

CORPORATION
OF THE
MUNICIPALITY OF SOUTHWEST MIDDLESEX
PROCEDURAL BY-LAW

BY-LAW NO. 2019/104

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1. DEFINITIONS

“CHAIR” means the person who presides over a meeting whether it be the mayor, a member of council or a duly appointed member of a committee.

“CLERK” means the clerk of the Municipality of Southwest Middlesex, the deputy clerk or an appointed designate in writing.

“CLOSED MEETING” means a meeting, or portion thereof, of the committee of the whole that is closed to the public in accordance with Section 239 of the *Municipal Act, 2001*.

“COMMITTEE OF THE WHOLE” means a meeting of council in committee format for discussion purposes, and the Deputy Mayor serves as the presiding officer.

“COMMITTEE OF COUNCIL” means any advisory or other committee or sub-committee composed of members of one or more boards or councils.

“COUNCIL” means the council of the Municipality of Southwest Middlesex.

“DECLARED EMERGENCY” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, 1990*, c. E.9, as amended or replaced (“*EMCPA*”).

“DECORUM” means behaviour that, in the opinion of the presiding officer, promotes an atmosphere of respect in council chamber.

“DELEGATION” means a person or persons who address council or any committee in the manner described within the provisions of this by-law.

“DEPRECATING” means attacks of character, attacks of reputation, name calling, or comments that are injurious to reputation, derogatory, slanderous or libellous.

“DEPUTY MAYOR” means the deputy mayor of the Municipality of Southwest Middlesex.

“ELECTRONIC DEVICES” means computers, cellphones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar devices.

“ELECTRONIC PARTICIPATION” means provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out the by-law.

“ELECTRONIC *PLANNING ACT* PUBLIC MEETING” means a statutory public meeting required under the *Planning Act* called and held in full or in part via electronic means (including, but not limited to video or audio teleconference or via means of the internet), and with or without in-person attendance.

“EMERGENCY” means situations or the threat of impending situations caused by forces of nature, accidents or an intentional act that constitutes a danger of major proportions to life and property that affects public safety; meaning health, welfare and property as well as the environment and economic health of the municipality, as defined in the municipality’s emergency response plan.

“EMERGENCY MEETING” means a meeting of the council called to address circumstances of emergency.

“HEAD OF COUNCIL” means the mayor.

“IMPROPER CONDUCT” means unethical conduct and includes engaging in a course of vexatious comments or conduct against another person that is known or ought reasonably to be known to be unwelcome.

“LOCAL BOARD” means a service board or any body established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

“MAIN MOTION” means a motion that formally brings a substantive proposal before the council for a decision by the members.

“MAJORITY” means more than half of the votes cast by those members present at the meeting.

“MAYOR” means the mayor of the Municipality of Southwest Middlesex. In accordance with the *Municipal Act, 2001* and represents the municipality at Middlesex County council.

“MEETING” means any regular, special or other meeting of a council or a committee of either of them, where,

- a. a quorum of members is present, and
- b. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. As per the *Municipal Act, 2001*;

“MEMBER” means a member, including the mayor, of the council or committee of council of the Municipality of Southwest Middlesex.

“MINUTES” means a record, without note or comment, of all resolutions, decisions and other proceedings of the meetings of council and its committees, whether closed to the public or not.

“MOTION” means a question to be considered by the council or a committee of council which is read, moved, seconded and is subject to debate. When a motion is carried, it becomes a resolution.

“MOTION TO AMEND” means a motion to modify the wording and, within certain limits, the meaning of a main motion as described in Section 34.6.

“MOTION TO DEFER TO A CERTAIN TIME” means a motion to put off the vote on a main motion for a specified period of time.

“MOTION TO POSTPONE INDEFINITELY” means a motion whereby, if supported by a majority vote, council declines to take a position on the main motion.

“MOTION TO REFER” means a motion to send a main motion to staff or a committee for further information.

“MUNICIPALITY” means the Corporation of the Municipality of Southwest Middlesex.

“NOTICE OF MOTION” means an advance notice to members of council of a matter on which council will be asked to take a position.

“PECUNIARY INTEREST” means a direct or indirect financial interest within the meaning of the *Municipal Conflict of Interest Act*.

“PRESIDING OFFICER” means the mayor of the Municipality of Southwest Middlesex or the deputy mayor or the appointed chairperson of a committee or in the absence of the foregoing, the member appointed in accordance with this by-law.

“QUORUM” means a majority of the members of council or members of a committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum shall be a majority (more than half) of the number of remaining members but shall not be less than two.

“ROBERTS RULES OF ORDER” is the current edition of Robert’s Rules of Order that embodies a codification of present-day parliamentary law and is designed as a manual for use by organizations and assemblies as their parliamentary authority.

“RECORDING EQUIPMENT” means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not being limited to computers, cell phones, voice recorders and cameras.

“RECORDED VOTE” means where a vote is taken for any purpose and a member of council requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce their vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote.

“RESOLUTION” means a formal motion moved and seconded by members of council or members of a committee.

“WALK-ON REPORT” means a report that is not included in the agenda that has been circulated prior to a regular meeting of council under Section 15.2, but that has been presented for consideration, with no prior notification, at the meeting itself.

2. PURPOSE AND PRINCIPLES

Purpose

This by-law (referred to as the Procedural By-law) establishes the rules of order for meetings of council, local boards, and committees of either of them. This by-law shall be used to guide the order and dispatch of business of the council, local boards and committee of either, and wherever possible, with the necessary modifications, for all advisory committees and ad hoc committees unless otherwise provided. This by-law sets out processes that are open and transparent.

Principles

The principles of openness, transparency and accountability to the public guide the municipality’s decision-making process. In the context of council, local board, and committee proceedings, this is accomplished by:

- a. Ensuring the decision-making process is understood by the public and other stakeholders;
- b. Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements;
- c. Exercising and respecting individual and collective roles and responsibilities provided for in this Procedural By-law and other statutory requirements;
- d. 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.

The principles of parliamentary law governing council and committee meetings include:

- a. The majority of members have the right to decide;
- b. The minority of members have the right to be heard;
- c. All members have the right to one vote subject to the declaration of pecuniary interest;
- d. All members have the right to information to help make decisions, unless otherwise prevented by law;
- e. All members have a right to an efficient meeting
- f. All members have a right to be treated with respect and courtesy; and

- g. All members have equal rights and obligations.

3. GENERAL RULES AND PROVISIONS

3.1 Application

The provisions contained in this by-law shall govern the proceedings of council and committees unless otherwise prescribed.

3.2 Order and Dispatch of Business

The rules and regulations contained herein shall be observed in all proceedings of the council, local boards, and committees of either of them, and shall be the rules and regulations for the order and dispatch of business.

3.3 Suspension of Rules

- a. No provision of this by-law shall be suspended except by an affirmative vote of at least two-thirds of the entire Council (six members) for each incidence of suspension of the rules.
- b. The suspension shall only apply to the procedure(s) or rules(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- c. The following procedure(s) or rule(s) cannot be suspended:
 - i. No other business in special meetings;
 - ii. Majority of members for quorum.

3.4 Requirement for Clerk at Meetings

The clerk shall be present at all meetings of council.

3.5 Compliance with *Municipal Conflict of Interest Act*

Members shall comply with the *Municipal Conflict of Interest Act*.

3.6 Electronic Devices

- a. During meetings open to the public, the use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including the media, shall be permitted subject to approval and/or direction of the mayor or presiding officer.
- b. Each member shall place any electronic devices on an inaudible setting during any meeting, except for any closed meeting where electronic devices must be turned off.
- c. No member shall use an electronic device as a recording device during any meeting.

d. No member shall use an electronic device to broadcast or otherwise publish or post audio, video or photographs of any meeting.

3.7 Accessibility

Should the municipality be requested to provide a person with a disability a document or information, the municipality will take into consideration the communication needs of the person with a disability and endeavor to provide the information to the person in a format that takes into account the person's disability.

3.8 Attendance Notification

If members of council are not going to be in attendance or are going to be late for a meeting, when possible they shall inform the clerk in advance of the meeting.

3.9 Invitation to Attend Prior to Taking Office

That all newly elected council members be invited to attend council proceedings at the November session immediately preceding the commencement of their terms of office.

3.10 Dress Code

A dress code for members of council and staff shall be in effect for council meetings and shall consist of proper and clean attire.

4. MEETINGS

4.1 Meeting – Location

- a. All meetings shall take place in the council chamber at the municipal office, 153 McKellar Street, Glencoe.
- b. In the event that it is not convenient or feasible (such as in the event of an emergency) to hold the meeting in the council chambers, the council or the clerk, as the case may be, may specify a location within the municipality or an adjacent municipality to hold its meeting.
- c. The council to the best of their ability will have meeting locations accessible to persons with disabilities.

4.2 Meeting Schedule – Times

- a. The first or inaugural meeting of the new council after a regular election shall be held on the first Wednesday after the beginning of the term of office at the hour of 1:30 p.m. The inaugural meeting shall be for ceremonial purposes only, consisting of the swearing in of members, special presentations and is to be followed by a reception to honour the newly elected members.

b. Prior to the first meeting in each calendar year, the council shall establish a schedule of all regular council meeting dates for the calendar year. Except as otherwise noted on the meeting schedule, meetings will generally be held on the first Wednesday of the month at 7:00 p.m. and on the third Wednesday of the month. The exception is the month of August where there will be one meeting held at a date chosen by Council. Council may by resolution alter the date and/or time of a regular meeting as deemed necessary.

c. Closed meetings of the committee of the whole shall be scheduled in conjunction with the regular council meetings.

d. The committee of adjustment shall meet when required in conjunction with regular council meetings.

4.3 Meeting Schedule – Special Meetings

a. The head of council may at any time call a special meeting; and

b. Upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition.

c. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

4.4 Meeting Schedule – Emergency Meetings

Notwithstanding any other provision of this by-law, the mayor may at any time call an emergency meeting of council at any time.

5. NOTICE OF MEETINGS

5.1 Notice – Minimum Requirement

The notice requirements set out in this by-law and the municipality's notice policy are minimum requirements only and the clerk may give notice in an extended manner if, in the opinion of the clerk, the extended manner is reasonable and necessary in the circumstances.

5.2 Notice – Non-Receipt by Member

Lack of receipt of notice by any member of council shall not affect the validity of holding a meeting nor any action taken at a meeting.

5.3 Regular Meetings

- a. The schedule of council meetings shall be advertised on the municipal website. The posting of the meeting schedule shall constitute notice for all council meetings. In addition to these notice provisions, known meetings for the next month are published on each agenda. The posted agenda shall be considered as notice of regular meetings.
- b. The clerk shall ensure that notice of each regular meeting of council is provided to the members of council and the public at least seventy-two (72) hours in advance of said meeting.
- c. The agenda for each regular meeting of council shall be prepared by 4:30 p.m. on the Friday prior to the meeting except in the case of unforeseen circumstances that prevent its completion by that date and time.

5.4 Notice - Special Meetings

- a. The clerk shall ensure that notice of each special meeting of council is provided to the members of council at least twenty-four (24) hours in advance of the said meeting.
- b. As soon as practicable after the special meeting has been called, public notice shall be posted on the municipal website and by any other method of notification that the timeframe permits. The posting shall also be considered as notice of a special meeting of council. The notice shall include the date and time of the meeting.

5.5 Notice - Emergency Meetings

- a. Notwithstanding any other provision of this By-law, an emergency meeting may be held to deal with an emergency or extraordinary situation provided that an attempt has been made by the clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.
- b. Notice of any emergency meeting of Council shall be posted on the municipality's website, unless the type of emergency prevents the posting on the website. If the notice cannot be posted on the website, it shall be posted on the notice board in the municipal office.

5.6 Notice - Closed Meetings

- a. Notice of a closed meeting shall be included in the printed agenda for regular meetings, which shall be posted on the municipal website as per Section 5.3 of this by-law.

b. Closed meeting agendas will not be sent electronically to members subject to current policy, except during a declared emergency.

- i. All closed session agenda, confidential reports and materials for closed meetings will be circulated to the members on coloured (blue) paper or clearly marked “Confidential” at the meeting or in advance of the closed meeting.
- ii. In the case of a closed meeting during a declared emergency, a closed session agenda along with its related closed session documents may be sent to the council members individual municipal e-mail account as a password encrypted pdf.

c. Closed meeting materials, if any, shall be returned to the clerk at the close of the meeting at which the closed meeting is held.

5.7 Notice - Change in Meeting Schedule

Meeting schedules may change through:

- a. The clerk, in consultation with the mayor, may cancel a meeting of council when, in their opinion, there is sufficient cause to do so. The clerk shall provide notice of cancellation of a meeting to council, staff, and all other known interested parties a minimum of three (3) hours in advance of a meeting. Notice of cancellation of a meeting to the above shall be provided in a manner deemed to be effective and appropriate given the circumstance. The public shall receive notice by posting in the municipal website and/or by posting notice on the entrance doors located at the municipal office; or in the event that the meeting is being held at another location, the entrance door of the meeting location.
- b. Any regular meeting of the council may be postponed/changed to a day named in a resolution of council passed by the majority of the members. Notice shall be provided to the public by updating the council meeting schedule on the municipality’s website.
- c. Notwithstanding 5.3 b. the date, location or time of council meetings may periodically be altered if, in the opinion of the clerk, the change of meeting date, location or time is appropriate to accommodate that council meeting. Notice for such changes shall be provided on the agenda cover sheet under “Future Meetings”.

6. MEETINGS OF COUNCIL

6.1 Open Meetings

- a. All regular meetings, special and emergency meeting of council, local boards, and meetings of committees either of them, shall be open to the public, but a meeting or

any part thereof may be closed to the public, subject to the provisions of Section 239 of the *Municipal Act, 2001*, as amended.

b. All votes of council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 239(6) of the *Municipal Act, 2001*.

6.2 Closed Meeting

a. Pursuant to Section 239(2) and 239(3.1) of the *Municipal Act, 2001* as amended, a meeting or part of a meeting may be closed by council to the public if the subject matter being considered is:

- i. the security of the property of the municipality or local board;
- ii. personal matters about an identifiable individual, including municipal or local board employees;
- iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
- iv. labour relations or employee negotiations;
- v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- vii. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- viii. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- ix. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- x. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- xi. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

b. Other criteria as per the *Municipal Act, 2001*:

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- i. a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- ii. 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 this Act, or the investigator referred to in subsection 239.2 (1).

Educational or training sessions:

A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- i. The meeting is held for the purpose of educating or training the members.
- ii. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

c. Before holding a meeting or part of a meeting that is to be closed to the public, council shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting as per the provisions of Section 239 of the *Municipal Act, 2001*, as amended.

d. Upon completion of the closed meeting, the members shall immediately reconvene in open session and the presiding officer shall report the results of the closed meeting.

e. It shall be the responsibility of council and staff to respect the confidentiality of all matters disclosed and materials provided during a closed meeting.

6.3 Electronic Participation at Meetings

- a) Electronic meetings for both open and closed meetings may be permitted;
- b) Members of Council who participate electronically will count towards quorum;
- c) All members may participate electronically or some members may participate electronically while others may be present in the Council Chambers or alternative meeting space;

- d) The meeting method or technology shall be determined by the Clerk and such meeting technology should be accessible for members of the public;
- e) The chair may direct that the connection be terminated if the member of Council cannot be clearly understood, or if poor connection or background noise is deemed to be disruptive to the meeting;
- f) If a technical problem prevents or interrupts a member's electronic participation in a meeting, the minutes shall reflect the time at which the member ceased to participate in the meeting by reason of the technical problem. If such technical problem is later resolved and the member rejoins the meeting by electronic means without a vote on a motion having taken place during the interruption in the member's participation, the minutes shall reflect the time at which the member rejoined the meeting;
- g) If electronic communication is interrupted during a meeting and remains interrupted while a vote on a motion is taken, the member affected is deemed to have left the meeting prior to the vote and shall not be permitted to rejoin the meeting during the vote, either electronically or in person; and,
- h) Invited delegates may participate in meetings electronically.

6.4 Emergency Council Meetings

- a. Where an emergency has been declared in all or part of the Municipality of Southwest Middlesex under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:
 - i. any member of council may participate in any open or closed council meeting electronically and be counted for the purpose of establishing quorum
 - ii. all votes shall be recorded as votes; and
- b. That Section 14.9 of the Agenda be suspended to allow Emergency Council Meetings to proceed without delegation.

7. QUORUM

7.1 Majority Requirement

A majority of all members of council physically present shall constitute a quorum and be necessary for the transaction of business. A majority of all members shall be determined as five (5) members of council.

7.2 No Quorum at Beginning of Meeting

If a quorum is not present fifteen minutes after the time appointed for the commencement of the meeting, the clerk shall indicate that no quorum is present and record the names of those

members of council in attendance and they shall adjourn to the appointed time for the next scheduled meeting.

7.3 Quorum – *Municipal Conflict of Interest Act*

Where the number of members of council who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).

7.4 Loss of Quorum During Meeting

If during the course of a council meeting, a quorum is lost, the mayor or presiding officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.

8. ROLES AND CONDUCT

COUNCIL MEMBER RESPONSIBILITY AND CONDUCT OF MEMBERS OF COUNCIL

- a. Members shall come prepared to every meeting by having read all the material supplied, including the agenda and staff reports, to facilitate discussion and the determination of action at the meeting. The members are encouraged to make enquiries of staff regarding the materials supplied with the agenda in advance of the meeting. The role of council is further described under Section 224 of the *Municipal Act, 2001*.
- b. Requests for substantive reports shall be authorized by council resolution and the resolution shall identify the appropriate department or department head and objectives of the report.
- c. No member of council shall have the authority to direct or interfere with the performance of any work for the municipality.
- d. Council affirms that the business of council is an important function and that it will not tolerate incivility in its meetings on the part of any individuals or group, and that the mayor or presiding officer is expected to maintain decorum by all persons in attendance at its meetings in accordance with this Procedural By-law, the Code of Conduct, Respect in the Workplace Policy, and the *Municipal Act, 2001*.

9. ROLE OF THE MAYOR

9.1 Mayor's Responsibilities

As described in section 225 and 226.1 of the Municipal Act, 2001, the mayor is responsible for:

- i. to act as chief executive officer of the municipality, which has the following meaning:
 - a. uphold and promote the purposes of the municipality;
 - b. promote public involvement in the municipality's activities;
 - c. act as the 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.
- ii. to preside over meetings so that its business can be carried out efficiently and effectively;
- iii. to provide leadership to council;
- iv. to provide information and recommendations to the council with respect to the role of council related to:
 - a. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council; and
 - b. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- v. to represent the municipality at official functions;
- vi. to carry out the duties of the head of council under any Act.

9.2 Head of Council - Voting

The head of council, or the presiding officer, except where disqualified to vote by reason of declaring a pecuniary interest, has one vote with the other members.

9.3 Deputy Mayor

The deputy mayor has, and may exercise, all the rights, powers and authority of the mayor, including representation at county council in the absence of the mayor. The deputy mayor serves as the presiding officer for meetings of committee of the whole.

10. ROLE OF COUNCIL

As described in section 224 of the *Municipal Act, 2001*, it is the role of council:

- a. to represent the public and consider the well-being and interests of the municipality;
- b. to develop and evaluate the policies and programs of the municipality;
- c. to determine which services the municipality will provide;
- d. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- e. to ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
- f. to maintain the financial integrity of the municipality; and
- g. to carry out the duties of council under any Act.

11. CONDUCT OF PROCEEDINGS - MEMBERS

No member shall:

- a. use offensive words or language that is not inclusive;
- b. engage in private conversation while in the council meeting or use electronic devices in a manner which disrupts the proceedings of council or may influence a vote;
- c. leave their seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- d. disturb another member, or the council itself by any disorderly conduct;
- e. resist the rules of council or disobey the decision of the presiding officer or of the council on questions of order or practice or upon the interpretations of the rules of procedure;
- f. speak without first addressing the presiding officer and being recognized by the presiding officer to speak; or
- g. where a matter has been discussed in closed session and where the matter remains confidential, disclose the substance of deliberations of the closed session meeting.

12. CONDUCT OF PROCEEDINGS - PRESIDING OFFICER

12.1 Presiding Officer - Mayor

The mayor shall be the presiding officer for council meetings. In the absence of the mayor or if the mayor's office is vacant, or if fifteen minutes after the time fixed for the regular or special meeting the presiding officer is not present, the deputy mayor shall be presiding officer of

regular, special and closed meetings of council. If the mayor and deputy mayor are both absent, council shall appoint a presiding officer from the members present.

12.2 Presiding Officer Committee of the Whole – Deputy Mayor

The deputy mayor shall be the presiding officer for closed sessions. In the absence of the deputy mayor or if the mayor's office is vacant, the mayor shall preside over closed sessions.

12.3 Presiding Officer – Responsibilities

The presiding officer is responsible for:

- a. Objective chairing – objectively presiding over the meeting as described in the procedure by-law so that its business can be carried out efficiently and effectively;
- b. Enforcing the procedure by-law rules;
- c. Overseeing order and behaviour – enforcing the order and good behaviour of members at all times;
- d. Opening each council meeting by taking the chair and calling the members to order;
- e. Announcing business before council or the committee and the order in which it is to be considered;
- f. Should more than any one member at one time wish to address the chair, the chair shall name the member who is to speak first;
- g. Accepting motions from members – receiving, stating and framing all motions presented to clarify their intent as moved;
- h. Ensuring that no person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the chair, unless it is to explain their remarks which have been misunderstood and then the member shall not introduce any new matter;
- i. Ruling on motions – ruling whether a motion is in order;
- j. Managing interruptive motions – protecting council or a committee from motions that are obviously frivolous or tending to cause delay, by refusing to acknowledge them;
- k. Keeping members informed – providing information to members on any matter related to the business of the municipality;
- l. Ruling on points of order or privilege – ruling on whether a point of order or a point of privilege is in order;
- m. Giving reasons for rulings on points of order or privilege – if a point of order or a point of privilege is in order, ruling on the point of order or the point of privilege and giving the facts, circumstances and reasons for the ruling;
- n. Informing the council, when necessary or when referred to for the purpose, on a point of order or procedure, subject to an appeal to the council and this decision may be overruled by a majority vote thereof.

- o. Disciplining members - when ruling on conduct matters, the presiding officer shall warn the offender by name of the improper behaviour and will request that the behaviour ceases. This will be considered to be the only warning and the member called to order shall be silent on the matter and shall not further speak until the point of order is determined unless it is to appeal the decision of the chair - decision may be overruled by a majority vote thereof;
- p. If the behaviour continues, the presiding officer will expel the offender from the meeting ordering them to vacate the council chamber. If required, assistance may be sought from local authorities.
- q. Recessing to consult on rulings – if necessary, recessing a meeting for a brief specified time to consult the Clerk or other municipal officials, or to consult Robert’s Rules of Order in accordance with section 48 of this by-law for guidance in ruling;
- r. Recessing for emergencies – if there is a threat or imminent threat to the health or safety of any person, or if there is the possibility of public disorder, recessing the meeting for a specified time;
- s. Ensuring speaking rights – ensuring that all members who wish to speak on a motion have spoken;
- t. Reading motions – reading, as necessary, all motions before any vote, to ensure all members understand the motions before voting;
- u. Receiving all messages and other communications and announce them to the council;
- v. Conducting votes – putting all motions to vote and announcing the results; when the mayor is putting a question no member shall walk out of or across the council chamber, nor when a member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the mayor.
- w. Requiring a recorded vote to be taken on any question upon request of a member if such request is made prior to the commencement of voting or immediately thereafter;
- x. Representing and supporting the council, declaring its will, and implicitly obeying its decisions in all things;
- y. Regulating unacceptable motions - decline to put to vote motions which infringe this by-law or any rule of procedure; ensure that the decisions of council are in conformity with the laws and by-laws governing the activities of council;
- z. Voting even though the person is in the chair – voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- aa. Authenticating by signature, when necessary, all by-laws, minutes and documents authorized by council;
- bb. Ordering an individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting, including inappropriate behaviour towards members of council and staff and to order the individual or group to vacate the room where such behaviour exists.

- cc. Removing members or others from a meeting – ordering a member, or any other person, from a meeting, in accordance with the rules of the procedure by-law;
- dd. ensuring that the members of the public who constitute the audience in the council chambers or meeting rooms:
 - i. maintain order and quiet;
 - ii. address council only with the permission of the chair; and
 - iii. do not interrupt any speech or action of the members of council or any other person addressing council.
- ee. Permitting statements by municipal officials when integrity questioned – when the chair, or a member, considers that a member has either indirectly or directly, questioned the integrity of a municipal official, permitting the municipal official to make a statement to council or committee;
- ff. Keeping the public informed – ensuring the public knows the status of the business of the meeting throughout the meeting;
- gg. Adjourning meetings – adjourning the meeting when its business is finished; and
- hh. Ensuring that members of the public feel safe to participate in meetings where the public is invited to bring comment or share their opinion.
- ii. Not participating in debate from the chair. The chair must not speak, ask questions or make motions about a matter under debate while in the chair;

13. DECORUM OF COUNCIL CHAMBER

13.1 Requirement for Civility

Council affirms that the business of council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the head of council is expected to maintain decorum by all persons in attendance at its meetings in accordance with this Procedure By-law and the *Municipal Act, 2001*.

13.2 Decorum

To preserve and protect the decorum of council chamber or other meeting place of council, no person participating in a meeting, including members of the audience, may undertake any of the following actions:

- a. Make deprecating comments about, or speak disrespectfully of, or malign the integrity of any member or staff member, council or the public;
- b. Use offensive words or an aggressive tone of attack;
- c. Disobey any rule or request of the presiding officer or any decision of council on questions of order or practice;

- d. Enter into cross debate with the presiding officer or any decision of council on questions of order or practice;
- e. Appear before council for the sole purpose of generating publicity or personal attacks;
- f. Address council without permission;
- g. Interrupt any speech or action of the members of council or committee or any other person addressing council;
- h. Display or have in their possession picket signs or placards in the council chamber or meeting rooms or within any municipally owned buildings used for such purposes;
- i. Applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of council.
- j. Carry on private conversations enough to disrupt the council or committee meeting.

14. AGENDA

14.1 Agenda – Regular Meetings

The clerk or designated staff shall prepare an agenda for meetings of council. The following are the headings that may be included on the agenda:

- Call to Order
- Disclosure of Pecuniary Interest and General Nature Thereof
- Additions to the Agenda
- Delegations and Presentations
- Consent Agenda (including adoption of the minutes)
- Committee of Adjustment – if a Planning Meeting
- Public Meetings under the *Planning Act*, – if a Planning Meeting
- Staff Reports (action items)
- Notice of Motion
- Correspondence and Petitions
 - Information
 - Action
- Unfinished Business
- New Business
 - Items removed from Consent Agenda to be dealt with separately
 - Addendum Items
 - Other Business
- County Council and Conference Update
- Announcements
- Closed Session
- By-laws

- Future Meetings
- Adjournment

14.2 Walk-On Reports

Walk-on reports and other matters for open or closed meetings shall be discouraged. However, there may be circumstances, such as time sensitive situations that require matters not on the agenda to be dealt with immediately.

A decision to permit the addition of a walk-on matter shall be made by consent of the majority of council members present, through Additions to the agenda and will be noted as such.

14.3 Unfinished Business

When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum, a curfew, or otherwise, such matter(s) shall be considered at the next regularly scheduled meeting of the council.

14.4 Communications

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 their personal information when submitting it.

14.5 Emergency Operations Centre

When the Emergency Operations Centre has been activated while council is in session senior staff is authorized to provide immediate briefing to council. This briefing takes precedence over all other agenda items and does not require suspension of the rules.

14.6 Declarations of Pecuniary Interest and the General Nature Thereof

A member must identify and disclose any pecuniary interest on any item or matter before council, committee or local board and the general nature thereof, pursuant to the *Municipal Conflict of Interest Act*. This disclosure shall be made in writing on the form available from the clerk and the clerk shall keep track a registry of the disclosures that will be available to the public.

- A member shall file with the CAO/Clerk a written statement on a form provided by the clerk of any interest declared by the member in accordance with the *Municipal Conflict of Interest Act*, *R.S.O. 1990* and its general nature, that the clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure (Appendix D of the Code of Conduct).
- Where a member of council has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of council at which the matter is the subject of consideration, the member:

- i. shall prior to consideration of the matter at the meeting, also verbally disclose the pecuniary interest and its general nature including why the member has a pecuniary interest;
 - ii. shall not at any time take part in the discussion, or vote on, any question in respect of the matter;
 - iii. shall not at any time attempt either on their own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
- c. shall, in the case of items to be discussed in a closed session meeting, the member shall leave the meeting and shall take no action to participate in, or influence, the vote of the other members when said item is to be resolved by council.

14.7 Changes in Order of Agenda

The business of council is dealt with in the order stated on the published agenda, unless the presiding officer consents to changing the order.

14.8 Matters of Urgency/Addendum to Agenda

When a member wishes to inform council of a matter that must be considered immediately, due to extreme time constraints, after the agenda has been prepared, council by majority vote shall determine if the matter is admissible and requires immediate action and such item may be included on the agenda without prior notice being given.

14.9 Presentation/Delegations

- a. Any person wishing to appear before council on municipal business shall submit a request in writing to the clerk at least one week in advance of the meeting. The request must be accompanied by a brief description of the subject matter of the presentation. Any presentation material must be provided to the clerk by noon a week prior to the meeting. Submissions may be made electronically through email.
- b. The clerk shall evaluate the request for delegation and decide whether the request complies with the criteria set out within this by-law and will schedule delegations accordingly on first come, first served basis.
- c. The clerk may direct that a delegation be received by a committee for committee consideration and recommendation to council on a particular matter rather than addressing council directly.
- d. The clerk may, upon receipt refer any correspondence or petition to a department head without the prior consideration of council.
- e. The clerk may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of council, appears to be frivolous or would be better dealt

with in another forum. If the delegation wishes to appeal the decision the information must be distributed under separate cover to council for their consideration.

- f. Once a date and time has been established for the person requesting delegation status, the clerk shall provide confirmation electronically, by telephone or in writing.
- g. Delegations addressing council shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner. Political satire and criticism will not be permitted and the presiding officer shall enforce this provision.
- h. Each person addressing the council shall step up, shall give their name and address in an audible tone of voice or with assistance for the record and, unless further time is granted by the council, shall limit their address to ten (10) minutes, including questions. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than members of council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of council. No questions shall be asked to the members of council, except through the mayor or presiding officer.
- i. Deputations shall be:
 - i. limited to speaking not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers. When more than one person is addressing council on the same subject such persons following the first person shall not repeat that which was covered by the preceding speaker(s).
 - ii. limited to the maximum time period of not more than ten (10) minutes for the entire group regardless of the number of speakers, unless given special permission by the presiding officer.
 - iii. limited to a maximum of three (3) separate delegation topics per meeting unless otherwise determined by the clerk or council.
- j. Any person desiring to address the council by oral communication, who has not requested delegation status, shall not be permitted to speak unless determined by unanimous consent of the council.
- k. After a delegation has been heard at a council meeting and it is felt that a further hearing on the same topic is warranted, the council may so recommend and shall determine the time and date of such further hearing.
- l. The council may consider the request under the "Other Business" section of the agenda and may not necessarily make a decision on requests by delegations. They may also refer the request to municipal staff for further information and/or recommendation.
- m. Delegations that have previously appeared before council on a subject shall provide new information only in any subsequent presentations relating to that matter.

- n. Members of council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the chair.
- o. The chair has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- p. Council may refuse to hear delegations when, in the opinion of the council, the subject of the presentation is beyond the jurisdiction of the municipality or the presentation is abusive or includes profanity or threats, including threats of litigation.
- q. A person involved in a matter of litigation or potential litigation with an individual member of council, the municipality or council as a body, or any municipal staff member shall not be permitted to address council on any topic that relates to the litigation or potential litigation.

14.10 Public Hearings (Drainage Act, Planning Act)

14.10.1 *Public Meeting - Procedure*

- a. Matters requiring a Public Meeting under the *Planning Act* or *Drainage Act* may take place at a council meeting. The matter shall be included under Deputations and Petitions on the Agenda as per the format below (section 20.2) unless otherwise stipulated. The procedure to be followed at the public meeting shall be in accordance with any requirements set out in the laws or regulations requiring and governing such a meeting.
- b. The mayor or deputy mayor shall act as presiding officer at public meetings.

14.10.2 *Public Hearings – Agenda Format*

The order of business for public hearings shall be organized and conducted in the following manner:

- 1. Call to Order
- 2. Presentation(s) – staff and proponent(s)
- 3. Questions from the Public/Committee
- 4. Adjournment

14.10.3 *Electronic Planning Act Public Meetings during a Declared Emergency*

- a. Notwithstanding any other provision of By-law 2019/104, a statutory public meeting held under the *Planning Act*, may be conducted electronically during a Declared Emergency, in accordance with this section 14.10.3 and any Emergency Electronic *Planning Act* Public Meeting Protocol as may be approved by Council
- b. Where an Electronic *Planning Act* Public Meeting is held during a Declared Emergency, such meeting will be held physically at a convenient location within or outside of the Municipality as is necessary in light of the Declared Emergency in accordance with section 236(1) of the

Municipal Act, 2001. The Electronic *Planning Act* Public Meeting shall be presided over by the Mayor or his/her designate.

- c. Where necessary, an Electronic *Planning Act* Public Meeting may be held without physical attendance by the public.
- d. The notice of meeting shall meet all requirements of the *Planning Act* and include sufficient information as to provide the public with a means to electronically access the Electronic *Planning Act* Public Meeting.
- e. An Electronic *Planning Act* Public Meeting will:
 - i. ensure that submissions are accepted in writing in advance of a public meeting;
 - ii. ensure that Councillors, municipal staff, the public, and the press are able to watch and/or hear the business to be carried out at a *Planning Act* public meeting by using an online streaming service or through teleconference;
 - iii. ensure that those wishing to participate in a *Planning Act* public meeting have appropriate contemporaneous input into the meeting electronically through video and/or audio teleconference; and
 - iv. publically post minutes in an expeditious manner.
- f. Notwithstanding the foregoing, Procedural By-law 2019/104 shall continue to apply to an Electronic *Planning Act* Public Meeting held pursuant to this section 14.10.3, except that this section 14.10.3 and any Emergency Electronic *Planning Act* Public Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict

14.11 Consent Agenda

- a. All items for the consent agenda shall be determined by the clerk.
- b. Consent agenda items shall be preceded by an explanatory note which indicates that items listed under the consent agenda are considered routine and are enacted in one motion in order to expedite the meeting.
- c. Items listed under the consent agenda shall be routine matters, reports provided for information purposes, reports in response to council questions, meeting minutes, introductory reading of by-laws and other matters of a non-controversial nature.
- d. Unless any members of council requests otherwise, the consent agenda shall be considered by council in a summary manner.
- e. A member of council may request that an item(s) on the consent agenda be extracted and discussed and voted upon separately.

14.11.1 Minutes (part of consent agenda)

- a. Minutes of the council meeting whether it is closed to the public or not, shall record:
 - i. the date, time and place of the meeting;
 - ii. the names of the presiding officer or officers and the record of the attendance of the members;

- iii. any disclosure of pecuniary interest;
 - iv. correction and adoption of the minutes of prior meetings, and;
 - v. the proceedings of the meeting including resolutions and decisions, without note or comment.
- b. Proceedings when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.
- c. Presentations, delegations, petitions and communications received by council in the course of a meeting shall only be referred to in a brief and summary manner.
- d. The clerk shall ensure that the minutes of the regular and special meetings are circulated along with the agenda prepared in accordance with section 5 of this by-law and that minutes of closed meetings are circulated with the next closed session agenda package. The minutes of regular and special meetings shall be posted on the municipal website once approved by council.
- e. The onus shall be upon the members of council attending after commencement of the meeting to inform the clerk of their arrival in order that the same may be recorded in the minutes.

14.12 Staff Reports (action items)

Action reports shall be submitted in the following order:

1. Standing Committee Reports (including committee of adjustment/public meetings, committee minutes, annual reports)
2. Special Committee Reports (Committees appointed from time to time by the mayor or council – includes special committee minutes)
3. Staff Reports (including contract staff)

14.13 Notice of Motion

Members may bring before council any business that they feel should be deliberated upon and decided by council. Prior to initiating the notice of motion process, a member shall first submit the proposed motion in writing to the presiding officer and clerk for approval to place the matter on the agenda.

14.13.1 *Notice of Motion given Prior to Meeting*

- a. A written copy of a proposed motion submitted to the Clerk by a member of Council at least seven (7) days in advance of and included in the agenda for the next regular meeting of Council shall be considered at that meeting of Council.
- b. A member who presents a written Notice of Motion to the Clerk must be present during the reading of the motion.

- c. If not moved at the meeting for which it is scheduled, by the person who gave notice, the motion shall be deemed to be withdrawn unless an alternative time and/or for the motion to be debated is given.

14.13.2 Notice of Motion given at Meeting

- a. A member who presents a written Notice of Motion to the Clerk to be read at any regular meeting must be present during the reading of the notice.
- b. A written copy of the motion must be presented to the Clerk who will place it on the Council Agenda for the next meeting.
- c. A motion of which Council has received notice shall be placed on the agenda for the date on which it is scheduled for debate. If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be deemed to be withdrawn unless an alternative time for the motion to be debated is given.
- d. Notices of Motion for future consideration shall be received without comment or debate by any member.

14.13.3 Notice of Motion - Application

- a. A notice of motion shall be given in writing at the meeting of council that precedes the meeting at which the motion is to be brought:
 - i. to amend, repeal or alter a by-law; and
 - ii. to introduce any measure or change in the council's established policy or organization.
- b. No delegations shall be permitted to speak on a notice of motion.

14.14 Correspondence and Petitions

14.14.1 Resolutions – Other Municipalities

Any relative resolutions received by the clerk from other initiating municipalities/organizations shall be placed on the council agenda. As part of the consent agenda, council will pass a resolution to receive the correspondence items listed.

14.14.2 Petitions

Petitions shall be presented to council subject to the following conditions:

- Shall contain a clear statement of the matter on which council is being asked to take action
- Shall be a matter within the jurisdiction of council
- Shall include the signature, printed name and full address of each petitioner. If the signatures are affixed to more than one sheet, then the intent or action requested of the petition must be repeated at the top of each signature sheet, and
- Shall be made available by the municipality to the public upon request.

14.14.3 *Public Information*

No information shall be severed from petitions as they are considered to be a part of the public record.

14.15 *County Council and Conference Update*

- a. The mayor (or designate) will provide municipal council with a brief update of county council activities.
- b. Members may present details of conferences attended.

14.16 *Unfinished Business*

Any item of business which was discussed by the council earlier in the same meeting or at a prior meeting, but not disposed of, may be raised again at any subsequent regular or special meeting of the council when “Unfinished Business” is called for under the order of procedure.

14.17 *New Business*

Any items for consideration, either removed from the Consent Motion to be dealt with separately, or not listed on the original Agenda, shall be considered under “New Business” in the following order:

- a. Items removed from Consent Motion to be dealt with separately
- b. Addendum items
- c. Other business
 - i. All items raised under Other Business that require council action shall be considered as Notice of Motion for consideration at the next meeting pursuant to Section 24 (Notice of Motion at Meeting) of this by-law.
 - ii. Where practicable, a member may request that the matter be dealt with immediately and unless any member objects it shall be deemed that council concurs with the request.
 - iii. Should a member of council object to dealing with a matter immediately, Council may consider a motion to waive the notice requirements by a two-thirds vote of the members present.

14.18 *Announcements*

Council meeting announcements shall be provided to the mayor in writing prior to the council meeting, and the mayor shall read the announcements.

14.19 Closed Session

- a. Reasons for going into closed session are set out in section 239 of the Act.
- b. No members shall be permitted to address council during an open session of council on any matter that is before any court of law or adjudicative body.

14.20 By-Laws

- a. Council shall be provided with a draft copy of all by-laws which are on the agenda for consideration.
- b. By-laws may be given first, second and third reading by way of one resolution. In situations where a by-law is adopted in principle to confirm general support, the by-law will be given first and second readings until required details are available for third and final reading (eg. input of a registered plan number for a zoning by-law amendment)
- c. By-laws may be considered separately or jointly with other by-laws in the sequence as determined by the mayor or presiding officer.
- d. Amendments to separate by-laws may be proposed during the course of the debate.
- e. A by-law shall deem to have been read upon the title or heading or short description thereof being read or taken as read unless a member of council requires the by-law or any portion thereof to be read in full.
- f. The clerk may make minor corrections of errors and omissions in any by-law before it is signed and sealed for the purpose of ensuring complete implementation of council's decision.
- g. Every by-law enacted by council shall be numbered and dated and shall be sealed with the seal of the corporation and signed by the clerk and mayor.
- h. A confirming by-law shall be passed prior to the adjournment of each council meeting to confirm the actions and proceedings of council.
- i. All by-laws shall be typewritten and indexed and stored in safe keeping

14.21 Curfew

Meetings are scheduled for three (3) hours time periods and no item of business may be dealt with at a council meeting after the three (3) hours are complete (unless decided by the majority of the members present) eg. Where meeting starts at 7 p.m. no business after 10 p.m.

14.22 Adjournment

- a. Meetings shall adjourn no later than three hours after the start of the meeting, as scheduled, unless otherwise decided before the curfew by the majority of the members present.
- b. Established hours and payment to members for meetings beyond the curfew are as set out in the current remuneration by-law, being 2019/065.

15. MOTIONS

15.1 Privileged Motion – Whenever any matter of privilege arises, it shall be taken into consideration immediately (see Appendix A).

15.2 A motion may only be put in the positive and not in the negative. A motion to not do something does not need to be made. A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.

15.3 Motions may be presented verbally or in writing. When a motion has been moved and seconded the presiding officer shall present the motion for the members at which time each member of council shall be permitted to speak once to the question and not more than once except with permission of the presiding officer and/or council.

15.4 Discussion or debate of the motion shall be restricted to members of council. If clarification is required from a delegation or staff member, permission is required from the presiding officer and/or council.

15.5 After a motion has been stated or read it shall be deemed to be in possession of council but it may, with permission of council, be withdrawn at any time before decision or amendment.

15.6 When a question is under consideration, no motion shall be received unless it is one:

- a. “to refer”

- i. a motion for referral to a committee, until decided, shall preclude all amendments of the main question

- b. “to amend”

- i. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject, shall not be in order. Only one amendment shall be allowed to a motion and such amendment must be to the main question;

ii. A motion to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and finally the motion as it would stand, if so amended.

iii. Amendments shall be put in the reverse order that they are received by the presiding officer. Every amendment submitted shall be in writing and it shall be decided or withdrawn before the main question is put to vote

c. “to defer”

d. “to defer to a certain time”

i. requires that a specific date, passage of an event or Southwest Middlesex session be stated in the motion.

e. “to adjourn”

i. a motion to adjourn the council, or to adjourn the debate shall always be in order.

ii. A motion to adjourn the council, or the debate, to a certain day, or adding any expression of opinion or qualification thereto shall be subject to debate.

f. “to move the previous question”

i. cannot be amended;

ii. cannot be proposed when there is an amendment under consideration;

iii. shall preclude all amendment of main question:

iv. requires a two-thirds vote of council to carry;

v. when resolved in the affirmative, the question is to be put forthwith without debate or amendment;

vi. when resolved in the negative, the debate shall continue;

vii. cannot be received in any committee;

viii. can only be moved in the following words, “That the question now be put,” and shall be put forthwith

15.7 After a motion is finally put to a vote, no member of council shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

15.8 Precedence of motion and rules governing such motion shall unless otherwise indicated herein, be in accordance with Appendix “B” to this by-law.

16. SPECIAL COUNCIL ENQUIRIES/REQUESTS

16.1 A special enquiry or request, which will require a substantial amount of staff time to respond or complete, shall only be acted on if approved by resolution of a majority of council members at the meeting. A request for a staff report is to be brought forward under other business.

17. VOTING

17.1 Vote – Procedure

- a. Every member of council shall have one vote and shall vote when a motion is duly moved and seconded and the question is put. For further clarification, the Mayor or presiding officer shall vote with the other members of council on all questions.
- b. After the question is finally put by the presiding officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared and the decision of the presiding officer as to whether the question has been put shall be conclusive.
- c. Failure to vote by a qualified member of council shall be deemed to be a negative vote.

17.2 Recorded Votes

- a. The mayor or presiding officer shall require a recorded vote to be taken on any question upon request of a member of council if such request is made prior to the commencement of the voting or immediately thereafter. When a member of council present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute. Requests for recorded votes do not need support from other members in order to make such a request.
- b. For the purposes of recorded votes, the clerk shall call the names beginning with the councillor who requests the recorded vote and continuing with the councillor to their left. The members of council shall respond yes or no when called upon. The names of those who voted for and those voted against shall be noted in the minutes.

17.3 Motion Lost

Any motion having an equal number of votes shall be deemed to be lost.

17.6 How to Vote

When a motion is put forward, every member entitled to vote shall do by voice, electronic voting, show of hands, standing or otherwise, as determined by the presiding officer.

17.7 Declaring the Vote

The mayor or presiding officer shall declare the vote on all questions and should their declaration be stated by any member of council to be in doubt, the mayor or presiding officer shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

17.9 Reconsideration

- a. After a motion has been decided, a member who voted in the majority may move for reconsideration thereof at any subsequent meeting. A motion for reconsideration may be seconded by any member who voted on the original motion either for or against. No discussion of the question shall be allowed until the motion for reconsideration is approved by a two-thirds majority (6 members) of council members present.
- b. Council may only reconsider a matter that has not been acted on by an officer, employee or agent of the municipality.
- c. Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.
- d. A member of council who voted on the prevailing side of the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the mayor or presiding officer shall determine that the motion to reconsider is being appropriately introduced.
- e. Any member who was absent at the time the vote was taken on the main motion, shall be deemed to be a member who voted with the majority for the purposes of Section 33.1 of this by-law.
- f. No question shall be reconsidered more than once during a 12 month period unless such period is truncated by the end of the council term.

18. RULES OF DEBATE

- a. Any member desiring to speak will signify their desire to speak by raising their hand and upon being recognized by the presiding officer will address their question or comments through the presiding officer.

- b. When two or more members signify a desire to speak the, presiding officer will recognize the member who, in the opinion of the presiding officer, signified first by a show of hands and recognize in order the other members.
- c. The presiding officer shall preserve order and decide all points of order without argument or comment, subject to an appeal to council.
- d. When the presiding officer has determined a question of points, any member of council may appeal to council with the provisions of this by-law.
- e. If the presiding officer determines he or she wishes to take part in any debate, while addressing council, the presiding officer shall place another member in the chair. If the mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the deputy chair shall assume the chair in their place until the originally appointed chairperson resumes the chair.
- f. A member may call another member to order while speaking and debate shall then be suspended until the point of order is determined by the presiding officer. Any member may appeal the decision of the presiding officer. All appeals shall be directed by a majority vote and without debate.
- g. Any member of council may require the question or motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member speaking.
- h. Any member of council may request a recess of the meeting; The presiding officer may allow a recess.
- i. The mayor or presiding officer may speak last on a motion subject to section 38.5 above.
- j. The mayor or presiding officer may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavouring to persuade the council to support that position, then he/she shall first leave the chair.

19. LOCAL BOARDS AND ADVISORY COMMITTEES

19.1 Term of Office

Local board and committees appointed by council shall have the same terms of office and for such local boards and committees shall be congruent with the term of council unless otherwise determined by council.

19.2 Ad Hoc Committee

Council may by resolution establish ad hoc committees which shall advise the council on matters assigned or referred to it.

19.3 Application of By-law Provisions

The provisions of this by-law, with necessary modifications, shall apply to the various local boards and committees appointed by the council unless specific terms of reference have been adopted by council.

19.4 Organization of Advisory Committees

- a. The mayor shall recommend to council all appointments to special committees, external bodies and boards.
- b. The clerk or the clerk's designate shall act as secretary for all committees unless specific terms of reference have been adopted by council.
- c. A meeting of any committee may be called whenever a meeting is considered necessary.

19.5 Duties of Advisory Committees

- a. The general duties of all standing and special advisory committees of the council shall be as follows:

While it is the legislative mandate of the municipal council to make the final decision on all matters that affect the Municipality, the role of an advisory committee is to provide recommendations, advice and information to the municipal council on those specialized matters which relate to the purpose of the advisory committee, to facilitate public input to municipal council on programs and ideas and to assist in enhancing the quality of life of the community, in keeping with the municipal council's strategic plan principles. Advisory committees shall not give direction to the administration or to any local board or commission, nor shall advisory committees request, without the approval of the municipal council, the preparation of any administrative reports, research or work assignments. This does not preclude advisory committees from directly asking the administration for information and data when, in the opinion of the administration, such requests can be reasonably accommodated within existing workloads and priorities, and do not place an unreasonable demand on available resources.

- b. Council may appoint such ad hoc committees as are deemed necessary from time to time to deal with matters assigned to them by council for review and report and shall be dissolved upon submission for their final reports to council.

19.6 General Rules for Conduct of Business at Advisory Committee Meetings

a. The same rules that apply to the business conducted by council (section 8 to 14) will apply to advisory committees as practically possible. Committee members are required to follow the municipal Code of Conduct rules and regulations.

b. Members responsibilities during a meeting – members are responsible for:

- i. Attending scheduled meetings;
- ii. Carefully considering and making decisions about meeting business;
- iii. Voting on motions put to a vote;
- iv. Respecting the rules of the procedure by-law;
- v. Speaking respectfully at all times;
- vi. Listening attentively and participating in a meeting and not interrupting the proceedings;
- vii. Sitting and being silent during a vote – remaining silent in their seats while council or a committee votes and until the chair announces the result of the vote;
- viii. Using appropriate language – refraining from using any offensive, disrespectful or parliamentary language about any member, any municipal officials or other municipal employee, or the council as a whole;
- ix. Respecting and following council's decisions;
- x. Speaking only to the matter under debate or any related motions during debate;
- xi. Members shall wear appropriate clothing and buttons during a meeting – refrain from clothing and buttons with, for example, political or biased slogans;
- xii. Where applicable, rRespecting the confidentiality of matters discussed in closed meetings and not disclosing the subject or substance of these discussions, unless authorized to do so.
- xiii. Obeying the chair's rulings and council's decisions;
- xiv. Obeying the councillor's Code of Conduct.

19.7 Delegations to Advisory Committees

Delegations will be permitted to make presentations to committees of council. The same rules that apply to delegations to council will apply at committees as practically possible.

19.8 General Rules for All Advisory Committees

- a. Any member of the council may be placed on a committee notwithstanding the absence of such member at the time of their being named on such committee.
- b. The mayor shall be a member ex-officio of all committees of council and may vote on all questions before the committee and shall be counted in the formation of a quorum.
- c. members of the council may attend the meetings of any of its committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the committee.
- d. The council may appoint a member thereof to act on any committee in lieu and during the absence of any member thereof where it is not possible to participate through electronic means as per section 6.3. The member so appointed shall be deemed a member of the committee and entitled to act thereon, only during such absence or illness.
- e. Should a chair of any committee neglect to call a meeting of their committee at such time, or with such frequency as the proper dispatch of the business entrusted to the committee requires, or do the business entrusted to the committee requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the committee may report such neglect, refusal or action to the council which may, if it deems it advisable, remove said chair from the committee and appoint another member in their place and also may appoint a new chair of the said committee.
- f. Should any member of a committee neglect or refuse to attend the properly summoned meetings of their committees, the chair shall report such neglect or refusal to the council, which may remove the said member or members from the committee and appoint another member in their place(s); or should any committee neglect or refuse to give due attention to all business or matters before them, the council may be resolution discharge such committee and appoint another in its stead.
- g. A majority of all members of the committee shall constitute a quorum.

20. MEMBER VACANCY

20.1 Vacancy of Seat of Member of Council

- a. The office of a member of council becomes vacant if the member:
 - i. becomes disqualified from holding the office of a member of council;
 - ii. fails to make the declaration of office before the deadline;
 - iii. is absent from the meetings of council for three (3) successive months without being authorized to do so by a resolution of council;
 - iv. resigns from office;
 - v. is appointed or elected to fill any vacancy in any other office on the same council;
 - vi. has their office declared vacant in any judicial proceeding;
 - vii. forfeits their office under the Act or any other Act; or
 - viii. dies, whether before or after accepting office and making the prescribed declarations.
- b. Seats declared vacant by the municipality will be dealt with as outlined in the Act; council may appoint a member to act in place of member vacancy.

21. PREGNANCY AND PARENTAL LEAVE

As set out in the Pregnancy and Parental Leave for Members of Council policy.

22. ADMINISTRATIVE AUTHORITY OF THE CLERK

22.1 Administrative Authority

- a. The clerk is authorized to amend by-laws, minutes and other council and committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of proceedings.
- b. Significant changes to by-laws, minutes and other council and committee documentation including a change in meaning, shall be presented to council or the involved committee for approval and adoption.

22.2 Clerk's Responsibilities

The clerk is the meeting manager of council and of all committees, and may assign any of the clerk's duties to an employee in the clerk's office;

The clerk is responsible for:

- a. Managing agenda deadlines; establishing and enforcing deadlines for agenda business;
- b. Managing agenda and meeting notices; preparing, publishing and distributing an agenda for each meeting and providing notice;
- c. Standing in for chair in the absence of being sworn in, calling the meeting to order and presiding until the head of council is sworn in, or committee immediately elects a meeting chair;
- d. Providing procedural advice to members on agenda business and on preparing motions;
- e. Managing agenda additions or removals; informing the chair and council or committee when items need to be added to or removed from the agenda;
- f. Advising on parliamentary procedures; serving as the parliamentary expert to council and committees by advising the chair on the meeting rules and on matters of parliamentary procedures;
- g. Advising on errors in procedures; calling to the attention of the chair any error in proceedings that may affect the rights of any member, council or committee.
- h. Advising council on rules; advising council, committee, or members on matters of procedure subject to the duty of the chair to make a final ruling;
- i. Advising on closed meeting rules; informing the chair, if, in the clerk's opinion, an issue that council or a committee is discussing in a closed meeting is not procedurally appropriate under the Act of the procedure by-law;
- j. Recording all council and committee business; taking minutes and keeping a record of all the proceedings, including the votes of council and committees;
- k. Certifying copies of by-laws;
- l. Maintaining all documents; maintaining records or the by-laws, special rules of order, standing rules, and minutes, including any amendments to these documents;
- m. Maintaining a record of council's appointments of persons to committees, public advisory bodies, agencies and other bodies;
- n. Allowing access to records; making the minutes and records of council meetings and committee meetings available to members and the public on request, in accordance with any applicable law and subject to receiving payment of any fee council has approved;
- o. Performing other duties that council assigns.

23. UNPROVIDED RULES

In all cases in the proceedings of council or committee where rules are not otherwise provided for, parliamentary procedure shall be followed as contained in the Robert's Rules of Order, current version.

24. CONFLICT WITH THE *MUNICIPAL ACT*

In cases where the Rules of Procedure conflict with the *Municipal Act, 2001* the *Municipal Act, 2001* shall prevail.

25. SEVERABILITY

Each provision of this by-law is distinct and severable. If any provision of this by-law, in whole or in part, is or becomes illegal, invalid, void, voidable or unenforceable in any jurisdiction by any court of competent jurisdiction, the illegality, invalidity or unenforceability of that section, in whole or in part, will not affect:

- a. the legality, validity or enforceability of the remaining provisions of this by-law, in whole or in part; or
- b. the legality, validity or enforceability of that section, in whole or in part, in any other jurisdiction.

26. EFFECTIVE DATE

26.1 By-law No. 2017/039 is hereby repealed.

26.2 This by-law comes into force and takes effect on the final passing thereof.

Read a first, second, third and final time this 6th day of November, 2019.

Mayor

Clerk

APPENDIX “A”

APPENDIX #1

Emergency Electronic *Planning Act* Public Meeting Protocol

Procedural By-law 2019/104 shall continue to apply to an Electronic *Planning Act* Public Meeting held pursuant to this Emergency Electronic *Planning Act* Public Meeting Protocol (hereinafter, “**Protocol**”), except that this Protocol shall prevail to the extent of any conflict. Amendments to this Protocol may be made by simple majority vote of Council to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation or orders.

DEFINITIONS

In this Protocol, the following definitions shall apply:

“**Applicant**” means a person or corporation who has submitted an application under the *Planning Act* to the Municipality which requires at least one statutory public meeting in advance of Council rendering its decision;

“**Chair**” means the Head of Council or Member of Council appointed as Chair by the Head of Council;

“**Clerk**” means the Clerk of the Municipality.

“**Comments Recess**” means a brief recess at the conclusion of the written submissions portion of the meeting for the purpose of allowing members of the public who did not provide written submissions to the Clerk in advance of the meeting or those who made written submissions but did not register for the meeting as a delegate to register via video or audio teleconference to make oral submissions arising from comments made during Parts A to E of the meeting.

“**Declared Emergency**” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province of Ontario under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended or replaced;

“**Delegate**” means a member of the public who has provided written submissions to the Clerk by the deadline provided for in the Notice indicating that he or she wishes to make oral submissions at the Electronic *Planning Act* Public Meeting.

“**Delegate Speaker’s List**” means a list of members of the public who have provided written submissions to the Clerk in advance of the Electronic *Planning Act* Public Meeting and who have registered via video or audio teleconference for the purpose of making oral submissions about the land use planning matter at issue.

“**Electronic Meeting Coordinator**” means the person designated by the Municipality to ensure that Councillors, Staff, Public, and the Press are able to watch and/or hear the business to be carried out at a an Electronic *Planning Act* Public Meeting by using an online streaming service and that the Chair, Staff, Members and Participants have appropriate contemporaneous input into the meeting electronically through video or audio teleconference or live chat, if applicable;

“**Electronic *Planning Act* Public Meeting**” means a statutory public meeting required

under the *Planning Act* called and held in full or in part via electronic means (including, but not limited to video or audio teleconference or via means of the internet), and with or without in-person attendance;

“Member” means a Councillor or Committee of Adjustment member for the Corporation of the Municipality of Southwest Middlesex;

“Minutes Recess” means a brief recess at the conclusion of the Applicant's final remarks for the purpose of allow the Clerk to tabulate Minutes for the consideration of Council;

“Notice” means the notice of statutory public meeting required under the *Planning Act*;

“Other Participants” means members of the public who have not provided written submissions in advance of the meeting and who access an Electronic *Planning Act* Public Meeting via video or audio teleconference during the Comments Recess for the purpose of making oral submissions about the land use planning matter at issue;

“Other Participant Speaker's List” means a list of members of the public who have accessed an Electronic *Planning Act* Public Meeting via video or audio teleconference for the purpose of making oral submissions about the land use planning matter at issue;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced, including all Regulations thereto.

PRIOR TO AN ELECTRONIC *PLANNING ACT* PUBLIC MEETING

- The method and technology used for an Electronic *Planning Act* Public Meeting will be determined by the Chief Administrative Officer based on the resources available and the prevailing circumstances and context of the Declared Emergency.
- The Municipality shall ensure Notice of the Electronic *Planning Act* Public Meeting is provided as prescribed in the *Planning Act*. In addition to information regarding the land use planning matter(s) to be discussed, such Notice shall include:
 - the web address at which the meeting will be live streamed;
 - a statement encouraging all members of the public wishing to participate in the meeting to provide written submissions in advance of the meeting identifying (a) their name, address, telephone number and email, (b) their comments on the land use planning matter at issue, and (c) whether they wish to make oral submissions at the meeting. Such statement shall include the deadline for written submissions and the email or physical address to where written submissions may be sent;
 - instructions on how to make oral submissions during the meeting via video or audio teleconference for those without access to a computer;
 - a telephone number and email address where questions about Electronic *Planning Act* Public Meeting procedures may be directed in advance of the meeting.
- The Municipality will ensure agenda material has been posted publicly.

GENERAL

- Where an Electronic *Planning Act* Public Meeting is held, such meeting will be held physically at a convenient location within or outside the municipality as is necessary in light of the Declared Emergency in accordance with section 236(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.
- The Municipality will ensure that Members, Staff, the Public, and the Press are able to watch and/or hear the business to be carried out at the public meeting by using an online streaming service.
- Members of the public who do not have access to a computer in order to live stream an Electronic *Planning Act* Public Meeting may contact the Clerk for instructions on how to listen to the meeting via audio teleconference.
- The Municipality will ensure that all written submissions received from members of the public are addressed at the meeting and that the Chair, Clerk, Staff, Members, Delegates and Other Participants have appropriate contemporaneous input into the meeting electronically through video or audio teleconference.
- Meeting leadership shall be maintained by the Chair.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping all attendees informed.
- Those participating in the meeting will take directions from Chair in order to facilitate an effective, efficient and orderly meeting.
- Participants will listen for their name to be assigned the floor to speak.
- Participants shall direct all comments to the Chair.
- Participants shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.
- Inappropriate language or conduct by participants will not be tolerated.

ELECTRONIC ACCESS FOR MEMBERS AND STAFF

- Members and Staff may access the meeting via video or audio teleconference in accordance with instructions provided by the Clerk.

ELECTRONIC ACCESS FOR DELEGATES AND OTHER PARTICIPANTS

- All members of the public are strongly encouraged to provide written submissions to the Clerk in advance of the Electronic *Planning Act* Public Meeting prior to the deadline provided for in the Notice.
- Written submissions shall include the name and address of the writer, email or telephone number at which they may be contacted and indicate whether the writer wishes to make

oral submissions at the meeting.

- In advance of the meeting, the Clerk shall provide all persons who have made written submissions indicating that they would like to make oral submissions at the meeting (hereinafter “**Delegates**”) with instructions on how to access the meeting via video or audio teleconference.
- Electronic access for Delegates shall open fifteen (15) minutes prior to the commencement of the meeting and close at the meeting start time.
- Delegates accessing the meeting electronically will be asked to confirm their name, address, whether they wish to make oral submissions, and whether they are in support or opposition of an application.
- Members of the public who have not made written submissions in advance of an Electronic *Planning Act* Public Meeting (hereinafter “**Other Participants**”) will be given the opportunity to make oral submissions via video or audio teleconference in Part G of the meeting following a brief meeting recess during which electronic access will re-open.
- Other Participants will be able to access registration instructions by visiting the Municipality’s website during the recess. Other Participants listening to (but not participating in) the meeting via audio teleconference will be asked at this time whether they wish to make oral submissions.

ORDER OF MEETING

(A) Report from Staff

- Planning staff shall provide an overview of Planning Report when called upon by the Chair.

(B) Background from Applicant

- The Applicant shall access the meeting via video or audio teleconference in accordance with instructions provided by the Clerk.
- When called upon by the Chair, the Applicant shall provide background and an explanation of the application.

(C) Member Remarks

- Members will be asked by the Chair to make comments or ask questions at this time.
- Members will be able to make comments or ask questions at any time throughout the meeting.
- The Chair and Clerk will manage Councillors requests to speak based on the Chair’s discretion to ensure all Councillors are able to participate in keeping with meeting rules.

(D) Oral Submissions of Delegates

- Written submissions received from Delegates in advance of the meeting will be addressed by the Chair following the conclusion of Member Remarks.
- Delegates who have completed electronic registration prior to the meeting shall be added to the Delegate Speaker's List.
- Delegates who have been added to the Delegate Speaker's List will wait until called upon by the Chair by name to speak. To ensure order, the Electronic Meeting Coordinator will disable Participants' audio and video capabilities until called upon by the Chair to speak.
- Delegates will be granted a maximum of five (5) minutes each to make oral submissions.
- Where appropriate in the opinion of the Chair, an Applicant will be granted two (2) minutes to respond to each Delegate's oral submission.
- Oral submissions from Delegates in support of an application will be followed by oral submissions from Delegates in opposition.
- The will Chair call out the name of the Delegate assigned the floor.
- The Chair and the Clerk will manage the Delegate Speaker's List based on the Chair's discretion to ensure all Delegates are afforded the opportunity to make submissions.

(E) Written Submissions

- At the end of the Delegate Speaker's List, the Chair and Members will address any written submissions provided to the Clerk in advance of the meeting not addressed orally by a Delegate.
- Written comments from agencies received by Planning staff in advance of the meeting will then be addressed.

(F) Comments Recess

- The Chair shall call a brief recess at the conclusion of the written submissions portion of the meeting.
- Prior to calling the Comments Recess the Chair shall invite members of the public who have not made written submissions in advance of the meeting to make oral submissions by visiting the link posted on the Municipality's website.
- Members of the public who may be observing via audio teleconference should be asked by the Electronic Meeting Coordinator during the Comments Recess whether they would like to make oral submissions.
- The Electronic Meeting Coordinator shall ensure that electronic registration is reopened at the commencement of the Comments Recess and that meeting registration instructions are posted to the Municipality's website contemporaneously with the

commencement of the Comments Recess.

(G) Oral Submissions of Other Participants

- Other Participants who access the meeting online during the recess, or those listening via audio teleconference who have expressed a desire to make oral submissions during the recess, shall be added to the Other Participant Speaker's List.
- Other Participants added to the Other Participant Speakers List will wait until called upon by the Chair by name to speak. To ensure order, the Electronic Meeting Coordinator will disable Other Participants' audio and video capabilities until called upon by the Chair to speak.
- Other Participants will be granted no more than two (2) minutes each to make oral submissions.
- Where appropriate in the opinion of the Chair, Applicants will be granted one (1) minute to respond to each oral submission.
- The will Chair call out name of Other Participant assigned the floor.
- The Chair and the Clerk will manage the Other Participant Speaker's List based on the Chair's discretion to ensure all Other Participants are afforded the opportunity to make oral submissions.

(H) Applicant Final Remarks

- The Applicant will be granted two (2) minutes once all oral and written submissions have been addressed to provide final remarks.

(I) Minutes Recess

- There will be a Minutes Recess called by the Chair prior to the adjournment of the meeting to allow the Clerk to tabulate Minutes for the consideration of Council.

(J) Confirming By-law and Posting Minutes

- Following the Minutes Recess, Members shall consider passing a Confirming By-law in relation to the Minutes of the Electronic *Planning Act* Public Meeting.
- The Clerk shall, in an expeditious manner following the meeting, post the Minutes and a recording of the meeting (where such is available from the technology used for the meeting) on the Municipality's website.

INTERNET AND OTHER IT DISRUPTIONS

- In the event of an internet or other IT disruption compromises the ability of the public to stream or participate in the Electronic *Planning Act* Public Meeting, in the opinion of the Chair, the Chair shall adjourn the meeting and take such steps as necessary to address the issue and re-convene the meeting in a timely manner or, where this is not possible, adjourn the meeting to a later date.

ELECTRONIC *PLANNING ACT* PUBLIC MEETING – ORDER OF MEETING

A. Report from Staff

B. Background from Applicant

C. Member Remarks

Members may ask questions or make comments at any time throughout the meeting

D. Oral Submissions of Delegates

E. Written Submissions

F. Comments Recess

G. Oral Submissions of Other Participants

H. Applicant Final Remarks

I. Minutes Recess

J. Confirming of By-Law and Posting Minutes

APPENDIX #2

Protocol for Electronic *Drainage Act* Public Meetings and Electronic Meetings of the Court of Revision

Procedural By-law ____ shall continue to apply to Electronic *Drainage Act* Public Meetings and Electronic Meetings of the Court of Revision held pursuant to this Protocol for Electronic *Drainage Act* Public Meetings and Electronic Meetings of the Court of Revision (hereinafter, “**Protocol**”), except that this Protocol shall prevail to the extent of any conflict. Amendments to this Protocol may be made by simple majority vote of Council to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation or orders.

DEFINITIONS

In this Protocol, the following definitions shall apply:

“**Affected Landowner**” means an owner of lands within the area requiring drainage described in a Petition or as determined by the Engineer, who has not signed the Petition;

“**Appellant**” means a Petitioner or Affected Landowner who has filed a Notice of Appeal with the Clerk prior to the Electronic Meeting of the Court of Revision;

“**Chair**” means the Head of Council or Member of Council appointed as Chair by the Head of Council or the Chair of the Court of Revision, as the context requires;

“**Clerk**” means the Clerk of the Municipality;

“**Council**” means the Council of the Corporation of the Municipality of Southwest Middlesex;

“**Court of Revision**” means the Court of Revision constituted under the *Drainage Act* by the Corporation of the Municipality of Southwest Middlesex;

“***Drainage Act***” means the *Drainage Act*, R.S.O. 1990, c. D.17, including all in force regulations thereto, as amended or replaced.

“**Declared Emergency**” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province of Ontario under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended or replaced;

“**Electronic Meeting Coordinator**” means the person designated by the Municipality to ensure that the business carried out at an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision can be viewed/heard by the public using an online streaming service and that the Chair, Members, Engineer, staff and Participants or Appellants, as the case may be, have appropriate contemporaneous input into the meeting

electronically through video or audio teleconference;

“Electronic *Drainage Act* Public Meeting” means a meeting required under the *Drainage Act* at which Council considers a Preliminary Report or Report, as the case may be, called and held in full or in part via electronic means (including, but not limited to video or audio teleconference or via means of the internet), and with or without in-person attendance;

“Electronic Meeting of the Court of Revision” means a meeting of the Court of Revision required under the *Drainage Act* called and held in full or in part via electronic means (including, but not limited to video or audio teleconference or via means of the internet), and with or without in-person attendance;

“Engineer” means an engineer appointed by Council, by by-law or resolution, to make an examination of an area requiring drainage as described in a Petition and to prepare a report in accordance with the *Drainage Act*;

“Member” means a Councillor or member of the Court of Revision for the Corporation of the Municipality of Southwest Middlesex, as the context requires;

“Notice” means a notice, in the form prescribed by the *Drainage Act*, of (a) a meeting of Council called under the *Drainage Act* at which Council will consider a Preliminary Report or Report, or (b) a meeting of the Court of Revision, as the context requires;

“Notice of Appeal” means a notice of appeal as described in section 52(2) of the *Drainage Act*;

“On-site Meeting” means an on-site meeting held in accordance with section 9 of the *Drainage Act*;

“Participant” means a Petitioner, Affected Landowner or other person or body to which Notice of an Electronic *Drainage Act* Public Meeting is provided to in accordance with the *Drainage Act* in attendance at the meeting via video or audio teleconference;

“Participant Speaker’s List” means a list of Participants in attendance at an Electronic *Drainage Act* Public Meeting via video or audio teleconference who have confirmed upon registration that they wish to make oral submissions;

“Petition” means a petition, as described in section 4 of the *Drainage Act*, in the form prescribed by the *Drainage Act*, for the drainage by means of a drainage works of an area requiring drainage;

“Petitioner” means an owner of lands within an area requiring drainage who has signed a Petition that has been filed with the Clerk in accordance with the *Drainage Act*;

“Preliminary Report” means a preliminary report as defined in the *Drainage Act*;

“**Report**” means a report as defined in the *Drainage Act*.

**PRIOR TO AN ELECTRONIC *DRAINAGE ACT* PUBLIC MEETING
OR ELECTRONIC MEETING OF THE COURT OF REVISION**

- The Municipality shall ensure that an On-site Meeting is held in accordance with section 9 of the *Drainage Act* and all other prevailing Provincial legislation or orders, including emergency orders, prior to holding an Electronic *Drainage Act* Public Meeting pursuant to this Protocol.
- Where, in the opinion of the Chief Administrative Officer (CAO) in consultation with the Engineer and/or other such persons as deemed necessary by the CAO, it would not be reasonable or practicable to hold a *Drainage Act* public meeting electronically, due to the number of Petitioners or Affected Landowners, or due to the complexity of the drainage works being considered, the Municipality may defer consideration of a Petition during a Declared Emergency.
- The method and technology used for an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision will be determined by the CAO based on the resources available and the prevailing circumstances and context of the Declared Emergency.
- The Municipality shall ensure Notice of the Electronic *Drainage Act* Public Meeting is provided to all prescribed persons in accordance with the *Drainage Act*. In addition to the requirements set out in the *Drainage Act*, such Notice shall include:
 - the web address at which the meeting will be live streamed;
 - the telephone number persons without access to a computer may call to listen to the meeting;
 - instructions on how to participate in an Electronic *Drainage Act* Public Meeting via video or audio teleconference; and
 - a telephone number and email address where questions about Electronic *Drainage Act* Public Meeting procedures may be directed in advance of the meeting.
- The Municipality shall ensure Notice of an Electronic Meeting of the Court of Revision is provided to all prescribed persons in accordance with the *Drainage Act*. In addition to the requirements set out in the *Drainage Act*, such Notice shall include:
 - the web address at which the meeting will be live streamed;
 - the telephone number persons without access to a computer may call for instructions on how to listen to the meeting via teleconference;

- instructions for filing a Notice of Appeal with the Clerk; and
- a telephone number and email address where questions about Electronic Meetings of the Court of Revision may be directed in advance of the meeting.
- Upon receipt of a Notice of Appeal, the Clerk shall contact an Appellant to provide instructions on how to participate in the Electronic Meeting of the Court of Revision via video or audio teleconference.
- The Municipality will ensure agenda material has been posted publicly.

GENERAL

- Where an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision is held, such meeting will be held physically at a convenient location within or outside the municipality as is necessary in light of the Declared Emergency in accordance with section 236(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.
- The Municipality will ensure that the business carried out at an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision can be viewed/heard by the public using an online streaming service.
- Members of the public who do not have access to a computer in order to live stream an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision may contact the Clerk for instructions on how to listen to the meeting via audio teleconference.
- The Municipality will ensure that the Chair, Members, Engineer, staff and Participants or Appellants, as the case may be, have appropriate contemporaneous input into an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision through video or audio teleconference.
- Leadership at an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision shall be maintained by the Chair.
- The Chair is to announce each agenda item on the floor and shall maintain an orderly meeting process keeping all attendees informed.
- All those participating at an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision will:
 - (a) take directions from Chair in order to facilitate an effective, efficient and orderly meeting;
 - (b) listen for their name to be assigned the floor to speak;
 - (c) direct all comments to the Chair; and

(d) remain silent and attentive to the proceeding when not assigned the floor by the Chair.

- Inappropriate language or conduct by any person in attendance at an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision will not be tolerated.

ELECTRONIC ACCESS FOR THE CHAIR, MEMBERS, ENGINEER AND STAFF

- The Chair, Members, Engineer and staff may access an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision via video or audio teleconference in accordance with instructions provided by the Clerk.

ELECTRONIC ACCESS FOR PARTICIPANTS AT AN ELECTRONIC DRAINAGE ACT PUBLIC MEETING

- Electronic access for Participants shall open fifteen (15) minutes prior to the commencement of an Electronic *Drainage Act* Public Meeting and close at the meeting start time.
- Participants accessing a meeting electronically will be asked to confirm their name, address, and whether they wish to make oral submissions.

ELECTRONIC ACCESS FOR APPELLANTS AT AN ELECTRONIC MEETING OF THE COURT OF REVISION

- Electronic access for Appellants shall open fifteen (15) minutes prior to the commencement of an Electronic Meeting of the Court of Revision and close at the meeting start time.
- Appellants accessing a meeting electronically will be asked to confirm their name, address and that they have filed a Notice of Appeal with the Clerk prior to the meeting.

ORDER OF ELECTRONIC DRAINAGE ACT PUBLIC MEETING

(A) Report from Engineer

- The Engineer shall provide an overview of the Preliminary Report or Report, as the case may be.

(B) Questions and Comments from Participants

- Participants who have confirmed upon registration that they wish to make oral submissions at the meeting shall be added to the Participant Speaker's List.
- Participants added to the Participant Speaker's List will wait until called upon by the Chair by name to speak. To ensure order, the Electronic Meeting Coordinator will disable Participants' audio and video capabilities

until called upon by the Chair to speak.

- Participants will be granted a maximum of five (5) minutes each to make oral submissions.
- Where appropriate in the opinion of the Chair, the Engineer will respond to the Participant's oral submissions.
- The Chair will call out the name of the Participant assigned the floor.
- The Chair and Clerk will manage the Participant Speaker's List based on the Chair's discretion to ensure all Participants with questions or comments are afforded the opportunity to participate.
- Once all Participants on the Participant Speaker's List have been heard, the Chair may ask if any other Participants wish to be heard.

(C) Additions or Withdrawals from Petition

- Affected Landowners present at the meeting will be asked at this time if they wish to add their name to the Petition.
- Petitioners present at the meeting will then be asked if they wish to withdraw their name from the Petition.
- In the event that an Affected Landowner or Petitioner indicates that he or she wishes to add or withdraw his or her name to or from the Petition, Council may accept such addition or withdrawal verbally, and instruct the Affected Landowner or Petitioner how to file the signed Petition or withdrawal, as the case may be, with the Clerk.
- Council shall then adjourn the matter to the next Electronic *Drainage Act* Public Meeting such that the sufficiency of the Petition may be determined prior to the decision of Council.

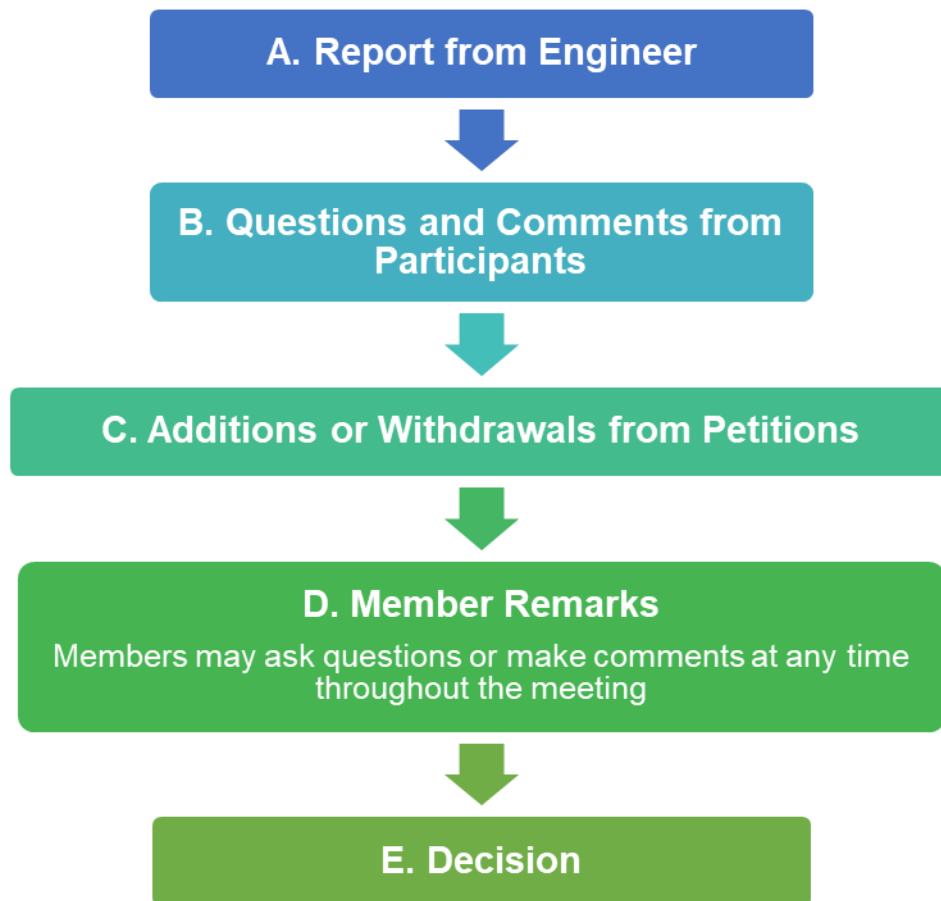
(D) Member Remarks

- If the meeting is not adjourned during Part C above, Members will be asked by the Chair to make comments or ask questions.
- Members will be able to make comments or ask questions at any time throughout the meeting.
- The Chair and Clerk will manage requests by Members to speak based on the Chair's discretion to ensure all Members are able to participate in keeping with meeting rules.

(E) Decision

- Following Members Remarks, Council may adopt report, by provisional by-law.

ELECTRONIC *DRAINAGE ACT* PUBLIC MEETING FLOW CHART



ORDER OF ELECTRONIC MEETING OF THE COURT OF REVISION

(A) List of Appeals

- When called upon by the Chair, the Clerk shall read out the names of the Appellants and the order in which their appeals will be heard.

(B) Report from Engineer

- The Engineer shall provide a brief report with respect to the assessments on appeal.

(C) Appellant's Submissions

- Appellants will wait until called upon by the Chair by name to speak. To ensure order, the Electronic Meeting Coordinator will disable Appellants' audio and video capabilities until called upon by the Chair to speak.
- The Chair will call out the name of the Appellant assigned the floor.
- The Appellants will orally make a case for why their land was improperly assessed.
- The Engineer may rebut the Appellant's case.

(D) Late Appeals

- The Members may agree to entertain late Appeals in accordance with section 52(2) of the *Drainage Act*.

(E) Member Questions

- Members will be asked by the Chair to make comments or ask questions at this time.
- Members will be able to make comments or ask questions at any time throughout the meeting.
- The Chair and Clerk will manage requests by Members to speak based on the Chair's discretion to ensure all Members are able to participate in keeping with meeting rules.

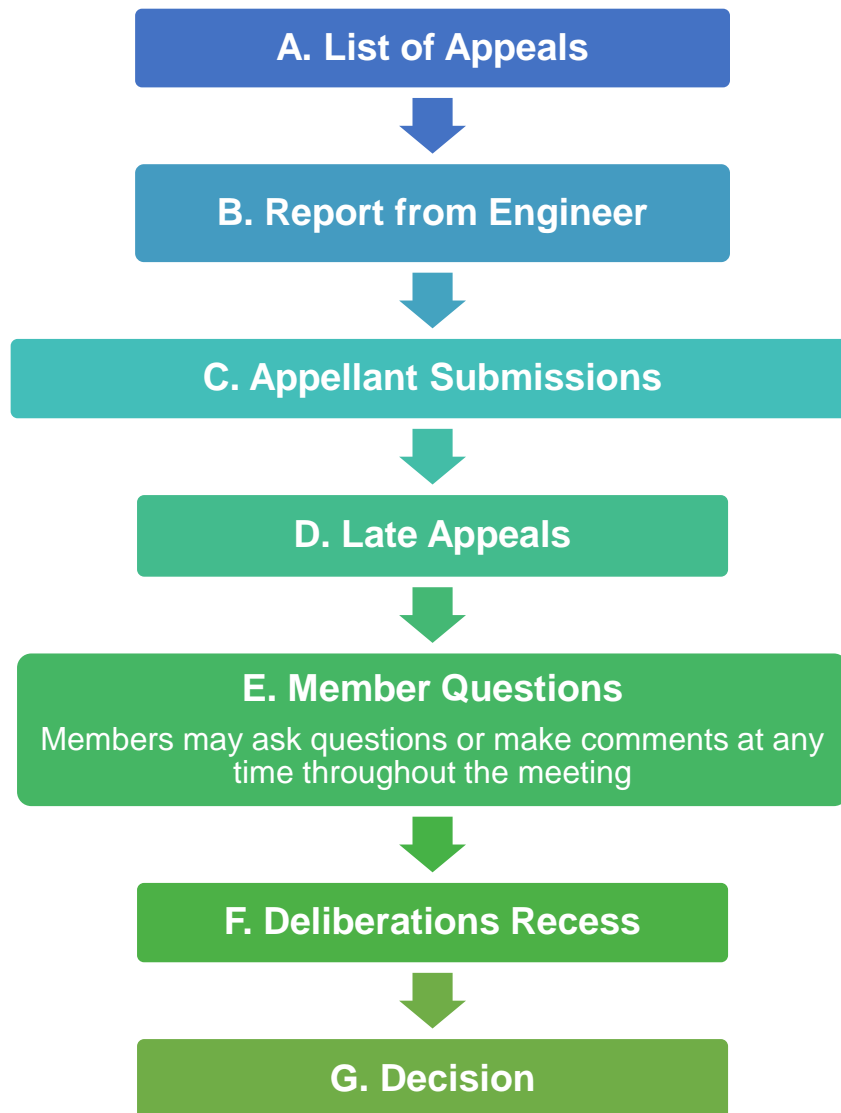
(F) Deliberations Recess

- The Chair may call a recess at this time to allow Members to deliberate.
- If the Court of Revision is considering reducing an assessment and adding it to a property whose owner is not present, then they must adjourn the Court of Revision, send notice to the absent parties to allow them to appeal the change, then reconvene in accordance with section 53 of the *Drainage Act*.

(G) Decision

- The Court of Revision may give an oral decision on each appeal prior to adjournment. Such oral decision shall be followed by a written decision.

ELECTRONIC MEETING OF THE COURT OF REVISION FLOW CHART



INTERNET AND OTHER IT DISRUPTIONS

- If in the opinion of the Chair, an internet or other IT disruption compromises the ability of the Municipality to conduct an Electronic *Drainage Act* Public Meeting or an Electronic Meeting of the Court of Revision in accordance with this Protocol, the Chair shall adjourn the meeting and take such steps as necessary to address the issue and re-convene the meeting in a timely manner or, where this is not possible, adjourn the meeting to a later date.