

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number /20

**Being a by-law to govern the calling, place and proceedings of meetings and to repeal By-law 2195/20 as amended**

**WHEREAS** Section 238 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings,

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

**THAT** for the purposes of this by-law:

### **PART 1 Definitions**

- 1.1 **“Clerk”** shall mean the Clerk of The Corporation Haldimand County, and/or their designate.
- 1.2 **“Closed Session”** shall mean a Meeting or a part of a Meeting of Council, Council in Committee, a Committee or Committee of the Whole, not open to the public in accordance with the *Municipal Act*, S.O. 2001, c.25, as amended.
- 1.3 **“Committee”** shall mean a committee, other than a special purpose committee as defined below, appointed by Council, consisting of at least fifty (50) percent of the Members of Council.
- 1.4 **“Committee of the Whole”** shall mean the entire Council sitting as a Committee.
- 1.5 **“Council”** shall mean the Council of The Corporation of Haldimand County.
- 1.6 **“Council in Committee”** shall mean all Members of Council constituting and fully participating in a business meeting at which all substantive matters of concern to the municipality requiring a policy decision or direction shall be considered for recommendation to Council.
- 1.7 **“Declared Emergency”** shall mean any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.
- 1.8 **“Deputy Mayor”** shall mean a Member of Council who is appointed by by-law, to act from time to time in the place of the Mayor when the Mayor is absent or refuses to act, or when the office is vacant and, while so acting, such Member is delegated all the powers and duties of the Head of Council.

- 1.9 “**Electronic participation**” shall mean a Member of Council taking part in a Meeting through the use of telephone, video conference, or any other technology that provides for audio and/or visual participation, in place of attending in person.
- 1.10 “**Land Acknowledgement**” shall mean a statement adopted by Council to recognize the traditional territories of Indigenous peoples.
- 1.11 “**Mayor**” shall mean that Member of Council holding the office of Mayor and who is the Head of Council and the Chief Executive Officer of the Corporation.
- 1.12 “**Meeting**” shall mean any regular, special, or other meeting of Council, Council in Committee, Committee-of-the-Whole or Committee 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 or committee.
- 1.13 “**Member**” shall mean a Member of Council and shall include the Mayor.
- 1.14 “**Motion**” shall mean a resolution of Council or a recommendation of a Committee that is under debate by Council or a Committee.
- 1.15 “**Quorum**” shall mean a majority of the whole number of Members required to constitute a Council at a meeting, or a Committee at a meeting, as the case may be.
- 1.16 “**Recorded Vote**” shall mean the recording of the name and vote of every Member voting on any matter or question during a Meeting of Council.
- 1.17 “**Rules of Procedure**” shall mean the rules and regulations provided in this by-law.
- 1.18 “**Special Purpose Committee**” shall mean a Committee established for a designated purpose by Council; such committees may be discretionary or legislated.

## **PART 2 General Provisions**

- 2.1 The rules and regulations contained in this by-law shall be observed in all meetings and shall be the rules and regulations for the order and dispatch of business of Council and its Committees, except Special Purpose Committees.
- 2.2 Proceedings of Council, or ~~the-its~~ Committees ~~thereof~~, not specifically governed by the provisions of this by-law, shall be regulated in accordance with Bourinot’s Rules of Order.
- 2.3 In the absence of any statutory obligations, the rules and regulations contained in this by-law may be suspended or altered for a single occasion with not less than a two-thirds majority vote of the Members present at a Meeting.

- 2.4 If, at any meeting, the number of Members in attendance is reduced to less than a Quorum, the Meeting shall stand adjourned. Notwithstanding, when a majority of the Members present have disclosed a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than two (2).

### **PART 3 Role Of The Mayor**

- 3.1 It is the role of the Mayor to:
- act as Chief Executive Officer of the municipality;
  - preside over Council Meetings so that its business can be carried out efficiently and effectively;
  - provide leadership to the Council;
  - provide information and recommendations to the Council with respect to the role of Council;
  - represent the municipality at official functions;
  - carry out the duties of the head of council under the Municipal Act and any other Act; ~~and~~
  - ~~adjourn the Meeting when the business is concluded.~~
- 3.2 As Chief Executive Officer of a municipality, the Mayor shall;
- uphold and promote the purposes of the municipality;
  - promote public involvement in the municipality's activities;
  - act as the representative of the municipality both within, ~~provincially, nationally and internationally~~ and outside the municipality, and promote the municipality locally, nationally and internationally; and,
  - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

### **PART 4 Role Of Council**

- 4.1 The role of Council is to:
- represent the public and to consider the well-being and interests of the municipality;
  - develop and evaluate the policies and programs of the municipality;
  - determine which services the municipality provides;
  - ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
  - ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
  - maintain the financial integrity of the municipality; and,
  - carry out the duties of council under the *Municipal Act* or any other Act.

**PART 5 Deputy Mayor**

- 5.1 Within the first month of a new Council term, once declarations of office have been made, Members of Council shall appoint a Deputy Mayor.
- 5.2 The Deputy Mayor shall be appointed by by-law for a one (1) year term.
- 5.3 Prior to the conclusion of the Deputy Mayor's one (1) year term, the Members shall appoint a Deputy Mayor for the subsequent one (1) year term.

**PART 6 Meetings****6.1 Location**

All Meetings of Council and any Committee of Council shall be held in the Council Chamber at the Haldimand County Administration Building located in Cayuga, unless otherwise decided by resolution of Council. Closed session of Council and any Committee of Council, shall be held in the Grand Room.

**6.2 Inaugural Meeting**

The Inaugural Meeting shall be held at ~~six o'clock (6:00 p.m.)~~ on the first Monday in the new Council term.

**6.3 Regularly Scheduled Meetings**

6.3.1 Council and Council in Committee shall meet in accordance with a yearly schedule as established by ~~Council~~ resolution. Council may, by resolution, dispense with or alter the time, day or place of any Meeting, except as otherwise provided for by the *Municipal Act* or other legislation. During any declared emergency, staff are authorized to make adjustments to the meeting schedule so as to ensure that the business of the County is conducted and any safety measures are taken into account.

6.3.2 Forty-eight (48) hours advance written notice of every regularly scheduled Meeting shall be sent to every Member of Council. The notice will consist of an agenda and all supporting material, whether provided in hard copy or electronically. Such notice shall be considered as adequate notice of all regularly scheduled Meetings. Lack of receipt of an agenda for such Meeting by any Member shall not affect the validity of the Meeting or any action taken ~~thereat~~ at the meeting.

6.3.3 Members shall inform the Clerk of all planned absences, late arrivals, and early departures from a meeting.

**6.4 Special Meetings**

6.4.1 The Mayor may, at any time, summon a Special Meeting of Council.

6.4.2 The Clerk shall, upon receipt of a ~~petition~~written request signed supported by a majority of the Members of Council, summon a Special Meeting of Council for the purpose and at the time set out in the ~~petition~~request.

6.4.3 A Special Meeting of Council shall be scheduled for such singular or time-sensitive matters as necessary i.e. consideration of a budget, by-law to be enacted immediately after a Council in Committee meeting, etc.

6.4.4 The Clerk shall provide all Members with at least ~~forty-eight (48)~~ hours' notice of a Special Meeting ~~summoned by the Mayor or by a valid petition of the Members of Council.~~

6.4.45 Minimum notice shall consist of a telephone message to all Members followed by a written agenda.

6.4.56 The only business to be dealt with at a Special Meeting is that which is identified in the agenda for the Meeting.

6.4.67 The lack of receipt of a notice or of an agenda for a Special Meeting by any Member shall not affect the validity of the Meeting or any action taken ~~thereat~~at the meeting.

## 6.5 **Emergency Meetings**

6.5.1 Notwithstanding any other provision of this by-law, an Emergency Meeting may be called by the Mayor without written notice 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.

6.5.2 No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

6.5.3 Lack of receipt of ~~a~~ notice or of an agenda for an Emergency Meeting by any Member shall not affect the validity of the meeting or any action taken ~~thereat~~at the meeting.

## 6.6 **Commencement of Meetings**

6.6.1 Every regularly scheduled Council Meeting shall commence at ~~six o'clock (6:00 p.m.) in the evening.~~

6.6.2 Every regularly scheduled Council in Committee Meeting shall commence at ~~nine-thirty (9:30 a.m.) in the morning~~ with Presentations and Consideration of Related Reports to commence at ~~eleven o'clock (11:00 a.m.)~~ as required, and Delegations and Consideration of Related Reports to commence at ~~one o'clock (1:00 p.m.) in the afternoon.~~

6.6.3 If, at the time appointed for the start of any meeting, there is not a Quorum of Members in attendance, after ~~fifteen (15)~~ minutes, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.

6.6.4 In the absence of the Mayor and the Deputy Mayor, the Clerk shall call a Council Meeting to order ~~fifteen (15)~~ minutes after the hour appointed for the Meeting, and the Members shall, by resolution, elect a Member to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.

6.6.5 The Chair of the applicable portion of a Council in Committee Agenda, shall preside at such Meeting. In the absence of the Chair, the Vice-Chair shall preside during the Meeting or until the arrival of the Chair. When presiding over such Meetings, the Chair or the Vice-Chair shall administer all duties and responsibilities for that portion of the Council in Committee Meeting which the Mayor administers for Meetings of Council, as appropriate. Where the Chair and Vice-Chair are both absent, the Mayor or Deputy Mayor shall preside until the arrival of the Chair or Vice-Chair.

### 6.7 **Adjournment of Meetings**

6.7.1 Every Meeting which is convened at ~~six o'clock (6:00 p.m.) in the evening~~ shall adjourn at ~~the hour of ten o'clock (10:00 p.m.)~~, if still in session at that hour, unless otherwise determined by a resolution of Council passed by the majority of the Members present ~~and voting~~.

6.7.2 Every Meeting convened in the morning ~~(a.m.)~~ shall adjourn at ~~the hour of six o'clock (6:00 p.m.) in the evening~~ if still in session at that hour, unless otherwise determined by a recommendation of Committee passed by the majority of Members present ~~and voting~~.

### 6.8 **Electronic Participation**

6.8.1 At any time,

- A member of Council who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time, and
- A member of Council can participate electronically in a meeting that is closed to the public.

6.8.2 Members shall advise the Clerk of their intent to participate electronically in advance of the Meeting so that appropriate arrangements can be made. ~~Where all members of Council participate in a Meeting through electronic means, delegations will not be permitted to appear in person at the Meeting, however, written submissions regarding agenda items will be accepted by e-mail prior to the Meeting, and will be distributed to members of Council.~~

6.8.3 All votes will be by show of hands or verbal consent.

6.8.4 Delegations may participate electronically, when requested and where technology can accommodate.

**PART 7 Public Access To Meetings****7.1 Public Notice**

7.1.1 Notice of Meetings will be provided to the public in accordance with the Council approved Public Notice Policy.

7.1.2 The agenda for regularly scheduled Meetings, complete with all reports and attachments, will be available on the County ~~Website~~website. Agendas shall be available on the website by ~~four-thirty (4:30 p.m.) in the afternoon~~ on the Friday immediately preceding the regular Meeting.

**7.2 Open Meetings**

Except as provided in this section, all Meetings shall be open to the public.

**7.3 Closed Meetings**

7.3.1 A Meeting or part of a Meeting may be closed to the public if the subject matter being considered pertains to:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals affecting the municipality;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which the Council, board or Committee or other body may hold a closed meeting under any another Act;
- 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;
- 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;
- 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
- 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.

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

- a request under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 if the Council is designated as head of the institution for

the purposes of that Act; or

- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, (the Act) or the investigator referred to in subsection 239.2 of the Act.

7.3.3 A Meeting may also be closed to the public if the following conditions are both satisfied:

- the Meeting is held for the purpose of educating or training the Members; and,
- at the Meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.

7.3.4 Before holding a Meeting or part of a Meeting that is to be closed to the public, a recommendation or resolution shall be passed stating:

- the fact of the holding of the Meeting in Closed Session; and
- the general nature of the matter(s) to be considered in the Closed Session of the meeting.

7.3.5 A Meeting shall not be closed to the public during the taking of a vote except where:

- the provisions of this by-law permit or require a Meeting to be closed to the public; and
- the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.

7.3.6 All deliberations while in Closed Session shall remain confidential unless otherwise agreed upon by Council by resolution in open session.

7.3.7 The Mayor shall preside over all Closed Session items.

#### 7.4 **Closed Meeting Investigations**

7.4.1 In the case where a closed meeting investigation has been undertaken, and the municipality receives a report from the closed meeting investigator, a resolution shall be passed stating how the municipality intends to address the report.

### **PART 8 Order Of Proceedings Of Council Meetings**

#### 8.1 **Agendas**

8.1.1 The Clerk shall prepare the agenda for all regular scheduled Meetings of Council consisting of the following order of business:

- a) Call to Order
- b) Moment of ~~Silence~~Reflection
- c) Land Acknowledgement
- d) Roll Call
- e) Disclosures of Pecuniary Interest

- f) Approval of Previous Council Meeting Minutes
- g) Presentations of Recognition
- h) Delegations
- i) Approval of Committee Minutes
- j) Unfinished Business
- k) New Business
- l) By-laws
- m) Notices of Motion
- n) Announcements, Reports from Council Appointees to Boards and Committees
- o) Closed Session
- p) Motions Arising from Closed Session
- q) Motion of Receipt
- r) Confirming By-law
- s) Adjournment

8.1.2 The 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.

## 8.2 Declaration of Pecuniary Interest

8.2.1 If a Member has any pecuniary interest, direct or indirect, in any matter in which Council is concerned and if that Member is present at a Meeting at which the matter is the subject of consideration, the Member shall disclose the pecuniary interest and shall not take part in the consideration or the discussion of the matter nor vote on any Motion in regard to the matter.

8.2.2 A Member disclosing a pecuniary interest at a Committee Meeting shall confirm that Pecuniary Interest at the subsequent Council Meeting where the matter is being adopted.

8.2.3 If a Member has any pecuniary interest, direct or indirect, in any matter being considered at a closed session meeting, the Member shall remove themselves from the Council Chamber during the closed session deliberations.

8.2.4 Every Member disclosing a pecuniary interest with respect to a closed session matter, shall make such disclosure in open session prior to the Closed Session being convened or immediately following the Closed Session if not previously aware of the pecuniary interest, by setting out the interest but not the general nature of the interest.

8.2.5 Every Member disclosing a pecuniary interest at a Meeting shall complete and file with the Clerk a written Statement of Disclosure in the prescribed form setting out the interest and its general nature. All disclosures shall be noted in the meeting minutes and a registry for Statements of Disclosure will be made available for public access.

8.2.6 If a Member is not present at a Meeting and has any pecuniary interest in any matter which is the subject of consideration at that Meeting, the Member shall disclose the interest at the next Meeting in attendance.

8.2.7 Where a matter under consideration relates to the suspension of remuneration of a Member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001, S.O. 2001, c. 25*, the Member may take part in the discussion of the matter and may make submissions to Council. The Member may attempt to influence the voting on the matter, however, the Member is not permitted to vote on the matter.

### 8.3 Delegations

8.3.1 Any person who has appeared before a Committee and who desires to present new information verbally at the Council Meeting where the matter is to be adopted, shall give notice to the Clerk by ~~twelve o'clock (12:00 p.m.)~~ noon, at least ~~five (5)~~ days prior to the Council Meeting, in order to be included on the agenda. In order to utilize any electronic presentation as part of the delegation, the presentation must be submitted to the Clerk prior to 4:30 p.m. on the Friday prior to the Council meeting.

8.3.2 A written brief, outlining the new information to be presented, shall be provided to the Clerk at the time of the request to appear, will form part of the Official Record of the proceedings and therefore will be considered to be a public document.

8.3.3 Delegations to Council shall only present new information or information not previously presented to a Committee.

8.3.4 Delegations shall be permitted to speak not more than ~~ten (10)~~ minutes in total per person, per group or per organization.

8.3.5 In the case where a report or matter for consideration is presented directly to a Council meeting without previously being considered at a Committee meeting, any person may make a request to speak to that specific agenda item by giving written notice to the Clerk by noon on the day of the meeting. A written brief outlining the subject matter of the delegation's presentation shall be provided to the Clerk at the time of the request to appear which will be distributed to Council and form part of the public record of the proceedings.

8.3.6 In the case of extenuating circumstances, Council may, by a majority vote, permit a person to appear as a delegation who does not appear on the agenda or who has not appeared before a Committee.

8.3.67 Council may refuse to hear a delegation when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the municipality.

8.3.78 Delegations concerning labour relations, union negotiations and employee relations will not be heard at Council Meetings. All written submissions received by the Clerk, concerning these matters, shall be circulated to the Chief Administrative Officer.

8.3.89 No person shall be permitted to appear as a delegation to address Council relating to any litigation matter with respect to the County.

8.3.10 No person shall be permitted to appear as a delegation to speak to a report from either the Integrity Commissioner or the Ombudsman.

#### 8.4 Unfinished Business

Any item of business which has been considered by Council at a prior Meeting, but has not yet been resolved, may be raised at a subsequent regular Meeting of Council when “Unfinished Business” is called for under the Order of Proceedings.

#### 8.5 New Business

Any item of business which has not been previously considered by Council during the Meeting and not listed on the agenda, may be raised when “New Business” is called for under the Order of Proceedings. When action of Council is required, the matter shall be referred to a future Meeting agenda. Should immediate action be required, Council may, by a two-thirds majority vote of Council, waive the notification requirements of this by-law to deal with the matter at that time.

#### 8.6 Council Information Package

Communications for the attention of Council, where no staff research is required, shall be included in the Council Information Package which is distributed with the Council agenda. Any Member may raise for discussion a communication that is listed in the Council Information Package under “New Business” at a future Council in Committee meeting by requesting that the communication be included in the agenda for that meeting.

### PART 9 Minutes Of Meetings

9.1 The Minutes of every Meeting, including Closed Sessions, will record:

- the date of the Meeting;
- the record of ~~the~~ attendance of the Members;
- all other proceedings of the Meeting without note or comment.

9.2 The Clerk may make such minor corrections to any motion noted in the minutes, resulting from technical or typographical errors, which may be required for the purpose of ensuring correct and complete implementation of the ~~actions~~ decisions of Council, ~~as approved by resolution~~.

### PART 10 Rules Of Conduct

10.1 No Member of Council shall:

- use indecent, offensive or insulting language;
- speak on any subject matter other than the subject in debate; or
- disturb another Member or the Council itself by any disorderly conduct.

10.2 A Member shall not disobey the rules of the Council or a decision of the Mayor, or a Chair, on points of order or on the interpretation of the rules of procedure of the Meeting.

- 10.3 A Member shall not leave their 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 the event that a Member persists in a breach of the rules of this by-law, after having been called to order by the Mayor, the Mayor may put the question “Shall the Member be ordered to leave their seat for the duration of the Meeting?” and such question is not debatable.
- 10.6 If the Council decides the question 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 their seat for the duration of the Meeting.
- 10.7 If the Member apologizes, the Mayor may permit the Member to resume their seat with the approval of a majority of the Members present.
- 10.8 No member of the public shall:
- wear a hat or head covering in Council Chamber, unless for religious purpose or medical reason;
  - use a device to record or broadcast audio or video of any meeting;
  - display banners, placards or any other item of demonstration in Council Chamber;
  - disturb the meeting by shouting, clapping or any other form of disorderly conduct; or
  - use indecent, insulting, ~~or~~ offensive or derogatory language either verbally or by visual display.
- All electronic devices must be on silent mode.
- 10.9 If a member of the public is in violation of the rules of this by-law and fails to cease such activity upon direction of the Mayor or Chair, the Mayor or Chair has the discretion to ask the person to leave, or adjourn the Meeting.

## **PART 11 Rules Of Debate**

- 11.1 Before a Member may speak to any matter, that Member shall first be recognized by the Mayor. Once recognized, the Member shall address all comments through the Mayor.
- 11.2 When a Member is speaking to a Motion, they shall confine their 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.
- 11.3 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 moved the motion who shall be allowed to speak to conclude the debate for a maximum of ~~five (5)~~

minutes. The number of times a Member may speak on any question shall not be limited during Special or Emergency Council meetings.

- 11.4 A Member may require a Motion under debate to be read at any time during the debate, but not so as to interrupt a Member who is speaking.

## **PART 12 Questions Of Privilege And Order**

- 12.1 If a Member believes that their rights, privileges or integrity, or those of the Members collectively have been prejudicially affected, that Member shall stand and ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters. The Member shall not be permitted to enter into any discussion or introduce any Motion related to the question of privilege. After leave has been granted, the Member shall state the question of privilege succinctly and the Mayor shall then make a ruling and advise Council.
- 12.2 When the Mayor considers that the integrity of the Chief Administrative Officer or a member of the municipal administration has been impugned or questioned, the Mayor may permit the Chief Administrative Officer or other staff member present to make a statement to the Council.
- 12.3 When a Member desires to call attention to a violation of the Rules of Procedure, that Member shall stand and ask leave of the Mayor to raise a point of order and after leave is granted, the Member shall state the point of order to the Mayor succinctly and the Mayor shall then make a ruling and advise Council.
- 12.3.1 Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.
- 12.3.2 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.
- 12.4 When the Mayor calls a Member to order, that Member shall cease to speak 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.

## **PART 13 Notices Of Motion**

- 13.1 Any Member of Council may ~~give-submit~~ a Notice of Motion at a Council meeting indicating an intent that the Member will introduce a Motion at the next or a subsequent meeting of Council in Committee. The giving of a Notice of Motion requires no seconder and is not, at the time, debatable.
- 13.2 All Notices of Motion shall be in writing, signed by the mover and filed with the Clerk.

- 13.3 A Notice of Motion filed with the Clerk shall be placed on the agenda of the next regularly scheduled Council in Committee Meeting under “New Business”, a copy of which shall be ~~distributed to the Members~~included as part of the agenda.
- 13.4 A Motion normally requiring a Notice of Motion may be introduced without notice if Council or Committee, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.

#### **PART 14 Motions**

- 14.1 Motions shall be moved and seconded before being debated or put to a vote.
- 14.2 Every Motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Mayor or Chair, 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.
- 14.3 When a Motion is under debate, no other Motion shall be in order except a Motion to amend, defer or refer.
- 14.4 A Motion to adjourn shall:
- not be amended;
  - not be debated;
  - not include qualifications or additional statements; and
  - always be in order except when a Member is speaking, the Members are voting, or when made in a closed session.
- 14.5 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.
- 14.6 A Motion to proceed beyond the hour of ~~six o'clock (6:00 p.m.)~~ or ~~ten o'clock (10:00 p.m.)~~ in the evening, which-ever is applicable, shall:
- not be amended;
  - not be debated; and
  - shall always be in order, except when a Member is speaking or the Members are voting.
- 14.7 A Motion to refer a matter under consideration to a Committee or elsewhere shall:
- be open to debate;
  - be amendable; and
  - 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.
- 14.8 A Motion to defer a matter under consideration shall:
- not be amended;
  - not be debated;
  - always be in order, except when a Member is speaking or the Members are voting;

- and
  - indicate a future date during which the matter will be further considered.
- 14.9 A Motion to amend shall:
- be open to debate;
  - not propose a direct negative to the main Motion;
  - be relevant to the main Motion; and
  - not be further amended more than once.
- 14.9.1 A Motion to amend an amendment to a Motion shall be voted on prior to voting on the original amendment.
- 14.9.2 Voting on the main Motion and amending Motions shall be conducted in the following order:
- a Motion to amend a Motion to amend the main Motion;
  - a Motion (as amended or not) to amend the main Motion; and
  - the main Motion (as amended or not).
- 14.10 A Motion to call the question (close debate) shall:
- not be debated;
  - apply to the Motion or amendment under debate at the time when the Motion to put the question is made;
  - not be received in any Committee;
  - be moved using the words “That the question now be called.”
- 14.10.1 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.
- 14.11 When the Motion under consideration contains separate and distinct recommendations, upon the request of any Member, the vote on each recommendation shall be taken separately. Such request is not debatable.
- 14.12 When Council amends a proposed zoning by-law amendment subsequent to the holding of a public meeting, as required by the *Planning Act*, R.S.O. 1990, c.P13, Council shall, prior to giving consideration to the amended zoning by-law, vote on the question of whether or not any further notice regarding the amendment is to be given to the public. Such motion is debatable.
- 14.13 The proposed zoning or re-zoning by-law as amended, as referred to in Section 14.12, shall not be introduced and enacted until the question of whether or not any further notice is to be given has been resolved.

## **PART 15 Voting Procedures**

- 15.1 A Motion shall be put to a vote by the Mayor or Chair immediately after all Members desiring to speak on the Motion have spoken in accordance with the rules of debate.

- 15.2 After a Motion is put to a vote by the Mayor or Chair, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Mayor or Chair.
- 15.3 Every Member present at a Council Meeting when a question is put shall vote ~~thereon on the motion~~, except where the Member is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chambers when the ~~question is put~~ vote takes place.
- 15.4 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 the Member declines or abstains from voting.
- 15.5 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.
- 15.6 The Mayor or Chair shall announce the result of every vote ~~and shall record the results of the vote on the Motion noting the number of Members voting in support of, and against, the Motion~~. Upon the taking of any vote, if all of the Members present ~~when the vote is taken~~ vote unanimously, the Mayor or Chair shall ~~record~~ announce the vote accordingly.
- 15.7 If a Member disagrees with the number of votes for and against a Motion as announced by the Mayor or Chair, that Member may object immediately to the declaration and, with the consent of the Members, the vote shall be re-taken.
- 15.8 When there is a tie vote on any Motion, it shall be deemed to have been decided in the negative.
- 15.9 A Member may call for a Recorded Vote at a Meeting of Council immediately prior to or immediately following the taking of the vote.
- 15.9.1 When a Recorded Vote is called by any Member, the Recorded Vote shall be taken by the Clerk in ward order, save and except the Mayor, who shall vote last. The Clerk shall announce the vote.
- 15.9.2 When a Recorded Vote is taken, the names of those who voted for and those who voted against the Motion shall be entered into the minutes of Council.
- 15.10 In a vote, the number of Members constituting the Council shall be determined by excluding the number of Members who are present at the Meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act* R.S.O. 1990, c.M50.

**PART 16 Reconsideration**

**16.1 Reconsideration in First Year**

- 16.1.1 Within one year after a matter has been decided by Council within that term of office, a Member who voted in the majority, may present a Notice of Motion to Reconsider that matter. Such Notice of Motion to Reconsider shall be referred to the next regularly scheduled Meeting of Council and shall be included on the Agenda under "Unfinished Business".
- 16.1.2 Actions of Council that cannot be reversed or suspended cannot be reconsidered.
- 16.1.3 Before accepting a Notice of Motion to Reconsider, the Mayor may ask the Member to confirm that ~~he~~they voted with the majority on the issue in question.
- 16.1.4 A Motion to Reconsider a decided matter shall require the approval of at least two-thirds majority vote of Council.
- 16.1.5 No decided matter may be reconsidered more than once during a period of twelve months nor shall a Motion to Reconsider be reconsidered.
- 16.1.6 During this time frame, a request for the reconsideration of a decided matter by a member of the public will be included in the Council Information Package.
- 16.1.7 No debate on a Motion to Reconsider shall be permitted; however, the mover of a Motion to Reconsider may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- 16.1.8 If a Motion to Reconsider is decided in the affirmative at a Meeting, then consideration of the original decided matter shall become the next order of business.

**16.2 Reconsideration After First Year**

After the initial one (1) year period, within the term of office, a Motion to Reconsider a decided matter shall require the approval of a simple majority of the Members of Council and if decided in the affirmative, then consideration of the original decided matter shall become the next order of business.

**PART 17 Enactment Of By-Laws**

- ~~17.1 Every by-law shall receive three (3) readings before being enacted by the Council. The first and second reading shall be a combined reading.~~
- ~~17.2 Unless otherwise provided by legislation, every by-law shall receive three (3) readings at the same Meeting.~~
- ~~17.3 A Motion to amend a by-law shall be introduced after the combined first and second reading.~~

17.41 Every by-law enacted by Council shall be signed by the Mayor and the Clerk, numbered, and sealed with the ~~seal of the Corporation~~ seal ~~and show the dates of the three (3) readings.~~

17.52 The Clerk may make such minor corrections to any by-law resulting from technical or typographical errors, which may be required for the purpose of ensuring correct and complete implementation of the actions of Council.

## **PART 18 Committee Of The Whole**

18.1 The Mayor shall chair all Meetings of the Committee of the Whole ~~and shall maintain order during the Meeting.~~

18.2 The rules governing the procedures of the Council and the conduct of its Members shall be observed in the Committee of the Whole with necessary modifications except that:

- the number of times a Member may speak on any question shall not be limited, however the Member shall be limited to a maximum of five (5) minutes per time; and
- no Recorded Votes shall be permitted.

18.3 The minutes of the Committee of the Whole Meeting shall be considered for adoption at a subsequent Meeting of Council.

## **PART 19 Council In Committee Meetings**

### **19.1 Procedures**

The rules governing the procedures of the Council and the conduct of its Members shall be observed in Council in Committee Meetings with necessary modifications except that:

- the number of times a Member may speak on any question shall not be limited, however the Member shall be limited to a maximum of five (5) minutes per time; and
- the order of agenda items being considered will be adjusted to accommodate attendees and presenters, as required; and
- no Recorded Votes shall be permitted.

### **19.2 Council in Committee Order of Business**

19.2.1 The Clerk shall prepare the agenda for all Meetings of the Council in Committee consisting of the following order of business:

- a) Call to Order
- b) Land Acknowledgement
- c) Roll Call
- d) Disclosures of Pecuniary Interest

- e) Public Meeting for Planning Applications
- f) Presentations and Consideration of Related Reports (11:~~00~~ a.m.)
- g) Motions of consent
- h) Departmental Staff Reports:
  - Community & Development Services
    - Other Business
  - Public Works Operations
    - Other Business
  - Engineering & Capital Works
    - Other Business
  - Financial & Data Services
    - Other Business
  - Corporate & Social Services
    - Other Business
  - Corporate Affairs
    - Other Business
- i) Delegations and Consideration of Related Reports (1:~~00~~ p.m.)
- j) Unfinished Business
- k) New Business
- l) Reports, Inquiries, Announcements and Concerns of Councillors
- m) Closed Session
- n) Motions Arising from Closed Session
- o) Motion of Receipt
- op) Adjournment

19.2.2 During declared emergencies, agenda item order can be adjusted to best ensure public access and participation.

19.2.3 The Mayor shall call the Council in Committee meeting to order and preside over items of business “a” through “d”, “f”, “g” and “i” through “~~ap~~” of the order of business as detailed in Section 19.2.1 of this by-law. The Chairs of the respective Business Divisions shall preside over items of business in “e” and “h” as detailed in Section 19.2.1 of this by-law.

### 19.3 **Delegations**

19.3.1 Delegation requests should only concern municipal matters that require a decision or support from Council. Delegation requests regarding operational or administrative matters will be directed to staff for resolution. Delegation requests related to reconsideration of a decided matter will be referred to Section 16.1.6 of this by-law.

19.3.2 Any person may make a request to speak at a Council in Committee Meeting, regarding a matter as outlined in Section 19.3.1 above, as follows:

- Public initiated business: by giving written notice to the Clerk by ~~twelve o'clock (12:00 p.m.)~~ noon, ~~at least~~ six (6) days prior to the desired Meeting date.
- County initiated business that is listed on the published Meeting agenda: by giving written notice to the Clerk by noon on the business day prior to the Meeting.

- In all cases, a written brief outlining the subject matter of the delegation's presentation shall be provided to the Clerk at the time of the request to appear which will be distributed to Council and form part of the public record of the proceedings.

19.3.3 Any presentation material ~~(including electronic)~~ to be used as part of the delegation, must be submitted to the Clerk by noon on the day prior to the Council in Committee meeting.

19.3.4 Delegations shall be permitted to speak not more than ten (10) minutes in total per person, per group, or per organization.

19.3.5 In the case of extenuating circumstances, the Committee may, by a majority vote, permit a person to appear as a delegation who does not appear on the agenda.

19.3.6 Committee may refuse to hear delegations when, in the opinion of Committee, the subject of the presentation is beyond the jurisdiction of the municipality.

19.3.7 Delegations concerning labour relations, union negotiations and employee relations will not be heard at Committee Meetings. All written submissions received by the Clerk concerning these matters shall be circulated to the Chief Administrative Officer.

19.3.8 Where a delegation has appeared and spoken to a matter, they are unable to register to speak to the same matter again unless there has been significant and material change to the matter which would result in a renewed decision being required from Council.

19.3.89 No person shall be permitted to appear as a delegation to address Council relating to any litigation matters with respect to the County.

19.3.10 No person shall be permitted to appear as a delegation to speak to a report from either the Integrity Commissioner or the Ombudsman.

#### 19.4 **Items for Information**

19.4.1 Every communication intended for presentation to Committee shall be legibly written or printed.

19.4.2 The deadline for receipt of any communication for inclusion on an Agenda shall be ~~twelve o'clock (12:00 p.m.)~~ noon, six (6) ~~working~~ days prior to the Regular Meeting of Committee. Such communication shall be submitted to the Clerk.

19.4.3 Communications containing obscene or defamatory language shall not be listed on the agenda nor be directed to Council Members.

#### 19.5 **Consent Agenda**

19.5.1 A consent agenda process allows several items on any Council in Committee agenda to be adopted by a single Motion of Consent in order to facilitate the transaction of business. These items will generally be restricted to the receipt of information and consideration of routine, non-monetary matters. Questions may be posed regarding any of the items listed on the consent agenda. Items may be removed from the consent agenda on the request of any Member to be voted on separately as part of the regular portion of the agenda under the heading "Departmental Staff Reports" for the respective Business Division of the Committee.

19.5.2 The minutes shall record each separate recommendation of the items contained in the consent agenda.

## 19.6 **Appointment of Chairs and Vice Chairs of Council in Committee**

19.6.1 The Business Divisions of the Council in Committee are:

- Public Meeting for Planning Applications
- Community & Development Services
- Public Works Operations
- Engineering & Capital Works
- Financial & Data Services
- Corporate & Social Services
- Corporate Affairs.

19.6.2 Within the first month of a new Council term, once declarations of office have been made, Members of Council shall appoint the Chair and the Vice-Chair of each Business Division, by resolution, to oversee the affairs of each respective section of the Council in Committee agenda for a one (1) year term.

19.6.3 Prior to the conclusion of each Chair's and each Vice-Chair's one (1) year term, the Mayor and Members of Council shall determine, by open vote, the Chair and Vice-Chair of each of the Council in Committee's Business Divisions for the succeeding one (1) year term.

19.6.4 The duties and responsibilities of each such Chair shall be to give input into their respective Business Division agenda and to preside over those portions of Council in Committee Meeting agendas dealing specifically with their respective areas of responsibility and to ensure the orderly conduct of business pursuant to this by-law.

## **PART 20 Special Purpose Committees**

20.1 A Special Purpose Committee may be established by Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of Council.

20.2 Subject to the provisions of any general or special legislation, Council, in establishing any Special Purpose Committee, shall set forth terms of reference and such other provisions as Council deems proper and appropriate.

**PART 21 Mayor – Ex-Officio**

- 21.1 The Mayor shall be an Ex-Officio Member of every Committee as defined in this by-law.
- 21.2 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.

**PART 22 Confirmation By-Law**

- 22.1 The proceedings of every Regular and Special Meeting of Council shall be confirmed by by-law so that every decision of the Council at that Meeting ~~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 separately ly enacted by-law ~~duly enacted~~.

**PART 23 Council/Staff Relationship**

- 23.1 Council and staff shall adhere to the Council/Staff Protocol and all relevant policies.

~~**PART 24 Number And Gender**~~

- ~~24.1 For the purposes of this by-law, unless the context otherwise requires, words imparting the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and vice versa.~~

**PART ~~25~~4 Enactment**

- ~~25~~4.1 This by-law shall come into force and take full effect on the date of passing.

**PART ~~26~~5 Repeal**

- ~~26~~5.1 By-law No. 2195/20, as amended, is repealed.

**PART ~~27~~6 Short Title**

- ~~27~~6.1 This by-law shall be known as the "Procedure By-law" for Haldimand County.

READ a first and second time this 16<sup>th</sup> day of October, 2023.

READ a third time and finally passed this 16<sup>th</sup> day of October, 2023.

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK