



**The Corporation of the Municipality of Brighton**

**PROCEDURAL BY-LAW**

**BY-LAW NUMBER 065-2011**

## Table of Contents

<b>PART 1 – Definitions.....</b>	<b>4</b>
<b>PART 2 – Effect .....</b>	<b>5</b>
<b>PART 3 – Duty of Members.....</b>	<b>5</b>
3.1 Role of Council.....	5
3.2 Role of Mayor .....	5
3.3 Role of Deputy Mayor .....	6
3.4 Duty of Members .....	6
<b>PART 4 – Council Meetings.....</b>	<b>6</b>
4.1 Meeting Place .....	6
4.2 Seating at Council Meetings .....	6
4.3 Inaugural Meeting of Council.....	6
4.4 Regular Council Meetings .....	7
4.5 Special Council Meetings .....	7
4.6 Closed Sessions .....	7
4.7 Meeting Agendas .....	7
4.8 Meeting Minutes.....	8
<b>Part 5 – General Meeting Procedures .....</b>	<b>8</b>
5.1 Open Meetings.....	8
5.2 Quorum .....	8
5.3 Committee of the Whole .....	8
5.4 Presiding Officer.....	9
<b>PART 6 – Order Of Procedure For Regular And Special Council Meetings .....</b>	<b>9</b>
6.1 Order of Business .....	9
6.2 Addendum Items .....	9
6.3 Communications and Petitions .....	9
6.4 Disclosure of Pecuniary Interest.....	10
6.5 Announcements.....	10
6.6 Public Meetings .....	10
6.7 Adoption of Minutes .....	10
6.8 Public Question Period .....	10
6.9 Delegations .....	11
6.10 Notice of Motions.....	12
6.11 Committee Reports .....	12
6.12 By-laws .....	13
6.13 Confirmatory By-law .....	13
6.14 Adjournment.....	13
<b>PART 7 – Rules Of Procedure For Closed Sessions .....</b>	<b>13</b>
7.1 Meeting Agenda for Closed Sessions .....	13
7.2 Disclosure of Pecuniary Interest at Closed Sessions.....	14
7.3 Procedures for Closed Sessions .....	14
7.4 Closed Session Minutes .....	14
7.5 Closed Session Confidentiality .....	14
<b>PART 8 – Rules Of Procedure For Council Meetings .....</b>	<b>14</b>
8.1 Duties of the Presiding Officer .....	14
8.2 Rules of Decorum .....	15
8.3 Rules of Procedure Respecting Motions.....	15
8.4 Voting on Motions .....	17
8.5 Rules of Procedure Respecting Reconsideration of a Matter .....	17
8.6 Rules of Debate.....	18
8.7 Point of Order.....	18
8.8 Point of Personal Privilege .....	19
8.9 Expulsion for Improper Conduct .....	19

<b>PART 9 – Committees And Local Boards</b> .....	<b>19</b>
9.1 Local Boards.....	19
9.2 Committees of Council.....	20
9.3 Meetings of Committees .....	20
9.4 Presiding Officer for Committees.....	20
9.5 Rules of Order for Committees .....	20
<b>PART 10 – Notice</b> .....	<b>21</b>
10.1 Purpose.....	21
10.2 Notice to Members of Council and Committee Meetings .....	21
10.3 Notice to the Public of Council Meetings .....	21
10.4 Notice of Meetings of Committees .....	21
10.5 Notice of Proposed Municipal Action.....	21
10.6 Form of Notice.....	22
<b>PART 11 – Interpretation</b> .....	<b>22</b>
11.1 General Procedure.....	22
11.2 Conflict with other Statutes .....	22
11.3 Severability .....	22
11.4 Time of Day .....	22
<b>PART 12 – By-Laws Rescinded</b> .....	<b>23</b>

**THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON  
BY-LAW NO. 035-2011**

---

**BEING A BY-LAW TO PROVIDE RULES GOVERNING THE CALLING, PLACE AND  
PROCEEDINGS OF MEETINGS OF THE MUNICIPALITY OF BRIGHTON 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 Municipality of Brighton **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, as referred to in Section 229 of the Municipal Act, 2001, of the Corporation of the Municipality of Brighton.
2. “Clerk” means the Clerk or Deputy Clerk of the Corporation of the Municipality of Brighton as appointed pursuant to Section 228 of the Municipal Act.
3. “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.
4. “Committee of the Whole” means Council sitting as a committee where:
  - a) Members consider and debate matters in an environment that procedurally is more relaxed than the formal portion of a Council Meeting; and
  - b) Substantive motions adopted therein are not deemed to represent the final decision of Council until confirmed by by-law.
5. “Committee” means any advisory or other committee, subcommittee or similar entity established by Council.
6. “Council” means the Municipal Council of the Corporation of the Municipality of Brighton.
7. “Deputy Mayor” means the Deputy Mayor for the Corporation of the Municipality of Brighton as appointed by Council by by-law.
8. “Director” means the Director of Finance and Administrative Services, the Director of Planning and Development Services, the Director of Public Works and Environmental Services, and the Director of Parks and Recreation.
9. “Inaugural Meeting” means the Council’s first meeting after a regular election.
10. “Mayor” means the Mayor of the Corporation of the Municipality of Brighton.
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 Municipality of Brighton.
13. “Newspaper” means a printed publication in sheet form, intended for general circulation in the Municipality of Brighton, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest.
14. “Notice of Motion” means an advance notice to members of a matter which Council will be asked to take a position.

15. "Officer" means any salaried Officer, Clerk or worker in the employ of the Corporation of the Municipality of Brighton.
16. "Presiding Officer" means the person Chairing the meeting.
17. "Recorded Vote" means the recording by the Clerk of the name and vote of every Member on any matter or question.
18. "Rules" means the rules of procedure and order as set out in this By-law.
19. "Substantive Motion" means any motion except a motion to:
  - a) recess;
  - b) defer;
  - c) refer;
  - d) extend the meeting;
  - e) put the question;
  - f) enter into Committee of the Whole;
  - g) rise and report;
  - h) change the order of business; or
  - i) adjourn.

## **PART 2 – EFFECT**

- 2.1** Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all proceedings of Council 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:

- a) represent the public and to consider the well-being and interests of the Municipality;
- b) develop and evaluate the policies and programs of the Municipality;
- c) determine which services the Municipality shall provide;
- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) ensure accountability and transparency of the operations of the Municipality, including the activities of senior management of the Municipality;
- f) maintain the financial integrity of the Municipality; and
- g) 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:

- a) act as chief executive officer of the Municipality;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) provide leadership to Council;
- d) provide information and recommendations to Council with respect to the role of Council;
- e) represent the Municipality at official functions;
- f) 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:

- a) uphold and promote the purposes of the Municipality;
- b) promote public involvement in the Municipality's activities;
- c) act as representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally; and

- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.
- 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 Role of Deputy Mayor if appointed**

- 1) The Deputy Mayor shall act in the place of the Mayor when the Mayor is absent or refuses to act or the office is vacant, and while so acting the Deputy Mayor shall have all the powers and duties of the Mayor.

### **3.4 Duty of Members**

- 1) It shall be the duty of Members to:
  - a) attend all Council Meetings;
  - b) prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
  - c) speak to only the subject under debate;
  - d) vote on all motions before Council unless prohibited from voting by law;
  - e) observe the Rules at all meetings;
  - f) work through the Presiding Officer at meetings;
  - g) support Council;
  - h) attend meetings of committees and local boards to which the Member has been appointed by Council;
  - i) carry out the duties set out in the Municipal Act and all other applicable statutes; and
  - j) 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 Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith. In the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.

## **PART 4 – COUNCIL MEETINGS**

### **4.1 Meeting Place**

- 1) Council Meetings shall be held in the Council Chambers located at 35 Alice Street, Brighton, that have been prepared for such purpose. Despite the foregoing, the Mayor may authorize a 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 due to an unforeseen circumstance or due to renovation or similar impediment, the Mayor shall designate another location that is accessible to the public for purposes of holding Council Meetings.

### **4.2 Seating at Council Meetings**

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

### **4.3 Inaugural Meeting of Council**

- 1) The Inaugural Meeting of Council shall be held commencing at 6:30 p.m. on the first Monday in December of an election year.
- 2) At the Inaugural Meeting, Members shall take the Oath of Allegiance and the Oath of Elected Office.

#### **4.4 Regular Council Meetings**

- 1) Regular Council Meetings shall be held on the first and the third Mondays of each month, except that only one regular Council meeting shall be held in July and August on the third Monday of each month.
- 2) When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.
- 3) Regular Council Meetings shall commence at 6:30 p.m. except as may be otherwise authorized by the Mayor.
- 4) 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.

#### **4.5 Special Council Meetings**

- 1) Special Council Meetings may be held from time to time and may be initiated by:
  - a) the Mayor; or
  - b) 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 Closed Sessions**

- 1) Closed meetings or a part of a meeting may be closed to the public if the subject matter being considered is:
  - a) the security of the property of the municipality or local board which includes information whose disclosure could be reasonably expected to prejudice the economic interests or the competitive position of Council
  - b) personal matters about an identifiable individual, including municipal or local board members
  - c) a proposed or pending acquisition or disposition of land for municipal or local board purposes
  - d) labour relations or employee negotiations
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
  - f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
  - g) a matter in respect of which a Council, Board, Committee or other body has authorized a meeting to be closed under another Act
  - h) if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, Board, Commission or other body is designated as head of the institution for the purpose of that Act
  - i) If the meeting is held for the purpose of educating or training members, provided that no member at this training or education session discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council Board, or Committee
  - j) A meeting shall not be closed to the public during a vote except when the vote is for a procedural matter or for giving direction or instruction to officers, employees or agents of the Municipality or persons retained under contract with the Municipality. There shall be no recorded votes at an In-Camera meeting.

#### **4.7 Meeting Agendas**

- 1) The Clerk shall prepare a meeting agenda for each Council Meeting:
  - a) in the case of a Regular Council Meeting, no less than 72 hours prior to such meeting; and
  - b) in the case of Special Council Meetings, no less than 48 hours before the hour appointed for the holding of such meeting.

- 2) 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:
  - a) maintain copies of the meeting agenda in the Clerk's office for use by the public; and
  - b) post the meeting agenda on the Municipality's web site.

#### **4.8 Meeting Minutes**

- 1) The Clerk shall prepare and maintain minutes of all Council Meetings, to include:
  - a) the place, date and time of the Council Meeting;
  - b) the beginning and ending time of meetings;
  - c) the names of Presiding Officer and Members of Council and record of attendance of the Members;
  - d) the names of Officers present;
  - e) any disclosure of pecuniary interest declared by any Member;
  - f) a record of each item before Council for consideration;
  - g) all motions and disposition of each on each item;
  - h) the names of delegations appearing before Council; and
  - i) all other proceedings of the Council Meeting without note or comment.
- 2) The Clerk shall maintain a record of all minutes of Council Meetings in the Clerk's office that shall be signed by the Mayor 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.

### **PART 5 – GENERAL MEETING PROCEDURES**

#### **5.1 Open Meetings**

Except as authorized under this By-law and the Municipal Act, all Council Meetings shall be open to the public.

#### **5.2 Quorum**

- 1) A majority of the whole number of the Members required to constitute Council 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 Council 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 Committee of the Whole**

- 1) Committee of the Whole shall be comprised of all members of Council who can participate in debate and pass recommendations, which are then referred to Council for consideration.
- 2) The Deputy Mayor, if appointed, shall chair the Committee of the Whole meetings for the municipality.
- 3) Where there is no Deputy Mayor appointed, Council shall elect a chair as the first order of business.
- 4) 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.
- 5) All meetings of Committee of the Whole shall be open to the public, except that Committee of the Whole may hold a Closed Session or move into an Closed Session to deal with matters that qualify for consideration at a closed meeting as set out in Part 4.6 of this By-law.
- 6) The rules governing the Council as set out in Parts 3, 4, 5, 6, 7 and 8 shall be observed at the meetings of Committee of the Whole, insofar as they are applicable, except that:
  - a) a motion shall not be required to be in writing; and
  - b) there shall be no recorded vote.

#### **5.4 Presiding Officer**

- 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 Deputy Mayor shall preside for the meeting or until the arrival of the Mayor.
- 3) The Mayor may designate the Deputy Mayor to Chair during any part of a meeting of the Council when he or she leaves the chair for any reason.
- 4) While presiding the Deputy Mayor shall have all the powers of the Mayor with respect to chairing the meeting.
- 5) In the absence of the Mayor and a Deputy Mayor, the Members present shall elect a Chair for the meeting.

### **PART 6 – ORDER OF PROCEDURE FOR 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. Approval of the Agenda
  3. Disclosure of Pecuniary Interest and the general nature thereof
  4. Announcements
  5. Adoption of Minutes
  6. Planning issues and consents
  7. Delegations
  8. Staff Reports
  9. Councillor Requests for Information & Comment
  10. Notice of Motions & Motions
  11. Unfinished Business
  12. Committee and Board Reports
  13. Correspondence
  14. Question Period – regarding items on the agenda
  15. Closed Session as required
  16. Confirmatory By-law
  17. Motion to Adjourn
- 2) Council may, at any point within a Council Meeting, adopt a motion to go into Closed Session to consider matters in accordance with the provisions of Part 4.6 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.

#### **6.2 Addendum Items**

- 1) Additions to the agenda during a meeting of the Council may only be for matters of an urgent nature.
- 2) Additions to the agenda during a meeting of the Council may be permitted by unanimous approval of the members present.

#### **6.3 Communications and Petitions**

- 1) Every communication and petition to be presented to the Council 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.
- 2) Every communication and petition shall be received by the Clerk no later than 12:00 noon three full working days preceding a meeting of Council.
- 3) Any communication received from municipalities and local boards outside of the Municipality of Brighton requesting endorsement or consideration of a resolution shall:

- a) be circulated to each member of the Council, Directors and Chief Administrative Officer;
- b) be placed on the agenda for a meeting of the council or committee, only at the request of a member of the Council, Director or the Chief Administrative Officer.

#### **6.4 Disclosure of Pecuniary Interest**

- 1) A member shall disclose a conflict of interest in accordance with the Municipal Conflict of Interest Act and
  - shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
  - shall not take part in the discussion of, or vote on any motion in respect of the matter; and
  - 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.

#### **6.5 Announcements**

- 1) A Member may verbally introduce information respecting special events, meetings, declarations or proclamations that are considered to be of general interest to the community.

#### **6.6 Public Meetings**

- 2) Where Council is required 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 Standing Committee Meeting.
- 3) The Clerk shall ensure that public meetings are incorporated in the meeting agenda under Item 6 Delegations as appropriate to address any requirements of law as may apply.
- 4) 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 delegations 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 delegations at the public meeting may be made in one motion.

#### **6.7 Adoption of Minutes**

- 1) Council shall approve the minutes of previous Council Meetings 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.

#### **6.8 Public Question Period**

- 1) Any member of the public or press present at the meeting may rise and submit a question to Council or Committee of the Whole on any item listed on the agenda without providing prior notice.
- 2) A maximum of ten (10) minutes will be set aside for "Question Period" unless a decision is made by Council or Committee of the Whole to extend this time period.
- 3) Members of the public are to phrase their comments in the form of a question and are not to use the opportunity for the sole purpose of expressing editorial commentary.

- 4) Council will hear the question and answer if appropriate.
- 5) Council or Committee of the Whole will not direct an undertaking by staff on any matter coming from Question Period.
- 6) Prior to the commencement of “Question Period” portion of the meeting the Chair of Council or Committee of the Whole will outline the rules of procedure with respect to Question Period, in a form and substance that summarizes the points outlined in this section of the By-law.

### **6.9 Delegations**

- 1) Any person may, by written notice to the Clerk, request an opportunity to address the members of the Council or Committee of the Whole on any matter within the jurisdiction of the Municipality.
- 2) Every request to be a delegation shall be received in writing by the Clerk no later than 12:00 noon three full working days prior to the meeting, and shall include the complete name, address, telephone number, and/or email address, of the person requesting the opportunity to be a delegation, as well as the reasons for the delegation, and, if applicable, the name, address and telephone number of any person, corporation or organization represented.
- 3) a) A delegation wishing to address an item already on the agenda for a meeting shall be listed with reference to the item on the agenda, and such requests for delegation shall be accepted by the Clerk until the agenda for that meeting has been finalized for printing purposes.  
b) In the event that a request for delegation wishing to address an item already on the agenda is received after the agenda has been finalized for printing purposes, the Clerk shall make note of the request and advise the Presiding Officer.
- 4) Where notice has been published under the Notice provisions of the Municipal Act and in accordance with this by-law, the delegations section of the agenda for that meeting shall indicate that delegations may be heard and any person present may speak on the matter.
- 5) a) A delegation 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 “receive” the delegation.  
b) The appropriate Director or his/her designate shall notify the delegation of the meeting at which the staff report referenced in subsection (a) above is to be considered so that the delegation may attend and be given the opportunity to request to be a delegation at the meeting when the item will be discussed.
- 6) Where a particular matter is expected to generate a large number of delegations (namely, ten (10) delegations or more), the Council or Committee may pass a resolution to hold a special meeting in order to afford all delegations an opportunity to address the Council or Committee.
- 7) The priority in which delegations are listed on the agenda shall be in accordance with the following:
  - a) delegations, if any, in response to a public notice referred to in section (8) above;
  - b) delegations arranged for in accordance with this subsection, in the order in which written notice was received by the Clerk;
  - c) such other order as may be determined by the Clerk in order to facilitate the efficient management of the matters to be heard.
- 8) No person presenting a delegation shall:
  - a) speak disrespectfully of any person;
  - b) use offensive words or unparliamentarily language;
  - c) speak on any subject other than the subject for which he received approval to address; or
  - d) disobey the rules of order or a decision of the Chair.

- 9)
  - a) A person representing a delegation shall be limited to speaking not more than ten minutes.
  - b) 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.
- 10) After a delegation has completed the presentation, members shall each have the opportunity to ask questions of the delegation 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 delegation shall withdraw from the place designated to make submissions before any debate on the subject of the delegation begins.
- 11) The Chair may curtail any delegation, any questions of a delegation or debate during a delegation, for disorder or for any other breach of this Procedure By-law and, should the Chair rule that the delegation is concluded, the delegation shall withdraw immediately from the place designated to make submissions as specifically directed by the Chair.

#### **6.10 Notice of Motions**

- 1) Notice of all new motions shall be given in writing on the prescribed motion form, signed by the mover and seconder, and delivered to the Clerk prior to noon of the Wednesday preceding the date of the Council meeting. Notice of Motions shall not be before Council for the purpose of discussion or debate until the next regular meeting of Council.
- 2) A Notice of Motion not placed on the agenda in advance as provided under clause 6.10(1) may be introduced in writing on the prescribed form, signed by the mover and seconder, at a meeting of Council provided it has the consent of at least two-thirds of the members present.
- 3) Where notice of motion has been given under clause 6.10(1), the motion shall be printed in the agenda of the next regular meeting of Council.
- 4) Where a Member's notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
- 5) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.
- 6) A motion may be introduced at a meeting without notice for matters deemed to be of an urgent nature, if Council, without debate, dispenses with notice on the affirmative of 2/3 majority vote of the members present and voting.

#### **6.11 Committee Reports**

- 1) Under Committee Reports Council shall consider the reports of the Committees containing recommendations on all matters within the Committees' jurisdiction.
- 2) The record of the proceedings of Committees shall contain:
  - a) the place, date and time of the Meeting;
  - b) the beginning and ending time of meetings;
  - c) the names of Presiding Officer and Members of the Committee and record of attendance of the Members;
  - d) the names of any Members of Council present who are not Members of the Committee;
  - e) the names of Officers present;
  - f) any disclosure of pecuniary interest declared by any Member;
  - g) a record of each item before the Committee for consideration;
  - h) all motions and disposition of each on each item;
  - i) the names of delegations appearing before Committee; and
  - j) all other proceedings of the Committee Meeting.
- 3) Reports of each committee and the recommendations contained therein shall be adopted by a separate motion.

- 4) Any member may, before the motion is voted on, remove any Committee motion and such motion shall be dealt with separately.
- 5) In the event that a member discloses a pecuniary interest on a motion item that is included in the Committee Report that motion shall be removed and dealt with separately and in the order in which the item appears on the agenda.

#### **6.12 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.

#### **6.13 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.

#### **6.14 Adjournment**

- 1) Council Meetings shall not extend beyond 3 hours unless otherwise determined by a minimum two-thirds majority vote of the Members present that the meeting shall continue to a specified time or to the natural conclusion.
- 2) Any further extensions of time beyond the time determined in section (1) shall be in half hour increments and shall require a unanimous vote of the Members present at the meeting.
- 3) Committee meeting shall adjourn after three hours unless there is a motion to extend the time, carried by a two-thirds majority vote.
- 4) In the instance of a grave disorder arising during a Council Meeting, adjournment shall be possible at any time as determined by the Mayor.

### **PART 7 – RULES OF PROCEDURE FOR CLOSED SESSIONS**

#### **7.1 Meeting Agenda for Closed Sessions**

- 1) For any meeting at which there are items to be considered in a Closed Session, the 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.
- 2) The Clerk shall prepare an agenda for the Closed Session which shall include a list of items to be considered and shall identify the subsection of the *Municipal Act, 2001* or other applicable legislation, which authorizes each item to be considered at the Closed Session.
- 3) 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.
- 4) No item may be added to an agenda for a Closed Session without the prior approval of the CAO.
- 5) The Clerk shall prepare for the use of the Members at Closed Sessions an agenda that shall conform to the following order of procedure:
  - a) Call to Order
  - b) Disclosure of Pecuniary Interest
  - c) Questions regarding Closed Session Minutes of previous Council Meeting
  - d) Questions regarding Closed Session Minutes of previous Committee meetings
  - e) Reports
  - f) Motion to return to open session
- 7) Where Council elects to go into a Closed Session in the midst of a Regular or Special Council Meeting, the order of business shall be as follows:
  - a) Motion to go into Closed Session
  - b) Disclosure of Pecuniary Interest
  - c) Items for Consideration
  - d) Motion to return to open session

### **7.2 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.

### **7.3 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 listed on the agenda and 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 except 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.

### **7.4 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 and shall correspond directly to the prepared Closed Session agenda and shall identify any added items and shall note any direction or instructions given.

### **7.5 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 8 – RULES OF PROCEDURE FOR COUNCIL MEETINGS**

### **8.1 Duties of the Presiding Officer**

- 1) It shall be the duty of the Presiding Officer to:
  - a) ensure that a quorum is established and maintained throughout the course of the meeting;
  - b) open the meeting by taking the Chair and calling the Members to order;
  - c) announce the business before Council in the order in which it is to be acted upon;
  - d) receive and submit, in the proper manner, all motions presented by the Members;
  - e) put to a vote all motions which are duly moved, or arise in the course of proceedings, and to announce the result;
  - f) decline to put to a vote all motions that infringe upon the Rules;
  - g) restrain the Members, within the Rules, when engaged in debate;
  - h) enforce on all occasions the observance of order and decorum among the Members;
  - i) order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
  - j) receive all messages and other communications and announce them to the Council;

- k) authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- l) 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;
- m) represent and support Council declaring its will, and implicitly obeying its decisions in all things;
- n) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- o) recess the meeting where necessary in accordance with the Rules;
- p) call for adjournment of the meeting when the business is concluded; and
- q) adjourn the meeting without question, or suspend the meeting to a time to be named, in the case of a grave disorder.

## **8.2 Rules of Decorum**

- 1) No Member shall:
  - a) use offensive words or un-parliamentary language in or against any Member or to speak disrespectfully of any Member;
  - b) speak on any subject other than the subject in debate;
  - c) communicate with any other person electronically;
  - d) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
  - e) disobey the Rules; or
  - f) 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 of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure and the time thereof shall be recorded in the minutes.
- 5) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Clerk shall declare the Meeting adjourned.
- 6) The Presiding Officer may declare a recess at any point during a Council Meeting with the consensus of Council without the necessity of a motion, to enable any unusual circumstance or condition that has arisen to be addressed.

## **8.3 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:
  - To call the question;
  - To suspend the rules;
  - Any other procedural motion; and
  - To adjourn.
- 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 by leave of Council, and Council shall consider each part separately.

- 7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely:
  - a) to recess;
  - b) to adjourn;
  - c) to defer the motion under consideration to a definite date;
  - d) to defer the motion under consideration indefinitely;
  - e) to refer the motion under consideration to a committee or staff for a report;
  - f) to amend the motion under consideration; and
  - g) to call the question (to end debate on the motion under consideration).
- 8) A motion to *recess*:
  - a) is permissible when there is business before Council for consideration;
  - b) shall specify the length of time of the recess;
  - c) is not debatable except with regard to the length of the recess; and
  - d) shall be amendable with respect to the length of the recess only.
- 9) A motion to *adjourn*:
  - a) is not amendable;
  - b) is not debatable;
  - c) is not in order when a Member is speaking or during a vote; and
  - d) when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
- 10) A motion to *defer*:
  - a) may or may not state a definite time or date as to when the matter shall be further considered;
  - b) shall state the reasons for the deferral;
  - c) shall apply to the main motion and to any motions to amend the main motion that are on the table;
  - d) is not debatable.
- 11) A motion to *refer*:
  - a) shall include the reasons for the referral and to who the referral is being made;
  - b) may or may not include the time or conditions under which the matter is to be returned to Council for consideration; and
  - c) is not debatable.
- 12) A motion to *amend*:
  - a) shall be relevant to the main motion;
  - b) shall not be directly contrary to or propose a direct negative to the main motion;
  - c) shall be debatable; and
  - d) 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 by Council as amended.
  - e) 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*:
  - a) is not permissible until every Member present has had the opportunity to speak to the question at least once;
  - b) is not amendable; and
  - c) 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:

- a) 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 Council; or
  - b) 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 by Council shall employ the reconsideration procedures as set out in Part 8.5 of this By-law.

#### **8.4 Voting on Motions**

- 1) No vote shall be taken in a Council 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:
  - a) a Member has requested a Recorded Vote; or
  - b) 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 required 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) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.
  - 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) 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) When a Member present requests a Recorded Vote on a motion, all Members present shall vote when polled by the Clerk by verbally indicating yea or nay 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.

#### **8.5 Rules of Procedure Respecting Reconsideration of a Matter**

- 1) If a matter has been previously considered by Committee or Council and the matter decided, 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, within the next four regular meetings, prior to any motion related to the matter or debate, a motion to reconsider the matter shall be placed on the agenda and decided.

## **8.6 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) 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.
- 6) 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.
- 7) The mover may request the right to be the last member to speak on the motion.
- 8) The Presiding Officer shall appoint another Member to act as Chair:
  - a) while temporarily being absent from the meeting; or
  - b) if he/she wishes to put forward a motion.
- 9) 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.
- 10) In all proceedings of a Council Meeting, including Committee of the Whole, the Presiding Officer shall decide and rule upon all matters pertaining to the Rules.

## **8.7 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 attention to:
  - a) any breach of the Rules;
  - b) a deviation from the matter under consideration noting that the current discussion is not within the scope of the motion on the table;
  - c) any other informality or irregularity in the proceedings of Council.
- 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.
- 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, 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 shall decide the question:  
*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

### **8.8 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 8.9 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 to Council.
- 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 to Council, 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 shall decide the question:  
*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

### **8.9 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:
  - a) violation of the Rules;
  - b) interruption of the proceedings of Council;
  - c) making of disruptive noise or visible gestures;
  - d) campaigning for any political cause or outcome; or
  - e) 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 to Council, 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 shall decide the question:  
*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

## **PART 9 – COMMITTEES AND LOCAL BOARDS**

### **9.1 Local Boards**

- 1) 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.

## **9.2 Committees of Council**

- 1) Council Committees 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.
- 2) 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.
- 3) Persons appointed to committees are appointed for such term as defined by Council, and by resolution. Council may rescind any appointment at any time.

## **9.3 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 4.6 of this By-law.

## **9.4 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) 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 8.1 of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.
- 3) 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.

## **9.5 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 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:
  - a) Part 8.2 – Rules of Decorum;
  - b) Part 8.3 – Rules of Procedure Respecting Motions;
  - c) Part 8.4 – Voting on Motions;
  - d) Part 8.5 – Rules of Procedure Respecting Reconsideration of a Matter
  - e) Part 8.6 – Rules of Debate;
  - f) Part 8.7 – Point of Order;
  - g) Part 8.8 – Point of Personal Privilege; and
  - h) Part 8.9 – Expulsion for Improper Conduct;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:
  - a) the sub-committee shall report directly to the appointing committee;

- b) 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;
- c) the sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned; and
- d) such sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

## **PART 10 – NOTICE**

### ***10.1 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.

### ***10.2 Notice to Members of Council and Committee Meetings***

- 1) A minimum of 72 hours notice shall be provided to Members prior to the holding of a Regular Council or Committee Meeting, which shall be given by release of a meeting agenda.
- 2) 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.
- 3) 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.
- 4) Lack of receipt of a notice of or meeting agenda for a Council or Committee Meeting by any Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### ***10.3 Notice to the Public of Council Meetings***

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

### ***10.4 Notice of Meetings of Committees***

- 1) Notice of a committee meeting shall be provided through:
  - a) release of a meeting agenda for the meeting; and
  - b) 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 Clerk shall:
  - a) maintain copies of the meeting agenda in the office of the Clerk 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 Clerk 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.

### ***10.5 Notice of Proposed Municipal Action***

- 1) Notice to the public of proposed municipal action shall be given as outlined in Schedule A attached hereto and which forms a part of this 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 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 website notice board or as directed by Council.
- 5) Where the Municipality is required to give notice pursuant to Schedule A of this By-law, the Municipality shall provide notice in the manner and at the times set out in Schedule A except where:
  - a) 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
  - b) 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
  - c) a matter arises which, in the opinion of the Municipality's Mayor in consultation with the Municipality's 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 Committee meeting or the matter is considered at a subsequent meeting of the Council or Committee, or at another Committee meeting, no additional notice shall be required, except where otherwise provided in the Municipal Act or in a regulation made under the Municipal Act.

#### **10.6 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 11 – INTERPRETATION**

#### **11.1 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).

#### **11.2 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.

#### **11.3 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.

#### **11.4 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 12 – BY-LAWS RESCINDED**

**12.1** By-law Number 035-2011 as amended 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 this 21<sup>st</sup> day of November, 2011.

---

Mark A. Walas, Mayor

---

Gayle J. Frost, CAO/Clerk

**SCHEDULE "A" to By-Law No. 035-2011**

<b>Subject</b>	<b>MA Section if required</b>	<b>Timing of notice</b>	<b>Method of notice</b>
Closing highways	Does not require. Previous section repealed	No later than 14 days prior to by-law being passed	Post once in newspaper and on website notice board
Changing the name of a Private road	48	No later than 14 days prior to by-law being passed	Post once in newspaper and on website notice board
Fees and Charges – Sewage or consumption of water	Does not require. Previous section repealed	No later than 14 days prior to by-law being passed	Post once in newspaper and on website notice board
Fees and Charges – permits fire	Does not require. Previous section repealed	No later than 14 days prior to by-law being passed	Post once in newspaper and on website notice board
Restructuring Proposal	173(3)	No later than 14 days prior to by-law being passed	Post twice in newspaper and on website notice board
Change of Name of Municipality	Not Required. Previous section repealed	No later than 14 days prior to by-law being passed	Post twice in newspaper and on website notice board
Composition of Council	217(2)	No later than 14 days prior to by-law being passed	Post twice in newspaper and on website notice board
Budget	Not Required. Previous section repealed	No later than 14 days prior to by-law being passed	Post once in newspaper and on website notice board
Meetings of Council and Committees <i>(Regular)</i>	238	Monthly As soon as prepared	Post agenda on website Post meeting on calendar
Meetings of Council and Committees <i>(Special)</i>	238	No later than 48 hours prior to the meeting	Fax to media and post on website notice board and calendar