

MUNICIPALITY OF WEST ELGIN

BY-LAW NO. 2018-43

AMEND PROCEDURAL BY-LAW

AS AMENDED BY:

By-law No.	Date
2019-49	May 23, 2019
2020-32	March 20, 2020
2021-04	January 28, 2021



The Corporation Of The Municipality Of West Elgin

By-Law 2018-43

Being a By-Law to establish rules of procedure for the meetings of Council, Council Committees and Boards of The Corporation of the Municipality of West Elgin

Whereas Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that every Council shall adopt a Procedural By-Law for governing the calling, place and proceedings of meetings; and

Whereas Section 238(2.1) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25 requires that the procedural by-law shall provide for public notice of meetings; and

Whereas the Council of the Municipality of West Elgin deems it necessary to enact a procedural by-law to establish rules governing the calling, place, proceedings and giving of public notice of meetings of Council and its Committees;

Now therefore be it resolved that The Corporation of the Municipality of West Elgin hereby enacts as follows:

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1. Short Title

 This By-Law shall be known as “The Procedural By-Law”.

2. Definitions

- 2.1. “CAO” means Chief Administrative Officer, or designate, for the Municipality of West Elgin.
- 2.2. “Chair” means the person presiding at a meeting whether it be the mayor, a Member of Council or a duly appointed Member of a Committee.
- 2.3. “Clerk” means the Clerk or designate, for the Municipality of West Elgin.
- 2.4. “Closed Session” shall mean a meeting or part of a meeting of Council, a Council Committee or a Local Board and its Committees, not open to the public in accordance with the *Municipal Act, 2001, S.O. 2001*, Chapter 25, as amended.
- 2.5. “Communication Device” shall include cellular phones, tablets, computers or any other technological equipment used for communication.
- 2.6. “Committee” shall mean a Committee established by Council, the Members of which have been appointed by Council.
- 2.7. “Committee of the Whole” shall mean a Committee composed of all of the Members of Council.
- 2.8. “Conflict of Interest” means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
- 2.9. “Delegation” means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 2.10. “Deputy Mayor” means the Member of Council who has been elected as a deputy mayor.
- 2.11. “Electronic Participation” shall mean through a computer or telephone platform.
2021-04
- 2.12. “Emergency” means a situation or the threat of an impending situation 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.
- 2.13. “Head of Council” means the Mayor.
- 2.14. “Meeting shall mean any regular, special or other meeting of a council, of a local board or of 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.
- 2.15. “Member” shall mean a Member of West Elgin Council, its Committees or its local boards.
- 2.16. “Municipal Office” shall mean the offices at 22413 Hoskins Line, Rodney Ontario.
- 2.17. “Public Meeting” shall mean a public meeting as defined under any Act where Council has a requirement to hold a public meeting.

- 2.18. "Quorum" shall mean a majority of the whole number of Members of Council or a Committee.
- 2.19. "Recorded Vote" shall mean the recording of the name and vote by the Clerk of every Member voting on any matter or question during a Council meeting, in accordance with the Municipal Act, 2001.
- 2.20. "Resolution" means a vote taken on a motion that has been moved and seconded by Members of Council or Members of a Committee.

3. General Rules

- 3.1. Throughout this by-law, the words "he" and "his" shall, where appropriate; be deemed to read "she" and "her".
- 3.2. The rules and regulation contained in this by-law shall be observed in all proceedings of Council and Council Committees and shall be the rules and regulations for the order and dispatch of business in Council and Council Committees meetings.
- 3.3. The provisions contained in this by-law shall govern the proceedings of Council and Committees, as appointed by Council from time to time, unless otherwise prescribed.
- 3.4. Where this by-law is silent on a procedural matter the proceedings shall be regulated in accordance with Robert's Rules of Order, Newly Revised, 11th Edition.
- 3.5. Any part or parts of this by-law may be suspended by a vote with the consent of Council Members present, unless the part(s) is prescribed by statute or law.
- 3.6. A Member of Council not able to be in attendance or who is going to be late for a meeting shall inform the Clerk in advance of the meeting, when possible.
- 3.7. No person shall be allowed onto the floor of Council during meetings, except Members, employees and servants of the Corporation, and Delegations.
- 3.8. Videotaping, video streaming or audio recording or streaming during a meeting requires a resolution of Council in advance of the meeting.
- 3.9. All cell phones and electronic devices not required for conducting the meeting shall be turned off or turned to a silent mode.

4. Council Meetings

4.1 Inaugural Meeting

Inaugural Meetings shall be held on the first **Thursday of the new term of Council** ~~Monday in December~~ following a Regular Municipal Election at 7:00 pm. In case of inclement weather, the Inaugural Meetings shall be held on the first suitable day following, at the same hour, and Notice shall be given on the Municipal website and posted at the Municipal Office.

4.2. Regular Meetings

All meetings of Council, its Committees and local boards are open to the public except as provided in the *Municipal Act*, Section 239.

4.2.1. Location

Meetings of Council shall be held in the Council Chambers in the Municipal Building in the **West Elgin Community Complex** located at ~~22413 Hoskins Line, Rodney~~ **160 Main Street, West Lorne**, unless otherwise decided by Resolution of Council or as provided for in the *Municipal Act*, 2001 when Notice is given.
Attendance may be by electronic participation. 2021-04

4.2.2. Alter Time, Day or Place

Council may, by Resolution, alter the time, day or place of any future Council and/or Council Committee Meeting.

4.2.3. Postponement of Meetings

Any regular meetings of the Council may be postponed to a day named in:

- a) A resolution of Council passed by the majority of Members; or,
- b) A notice by the Clerk as deemed necessary by the Clerk and Mayor, due to inclement weather or emergency, and Notice shall be given by the Clerk on the website and posted at the Municipal Office and directly to the Members.

4.2.4. Meeting Schedule

- a) Prior to the **31st of December in each year** ~~first meeting in each calendar year, the Council shall establish a schedule of all regular Council meeting dates for the calendar year. This Calendar shall be posted on the Municipal Website. Except as otherwise noted on the meeting schedule, meetings shall generally be held on the second and fourth Thursday of the month at 9:30 a.m. except for July, August and December. Council will meet the 3rd Thursday in July, the 2nd Thursday in August and the 3rd Thursday in December. Council may by resolution, alter the date and/or time of a regular meeting when deemed necessary, provided that notice is given pursuant to this by-law. When a meeting is scheduled on a Public Holiday, it shall be held on the next business day at the same hour.~~
- b) The meeting curfew shall be **4:00 p.m. on the published day of the meeting** ~~three hours from the published start time of the meeting. Council may by resolution, proceed past the curfew for up to one hour, in order to proceed past the one-hour extension the unanimous consent of Members present shall be required.~~
- c) The Committee of Adjustment shall meet when required in conjunction with Regular Council meetings.
- d) Committee-of-the-Whole meetings shall be scheduled on an as needed basis by resolution of Council or **set as part of the annual meeting calendar.**

4.2.5. Procedure for electronic participation is as follows:

- 4.2.5.1. The Chair shall read off each item on the agenda and canvas each member if they wish to speak on this item.
- 4.2.5.2. The Chair or Clerk at Chair's request shall read the recommendation and the Chair shall call for a mover. The mover shall state his or her name and position.
- 4.2.5.3. The Chair shall call for a seconder for the recommendation. The seconder shall state his or her name and position.
- 4.2.5.4. The Chair shall canvas each member on their vote of ayes or nays.
- 4.2.5.5. The Chair may choose to call for a recorded vote during an electronic participation meeting, if in the opinion of the Chair technical difficulties have arisen and they are unable to count the votes by a simple show of hands. 2021-04

4.2.6. Order of Business

- 4.2.5.1. The Agenda for each Meeting shall be prepared by the ~~CAO/Clerk~~ or designate. The order of the proceedings shall be as follows, or as otherwise determined by the ~~CAO/Clerk~~ or designate:

1. Call to Order

2. Adoption of Agenda
3. Closed Session
4. Report from Closed Session
5. Disclosure of Pecuniary Interest
6. Public Meeting
7. Delegations
8. Minutes
9. Business Arising from Minutes
10. Consent Agenda
11. Staff Reports
12. Committee and Board Reports
13. Accounts
14. Consideration of Items Requiring Discussion
15. Council Inquires/ Announcements
16. By-Laws
17. Confirming By-Law
18. Adjournment

4.2.5.2 The Consent Agenda will include the following items:

- a) Communications from other Municipalities
 - b) Procurement items that are within the approved budget
 - c) Monthly Staff information reports
 - d) Items as directed by the CAO, Clerk or Mayor
- i. Questions of clarification may be asked by Members about any consent item during the adoption of the Consent Agenda without requiring a separate vote.
 - ii. Members may request that a matter be removed from the Consent Agenda to be dealt with under Consideration of Items Requiring Discussion (Regular Agenda).
 - iii. In the event that a Member declares pecuniary interest on an item that is included on the Consent Agenda, that item shall be considered under Consideration of Items Requiring Discussion.
 - iv. The Consent Agenda shall be adopted by a single motion.

4.2.5.3 At each duly constituted Regular Meeting of Council, the Minutes of the preceding Regular Meeting, Public Meeting and any Special Meeting shall be adopted by resolution of Council, subject to the correction of errors and omissions, and signed by the Mayor and the Clerk.

4.2.5.4 The order of business of each Meeting shall be taken up in the order in which it stands in the Agenda, unless otherwise decided by a majority vote of the Members present.

A motion changing the order of business shall not be amendable or debatable.

4.2.5.5 Amendments to the Agenda – Deadline

The deadline for receipt of added materials by the Clerk for addition to the regular Council Agenda shall be 12 noon on the business day prior to the Council Meeting.

4.3. Special Meetings

4.3.1 The Head of Council may at any time call a Special Meeting of Council.

4.3.2 Upon receipt of a petition or a resolution of the majority of the Members of the Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition. A resolution of Council shall be deemed to be a petition.

4.3.3 The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the meeting.

4.3.4 The calling of a Special Meeting shall be in accordance with the Notice provisions in Section 5 of this by-law.

4.3.5 As per Section 238 (3.1) of the Municipal Act, S.O. 2001, members of Council are permitted to attend a Special meeting of Council through electronic means and still be counted towards quorum. 2021-04

4.3.6 Procedure for electronic participation is as follows:

The Chair shall read off each item on the agenda and canvas each member if they wish to speak on this item.

The Chair shall read the recommendation and call for a mover. The mover shall state his or her name and position.

The Chair shall call for a seconder for the recommendation. The seconder shall state his or her name and position.

The Chair shall canvas each member on their vote of ayes or nays.

The Chair may choose to call for a recorded vote during an electronic participation meeting, if in the opinion of the Chair technical difficulties have arisen and they are unable to count the votes by a simple show of hands. 2021-04

4.4. Public Statutory Meetings

Public Statutory Meetings shall correspond with the scheduled time of a Regular Council meeting.

4.5. Closed Session

4.5.1 All meetings of Council shall be open to the public except as provided for in Section 239(2), Section 239(3) and Section 239(3.1) of the Act and set out in Appendix B to this by-law.

4.5.2 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 holding a Closed Session and the general nature of the matter to be considered at the Closed Session; or in the case of a meeting that is an educational or training meeting, the fact of holding a Closed Session, the general nature of its subject matter and that it is to be closed as an education or training meeting.

4.5.3 As provided in Section 239(5), subject to Subsection (6), a meeting shall not be closed to the public during the taking of a vote except if it is for a procedural matter or for giving directions or instructions to officers, employees or agents of the agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

4.5.4 When a Closed Session is necessary, it shall be a requirement that the minutes shall be prepared without note or comment and shall be approved at the next scheduled Closed Session.

4.5.5 Confidential copies of all documents and reports shall be distributed to Council Members prior to the Closed Session.

4.5.6 The Clerk shall be responsible for maintaining a confidential copy of all documents/reports distributed, relating to a Closed Session and for keeping confidential minutes of all Closed Sessions.

4.5.7 Members and Staff shall respect the confidentiality of all matters disclosed to them and materials provided to them during Closed Sessions.

4.5.8 As per Section 238 (3.1) of the Municipal Act, S.O. 2001, members of Council are permitted to attend a Closed Session of Council through electronic participation and still be counted towards quorum. 2021-04

5. Notice of Meetings

The notice requirements set out in this by-law are minimum requirements only and the Clerk may provide notice in an extended manner if, in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.

Any Notice usually posted on the municipal website shall be posted at the Municipal Office in the event that the website is unavailable.

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.

5.1 Notice - Regular Meetings

- 5.1.1 At the beginning of each year, the meeting schedule shall be posted on the municipal website. In the event that the website is unavailable the meeting schedule shall be posted at the Municipal Office. The posting of the meeting schedule shall constitute Notice for all Council meetings. A note shall be placed on the meeting schedule to advise the public that the schedule is subject to change and the posted schedule shall be revised should a meeting time, date and/or location be changed.
- 5.1.2 In addition to section above, Notice of Council meetings shall be given by publication of the date and time of the next scheduled meeting in meeting minutes and the posting of meeting agendas on the municipal website prior to the meeting. The posted agenda shall also be considered as Notice of regular meetings of Council. The agenda shall include the date and time of the meeting.
- 5.1.3 The Clerk shall ensure that Notice of each Regular Meeting of Council is provided to the Members of Council and the public at least forty-five (45) hours in advance of said meeting.
- 5.1.4 The agenda for each Regular Meeting of Council shall be available forty-five (45) hours prior to the meeting.

5.2. Notice - Special Meetings

The Clerk shall ensure that Notice of each Special Meeting of Council is provided to the Members of Council and the public at least forty-five (45) hours in advance of the said meeting.

5.3. Notice - Emergency Meetings

Notwithstanding any other provision by this by-law, an Emergency Meeting may be held without written Notice, to deal with an emergency.

5.4. Notice - Change in Meeting Schedule

The Clerk shall provide Notice of cancellation of a meeting to Council, staff, the local media and all other known interested parties 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 on the municipal website and/or by posting Notice on the entrance doors location at the municipal office; or in the event that the meeting is being held at another location, the entrance door of the meeting location.

6. Communications, Delegations & Petitions

- 6.1. The deadline for the receipt of communication, delegations, or petition by the Clerk for inclusion on the Agenda shall be ~~9 am noon~~, on the ~~Thursday~~ **Monday** prior to the Regular Meeting of Council. A written or electronic copy or their presentation and purpose of the delegation must be included.
- 6.2. The maximum number of delegations to be heard by Council in any one meeting shall be limited to two (2). Delegations shall be scheduled by the Clerk in accordance with the sequence of delegation requests, complete with information, received.

- 6.3. Every petition, remonstrance, or other written application intended to be presented to the Council must be fairly written or printed and signed by at least one person.
- 6.4. Communications and petitions addressed to the Mayor and Council shall be listed on the Agenda or included in a Council Information Package.
- 6.5. Communications or petitions containing obscene or defamatory language shall not be listed on the Agenda but shall be held by the Clerk and may be directed to the police for investigation.
- 6.6. Persons desiring to verbally present new information on matters of fact or make a request of Council shall contact the Clerk to make a timed delegation at Council.
- 6.7. Delegations not providing sufficient notice may be heard at the discretion of a majority of Members of Council present.
- 6.8. Delegations shall be limited in speaking to not more than ten (10) minutes in total per person, per group or per organization. A delegation consisting of five or more Members shall be limited to two (2) speakers.
- 6.9. Council may refuse to hear delegations when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality.
- 6.10. Any person/organization shall be limited to two (2) delegations in a calendar year on the same subject matter.
- 6.11. No person shall be permitted to address Council with respect to a specific personal issue, nor shall a brief respecting such issue be listed on a Council Agenda. A written brief by any person with respect to personal issues may be forwarded to the Clerk for consideration by Council in Closed Session.
- 6.12. No person shall be permitted to address Council relating to any current litigation matters of which the Municipality is a party to the proceedings.

7. Minutes

- 7.1. The Municipal Clerk or person designated by the Clerk shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. The minutes, in the case of the meeting of a local board or committee, shall be recorded by the Clerk or the person designated by the Clerk.
- 7.2. Minutes of the Council or Committee, whether it is closed to the public or not, shall record:
 - 1) The date of the meeting;
 - 2) The record of the attendance of the Members;
 - 3) Disclosures of pecuniary Interest and the general nature thereof;
 - 4) Adoption of the minutes of prior meeting(s);
 - 5) All resolutions and decisions;
 - 6) All the other proceedings of the meeting without note or comment;
 - 7) Time of call to order, time of adjournment and time in and out of Closed Session, if any, or any Committee meeting.
- 7.3. A resolution to adopt the minutes of a prior meeting may include the correction of any errors or omissions.
- 7.4. Adopted minutes shall be signed by the presiding officer and by the Clerk, or person designated by him, that recorded the said minutes.

8. Commencement Of Meetings

- 8.1. The Mayor shall call the meeting to order as soon after the hour fixed for a meeting as a quorum is present.

- 8.2. If there is no quorum present within fifteen minutes after the time appointed for the Meeting, the Council shall stand adjourned until the date and time of the next Regular or Special Meeting and the Clerk shall record the names of the Members present upon such adjournment.
- 8.3. The Mayor, if present, shall preside at all meetings.
- 8.4. The Deputy Mayor shall preside during the Meeting or until the arrival of the Mayor in the absence of the Mayor
- 8.5. In the absence of the Mayor and the Deputy Mayor, the Clerk shall call the Meeting to order fifteen minutes after the hour appointed for the Meeting, and the Members shall appoint a Member by resolution to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.
- 8.6. Council shall recess for a period of five minutes if at any meeting the number of members is reduced to less than a quorum. The meeting shall stand adjourned if quorum is not achieved, subject to the provisions of the *Municipal Conflict of Interest Act*.
9. Role of the Mayor as Head of Council and Role of Council
- 9.1. The roles of the Mayor and of Council shall be as per the Municipal Act, as amended, outlined in Appendix "A" attached to this by-law.
- 9.2. When presiding over Council meetings, the Head of Council shall:
- a) Open the meeting of Council by taking the chair and calling the Members to order;
 - b) Announce the business before the Council in the order in which it is to be acted upon;
 - c) Receive and submit, in the proper manner, all motions presented by the Members of Council;
 - d) Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, noting ayes and nays, and to announce the result;
 - e) Vote on motions;
 - f) Decline to put to vote motions that infringe the rules of procedure;
 - g) Restrain the Members, within the rules of order, when engaged in debate;
 - h) Enforce on all occasions the observance of order and decorum among the Members;
 - i) Receive all messages and other communications and announce them to the Council;
 - j) Authenticate, by his signature when necessary, all by-laws, resolutions, and minutes of the Council;
 - k) Inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
 - l) Represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
 - m) Adjourn the meeting when the business is concluded;
 - n) Adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
10. Rules of Conduct
- 10.1. No Member shall:
- a) Speak disrespectfully of the reigning sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant Governor, or any person administering the government of the Dominion of Canada, the Province of Ontario or of The Corporation of the Municipality of West Elgin.
 - b) Use indecent, offensive or insulting language.
 - c) Speak on any subject matter other than the subject in debate.
 - d) Disturb the Council by any disorderly conduct.
 - e) Speak disrespectfully of any Council Member or employee of the Municipality of West Elgin.

- 10.2. A Member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.
 - 10.3. A Member shall not leave his seat or make any noise or disturbance while a vote is being taken or until the vote is declared.
 - 10.4. A Member shall not interrupt a Member who is speaking, except to raise a point of order or a question of privilege.
 - 10.5. In addition to powers granted by Section 241(2) of the *Municipal Act*, as amended, in the event that a Member persists in a breach of the Rules of this By-Law, after having being called to order by the Mayor, the Mayor may put the question "Shall the Member be ordered to leave his seat for the duration of the Meeting?" and such question is not debatable.
 - 10.6. If the Council decides the questions set out in Section 10.5 of this by-law in the affirmative by a majority vote of the Members present, the Mayor shall order the Member to leave his seat for the duration of the Meeting.
 - 10.7. If the Member apologizes, the Mayor, with the approval of the Council, may permit the Member to resume his seat.
11. Rules of Debate
- 11.1. The Mayor shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council.
 - 11.2. The Mayor may answer questions and comments in a general way without leaving the chair, but if he wishes to make a motion or to speak on a motion taking a definite position and endeavoring to persuade the Council to support that position, then he shall first leave the chair.
 - 11.3. If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor shall sit in his place until the Mayor resumes the chair.
 - 11.4. Before a Member may speak to any matter, he shall first be recognized by the Mayor or Chair.
 - 11.5. When two or more Members indicate simultaneously that they wish to speak, the Mayor shall name the Member who is to speak first.
 - 11.6. When a Member is speaking to a motion, he shall confine his remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the Members present.
 - 11.7. A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the Members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.
 - 11.8. When a motion is under debate, a Member may ask a concisely worded question of another Member or a Staff Member through the Mayor prior to the motion being put to a vote by the Mayor.
 - 11.9. A Member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a Member who is speaking.
 - 11.10. No Member shall speak more than once on an item of business until every Member who desires to speak has spoken.
12. Questions of Privilege and Order
- 12.1. If a Member believes that his rights, privileges or integrity or those of the Members collectively have been prejudicially affected, he shall ask leave of the Mayor to

raise a question of privilege which shall take precedence over all other matters, but he shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.

- 12.2. No Member shall impugn the integrity of municipal staff. When a member considers that the integrity of a municipal staff member has been impugned or questioned the member may raise it as a point of order and the Mayor shall permit the Clerk to make a statement.
- 12.3. When a Member desires to call attention to a violation of the Rules of Procedure, he shall ask leave of the Mayor to raise a point of order and after leave is granted, he shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the Members of his decision.
- 12.4. Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.
- 12.5. If the decision of the Mayor is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.
- 12.6. When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Mayor unless to appeal the ruling of the Mayor.

13. Motions

- 13.1. All new motions shall be submitted in writing with the exception of procedural motions which may be verbally presented. Oral motions shall be restated by the Chair before debate or a vote.
- 13.2. Any Member of Council may give notice of intent that he shall introduce a motion at the next, or at a subsequent meeting of Council to introduce a new matter or initiate any measure to make any change in the Council's established policy. The giving of notice requires no seconder and is not at that time debatable.
 - a) A Member may introduce a motion at a meeting regarding a matter that would not otherwise be considered by Council or a Committee at such meeting in writing, at a regular Council or Committee meeting, or by submission to the Clerk to be included in the Agenda, but it shall not be debated until the next regular meeting;
- 13.3. The Clerk or Recording Secretary, upon receipt of a Notice of Motion in accordance with Section 13.2. shall print the motion, including the name of the mover or seconder in full on the Agenda for the next regular meeting of the Council or the Committee.
- 13.4. A Notice of Motion does not require a seconder to be included in the Agenda.
- 13.5. A Notice of Motion shall not be considered or otherwise disposed of by Council or the Committee unless the mover of the motion is in attendance at the meeting.
- 13.6. All Notices of Motion shall be in writing, signed by the mover and filed with the Clerk.
- 13.7. Notices of Motions filed with the Clerk shall be directed to the next Regular Council Meeting unless a subsequent meeting is specified.
- 13.8. Motions shall be moved and seconded before being debated or put to a vote.
- 13.9. Every motion shall be deemed to be in the possession of the Council for debate after it is received by the Mayor, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.
- 13.10. When a motion is under debate, no other motion shall be in order except a motion:

- a) To adjourn;
- b) To proceed beyond curfew;
- c) To defer;
- d) To call the question (close the debate);
- e) To refer;
- f) To amend.

13.11. A motion to adjourn shall:

- a) Not be amended;
- b) Not be debated;
- c) Not include qualifications or additional statements; and
- d) Always be in order except when a Member is speaking or the Members are voting or when made in Committee-of-the-Whole.

13.12. When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

13.13. The Council shall always adjourn when there is no business before it.

13.14. A motion to proceed beyond the hour of curfew shall:

- a) Not be amended;
- b) Not be debated; and
- c) Shall always be in order, except when a Member is speaking or the Members are voting.

13.15. A motion to table/defer an agenda item shall:

- a) Be amendable only to the date;
- b) Not be debated;
- c) Apply to the main motion and any amendments thereto under debate at a time when the motion to table was made;
- d) Not include qualifications or additional statements.

13.16. If a motion to table/defer is decided in the affirmative by a majority vote of the Members present, then the main motion and any amendments thereto shall be removed for the Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk. A motion to take from the table is not debatable or amendable.

13.17. A motion to call the question (close the debate) shall:

- a) Not be amended;
- b) Not be debated;
- c) Apply to the motion or amendment under debate at the time when the motion to put the question is made;
- d) Not be received in any Committee;
- e) Be moved using the words "That the question now be called."

13.18. If a motion to call the question is decided in the affirmative by a majority vote of the Members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

13.19. A motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- a) Be open to debate;
- b) Be amendable; and,
- c) Preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

A motion to amend shall:

- a) Be open to debate;

- b) Not propose a direct negative to the main motion;
- c) Be relevant to the main motion; and
- d) Not be further amended more than once.

11. Voting Procedures

- 11.1. Voting on the main motion and amending motions shall be conducted in the following order:
 - a) A motion to amend a motion to amend the main motion;
 - b) A Motion (as amended or not) to amend the main motion;
 - c) The main motion (as amended or not).
- 11.2. When the motion under consideration contains two distinct propositions, upon the request of any Member, the Mayor or Chair shall divide the question and the vote upon each proposal shall be taken separately. The mover and seconder shall remain the same for both motions.
- 11.3. A motion shall be put to a vote by the Mayor immediately after all Members desiring to speak on the motion have spoken in accordance with Section 11.7. of this By-Law.
- 11.4. After a motion is put to a vote no Member shall speak on that motion, except to request a recorded vote. No other motion shall be made until after the result of the vote is announced.
- 11.5. Every Member present at a Council Meeting when a question is put shall vote thereon, except where he is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chamber when the question is put.
- 11.6. Every Member who is not disqualified from voting by reason of a declared pecuniary interest shall be deemed to be voting against the motion if he declines or abstains from voting.
- 11.7. All votes shall be by show of hands, except when a recorded vote is requested. The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.
- 11.8. The Mayor shall announce the result of every vote after requesting both ayes and nays. The Clerk shall record the vote.
- 11.9. When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.
- 11.10. When called for by any Member or when required by law, a recorded vote shall be taken by the Clerk in random order and the results shall be declared by the Clerk.
- 11.11. A Member may call for a recorded vote prior to or immediately after the taking of the vote.
- 11.12. When a recorded vote is taken, the names of those who voted for and against the motion shall be entered in the minutes.
- 11.13. In any vote required of the Whole Council, the number of Members constituting the Council shall be determined by excluding:
 - a) The number of Members who are present at the Meeting but who are excluded by voting by reasons of the Municipal Conflict of Interest Act;
 - b) The number of seats that are vacant on the Council by reasons of Section 259 of the Municipal Act.

12. Reconsideration

- 12.1. A motion to reconsider a decided matter within the term of Council shall only be introduced by a Member who voted with the majority on the original motion. Before

accepting a motion to reconsider, the Mayor may ask the Member to confirm that he voted with the majority on the issue in question.

- 12.2. No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- 12.3. No motion for reconsideration of any decided matter shall be permitted more than once during a period of twelve months following the date on which the question was decided.
- 12.4. If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

13. Enactment of By-Laws

- 13.1. The Clerk shall ensure that by-laws are prepared and placed on the agenda. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to confirm to accepted procedure or to comply with provisions of any Act and shall be complete.
- 13.2. Every By-law shall receive three separate readings before being passed.
- 13.3. The first, second, and the third and final reading for all by-laws addressed in a single motion, without amendment or debate. By-laws may be addressed in a consent agenda, with the vote to be carried out in the By-law portion of the agenda.
- 13.4. By-laws may be given all three readings at the same meeting, except when requested otherwise by a motion passed by the majority of the Members present or as otherwise provided in law.
- 13.5. Every by-law enacted by the Council shall be numbered and dated, and shall be, sealed with the seal of the Corporation, and signed by the Mayor or presiding officer and the Clerk and shall be deposited in the vault by the Clerk for safekeeping.

14. Committees

14.1. Procedure:

A committee shall conform to the rules governing protocol and procedures for Council meetings, unless otherwise noted herein.

All committees shall be bound by Closed Session provisions set out in this by-law.

14.2. Establishment-Appointment:

17.2.1 Council may establish Council Committees to help support it's work. Council shall set the mandate for each Council Committee by resolution or by-law.

17.2.2 The names of Members required to serve on the Council Committees, Boards, Commissions or other bodies to which Council is required or empowered to appoint persons, shall be determined by Council.

17.2.3 Council may appoint Members to any Local Boards or Council Committees to act in the place of any Members thereof who, by reason of illness or absence from the Municipality, are unable to attend the meetings of the Council Committees or who resign before their terms of office have expired.

14.3. Local Boards:

Council shall appoint members to Local Boards as requires by statute.
Members are appointed to Local Boards by Council by by-law or resolution.

14.4. Standing Committees:

Standing Committees of Council are committees that consist of at least 50% of the membership consisting of Members of Council, which are appointed by Council by by-law.

14.5. Council Advisory Committees:

The duties of Advisory Committees created by Council shall be to report and to make recommendations to Council on all matters relating to their terms of reference or that have been referred to them. Advisory Committees shall generally have one representative appointed from Council.

14.6. Special Purpose Committees:

The duties of Special Purpose Committees, appointed by Council By-Law or Resolution, shall report to Council on any matters relating to their terms of reference or that have been referred to them.

14.7. Mayor-Ex-officio:

The Mayor is an ex-officio Member of every Council Committee.

The Mayor may vote and otherwise participate without any restriction in the business of the Committee on the same basis as any other Committee Member, but shall not be counted in quorum for the Committee.

14.8. Terms of Reference:

Subject to the provision of any general or special Act, the Council, in establishing any Council Committee, shall set forth terms of reference and such other provisions as the Council deems proper.

Council may consider any matter without referring it to a Council Committee or may refer it to one or more committees or refer it to the Committee-of-the-Whole Meeting, and may withdraw a matter from a Council Committee whether or not the Council Committee has entered into consideration.

14.9. Quorum:

A majority of the Members of a Council Committee shall be a quorum.

14.10. Committee Chair:

Annually, each Committee at its first meeting shall appoint a Committee Chair and Committee Vice-Chair from among its Members, unless otherwise specified in the Council Committee's Terms of Reference. Each Committee shall have the authority to alter the time of its meetings and to hold special meetings. Notice of Council Committee meetings shall be given by the Clerk in accordance with this by-law.

14.11. Attendance:

Members of Council may attend meetings of any Advisory Committee of which they are not Members, but shall not have the privilege of voting and may not address the Committee without the permission of the Chair.

14.12. Minutes:

The Minutes of all Council Committees shall be recorded according to the process set out in this by-law, and forwarded to Council to be received as information. The Clerk, Deputy Clerk or a person delegated by the Clerk in writing shall be the recording secretary for all Standing Committees of Council.

18. Disclosures of Pecuniary Interest and General Nature Thereof

Members shall be required to comply with and disclose as required by the Conflict of Interest Act.

19. Mayor and Councillor Comments and Announcements

The Mayor and Councillor Comments and Announcements section of the agenda is for the purpose of providing information only. Comments are not debatable, nor shall they introduce new business. Comments shall be limited to five (5) minutes per Member.

20. Confirming By-Law

The proceedings at every Regular and Special Meeting shall be confirmed by By-Law so that every decision of the Council at the previous Regular Meeting and any Special Meetings and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

21. Validity and Severability

If any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, the same shall not affect the validity or enforceability of any other provision of this by-law or of the by-law as a whole.

22. Accessibility of Documents

Documents are available in alternate formats upon request from the Clerk.

23. Enactment

THAT By-Laws 2007-12, 2010-06, 2011-13 and 2013-70 are hereby repealed.

THAT this By-Law shall come into force and take effect on the date of its final passing.

Read a first and second time this 14th day of June, 2018.

Bernie Wiehle, Mayor

Genevieve Scharback, CAO/Clerk

Read a third time and finally passed this 28th day of June, 2018.

Bernie Wiehle, Mayor

Genevieve Scharback, CAO/Clerk

Appendix A to By-Law 2018-43
Municipal Act, 2001, as amended, sections 224 to 226

224. Role of Council - It is the role of Council,

- a) To represent the public and consider the well-being and interests of West Elgin;
- b) To develop and evaluate the policies and programs of West Elgin;
- c) To determine which services West Elgin provides;
- d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - d.1) To ensure the accountability and transparency of the Municipality's operations, including the activities of the senior management of the municipality;
- e) To maintain the financial integrity of the Municipality; and,
- f) To carry out the duties of Council under any Act.

225. Role of Head of Council - It is the role of the head of council,

- a) To Act as Chief Executive Officer of the Municipality;
- b) To preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) To provide leadership to Council;
 - c.1) without limiting clause c), to provide information and recommendations to the Council with respect to the role of council described in clauses 224 d) and d.1);
- d) To represent the municipality at official functions; and
- e) To carry out the duties of the Head of Council under any Act.

226. As Chief Executive Officer of the West Elgin, the Head of Council shall:

- a) Uphold and promote the purposes of the Municipality;
- b) Promote public involvement in the Municipality's activities;
- c) Act as the representative of West Elgin 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 County and its residents.

Appendix B to By-Law 2018-43
Municipal Act, 2001, section 239(1), 239(2) and 239(3)

239. (1) Except as provided in this section, all meetings shall be open to the public.

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or Crown agency of any of them;
- (i) 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;
- (j) 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
- (k) 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.

(3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) 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
- (b) 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).

(3.1) 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:

1. The meeting is held for the purpose of educating or training the members.
2. 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.