

Office Consolidation

This is a consolidation of the Town's **Procedure By-law** being **By-law No. 6228-19, as amended**. This is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-law. Official versions of all by-laws can be obtained by contacting the Legislative Services Division at (905) 727-3123 or clerks@aurora.ca. If there are any discrepancies between this consolidation and By-law No. 6228-19, as amended, the By-law(s) shall prevail.

By-law No. [6228-19](#), as amended by

By-law No.	Purpose	Date Enacted
6246-20	Emergency Meetings during a Declared Emergency	March 31, 2020
6258-20	Emergency Meetings during a Declared Emergency, Electronic Meetings	May 26, 2020
6275-20	Electronic Participation (repeals 6246-20, 6258-20)	August 25, 2020

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The Corporation of the Town of Aurora

By-law Number 6228-19

Being a By-law to govern the proceedings of Council and Committee meetings of the Town of Aurora.

Whereas subsection 238 (2) of the *Municipal Act, 2001* requires every Council and local board to adopt a Procedure by-law for governing the calling, place and proceedings of Meetings;

And whereas subsection 11 (2) of the *Municipal Act, 2001* provides that upper and lower tier municipalities may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations; and,

And whereas it is Council's desire to follow a process of municipal governance that reflects an open, transparent government;

And whereas Council, in the interest of good governance, recognizes a Procedure By-law as a hallmark of accountability and transparency; and,

And whereas Council considers it necessary to enact a by-law in this regard and to repeal Procedure By-law Number 6068-18;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1. Definitions

In this Procedure By-law:

- a)** "CAO" means the Chief Administrative Officer of the Town or his/her designate;
- b)** "Chair" means the presiding officer at a meeting of Council or a Committee;
- c)** "Clerk" means the Clerk of the Town or his/her designate;
- d)** "Closed Session" means a Meeting, or part of a Meeting of Council or a Committee, which is closed to the public as permitted by the *Municipal Act, 2001*;

- e) “Code of Ethics” means the “Code of Ethics”, a declaration of the principles of good conduct and ethics.
- f) “Committee” means any Standing Committee of Council or an advisory or special Committee established by Council from time to time;
- g) “Confirming By-law” means a by-law passed for the purpose of giving effect to a previous decision or proceeding of Council;
- h) “Council” means the Members of Council of the Town of Aurora;
- i) “Delegation” means an address to Council or a Committee at the request of a person wishing to speak;
- j) “Deputy Mayor” means the Councillor who received the highest number of votes in the last regular election;
- k) “Director” means a Director of the Town or his/her designate or successor in title;
- l) “Emergency Weather Event” means an emergency weather event as defined by Town Policy No. HR-23 – Facility Closure – Inclement Weather/Power Failure – as may be amended from time to time;
- m) “Friendly Amendment” means an amendment to the Motion under debate with the consent of the mover and seconder only, and without the requirement for an amending Motion to be made;
- n) “Frivolous” means without merit or substance or is trivial;
- o) “Head” means the individual or body determined to be head under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*;
- p) “Inaugural Meeting” means the first Meeting of Council after a regular election;
- q) “Local Board” means a local board defined by the *Municipal Act, 2001*;
- r) “Mayor” means the Mayor of the Town;
- s) “Meeting” means any regular, special or other Meeting of Council or a Committee and includes a Workshop;

- t)** “Member” means any individual elected to Council or a person appointed by Council to a Committee;
- u)** “Motion” means a proposal moved by a Member, and seconded by another Member, to adopt, amend, or otherwise deal with a matter before Council or a Committee;
- v)** “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
- w)** “Municipal Conflict of Interest Act” means the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended;
- x)** “Municipality” means The Corporation of the Town of Aurora;
- y)** “Notice” means written notice, except where legislation, by-law or policy of the Town provides for another form and manner of notice;
- z)** “Offending Member” means a Member who has been found by the Chair or by Council or by a Committee to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;
- aa)** “Point of Order” means a Motion raised by a Member drawing attention to an infraction of this Procedure By-law;
- bb)** “Point of Personal Privilege” means a Motion raised by a Member which concerns the health, safety, rights, or integrity of the Member, the Council, a Committee, Staff or anyone present at a Meeting;
- cc)** “Procedural Matter” means a matter or Motion of a procedural nature;
- dd)** “Public Planning Meeting” means a Meeting held pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, *as amended*, or other statute;
- ee)** “Quorum” means the number of Members required for the legal conduct of the business of Council or a Committee.
- ff)** “Resolution” means the decision of Council on any Motion;
- gg)** “Robert’s Rules of Order” means the most current edition of Robert’s Rules of Order, Newly Revised;

- hh)** “Rules of Procedure” means the rules and regulations contained in this Procedure By-law and that govern the proceedings of Council and its Committees;
- ii)** “Staff” means an employee(s) of the Town;
- jj)** “Standing Committee” means a Committee established by Council and consisting solely of all Members of Council;
- kk)** “Town” means The Corporation of The Town of Aurora;
- ll)** “Town Hall” means the municipal offices located at 100 John West Way, Aurora, Ontario;
- mm)** “Vexatious” means without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others;
- nn)** “Workshop” means a Meeting of Council or Committee for the purpose of discussing issues in an informal venue.

2. Purpose and Application

- a)** This By-law shall be known as the Procedure By-law and establishes the rules of procedure for Council and Committee Meetings.

3. Principles of the Procedure By-law

- a)** The principles of openness, transparency and accountability to the public guide the Town’s decision-making process. In the context of Council and Committee proceedings, this is accomplished by:
 - i)** Ensuring the decision-making process is understood by the public and other stakeholders;
 - ii)** Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this Procedure By-law and other statutory requirements;
 - iii)** Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.

- b)** The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c)** The principles of parliamentary law governing Council and Committee Meetings include:
 - i) Every Member has the right to one vote, unless prevented by law;
 - ii) Each Member has the right to be heard on a matter, unless prevented by law;
 - iii) Each Member has the right to information to help make decisions, unless prevented by law;
 - iv) Each Member has the right to an efficient meeting;
 - v) Each Member has the right to be treated with respect and courtesy;
 - vi) Each Member represents the public and will first and foremost consider the well-being and interests of the Municipality.

4. Interpreting the Procedure By-law

- a)** In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- b)** If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order.

5. Suspension of Rules

- a)** Rules of Procedure provided for in this Procedure By-law may be suspended by a two-thirds majority vote of Council or a Committee, with the exception of the following circumstances:
 - i) Where required by law;
 - ii) Contractual agreements binding the Town;
 - iii) Quorum requirements.

- b)** A Motion to suspend the Rules of Procedure required by this Procedure By-law shall not be debatable or amendable.

6. Standing Committees

a) General Committee

- i) The General Committee shall be comprised of all Members of Council.
- ii) The General Committee may consider delegations, Community presentations, correspondence, staff reports and matters which may require more elaboration and discussion than would be appropriate in a Council Meeting and such other matters as Council may determine. Recommendations from General Committee will be considered by Council.

b) Audit Committee

- i) The Audit Committee shall be comprised of all Members of Council.
- ii) The Audit Committee shall:
 - (a) Review audited financial statements;
 - (b) Review significant management letter comments and related recommendations;
 - (c) Review the appointment of auditors; and
 - (d) Make recommendations regarding the above to Council.
- iii) The Committee's mandate shall include operational reviews.
- iv) Meetings will be held at the call of the Chair. Agendas will be distributed to Members of Council at least forty-eight (48) hours prior to the Meeting.

c) Budget Committee

- i) The Budget Committee will be comprised of all Members of Council.
- ii) The Budget Committee shall make recommendations to Council on approval of the Town's annual operating and capital budgets.

- iii) The Budget Committee has delegated authority to:
 - (a) Approve the Meeting minutes of the Budget Committee;
 - (b) Direct staff to bring forward information to the Budget Committee as needed, and defer matters to a future General Committee or Budget Committee meeting; and
 - (c) Direct staff to prepare and bring forward for Council's consideration a report summarizing Committee recommendations on the annual capital and operating budgets.
- iv) Budget Committee Meetings will be held as outlined in the Meeting Schedule, as approved by Council.

7. Committees

- a) When not provided for in the Committees' Terms of Reference or the Town Policy for Ad Hoc/Advisory Committees and Local Boards, the Rules of Procedure set out in this Procedure By-law shall govern all Meetings of all Committees, including any ad hoc, Advisory Committees, or Local Boards.

8. Chair of Meeting

- a) The Chair is the presiding officer at a Meeting of Council or a Committee.
- b) The Chair of a Meeting of Council, Audit Committee, Budget Committee, a Closed Session or a Workshop Meeting is the Mayor. In the absence of the Mayor, the Deputy Mayor is Chair.
- c) The Chair of a Meeting of General Committee shall be rotated among the Members of Council, excluding the Mayor, every two (2) consecutive meetings, in descending order of votes received by the Members in the last regular election.
- d) In the absence of the person appointed as Chair, the Members shall appoint one of their Members as Chair for the purpose of that Meeting.
- e) The Chair and any Vice Chairs of other Committees are appointed in accordance with the Town's Policy for Ad Hoc/Advisory Committees and Local Boards, or their Terms of Reference.

9. Duties of the Chair

- a) The Chair is responsible for, where applicable:
- i) Carrying out the roles and responsibilities of his/her role as described in the *Municipal Act, 2001*;
 - ii) Chairing the Meeting in an objective manner in accordance with this Procedure By-law;
 - iii) Enforcing the Rules of Procedure in this Procedure By-law;
 - iv) Enforcing order and good behaviour of all Members at all times;
 - v) Announcing the business before Council or a Committee and the order in which it is to be considered;
 - vi) Receiving, stating and framing all Motions presented to clarify their intent as moved;
 - vii) Ruling on whether a Motion is in order;
 - viii) Protecting Council or a Committee from a Motion that is obviously Frivolous or tending to cause delay by refusing to acknowledge the Motion;
 - ix) Providing information to Members on any matter related to the business of Council or a Committee;
 - x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order subject to an appeal by any Member to the Council or a Committee on any question of order in respect to business before the Council or a Committee, and giving the facts, circumstances and reasons for the ruling;
 - xi) Calling a vote on the question of sustaining the ruling of the Chair, and announcing the results of the vote, if there is an appeal to the ruling of the Chair. In this regard, the Chair may provide further explanation of the ruling prior to calling the vote;
 - xii) Recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person if necessary;

- xiii) Recessing the Meeting for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder;
- xiv) Ensuring that Members take a health break by announcing a minimum ten (10) minute recess after two (2) hours have passed since the last break;
- xv) Ensuring that all Members who wish to speak on a Motion have spoken;
- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, recording secretary or other appropriate person to read Motions before voting;
- xvii) Putting all Motions to a vote and announcing results;
- xviii) Voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- xix) Declining to put to a vote any Motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Adjourning the Meeting when the business of the Meeting has concluded; and,
- xxii) Signing all by-laws, Resolutions, and minutes when required.

10. Members of Council and Committees

- a) Members are responsible for, where applicable:
 - i) Carry out the responsibilities of the role of Council as described in the *Municipal Act, 2001*, *Municipal Conflict of Interest Act* and any other legislation;
 - ii) Attending scheduled Meetings;
 - iii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;

- iv) Voting on Motions put to a vote, unless the *Municipal Conflict of Interest Act* prohibits it;
- v) Respecting the Rules of Procedure in this Procedure By-law;
- vi) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege;
- vii) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
- viii) Refraining from using indecent, offensive or insulting language or speak disrespectfully of any individual.
- ix) Refraining from engaging in private conversation while in the Meeting or using communication devices in any manner that disrupts the Member speaking or interrupts the business of Council;
- x) Respecting and following the decisions of Council or a Committee;
- xi) Not disclosing any of the content of a Meeting that was closed to the public or provide confidential documents or materials to unauthorized individuals;
- xii) Complying with the Chair's rulings and Council's decisions; and
- xiii) Complying with the Council Code of Ethics.

11. Breach of Rules

- a) If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:
 - i) After the first occurrence, the Chair calls the Member to order.
 - ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting.
 - iii) Any Member other than the Offending Member may appeal the Chair's ruling in ii), and Council or a Committee may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to his/her seat.

- iv) At the next available opportunity in the Meeting, the Chair will offer the Offending Member the opportunity to apologize to Council or a Committee. The apology will not include additional comments or debate by the Offending Member or by Council or a Committee.
- v) After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the Meeting.
- vi) Should, at any point, the Offending Member create a disturbance while seated in the audience in accordance with subsection 10.b)ii), the Chair will order the Offending Member to leave the Council chamber or meeting room.
- vii) Council cannot appeal the Chair's ruling in accordance with subsection 10.b) vi).
- viii) If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room as required in subsection 10.b)vi), the Chair may request the CAO to contact security or the police for assistance.

12. Right of Public Input and Notice

- a) The public has the right to have input and receive Notice on Council's decision-making process. The methods for doing so include: writing to Council through the Clerk; submitting a petition; or speaking as a Delegation. The public will receive Notice in accordance with the requirements of legislation, this Procedure By-law and the Town's Notice By-law.
- b) Should an individual wish to be provided with further Notice related to a matter of business before Council or Committee, he/she is required to indicate this wish to the Clerk on the prescribed form, which is available on the Town's website or at the Town Hall.

13. Members of the Public

- a) The Chair may expel or exclude any person who disrupts a Meeting, and may request security and/or police assistance in doing so.
- b) No persons, other than Members and Town staff, are permitted to approach the area where Members and staff are seated.

- c) Attendees will submit all materials for Council or Committee through the Clerk.
- d) Attendees are responsible for:
 - i) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behavior that may be considered disruptive;
 - ii) Speaking respectfully at all times;
 - iii) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.
- e) All communication devices shall be turned off or set to silent mode during any meeting, with the exception of assistive devices for people with disabilities.

14. Preparation of Agendas

- a) The CAO and his/her staff are charged with providing guidance and recommendations to Council or Committee related to municipal business, and implementing the decisions of Council.
- b) The CAO chairs a regularly scheduled internal meeting to review draft agenda items in order to support the business of Council.
- c) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public access to agendas and agenda items, following approval by the CAO and/or Director.

15. Availability of Agendas

- a) Council Meeting agendas are generally available to Members of Council and the public on each Thursday preceding a Meeting.
- b) General Committee Meeting agendas are generally available to Members on the Monday that is eight (8) days preceding a General Committee Meeting and are generally available to the public on the following Tuesday.

- c) Closed Session agendas will be provided to Council in accordance with the publishing timeframes set out in Section 15 a) where required.
- d) Council Public Planning Meeting agendas are generally available to Members of Council and the public seven (7) days prior to the Meeting date.
- e) Special General Committee and Council, Workshop and emergency Meeting agendas will be provided to Members in accordance with the publishing timeframes set out in the Notice of Meetings section of this Procedure By-law, where required.
- f) Agendas for Committees, including Audit Committee and Budget Committee and excluding General Committee, are generally available seven (7) days prior to the meeting date.

16. Additional Items and Corrections

- a) An additional item is any item that is to be added to a Council or Committee agenda following publication of the original agenda.
- b) Any corrections to the agendas of Council or Committee may be listed on the additional items to be distributed, for information only.
- c) Committees are required to consent to the introduction of additional items by approving the agenda, as amended.
- d) Requests for items to be added to the agenda as an additional item shall have met at least one of the following conditions:
 - i) Government/agency deadlines;
 - ii) Legal implications;
 - iii) Contractual implications;
 - iv) Financial implications;
 - v) Council or General Committee direction; or
 - vi) As directed by the CAO.

- e) Additional items to Council or General Committee Meeting agenda are available on each Monday preceding the Meeting, and further additional items may be provided up to and including the Meeting day.

17. Reports of Council and General Committee

- a) In accordance with established administrative protocols, reports prepared by staff are submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or General Committee.
- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

18. Information Reports

- a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or General Committee, or is a matter of Town business.
- b) An information report does not contain recommendations.
- c) An Information Report may be requested by Council or General Committee in the form of a motion.
- d) Information reports are circulated directly to Council Members by email and made available to the public on the Town's website in accordance with the timelines set out in the Availability of Agendas section of this Procedure By-law. Information reports are not published on a General Committee or Council agenda unless a Council Member makes such a request to the Clerk.
- e) Information Reports will be placed on an upcoming General Committee agenda at the request of a Council Member. Where required due to urgency or timing, information reports may be considered directly at Council as an item.

19. Meetings

- a) Meetings Open to the Public

- i) All Meetings shall be open to the public except as provided for in the Closed Session section of this Procedure By-law.
- b) Inaugural Meeting**
 - i) The first Meeting of a newly elected Council after a regular municipal election shall be held on the first Tuesday in December at 7 p.m. or such other date and time as determined by the Clerk.
- c) Approval of the Meeting Schedule**
 - i) Prior to January 1 of every year, Council approves a Meeting schedule of Council and Standing Committees for each calendar year, which may be amended. The Meeting Schedule is made available to the public on the Town's website.
 - ii) The Meeting schedule of Committees is determined by its Members, in accordance with each Committee's Terms of Reference and/or prescribed mandate.
- d) Location of Meetings**
 - i) Meetings shall take place at Town Hall, or at another location within the municipality or adjacent to the municipality, as authorized by the Mayor or by Council, or as provided for in the *Municipal Act, 2001* when Notice is given.
- e) Schedule of Meetings**
 - i) Meetings shall take place in accordance with the Meeting Schedule as prepared by the Clerk and approved by Council.
 - ii) All Council Meetings will generally be held on the fourth Tuesday of each month at 7 p.m. and General Committee Meetings will generally be held on the first and third Tuesday of each month at 7 p.m. Where a Council Meeting day is a public or civic holiday, Council will meet at the same hour on the Wednesday immediately following the holiday.
 - iii) Unless otherwise determined by the Clerk, Council Closed Session will be scheduled at 5:45 p.m. immediately prior to a Council or General Committee Meeting, and will recess or adjourn at least ten (10) minutes prior to the scheduled time of the meeting.

f) Public Planning Meetings

- i) Council will meet on the second Tuesday of each month at 7 p.m. for a Council Meeting to consider development-related applications and other matters that have been submitted under the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

g) Quorum

- i) A majority of Members shall constitute a Quorum.
- ii) As soon as there is a Quorum after the time appointed for commencement of a Meeting, the Mayor or Chair will call the Meeting to order. If a Quorum is not present 30 minutes after the time appointed for commencement of a Meeting, the Clerk shall indicate that no Quorum is present and the Meeting shall not commence.
- iii) If during the course of a Meeting, Quorum is lost, the Chair shall declare that the Meeting shall be adjourned until the date of the next scheduled Meeting. The agenda items are deemed to be deferred to the next scheduled Meeting.

h) Late Arrival

- i) If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

i) Electronic Participation

- i) Any member may participate electronically in a Meeting that is open to the public or in Closed Session.
- ii) Any Member who is participating electronically in a Meeting shall be counted in determining whether or not a Quorum is present at any point in time during the Meeting.
- iii) For staffing and scheduling purposes, any Council Member who is participating electronically in a General Committee or Council Meeting shall notify the Clerk, at least twenty-four (24) hours prior to the General Committee or Council Meeting.

- iv) Delegates may participate electronically in a Meeting, by completing and submitting an Electronic Delegation Request Form to **clerks@aurora.ca**, in accordance with the Delegation protocols and submission deadlines outlined in this by-law.
- v) A Member who participates electronically in a Meeting shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.
- vi) Electronic participation in a Meeting shall be conducted by way of electronic means, including, but not limited to, audio teleconference, video teleconference, or by means of the internet, following instructions provided by the Clerk in order to ensure that a Meeting may proceed in the most transparent and successful manner under the current timelines and circumstances.
(Sec. 19. i) added per By-law No. 6275-20)

20. Notice of Meetings

a) General Provisions

- i) The Clerk gives Notice of a Meeting by:
 - (a) Posting the annual approved schedule of Meetings; or
 - (b) Using the Town's social media accounts and website; or
 - (c) Publishing Notice on the Town's regular advertising page in the local newspaper; or
 - (d) Providing the agenda to Members and the public; or
 - (e) All of the above.
- ii) Every Notice of a Meeting shall indicate the date, time and place of the Meeting, and the contact information for the Clerk's office.
- iii) Nothing in this Procedure By-law shall prevent the Clerk from using more extensive methods of Notice.
- iv) Nothing in this Procedure By-law shall prevent the Clerk from using longer timeframes for providing Notice.

b) Special Meetings of Council or General Committee

- i) A special Meeting of Council or General Committee may be called by the Mayor at any time. A special Meeting of Council or General

Committee is limited to business matters included in the Notice of Meeting.

- ii) Upon receipt of a written petition from a majority of the Members of Council, the Clerk will summon a special Meeting of Council or General Committee for the specific purpose and time identified in the petition.
- iii) In addition to the general Notice provisions in this Procedure By-law, the Clerk shall give Notice of a special Meeting of Council or General Committee by providing an agenda at least twenty-four (24) hours prior to the Meeting or if the Meeting is to be scheduled in less than twenty-four (24) hours, then by providing an agenda at the first opportunity to do so.

c) Workshop Meetings

- i) The Mayor and/or CAO may hold a Workshop Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no Motions are passed.
- ii) A record describing, in general terms, the Meeting and the subject matter discussed is made at all Workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.
- iii) In addition to the general Notice provisions in this section of the Procedure By-law, the Clerk shall give Notice of a Workshop Meeting by providing an agenda at least twenty-four (24) hours prior to the Meeting.
- iv) Delegations shall not be permitted at Workshop Meetings.

d) Cancellation or Postponement of Meetings

- i) A Meeting may be cancelled or postponed where it is known in advance that Quorum will not be achieved, by Council Resolution, in the event of an emergency or Emergency Weather Event, or where the Meeting is no longer required, as deemed by the CAO.
- ii) Where possible, the Clerk shall give Notice of cancellations or postponements of Meetings by:

- (a) Providing Notice to each Member by email notification no less than forty-eight (48) hours prior to the time set for the Meeting; or
 - (b) Providing Notice to the public no less than 3 hours by:
 - Posting a Notice on the Town website;
 - Sending a Notice via the Town's social media accounts;
 - Posting a Notice on the Town's regular advertising page in the local newspaper, if time permits; and
 - Where (c) cannot be achieved, posting a Notice at the main entrance to Town Hall.
 - (c) Notwithstanding subsection 19.d) ii), in the case of an emergency or an Emergency Weather Event, the Clerk shall provide Notice to each Member and the public as soon as practically possible.
- iii) Meetings of Committees may be cancelled or postponed by the Clerk, recording secretary, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency or Emergency Weather Event.
- e) Invalidation of Notice of Meeting
- i) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

20.1 (Section removed per By-law No. 6275-20)

21. Closed Session

- a) Matters of Closed Session
 - i) Council or a Committee may, by Resolution, close a Meeting or part of a Meeting to the public in accordance with section 239 of the *Municipal Act, 2001*.
 - ii) Council or a Committee may also resolve into a Closed Session to the public for the following purposes:
 - (a) An ongoing investigation respecting the Municipality, a Local Board or a municipally-controlled corporation by the

Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*.

- b) Notice of Closed Session**
 - i) Where a matter may be considered by Council or General Committee for discussion in Closed Session, wherever possible, written Notice by way of a published agenda will include:
 - (a) The fact that the Meeting will be closed to the public as provided for in the *Municipal Act, 2001*; and
 - (b) The general nature of the matter to be considered at the Closed Session.
- c) A Motion to close a Meeting or part of a Meeting to the public shall state the:**
 - i) Intention to close the Meeting to the public; and
 - ii) General nature of the matter to be considered at the Closed Session, and the grounds for closing the Meeting as set out in the *Municipal Act, 2001*.
- d) Voting during Closed Session**
 - i) Only votes relating to procedural matters or direction to staff may be taken during a Closed Session, unless otherwise authorized.
- e) Upon completion of the Closed Session:**
 - i) The Members shall immediately reconvene in open session;
 - ii) The Mayor shall report any outcomes on the Closed Session as necessary; and,
 - iii) If applicable, the Members shall vote on any Resolution(s) originating from the Closed Session.
- f) Reporting Out and Confidentiality of Closed Session Discussions**

- i) Any required vote will occur following the Closed Session discussion of a Council or Committee Meeting.
 - ii) Public General Committee and Council Closed Session agendas, minutes or reports shall provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in Closed Session and the position of the Municipality.
 - iii) Minutes of a Closed Session shall be presented for adoption at a scheduled Meeting of Council that does not occur on the same day.
 - iv) No Member shall disclose or discuss, through written, electronic or verbal communication or any other means, to any individual or corporate third party, any information that has been or will be discussed at a Closed Session of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, may be made public, subject to review by the head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* or if directed to do so by a court.
- g) Openness and Transparency**
- i) The Clerk shall maintain an annual log of all reports and Resolutions considered in Closed Session, conduct an annual review with the CAO and staff to determine which items are no longer sensitive and/or confidential. The Clerk shall prepare an Annual Report of all Closed Session items approved for public release, and shall post the report on the Town website. Items identified for release shall qualify for 'routine disclosure' in accordance with the Town's freedom of information practices.
- h) Closed Meeting Investigation**
- i) A person may request that an investigation be undertaken to determine whether Council or Committee complied with the requirements of the *Municipal Act, 2001* and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by submitting a written request to the Town Clerk.

22. Speaking Order and Limit

- a) The Chair shall maintain a list of Members who have requested to speak or ask questions. The Chair shall designate Members to speak or ask questions in the order in which they appear on the list. The Chair shall give priority to Members who have not spoken to the matter previously.
- b) At Committee Meetings, Members are permitted to speak two (2) times on a matter, the first time being for a maximum of ten (10) minutes, and the second time being for a maximum of five (5) minutes; and
- c) At Council Meetings, Members are permitted to speak two (2) times on a matter for a maximum of five (5) minutes each time.

23. Rules of Debate

- a) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- b) Any Member may require a Motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- c) Members shall express themselves succinctly without repetition.
- d) Questions may be asked only of:
 - i) The Chair;
 - ii) Staff;
 - iii) A previous speaker; and,
 - iv) A delegation.

24. Order of Business – General Committee

- a) The order of business of General Committee is set out in the agenda, as follows, where provided for:
 - i) Approval of the Agenda
 - ii) Declarations of Pecuniary Interest and General Nature Thereof

- iii) Community Presentations
- iv) Delegations
- v) Consent Agenda
- vi) Advisory Committee Meeting Minutes
- vii) Consideration of Items Requiring Discussion (Regular Agenda)
- viii) Notices of Motion
- ix) New Business
- x) Closed Session
- xi) Adjournment

25. Order of Business – Council

- a) The order of business for the Council is set out in the agenda as follows, where provided for:
 - i) Approval of the Agenda
 - ii) Declarations of Pecuniary Interest and General Nature Thereof
 - iii) Community Presentations
 - iv) Delegations
 - v) Consent Agenda
 - vi) Standing Committee Reports
 - vii) Consideration of Items Requiring Discussion (Regular Agenda)
 - viii) Motions
 - ix) Regional Report
 - x) New Business
 - xi) Public Service Announcements

- xii) By-laws
- xiii) Closed Session
- xiv) Confirming By-law
- xv) Adjournment

26. Order of Business – Other

- a) The order of business for any other meeting type is at the discretion of the Clerk.

27. Record of Meetings

- a) The Clerk records the minutes of Meetings of General Committee and Council without note or comment. The minutes record:
 - i) The date, time and location of the Meeting;
 - ii) The name of the Chair and a record of the attendance at the Meeting;
 - iii) The name and nature of presenters and Delegations; and
 - iv) All Resolutions, decisions and other proceedings of the Meeting;
- b) Minutes of Committees, excluding standing Committees are submitted to General Committee for receipt.
- c) The receipt of Committee minutes, excluding standing Committee minutes, by Council does not constitute endorsement by the Town of any recommendations or actions contained in the minutes.
- d) A General Committee report is submitted to the next regular Council meeting for consideration of the recommendations to Council. The report from General Committee that is presented to Council shall not contain the mover or seconder on each item but rather shall only show recommendations endorsed by the General Committee.
- e) Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval. The approved minutes form the official record of the Meeting.

- f) After the Council Meeting minutes have been approved by Council, they shall be signed by the Mayor and Clerk.
- g) Approved minutes of Council, including the report of the General Committee, will be posted on the Town's website as they become available.
- h) The Clerk shall ensure that the minutes of each Meeting are made available to Members within a reasonable amount of time after the holding of such Meeting.

28. Changes in Order of Agenda

- a) The business of General Committee and Council is dealt with in the order stated on the published agenda, unless Council consents to changing the order.

29. Declarations of Pecuniary Interest

- a) Members are required to make declarations of pecuniary interest in accordance with the requirements of the *Municipal Conflict of Interest Act* and/or other relevant legislation and shall refrain from speaking to and voting on the matter. At a Meeting at which a Member discloses a pecuniary interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the Committee or Local Board.
- b) A public registry of all declarations of pecuniary interest will be maintained by the Clerk in accordance with the *Municipal Conflict of Interest Act*.
- c) Where a Meeting is not open to the public, in addition to complying with the requirements set out in the Closed Session section of this Procedure By-law, the Member shall leave the Meeting or the part of the Meeting during which the matter is under consideration.
- d) Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Member's interest and otherwise comply at the first Meeting of Council or Committee, as the case may be, attended by the Member after the particular Meeting.

- e) The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting.

30. Staff and Community Presentations

- a) Staff Presentations
 - i) Staff presentations, if related to a report on the agenda shall occur at the time the report is discussed. Presentations by Staff at Meetings shall be a maximum of ten (10) minutes.
- b) Community Presentations
 - i) Community Presentations may be made by third-parties invited by staff to Council or General Committee on matters of interest to the Town. Such presentations are received or presented by the Chair.
 - ii) Requests to be added to the Community Presentations section of an agenda shall be submitted to the Clerk at least three (3) weeks prior to the Meeting date.
 - iii) Any accompanying materials must be submitted to the Clerk in an electronic format at least three (3) business days prior to the Meeting date.
 - iv) Community Presentations may be up to five (5) minutes. The consent of Council or General Committee is required to extend a presentation beyond five (5) minutes.
 - v) The Clerk may limit the frequency and/or number of times a group or individual may appear before General Committee or Council.

31. Delegations at Meetings of Council and General Committee

- a) General Provisions
 - i) Delegates shall be encouraged to appear at the appropriate Committee first rather than Council.
 - ii) Anyone wishing to appear before General Committee shall register as a delegate by submitting the prescribed form to the Clerk no later than 9 a.m. on the scheduled Meeting date.

- iii) Anyone wishing to appear before Council shall register as a delegate by submitting the prescribed form to the Clerk no later than 9 a.m. one (1) business day prior to the scheduled Meeting date.
- iv) Delegates shall advise the Clerk that the audio visual equipment will be required and shall submit supporting material to the Clerk for approval in an electronic format no later than 4:30 p.m. on the Friday prior to the Meeting date.
- v) Delegates requesting specific financial assistance or services in-kind from General Committee or Council shall be directed to a Budget Committee meeting. Requests made outside the Budget Committee Meeting must include a detailed written request to the Clerk prior to the Meeting, which will be forwarded to the appropriate department for review. A decision will not be made at the Meeting where the Delegation is heard.
- vi) The Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise to the requester the earliest possible date when his/her Delegation may be accommodated. A limit of four (4) Delegations will be considered at a Meeting of General Committee, and two (2) Delegations will be considered at a Meeting of Council.
- vii) The Clerk may limit the frequency and/or number of times a group or individual may appear before General Committee or Council.
- viii) Delegation requests received after the deadline or limit has been reached will be acknowledged by the Clerk but not placed on an agenda.
- ix) Delegations at General Committee and Council Meetings shall be on a subject that is within the jurisdiction or influence of local government. Delegations at a Meeting of Council shall be related to an item of business on the agenda.
- x) Delegations regarding active planning applications will not be permitted at a Council Meeting
- xi) Delegates shall refrain from making statements or comments that are, in the opinion of the Chair, frivolous or vexatious in nature.

- xii) Delegates who share the same position on a matter or are from the same organization, are encouraged to speak in one delegation.
 - xiii) Delegates shall be restricted to a speaking limit of five (5) minutes, regardless of whether they are representing an organization, association or other group.
 - xiv) The consent of Council or General Committee is required to grant a delegate one (1) extension of up to five (5) minutes at a Council or General Committee Meeting, and to consider more than two (2) Delegations at a Council Meeting.
 - xv) Delegates who appear before General Committee are not permitted to make a Delegation in relation to the same item at the following Council Meeting, but may submit written material to Members of Council through the Clerk's Office.
- b) Conduct of Delegates**
- i) Delegates shall not make detrimental, offensive or insulting comments, or speak ill of, or malign the integrity of Staff, the public, Council or Committee or other external public agencies.
 - ii) Delegates who contravene this section will not be permitted to finish their delegation and will be asked by the Chair to take their seat in the audience.
- c) Delegations at Council Meetings**
- i) Anyone wishing to speak on an item that is not on the Council agenda may be placed on a Committee agenda to address an issue that is not on the Council agenda.
- d) Delegations at Public Planning Meetings**
- i) Any person may speak on a matter on the agenda at a Public Planning Meeting. The delegate shall not speak for more than five (5) minutes, but may have an opportunity to speak more than once on the agenda item.

32. Consent Agenda

- a)** Consent Agenda will include the following items that do not have presentations or Delegations:
 - i) Receipt of the Minutes (i.e. Special Council, Workshop, Closed Session) (Council Meeting agenda only);
 - ii) Procurement items that are within the approved budget;
 - iii) Communications addressed to Council;
 - iv) Information reports requested by Council through motions; and
 - v) Items as directed by the CAO or Clerk.
- b)** Questions of clarification may be asked by Members about any consent item during the adoption of the Consent Agenda without requiring a separate vote.
- c)** Members shall identify any items contained on the Consent Agenda which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately under Consideration of Items Requiring Discussion (Regular Agenda).
- d)** In the event that a Member declares a pecuniary interest on an item that is included on the Consent Agenda, that item shall be considered under Consideration of Items Requiring Discussion (Regular Agenda).
- e)** Items on the Consent Agenda or the balance of the items, as the case may be, shall be adopted in one Motion.

33. Notice of Motion

- a)** A Member desiring to introduce a subject for discussion by Council will provide the proposed Notice of Motion to the Clerk in writing for inclusion in a regular agenda of General Committee by 12 p.m. on the Wednesday prior to the meeting.
- b)** The Motions will be included on the next Council agenda for consideration and disposition. Motions that are not in order, as determined by the Clerk, will not be included.

- c) Closed Session Notices of Motion may be published as part of a General Committee or Council agenda to fulfil Notice provisions. The subsequent Motion will be brought forward to the next scheduled Council Closed Session meeting, or to a meeting agreed to by the authoring Member and the Clerk.
- d) The CAO or Staff may be requested to comment on the Motion raised in this section, but no staff report will be prepared unless the Motion, once adopted by Council, is referred to staff for a further report.
- e) It is the duty of the Member to:
 - i) Prepare the proposed Motion in writing
 - ii) Submit the proposed Motion to the Clerk
 - iii) Ensure the content of the proposed Motion allows for it to be published on a public agenda.

34. Regional Report

- a) The representative of the Town on Regional Council will provide a report at regular Meetings of Council on matters of interest to the Town, when available.

35. New Business

- a) Any Member of Council or a Committee, at any Meeting, may present and introduce any matter of new business during the New Business portion of the Meeting, and shall have regard to the following guidelines:
 - i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Director or appropriate Staff;
 - ii) Members are discouraged from raising substantive policy matters, in particular consideration of corporate policies or by-laws; and,
 - iii) Members of Council are encouraged to raise announcements and community events under the Public Service Announcements portion of the Council agenda.

36. Public Service Announcements

- a) Members may speak for no more than three (3) minutes on public service announcements and community events, unless the consent of Council is granted.

37. By-laws

- a) By-laws are considered by Council and approved by Motion.
- b) Every by-law adopted by Council is done so under the seal of the Town and signed by the Clerk and the Mayor.
- c) All by-laws shall be given first, second and third readings in a single Motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the Motion and dealt with separately.
- d) The following types of by-laws may be presented directly to Council without an accompanying staff report:
 - i) Those directed to be presented directly to Council by General Committee or Council;
 - ii) The appointment of statutory positions, staff for by-law inspection, municipal law enforcement and provincial offences administration;
 - iii) Consolidation of by-laws or housekeeping amendments;
 - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
 - v) A by-law to levy interim property taxes;
 - vi) A by-law to set tax rates in accordance with the approved budget;
 - vii) Part-lot control by-laws;
 - viii) Assumption by-laws;
 - ix) A by-law to establish a public highway;
 - x) Minor amendments resulting from changes to provincial enabling legislation; and,

- xi) Other administrative by-laws deemed appropriate by the CAO.
- e) Every Council Meeting shall be confirmed by by-law so that every decision of Council at that Council Meeting and every Resolution of the Meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
- f) All amendments to any by-law approved by Council shall be deemed to be incorporated into the by-law and if the by-law proposing the amendment is enacted by Council, the amendments shall be inserted by the Clerk.
- g) All by-laws, including the confirming by-law, shall be voted on prior to Adjournment.

38. Adjournment

- a) No item of business shall be considered at a Meeting of Council or General Committee after 10:30 p.m. unless a majority of the Members present enact a resolution to extend the hour. The Resolution must include a proposed time for adjournment of the Meeting.

39. Correspondence

- a) Where correspondence is not requested to be included in a Council or General Committee agenda, it is circulated by the Clerk to Members, the CAO, Directors and applicable Staff for their information, and forms a part of the Clerk's records.
- b) Where correspondence has been requested to be included on a Council or General Committee Meeting agenda or on the request of a Member to the Clerk, correspondence is placed on the General Committee meeting agenda for consideration. Where required due to urgency or timing, correspondence may be considered directly by Council as an Additional Item.
- c) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.

40. Petitions

- a) Petitions may be submitted to the Clerk and will include a minimum of two (2) persons and their respective addresses unless otherwise required by law, and a clear statement of the purpose for the petition.
- b) If the petition meets the requirements of the Petition Policy and/or any other related Town Policies, the request conveyed in the petition will be considered by General Committee for disposition. Where required due to urgency or timing, petitions may be considered directly by Council.
- c) Staff may prepare recommendations related to the matter for Council's consideration.
- d) The Town is not accountable for the accuracy or reliability of petitions that are submitted.

41. Motions from Other Municipalities

- a) All requests for endorsement of resolutions from other municipalities will be electronically circulated to Council and acknowledged by the Clerk, with the advice that the Town does not take action on resolutions received from other municipalities, but rather makes its position known through the appropriate municipal association, or alternatively, directly to the relevant Minister or government leader.
- b) A Member of Council may request that a resolution from another municipality be added to a General Committee agenda for consideration.
- c) The Council's receipt of resolutions from other municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.

42. Motions – Impact on Corporate Resources

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a Motion that makes an impact on corporate resources where a matter:
 - i) Has already been approved by Council;

- ii) Is considered by the CAO to be minor in nature; and/or,
- iii) Falls within existing service levels.

43. Procedures Concerning Motions

a) General Rules

- i) Every Motion in any Meeting of Council or Committee requires a mover and a seconder.
- ii) When duly moved and seconded, every Motion, other than a Motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for discussion.
- iii) No debate is permitted on any Motion or amending Motion until it has been properly seconded.
- iv) A Member may move a Motion in order to initiate discussion and debate, but vote in opposition to the Motion. A seconder of the Motion may vote against the Motion.
- v) A Motion or amending Motion may not be withdrawn without the consent of the mover and seconder.
- vi) The Chair of a Meeting of Council or a Committee will not move or second a Motion.

All Members of Council or a Committee will vote on all Motions except in the instance where the Member refrains from voting on an issue due to a declaration of a pecuniary interest in the matter by the Member. If any Member does not vote, he/she will be deemed as voting in the negative (except where prohibited from voting by statute).

b) Motion under Debate

- i) When a Motion is under debate, no other Motion may be considered except for the following Motions, to be considered in the listed order of priority:
 - (a) To adjourn;
 - (b) To recess;

- (c) To table an item;
- (d) To put the question to a vote or call the vote;
- (e) To defer;
- (f) To refer;
- (g) To amend.

c) Motion to Adjourn

- i) A Motion to adjourn means a Motion to end a Meeting.
- ii) A Motion to adjourn is not debatable and shall always be in order except when:
 - (a) Another Member is in possession of the floor;
 - (b) A vote has been called; or
 - (c) Members are voting.
- iii) A Motion to adjourn is not amendable, except when moved to set future time for adjourning.
- iv) A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.

d) Motion to Recess

- i) A Motion to recess means to suspend a meeting for a specific length of time.
- ii) A Motion to recess when other business is before the Meeting:
 - (a) Specifies the length of time of the recess;
 - (b) Is debatable as to the length or timing of the recess; and
 - (c) Can only be amended with respect to the length of the recess.

e) Motion to Table

- i) A Motion to table means to postpone a matter without setting a definite date for future discussion for a matter. A tabled Motion that has not been decided on by Council during the term of Council in which the Motion was introduced is deemed to have been withdrawn.

- ii) A Motion to table:
 - (a) Is not to be amended or debated; and
 - (b) Applies to the Motion and any amendments thereto under debate at the time when the Motion to table was made.
 - iii) If the Motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the CAO, or a Member through a Motion, brings it forward to a subsequent Meeting.
- f) Motion “To Put the Question to a Vote” or “To call the Vote”**
- i) A Motion “To Put the Question to a Vote” or “To call the Vote” means to stop debate and immediately proceed to vote on the Motion.
 - ii) Any Member may request the Chair “To Put the Question to a Vote” or “To call the Vote” by presenting a Motion that the question “now be put to a vote.” A Motion to put the question to a vote must:
 - (a) Be seconded;
 - (b) Is not open to debate;
 - (c) Immediately put to a vote without debate;
 - (d) Requires a 2/3 majority vote to close debate.
- g) Motion to Refer**
- i) A Motion to refer means to direct a matter under discussion by Council or a Committee to Staff or another Committee for further examination or review.
 - ii) A Motion to refer a matter under consideration to a Committee or to Staff:
 - (a) Shall be debatable as to the rationale of referring, and cannot go into the merits of the Motion or subject being referred; and
 - (b) May be amended as to the Committee or group to whom it is being referred, as to the time the Committee or Staff reports back, and as to directions given to the Committee or Staff; and

- (c) Includes the terms on which the Motion is being referred and the time at which the matter is to be returned; and
 - (d) Includes the reasons for the referral.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- h) Motion to Defer**
 - i) A Motion to defer means to postpone all discussion on a matter until a future date or time, one which is established as part of the Motion.
 - ii) A Motion to defer to a certain time or date:
 - (a) Is open to debate as to advisability of postponement and cannot go into the merits of the Motion or subject being postponed; and
 - (b) May be amended as to the time or date to which the matter is to be deferred.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- i) Motion to Amend**
 - i) The purpose of this Motion is to modify a Motion. It cannot be used to directly contradict or negate the effect of another Motion.
 - ii) A Motion to amend:
 - (a) Is open to debate; and,
 - (b) Is to be relevant to the main Motion; and
 - (c) Is applied to a Motion at one time, and that amendment may be amended [by a secondary amendment], which then cannot be amended.
 - iii) If a Motion to amend is not considered a Friendly Amendment, then the Motion to amend:
 - (a) If more than one Motion, will be put to a vote in the reverse order to that in which they were moved;

- (b) Will be decided upon or withdrawn before the main Motion is put to the vote;
- (c) Will not be amended more than once, provided that further amendments may be made to the main Motion; and,
- (d) Will not be directly contrary to the main Motion.

j) Motion Containing Two or More Matters

- i) When the Motion under consideration concerns two (2) or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.
- ii) A vote on the main Motion or the Motion, as amended, may be split for the purpose of complying with the *Municipal Conflict of Interest Act*, or at the discretion of the Chair.

k) Withdrawal of Motion

- i) A request to withdraw a Motion:
 - (a) May only be made by the mover of the Motion;
 - (b) Requires consent of the seconder of the Motion; and,
 - (c) Is in order any time during the debate.

l) Adoption in a Single Motion

- i) One or more items on an agenda may be adopted in a single Motion.

44. Voting

a) General Rules

- i) After a Motion is finally put to a vote by the Chair, no Member speaks to it nor will any other Motion be made until after the vote is taken and the result has been declared.
- ii) All Members of Council or a Committee will vote on all Motions. Failure by any Member to announce his/her vote openly and individually, including an “abstention,” is deemed to be a vote in the negative.

- iii) Each Member present and voting announces or indicates his/her vote upon the Motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

b) Majority Vote

- i) A majority means more than half of the Members present, or:
 - (a) If 7 Members present: 4
 - (b) If 6 Members present: 4
 - (c) If 5 Members present: 3
- ii) Unless this Procedure By-law states otherwise, a matter passes when a majority of Members present vote in the affirmative.
- iii) Where required in this Procedure By-law, a two-thirds majority means $\frac{2}{3}$ of the Members present, or:
 - (a) $\frac{2}{3}$ of 7: 5
 - (b) $\frac{2}{3}$ of 6: 4
 - (c) $\frac{2}{3}$ of 5: 4
 - (d) $\frac{2}{3}$ of 4: 3

c) Tie Vote

- i) Any Motion on which there is a tie vote is deemed to be defeated.

d) Recorded Vote

- i) A recorded vote is only permitted at Council Meetings and will be taken at the request of a Member prior to the commencement of the vote being taken or immediately thereafter.
- ii) A Member of Council's failure to participate in a recorded vote when he/she has not declared a pecuniary interest is deemed to be a negative vote.
- iii) A recorded vote at Council Meetings will be taken as set out in a) or b) below:
 - (a) Each Member announces his/her vote openly, and the Clerk records his/her vote in the minutes. Votes are called in random order as determined by the Clerk.

- (b) Each Member first indicates his/her vote by using an electronic device. Each Member's vote is then electronically displayed on a screen, and the Clerk announces the outcome of the vote and records each Member's vote in the minutes.
- iv) Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

45. Reconsideration of a Matter

- a) Council cannot reconsider a matter until six (6) months have passed from the date of the matter's original disposition by Council, except upon a vote in the affirmative of two-thirds majority of the Members present.
- b) Decisions which contractually bind the Town shall not be reconsidered.
- c) A Motion to reconsider shall be introduced by way of a Notice of Motion and considered either at the next Council Meeting or at a special Meeting called to reconsider the Motion unless the Council, without debate, dispenses with the requirement for a Notice of Motion on a two-thirds vote.
- d) A Motion to reconsider is debatable, which debate will be restricted to the rationale for reconsidering the matter, and no debate of the main Motion shall be allowed until the Motion for reconsideration is carried.
- e) Once the reconsideration Motion has carried, the matter is reopened in its entirety unless the reconsideration Motion specifies otherwise.
- f) If the matter is reopened, all previous decisions of the Council remain in force until the Council decides otherwise.
- g) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- h) Notwithstanding the time period set out in s. 45 (a), if a Council matter was lost as a result of a tie vote due to an absent Member, the matter may be reconsidered at the next Council meeting via a Motion to reconsider carried by a majority of the Members present.

46. Point of Order

- a)** A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
 - i) A deviation or departure from this Procedure By-law; or
 - ii) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- b)** Upon hearing such Point of Order, the Chair decides and states his/her ruling on the matter.
- c)** Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
- d)** If no Member appeals, the decision of the Chair is final.
- e)** If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair be sustained without further debate. The decision of the majority of the Members who are present at the Meeting is final.

47. Point of Personal Privilege

- a)** A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of his/her own person, the Council, a Committee Member, Staff or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b)** Upon hearing such Point of Personal Privilege, the Chair decides and states his/her ruling on the matter.
- c)** Where the Chair rules that a breach of privilege has taken place, he/she demands that the offending Member or individual apologize and, failing such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.

- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of privilege to the Council or a Committee.
- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair be sustained without further debate. The decision of a majority of the Members who are present at the Meeting is final.

48. Public Record

- a) All communications that the Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of his/her personal information when submitting it, or where confirmed by the Clerk.

49. Administrative Authority of Clerk

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.
- b) The Clerk is authorized to create and amend an annotated version of the Procedure By-law from time to time, to assist Members in complying with the rules as enforced and interpreted.

50. Recording, Broadcasting and/or Live Streaming Meetings

- a) All Meetings with a Quorum of Members shall be audio and/or visually recorded, broadcast and/or live streamed publically by the Town, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.
- b) All Meetings of Committee of Adjustment, Property Standards Committee, and other quasi-judicial bodies or Committees of the Town shall be audio and/or visually recorded, broadcast and/or live streamed publically by the Town, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.

- c) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or recording secretary to ensure attendees at the Meeting are notified through the Chair.
- d) The approved minutes of a Meeting will form the official record of the Meeting. Any audio, video, or other record of the Meeting shall not be considered an official record.

51. Review of Procedure By-law

- a) Council shall review this By-law within the first six (6) months of the second year of each term of Council.
- b) The Clerk shall bring forward housekeeping amendments, as required or as directed by Council.

52. Severability

- a) Each and every one of the provisions of this Procedure By-law is severable and if any provisions of this Procedure By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions of this Procedure By-law shall remain in full force and effect.

53. Enactment

- a) By-law Number 6068-18 be and is hereby repealed.
- b) This By-law shall come into full force and effect on January 1, 2020.