



Agenda for Special Council Meeting

Monday September 25, at 4:00 p.m.

Join Zoom Meeting **Video**

Invite Link <https://us02web.zoom.us/j/87648272426>

Phone Call Only

Dial [+1 647 558 0588](tel:+16475580588) then Enter Meeting ID: 876 4827 2426#

*Every effort is made to record meetings with the exception of the Closed Session matters.
Both the audio and video are posted on the Municipal Website
The written minutes are the official record of the meeting*

1. Call to Order and Roll Call 4:00 p.m.

National Anthem

Indigenous Land Acknowledgement Statement

The Municipality of Whitestone recognizes all of Canada resides on traditional, unceded and/or treaty lands of the Indigenous People of Turtle Island.

We recognize our Municipality on The Robinson Huron Treaty territory is home to many past, present and future Indigenous families.

This acknowledgment of the land is a declaration of our commitment and collective responsibility to reconcile the past, and to honour and value the culture, history and relationships we have with one another.

2. Disclosure of Pecuniary Interest

3. Approval of Agenda ®

Move into Committee of the Whole ®

4. Committee of the Whole

4.1 Review of proposed amendments and refinements to the Municipality of Whitestone Procedural By-law

- Memorandum from CAO/Clerk Hendry dated September 25, 2023

- Draft Procedural By-law with edits and refinements to date

Reconvene into Regular Meeting ®

Matters Arising from Committee of the Whole ®

5. **Confirming By-law ®**
6. **Adjournment ®**



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MEMORANDUM

To: Mayor and Council
From: Michelle Hendry, CAO/Clerk
Date: September 25, 2023
Re: Procedural By-law update
Follow up from August 8, 2023 Special Council Meeting

Background

Council reviewed and recommended a number of amendments to the Draft Procedural By-law at the August 8, 2023 Special Council meeting and requested Legal review of several clauses in the Draft By-law.

Analysis

A number of edits have been made as discussed on August 8, 2023.

A Legal review was requested for several items and this information is noted in the current Draft Procedural By-law included in the Agenda Package for September 25, 2023.

Staff requested input from members of Council to be submitted by September 15, 2023 (with a requested and agreed to extension to September 16, 2023). Any input / suggested edits received by that date have been noted in comments on the right-hand side of the Draft Procedural By-law included in the Agenda Package for September 25, 2023.



THE CORPORATION OF THE MUNICIPALITY
OF WHITESTONE

CORPORATE POLICY MANUAL

POLICY MANUAL SECTION: Council, Boards and By-laws	POLICY NUMBER: xxxx
POLICY NAME: Procedural By-law	
DATE APPROVED: xxx, 2023	AUTHORITY: By-law No. xx-2023
REVISION DATES: none	DEPARTMENT RESPONSIBLE: Administration

PURPOSE:

The purpose of this policy is to provide guidance to the order and dispatch of the business of the Council Meetings.

Advisory Committees of Council, Ad Hoc Committees (including a Task Force) and Local Boards may choose to use the protocols noted herein or establish their own policies for conducting meetings.

Commented [MH1]: George Comrie
Add 'and protocols'

SCOPE

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council wherever possible.

If a provision is not made herein, the procedure to be followed shall be that found in the most recent edition of Robert's Rules of Order.

Municipality of Whitestone
Procedural By-law No. xx-2023

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Schedules to this By-law (which may be amended from time to time as needed)

- Schedule A - Declarations of Conflict of Interest form
- Schedule B - Council Agenda Headings
- Schedule C - Presentation or delegation request

1. Definitions

In this By-law:

1.1 Ad-Hoc Committee (or Task Force)

"Ad-Hoc Committee" means a Committee to advise Council on a specific issue or project. An Ad-Hoc (or Task Force) Committee is governed by clear terms of reference, set out in a Resolution or By-law, which includes language indicating when the Committee will cease to exist.

Commented [MH2]: George Comrie
Replace 'issue' with 'task'
Remove 'which includes language indicating when the Committee will cease to exist'

1.2 Advisory Committee

"Advisory Committee" means a committee appointed by Council to act in an advisory capacity to Council for the purpose of providing recommendations on a specific subject matter. Committees have a clearly defined Terms of Reference which outlines the mandate and the parameters for committee activity.

1.3 Agenda

"Agenda" means the list of business to be conducted at a Meeting.

1.4 Chair

"Chair" means the person presiding at a Meeting.

1.5 Chief Administrative Officer

"Chief Administrative Officer" means the person appointed by the Municipality pursuant to Section 229 of the *Municipal Act* or their designate.

1.6 Clerk

"Clerk" means the Clerk or Deputy Clerk person appointed by the Municipality pursuant to Section 228 of the *Municipal Act* as amended or their designate.

Commented [MH3]: George Comrie
Remove 'Clerk or Deputy Clerk'

1.7 Consent Agenda

"Consent Agenda" means a list of items of a routine nature that do not require substantial discussion or debate at a Council Meeting. Items of the Consent Agenda are approved in a single Resolution.

Commented [MH4]: George Comrie
Remove 'are approved'
Add 'may be approved'

1.8 Council

"Council" means the elected Members of the Municipality of Whitestone Council.

1.9 Council Package

"Council Package" means a copy of the Agenda, Reports and all other information that Members require prior to a Meeting which may be provided electronically and / or hard copy.

Commented [MH5]: George Comrie
Replace require with 'receive'

1.10 Closed Meeting

"Closed Meeting" means a Meeting of Council, Ad Hoc Committee, Advisory Committee or Local Board that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislation, also referred to as an 'in-camera meeting'.

1.11 Deputy Mayor

"Deputy Mayor" means a Member of Council appointed, in accordance with the Municipality's protocols and policies, to act in the place of the Mayor when the Mayor is absent.

Commented [MH6]: Joe Lamb
Add; 'or has declared a pecuniary interest'

1.12 Electronic Means

"Electronic Means" means telephone, video or audio conferencing or other interactive methods whereby Members, Staff and the Public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, Staff and the Public.

1.13 Electronic Meeting

"Electronic Meeting" means a Meeting where any Member is not physically present but participates via Electronic Means of communication.

1.14 Emergency / Extraordinary Meeting

"Emergency / Extraordinary Meeting" means a Meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

1.15 Local Board

"Local Board" means a Local Board as defined in the Municipal Act, and will include the Public Library Board.

1.16 Mayor

"Mayor" means the Head of Council and includes the Deputy Mayor when acting in place of the Mayor.

Commented [MH7]: George Comrie
Remove 'and includes the Deputy Mayor when acting in place of the Mayor'
Add 'per Municipal Act, s.225'

1.17 Meeting

"Meeting" means a Meeting of Council, an Ad-Hoc Committee, an Advisory Committee or a Local Board where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making.

Commented [MH8]: George Comrie
Should be a different definition - TBD

1.18 Member

"Member" may mean a Member of Council, an Ad-Hoc Committee, an Advisory Committee or a Local Board.

1.19 Motion

"Motion" means a proposal moved by a member and seconded by another member, to adopt, amend or otherwise deal with a matter before Council an Ad-Hoc Committee, an Advisory Committee or a Local Board.

Commented [MH9]: George Comrie
Add 'if so moved'

1.20 Motion to Amend

"Motion to Amend" means a Motion to vary the main Motion before Council an Ad-Hoc Committee, an Advisory Committee or a Local Board.

1.21 Municipal Act

"Municipal Act" means the *Municipal Act*, 2001, S.O. c.25, as amended.

1.22 Municipality

"Municipality" means the Corporation of the Municipality of Whitestone.

1.23 Notice of Motion

"Notice of Motion" means an advance notice to Members regarding a matter on which Council will be asked to take a position.

1.24 Officers

"Officers" means a person, such as the Clerk, Treasurer, Chief Building Official, Fire Chief and Integrity Commissioner, who holds a position of responsibility ~~with~~ definite rights and duties prescribed by statute or by-law.

Commented [MH10]: George Comrie
Remove 'definite rights'
Add 'with defined powers'

1.25 Order of Business

"Order of Business" means the sequence of business to be introduced and considered at a Meeting.

1.26 Point of Privilege

"Point of Privilege" means a concern about the honour, dignity, character, rights, or professionalism of the Mayor, members of Council, members of Staff or the dignity of Council

1.27 Point of Procedure or Point of Order

"Point of Procedure/Order" means a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-law.

Commented [MH11]: George Comrie
Remove 'laid out in the Procedural By-law'
Add 'of order'

1.28 Presentation

"Presentation" means a person or group (including a Member, Staff or Public) who provides information to Council, an Ad-Hoc Committee, an Advisory Committee or a Local Board.

Commented [MH12]: George Comrie
Remove this definition

1.29 Quorum

"Quorum" means a majority of Members of Council an Ad-Hoc Committee, an Advisory Committee or a Local Board.

1.30 Recorded Vote

"Recorded Vote" means a vote in Council, an Ad-Hoc Committee, an Advisory Committee or a Local Board where the names of the Members and their position in favour or against a Motion are recorded in the minutes.

1.31 Regular Meeting

"Regular Meeting" means a scheduled ~~Meeting~~ held at regular intervals in accordance with Council approved schedule of Meetings.

Commented [MH13]: George Comrie
Add 'of Council'

1.32 Staff Reports

"Report" means a written or other Report from the Chief Administrative Officer, Clerk, Department Heads or Staff which is approved to be placed on the agenda by the Chief Administrative Officer/ Clerk.

1.33 Resolution

"Resolution" means a Motion that has been approved by Council, an Ad-Hoc

Committee, an Advisory Committee or a Local Board.

1.34 Special Meeting

"Special Meeting" means a Meeting that is called for a specific time and for a specific purpose to deal with matter(s) that have arisen between Regular Meetings

Commented [MH14]: George Comrie
Add 'or matters that may require a separate meeting.'

1.35 Unfinished Business

"Unfinished Business" means matters listed in the Agenda which have not been dealt with in their entirety at a previous Meeting or items assigned to Staff by Council Resolution.

1.36 Urgent

"Urgent" means, for the purposes of calling an Emergency/Extraordinary meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

Commented [MH15]: George Comrie
Remove 'or cause'

- a) Danger to life, health or safety of individuals;
- b) Damage to property;
- c) An interruption of the essential services provided by the Municipality;
- d) Immediate and significant loss of revenue by the Municipality;
- e) Legal Issue; and/or
- f) Prejudice to the Municipality.

Commented [MH16]: George Comrie
Replace 'Legal Issue' with 'Litigation matter'

2. Roles and Responsibilities

2.1 Head of Council

refer to Municipal Act, s.225

2.2 Chair

It is the role of the Chair to:

- a) Open Meetings by calling the Meeting to order;
- b) Address the business listed on the Agenda;
- c) Receive and have read to Council all Motions;
- d) Put to a vote all Motions which are moved and seconded, and announce the result of the vote;
- e) Decline to put Motions to a vote which breach the Procedural By-law or other Legislation;
- f) Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- g) When, in the Chair's opinion, ~~and supported by the majority of Council~~, the words or conduct of any person, including a Member, is in contravention of the Procedural By-law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- h) Provide information to Members on any matter relating to the business of the Municipality;
- i) Authenticate by signature all By-laws, Resolutions and Minutes;
- j) Rule on any points procedure/order and privilege raised by Members;
- k) Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council

Commented [MH17]:
LEGAL REVIEW of the text 'and supported by the majority of Council'

Per s. 241(2) of the Municipal Act, 2001 expressly provides that the "head of council or other presiding officer may expel any person for improper conduct at a Council meeting".

CLERKS RECOMMENDATION:
Remove 'and supported by the majority of Council' based on legal interpretation'. Points of Order/Privilege could be dealt with as per current By-law

Commented [MH18]: Joe Lamb
Leave in 'and supported by the majority of Council'

Current By-law Section 19, Points of Order and Privilege, 19.5 'Council, if appealed to, shall decide the question without debate and its decision shall be final'.

- without any Motion being put forward; and
l) Call for the adjournment of the Meeting when business is concluded.

2.3 **Substitution Head of Council**
Refer to Municipal Act, s.226

2.4 **Council**
Refer to Municipal Act, s.224

2.5 **Clerk**
Refer to Municipal Act, s.228(1)

2.6 **Staff**
Refer to Municipal Act, s.227

2.7 **Chief Administrative Officer**
Refer to Municipal Act, s.229

2.8 **Member of the Public**
Members of the Public:

- a) May attend Meetings or parts of meetings which are open to the public;
- b) Shall follow the rules of order, polite conduct and decorum;
- c) May provide input and information to Council only at Meetings, or portions of Meetings specifically designed for public engagement and in a manner dictated by Council (e.g. in writing, in person, electronic, etc.).

Commented [MH19]: George Comrie
Replace 'dictated' with 'prescribed'

3. General Meeting Rules

3.1 Rules – to be observed at all times

The rules contained in this By-law will be observed in all Meetings of Council and with appropriate modification as determined to be necessary at Advisory Committee meetings, Local Boards and Ad Hoc Committee / Task Force meetings.

3.2 Suspending Procedural By-law

- a. No provision of this the Procedural By-law shall be suspended except by a majority vote of Council for each incidence of suspension of the rules.
- b. The suspension shall apply only to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- c. The following procedure(s) or rule(s) cannot be suspended:
 - i. No other business in Special Council meetings;
 - ii. Majority of members for quorum; and
 - iii. Rules or regulations set out by legislation

3.3 Mayor

The Mayor acts as the Chair for all Council Meetings. The Mayor may delegate their authority to Chair any meeting.

3.4 Absence of Mayor

In the absence of the Mayor or if they refuse to act or if the office is vacant the Deputy Mayor will Chair a meeting of Council.

Commented [MH20]: Joe Lamb
Add 'or if they have declared a pecuniary interest'

3.5 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to Chair a meeting, Council will appoint an Acting Mayor. The Clerk will call the Meeting to order.

Commented [MH21]: George Comrie
Replace definition as follows:
If both the Mayor and the Deputy Mayor are unable to Chair a meeting, the Clerk will call the Meeting to order and Council will appoint an Acting Chair.

3.6 Meeting Location

Unless otherwise authorized by Council, all in person Meetings of Council will be held in the Dunchurch Community Centre located at 2199 Hwy 124, Dunchurch, ON. or in the case of an emergency, an alternate location may be approved by the Mayor.

3.7 Clerk

A Clerk or designate must be present at all Council Meetings or other Meetings where there is a quorum of Council.

3.8 Quorum

Quorum must be present at all Council Meetings.

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting.

Minutes for the adjourned meeting will record the names of the Members present at the fifteen (15) minutes time limit and where practical, these minutes will be included on the Agenda for the next Meeting or the next meeting thereafter.

If at any time during a Meeting there is not Quorum, the Meeting will be recessed by the Chair until there is Quorum again or until the Chair adjourns the Meeting.

Quorum is required for every meeting and will be a majority of the members, except when a majority of Members have disclosed a conflict of interest to a matter in accordance with the *Municipal Conflict of Interest Act* wherein the remaining number of Members present will be deemed to constitute Quorum, provided that such number is not less than two (2).

3.9 Minutes

The Clerk shall record, without note or comment, all resolutions, decisions and other proceedings of Council. The Clerk at their discretion may provide brief clarifications which do not offer opinion or editorial, where, in the opinion of the Clerk a clarification would be helpful for the purpose of meeting minutes and the public record.

The Clerk will make reasonable effort to ensure the minutes of any meetings are available three (3) business days after each meeting. Minutes will be posted on the municipal website.

Commented [MH22]: George Comrie
Add 'draft'

3.10 Audio / Video Conferencing

Where a meeting has been advertised in the Meeting Agenda (posted on the website), the Municipality will make reasonable effort to provide for the audio and / or video recording of Meetings, except those meetings or part of meetings identified as a closed meetings pursuant to the *Municipal Act*, whether such sessions are in the Dunchurch Community Centre or another location, at whatever level and type of recording is available.

If Audio / Video equipment is not functioning or becomes non-functional, the meeting shall be paused for fifteen (15) minutes to attempt to trouble shoot the matter. If the matter cannot be resolved, ~~Council by majority vote, may choose to proceed with the meeting or alternately cancel and reschedule the meeting~~ the meeting will be cancelled and rescheduled.

Where Council has made or provided for the audio and / or video recording of Meetings, the Clerk will make such audio and / or video recording available to the public as a link on the municipal website as soon as practical.

The official record of the proceedings of Council are the text-based minutes as approved by Council.

Notice will be posted on the Meeting Agenda and signage will be posted in the Dunchurch Community Centre advising deputations, presenters and the Public that the Meeting proceedings are being audio and/ or video recorded and will be made available on the municipal website. The Municipality assumes no liability for the recorded comments of the public, which may be construed, as false, defamatory or slanderous in nature.

3.11 Arriving Late/Leaving Early

If a Member arrives after a Meeting has started or leaves before the end of the Meeting, the Clerk will record in the minutes the time of arrival / departure. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of the Meeting that the Member needs to leave before the end of the Meeting.

3.12 Staff Attendance

Staff have a statutory duty to provide advice to Council. Staff and Officers will attend Meetings of Council when requested to do so by the Mayor or Chief Administrative Officer.

3.13 Declarations of Conflicts of Interest

Where a Member has a Conflict of interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will:

- a) Provide a written statement of the interest and its general nature to the Clerk in accordance with **Schedule "A"** as may be amended from time to time;
- b) Leave the Council Meeting at their own discretion while the issue is

Commented [MH23]:

LEGAL REVIEW of the text 'If the matter cannot be resolved, Council by majority vote, may choose to proceed with the meeting or alternately cancel and reschedule the meeting.'

The Ontario Ombudsman would not agree that this is appropriate. The Ombudsman held in the Township of McKellar that the council had contravened the open meeting rule when audio and connectivity issues impeded the public from observing portions of the meeting.

CLERKS RECOMMENDATION:

Remove 'Council by majority vote, may choose to proceed with the meeting or alternately cancel and reschedule the meeting.'

Replace with: 'the meeting will be cancelled and rescheduled'

Commented [MH24]:

Commented [MH25R24]: Joe Lamb
Leave in

Commented [MH26]: George Comrie

At the beginning of the definition add the following:

'Members are expected, at all times, to comply with their statutory obligations pursuant to the Municipal Conflict of Interest Act.'

- considered; and
- c) Take no steps to influence the decision in any way, either prior to, during or after the Meeting, even if the Member did not attend the Meeting where the matter was discussed.

3.14 Rules of Debate

The Chair will preside over the Meeting, ensure good order and decorum, and rule on procedural questions.

All Agenda items to be discussed are to proceed by Motion unless indicated otherwise on the Agenda.

Each Motion requires a moving Member and a seconding Member. If no Member agrees to move or second the Motion the matter will not be subject to debate.

The Chair will read the Motion or question.

The mover has the first right of speaking on that Motion.

The seconder has the next right of speaking on the Motion after the mover has spoken.

After the mover and seconder have spoken, the Chair will canvas each remaining Member for their opinion on the Motion. Members may speak to a matter once they have been acknowledged by the Chair.

A Member will not speak a second time on a matter until all Members have been provided with an opportunity to speak, except:

- a) With permission of the Chair;
- b) If questioned by another Member;
- c) To explain comments which the Member believes have been misunderstood; or
- d) In the case of the mover of a Motion, in reply just before the Chair and after everyone else has spoken.

No Member, without permission of the Chair will speak to a matter or in reply, for longer than five (5) minutes.

A Motion must be presented and captured in writing and moved and seconded before the Chair can put the question to a vote or before a motion can be properly recorded in the minutes.

A Motion may be withdrawn at any time prior to the vote thereon with the consent of the majority of the Members present.

When a matter is being debated, no other Motion will be entertained other than a Motion:

- a) To refer the matter to a certain body;
- b) To amend the Motion;

- c) To defer the Motion;
- d) To adjourn the Meeting;
- e) That the vote be taken.

A Motion to refer or defer will be heard before any Motion or amendment, except a Motion to adjourn.

A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable.

A Motion that the vote be taken will not be entertained by the Chair until each of the Members has had an opportunity to speak on the matter at least once.

Once a Motion that the vote be taken is passed, the original Motion and any amendments will be voted upon without further debate.

3.15 Conduct and Decorum

Members are required to follow the Municipality's Code of Conduct.

No Member will:

- a) Speak disrespectfully;
- b) Engage in private conversation during the Council Meeting in such a manner as to interrupt the proceedings of Council;
- c) Speak on any subject other than the subject in debate;
- d) Speak in open Council about matters discussed in a Closed Meeting unless authorized by Council;
- e) Interrupt a Member who is speaking by speaking out, or making a noise or disturbance, except to raise a procedural question; and
- f) Disobey the procedural rules or the decisions of the Chair or of the Council or Committee.

At a Meeting, no person will:

- a) Speak disrespectfully;
- b) Use offensive words;
- c) Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- d) Make any disruptive noise or disturbance; and
- e) Display signs or placards, applaud, engage in conversation or any other behaviour, which may disrupt debate.

Members of the Public attending a Council and/or Committee meeting will respect the decorum of Council or Committee and refrain from public outburst; shouting or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council and/or Committee. The Chair may request that a member or members of the Public vacate the Municipal building if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting, until order is restored.

Electronic devices must be silenced (including but not limited to cell phones, iPads, personal computers etc.) during a Meeting and must not be used to disrupt a Meeting.

Commented [MH27]: George Comrie
Remove 'and/or Committee' throughout the definition

Commented [MH28]:
LEGAL REVIEW
The word "may" is not inappropriate. It provides that the Chair may make a request. However, as noted, s. 241(2) provides that the Mayor has the authority to expel - he does not have to ask.

CLERKS RECOMMENDATION:
Remove 'may' and replace with 'has the authority to'

Commented [MH29]: George Comrie
Add 'or cancel the meeting'

Commented [MH30]: George Comrie
Add '(per Section 241(2) of the Act)
Add 'or cancel the meeting' at the end of the sentence

No persons, except Members, the Clerk or the Secretary of a Committee, may approach Members without permission from the Chair.

No person will speak aloud at a Meeting or address Members without first receiving permission from the Chair.

All remarks are to be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate. Members of the Public may not be recognized unless:

- a) Consent is given by a majority of Council; and/or
- b) The Member(s) of the Public are recognized during the 'Questions from the Public' portion of the meeting. ~~and are speaking to an item on the Agenda.~~

Commented [MH31]: Mayor Comrie

Remove:

Members of the Public may not be recognized unless:
a) Consent is given by a majority of Council; or
b) The Member(s) of the Public are recognized during the 'Questions from the Public' portion of the meeting.

Where a person (including a Member) has been warned about misconduct and has continued the conduct, the Chair may expel the person from the Meeting ~~unless overruled by the majority of Council.~~ If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the Meeting room.

Commented [MH32]: LEGAL REVIEW

See response in 6.1.15 Question Period

CLERKS RECOMMENDATION:

Remove 'and are speaking to an item on the Agenda.'

3.16 Questions during Debate

A Member may, through the Chair, ask a question arising out of a request or an explanation of the previous speaker's remarks.

A Member may, through the Chair, ask questions during the discussion on any item on the Agenda and ask questions on the item to any Staff or Consultant of the Municipality in attendance at the Meeting.

Any Member may, at any time during the debate, request that a Motion under discussion be read by the Chair. A Member may only make such a request once and may not interrupt another Member while they are speaking.

Commented [MH33]: LEGAL REVIEW of the text 'unless overruled by the majority of Council'

The question is answered by s. 241(2) of the Municipal Act, 2001 - the mayor has the unilateral power to expel and does not need a vote from council to do so. This applies to meetings of council - not other bodies.

CLERKS RECOMMENDATION:

Remove unless overruled by the majority of Council based on legal review

3.17 Points of Procedure (Order)

A Member may raise a Point of Procedure/Order with the Chair and once recognized by the Chair, a Member will explain the violation of the rules and the Chair will rule upon the Point of Procedure/Order.

A Point of Procedure/Order can only be raised during the Meeting.

Once the Point of Procedure/Order has been dealt with, the debate will resume.

Any Member may appeal a ruling of the Chair by announcing their appeal to the Members. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling will be final.

Upon appeal, the Member will state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected.

Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, will vote on the appeal.

Commented [MH34]: George Comrie

Add 'at any time'

Commented [MH35]: George Comrie

Remove:

'Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, will vote on the appeal.'

If the appeal is upheld by the majority of voting Members, the Chair will change their ruling accordingly; if the appeal is rejected then the ruling stands.

3.18 Point of Privilege

A Member may raise a Point of Privilege with the Chair at any time if they consider that their integrity, the integrity of Council or a member of staff has been impugned. Once recognized by the Chair, the Member will explain the violation, whereupon the Chair shall:

- a) Interrupt the matter under consideration;
- b) Ask the member raising the point of privilege to state the substance of and the basis for the Point of Privilege; and
- c) Rule on the Point of Privilege immediately without debate by Council or committee.

A Member may appeal the ruling of the Chair to Council.

If there is no appeal, the decision of the Chair shall be final. The Council if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.

Where the Chair considers that the integrity of any Municipal employee has been impugned or questioned, the Chair may permit staff to make a statement to Council.

3.19 Voting

General

Once the vote is called by the Chair, no Member will speak to any issue, ask any question or present any other Motion until the vote has been taken.

Voting will be by way of a "show of hands" in favour or against except when a Recorded Vote is requested. In the case where a Member is participating electronically, in the meeting per section 4.8, and no recorded vote has been requested, the Member will state their name and indicate orally to the Chair, their position on the matter.

If a Member present at a Meeting fails to, abstains or refuses to vote, their vote will be counted as a vote against the Motion.

When the question under consideration contains multiple options / issues, the Motion may be split.

If there is a tie vote, the Motion will be defeated.

If during a non-recorded vote, a Member disagrees with the Chair's results of the vote, the Member may object immediately to the Chair's declaration and request a Recorded Vote be taken.

Recorded Votes

All votes related to Land Use Planning Matters shall be recorded votes.

Commented [MH36]: Joe lamb
I thought that this had to be a recorded voted.

Answer. It does not need to be a recorded vote (the current procedure By-law requires a recorded vote but it is not legally required).

A Member may request a Recorded Vote on any Motion. Such request may be made before, during or after the vote.

When a Recorded Vote is requested, the Clerk will call each Member's name in alphabetical order commencing with the Member of Council whose name is alphabetically, directly after the Council Members' name which was called first during the last recorded vote, and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair will vote last in a Recorded Vote.

After completion of a Recorded Vote, the Clerk will announce the result.

3.20 Corrections

A Motion or Resolution containing a minor grammatical or typographic error may be corrected by the Chair or the Clerk where the correction does not change the spirit and intent of the motion or resolution.

3.21 Amendments

- a) A "Motion Amendment" is a change to the question asked in the Motion;
- b) An "Amendment to an amendment" is a change to the proposed Motion Amendment;

The following rules will apply to amendments to Motions:

- a) Only one amendment (whether a Motion Amendment or an amendment to an amendment) can be presented at a time;
- b) The order of voting will be:
 - i. An amendment to an amendment will be voted upon;
 - ii. A Motion Amendment will be voted upon next; and
 - iii. The Motion, as amended, will finally be voted upon.

An amendment which substantially changes the Motion will not be permitted.

3.22 Voting – Reconsideration

When a Motion has been decided, any Member, who voted with the majority, may move for the Motion to be reconsidered.

The reconsidering of the Motion will be called the "Motion to Reconsider". Members who were not in the majority of the original vote, cannot move for a Motion to Reconsider.

Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to a future Agenda. The Motion to Reconsider will only be added to the Agenda upon Council's approval.

The process whereby a Motion to Reconsider is added to a future Agenda is set out below:

- a) A Member who voted in the majority will move for the Motion to Reconsider to be added to the Agenda;
- b) The Chair will ask the Member to affirm that they voted with the majority;
- c) The Chair will hold a vote whereby the Members will vote on

- whether to allow the Motion to Reconsider to be added to a future Agenda;
- d) A majority of members must agree to add the Motion to Reconsider to the Agenda
 - e) Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
 - f) No Motion will be reconsidered more than twice in the same calendar year.
 - g) A Motion to Reconsider of any decided matter will not operate to stop or delay an action on the decided matter.
 - h) Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
 - i) No Committee of Council or Local Board will reconsider any question decided by Council during the current term nor consider any other matter, which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.

3.23 Voting on By-laws

Every proposed By-law will be introduced with a motion.

Unless otherwise requested, all By-laws proposed for adoption will be passed in one motion.

Every By-law read before Council will be recorded by the Clerk and upon adoption and as soon as practical will be signed by the Chair and the Clerk and the Corporate Seal will be added as soon as possible thereafter.

A By-law will be passed only at a Regular Council Meeting (or a reconvened Regular Meeting that had been properly adjourned to a specific time) or a Special Meeting that, when called, cites the consideration and passing of the By-law as one of its purposes.

Land Use Planning matters

All By-laws related to Land Use Planning matters shall be approved by a recorded vote.

Confirmatory By-law

Council shall enact a By-law to confirm all actions taken by Council at each meeting.

4. Meetings

4.1 First Meeting of Newly Elected Council

The First Meeting of the newly elected or acclaimed Council after a regular election will be held on a date and time as determined by the Mayor elect and the Clerk.

At the First Meeting, the Clerk will administer the declarations of office and oaths of allegiance.

No business will be conducted at the First Meeting until the declarations of office and oaths of allegiance have been administered to Members.

4.2 Regular Meetings

4.2.1 Time and Place

Regular Council Meetings will be held at the Dunchurch Community Centre and/or via videoconferencing unless approved otherwise by Council majority.

4.2.2 Election Year

Following a regular election, Council will meet only as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

4.3 Special Meetings

4.3.1 A Special Meeting is a Meeting that is called for a specific time and for a specific purpose to deal with matters that must be dealt with before the next Regular Meeting.

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

The Clerk will make a reasonable effort to advertise the Special Meeting to the public.

4.3.2 Calling of Meetings

The Head of Council may, at any time, call a Special Meeting by requesting the Clerk to provide a Notice of the Meeting to Members twenty-four (24) hours before the Meeting.

Upon receipt of a petition from the majority of Council, the Clerk will call a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Special Meeting.

4.3.3 Special Meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*.

4.4 Public Meetings

4.4.1 Public meetings will be held on a matter where directed by Council, Municipal By-law or statute. Statutory Public Meetings will be undertaken in accordance with the governing statute or as otherwise directed by law.

4.4.2 The purpose of a Public Meeting is to hear input from the Public on a particular matter. Accordingly, Members will not enter into debate or discussion of the matter during the Public Meeting however, Members may ask questions for clarification of matters.

4.4.3 Each person speaking at a Public Meeting will be asked to provide their name prior to providing comments and will also be invited to provide their name, and address or email address in writing to the Clerk in order that future notice of the matter may be provided.

4.4.4 Where the Public Meeting is held as part of a Council Meeting, the minutes of the Council Meeting will include the minutes of the Public Meeting.

4.5 Emergency / Extraordinary Meetings

4.5.1 An Emergency / Extraordinary Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an urgent matter.

4.5.2 The Clerk will make reasonable effort to notify all Members and the appropriate staff about the Emergency / Extraordinary Meeting in the most expedient manner available and as soon as possible. The Clerk will make a reasonable effort to advertise the Emergency Meeting to the public.

4.5.3 Only business dealing directly with the urgent matter will be dealt with at the Emergency Meeting.

4.5.4 Quorum is required at an Emergency Meeting.

4.5.5 These provisions will apply, with necessary modifications, to committees and local boards.

4.6 Closed Meetings

4.6.1 A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

4.6.2 No Member, Officer or employee will disclose the subject matter, share material or documents or any and all deliberations of a Closed Meeting, unless expressly authorized to do so by a majority of Council or the committee or local board.

4.6.3 Prior to moving to the Closed Meeting for one or more of the reasons, the Council, Local Board or Committee will pass a Resolution in open session stating:

- a) the fact that Council, Local Board or Committee is convening into a Closed Meeting;
- b) the fact of the holding of the Closed Meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- c) if closed under s.239 (3.1), the Resolution must also note that it is closed under that subsection and the conditions that are to be satisfied per this section of the Act.

4.6.4 Permitted Closed Meetings

A Meeting may be closed where the matter to be discussed is, as contemplated in Section 239(2) of the *Municipal Act*, as follows:

- a) The security of the property of the Municipality or Local Board;
- b) Personal matters about an identifiable individual, including

- c) municipal or Local Board employees;
- d) A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- e) Labour relations or employee negotiations;
- f) Litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
- g) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- h) A matter in respect of which a council, board, committee or other body may hold a Closed Meeting under another *Act*;
- i) Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a province or territory or a Crown agency or any of them;
- j) 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;
- k) 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
- l) 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.

4.6.5 Educational or training sessions

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

- a) The meeting is held for the purpose of educating or training the members.
- b) 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.

4.6.6 Mandatory Closed Meetings

A Meeting must be closed if the subject matter being considered is, as detailed in Section 239(3) of the *Municipal Act*, as follows:

- 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*;
- b) An ongoing investigation respecting a 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*, or the Investigator referred to in Subsection 239.2(1) of the *Municipal Act*.

A Meeting must be closed if the subject matter being considered is a harassment, complaint or investigation, pursuant to the *Occupational Health and Safety Act*.

4.7 Cancelled Meetings

4.7.1 A Meeting may be cancelled by the Head of Council, in consultation with the Clerk, in the following instances:

- a) Quorum cannot be achieved;
- b) By Council Resolution;
- c) In the event of an unforeseen, significant event; or
- d) The Meeting is no longer required.

4.7.2 For the purposes of Section 4.7.1c) an unforeseen, significant event includes, but is not limited to, the following:

- a) Safety concern for participants in the Meeting, including Members and the Public (e.g. snow storm, closing of highways);
- b) Loss of heat/electricity or water;
- c) Clerk/deputy clerk's inability to attend;
- d) A state of emergency;
- e) The inability of a required participant to attend; and/or
- f) The Meeting becomes redundant.

4.7.3 The Clerk will make reasonable effort to notify all Members and the appropriate staff about the cancelled Meeting in the most expedient manner available and as soon as possible. The Clerk will make a reasonable effort to advertise to the public that the Meeting has been cancelled.

4.8 Electronic Meetings

4.8.1 Participation in Electronic Meetings

Notwithstanding any other provision of this By-Law, one or more members of Council or of a local board or committee may participate remotely in any regular or special meeting, that is either open or closed to the public, by electronic means where the facilities necessary for them to do so are operational.

4.8.2 Voting in Electronic Meetings. Refer to section 3.19.

4.8.3 Members may participate in meetings by Electronic Means subject to the following:

- a) Notification of intent to participate in a meeting by Electronic Means will be given to the Clerk in writing as soon as practical;
- b) A maximum of three (3) Members may participate in the same meeting by Electronic Means.
- c) ~~Members may not participate by Electronic means in more than three (3) consecutive meetings without the approval of the majority of Council.~~
- d) If an Electronic only meeting is specifically scheduled (Video Conferencing or telephone only) and is advertised in the

Commented [MH37]:

LEGAL REVIEW of the text 'Members may not participate by Electronic means in more than three (3) consecutive meetings without the approval of the majority of Council'

The question is: would or could there be consequences

The simple answer is not really- There is no penalizing authority for non-compliance with the procedure by-law

CLERKS RECOMMENDATION:
Remove 4.5.3 c)

Commented [MH38]: Joe Lamb

Does this allow us to come up with 'consequences'?

Notice of Meeting and/or is noted as such in the Council approved Schedule of meetings or is an Emergency / Extraordinary, meeting, items a) and b) above do not apply.

- 4.8.4 A Member participating in a meeting by Electronic Means will be considered to be present at such Meeting and will be counted towards quorum.
- 4.8.5 The Chair must be present in person at an Open Session Council Meeting unless the meeting is an Electronic only meeting.
- 4.8.6 The following practices will be followed when a Member(s) participate in a meeting by Electronic Means:
- a) Each Member participating in a meeting by Electronic Means will be available at least five (5) minutes before the beginning of the meeting to assist Staff in establishing the electronic audio / video connection.
 - b) Each Member participating by Electronic Means will attempt to mute their electronic device when they are not speaking.
 - c) The Chair will attempt to canvass Members participating by Electronic Means about their intention to speak to a matter on the floor and will notify each Member when it is their turn to speak.
 - d) Each Member participating by Electronic Means will inform the Chair of their intentions to leave the meeting either on a temporary or permanent basis.
 - e) A Member(s) participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
 - f) In the case of a loss of connection, or any connection issues which impedes the ability of a member to participate in the meeting in real time, the meeting may halt for up to ten (10) minutes to allow the member to re-join the meeting, at which time the meeting will continue; or alternatively, if the member is not able to re-join the meeting after ten (10) minutes have elapsed, the meeting will continue without the disconnected participant so long as quorum exists.

4.8.7 Protocol for Electronic Meetings Closed to the Public

Members and participants by Electronic Means in meetings that are closed to the public will ensure that they are situated in a location such that others not permitted to participate in the closed session meeting are unable to hear or see any and all proceedings of the closed session meeting.

There will be no limit to the number of Members participating by Electronic Means in a Closed Session meeting or an Emergency or Special Meeting that is called specifically to be an electronic meeting.

5. Notice of Meetings

5.1 Annual Schedule of Meetings

- 5.1.1 The Clerk will, no later than November 30th of each calendar year, submit a schedule of the upcoming Regular Meetings for the next Calendar year for consideration and adoption by Council.
- 5.1.2 The Clerk will post on the municipal website the above referenced Council approved meeting schedule. This posting will constitute notice to the Public of the Meetings.
- 5.1.3 The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts, holidays and other considerations. The amendments will be posted on the municipal website as soon as practical after the amendments are made and the amended schedule will be considered to constitute the notice of Public meetings noted therein.
- 5.1.4 Where a statute or the Notice By-law requires notice to be published in accordance with the statute/By-law, the notice will also be posted on the municipal website.
- 5.1.5 Nothing in this Procedural By-law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
- 5.1.6 Lack of receipt of notice or failure to comply with the notice provisions of this Procedure By-law will not invalidate the Meeting or any decisions of Council or the Committee made at the Meeting.

6. Agenda

6.1 Agenda

- 6.1.1 It is the duty of the Clerk to prepare the Agenda for all Meetings, in consultation with the Mayor and Deputy Mayor. Where there is a dispute about including or excluding an item from the Agenda, the Mayor's decision will be final.

Staff note: If there is a difference of opinion between the Mayor and Deputy Mayor, it should not be the CAO/Clerks role (and may be unfair to ask) to mediate a final decision on a dispute? My suggestion would be that the question would come before Council as a whole

- 6.1.2 All Council Agendas will be prepared by the Clerk in writing and Regular Council meetings (with the exception of Regular Closed Session Council meetings) will generally be in accordance with the Schedule "B". Other meeting Agenda's will be adapted by the Clerk as determined to be appropriate for the intended meeting.
- 6.1.3 The Council Meeting will consider the items to be dealt with in

Commented [MH39]:

LEGAL REVIEW:

Is there any reason both Mayor and Deputy Mayor shouldn't have input?

It can be structured to provide that both Mayor and Deputy Mayor.

CLERKS RECOMMENDATION:

Leave as written.

Commented [MH40]:

LEGAL REVIEW

I agree with the comment. If it is decided that both the Mayor and Deputy Mayor must decide and they do not agree, it might be expeditious to allow the Clerk to make an administrative determination but it is -- as you have noted -- fraught with peril for the Clerk. On the other hand, requiring that the question go before Council is cumbersome and could possibly result in some matters not be settled for the meeting. My view is that the current wording of Section 6.1.1 is the correct approach and not have a "tie-breaking" rule where it has to go back to another person or to Council.

Commented [MH41]: Joe Lamb

Allow for Council as a whole to make the final decision if there is a difference of opinion between the Mayor and Deputy Mayor that cannot be resolved

accordance with the order that is set out in the Agenda unless otherwise approved by a majority vote of Council.

- 6.1.4 Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting agenda under "Business Matters from Previous Meeting" unless sent to a subsequent Meeting by Resolution, by a majority vote of Council.
- 6.1.5 If a Member wishes to add an item that is not otherwise on the Agenda, when Council is considering approval of the Meeting Agenda, the Member will advise Council of the item and a majority by vote of Council will be required to have the item considered.
- 6.1.6 All items to be included on the Agenda will be provided to the Clerk by Members, Staff or the Public (correspondence) by 1:00 p.m. nine (9) business days, preceding the regularly scheduled Council meeting at which the item is intended for discussion.
- 6.1.7 Reports to Council will be in the standard format set out by the Chief Administrative Officer as may be amended from time to time.
- 6.1.8 Members wishing to have a matter placed on the Agenda will provide the Clerk with written notice or notice by email, with sufficient details including documents which are intended to be included in the agenda package.
- 6.1.9 Members who wish to have a Notice of Motion placed on the Agenda will provide the Clerk with written notice or notice by email, with sufficient details including documents which are intended to be included in the agenda package, as well as details of an intended motion (if any).
- 6.1.10 **Delegations**

Individuals or Bodies wishing to have a matter placed on the Agenda, as a presentation or delegation, will provide the Clerk with a completed form as shown in Schedule "C" no later than ten (10) business days, preceding the regularly scheduled Council meeting at which the presentation or delegation is intended to be received.

Deputations will be limited to ten (10) minutes in length per speaker (if there are two speakers on the same matter, five minutes each) and to avoid repetition, any deputation on behalf of an organization, including any corporation, association or on behalf of any group, will be made by no more than two (2) representatives. Notwithstanding this, Council may extend the time of the deputation upon a majority vote of Council in the affirmative.

For any given Regular Council Meeting, a maximum of two (2) ten (10) minute deputations may be scheduled.

Upon completion of the presentation and comments to Council by a deputation, any discourse between Members of Council and the deputation will be limited to Members asking questions for clarification

and obtaining additional, relevant information only. Members will not enter into debate with the deputant(s).

Notice to Deputants and to the Public:

Deputants and the Public are advised that Council and Committee Meetings are open to the Public and that there is no legal protection or other privilege in relation to any statements that are made in this forum. This means that anything said would be subject to the normal laws of defamation.

Any person who reads from a prepared statement during a deputation to Council will provide a copy of said document to the Clerk at the conclusion of the deputation for the Municipality's records.

Any requests and/or enquiries before Council for consideration may be referred, at the discretion of Council, to a Committee of Council and/or staff for response thereto.

6.1.11 Petitions

Petitions will be signed by the subscribers and presented to Council by an appointed representative who has knowledge of the information stated therein.

6.1.12 The Mayor, Deputy Mayor and/or Clerk may decline to add items and / or Reports to an Agenda. Reasons to decline include, but are limited to the following:

- a) More time is required to prepare the Staff Reports for Council;
- b) The Meeting Agenda is already too lengthy;
- c) The Delegation Request Form was incomplete or not submitted by the appropriate deadline;
- d) The subject matter of the Delegation is outside the jurisdiction of Council;
- e) The subject matter is with respect to a matter that should be discussed in Closed Meeting;
- f) The subject matter is set to be discussed on another Agenda;
- g) The issue is frivolous or vexatious;
- h) The issue has been or is to be considered by the Committee of Adjustment;
- i) Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue and / or no new information is being presented;
- j) Council previously indicated that it will not hear further from this Delegation; or
- k) The issue should be referred to the appropriate department for action.

6.1.13 Correspondence

All correspondence requiring the direction of Council or Committee will:

- a) be legibly written or printed;
- b) include contact information for at least one person; and
- c) be filed with the Clerk for inclusion of a Meeting Agenda.

Personal information (e-mail address, civic address, phone number) will be redacted from the public record and only the name as shown on the correspondence will be included in the Public Record.

Correspondence may be withheld from an Agenda if it is considered to be inappropriate or offensive in nature.

The Clerk may include correspondence of interest to members of Council including but not limited to resolutions received by the Clerk from other Municipalities that may have context and interest for the Municipality of Whitestone.

6.1.14 Consent Agenda

A portion of the Agenda, titled "Consent Agenda", may consist of items that do not require separate discussion, including, but not limited to: routine Staff reports; Committee and Board minutes for receipt, and the unfinished business listing.

All of the items listed on the Consent Agenda will be subject of one motion, unless a Member requests that any item(s) in the consent motion be voted on separately.

6.1.15 Question Period

- a) A Question Period may take place during Regular Meetings as determined by Council and will generally be limited to a maximum of fifteen minutes. ~~All questions from the Public will be relative to listed agenda items only.~~
- b) When called upon by the Chair, the questioner will identify themselves by name and address the question to the Chair.
- c) Questions may be responded to with a brief response from the Chair, or other Council members or Staff. The Chair and Council reserves the right to defer any question if they are not able to answer it at the meeting.
- d) Questions may only be asked in respect of matters within Council's purview and jurisdiction.
- e) The Chair may terminate the question period or an individual's question(s) at any time the Chair deems it necessary with the consent of the majority of Council.

6.1.16 The Agenda package will be made available to the Public on the Municipal website three (3) business days preceding the Regularly Scheduled Meeting.

Hard Copy Agenda packages will be available to the Public either at the Municipal Office or in various locations in established 'boxes' by no later than the end of the working day three (3) business days

Commented [MH42]:
LEGAL REVIEW
 Council request to remove the text 'All questions from the Public will be relative to listed agenda items only'

There can be a discussion and interested people may not have participated because they were not aware of the topic or subject being raised – but anyone interested can attend the following meeting to raise the matter again.

CLERKS RECOMMENDATION:
 Remove 'All questions from the Public will be relative to listed agenda items only'

Commented [MH43]: Joe Lamb
 Leave as suggested by Council (i.e. remove 'All questions from the Public will be relative to listed agenda items only')

preceding the Regularly Scheduled Meeting.

Council Packages will be provided electronically to Members four (4) business days preceding the Regularly Scheduled Meeting (generally by the end of the work day).

Hard Copy Agenda packages will be available to Members three (3) business days preceding the Regularly Scheduled Meeting.

Agenda packages shall include where ever possible, all correspondence, minutes, reports and information necessary for the business of the agenda.

The Clerk will make reasonable effort to have the Draft motions available at the time the agenda package is released to Council electronically however circumstances may require additional time.

- 6.1.17 If an addendum or supplementary Council Agenda item is necessary, it will be prepared by the Clerk and it will be circulated to Members via email no later than 4:00 p.m. on the business day preceding the Council Meeting.

Further items will not be considered for the addendum or supplementary Agenda unless they are of an urgent nature that requires a decision prior to the next Council meeting.

6.2 Other Meeting Agenda (Special or Emergency/Extraordinary)

- 6.2.1 The Clerk will prepare an Agenda with supporting materials, for meetings other than Regular Meetings, in accordance with the business to be addressed.

Agenda packages shall include where ever possible, all reports and information necessary for the business of the agenda.

The Clerk will make reasonable effort to have the Draft motions available at the time the agenda package is released to Council electronically however circumstances may require additional time

6.3 Closed Meeting Agenda

- 6.3.1 Members will not photocopy, scan, otherwise reproduce or share in any manner with others, the Closed Session Agendas including all Agenda Package materials.

Agenda packages shall include where ever possible, all correspondence, minutes, reports and information necessary for the business of the agenda.

The Clerk will make reasonable effort to have the Draft motions available at the time the agenda package is released to Council electronically however circumstances may require additional time.

~~Only items noted in the closed meeting agenda package can be~~

~~discussed~~

6.4 Adjournment

6.4.1 A Motion to adjourn a Meeting will be considered at any time except the following:

6.4.2

- a) When another Member has been recognized by the Chair and is speaking on a matter; or
- b) During the taking of a vote.

6.4.3 If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the Agenda is completed.

6.5 Curfew

No item of business may be dealt with at a Council meeting after three and a half (3.5) hours of the meeting unless authorized by a resolution supported by a majority of the Members present to allow an additional agreed upon length of time.

7. By-law Amendment

Any provision contained in this By-law may be repealed, amended or varied and additions may be made to this By-law by a majority vote of Council, provided that no Motion for that purpose may be considered unless notice thereof has been given by placing the proposed amendment on a Council Meeting Agenda.

End

Commented [MH44]:

LEGAL REVIEW of the text 'Only items noted in the closed meeting agenda package can be discussed'

Subsection 239(4) provides that Council must pass a resolution to go into closed session. There may be a matter that Council realizes should properly be considered in camera after the agenda is published and this amendment would preclude that. I am not in agreement with adding the sentence for that reason. I am not certain that the amendment would directly conflict with s. 239(4) but it might frustrate the ability of Council to convene in closed when it might be otherwise appropriate and beneficial for Council to do so.

Council can decide on the spot that a matter should be discussed in a closed session and someone can move it and there must be a vote because a resolution to convene in camera is required. If a member seeks to raise a new topic or subject for discussion in camera, that member must await until Council convenes in open session to pass the resolution to go back into closed session for the discussion. For example, Council goes into closed session to discuss the pending disposition of a specific parcel of land but through that discussion Council believes it might be appropriate to discuss the proposed disposition of another parcel of land (maybe because it could generate more revenue, is better situated, etc.), the member should indicate that the discussion might need to veer into a related or different topic and ask that Council to consider it when it reconvenes back into open session. Then a new resolution must be passed for the new topic to be discussed in camera.

What cannot be done is for Council to venture into the new topic while in closed session or seek to pass a resolution in camera to stay in closed session on the new subject matter. The resolution must be passed in open session.

CLERKS RECOMMENDATION:

Remove 'Only items noted in the closed meeting agenda package can be discussed.'