



The Corporation of the Village of Merrickville-Wolford

A By-law to Govern the Proceedings of Council and its Committees

The "Procedure By-law"

By-law 72-2024

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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 72-2024

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES

WHEREAS the *Municipal Act, 2001, c. 25*, as amended, (the "*Municipal Act*") section 5(1) provides that the powers of a Municipal Corporation are to be exercised by Council;

AND WHEREAS section 5(3) of the *Municipal Act* states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law;

AND WHEREAS subsection 238(2) of the *Municipal Act* requires municipalities to pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS subsection 238(2.1) of the *Municipal Act* requires the procedure by-law to provide for the public notice of meetings; and

AND WHEREAS Council deems it expedient to adopt a new by-law to govern the order and proceedings of the Council and Committees of the Corporation of the Village of Merrickville-Wolford;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. Definitions

Act shall mean the *Municipal Act, SO 2001, c. 25*, as amended.

Addendum shall mean the addition of an item to the Agenda.

Agenda shall mean the order in which business is conducted at a Meeting as set forth in this By-law.

Chair or Presiding Officer shall mean the Member of Council or Committee who shall have all rights and powers in accordance with this By-law and is responsible for conducting the meeting in an orderly fashion.

Chief Administrative Officer or CAO shall mean the Chief Administrative Officer of the Municipality referred to in Section 229 of the *Act*, or their designate.

Clerk shall mean the Clerk of the Municipality appointed pursuant to Section 228 of the *Act*, or their designate.

Closed Meeting or **Closed Session** shall mean a meeting or the part of a meeting which shall be closed to the public and held in accordance with Section 239 of the *Act*.

Code of Conduct shall mean the Council Code of Conduct adopted by Council.

Committee shall mean any advisory or statutory committee, board or other body constituted and appointed by Council, but does not include Committee of the Whole or Committee of Adjustment.

Committee of the Whole shall mean a Committee comprised of all members of Council which, if established, would serve as the principal forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council where:

- a. Members consider and debate matters in an environment that is procedurally more relaxed than the formal portion of a Council Meeting; and
- b. Substantive motions adopted therein are not deemed to represent the final decision until ratified by Council.

Confirmatory By-law shall mean a By-law passed at the conclusion of each Council meeting confirming the actions of Council taken at the meeting, save and except matters approved in a Closed portion of a meeting.

Council shall mean the Council of the Municipality.

Delegation shall mean a person or group of persons who have requested and been permitted to address Council or committee in accordance with this By-law.

Deputy Mayor shall mean the person that fulfills the responsibilities of the Mayor in their absence.

Electronic Participation or **Participate Electronically** means participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk, provided that such participation ensures that the Member, staff, and members of the public can hear other Members, staff, and members of the public.

Emergency shall mean any period of time during which an emergency has been declared to exist in all or part of the Village of Merrickville-Wolford by the Head of Council or the Province of Ontario under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E 9*, as amended.

Ex Officio means the Mayor shall be entitled to vote and participate on all Committees, and shall count towards Quorum when present but shall not be included when determining the number of members required for Quorum.

Friendly amendment shall mean the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

Information Items shall mean a listing of general or regularly occurring matters presented to Council for its consideration that can be passed by a single vote.

Local Board shall have the same meaning as local board defined in the *Municipal Act*.

Mayor shall mean the Head of Council of the Municipality referred to in Section 225 of the *Act*.

Meeting shall mean any meeting of Council, Committee of the Whole, Committee or Local Board, where:

- a. A Quorum 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, Committee of the Whole, Committee or Local Board.

Member shall mean a Member of Council, including the Mayor and Deputy Mayor, or person appointed to a Local Board or Committee for the Municipality.

Municipality shall mean The Corporation of the Village of Merrickville-Wolford.

Municipal Office shall mean the building located at 317 Brock St. West, Merrickville, Ontario.

Notice of Motion shall mean an announcement made by any Member of Council to inform Council of their intent to bring forward a motion at a subsequent meeting of Council.

Point of Order shall mean a statement/question by a Member with the view to calling attention to any issues relating to this By-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of the motion.

Point of Privilege or Personal Privilege shall mean a question by a Member who believes that their integrity, or the integrity of Council, Committee of the Whole, or a Committee or Local Board, or the integrity of anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.

Presentation shall mean information presented by staff, consultants, senior levels of government and any other organizations on any matters as determined by Council, Committee, CAO or staff.

Public Question Period to Council shall mean an opportunity for members of the public to voice opinions on matters listed on the current Agenda excluding any matters in the same Agenda under the Statutory Public Meeting section for items under the *Planning Act*.

Quorum shall mean a majority of the Members, meaning greater than fifty percent (50%) of the total number of members of Council or a Committee, unless provided otherwise by statute.

Regular Meeting shall mean a meeting of Council or Committee established by resolution of Council as part of an annual meeting schedule.

Resolution shall mean a written decision of Council, may include a formal expression of opinion or intention.

Special Meeting shall mean a meeting other than a regularly scheduled meeting called pursuant to the provisions in this By-law for a specific purpose for which notice has been given, except for emergency or extraordinary circumstances.

Two-Thirds Vote shall mean an affirmative vote of at least two-thirds (2/3) of the Members present and eligible to vote. Also referred to as Super Majority vote. For a Council composed of five (5) Members, this shall mean four (4) out of the five (5) Members.

2. General Application

- 2.1 The Municipality hereby enacts its Procedural By-law in accordance with the *Act*. This By-law establishes Council's structure and rules of procedure for Meetings of Council, Committee of the Whole, and its Committees (referred to as the "Procedure By-law").
- 2.2 The rules and procedures contained in this By-law shall be observed in all proceedings of Council, Committee of the Whole, and Committees, and must be observed at all times unless otherwise indicated in this By-law. Where Council convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, RSO. 1990, c S.22, as applicable, shall govern the proceedings.
- 2.3 The Clerk is permitted to make minor clerical, typographical or grammatical corrections to any Council or Committee record or documentation including,

but not limited to, By-laws, including the Procedure By-law, motions, resolutions, agendas and/or minutes, to ensure correct and complete implementation of the decisions and actions of the Committee or Council. The Clerk is permitted to make minor updates to Appendices attached to this By-law in accordance with updates made to the applicable legislation. The Clerk shall provide notice in order to make Council and the public aware of any changes made in this manner.

- 2.4** The rules and regulations contained in this By-law and Appendices attached hereto and forming part of this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in the Council and Committees thereof. The Clerk shall ensure that a copy of this Procedure By-law shall be available at every Council Meeting.

3. Suspension of Rules

- 3.1** A motion to suspend any provisions of this By-law shall always require an affirmative vote of at least two-thirds of those present and voting at the meeting. A suspension shall only apply for the stated purpose and only during the meeting in which such motion was introduced.
- 3.2** The following rules shall not be suspended:
- i. Majority of whole of Members required for quorum;
 - ii. Majority vote of Members present required for extension of a Regular Meeting past curfew;
 - iii. Notice related to amendment or repeal of this By-law; and
 - iv. Any statutory requirements with respect to proceedings.

4. Livestreaming and Recording

- 4.1** Subject to Section 4.2, except during Closed Session, all Regular and Special Meetings of Council and Committee of the Whole shall be livestreamed and recorded. Committee Meetings may be livestreamed and recorded as determined by the Clerk and the CAO. Where Meetings are livestreamed and recorded, the following provisions shall apply:
- a. Signage shall be posted at the Meeting location to advise members of the public that Meetings are being broadcasted, recorded and available on the internet.
 - b. A notation shall be added to the Agenda to make presenters and members of the public aware that proceedings are being broadcasted, recorded and available on the internet.

- 4.2** Where the livestream of a Meeting cannot be initiated or where the livestream is interrupted during the Meeting, the Presiding Officer shall delay the call to order of the Meeting by fifteen (15) minutes or call a recess for fifteen minutes to provide the Clerk time to address the issue. If the livestreaming does not become available after fifteen minutes, the Meeting shall commence. If a recording of the Meeting is available, it shall be uploaded to the Village's website as soon as practicable following the Meeting. If a recording is not available, the Clerk should record in the minutes the time the livestream/recording became unavailable.
- 4.3** Livestreamed or recorded video of Meetings are not the official record of the proceedings of the Meetings.
- 4.4** Links to the livestreamed meetings will be made available on the Municipality's website and posted.
- 4.5** Videos of Meetings that are available on the internet are part of the public realm and the Municipality has no control over alterations. The Municipality assumes no liability associated with any alterations that are made by a member of the public.

5. Type, Schedule and Notice of Meetings

5.1 Location and Time

- a. All Council Meetings, Committee of the Whole Meetings and Committee Meetings shall be held in Council Chambers located at 317 Brock St. West, Merrickville, Ontario, unless otherwise permitted under this By-law. The Clerk in consultation with the Mayor or Council by resolution may designate a special Council Meeting to be held at a location other than the Council Chambers.
- b. Where the Council Chambers is not available, the Clerk in consultation with the Mayor shall designate another location that is accessible to the public for the purpose of holding Council Meetings.
- c. Meetings, including Closed Sessions, may also be held wholly or partially electronically as authorized by the Mayor in the case of Council or Committee of the Whole, or by the Chair in the case of a Committee or Local Board.
- d. Council shall adopt by resolution a Meeting schedule for its regular Meetings and Committee of the Whole Meetings to be held in the following year including the dates, times and locations for such Meetings and the

Clerk shall publish the schedule on the Village website. The Clerk shall bring this to Council for approval at the November Regular Council Meeting. There shall only be one Regular Council Meeting in the month of July and there shall be no Committee of the Whole or Regular Council Meetings scheduled in the month of August of any calendar year.

5.2 Inaugural Meeting

- a. The Inaugural Meeting of Council shall be held at a time, date and place set by the Clerk in consultation with the Mayor-elect and held no later than 31 days after the Council term commences.
- b. At the Inaugural Meeting, the order of business may include:
 - i. Declaration of Office for the Mayor and Members of Council;
 - ii. Mayor's inaugural address; and
 - iii. Other proceedings as deemed appropriate by the Mayor, CAO or the Clerk.

5.3 Regular Council Meetings

- a. Regular Council Meetings shall be held on the fourth Monday of each month. Where the Monday is a statutory holiday, the Regular Meeting shall be held on the Tuesday following the holiday Monday.
- b. Regular Council Meetings shall commence at 6:00 p.m., except as otherwise set by Council from time to time. All regular Council Meetings shall adjourn by 9:00 p.m. if not previously adjourned, unless extended in accordance with this By-law. In the event the business before Council has not been completed by 9:00 p.m., then Council, by resolution passed by a unanimous vote of the Members may approve an extension of the Meeting by one half hour to 9:30 p.m. At 9:30 p.m., the unfinished business shall be deferred to the next regular Council Meeting, unless continued by unanimous consent of all Members present.
- c. The Mayor in consultation with the CAO and the Clerk, may cancel a Council Meeting:
 - i. When there are insufficient Agenda Items to constitute having a meeting;
 - ii. In the event of inclement weather;
 - iii. Where a conflict between the scheduled date or time of a regular Council Meeting and another event of significance arises provided that adequate notice of the cancellation is posted pursuant to the notice of Meeting provisions.

- d. In the event of a Meeting cancellation, the Clerk shall post notice of the Council Meeting cancellation on the Municipality's website and on the door at the Meeting location if applicable and will notify the Members by email or by telephone. Notice shall be posted as soon as it is practical to do so.

5.4 Special Council Meetings

- a. Special Council Meetings may be held from time to time and may be initiated by:
 - i. The Mayor;
 - ii. The Clerk upon receipt of a petition or a vote of the majority of the Members with a clear statement of the purpose of the Special Meeting; or
 - iii. The Clerk, in consultation with the CAO.
- b. Where a particular matter is expected to generate a large amount of public interest, the Mayor or a majority of Members of Council by petition, may call a Special Meeting to afford members of the public an opportunity to address the Council.
- c. The date, time, and location of a Special Council Meetings shall be set by the Clerk in consultation with the Mayor.
- d. The order of business of a Special Council Meeting shall be in accordance with Section 8.2 b of this By-law. No business except the business dealing directly with the items listed on the Meeting Agenda shall be transacted at a Special Council Meeting.
- e. A Special Meeting may be called by the Mayor without notice to deal with an Emergency provided the Clerk has endeavored to notify the Members and public about the Meeting in the manner deemed appropriate by the Clerk.

5.5 Committee of the Whole Meetings

- a. Committee of the Whole Meetings shall be held on the second Monday of each month at 3:00 p.m. Where the Monday is a statutory holiday, the Regular Meeting shall be held on the Tuesday following the holiday Monday.
- b. The Committee of the Whole Agenda shall include items that warrant individual attention from Council, typically consisting of items where:
 - i. A change to or introduction of a policy is proposed;

- ii. The staff recommendation requires Council to choose from a range of options; or
 - iii. The item relates to a matter of significance in the community or is an ongoing project that requires discussion and/or progress report
- c. Substantive motions adopted in Committee of the Whole will be recorded as recommendations and are not deemed to represent the final decision of Council until the recommendations are approved at a Regular Council Meeting.
- d. The Clerk shall prepare an Agenda for Committee of the Whole Meetings generally in the following order. There may be additional categories, if required. The order of categories include, but are not limited or restricted to
 - 1. Call to Order
 - 2. Disclosure of Pecuniary Interest and General Nature Thereof
 - 3. Delegations
 - 4. Staff Reports
 - 5. Information Items
 - 6. Adjournment
- e. Notice of Committee of the Whole Meetings will be provided upon the publication of the Agenda in accordance with Section 5.8 of this By-law.
- f. The provisions of this By-law shall be observed in Committee of the Whole so far as may be applicable, except that Members shall not be limited in the number of times they may speak to a motion as long as new information is being discussed.
- g. The role of Chair/Presiding Officer shall be on a rotating basis of Members of Council, except for the Mayor. Each Member shall have the opportunity to hold the position of Chair at each Committee of the Whole Meeting. If a Member does not wish to Chair the subsequent Committee of the Whole Meeting, then another member may volunteer to Chair.
- h. While presiding, the Chair shall have all the powers of the Presiding Officer with respect to chairing the meeting.

5.6 Closed Meetings of Council

- a. All Council Meetings shall be open to the public unless closed pursuant to Section 239 of the *Act*.
- b. Closed Meetings of Council may be initiated by:
 - i. The Mayor;
 - ii. Petition or vote of the majority of the Members; or

- iii. The Clerk, in consultation with the CAO.
- c. For any Meeting at which there are items to be considered in a Closed Session, there shall be a motion in a public Meeting stating the following:
 - i. that a Closed Session is to be held;
 - ii. the general nature of the matter(s) to be considered at the Closed Session; and
 - iii. the statutory authority under which each matter to be considered is authorized.
- d. Notice of a Closed Meeting shall be provided in accordance with Section 5.8 of this By-law.
- e. In a Closed Meeting, Members may vote:
 - i. On procedural matters;
 - ii. To give direction or instructions to officers, employees or agents of the Municipality, or persons retained by or under contract with the Municipality.
- f. The Clerk shall attend all Closed Meetings and record:
 - i. The matter(s) discussed;
 - ii. The specific provision(s) under the *Act* that permitted the Closed Session;
 - iii. The Members and staff in attendance;
 - iv. Any Declarations of Pecuniary Interest and the general nature thereof. Members shall declare a pecuniary interest and general nature thereof in Open Session and shall not attend the Closed Meeting or be provided with any materials;
 - v. The disposition of the matter(s); and
 - vi. The starting and concluding times for the Closed Meeting.
- g. No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or third party, any information that has been or will be discussed at a Closed Session until such time that it has determined or has been advised by staff that the matter, or any part of the matter, can be made public, subject to review by the Clerk under the *Municipal Freedom of Information and Protection of Privacy Act*, or if directed to do so by a court. The provisions relating to confidentiality are contained in the Council Code of Conduct.

5.7 Statutory Public Meetings

- a. Where Council is required by law to hold a statutory public meeting, or otherwise has resolved to hold a public meeting, such a Meeting may be conducted at a Regular or Special Council Meeting.
- b. The Clerk shall ensure that public meetings are incorporated in the Agenda as appropriate to address any requirements of law as may apply.
- c. Any person who attends a public meeting may address Council on any items listed under the Statutory Public Meeting section without the provision of notice.
- d. The Chair shall note for those in attendance that in order to maintain the right to appeal decisions on certain *Planning Act* matters to the Ontario Land Tribunal, a person may be required to demonstrate that they have made written submissions to Council or oral submissions at a statutory public meeting and ensure that all persons in attendance who wish to provide oral submissions have the opportunity.
- e. The Chair shall call each item listed on the Agenda for which a statutory public meeting is required under the *Planning Act* and shall determine:
 - i. If staff wish to present any supplemental information with respect to a report on the application at the public meeting;
 - ii. If the applicant or their representative is present and wishes to make any oral submission to Council at the statutory public meeting;
 - iii. If there are any person(s) in attendance at the public meeting who wish to make oral submissions to Council with respect to an application;
 - iv. If any Member of Council wishes to discuss or further consider the application that is the subject of the public meeting, ask any questions of staff or the applicant or their representative, or provide direction to staff with respect to the application that is the subject of a public meeting;
 - v. If staff or the applicant or their representative wishes to provide answers to comments heard at the public meeting.
- f. The applicant, or a person representing an applicant with respect to an application that is the subject of the statutory public meeting, shall be limited to speaking for a total of not more than ten (10) minutes. Council may extend the ten-minute time period by a majority vote of the Council Members present without debate.

- g. Members of the public who wish to make oral submissions with respect to an application that is the subject of the statutory public meeting, shall be limited to speaking for a total of not more than three (3) minutes per person, per application. Council may extend the three-minute time period by a majority vote of the Council Members present without debate.

5.8 Notice of Meetings

- a. Notice of a Regular Meeting shall be provided through:
 - i. Release of the Agenda by the Clerk the Wednesday preceding a scheduled Regular Meeting; and
 - ii. Posting of the time, place, and date of the Meeting on the Municipality's website. If the Meeting is to be held partially or wholly electronically, the Agenda shall include sufficient information as to provide the public with a means to Participate Electronically in the part of the Meeting open to the public.
- b. Upon release of a Meeting Agenda, the Clerk shall:
 - i. Notify all Members that the Agenda has been published;
 - ii. Maintain copies of the Agenda in the office of the Clerk for review by members of the public; and
 - iii. Post the Agenda on the Municipality's website.
- c. A minimum of forty-eight (48) hours' notice shall be provided to Members and the public for the holding of a Special Meeting, which shall be given by release of the Special Meeting Agenda in accordance with Section 5.8.
- d. If a Meeting notice is substantially given but varies from the notice of meetings process provided in this By-law, the ability to hold the Meeting and actions taken at the Meeting are not invalidated for emergency or required purposes to call a Meeting.

6. Quorum

- 6.1** All Meetings shall be held only if Quorum is attained.
- 6.2** All Members who Participate Electronically shall be counted in determining whether or not Quorum is present.
- 6.3** If no Quorum is present fifteen (15) minutes after the scheduled commencement time for a Meeting, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next such regular Meeting, or until a Special Meeting is called sooner.

- 6.4** Where the number of Members declaring a pecuniary interest in accordance with the *Municipal Conflict of Interest Act* results in a loss of quorum, then, despite any other general or special act, the remaining Members shall be deemed to constitute a quorum, provided that there are at least two (2) Members able to vote on the matter.
- 6.5** If quorum is lost during a Meeting, the Clerk shall declare the Meeting adjourned and all unfinished business shall be carried to the date of the next such regular Meeting, or until a Special Meeting is called sooner.
- 6.6** Members shall notify the Clerk in advance if the Member is unable to attend a Meeting.

7. Electronic Participation at Meetings

- 7.1** Members, staff and members of the public may Participate Electronically by such means or service as determined and provided by the Clerk.
- 7.2** A Member who Participates Electronically shall have the same rights to speak and vote as if the Member was physically present.
- 7.3** Excluding Meetings being conducted wholly electronically:
- a. Members are requested to notify the Clerk at least three (3) hours in advance of any Meeting at which they intend to Participate Electronically.
 - b. The Chair must attend the Meeting in person. If unable to attend in person, the Deputy Mayor shall preside over the Meeting. If the Deputy Mayor is not present, then Council shall appoint another Member to be the Chair.
- 7.4** The following practices shall be followed when a Member Participates Electronically:
- a. The Member participating Electronically shall be available at least ten (10) minutes before the beginning of the Meeting, to assist the Clerk in establishing the electronic connection.
 - b. The Member Participating Electronically shall keep their camera on through the entirety of the Meeting and if not on video, the Member is deemed to have left the Meeting. The Member may mute their electronic device when he or she is not speaking.
 - c. The Presiding Officer shall canvas the Member Participating Electronically about their intention to speak to a matter on the floor.
 - d. When a motion is put for vote, unless a recorded vote is requested, the Member shall vote by raising their hand.
 - e. The Member shall inform the Chair or Clerk about their intentions to leave the Meeting either on a temporary or permanent basis.

- f. In the case of a loss of connection, or any connection issues which impede the ability of a Member to participate in the meeting in real time, the Clerk may attempt to reconnect the Member to the Meeting, however, the Meeting will continue. If the loss of connection results in the loss of Quorum, the Clerk may request a recess of fifteen (15) minutes to reconnect the Member to the Meeting. If the Member cannot be reconnected and Quorum cannot be attained within fifteen minutes, the Meeting shall adjourn in accordance with Section 6.5 of this By-law.
- g. If a Member is attending a Closed Meeting electronically, they shall advise the Chair that there is no one in the room with them and that there will be no one in the room for the length of the meeting.

8. Agendas

8.1 Agenda Preparation

- a. In preparing a Meeting Agenda, the Clerk shall consult with the Mayor and the CAO. The Agenda shall be made available publicly in accordance with Section 5.8 of this By-law.
- b. Any documents, petitions, or correspondence to be placed on an Agenda shall be submitted to the Clerk by 4:00 p.m. on the Monday preceding a Meeting date. This constitutes seven (7) full days prior to a Meeting date. In the case of a holiday Monday, documents will be accepted until 4:00 p.m. on the Tuesday preceding the Meeting date.

8.2 Order of Business

- a. The Clerk shall prepare an Agenda for Regular Council Meetings generally in the following order. There may be additional categories, if required. The order of categories include, but are not limited or restricted to:
 - 1. Call to Order
 - 2. Approval of Agenda
 - 3. Disclosure of Pecuniary Interest and General Nature Thereof
 - 4. Public Question Period to Council
 - 5. Motions for Consideration
 - 6. Adoption of Minutes
 - 7. Consent Agenda
 - 8. Planning Matters
 - 9. Delegations
 - 10. By-laws
 - 11. Staff Reports
 - 12. Action Items

13. Committee Reports and Minutes
 14. Notice of Motions
 15. Announcements/Statements from Members
 16. Closed Session (if required)
 17. Rise and Report (if required)
 18. Confirmatory By-law
 19. Adjournment
- b. The Clerk shall prepare an Agenda for Special Council Meetings generally in the following order. There may be additional categories, if required. The order of categories include, but are not limited or restricted to:
 1. Call to Order
 2. Approval of Agenda
 3. Disclosure of Pecuniary and General Nature Thereof
 4. Business Item Needed for Discussion/Decision
 5. Confirmatory By-law
 6. Adjournment
 - c. The Clerk has the authority to change the order of business prior to the publication of the Agenda to facilitate the orderly conduct of business.
 - d. Council shall dispense with the business of Council in the order by which it is presented in the Agenda, but Council may change the order of business by a majority vote.
 - e. When any Agenda item(s) are left undisposed at any time of adjournment, such item(s) shall be carried to the date of the next such Regular Meeting, or until a Special Meeting is called to deal with the matters.

8.3 Call to Order/Opening Procedure

- a. As soon after the appointed time of the Council Meeting and where Quorum is attained, the Mayor or other Presiding Officer shall call the Meeting to order.

8.4 Approval of Agenda

- a. Council shall approve the Meeting Agenda as presented or as amended.
- b. Any additions to the Agenda for a Meeting presented after the closing of the deadline for preparation of the Agenda and prior to the Meeting, may only be for matters of a time sensitive and urgent nature and require a majority approval of the Members present. Items to be added to the Agenda by amendment will be presented as an Addendum and considered at the Approval of the Agenda. If approved, it will be placed at the end of the relevant Agenda heading for consideration.

8.5 Declaration of Pecuniary Interest

- a. In accordance with the provisions set out in the *Municipal Conflict of Interest Act*, the procedures relating to pecuniary interest are attached hereto as Appendix A.

8.6 Public Question Period to Council

- a. During Public Question Period, any person may address Council on any matter that is listed on the Agenda except items that will be subject to a statutory Public Meeting pursuant to the *Planning Act* on the same Agenda. A person shall only address matters that are listed on the Agenda when speaking to Council.
- b. Each individual present shall be afforded time to ask one question during question period.
- c. Questions shall be directed to the Chair. Staff are not authorized to participate in question period discussion. After the person has provided their comments, Members shall have an opportunity to ask questions of the speaker for clarification purposes only.
- d. A maximum of five (5) minutes in total shall be allowed for question period.
- e. The Chair may terminate question period at any time, if they deem it necessary. The Chair may excuse any individual from speaking if the topic is not listed on the Agenda or is unduly repetitious.
- f. No decision shall be made as a result of comments made during Public Question Period.

8.7 Council and Committee of the Whole Minutes

- a. Once adopted, minutes are the official and legal record of the actions and directions of Council.
- b. The minutes, as taken by the Clerk, shall consist of:
 - i. The date, time and place of the Meeting;
 - ii. The names of Presiding Officer and record of attendance of the Members;
 - iii. The names of members of the Public who spoke or presented at a Statutory Public Meeting as required by any Act and the names of members of the public who spoke or appeared as Delegations or Presentations;
 - iv. The adoption of the minutes of prior Council Meetings; and

- v. Without note or comment, all resolutions, decisions and other proceedings of the Meeting, whether the Meeting is open or closed to the public.
- c. The Clerk shall maintain a record of all minutes and the minutes shall be signed by the Presiding Officer and the Clerk.
- d. With the exception of minutes of Closed Sessions, minutes shall be available for public viewing.

8.8 Consent Agenda

- a. The Consent Agenda section includes items that are to be received for information or contain a general or repetitive request, including communication or correspondence for information, Council minutes for adoption, Committee minutes, and by-laws for adoption. Staff reports for information that are prepared for the information of Council and do not require a decision or approval from Council other than to receive for information may also be included. The recommended action for each item is for Council to receive for information.
- b. Items within the Consent Agenda shall be dealt with in a single vote unless an item is extracted in accordance with the following section.
- c. Any Member, before the motion to consider all items under the Consent Agenda is voted on, shall identify any items which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately.
- d. If a Member extracts an item, the item is removed from the Consent Agenda and considered immediately following the disposition of the Consent Agenda.
- e. In the event a Member has disclosed a Pecuniary Interest on an item that is included in the Consent Agenda at the beginning of the Meeting, that item shall be removed and dealt with separately and in the order in which the item appears on the Agenda. The Member shall not participate or vote on the item that they have a declared a Pecuniary Interest for.
- f. Staff reports for information are prepared for the information of Council and do not require decision or approval from Council other than to receive.

8.9 Delegations

- a. Any person may request an opportunity to address Council on a matter within the jurisdiction of the Municipality. All Delegations shall self-register

by completing the Delegation Request Form on the Municipality's website and submitting it to the Clerk.

- b. Every request to be a Delegation shall be received by the Clerk at least seven (7) days prior to the Meeting which the person desires to be heard, and shall include:
 - i. The complete name of the person(s) requesting an opportunity to be a Delegation;
 - ii. The reasons for the Delegation;
 - iii. A brief written summary or presentation of their comments for inclusion on the Agenda. All materials must be legibly written, typed or printed and shall not contain any obscene matter or language.
 - iv. A person who is under eighteen (18) years of age must provide to the Clerk, written permission from their parent or guardian to appear as a Delegate.
 - v. Any supporting documentation shall be provided to the Clerk no later than seven (7) days preceding the Meeting for inclusion on the Agenda.
- c. All requests for Delegation shall be reviewed by the Clerk to ensure they comply with the provisions of this section. The Clerk and/or CAO have the authority to restrict delegation requests based on the items included in Section 8.7 d). Delegations may not be immediately scheduled and may be referred to staff review.
- d. Delegations are not permitted to address Council or Committee related to:
 - i. Staff performance;
 - ii. Questions shall not be directed at staff;
 - iii. Labour relations;
 - iv. Applications under the *Planning Act*;
 - v. Tenders, requests for proposals or other procurement matters;
 - vi. Any materials contrary to the *Municipal Freedom of Information and Protection of Privacy Act*;
 - vii. Matters involving insurance claims or pending claims by or against the Municipality;
 - viii. Ongoing legal proceedings;
 - ix. Solicitation of business; or
 - x. A matter for which Council has already made a decision or the matter is before Council for a decision.
- e. Each Delegation shall have a maximum of ten (10) minutes to speak. The Chair shall, at the conclusion of the ten minutes, inform the delegation that

the time limit has been reached. Council may extend the ten-minute time period by a majority vote of the Council Members present without debate.

- f. Following each Delegation, Members may ask questions for clarification purposes only relating to the Delegation.
- g. No more than two (2) Delegations shall be permitted at any Meeting.
- h. Delegations may speak on a matter only once at one (1) meeting and may not appear at a different meeting unless:
 - i. New information has come forward; or
 - ii. The delegation is invited by the Mayor or a majority of Council by resolution to present again.
- i. The Chair may curtail any Delegation, any question of a delegate or debate during a Delegation for disorder or any other breach of this By-law, and if the Chair rules that the Delegation is concluded, the person or persons appearing shall withdraw.
- j. Following a Delegation, Council may adopt a motion:
 - i. To receive for information;
 - ii. To refer to a Committee, Committee of the Whole, Local Board or staff.

8.10 Presentations

- a. Presentations are information presented to Council by an individual or group on an issue or action to be taken as requested by staff. Presentations may be made by staff, consultants, senior levels of government and other organizations pertaining to municipal business matters.
- b. Presentations are limited to a time frame as set by the discretion of the CAO and the Clerk.
- c. No more than two (2) presentations shall be permitted at any Meeting.

8.11 Staff Reports and Adoption of By-laws

- a. Staff reports
 - i. Staff reports for recommendation are prepared for the consideration of Council and require a decision from Council based on the recommendation as included within the report.

b. Enactment of By-laws

- i. The Agenda shall list all proposed By-laws before Council for consideration.
- ii. Every By-law shall be introduced to Council either by a report or motion, except if the subject matter thereof has been previously considered and recommended to Council, is administrative in nature and/or authorized by the CAO.
- iii. The Clerk may correct any typos or any administrative errors that are identified within adopted By-laws as necessary without need for further Council approval.
- iv. Every By-law, once passed, shall be dated and duly signed by the Presiding Officer and the Clerk and sealed with the Municipal corporate seal.

8.12 Action Items

- a. Motions for action shall be requests for a decision by Council submitted by external Persons and not by staff.

8.13 Notices of Motion

- a. Any Member of Council may submit a Notice of Motion for inclusion on an Agenda.
- b. Notice of all new motions shall be given in writing in the appropriate motion format and delivered to the Clerk by 4:00 p.m. on the Monday preceding the date of a Council Meeting. Such notice shall be included on the Agenda for that meeting under the Notice of Motion section and read verbally at the meeting by the Member who brought it forward.
- c. A Notice of Motion shall not be debated until the following meeting and will be placed under the New Business section of the Agenda. A motion must be moved and seconded at the meeting on which it appears on the Agenda for debate.
- d. Once the Notice of Motion has been submitted to the Clerk for inclusion on the Agenda, it may not be edited.

8.14 Announcements/Statements from Members

- a. Under Announcements/Statements from Members, Members may verbally provide information respecting special events, declarations, updates on external boards and committees to which they are appointed, or proclamations that are considered to be of general interest to the community.

8.15 Confirmatory By-law

- a. Council shall adopt a Confirmatory By-law so that every decision of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

8.16 Adjournment

- a. Council Meetings shall adjourn in accordance with Section 5 of this By-law.
- b. In the instance of a grave disorder arising during a Council Meeting, the Chair may adjourn the meeting at any time.

9. Roles and Responsibilities

9.1 Duties of Council

- a. In exercising powers, Council shall carry out the duties of Council under the *Act* and any other legislation.

9.2 Duties of the Mayor/Chief Executive Officer

- a. The Mayor shall carry out all the duties as the Head of Council and Chief Executive Officer in accordance with Section 225 and 226.1 of the *Act*.
- b. It shall be the duty of the Mayor to:
 - i. Authenticate by signature all By-laws and minutes of the Council;
 - ii. Act as the Ex-officio Member on all Committees where appropriate under the terms of reference. Reference to the Mayor being Ex-Officio is included in Section 13.3 e) of this By-law; and
 - iii. Carry out the duties of the Mayor under this By-law, the *Act*, *Emergency Management & Civil Protection Act* and all other applicable legislation.

9.3 Duties of the Members

- a. It is the duty of Members to:
 - i. Attend all Council Meetings, prepare for Meetings, including reviewing Agendas and background information prior to the Meeting;
 - ii. Speak to only the subject under debate;
 - iii. Vote on all motions before Council unless prohibited from voting by law;

- iv. Observe the rules as outlined in this By-law at all Meetings;
 - v. Speak through the Presiding Officer at Meetings;
 - vi. Attend Meetings of Committee and Local Boards to which the Member has been appointed by Council;
 - vii. Carry out the duties set out in the *Act* and all other applicable statutes; and
 - viii. Act in accordance with their Declaration of Office and govern themselves according to the rules and procedures set out in this by-law, the Council and Staff Relations Policy, the Member Code of Conduct and the Respect in the Workplace, as amended or replaced from time to time.
- b. Except for an absence permitted by subsection 259 (1.1) of the *Act*, a Member must seek authorization of Council prior to the expiration of the three (3) months pursuant to s. 259 (1) if their absence is greater than three (3) consecutive months, otherwise their seat becomes vacant.

9.4 Duties of the Clerk

- a. The Clerk shall carry out the duties of the Clerk under the *Act* and any other legislation.
- b. Other duties of the Clerk as assigned by the Municipality include:
 - i. To sign every by-law approved at Council;
 - ii. To call the Meetings to order and preside until the election of a Chair in the absence of the Mayor and Deputy Mayor;
 - iii. To advise the Chair on procedural matters;
 - iv. To prepare and circulate the Agenda and supporting information;
 - v. To prepare the minutes without note or comment and distribute to Members;
 - vi. To advise all departments of decisions by Council;
 - vii. To schedule Delegations and Presentations for Council Meetings;
 - viii. To record votes for the minutes if requested by a Member during a Meeting.
- c. In the absence of the Clerk, the Deputy Clerk shall have all of the powers and duties of the Clerk.
- d. The Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.
- e. The Clerk shall be appointed by By-law.

9.5 Duties of the Chief Administrative Officer

- a. The Chief Administrative Officer shall be appointed by By-law and is responsible to Council for the efficient management and general control of the administration of the Municipality's various administrative departments.
- b. All reports and recommendations of department heads shall be coordinated through the Chief Administrative Officer.

10. Rules of Procedure

10.1 Role of the Presiding Officer

- a. It shall be the duty of the Presiding Officer to ensure an efficient Meeting by:
 - i. Maintaining order and decorum;
 - ii. Recognizing a Member when they indicate their intent to address Council;
 - iii. Deciding on all questions of order, subject to an appeal by any Member;
 - iv. Receiving and submitting, in the proper manner, all motions presented to the Members;
 - v. Putting to vote all questions, which are properly brought before Council, or that necessarily arise in the course of proceedings, and announcing the results;
 - vi. Ruling on all procedural matters, without debate or comment;
 - vii. Declining to put motions to a vote which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
 - viii. Restraining the members, within the rules of order, when engaged in debate;
 - ix. Subject to Section 241 of the *Municipal Act*, calling by name any Member or person persisting in breaching the rules of order of Council and ordering the Member or person to vacate the meeting location;
 - x. Adjourning or suspending the meeting if they consider it necessary, because of grave disorder; and
 - xi. Subject to 10.1 b), remaining neutral and not entering into debate or discussions while in the Chair.
- b. The Presiding Officer may state relevant facts and their position on any matter before Council or Committee but they cannot move a motion or debate a question without first leaving the chair. When the Presiding

Officer wishes to move or second a motion before Council or enter into debate on a specific topic, they may call the Deputy Mayor to Chair and remain out of the Chair until the motion and all amendments to it have been disposed of. In the event that the Deputy Mayor is unable to assume the Chair, the Mayor shall call for an alternate Member to assume the Chair.

- c. In the absence of the Mayor and Deputy Mayor, the Clerk shall call the Meeting to order and call for a motion to fill the role of Chair. While in the Chair, the Member appointed shall have all powers given to the Presiding Officer by this By-law.

10.2 Role of the Deputy Mayor

- a. The Clerk shall prepare a resolution for the first Regular Meeting of Council following a regular election to appoint a Deputy Mayor from the Members of Council, not including the Mayor, who reside/own property in the Ward that the Mayor does not reside in, to act in the absence of the Mayor for the duration of that term.
- b. In the absence of the Mayor, the Deputy Mayor shall preside at meetings.

10.3 Conduct of Members

- a. No member shall:
 - i. Speak disrespectfully of any member of Council or staff;
 - ii. Interrupt another Member when speaking except to raise a Point of Order or Point of Privilege;
 - iii. Use offensive words or inappropriate language;
 - iv. Engage in private conversations while in a Council Meeting or use electronic devices (including cellular phones and pagers) in a manner which interrupts the proceedings of Council. The municipal-issued laptops provided to Council Members are exempt from this;
 - v. Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
 - vi. Speak on any subject other than the subject under debate;
 - vii. Where a matter has been discussed in Closed Session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the Closed Meeting during the public portion of the meeting or thereafter;
 - viii. Criticize or dispute any decision of Council during a meeting except for the purpose of moving that the question be reconsidered; or

- ix. Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council.
- b. If a Member disobeys a rule in this By-law or a Chair's ruling:
- i. After the first occurrence, the Chair calls the Member to order.
 - ii. After the second occurrence, the Chair will immediately order the Member to leave their seat and observe the Meeting from the audience for the remainder of the Meeting.
 - iii. If the offending Member informs the Clerk that they wish to apologize, the Clerk will inform the Chair of the Member's request.
 - iv. The Chair will allow the offending Member to return to their seat to apologize to Council. The apology will not include additional comments or debate by the offending Member or any other Member of Council.
 - v. After an apology is made by the offending Member, Council may consent to allow the offending Member to return to the Meeting.
 - vi. Subject to Section 241 of the *Municipal Act*, should at any point the offending Member create a disturbance while seated in the audience, the Chair will order the offending Member to leave the Meeting location. Council cannot appeal, and the offending Member cannot seek an apology from Council for the Chair's ruling. If the offending Member refuses to leave their seat or leave the Meeting location, the Chair may request the Clerk or CAO to contact security or police for assistance. The Chair may also recess the Meeting or call for an adjournment.

10.4 Conduct of Members of the Public

- a. Members of the public addressing Council shall do so from the designated area and shall state their name before speaking.
- b. No member of the public shall:
 - i. Speak disrespectfully of any person, including staff;
 - ii. Directly ask questions of staff;
 - iii. Use offensive language or insulting expressions against the Council or Committee against any Member, staff, or guest;
 - iv. Address Council without being recognized by the Chair;
 - v. Speak on any subject other than the subject for which they have received approval to address Council;
 - vi. Bring signage, placards, or banners to Meetings;
 - vii. Interfere with the conduct of a Meeting in any way; or

- viii. Disobey the rules of procedure or any decision of the Chair on any other procedural matters.
- c. With the exception of assistive devices for people with disabilities or authorized devices which facilitate the official duties of Members and staff related to the Agenda of the Meeting, electronic devices should be turned to silent or vibrate during the Meeting.

10.5 Rules of Debate

- a. To address Council, a Member shall request to speak, be recognized by the Chair and direct all comments to Council through the Chair.
- b. Should more than one member indicate the intent to address the Chair, the Chair shall determine who is entitled to the floor and the order of the remaining Members for speaking.
- c. A Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- d. No Member shall speak more than twice to the same question without the Chair's permission, except that a reply shall be permitted only from the Member who has presented the main motion. The Chair shall give every Member a chance to speak, and then will ask if there are secondary comments from any Members. The total time a Member may take to speak and obtain any necessary clarification shall not be more than five minutes regardless if they speak one or two times. The mover and seconder of a motion have the opportunity to speak first to a motion. Members must keep their comments relevant to the matter of business before Council. Members must express themselves succinctly without repetition.
- e. A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and said question must be stated concisely and asked only of the Chair, staff, or the previous speaker.

10.6 Point of Order

- a. A Member may raise a Point of Order at any time, including interrupting another Member who has the floor, to bring Council's attention to:
 - i. Any breach of the rules;
 - ii. A deviation from the matter under consideration noting that the current discussion is not within the scope of the motion on the table; or

- iii. Any other informality or irregularity in the proceedings of Council.
- b. When a Member raises a Point of Order, the Member shall ask leave of the Chair to raise the Point of Order and the Chair shall grant such leave, following which the Member shall state the Point of Order.
- c. The Chair shall decide on the Point of Order and state their ruling on the matter.
- d. Once a Point of Order is raised, no further discussion on the main issue shall be conducted until the Chair has decided and has stated their ruling on the Point of Order.
- e. Upon hearing the Point of Order, a Member shall only address the Chair for the purpose of appealing the Chair's ruling to Council.
- f. If no Member appeals, the ruling of the Chair shall be final. If a Member appeals the Chair's ruling on the Point of Order to Council, the Member shall have the right to give reasons for the appeal, following which the Chair shall have the right to reply with reasons, and Council shall decide by vote without further debate and the decision of Council shall be final.

10.7 Point of Personal Privilege

- a. A Member may rise at any time on a Point of Personal Privilege where such Member feels that their integrity, or the integrity of Council or staff, or the integrity of anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b. When a Member rises on a Point of Personal Privilege, the Member shall ask leave of the Chair to raise the Point of Personal Privilege and the Chair shall grant such leave, following which the Member shall state the Point of Privilege.
- c. The Chair shall decide on the Point of Personal Privilege and state their ruling on the matter.
- d. Upon the raising of a Point of Privilege, no further discussion on the main issue shall be conducted until the Chair has decided and stated their ruling on the Point of Personal Privilege.
- e. Where the Chair rules that a breach of Personal Privilege has taken place, the Chair shall demand that the offending Member or individual apologize and failing such apology shall require the Member or individual to vacate the Meeting for the duration of the Meeting.

- f. With the exception of providing an apology, the Member shall only address the Chair for the purpose of appealing the Chair's ruling of a breach of privilege.
- g. If no Member appeals, the ruling of the Chair shall be final. If a Member appeals the Chair's ruling on the Point of Personal Privilege, the Member shall have the right to give reasons for the appeal, following which the Chair shall have the right to reply with reasons, and Council shall decide if the ruling of the Chair is sustained without further debate and the decision of Council shall be final.

10.8 Expulsion for Improper Conduct

- a. The Chair, where a warning or ruling has not been heeded, may expel any Member or person from the Meeting place for improper conduct at the Meeting, which for purposes of this Section shall include:
 - i. Interruption of the proceedings of Council;
 - ii. Making disruptive noise or visible gestures;
 - iii. Campaigning for any political cause or outcome; or
 - iv. Any other activity that, in the opinion of the Chair, impedes the conduct of the Meeting.
- b. Where the Chair expels any Member or person from the Meeting, such Member or person shall vacate the Meeting place forthwith. If the offending person refuses to leave the Meeting place, the Chair may request the Clerk or CAO to contact security or police for assistance. The Chair may also recess the Meeting or call for an adjournment.

11. Motions

11.1 Rules of Procedure Relating to Motions

- a. The Chair shall not permit debate on a motion or put a motion to vote which is:
 - i. Not within the jurisdiction of Council.
 - ii. Dilatory meaning the motion is used with the purpose of obstructing so as to not allow a decision to be made in an efficient manner, absurd in substance, frivolous or unwarranted.
 - iii. Improper, meaning the motion conflicts with a previously adopted or defeated motion unless through a reconsideration.
- b. A motion shall be moved and seconded before being open for discussion and consideration.

- c. The Chair may read the motion or request the Clerk to read the motion in the form included on the Agenda and the motion shall be stated in the form in which it will be recorded in the minutes.
- d. After a motion has been moved and seconded, it shall be considered to be in the possession of the Council but may be withdrawn by the mover and seconder if there is no objection from Council. If any Member objects, the motion may only be withdrawn by a vote of the Members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented.
- e. The following may be introduced orally, without written notice and without leave of Council:
 - i. A Point of Order, privilege or Personal Privilege;
 - ii. A motion to waive or suspend the rules of procedure;
 - iii. A motion to recess;
 - iv. A motion to adjourn;
 - v. A motion to receive an item;
 - vi. A motion to refer;
 - vii. A motion to postpone;
 - viii. An amendment to a main motion.
- f. A Member may move or second a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion.

11.2 Specific Motions

- a. When a motion is under debate, no further motion shall be entertained other than a motion:
 - i. To recess;
 - ii. To refer;
 - iii. To defer;
 - iv. To withdraw a motion;
 - v. To amend;
 - vi. To close debate;
 - vii. To extend the meeting time; or
 - viii. To adjourn.
- b. A motion to recess is debatable as long as the debate is restricted to the length of time of the recess or to the time set for reassembly.
- c. A motion to adjourn the Council meeting is not debatable and shall always be in order except:
 - i. When another Member is in possession of the floor;

- ii. When a vote has been called;
 - iii. When the Members are voting; or
 - iv. When a Member has indicated to the Chair their desire to speak on the matter before Council.
- d. A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate, except for the Chair to indicate any remaining pressing needs, in which case the Member shall have the option to withdraw the motion to adjourn.
- e. A motion to close debate is not debatable and requires a Two-Thirds Vote.
- f. A motion to postpone is debatable and shall include:
 - i. The time to or period within which, consideration of the matter is to be postponed; and
 - ii. Whatever explanation is necessary to demonstrate the purpose of the motion to defer.
- g. A motion to refer, and any amendment to it, is debatable and shall include:
 - i. Whether the referral is being made to staff or a Committee; and
 - ii. The time or conditions under which the matter is to be returned for consideration.
- h. A motion to amend is:
 - i. Open to debate.
 - ii. Amendable. It shall not be amended more than once, provided that further amendments may be made to the main motion. An amendment shall be relevant to the question in order to be received.
 - iii. Out of order if it is ruled by the Chair to be a substantive motion and not an amendment or if it is nothing more than a rejection of the main motion or contrary to it.
 - iv. Will be decided upon or withdrawn before the main motion is put to a vote.
- i. A motion to reconsider:
 - i. Requires the support of a Two-Thirds Vote.
 - ii. Is not amendable.
 - iii. Is open to debate. The debate can go into the merits of the motion to be reconsidered and must be confined to reasons for or against reconsideration.

- iv. Shall not be in order if the action approved cannot be reversed or if the original motion has been implemented resulting in a legally binding commitment that is in place.
 - v. Only a Member on a prevailing side can make a motion to reconsider. In the event of a resolution that was defeated due to an equality of votes, both sides shall be considered as prevailing.
- j. If a motion to reconsider has been carried in the affirmative, it shall not be in order to reconsider the subject matter of the question until the next subsequent meeting of Council. The question being reconsidered shall be stated in the exact manner in which it was first voted upon and shall be subject to the rules of debate and amendment outlined herein.

12. Voting

- 12.1** Every Member present at the Meeting shall be entitled to vote unless prohibited by statute. If any Member present does not vote at a Meeting of Council where a question is put, they shall be deemed to have voted in the negative, except where the member is prohibited from voting by statute.
- 12.2** Members shall vote by raising their hand, except where a Member has requested a recorded vote, in which case voting shall occur in accordance with Section 12.10 of this By-law. If such process is established by the Clerk, Members shall enter their vote using an electronic voting system.
- 12.3** The Presiding Officer shall be entitled to vote on any motion, but is not required to vote unless:
- a. A Member has requested a Recorded Vote; or
 - b. The votes of all other Members present produces an equality of votes.
- 12.4** No vote shall be taken in a Meeting by ballot or by any other method of secret voting.
- 12.5** When the Chair calls for the vote on a question:
- a. Each Member shall occupy their seat and shall remain in place until the result of the vote has been declared by the Chair;
 - b. During this time no Member shall walk across the room or make any other noise or disturbance; and
 - c. No Member shall speak to the question, nor shall put forth any other motion until after the vote is taken and the result has been declared.

- 12.6** A Member can request that a motion containing separate proposals be dealt with separately. A separate vote shall be taken upon each proposal contained in a motion.
- 12.7** All decisions of Council shall require a majority vote, except as otherwise set out in this By-law.
- 12.8** Any motion that receives a tie vote shall be deemed to have been decided in the negative.
- 12.9** A request by a Member present at the Meeting for a recorded vote shall be made prior to, or immediately after, the vote and must be requested prior to any consideration of another matter. When a recorded vote is requested by a Member, the Clerk shall record the name and vote of every member on any question in the order taken, starting with the Member who requested the recorded vote and a random order thereafter, with the Deputy Mayor and Mayor going last. The names of those Members who voted for and those who voted against the Motion shall be entered into the minutes of the Meeting.
- 12.10** The Chair shall announce the result of a vote, except for a recorded vote where the Clerk will announce the result.

13. Committees and Local Boards of Council

13.1 Local Boards

- a. Every Local Board shall adopt its own rules and procedures to govern the calling, place and proceedings of meetings of the Local Board as required pursuant to the provisions of the *Act* or any other legislation as the case may be, but until the Local Board has adopted its own rules and procedures, the provisions of this By-law shall apply with the necessary adjustments.

13.2 General

- a. Council may establish advisory or statutory Committees and shall determine the composition, mandate, duties and reporting responsibilities through the terms of reference. No Committee shall have departmental jurisdiction.
- b. All Committees of the Municipality shall observe and abide by this By-law.
- c. Council may by resolution discharge any Committee and appoint another Committee in its place or disband the Committee in its entirety.

- d. Members of Council who are not Members of a specific Committee may attend Meetings of that Committee as members of the public. They shall not be counted in Quorum, shall not be entitled to make motions or vote or shall not be entitled to attend Closed Meetings unless permitted by the Committee, and shall not be reimbursed for attendance at those Meetings.
- e. All Committee Agendas may permit Public Question Period, Delegations and Presentations that are within the mandate of the Committee, in accordance with this By-law.

13.3 Members

- a. Persons appointed to Committee are appointed for such term as defined by Council within the terms of reference of the Committee or until their successors are appointed. Members shall be recruited in a public & transparent manner. Council may rescind any appointment at any time.
- b. Should any Member fail to attend three (3) successive meetings without being authorized to do so by resolution of the Committee, the Committee may certify such failure and thereupon the membership of such person on the Committee shall be recommended to Council to be terminated, and the Council may appoint another member in their place.
- c. Council Members appointed to a Committee as Council Liaisons and are voting Members and form part of Quorum.
- d. Council may designate the Chair of any Committee or allow the Committee to elect a Chair from its Members. Where Council has not appointed a Chair, at the first Meeting of each Committee each year, the Committee shall elect from its Members a Chair for a one-year term. The Council Liaison shall Chair the Meeting until the elections have been made each year.
- e. The Mayor is an Ex-Officio Member on all Committees where they shall be entitled to vote and participate, and shall count towards Quorum when present but shall not be included when determining the number of members required for Quorum.

13.4 Committee Meetings

- a. All Meetings shall be open to the public, except in accordance with Section 8.6 of this By-law.
- b. The terms of reference of each Committee shall set the minimum number of Meetings to be held each year and the location of each Committee. Special Meetings may be held at the call of the Chair.

- c. The Chair in consultation with the CAO and the Clerk may cancel a Meeting:
 - i. When there are insufficient Agenda items;
 - ii. In the event of inclement weather; or
 - iii. Where a conflict between the scheduled date or time of a regular Meeting and another event of significance arises provided that adequate notice of the cancellation is posted pursuant to the notice of Meeting provisions.
- d. All Meetings shall adjourn after three (3) hours.
- e. Committee Meetings may be held wholly or partially electronically, if required. Meetings are to be held at the Municipal Office in Council Chambers.

13.5 Committee Recommendations

- a. Minutes of all Committees shall be circulated to Council by inclusion on a Council Agenda to be received for information.
- b. Reports and recommendations of Committees shall be received and considered by Council through recommendation reports placed on Council agendas. No action shall be taken on Committee recommendations until they are approved by Council.
- c. No Committee shall consider any question decided by Council, nor consider any other matter which could involve a decision inconsistent with a Council decision unless the item is referred to the Committee by Council.

14. Accountability and Transparency

- 14.1** Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Village of Merrickville-Wolford adopting measures ensuring, to the best of its ability, that all activities and services are undertaken using processes that are open and accessible to stakeholders. Wherever possible, the Municipality will engage stakeholders throughout the decision-making process in a manner that is open, visible and transparent to the public.

15. Conflict

- 15.1** A specific statement or rule in this By-law has greater authority than a general one.
- 15.2** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered severed from the remainder of this By-law, which shall continue to be in full force and effect.
- 15.3** If there is any conflict between this By-law and any statute, the provisions of the statute take precedence.

16. Repeal

- 16.1** By-law 30-17, as amended by By-laws 32-2018, 55-2019, 26-2020, 14-2021, 46-2022 and 15-2023, and any other relevant By-laws inconsistent with this By-law are hereby repealed.

17. Effective Date

- 17.1** This By-law shall come into force and take effect on January 1, 2025.

Read a first and second time this 9th day of December, 2024.

Read a third and final time and passed on the 9th day of December, 2024.

Michael Cameron, Mayor

Julia McCaugherty-Jansman, Clerk

Appendix A – Declaration of Pecuniary Interest

- a. Where a Member has a pecuniary interest pertaining to any item listed on an Agenda, the Member shall, in accordance with the provisions of the *Municipal Conflict of Interest Act*:
 - i. Prior to any consideration of the matter at the meeting, disclose the Member's pecuniary interest and the general nature thereof;
 - ii. Not take part in the discussion of, or vote on, any questions in respect of the matter;
 - iii. Not attempt in any way whether before, during or after the meeting to influence voting on the matter; and
 - iv. At the meeting, or as soon as possible afterwards, file a written statement of pecuniary interest and its general nature with the Clerk.
- b. The Member who has declared a pecuniary interest may request to divide such a motion to vote on those items in which there is no interest.
- c. In addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member shall immediately leave the Meeting table for the part of the Meeting during which the matter is under consideration at the Member's discretion.
- d. Declarations of pecuniary interest made with respect to matters to be discussed in Closed Session shall be provided during the call for declarations of pecuniary interest and recorded in the minutes of the open meeting. The declaration must include relevant information to provide reasons for the disclosure, however, must not reveal confidential matters.
- e. Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose their interest and otherwise comply at the first Meeting attended by the Member after the particular Meeting per the *Municipal Conflict of Interest Act*.
- f. If the Chair has made a disclosure of pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the chair during deliberations on that matter.
- g. The Clerk shall record the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the minutes of that Meeting.
- h. The Clerk shall maintain a registry of statements and declarations recorded for public inspection.

Appendix B – Correspondence Protocol

1. Resolutions from other municipalities
 - a. Resolutions from other municipalities requesting endorsement or consideration of their resolutions, and that are relevant to the municipality, may be forwarded via email to each Member of Council, the CAO, the Clerk, and relevant staff.
 - b. A Member may notify the Clerk if they wish to have a resolution from another municipality added to a Regular Meeting Agenda as an Action Item for Council to consider for support.
 - c. The Clerk and/or CAO may place resolutions from other municipalities on a Regular Meeting Agenda for Council consideration if they deem it relevant to the Municipality.
2. Communication for information
 - a. Correspondence that does not require a decision will be included as an item on the Consent Agenda and will be considered as one single vote to receive all items for information.
 - b. Email correspondence received by staff that is strictly for information purposes and does not require a decision of Council may be forwarded to Members by staff.
3. Petitions
 - a. Petitions to be forwarded to Council must meet the following requirements:
 - i. The petition must be addressed to Council and request a particular action within the authority of Council;
 - ii. The petition may be provided electronically and must be legible, typewritten or printed in ink; and
 - iii. Each signatory must print, sign their own name, provide their address and contact information.
 - b. Petitions shall be provided to the Clerk and/or the CAO for inclusion on a Regular Meeting Agenda. Council will receive a petition for information.
 - c. Petitions may be forwarded to a Committee of Council if the subject is related to the mandate of such Committee or Local Board.
 - d. Public petitions requesting consideration of a matter that was previously considered must be in accordance with this By-law.
4. Any communication that contains defamatory statements, allegations, inferences, disrespectful, or improper matter, shall not be forwarded to Council or staff and shall be handed over to the CAO for review and returned to the sender.
5. Correspondence relating to an inquiry or a complaint shall be handled through the Complaint Policy approved by Council.

6. Any and all requests for funding shall be forwarded to the Treasurer and CAO.
7. All requests for proclamations will be managed by the Village's Acknowledgements Policy. Any proclamation requests that do not fall within the scope of the Acknowledgements Policy will be placed on a Regular Meeting Agenda for Council consideration and decision.
8. Personal information is contained in and will be used for the purpose of informing Council as to views on a matter of public interest or concern as specified in the correspondence received. Information may be made through the course of a Meeting and corresponding Agendas and Minutes and/or distributed as part of the Agenda.
9. Personal information will be collected and managed in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.