second the appeal. The Mayor shall state the reason for the ruling. The Mayor then asks for discussion with the originator of the appeal having first right to speak. Council shall decide their support of the original ruling by the Mayor; a vote of yes upholds the original ruling by the Mayor. The decision shall be made by a majority vote of its members present taken by a show of hands. If the ruling of the Mayor is not upheld, the Mayor shall change his/her ruling accordingly.

A20.4 Whenever the Mayor is of the opinion that any motion or matter offered to the Council is contrary to the rules of the Council, he/she shall advise the members thereof immediately and quote the rule or authorities applicable.

A20.5 Where a member considers that his/her integrity or the integrity of the Council has been impugned, the member may as a matter of personal privilege, rise at any time for the purpose of, in summary form, drawing the Mayor's attention to the matter. The Mayor will decide if the matter will be heard at the time the member rises or if it will be heard at a later time during the same meeting. A member may only rise on a matter of personal privilege at the meeting in which the members believes that his/her integrity or the integrity of the Council has been impugned. The member shall not exceed one (1) minute in stating the matter of personal privilege.

## **A21 Motions and Order of Putting Questions**

### **Notice of Motion**

A21.1 A notice of motion may be presented as follows:

A21.1.1 It shall be moved by the member and filed with the Clerk by noon (12:00 pm) on the Tuesday preceding the date of the next meeting. The notice of motion will be placed on the agenda for discussion and debate. If presented before the agenda is published but after the prescribed time and day above, it may be placed on the agenda as a Matter of Urgency; it will additionally be subject to the provisions of the Procedural By-Law concerning Matters of Urgency.

- A21.1.2 It shall be moved by the member and introduced directly at a Council meeting, following which the notice of motion shall be filed with the Clerk and the motion shall form part of the next Council agenda for discussion. Following such notice, there shall be no debate or discussion on the motion until it is contained in an agenda. A motion to waive the provisions of the Procedural By-Law to consider a notice of motion presented directly at a Council meeting shall not be in order and will be called out of order if so presented.
- A21.2.1 The notice of motion shall be submitted to the Clerk in writing or typewritten form and will be placed on a motion template for inclusion on the agenda.
- A21.2.2 No other information will be loaded with the notice of motion except the notice of motion on a motion template.
- A21.2.3 A notice of motion can be considered in Closed Session if the subject matter meets the requirements of the Municipal Act and the Procedural By-Law.
- A21.2.4 Despite the provisions contained herein, a notice of motion which contains unparliamentary, deprecating, abusive or inappropriate language will not be placed on the agenda nor read for introduction directly at a meeting.
- A21.2.5 In all instances, notices of motion will be reviewed for adherence to policy, law and to ensure that the content of the notice of motion does not or will not harm the Town if it were to be published with the agenda or introduced at a meeting. Notices of motion felt to be in violation of law, policy or which would harm the Town can be rejected by the Mayor and not read into the meeting nor placed on an agenda. Debate at the Council table on the rejection would not be permitted and the Procedural By-Law may not be waived for such debate on a rejection.
- A21.3 The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate. If no seconder is received when the motion comes before debate, the motion will not be considered.
- A21.4 If the mover of the notice of motion is not in attendance at the meeting where the notice of motion is included on the agenda, the notice of motion will be deferred to the next meeting where the mover of the motion is present.

## **Motions**

- A21.5 Every motion shall be in writing or typewritten form and when duly moved and seconded and read into the meeting shall be open for consideration.
- A21.6 After a motion is moved, seconded, and read aloud it shall be deemed to be in the possession of the Council.
- A21.6.1 If at any time during discussion either of the mover or seconder wishes to withdraw from moving or seconding the motion, members of Council will be permitted to then move and/or second the motion so that the motions remains on the table for debate.
- A21.6.2 Where no member wishes to move and/or second the motion, the motion will be considered to be withdrawn from the assembly and no further debate will occur. The minutes will note that the motion is withdrawn.

## **Amendments to Motions**

- A21.7 Before a motion is finally put by the Mayor, a member of Council may ask if the mover of the motion would accept a change in it, termed a friendly amendment. The mover may either accept or reject the proposed change. If the mover rejects the proposed change, the member suggesting the change can propose an amendment as outlined below. If the change is accepted by the mover, the changed motion will be read. Friendly amendments shall not be recorded in the minutes as a main motion and an amendment but will be considered as a main motion.

Save as otherwise provided, all amendments to motions:

- A21.7.1 Shall be in writing, moved and seconded;
- A21.7.2 Shall be decided upon or withdrawn before the main question is put forth;
- A21.7.3 Shall not be further amended more than once provided that further amendment may be made to the main question;
- A21.7.4 Shall be relevant to the question;
- A21.7.5 Shall not be received proposing a direct negative to the question;
- A21.7.6 May propose a separate and distinct disposition of a question;
- A21.7.7 Shall be put in reverse order to that in which it is moved.

A21.8 When a question is under debate, no motion shall be received except for the following purposes and according to the listed priorities namely:

Not Debatable

- (a) To extend the hour of automatic adjournment.
- (b) To adjourn the meeting.
- (c) The main question.

Debatable

- (a) To postpone to a definite date.
- (b) To refer to a committee.
- (c) To amend.

A21.9 At the request of any member present to “call the question or vote”, the Mayor shall, provided that each member present has had the opportunity to speak to the question if he or she so chooses, direct that the question shall then be voted upon and it shall preclude all amendments or further debate on the main question.

A21.10 It shall be the duty of the Mayor, Clerk, CAO or any member of the Council, whenever it shall be conceived that a motion received and read, may be contrary (ultra vires) to Municipal by-laws and policies or Provincial or Federal Statutes to apprise the Council thereof, stating the rules, by-laws or statutes which are applicable to the case.

A21.11 Motions may be presented at a meeting without previous notice in accordance with provisions contained herein and only if the motion is germane to the subject being discussed. The Mayor shall decide if the motion is germane to the debate.

## **A22 Voting**

A22.1 Every member present, when a question is put, shall vote thereon unless the member has a pecuniary interest, direct or indirect. When a member has such interest in the question under debate, he/she shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act. The member shall, in instances, vacate his/her chair and where the Council is meeting in a closed session vacate the meeting room until the question is decided, and the Clerk shall duly record the circumstances in the minutes. If any member present persists in refusing to vote except for reasons of such interest, they shall be recorded as voting in the negative on the question before Council.

A22.2 Unless disqualified, the Mayor shall vote with the other members on all questions.

- A22.3 Any question on which there is an equality of votes shall be deemed to be a negative or defeated question.
- A22.4 In cases required by law, and when any member calls for a recorded vote before the question is put or immediately after the vote, the surnames of those who vote for and those who vote against the question shall be entered in the minutes. Each member voting for the question shall say "YES" and each member voting against the question shall say "NO". When recording the "YES" votes and the "NO" votes the Clerk shall call the names of the members in their alphabetical order. A member may request the vote to be taken in reverse order. The Mayor's name shall be called last in both instances if the Mayor is in the Chair position. Where the Mayor is not in the Chair position, the name of whoever is serving as Chair shall be called last.
- A22.5 When the question under consideration contains separate and distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
- A22.6 After any question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result is declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

### **Reconsideration at Same Meeting**

- A22.7.1 After any resolution, question or matter has been decided except in those situations described in (a) – (h) below, any member who voted thereon with the prevailing side may move for reconsideration within the same meeting. The Mayor shall confirm with the member that the member voted with the majority on the issue in question.

### **Exceptions**

- (a) A question which can be renewed within a reasonable time.
- (b) An affirmative vote whose provisions have been partly carried out.
- (c) An affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome.
- (d) Any vote which has caused something to be done that is impossible to undo.
- (e) A vote on a Motion to Reconsider.
- (f) When the same result can be obtained by some other motion.
- (g) A motion of indefinite postponement (to lay on the table).
- (h) When a motion to reconsider is determined by the Mayor to be dilatory (causing delay).

- A22.7.2 Reconsideration at a future meeting is not permitted. Any member wishing to present an alternative action to a decided matter must put forward a notice of motion in the manner outlined in this by-law for Council discussion, consideration and action.
- A22.8 The mover of a motion for the reconsideration of any decided matter shall be permitted to make a brief and concise statement of the reasons in which he/she believes such reconsideration is justified, without in any way debating the content of the matter.
- A22.9 The effect of a motion to reconsider a decided matter is the suspension of all action that depends on the result of the matter proposed to be reconsidered. There shall be no discussion of the decided matter unless and until the motion to reconsider is carried by a majority vote of all the members present.
- A22.10 No motion or question shall be considered “carried” without the consent of the majority of the members present who have not declared a pecuniary interest, direct or indirect.
- A22.11 Where a motion or question is “carried”, “defeated”, “deferred” or “withdrawn”, such shall be recorded in the minutes of the meeting.

## **A23 Reports from Council Members**

- A23.1 At regular meetings of Council, members of Council will be permitted to make verbal reports of meetings, conferences and seminars attended under the heading Reports from Council Members. This verbal reporting shall not become the forum for Council discussion on issues and no motions should result from verbal reporting under this agenda heading.

## **A24 Matters of Urgency**

- A24.1 Wherever possible, notice by way of inclusion on the agenda shall be provided when a matter of urgency is to be discussed at a Council meeting. A matter of urgency shall be interpreted to mean a matter which requires immediate consideration by Council which cannot be held until a future Council meeting for discussion. Council shall determine what constitutes a matter of urgency by majority vote on a show of hands.
- A24.2 Matters of urgency will be reviewed for adherence to policy, law and to ensure that the content of the matter does not or will not harm the Town if it were to be published with the agenda. Matters of urgency felt to be in violation of law, policy or which would harm the Town can be rejected by the CAO and not placed on an agenda or items contained within the report outlining the matter of urgency may be redacted by the CAO.

A24.3 A Matter of Urgency must be presented to Council using the Town report format and must be presented by a member of staff, a Committee of Council or a local board. A Matter of Urgency may also be a Council Notice of Motion.

A24.4 The Mayor shall have the final say on whether or not an item will be presented to Council for Council to consider it as a Matter of Urgency.

## **A25 Parliamentary Authority**

A25.1 All proceedings of the Council not specifically provided for in this by-law, shall be dealt with in accordance with Meeting Procedures by James Lochrie, and in such cases the decision of the Mayor shall be final and accepted without debate.

## **A26 Suspension and Amendment of Rules**

A26.1 Any standing rule, order of Council or provision of this by-law, other than a quorum requirement or where specifically provided for herein, may be suspended or amended for a particular meeting by resolution of the Council adopted with two-thirds majority support of the members of Council present. Such vote for suspension shall be made in the form of a recorded vote, recorded by the Clerk.

A26.2 Should there be a requirement to change on a permanent basis any provision of this by-law, standing rule or order of Council, the Procedural By-Law must be brought before Council to effect the change.

## **A27 Rules Shall Apply to Committees and Boards**

A27.1 Where separate Rules of Procedure do not exist for a committee or board, the rules set forth herein shall apply.

A27.2 Quasi-judicial committees (ie. Committee of Adjustment, Property Standards Committee, Compliance Audit Committee) may establish their own procedures however they may also follow the provisions established by the Town in the Procedural By-Law. Regardless of the procedures followed, the quasi-judicial committees have the right to alter their agenda headings to suit the order and type of business conducted.

A27.3 Where this by-law refers to Committees, it shall be interpreted to also mean Boards unless otherwise stated.

## **A28 Emergency Provisions**

- A28.1 During any period where an emergency has been declared to exist in all or part of the Town under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, members of Council may attend meetings electronically.
- A28.2.1 The Mayor, CAO and Clerk will determine the most appropriate electronic method for meeting attendance by members of Council.
- A28.2.2 Members of Council wishing to participate by electronic means must notify the Clerk prior to the meeting that they wish to attend electronically.
- A28.3 Members attending electronically will be counted in determining whether or not a quorum of members is present at any point in time.
- A28.4 Members attending electronically will be permitted to participate in closed session meetings.
- A28.5 Members attending meetings electronically will:
- A28.5.1 Advise the Chair when they move away from the meeting if the Chair cannot visually see the members;
- A28.5.2 Ensure that no one other than the member of Council is present for any closed session discussions;
- A28.5.3 Identify themselves whenever wishing to speak; and
- A28.5.4 Abide by all rules of procedure.
- A28.6 Open meeting requirements included in the Municipal Act continue to apply despite any electronic participation and specifically:
- A28.6.1 Members of the public will be permitted to be present for the electronic meetings which are not closed under the provisions of the Municipal Act; and
- A28.6.2 In the instance of a pandemic or public health emergency, the number of members of the public is permitted to be limited to the size and location of the meeting space.
- A28.7 There is no guarantee of the quality of any electronic participation.
- A28.8.1 There will be no requirement for closed meeting reports in paper format; staff will be permitted to give verbal reports.

A28.8.2 Where closed information must be given to members of Council, it will be emailed to members who will not print or in any way copy the information and all emails containing closed session information will be deleted at the end of the Council meeting.

## Section “B”

### Municipal Committees and Boards

#### **B1 General Responsibilities of Committees**

- B1.1 It shall be the responsibilities of all Committees of Council:
- B1.1.1 To take into consideration during deliberations and any resulting recommendations, the Municipality’s policies, strategic plan and budget;
  - B1.1.2 To consider and report on any and all matters referred to it by Council and/or legislation;
  - B1.1.3 To provide recommendations to Council regarding the setting of priorities and ensuring the co-ordination of the policies, programs and services of the Municipality;
  - B1.1.4 To provide a forum for public participation;
  - B1.1.5 To promote accountability.
- B1.2 Council shall cause to be established and adopt by resolution, Terms of Reference for all Committees of Council. Committees shall at least annually, review the Terms of Reference and make recommendations to Council regarding amendment to the Terms of Reference, as appropriate.
- B1.3 All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other by-law, law or statute within their Terms of Reference.
- B1.4 Despite any provision herein, Committees may place items on their Committee agenda without the requirement to prepare a report. Verbal reports and discussion without a report will be permitted.
- B1.5 Public meetings convened at the Planning Advisory Committee and Committee of Adjustment will be conducted in accordance with the provisions contained herein with the exception that the applicant may respond to questions from the public and Committee members when so directed by the Chair.
- B1.6 Quasi-judicial Committees shall make binding decisions which are not communicated to Council. The governing legislation shall determine decision making, reporting, appeals, etc.

## **B2 Duties and Responsibilities of Committee Chairs**

- B2.1 To preside over the Committee meeting.
- B2.2 To insure that all matters within their specific area of responsibility of policy consideration are put before their Committee in a manner which is orderly, timely and complete.
- B2.3 To review items of business intended for inclusion for Committee agendas.
- B2.4 To maintain a communication with the administrative Department Head whose operations fall within their specific area of responsibility in such a manner as to be satisfied that policy items (both decided and/or to be decided) are effectively addressed and followed through.
- B2.5 To prepare and sign reports for presentation to Council and whenever necessary, attend Council meetings to discuss the contents of the report with Council.
- B2.6 Sign any decisions as are required by legislation and cause same to be communicated in accordance with legislation.
- B2.7 Attend or swear affidavits regarding decisions for legal proceeding as may be required.

## **B3 Notice of Meetings**

- B3.1.1 The CAO and Chair shall approve all agenda prior to their circulation.
- B3.1.2 The Secretary shall circulate the agenda of regular meetings of committees and boards in accordance with the provisions in this by-law and the receipt of the agenda for the meeting shall constitute notice thereof.
- B3.2 The Secretary shall advise the Clerk of dates of meetings to enable same to be placed on the Council agendas under the heading "Upcoming Meetings".
- B3.3 The Secretary shall ensure that the date, location and time of meeting is posted on the events calendar of the Town website on the Friday prior to the meeting in the case of a regular meeting and 48 hours prior to the meeting in the case of a special meeting.

- B3.4 The Secretary shall post notice of special meetings in accordance with provisions as set forth in the Public Notice section herein.
- B3.5 The Secretary shall endeavor to notify all members of meeting cancellations.
- B3.6 All meetings of Committees of Council and local boards shall hold both regular and special meetings in the Municipal Council Chambers unless otherwise approved by the Clerk.
- B3.6.1 The Committee of Council or local board may by resolution change the location of an individual meeting for a special circumstance, upon consultation with the Clerk.
- B3.7 Regular meeting agendas will follow the same order of business as Council meetings with the exception of the headings "Departmental Update", "Public Meetings", "Notice of Motion", "By-Laws" and "Confirmatory By-Law" which will not be required on Committee agendas. The heading "Reports from Council Members" shall be "Reports from Committee or Local Board Members".
- B3.8 Special meeting agendas will follow the same order of business as Council meetings with the exception of the heading "Confirmatory By-Law" which will not be required on Committee agendas.
- B3.9 When scheduling a delegation to appear before a Committee or Local Board, the Secretary and Chair may alter the Delegation Request Form (Schedule A to this by-law) only in such a manner as it is clear that the delegation would be scheduled with the Committee or Local Board and approvals would be required from the Chair assisted by the Secretary.

## **B4 Quorum**

- B4.1 The majority of the whole number chosen to comprise any committee, or board as provided for in the Municipal Act or other Act, as the case may be will constitute quorum.

## **B5 Mayor: Ex-Officio Member**

- B5.1 The Mayor shall serve as an ex-officio member of all committees or other bodies established or appointed by Council except where specifically prohibited in the Appointment By-Law, Terms of Reference or applicable legislation.

B5.2 The Mayor shall not be a voting member unless such voting rights are expressly outlined in the Committee Terms of Reference or other applicable legislation.

## **B6 Appointments to Authorities, Committees and Boards**

B6.1.1 The Clerk shall cause to be published, a notice in the local press inviting interested citizens to submit their names, resumes and any other information deemed necessary for consideration for appointment to committees when vacancies on committees exist. The notice shall include the date by which such submissions shall be received.

B6.1.2 No advertisement for appointments shall be required where a specific group makes up the membership of the Committee or local Board and notification by other means (mail, email) is given to all affected members (ie. BIA).

B6.2 All appointments to authorities, committees and boards recommended shall be enacted by by-law.

B6.3 Council may by resolution establish ad hoc committees, which shall advise the Council on matters assigned or referred to it. A Terms of Reference is required for an ad hoc committee. Appointments to an ad hoc committee must be made by by-law.

B6.4 A committee, or committee member who refuses or neglects to give due consideration to any matter assigned to it or before it, may by by-law of Council be discharged of such responsibilities.

B6.5 All committees are subject to the control and direction of Council, conditional on compliance with the provisions of other statutes or regulations of Ontario or Canada unless otherwise stated by law or statute.

B6.6 Each committee shall submit reports to Council on all matters connected with their duties, within the approved Terms of Reference or referred to them by Council. Reports shall be in the proper Town format and shall be submitted to the Clerk no later than noon (12:00 pm) on the Wednesday preceding a Council meeting or in the case of an emergency, in a timeline as determined by the Clerk. Quasi-judicial Committees shall be exempt from this provision as they have no direct reporting requirements to Council unless they are seeking Council approval for an item (ie. budget, etc.).

B6.7 Prior to the inaugural meeting staff will provide documentation to the Mayor-Elect and Council-Elect so they may indicate their Committee preference. This will permit staff to prepare appointment by-laws as necessary.

## **B7 Appointed Committees to Name Chair**

B7.1 Unless otherwise provided by legislation or Committee Terms of Reference, appointed committees and boards shall, at their first meeting of each year, name or rename a Chair who shall preside at all meetings of such authority, committee, or board and shall preserve order and decorum, subject to all rules of procedure herein before prescribed.

B7.2 A Deputy Chair will also be appointed by committees and boards annually. The Deputy Chair will act in the absence of the Chair.

## **B8 Appointment of a Secretary**

B8.1 At its first meeting, committees and boards where necessary shall appoint a secretary whose responsibility it shall be to:

B8.1.1 In conjunction with the Chair, CAO and Clerk, prepare and distribute agendas and/or notices of meeting.

B8.1.2 Take the minutes of the meetings; minutes will not be taken verbatim.

B8.1.3 Produce to the Clerk, a copy of the approved minutes of meetings within seven days after the approval by the committee. The Clerk shall include the minutes in the Council agenda under the heading "Adoption of Minutes" for Council approval.

B8.1.4 Assist the Chair in the preparation of reports.

B8.2 Except in instances approved by the Clerk, municipal staff will serve as the secretary to committees and boards.

## **B9 Duration of Appointments**

B9.1 Appointments to Committees shall be ongoing, at the discretion of Council or unless otherwise indicated by by-law, regulation, policy, statute or Act.

B9.2 Council may review appointments to committees and board on a regular basis or as needed basis and may replace any member including a member of Council on a committee or local board, at the sole discretion of Council.



## Appendix A to By-Law 31-2020 Delegation Request Form

The Town of South Bruce Peninsula and its Committees and Local Boards reserve the right to refuse or defer any delegation at any time. Delegations appear strictly for information purposes only. Any discussion or decision will be at the discretion of Council. This completed form and supplementary material provided will be uploaded to the public agenda subject to rules of procedure.

### Request for Delegation

I am requesting delegation to speak:

- a)  on my own behalf; or
- b)  on behalf of a group / organization / association, if b), please state name of group/ organization/association below.

Name(s) of Group/Organization/Association (please print)

Name(s) of Speaker(s) (please print and include the names of all spokespeople)

Subject/Title of Presentation (please print)

Please describe below, the subject matter of the delegation. Full text of the presentation and all documents to be provided during the presentation must be attached to this document and provided in the electronic format requested by the Clerk.

Printed Name of Delegation Representative: \_\_\_\_\_

Signature of Delegation Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### For Office Use Only

Confirmation of Mayor \_\_\_\_\_ Yes \_\_\_\_\_ No Delegation Date \_\_\_\_\_

Prescribed Time (if permitted) \_\_\_\_\_ Duration \_\_\_\_\_

Completed and signed requests and all presentation documentation must be delivered to the Clerk by 12:00 noon on the Wednesday preceding the meeting of Council for which your delegation is scheduled.

Delegations may be tentatively booked by the Clerk however will be confirmed by the Mayor.

The delegation representative provides a signature on behalf of all spokespeople. The number of spokespeople will not be limited however all spokespeople will share the delegation duration. Additional or substitute spokespeople may be permitted upon approval by the Mayor; said approval must be sought and given prior to the beginning of the meeting when the delegation will be heard.

By signing this request form, the signatory hereby agrees on behalf of all spokespeople to the public display of all information provided and the public recording of any delegation proceedings.

Unless otherwise approved, all delegations must attend the meeting and be heard when Council reaches the title Delegations on the agenda. Failure to appear during that agenda item will result in the delegation not being heard.