



**THE CORPORATION OF THE
COUNTY OF PRINCE EDWARD**

PROCEDURE BY-LAW

BY-LAW NUMBER -2011

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THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NUMBER -2011

**A BY-LAW TO PROVIDE RULES GOVERNING THE
CALLING, PLACE AND PROCEEDINGS OF
MEETINGS OF THE COUNTY OF PRINCE EDWARD
COUNCIL.**

WHEREAS Section 238 (2) of the Municipal Act, 2001, S.O. 2001. c. 25 requires that every Municipality shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF PRINCE EDWARD ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

- 1.1 For purposes of this By-law, the following definitions shall apply:
- (1) "Chief Administrative Officer" means the Chief Administrative Officer of the Corporation of the County of Prince Edward as referred to in Section 229 of the Municipal Act, 2001.
 - (2) "Municipality" means the Corporation of the County of Prince Edward.
 - (3) "Clerk" means the Clerk or, Deputy Clerk of the Corporation of the County of Prince Edward as appointed pursuant to Section 228 of the Municipal Act or designate.
 - (4) "Closed Session" means a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of the Municipal Act and this By-law.
 - (5) "Commissioner" means the Commissioner of Corporate Services and Finance, the Commissioner of Planning Services, the Commissioner of Public Works and the Commissioner of Recreation, Parks and Culture of the Corporation of the County of Prince Edward
 - (6) "Committee of the Whole" means Council sitting as a committee where:
 - (i) members consider and debate matters in an environment that procedurally is more relaxed than the formal portion of a Council Meeting; and

- (ii) substantive motions adopted therein are not deemed to represent the final decision of Council until confirmed by by-law.
- (7) "Committee" means any advisory or other committee, subcommittee or similar entity established by Council.
- (8) "Council" means the Municipal Council of the Corporation of the County of Prince Edward.
- (9) "Local board" means any board established by Council but does not include the police services board or the library board.
- (10) "Mayor" means the Mayor of the Corporation of the County of Prince Edward.
- (11) "Meeting" means a gathering of the members of the Council or a Committee where quorum is achieved and either public business or public policy over which the Council or Committee has jurisdiction or control is discussed or deliberated and/or during which formal action is taken. A meeting does not include participation at workshops or conferences.
- (12) "Member" means the Mayor or a Councillor of the Corporation of the County of Prince Edward.
- (13) "Newspaper" means a printed publication in sheet form, intended for general circulation in the County of Prince Edward, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest.
- (14) "Officer" means any salaried Officer, Clerk or worker in the employ of the Corporation of the County of Prince Edward.
- (15) "Presiding Officer" means the person Chairing the meeting.
- (16) "Recorded Vote" means the recording by the Clerk of the name and vote of every Member on any matter or question.
- (17) "Rules" means the rules of procedure and order as set out in this By-law.
- (18) "Substantive Motion" means any motion except a motion to:
 - (i) recess;
 - (ii) defer;
 - (iii) refer;
 - (iv) extend the meeting;

- (v) put the question;
- (vi) enter into Committee of the Whole;
- (vii) rise and report;
- (viii) change the order of business; or
- (ix) adjourn.

PART 2 – EFFECT

Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all proceedings of Council and its Boards and Committees and by its Members, and shall constitute the rules for the order and dispatch of business by Council and its Members.

PART 3 – DUTY OF MEMBERS

3.1 Role of Council

It is the role of Council to:

- (i) represent the public and to consider the well-being and interests of the Municipality;
- (ii) develop and evaluate the policies and programs of the Municipality;
- (iii) determine which services the Municipality shall provide;
- (iv) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (v) ensure accountability and transparency of the operations of the Municipality, including the activities of the management of the Municipality;
- (vi) maintain the financial integrity of the Municipality; and
- (vii) carry out the duties of Council as set out in the Municipal and other Acts.

3.2 Role of Mayor

(1) It is the role of the Mayor to:

- (i) act as chief executive officer of the Municipality;
- (ii) preside over Council meetings so that its business can be carried out efficiently and effectively;
- (iii) provide leadership to Council;
- (iv) provide information and recommendations to Council with respect to the role of Council;
- (v) represent the Municipality at official functions;
- (vi) carry out the duties of the Mayor under this By-law, the Municipal Act and all other applicable Acts.

(2) As chief executive officer, the Mayor shall:

- (i) uphold and promote the purposes of the Municipality;
 - (ii) promote public involvement in the Municipality's activities;
 - (iii) act as representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally; and
 - (iv) participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.
- (3) The Mayor may assign or delegate any of the duties of the Mayor to any Councillor from time to time, according to such terms and conditions as the Mayor may define, and the Councillor shall carry out such duties with care and diligence.

3.3 **Duty of Members**

- (1) It shall be the duty of Members to:
- (i) attend all Council Meetings;
 - (ii) prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
 - (iii) speak to only the subject under debate;
 - (iv) vote on all motions before Council unless prohibited from voting by law;
 - (v) observe the Rules at all meetings;
 - (vi) work through the Presiding Officer at meetings;
 - (vii) support Council;
 - (viii) attend meetings of committees and local boards to which the Member has been appointed by Council;
 - (ix) carry out the duties set out in the Municipal Act and all other applicable statutes; and
 - (x) act in accordance with their Oath of Allegiance and Oath of Elected Office.
- (2) No Member shall divulge any information to any person that pertains to any aspect of any discussion or direction of Council that was given or provided at a Closed Session of Council.
- (3) Should any Member be unable to perform any of their duties for an extended period of time, the Member shall advise the Council forthwith. In the case of a Member being absent from the meetings of Council for three successive months, without a resolution of Council authorizing the absence, the seat will become vacant.

PART 4 – MEETING SCHEDULES

4.1 Meeting Place

- (1) Council Meetings shall be held in the Council Chambers located in Shire Hall, Picton. Despite the foregoing, the Mayor may authorize a regular or special Council Meeting to be held at a location other than the Council Chambers.
- (2) Where the Council Chambers are not available for a meeting, the Mayor shall designate another location that is accessible to the public for purposes of holding Council Meetings.

4.2 Inaugural Meeting of Council

- (1) The Inaugural Meeting of Council shall be held commencing at 7:00 p.m. on the first Tuesday in December of an election year.
- (2) At the Inaugural Meeting, Members shall take the Oath of Allegiance and the Oath of Elected Office.

4.3 Regular Council Meetings

- (1) Regular Council Meetings shall be held on the second and the fourth Tuesdays of each month, except that only one regular Council meeting shall be held in July and August on the fourth Tuesday of each month and only one regular meeting will be held in December on the third Tuesday of the month.
- (2) Regular Council Meetings shall commence at 7:00 p.m. except as may be otherwise authorized by the Mayor.
- (3) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Mayor may cancel the Council Meeting or reschedule the meeting to a different date or time of commencement.

4.4 Regular Council Public Planning Meetings

- (1) Regular Council Public Planning Meetings shall be held monthly on the Wednesday of the week between the second and the fourth Tuesdays of each month (generally the third Wednesday), except in December on the first Wednesday of the month.
- (2) Regular Council Public Planning Meetings shall commence at 7:00 p.m. except as may be otherwise authorized by the Mayor.

- (3) Where a conflict between the scheduled date or time of a Regular Council Public Planning Meeting and another event of significance arises, the Mayor may cancel the Council Public Planning Meeting or reschedule the meeting to a different date or time of commencement.

4.5 **Special Council Meetings**

- (1) Special Council Meetings may be held from time to time and may be initiated by:
 - (i) the Mayor; or
 - (ii) a petition of the majority of the Members.
- (2) The date, time of commencement and place of a Special Council Meeting shall be set by the Mayor or by petition of the majority of the Members.
- (3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.

4.6 **Regular Committee of the Whole Meetings**

- (1) Regular Committee of the Whole Meetings shall be held on the second and the fourth Thursdays of each month, except that only one regular Committee of the Whole meeting shall be held in July and August on the Thursday that is two weeks prior to the Council meeting of the fourth Tuesday and in December on the Thursday that is two weeks prior to the Council meeting of the third Tuesday of the month.
- (2) Regular Committee of the Whole Meetings shall commence at 1:00 p.m. except as may be otherwise authorized by the Mayor.
- (3) Notwithstanding Subsection (2) Regular Committee of the Whole Meetings during July, August and December shall commence at 9:30 a.m. except as may be otherwise authorized by the Mayor.
- (4) Where a conflict between the scheduled date or time of a Regular Committee of the Whole Meeting and another event of significance arises, the Mayor may cancel the Committee of the Whole Meeting or reschedule the meeting to a different date or time of commencement.

4.7 **Special Committee of the Whole Meetings**

- (1) Special Committee of the Whole Meetings may be held from time to time and may be initiated by:
 - (i) the Mayor; or
 - (ii) a petition of the majority of the Members.
- (2) The date, time of commencement and place of a Special Committee of the Whole Meeting shall be set by the Mayor or by petition of the majority of the Members.
- (3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Committee of the Whole Meeting.

PART 5 – GENERAL PROVISIONS

5.1 **Open Meetings**

Except as authorized under this By-law, all Council and Committee of the Whole meetings shall be open to the public except that Council or Committee of the Whole may hold a Closed Session or move into a Closed Session to deal with matters that qualify for consideration at a closed meeting as set out in Part 5.7 of this By-law.

5.2 **Quorum**

- (1) A majority of the whole number of the Members is necessary to form a quorum, except as may otherwise be authorized pursuant to the provisions of the Municipal Conflict of Interest Act.
- (2) If no quorum is present within one half hour after the time appointed 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.

5.3 **Seating at Meetings**

- (1) The Mayor shall assign Councillors seats for meetings, and Members shall assume assigned seats for all meetings.
- (2) The Mayor may change the seating order at any time.

5.4 **Committee of the Whole**

- (1) A meeting of Council may be held, at the discretion of the Mayor, in Committee of the Whole and Council may, by

resolution, move into Committee of the Whole at any point during a Council meeting.

- (2) The rules governing the Council as set out in this by-law shall be observed at the meetings of Committee of the Whole, insofar as they are applicable, except that:
 - i) a motion shall not be required to be in writing; and
 - ii) there shall be no recorded vote.

5.5 **Presiding Officer – Council (Regular, Planning Public and Special)**

- (1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings.
- (2) If the Mayor is absent from a meeting of the Council, the Clerk shall call the members to order, and an Acting Mayor shall be appointed by resolution in accordance with the monthly schedule prepared by the Clerk, or another member of Council at the discretion of Council, and he or she shall preside for the meeting or until the arrival of the Mayor.
- (3) In the event that the Mayor does not attend within 15 minutes of the time a quorum is present after the time appointed for a meeting of the Council or the resumption after an adjournment, the Clerk shall call the members to order, and an Acting Mayor shall be appointed by resolution in accordance with the monthly schedule, or another member of Council at the discretion of Council, and he or she shall preside for the meeting or until the arrival of the Mayor. The order on the monthly schedule may be altered with the agreement of the Members.
- (4) The Mayor may designate another member as Acting Mayor during any part of a meeting of the Council.
- (5) While presiding, the Acting Mayor shall have all the powers of the Presiding Officer.
- (6) In the absence of the Mayor and Acting Mayor, the Members present shall elect a Chair for the meeting.

5.6 **Presiding Officer – Committee of the Whole Meetings (Regular and Special)**

- (1) A monthly Chair and Vice Chair of Committee of the Whole Meetings shall be appointed in accordance with the monthly schedule prepared by the Clerk.

- (2) If the Chair is absent from a meeting of the Committee of the Whole, the Vice Chair in accordance with the monthly schedule prepared by the Clerk shall preside for the meeting or until the arrival of the Chair.
- (3) In the event that the Chair does not attend within 15 minutes of the time a quorum is present after the time appointed for a meeting of the Committee of the Whole or the resumption after an adjournment, the Vice Chair shall preside for the meeting or until the arrival of the Chair.
- (4) The Chair or Vice Chair may designate another member as Acting Chair for any meeting or during any part of any meeting of the Committee of the Whole.
- (5) While presiding, the Acting Chair shall have all the powers of the Chair with respect to chairing the meeting.
- (6) In the absence of the Chair and Vice Chair, the Members present shall elect an Acting Chair for the meeting.

5.7 **Closed Sessions**

- (1) A Closed Session Meeting may be held if the subject matter being considered relates to:
 - (i) the security of the property of the Municipality or local board;
 - (ii) personal matters about an identifiable individual, including Municipality employees or local board employees;
 - (iii) a proposed or pending acquisition or disposition of land by the Municipality or local board;
 - (iv) labour relations or employee negotiations;
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
 - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (vii) a matter in respect of which Council, board, committee or other body may hold a closed meeting under another Act;
 - (viii) education or training of the Members, and 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.
- (2) For any meeting at which there are items to be considered in a Closed Session, the public agenda for that meeting shall identify the subsection(s) of the *Municipal Act*, 2001 or other applicable

legislation, which authorizes each item to be considered at the Closed Session.

- (3) The Clerk shall prepare an agenda for the Closed Session which shall include a list of items to be considered.
- (4) The Clerk shall circulate the Closed Session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer.
- (5) No item may be added to an agenda for a Closed Session without the prior approval of the Clerk.
- (6) The Council or Committee of the Whole, rather than moving into a Closed Session, may simply acknowledge the items on a Closed Session agenda without full discussion and may give direction in accordance with a recommendation included in a report on a Closed Session agenda, without moving into Closed Session.

5.8 **Meeting Agendas**

- (1) The Clerk shall prepare a meeting agenda for each Meeting:
 - (i) in the case of a Regular Council Meeting, no less than two full working days prior to such meeting;
 - (ii) in the case of Special Council, Special Council Planning Public Meeting or Special Committee of the Whole Meetings, no less than 48 hours before the hour appointed for the holding of such meeting;
 - (iii) in the case of a Regular Council Planning Public Meeting no less than two full working days prior to such meeting; and
 - (iv) in the case of a Regular Committee of the Whole no less than two full working days prior to such meeting.
- (2) Notwithstanding section 5.8 (1) 'two full working days' shall include statutory holidays and the agenda preparation time shall be adjusted at the discretion of the Clerk.
- (3) As soon as possible after a meeting agenda has been prepared, with the exception of agendas for Closed Sessions, the Clerk shall make the meeting agenda available to the public, and shall:
 - (i) maintain copies of the meeting agenda in the Clerk's office for use by the public; and
 - (ii) post the meeting agenda on the Municipality's web site.

5.9 **Meeting Minutes**

- (1) The Clerk shall prepare and maintain minutes of all Council, Council Planning Public, Committee of the Whole and Special Meetings, to include:
 - (i) the place, date and time of the meeting;
 - (ii) the beginning and ending time of meetings;
 - (iii) the names of Presiding Officer and Members of Council and record of attendance of the Members;
 - (iv) the names of Officers present;
 - (v) any disclosure of pecuniary interest declared by any Member and the general nature thereof;
 - (vi) a records of each item for consideration;
 - (vii) all motions and disposition of each on each item;
 - (viii) the names of deputations; and
 - (ix) all other proceedings of the meeting without note or comment.
- (2) Meeting minutes shall not identify members of Council being absent from the meeting for temporary periods within the meeting, unless they are absent during a vote.
- (3) The Clerk shall maintain a record of all minutes of meetings in the Clerk's office that shall be signed by the Presiding Officer and the Clerk upon approval of the same by Council, which, with the exception of minutes of Closed Sessions, shall be posted on the Municipality's website and available for public viewing.

5.10 **Communications and Petitions**

- (1) Communications and Petitions directed to Council shall:
 - (i) be submitted to the Clerk for inclusion on the appropriate agenda
 - (ii) if received following the agenda deadline, be forwarded by e-mail to all members of Council and, if time permits, be distributed in hard copy prior to the meeting;
 - (iii) shall be added to the agenda on the County website
 - (iv) shall form part of the public record.
- (2) Every communication and petition shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. The Clerk shall not accept any correspondence or petition that contains any obscene or improper language, as determined by the Clerk in consultation with the Mayor.

- (3) Any communication received from municipalities and local boards outside of the County of Prince Edward requesting endorsement or consideration of a resolution shall:
 - (i) be circulated to each member of the Council, Commissioners and Chief Administrative Officer;
 - (ii) be placed on the agenda for a meeting of the council or committee, only at the request of a member of the Council, Commissioner or the Chief Administrative Officer.

5.11 **Council Members Placing Items on Agenda**

If a member of Council wishes to have an item or motion placed on the agenda for discussion at a meeting, the member shall notify the Clerk and provide an outline of the issue, their concern and a recommended motion at least four full working days prior to the meeting. Any item for inclusion on an agenda must be within the scope of Council.

5.12 **Addendum Items**

- (1) Additions to the agenda for a meeting of the Committee of the Whole and Council may only be for matters of a time sensitive and urgent nature.
- (2) Additions to the agenda for a meeting of the Council may be permitted by unanimous approval of the members present.
- (3) Additions to the agenda for a meeting of Committee of the Whole may be permitted by a two-thirds (2/3) majority vote.

5.13 **Disclosure of Pecuniary Interest**

- (1) A member shall disclose a conflict of interest in accordance with the Municipal Conflict of Interest Act and
 - (i) shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
 - (ii) shall not take part in the discussion of, or vote on any motion in respect of the matter; and
 - (iii) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- (2) If the conflict under subsection (1) above is with respect to an item on a Closed Session agenda, in addition to complying with the requirements of subsection (1) above, the member shall forthwith leave the Closed Session or that part of the Closed Session during which the matter is under consideration.
- (3) Where the interest of a member has not been disclosed as

required by subsection (1) above, by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) above at the first meeting of the council attended by the member after the meeting referred to in subsection (1) above.

5.14 **Statutory Public Meetings**

- (1) Where Council is required under the Municipal Act or in accordance with the Notice provisions of this by-law, to hold a public meeting, or otherwise has resolved to hold a public meeting, such a meeting may be conducted at a Regular or Special Council or at a Regular or Special Committee of the Whole Meeting.
- (2) Public meetings shall be incorporated in the meeting agenda as appropriate.
- (3) During a public meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to deputations appearing before Council under this By-law, except that prior notice of one's desire to speak shall not be required; and a motion need not be considered by Council following each presentation but a motion to receive all deputations at the public meeting may be made in one motion.

5.15 **Deputations**

- (1) Any person may, by written notice to the Clerk, request an opportunity to address the members of the Council on any matter within the jurisdiction of the Municipality.
- (2) Notwithstanding section (1) where notice has been published under the Notice provisions of the Municipal Act and in accordance with this by-law, that a Statutory Public Meeting is to be held, or that there is an intention to consider a matter, the fact that there may be possible deputations regarding the public meeting shall be listed on the agenda for that meeting under Deputations on the agenda, and any person present to address that matter shall be heard.
- (3) Every request to be listed on an agenda as a deputation shall be received by the Clerk four full working days prior to a meeting and shall include:
 - (i) the complete name, address, telephone number, and/or email address, of the person requesting the opportunity to be a deputation,

- (ii) the reasons for the deputation, electronic copy or 20 hard copies of any material to be presented to Council, and,
 - (iii) if applicable, the name, address and telephone number of any person, corporation or organization represented.
- (4) Deputations shall be required to submit a copy or summary of their comments to the Clerk prior to making a deputation.
- (5) Any material submitted from a deputation related to a public meeting of Council or Committee of the Whole shall form part of the public record and may be added to the County website.
- (6) For the purpose of section (1) above, it shall be the decision of the Clerk, in consultation with the Mayor, whether a deputation will be included on a Council agenda.
- (7) The Clerk shall direct any deputation not approved under section (4) above to the Committee of the Whole.
- (8) Where notice has been published under the Notice provisions of the Municipal Act and in accordance with this by-law, that a public meeting is to be held, or that there is an intention to consider a matter, the fact that there may be possible deputations regarding the public meeting shall be listed on the agenda for that meeting under Deputations on the agenda, and any person present to address that matter shall be heard.
- (9) The Clerk shall notify the person who requested the deputation of the decision made under section (4) above, and if appropriate, the date and time of the Committee of the Whole to which the deputation is directed under subsection (5) above.
 - a) A deputation regarding a matter for which there is no staff report on the agenda for that meeting shall be received without comment by members on the subject and the matter shall be referred to staff for a report, unless there is a majority vote to simply 'received' the deputation.
 - b) The appropriate Commissioner or his/her designate shall notify the deputation of the meeting at which the staff report referenced in subsection (a) above is to be considered so that the deputation may attend and be given the opportunity to request to be a deputation at the meeting when the item will be discussed.
- (10) Where a particular matter is expected to generate a large number of deputations (namely, ten (10) deputations or more),

the Council or Committee of the Whole may pass a resolution to hold a special meeting in order to afford all deputations an opportunity to address the Council or Committee of the Whole.

- (11) The priority in which deputations are listed on the agenda shall be in accordance with the following:
 - i) deputations, if any, in response to a public notice referred to in section 5.4 (8) above;
 - (ii) deputations arranged for in accordance with this subsection, in the order in which written notice was received by the Clerk or such other order as may be determined by the Clerk in order to facilitate the efficient management of the matters to be heard; and
- (12) No person presenting a deputation shall:
 - (i) speak disrespectfully of any person;
 - (ii) use offensive words or unparliamentarily language;
 - (iii) speak on any subject other than the subject for which he received approval to address; or
 - (iv) disobey the rules of order or a decision of the Chair.
- (13) A person representing a deputation shall be limited to speaking not more than ten minutes.
- (14) Notwithstanding subsection (a) above, if a speaker has not completed the presentation within the time allotted, the Presiding Officer, or any member through the Chair, shall determine if the extension shall be allowed by immediate vote in which case the time shall be extended for such reasonable time as the Presiding Officer and members may so determine.
- (15) After a deputation has completed the presentation, members shall each have the opportunity to ask questions of the deputation for clarification purposes only, and without debate. When all members who have indicated a desire to ask questions have been given the opportunity to do so, the deputation shall withdraw from the place designated to make submissions before any debate on the subject of the deputation begins.
- (16) The Chair may curtail any deputation, any questions of a deputation or debate during a deputation, for disorder or for any other breach of this Procedure By-law and, should the Chair rule that the deputation is concluded, the deputation shall withdraw immediately from the place designated to make submissions as specifically directed by the Chair.

5.16 **Adjournment**

- (1) Council Meetings shall adjourn at the hour of 10:00 p.m. if in session at that time, unless otherwise determined by a majority vote of the Members present that the meeting adjourn earlier or shall continue to the hour of 11:30 p.m.
- (2) Any further extensions of time shall be in one hour increments and shall require a majority vote of the Members present at the meeting.
- (3) In the instance of a grave disorder arising during a Council Meeting, adjournment shall be possible at any time.
- (4) Committee of the Whole meetings shall adjourn after three hours unless there is a motion to extend the time by a majority vote.
- (5) Special meetings of Council and Committee of the Whole shall adjourn after three hours unless there is a motion to extend the time by a majority vote unless a meeting has been expressly scheduled for an extended period.

PART 6 –REGULAR AND SPECIAL COUNCIL MEETINGS

6.1 **Order of Business**

- (1) The Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that shall conform to the following order of business:
 1. Call to Order
 2. Lord's Prayer
 3. Confirmation of Agenda
 4. Disclosure of Pecuniary Interest and the General Nature Thereof
 5. Announcements
 6. Adoption of Minutes
 7. Deputations
 8. Comments from the Audience (on items on the agenda)
 9. Items for Consideration
 10. Committee Reports
 11. By-laws
 12. Closed Session
 13. Adoption of Closed Session Minutes
 14. Motions Arising from Closed Session
 15. Confirmatory By-law
 16. Adjournment

- (2) Council may, at any point within a Council Meeting, adopt a motion to go into Closed Session to consider matters in accordance with Part 5.7 of this By-law.
- (3) Council shall dispense with the business of Council in the order by which it is presented in the meeting agenda, but Council may by consent change the order of business.
- (4) For Special Council Meetings, the Clerk may dispense with any one or more agenda items with the exception of item 2, 3, 4, 15 and 16.

6.2 **Announcements**

- (1) Under Announcements, Members may verbally introduce information respecting special events, meetings, notices, declarations or proclamations that are considered to be of general interest to the community without prior notice.
- (2) In the event that a member of the public wishes an announcement to be made at a meeting, the request and the details shall be received, in writing, by the Clerk no later than four full working days prior to the meeting and shall be listed on the agenda.
- (3) It shall be the decision of the Clerk, in consultation with the Mayor, whether the announcement will be included on the agenda, and the Clerk shall notify the person who requested the announcement of the decision made.
- (4) When an announcement is to be included on the agenda, the Clerk shall make the appropriate arrangements with the member of the public who made the request.
- (5) The agenda shall list the name of the member of the public to make the announcement and the general nature thereof.
- (6) The member of the public making the announcement shall be limited to speaking not more than two minutes.

6.3 **Adoption of Minutes**

- (1) Council shall adopt the minutes of previous Council Meetings and closed session by resolution at the next regular meeting.
- (2) Where any Member identifies an error in the minutes of a previous Council Meeting, the Member shall so advise Council and

direct the Clerk to correct the minutes prior to approval, and the Clerk shall so note such change in the minutes.

6.4 **Comments from the Audience**

- (1) Notwithstanding section 5.15 during the Comments from the Audience portion of the meeting, any person may address members of Council on any matter that is listed on the agenda without the provision of notice.
- (2) The time allotted to Comments from the Audience at the meeting will be limited to no more than 30 minutes in total.
- (3) A person addressing Council without the provision of notice shall be limited to speaking not more than 3 minutes.
- (4) There shall be no Councillor question period or debate permitted during Comments from the Audience.
- (5) All speakers heard during the Comments from the Audience portion of the meeting will be received by a single motion following the last speaker.

6.5 **Items for Consideration**

- (1) Under Items for Consideration, Council shall consider items that have been:
 - (i) referred from a previous Council or Committee of the Whole; or
 - (ii) are of an urgent nature and due to time constraints cannot be placed on a Committee if the Whole Agenda.
- (2) Items for Consideration will be identified on the Agenda as Action Items or Information Items.
- (3) Items for Consideration and the recommendations contained therein shall be adopted by a single motion.
- (4) Any member, before the motion is voted on, may remove any motion from the Items for Consideration and such motion shall be dealt with separately.

6.6 **Committee Reports**

- (1) Under Committee Reports Council shall consider the reports of the Committee of the Whole and other Committees reporting directly to Council.

- (3) Reports of the Committee of the Whole or other Committees and the recommendations contained therein shall be adopted by a single motion.
- (4) Any member, before the motion is voted on, may remove any motion from a report of the Committee of the Whole or other Committee and such motion shall be dealt with separately.
- (5) In the event that a member discloses a pecuniary interest on a motion that is included in the Committee of the Whole or other Committee Report that motion shall be removed and dealt with separately and in the order in which the item appears on the agenda.
- (6) Under Committee Reports Council shall also consider a public report of a closed session meeting adopted under section 6.3.(1)

6.7 **By-laws**

- (1) Under By-laws, the meeting agenda shall list all proposed by-laws to be placed before Council for consideration.
- (2) By-laws shall be given first, second and third readings in a single motion.
- (3) When a Member wishes to discuss the contents of a by-law, which is included in a multiple by-law motion, the subject by-law shall be removed from the motion and dealt with separately. The head note only of the by-law shall be read if requested, and a by-law shall not be enacted until it has received three readings.

6.8 **Confirmatory By-law**

Council shall adopt a confirmatory by-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such by-law may be given three readings by one motion that is not amendable or debatable.

PART 7 –PLANNING PUBLIC COUNCIL MEETINGS

7.1 Order of Business

- (1) The Clerk shall cause to be prepared for Regular and Special Planning Public Council Meetings a meeting agenda that shall conform to the following order of business:
 1. Call to Order
 2. Lord's Prayer
 3. Confirmation of Agenda
 4. Disclosure of Pecuniary Interest and the general nature thereof
 5. Move to Committee of the Whole to consider Items for Consideration and hear Deputations
 6. Items for Consideration
 7. Adjourn Committee of the Whole and rise and report to Council
 8. Adoption of Committee of the Whole recommendations which received a 2/3 majority vote in favour of the staff recommendation
 9. Deferral to the next Council or Planning Public Meeting of Committee of the Whole recommendations which did not receive a 2/3 majority vote in favour of the staff recommendation
 10. By-laws for Consideration
 11. Confirmatory By-law
 12. Adjournment
- (2) Council may, at any point within a Planning Public Council Meeting, adopt a motion to go into Closed Session to consider matters in accordance with the provisions of Part 5.7 of this By-law.
- (3) Council shall dispense with the business of Council in the order by which it is presented in the meeting agenda, but Council may, by consent, change the order of business.
- (4) For Special Planning Public Council Meetings, the Clerk may dispense with any one or more agenda items with the exception of item 1, 2, 3, 5, 10 and 11.

7.2 Items for Consideration

- (1) Staff reports on applications under the Planning Act and matters deferred from previous Planning Public Meetings and deputations related to these matters will be considered under Items for Consideration.

- (2) This portion of the meeting will be held in Committee of the Whole.

7.3 **Deputations at Planning Public Council Meetings**

- (1) Deputations will be heard during the Committee of the Whole portion of the meeting when the staff report is considered.
- (2) Notwithstanding Section 5.15(1) any person present may address the Committee of the Whole on any item listed on the agenda without the provision of notice.

7.4 **Adoption of Committee of the Whole Recommendations**

- (1) Recommendations arising from the Committee of the Whole portion of the Planning Public Council Meeting that received a 2/3 majority vote in favour of the staff recommendation as indicated on the agenda will be adopted by Council immediately following the Committee of the Whole rising.
- (2) Recommendations arising from the Committee of the Whole portion of the Planning Public Council Meeting that did not receive a 2/3 majority vote in favour of the staff recommendations will be referred:
 - (a) to the next Planning Public Council Meeting if additional information is required and determination will be made at that time if further public notice is required; or
 - (b) to the next Council meeting for a final decision.
- (3) Notwithstanding Sections (1) and (2) staff may amend its recommendation at the meeting as a result of new information, either verbally or in writing, and such amendment shall be so noted in the minutes.
- (4) Notwithstanding sub-section (2) above motions that deferred a matter to a specific meeting or indefinitely shall be brought forward to a subsequent Planning Public Council Meeting.

7.5 **By-laws**

- (1) The meeting agenda shall list all proposed by-laws for applications recommended for approval.
- (2) By-laws shall be given first, second and third readings in a single motion.
- (3) When a Member wishes to discuss the contents of a by-law, which is included in a multiple by-law motion, the subject by-law

shall be removed from the motion and dealt with separately. The head note only of the by-law shall be read if requested, and a by-law shall not be enacted until it has received three readings.

7.6 **Confirmatory By-law**

Council shall adopt a confirmatory by-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such by-law may be given three readings by one motion that is not amendable or debatable.

PART 8 –REGULAR AND SPECIAL COMMITTEE OF THE WHOLE MEETINGS

8.1 **Order of Business**

- (1) The Clerk shall cause to be prepared for the Regular Committee of the Whole Meetings a meeting agenda that shall conform to the following order of business:
 1. Call to Order
 2. Confirmation of Agenda
 3. Disclosure of Pecuniary Interest and the General Nature Thereof
 4. Deputations (listed)
 5. Deputations from the Audience on items listed on the Agenda
 6. Determination of Items Requiring Separate Discussion and Adoption of Remaining Items
 7. Action Items for Consideration
 8. Information Items for Consideration
 9. Closed Session
 10. Adjournment
- (2) Committee of the Whole may, at any point within a meeting, adopt a motion to go into Closed Session to consider matters in accordance with the provisions of Part 5.7 of this By-law.
- (3) Committee of the Whole shall dispense with the business of Committee of the Whole in the order by which it is presented in the meeting agenda, but Committee of the Whole may, by consent, change the order of business.
- (4) For Special Committee of the Whole Meetings, the Clerk may dispense with any one or more agenda items with the exception of items 1, 2, 3, and 10.

8.2 **Deputations at Committee of the Whole Meetings**

- (1) Notwithstanding Section 5.15.1 any person present may address the Committee of the Whole on any item listed on the agenda without the provision of notice.
- (2) Agenda Items having Deputations will be identified and considered separately.

8.3 **Items for Consideration**

- (1) Items for Consideration shall be identified on the agenda as either Action Items or Information Items
- (2) Items for Consideration and the recommendations contained therein shall be adopted by a single motion.
- (3) Any member, before the motion is voted on, may remove any motion from the Items for Consideration and such motion shall be dealt with separately.
- (4) Matters contained in the departmental Outstanding Items listing are not considered to be Items on the Agenda, for the purposes of deputations from the audience or for disclosures of interest. Discussion or motions on the Outstanding Items listing should be limited to the timing of outstanding reports.

PART 9 – CLOSED SESSIONS

9.1 **Order of Business**

- (1) The Clerk shall prepare for the use of the Members at Closed Sessions an agenda that shall conform to the following order of procedure:
 1. Call to Order
 2. Questions regarding Closed Session Minutes of previous meetings
 3. Items for Consideration
 4. Motion to return to open session
- (2) Where Council elects to go into a Closed Session in the midst of a Regular or Special meeting of Council or Committee of the Whole, the matter(s) to be discussed must be on the public agenda or added to the public agenda under the provisions of section 5.12 and the order of business shall be as follows:
 1. Motion to go into Closed Session
 2. Items for Consideration

3. Motion to return to open session

9.2 **Opening Procedure for Closed Sessions**

- (1) As soon after the appointed time of the Meeting as there shall be a quorum present, the Presiding Officer shall take the Chair and:
 - (i) call the Members to Order; and
 - (ii) request that Council consider a motion to go into Closed Session.
- (2) The opening procedure shall be conducted in open session.
- (3) Before a meeting is closed, a motion shall be carried as to:
 - (i) the fact of the holding the closed meeting;
 - (ii) the general nature of the items to be discussed; and
 - (iii) the subsection(s) of the Municipal Act, which authorizes each item to be considered at the Closed Session.

9.3 **Disclosure of Pecuniary Interest at Closed Sessions**

Any Member shall, prior to any consideration of any matter at a Closed Session, disclose any pecuniary interest and the general nature thereof in accordance with the provisions of section 6.5.

9.4 **Procedures for Closed Sessions**

- (1) The rules governing the procedure of Council and the conduct of Members shall be observed in Closed Session.
- (2) No matter shall be discussed at a Closed Session that is not consistent with the motion to go into Closed Session, which was adopted during the opening procedure.
- (3) (a) If a matter arises in a Closed Session that a Member feels is not appropriate to consider in Closed Session, the Member shall be provided the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an open Council Meeting.

(b) Where, following such endeavour the majority of Council believes the matter is to be considered in Closed Session, the Member may withdraw from the meeting room during consideration of the matter, and the Clerk shall so note in the minutes.
- (4) Once in a Closed Session, no item may be added to the agenda for that Closed Session.

- (5) A meeting shall not be closed to the public during the taking of a vote.
- (6) Despite subsection (5) above, during a Closed Session, a vote may be taken for a procedure matter or for giving directions or instructions to a Committee, officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.

9.5 **Closed Session Minutes**

Minutes shall be kept of all Closed Sessions, identifying the members present and absent, the Officers present, in the same fashion as those kept for open sessions, shall correspond directly to the prepared Closed Session agenda and shall identify any added items and shall note any direction or instructions given.

9.6 **Closed Session Confidentiality**

- (1) No member of the Council shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a Closed Session agenda without the prior approval of the Council or Committee.
- (2) The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of Closed Session.

PART 10 – RULES OF PROCEDURE

10.1 **Duties of the Presiding Officer**

- (1) It shall be the duty of the Presiding Officer to:
 - (i) ensure that a quorum is established and maintained throughout the course of the meeting;
 - (ii) open the meeting by taking the Chair and calling the Members to order;
 - (iii) announce the business before Council in the order in which it is to be acted upon;
 - (iv) receive and submit, in the proper manner, all motions presented by the Members;
 - (v) put to a vote all motions which are duly moved, or arise in the course of proceedings, and to announce the result;
 - (vi) decline to put to a vote all motions that infringe upon the Rules;
 - (vii) restrain the Members, within the Rules, when engaged in debate;

- (viii) enforce on all occasions the observance of order and decorum among the Members;
- (ix) order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
- (x) receive all messages and other communications and announce them to the Council;
- (xi) authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- (xii) inform Council, when necessary or when referred to for that purpose, of a ruling on a point of order or a point of personal privilege;
- (xiii) represent and support Council declaring its will, and implicitly obeying its decisions in all things;
- (xiv) ensure that the decisions of Council are in conformity with the laws and by- laws governing the activities of Council;
- (xv) recess the meeting where necessary in accordance with the Rules;
- (xvi) call for adjournment of the meeting when the business is concluded; and
- (xvii) adjourn the meeting without question, or suspend the meeting to a time to be named, in the case of a grave disorder.

10.2 **Rules of Decorum**

- (1) No Member shall:
 - (i) use offensive words or un-parliamentary language in or against any Member or to speak disrespectfully of any Member;
 - (ii) speak on any subject other than the subject in debate;
 - (iii) communicate with any other person electronically;
 - (iv) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - (v) disobey the Rules; or
 - (vi) disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules except for the purpose of appealing the decision in accordance with the Rules.
- (2) No Member shall speak until recognized by the Presiding Officer.
- (3) When the Presiding Officer is putting a motion to a vote, no Member shall leave or make a disturbance.
- (4) If any Member desires to leave a meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Clerk, and the Member's departure shall be recorded in the minutes.

- (5) Should a quorum be lost due to the departure of one or more Members prior to the adjournment of a meeting, the Clerk or designate shall declare the meeting adjourned.
- (6) The Presiding Officer may declare a recess at any point during a meeting with the consensus of members present without the necessity of a motion, to enable any unusual circumstance or condition that has arisen to be addressed.
- (7) The Presiding Officer shall recess the meeting for a minimum of ten minutes after two (2) hours have passed, unless there is unanimous consent to continue without such.

10.3 **Rules of Procedure Respecting Motions**

- (1) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- (2) All motions shall be in writing and signed by the mover and seconder before the Presiding Officer will take the vote on the motion.
- (3) Notwithstanding section (2) above, the following motions may be introduced orally:
 - (i) To call the question;
 - (ii) To suspend the rules;
 - (iii) To receive a deputation;
 - (iv) To move into closed session;
 - (v) To rise from closed session;
 - (vi) To rise from Committee of the Whole;
 - (vii) To extend the time of the meeting;
 - (ix) To recess;
 - (x) To adjourn; and
 - (xi) Any other procedural motion.
- (4) When a motion is presented in writing, if requested it shall be read by the Presiding Officer or the Clerk when directed by the Presiding Officer, before debate.
- (5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
 - (a) A motion can only be withdrawn by the mover with the consent of the seconder.
 - (b) Withdrawal of a motion shall be in order at any time during debate.

- (6) A motion containing two or more distinct proposals may be divided and each part considered separately.
- (7) A main motion shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely:
 - (i) to defer the motion under consideration to a definite date;
 - (ii) to defer the motion under consideration indefinitely;
 - (iii) to refer the motion under consideration to a committee or staff for a report;
 - (iv) to amend the motion under consideration;
 - (v) to put the question (to end debate on the motion under consideration);
 - (vi) to recess; and
 - (vii) to adjourn.
- (8) A motion to recess:
 - (i) is permissible when there is business for consideration;
 - (ii) shall specify the length of time of the recess;
 - (iii) is not debatable except with regard to the length of the recess;
 - (iv) shall be amendable with respect to the length of the recess; and
 - (v) is not in order when a Member is speaking or during a vote.
- (9) A motion to adjourn:
 - (i) is not amendable;
 - (ii) is not debatable;
 - (iii) is not in order when a Member is speaking or during a vote; and
 - (iii) when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted in the intervening time.
- (10) A motion to defer:
 - (i) may or may not state a definite time or date as to when the matter shall be further considered;
 - (ii) shall state the reasons for the deferral;
 - (iii) shall apply to the main motion and to any motions to amend the main motion that are on the table;
 - (iv) is not debatable.
- (11) A motion to refer:
 - (i) shall include the reasons for the referral

- (ii) may or may not include the time or conditions under which the matter is to be returned for consideration; and
 - (iii) is not debatable.
- (12) A motion to amend:
- (i) shall be relevant to the main motion;
 - (ii) shall not be directly contrary to or propose a direct negative to the main motion;
 - (iii) shall be debatable; and
 - (iv) shall not itself be amended more than once; and motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered as amended.
 - (v) Friendly amendments: Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment.
- (13) A motion to call the vote:
- (i) is not permissible until every Member present has had the opportunity to speak to the question at least once;
 - (ii) is not amendable; and
 - (iii) is not debatable; and upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.
- (14) A motion to move into Committee of the Whole or a motion for the Committee of the Whole to rise and report shall not be amendable or debatable.
- (15) No dilatory motion, which shall include:
- (i) any motion made subsequent to a motion that was lost that is substantially the same as the lost motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate; or
 - (ii) any motion made that is absurd or frivolous, or that can not be effected;
- shall be entertained by the Presiding Officer.
- (16) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted shall employ the reconsideration procedures as set out in Part 10.5 of this By-law.

10.4 **Voting on Motions**

- (1) No vote shall be taken in a meeting by ballot or by any other method of secret voting, unless Council is in a Closed Session and such vote is permitted to be taken in Closed Session.
- (2) The Presiding Officer shall be entitled to vote on any question, but is not required to vote unless:
 - (i) a Member has requested a Recorded Vote; or
 - (ii) the votes of all other Members present produces an equality of votes.
- (3) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Clerk to read the motion in the form introduced and shall do so if requested by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- (4) After a motion is put to a vote by the Presiding Officer, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- (5)
 - (a) If it is agreed that a motion containing separate proposals be dealt with separately, a separate vote shall be taken upon each proposal contained in a motion.
 - (b) A Member who is not present when the vote on the first part of a motion that has been divided shall not be entitled to vote on the second part of the motion.
- (6) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is lost, as appropriate.
- (7) Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- (8) Any motion on which there is a tie vote shall be deemed to be lost.
- (9) During a meeting of Council, if any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request

that a Recorded Vote be taken, whereupon the Clerk shall poll the Council.

(10) (a) During a meeting of Council, when a Member present requests a Recorded Vote on a motion, all Members present shall vote when polled by the Clerk by verbally indicating in favour of or opposed to and the Clerk shall record the results of the vote in the minutes.

(b) The Clerk shall conduct the recording of votes of all Members by beginning with the Member who called for the vote and continuing in consecutive alphabetical order.

(c) A Member may request a Recorded Vote immediately prior to or subsequent to the taking of a vote on a motion.

10.5 **Rules of Procedure Respecting Reconsideration of a Matter**

(1) If a matter has been previously considered by Committee or Council and the matter decided either in the affirmative or the negative, it shall not be reconsidered by either body within the next four regular meetings of Council after the Council meeting at which the matter was decided, without the consent of at least two-thirds of the Members present.

(2) If a matter is put forward for reconsideration under section (1) above, prior to any motion related to the matter or debate, a motion to reconsider the matter shall be placed on the agenda and decided.

10.6 **Rules of Debate**

(1) (a) Every Member, prior to speaking to any question or motion, shall so indicate to the Presiding Officer through the raising of a hand of his/her desire to speak, and no Member shall speak until recognized by the Presiding Officer as having the floor.

(b) When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.

(2) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions to the Presiding Officer.

- (3) When a Member is speaking, no other Member shall interrupt except to rise on a point of order or a point of personal privilege.
- (4) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.
- (5) A member may initially speak on an item of business or motion for a maximum of five (5) minutes.
- (6) No member shall speak more than once on an item of business except to give an explanation until every member who desires to speak on that item has spoken.
- (7) Any member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further maximum five (5) minutes.
- (8) Any member desiring to speak more than twice on the motion shall do so only at the discretion of the Presiding Officer.
- (9) 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 Presiding Officer, or through the Presiding Officer.
- (10) If the motion pertains to a specific Ward only, within the County of Prince Edward, the Ward Councillor has the right to speak first to the motion.
- (11) In the event that more than one Councillor from the same Ward wishes to speak, the Chair shall determine who first requested to speak.
- (12) The mover may request the right to be the last member to speak on the motion.
- (13) The Presiding Officer shall appoint another Member to act as Chair:
 - (i) while temporarily being absent from the meeting; or
 - (ii) if he/she wishes to put forward a motion.
- (14) When the Presiding Officer calls for the vote on a motion, each Member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no

Member shall speak to any other Member or make any noise or disturbance.

- (15) In all proceedings of a meeting the Presiding Officer shall decide and rule upon all matters pertaining to the Rules.

10.7 **Point of Order**

- (1) A Member may raise a point of order at any time, including interrupting another Member who has the floor, to bring Council's or Committee'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;
 - (iii) any other informality or irregularity in the proceedings of Council or Committee.
- (2) When a Member rises on a point of order, the Member shall ask leave of the Presiding Officer to raise the point of order and the Presiding Officer shall grant such leave, following which the Member shall state the point of order, and the Presiding Officer shall decide on the point of order and state his/her ruling on the matter.
- (3) Upon the raising of a point of order, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of order.
- (4) Upon hearing the point of order, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling to Council or Committee.
- (5) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (6) If a Member appeals the Presiding Officer's ruling on the point of order to Council or Committee, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council or Committee shall decide the question:

"Shall the ruling of the Chair be sustained?" without further debate and the decision of Council or Committee shall be final.

10.8 **Point of Personal Privilege**

- (1) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity, or the integrity of the Council, or the integrity of a Committee, or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- (2) When a Member rises on a point of personal privilege, the Member shall ask leave of the Presiding Officer to raise the point of personal privilege and the Presiding Officer shall grant such leave, following which the Member shall state the point of personal privilege, and the Presiding Officer shall decide on the point of personal privilege and state his/her ruling on the matter.
- (3) Upon the raising of a point of personal privilege, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of personal privilege.
- (4) Where the Presiding Officer rules that a breach of privilege has taken place, he/she shall demand that the offending Member or individual apologize and failing such apology shall require the Member or individual to vacate the meeting room for the duration of the meeting as provided for in Part 10.9 of this By-law.
- (5) With the exception of providing an apology, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of a breach of privilege.
- (6) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (7) If a Member appeals the Presiding Officer's ruling on the point of personal privilege, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council or Committee shall decide the question:
"Shall the ruling of the Chair be sustained?" without further debate and the decision of Council or Committee shall be final.

10.9 **Expulsion for Improper Conduct**

- (1) The Presiding Officer, 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) violation of the Rules;
 - (ii) interruption of the proceedings of Council or Committee;
 - (iii) making of disruptive noise or visible gestures;
 - (iv) campaigning for any political cause or outcome; or
 - (v) any other activity that impedes the conduct of the meeting.
- (2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.
 - (3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.
 - (4) If no Member appeals, the ruling of the Presiding Officer shall be final.
 - (5) If a Member appeals the Presiding Officer's ruling on expulsion, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council or Committee shall decide the question:

"Shall the ruling of the Chair be sustained?" without further debate and the decision of Council or Committee shall be final.

PART 11 –COMMITTEES AND LOCAL BOARDS

11.1 Local Boards

Every local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings of the local board as required pursuant to the provisions of the Municipal Act, 2001, but until the local board has adopted a procedure by-law, the provisions of this By-law shall apply with the necessary adjustments.

11.2 Committees of Council

- (1) Council may, from time to time, establish standing, advisory, special and other Committees consisting of such members as Council may determine, to carry out such duties and responsibilities as may be set out in terms of reference approved by Council.

- (2) Council may, from time to time, establish ad hoc committees consisting of such members as Council may determine, to take up a specific task or assignment, where the term of such committee is limited to the time required to complete the specific task or assignment.
- (3) Should any committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such committee and appoint another committee in its place, or disband the committee in its entirety.
- (4) Persons appointed to committees are appointed for such term as defined by Council, and by resolution. Council may rescind any appointment at any time.
- (5) Should any member of a committee fail to attend three (3) successive meetings thereof 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.
- (6) The Mayor and any Council member appointed to the committee is an ex-officio voting member of all committees but does not affect quorum.

11.3 **Meetings of Committees**

- (1) All meetings of committees shall be open to the public, except that committees may hold a Closed Session or move into a Closed Session to deal with matters that qualify for consideration at a closed meeting as set out in Part 5.7 and 9.4 of this By-law.
- (2) The person designated in the terms of reference for a committee as responsible for administrative support, herein referred to as the Committee Secretary, shall be responsible for preparing meeting agendas, issuing notice as required by this By-law, and preparation of meeting minutes.
- (3) The Committee Secretary shall prepare the meeting agenda and provide the same to members of the committee, and to any member of the public including the news media who have requested a copy, no less than one (1) day preceding the day of the meeting, unless the Chair or Vice-Chair in the absence of the Chair of the committee has authorized a meeting agenda to be handed out at the meeting.

- (4) The Committee Secretary shall prepare minutes of all meetings of committees, in accordance with the provisions of section 5.9 and shall forward copies of all minutes to the Clerk.
- (5) Minutes of all committees shall be placed on the Committee of the Whole agenda to be received;
- (6) Notwithstanding subsection (5) staff shall identify motions which contain recommendations from Committees which require Council approval and those motions shall be voted on separately.

11.4 **Presiding Officer for Committees**

- (1) Council may designate the Chair of any committee, or allow the committee to elect a Chair from its members.
- (2) Where Council has not appointed a Chair, at the first meeting of each committee, the committee shall elect from its members a Chair for such term as the committee shall determine, and the committee may at its discretion elect a Vice-Chair from its members for such term as the committee shall determine.
- (3) The duties of the Chair, or in the absence of the Chair the Vice-Chair, or in the absence of the Chair and the Vice-Chair such other member as the committee may designate to preside over the meeting, shall be as set out in Part 5.5 of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.
- (4) Should the Chair of any committee neglect or refuse to call meetings of the committee at such times or with such frequency as the proper dispatch of the committee's business requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or actions, the committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.

11.5 **Rules of Order for Committees**

- (1) A quorum in any committee meeting shall be a majority of the voting members of the committee.

If there is no quorum present within thirty (30) minutes after the time appointed for a meeting, the meeting shall stand adjourned to the next regular meeting or at the call of the Chair.

- (2) The Chair, or in the Chair's absence the Vice-Chair, or in the absence of the Chair and the Vice-Chair, such other member as the committee may designate shall preside at the meeting.

In the absence of the Chair and Vice-Chair if applicable for a period of fifteen (15) minutes after the time appointed for the holding of a meeting, one of the other members of the committee, if there be a quorum present, shall be appointed by the committee and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair.

- (3) Each committee shall transact all business according to the rules for Council, with the necessary adjustments, as set out in Section 10 of this By-law, with the exception that the number of times a member may speak on any question shall not be limited, and at the request of any member, any item on the meeting agenda may be reopened upon a majority vote of the members present.
- (4) A committee may appoint a sub-committee from its members to investigate and report on any matters related to the business of the committee, provided that:
 - (i) the sub-committee shall report directly to the appointing committee;
 - (ii) the sub-committee shall not have the power to appoint an additional sub-committee, nor shall it add to its membership without permission from the committee that established the sub-committee;
 - (iii) the sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned; and
 - (iv) such sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

PART 12 – NOTICE

12.1 Purpose

This By-law shall not apply so as to require the giving of any notice in circumstances where there is no requirement in any applicable by-law, policy, Statute, or regulation that notice be given in respect of any proposed municipal action.

12.2 **Notice to Members of Council and Committee of the Whole Meetings**

- (1) A minimum of two working days notice shall be provided to Members prior to the holding of a Regular Council or Committee of the Whole Meeting, which shall be given by release of a meeting agenda.
- (2) Notwithstanding section 12.2(1) the notice may be altered to accommodate statutory holidays.
- (3) A minimum of forty-eight (48) hours notice shall be provided to the Members to the holding of a Special meeting, which may be given by release of a meeting agenda, written notice, email, or by telephone call.
- (4) Notwithstanding any other provision of this By-law to the contrary, a Council Meeting may be held to deal with an emergency with less than the requisite notice, provided the Clerk has endeavoured to notify the Members about the meeting in the most expedient manner. No business except business dealing directly with the emergency shall be transacted by Council.
- (5) Lack of receipt of a notice of or meeting agenda for a Council or Committee of the Whole Meeting by any Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

12.3 **Notice to the Public of Council and Committee of the Whole Meetings**

- (1) Notice of Regular Council and Committee of the Whole Meetings to the public shall be provided through:
 - (i) release of a meeting agenda by the Clerk; and
 - (ii) posting of the time and date of the meeting on the Municipality's web site.
- (2) Upon release of a meeting agenda, the Clerk shall:
 - (ii) maintain copies of the meeting agenda in the office of the Clerk for review by members of the public; and
 - (iii) post the meeting agenda on the Municipality's web site.
- (3) Lack of receipt of a notice of or meeting agenda for a Council or Committee of the Whole Meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

12.4 **Notice of Meetings of Committees**

- (1) Notice of a committee meeting shall be provided through:
 - (i) release of a meeting agenda for the meeting; and
 - (ii) posting of the time and date of the meeting on the Municipality's web site.
- (2) Where an agenda is released prior to a meeting, the committee secretary shall maintain copies of the meeting agenda in the office of the secretary for review by members of the public
- (3) Where a meeting agenda will not be released prior to the meeting, in lieu of the release of a meeting agenda, the committee secretary shall endeavour to provide notice by e-mail or telephone call and/or written notice to the members.
- (4) Lack of receipt of a notice of or meeting agenda for a committee meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

12.5 **Notice of Proposed Municipal Action**

- (1) Notice to the public of proposed municipal action shall be given in accordance with the Municipal Act and its Regulations and any other applicable Act or by-law.
- (2) Where separate by-laws have been enacted for specific activities the notice provisions set out in such by-laws shall prevail.
- (3) Nothing in this by-law shall prevent Council or staff from using more comprehensive methods of notice or providing for a longer notice period.
- (4) Where notice of intention to pass a by-law or notice of a public meeting is required to be given and the timeframe for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given at least once, no less than fourteen (14) days prior to the proposed activity to be undertaken and posted on the Municipality's website notice board or as directed by Council.
- (5) Where the Municipality is required to give notice or determines that notice is appropriate the Municipality shall provide notice in the manner and at the times set out in this by-law or legislation except where:
 - (i) Council has specifically directed that some other notice is to be given, which may be for a longer or a shorter

- period, or in a different form, that Council considers adequate to give reasonable notice; or
- (ii) the provision of such notice will interfere with the Council's ability to conduct business with respect to a matter for which a closed meeting may be held in accordance with section 239(2) of the Municipal Act; or
 - (iii) a matter arises which, in the opinion of the Mayor in consultation with the Chief Administrative Officer, is considered an emergency, and is urgent or a time sensitive matter which could affect the health or well being of the residents of the Municipality.
- (6) Where a matter is deferred at a Council or a Committee of the Whole meeting or the matter is considered at a subsequent meeting of the Council or Committee of the Whole, or at another Committee meeting, no additional notice shall be required, except where otherwise provided by legislation.

12.6 **Form of Notice**

Every notice to be given under this By-law shall contain:

- (1) A general description of the matter or by-law and the purpose of the meeting; and
- (2) Where it relates to a specific location, sufficient particulars of the location which may include reference to a municipal address, street intersection, legal description or plan number, or a key plan showing the location; and
- (3) The date, time and location of the meeting at which the matter will be considered; and
- (4) Instructions for making oral and/or written submissions to the Council or Committee (as the case may be) as well as the name of a person at the Municipality who may be contacted for further instructions or information on the matter.

PART 13 – INTERPRETATION

13.1 **General Procedure**

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied, the procedure followed in the Robert's Rules of Order (revised).

13.2 **Conflict with other Statutes**

Where there is conflict between any part of this By-law and any Statute or regulation, the Statute or regulation shall take precedence.

13.3 **Severability**

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.

13.4 **Time of Day**

Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be Standard Time, provided however, if 'Daylight Saving Time' is in effect under any Statute, Order-In-Council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.

PART 14 – BY-LAWS RESCINDED

14.1 By-law Number 2375-2009 is hereby rescinded.

This by-law shall come into force and take effect immediately upon the passing thereof.

Read a first, second and third time and finally passed this 28 day of June 2011

CLERK, Victoria Leskie

MAYOR, Peter A. Mertens