



**Corporation of the Municipality of Whitestone**

**Agenda of Special Council Meeting**

**Tuesday August 8, 2023 at 4:00 p.m.**

Join Zoom Meeting **Video**

Invite Link <https://us02web.zoom.us/j/82250413142>

**Phone Call Only**

Dial [+1 647 558 0588](tel:+16475580588) then Enter Meeting ID: 822 5041 3142#

*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*

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- 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 August 8, 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 ®**

# **COMMITTEE OF THE WHOLE**



# MEMORANDUM

**To:** Mayor and Council  
**From:** Michelle Hendry, CAO/Clerk  
**Date:** August 8, 2023  
**Re:** Procedural By-law Update – follow-up edits from the July 11, 2023  
Special Council Meeting

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## Background

Council reviewed and recommended a number of amendments to the Draft Procedural By-law at the July 11, 2023 Special Council Meeting.

Section 1 to Section 6.1.3 were discussed. The remaining Sections being 6.1.4 to Section 7 were not addressed due to time restrictions with the exception of 6.1.6 and 6.1.16.

For 6.1.16 it was generally agreed by Council that reasonable effort would be made to have the Agenda Packages made available to members of Council by the end of the work day, four business days prior to the meeting and posted on the website for the Public by the end of the work day, three business days prior to the meeting. A schedule of Lead Times is attached for information.

## Analysis

Draft Procedural By-law can be read and interpreted as follows:

- Changes made to the DRAFT By-law/Policy are shown in **Blue**
- Deletions are in **Red** as well as Council Member comments (which are denoted with the name of the member of Council)
- Staff notes and commentary are shown in **Green**

**ATTACHMENT A** – Schedule of Lead Times for the Council meetings

## SCHEDULE OF LEAD TIMES FOR COUNCIL MEETINGS

	Day before the Council meeting (business days)	
Tuesday Council meeting		
Monday	1	
Friday	2	
Thursday	3	Agenda Package posted on website for the Public end of day; Hardcopy Agenda Packages delivered to various 'boxes' around the Community by the end of the day
		Photo copy Agenda packages; Hard copy agenda packages available to members of Council
Wednesday	4	Agenda Package to Council electronically
Tuesday	6	Staff collate with all necessary documents, reports etc. Draft list of motions prepared.
Monday	7	
Friday	8	Discussion if needed re Draft Agenda, Mayor, Deputy Mayor and CAO/Clerk. Agenda confirmed
Thursday	9	Draft Agenda to Mayor and Deputy Mayor (typically mid day)
Wednesday	10	Up to day 10, build the Agenda ; update outstanding business section; confirm minutes from Committees / Boards, add correspondence and known agenda items prior to Mayor and Deputy Mayor review.
Tuesday	11	Day 11, Last day for members of Council to add items to the agenda
Monday	12	CAO/Clerk to confirm staff reports for the agenda and Deputations if any.



# THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

## CORPORATE POLICY MANUAL

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

### **SCOPE**

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council wherever possible and shall be the rules and regulations for the order and dispatch of all Council Meetings, Advisory Committees, Ad Hoc Committees (including a Task Force) and Local Boards unless terms of reference for said for all Advisory Committees, Ad Hoc Committee (including a Task Force) and Local Board identify other rules and regulations.

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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Schedule B - Council Agenda Headings

Schedule C - Council Member Request to place an item on a Meeting Agenda

Schedule D - 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.

### 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*.

### 1.6 **Clerk**

“Clerk” means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act*.

### 1.7 **Committee**

“Committee” means any advisory, task force or other committee, subcommittee or similar entity of Council.

### 1.8 **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.

### 1.9 **Council**

“Council” means the elected Members of the Municipal Council.

### 1.10 **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.

### 1.11 **Closed Meeting**

“Closed Meeting” means a Meeting of Council or Committee that is not open

to the public pursuant to Section 239 of the *Municipal Act* or other legislation.

**1.12 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.

**1.13 Electronic Means**

“Electronic Means” means telephone, video or audio conferencing or other interactive method 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.

**1.14 Electronic Meeting**

“Electronic Meeting” means a Meeting where any Member is not physically present but participates via electronic means of communication.

**1.15 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.

~~**Ex Officio**~~

~~“Ex Officio” means that the Mayor is a Member of all Committees of Council established by Council, unless prohibited by law. The Mayor, as an Ex Officio Member, is not entitled to vote unless legally specified otherwise~~

Removed per general agreement of Council

~~**Head of Council**~~

~~“Head of Council” means the Mayor or, in the absence of the Mayor, the Deputy Mayor.~~

Note – there was as suggestion that there was a different definition in the Municipal Act (MA), however the MA does not provide a definition. It provides ‘information’ on the role of the Head of Council)

This definition has been removed and a definition of Mayor has been added

**1.16 Local Board**

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

**1.17 Mayor**

“Mayor” means the Head of Council and includes the Deputy Mayor when acting in place of the Mayor

**1.18 Meeting**

“Meeting” means any regular, special or other Meeting of Council, a Local Board or a Committee 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 of the Council, Local Board or Committee as stated in Section 238 of the *Municipal Act*.

**1.19 Member**

“Member” may mean a Member of Council, Local Board or Committee.

**1.20 Motion**

“Motion” means a proposal moved by a member and if so moved, seconded by another member, to adopt, amend or otherwise deal with a matter before Council or a Committee.

**1.21 Motion to Amend**

“Motion to Amend” means a Motion to vary the main Motion before Council or a Committee.

**1.22 Municipal Act**

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

**1.23 Municipality**

“Municipality” means the Corporation of the Municipality of Whitestone.

**1.24 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.

**1.25 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.

**1.26 Order of Business**

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

**1.27 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

**1.28 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.

**1.29 Presentation**

“Presentation” means a person or group (including a Member, Staff or Public) who provides information to Council or Committee.

**1.30 Quorum**

“Quorum” means a majority of Members of Council or Committee.

### **1.31 Recorded Vote**

“Recorded Vote” means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes.

### **1.32 Regular Meeting**

“Regular Meeting” means a scheduled Meeting held at regular intervals in accordance with approved schedule of Meetings.

### **1.33 Staff/Committee Reports**

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

### **1.34 Resolution**

“Resolution” means a Motion that has been approved by Council.

### **1.35 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.

### **1.36 Standing Committee**

“Standing Committee” means a Committee comprised solely of Members of Council.

### **1.37 Unfinished Business**

“Unfinished Business” means matters listed in the Agenda which have not been dealt with in their entirety at a previous Meeting.

### **1.38 Urgent**

“Urgent” means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in 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 or revenue by the Municipality;
- e) Legal Issue; and/or
- f) Prejudice to the Municipality.

## **2. Roles and Responsibilities**

### **2.1 Head of Council refer to (Municipal Act, s.225)**

~~It is the role of the Head of Council to:~~

- ~~a) Act as Chief Executive Office (“CEO”) of the Municipality;~~
- ~~b) Preside over Council Meetings so that its business can be carried out efficiently and effectively;~~
- ~~c) Assign the seating arrangements in Council Chambers for all~~

~~Members prior to the First Meeting of Council; Removed)~~

- ~~d) Provide leadership to Council~~
- ~~e) Provide information and recommendations to Council with respect to the role of Council;~~
- ~~f) Represent the Municipality at official functions;~~
- ~~g) Uphold and promote the purposes of the Municipality;~~
- ~~h) Promote public involvement in the Municipality's activities;~~
- ~~i) Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;~~
- ~~j) Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and~~
- ~~k) Carry out duties prescribed by the *Municipal Act*.~~

## 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; **(seek legal opinion on the amendment)**
- 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 without any Motion being put forward; and
- l) Call for the adjournment of the Meeting when business is concluded.

## 2.3 **Substitution Deputy Head of Council refer to (*Municipal Act*, s.226)**

~~In the event that Head of Council is absent from the Municipality, the Deputy Head of Council shall act in their absence and shall have all the rights, powers and authority as the Head of Council.~~

~~If the Deputy Head of Council is unable to act in the place and stead of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the Meeting.~~

**2.4 Council refer to (*Municipal Act, s.224*) It is the role of Council to:**

- ~~a) Represent the public and to consider the well-being and interests of the Municipality;~~
- ~~b) Develop and evaluate policies and programs of the Municipality;~~
- ~~c) Determine which services the Municipality provides;~~
- ~~d) Ensure that administrative policies, practices, and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;~~
- ~~e) Ensure the accountability and transparency of the operations of the Municipality; including the activities of the senior management of the Municipality;~~
- ~~f) Maintain the financial integrity of the Municipality; and~~
- ~~g) Carry out the duties of council prescribed by the *Municipal Act*.~~

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

~~It is the duty of the Clerk to:~~

- ~~a) Record, without note or comment, all Resolutions, decisions and other proceedings of Council;~~
- ~~b) If required by any Member present at a vote, record the name and vote of every Member voting on any matter or question;~~
- ~~c) Keep the originals or copies of all By-laws and of all minutes of the proceedings of Council;~~
- ~~d) Perform the duties required under the *Municipal Act* or any other Act;~~
- ~~e) Prepare and circulate Council Packages to all Members;~~
- ~~f) Perform any other duties as assigned by the Municipality~~

~~The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section 228(4) of the *Municipal Act*.~~

**2.6 Staff refer to (*Municipal Act, s.227*)**

~~It is the duty of Staff to:~~

- ~~a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;~~
- ~~b) Undertake research and provide advice to Council on the policies and programs of the Municipality; and~~
- ~~c) Carry out other duties required under the Act and other duties assigned by the Municipality.~~

**2.7 Chief Administrative Officer refer to (*Municipal Act, s.229*)**

~~It is the duty of the Chief Administrative Officer to:~~

- ~~a) Exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality; and~~

**2.8 Member of the Public**

Members of the Public:

- a) May attend Meetings **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.).

### 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 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 only apply 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

~~This By-law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two thirds of the Members of Council and may be suspended before, during or after a Meeting.~~

#### 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.

#### 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.

#### 3.6 Meeting Location

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

#### 3.7 Clerk

A Clerk or Deputy Clerk 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 whole 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. Clerk at their discretion may provide brief clarifications which does 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 record.

~~Minutes of all Meetings will be recorded by the Clerk without note or comment.~~

The Clerk will make every 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.

### **3.10 Audio / Video Conferencing**

Where a meeting has been advertised in the Meeting Agenda (posted on the website), the Municipality will make every reasonable effort to ~~may make or~~ 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....

*(options need to be considered here and protocol established)*

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.

The official record of the proceedings of Council are the text-based minutes as approved by Council. ~~Audio records of Council proceedings are recorded as a convenience only and they do not constitute an official record.~~

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 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.

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

### **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. ~~of the Mayor, Deputy Mayor, Member, Staff, or any Member of the Public;~~
- 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. ~~of the Mayor, Deputy Mayor, a Member, any Staff person, Consultants or any Member of the Public.~~
- 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 Mayor or 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 Mayor or 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.

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
- 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.

Any person who contravenes any of the rules in this By-law is guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair.

### **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.

### **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.

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.

~~No Member will disobey the Procedure By-law or a decision of the Mayor, Chair or Council on questions of order or procedure or an interpretation of the Procedure By-law.~~

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. 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.

### 3.18 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.

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 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.

Options for recorded votes:

1. From Seguin Township: *A Member present at a meeting at the time of a vote may request immediately before or during or immediately after the taking of the vote that the vote be recorded. When a Recorded Vote is requested the Clerk shall make a random drawing of the name of each Member present except the Mayor or a Member who is disqualified from voting by any Act, and the Member shall announce his or her vote openly and individually and the Clerk shall record in the minutes the name and vote of each Member. After all eligible Members except the Mayor have voted, the Clerk shall call the name of the Mayor and the Mayor shall announce his or her vote openly and the Clerk shall record in the minutes the vote of the Mayor. After completion of a Recorded Vote, the Mayor shall announce the result.*
2. A process whereby Councilor’s names are called in alphabetical order however the first name called will be the next Councillor name (in alphabetical order) after the last recorded vote: For example:
  - Bray, Lamb, Nash, Woods, Comrie

- Next: Lamb, Nash, Woods, Bray, Comrie
- Next: Nash, Woods, Bray, Lamb, Comrie  
Etc.

3. Utilizing *List Randomizer* software, the Clerks Department would generate a list of Councillor names in random order, to be followed for all recorded votes.

### 3.19 Corrections

A Motion containing a minor grammatical or typographic error may be corrected by the Chair or the Clerk.

### 3.20 Amendments

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

The following rules will apply to amendments to Motions:

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

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

### 3.21 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 Member who voted in the majority will move for the Motion to Reconsider to be added to the Agenda;
- The Chair will ask the Member to affirm that they voted with the majority;
- 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;
- A  $\frac{2}{3}$  majority of members must agree to add the Motion to Reconsider to the Agenda
- Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- 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.

### **3.22 Voting on By-laws**

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

Every By-law will be given three (3) readings prior to being passed by Council. A By-law may be read three (3) times at the same meeting unless otherwise provided by statute or by Council. If any member objects to the third reading being given, a majority vote of all Members present is necessary to proceed with the reading.

Every By-law read before Council will be recorded by the Clerk and upon third reading will be signed by the Presiding Officer 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.

#### **Notes:**

Council can choose to have one reading only, or two. Having three readings is a historic practice still used by over half of the Municipalities in Ontario.

More than one reading allows Council to pause the final approval/passing of a By-law which is especially useful for significant and substantial matters. A first or a first and/or second reading only, lets the Public know of Councils' intent to pass the By-law at a future date, but pauses the final decision subject to other considerations Council may have. Deferring a By-law is a possibility however it may send a message of uncertainty to the Public.

If there is only one reading, the resolution would not mention 'readings' and would state the By-law will be 'enacted'

#### **By-laws related to Planning matters**

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

## **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~~ **summon** 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 may ~~call~~ **summon** 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 every reasonable effort attempt 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 municipal or Local Board employees;
- c) A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) A matter in respect of which a council, board, committee or other body may hold a Closed Meeting under another *Act*;
- h) Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a province or territory or a Crown agency or any of them;
- i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Municipality or Local Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value; or
- k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Municipality or Local Board.

#### **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 municipality 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 attempt 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 3.18.

**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~~ ~~two~~ (32) Members may participate in the same meeting by Electronic Means.

- c) If an Electronic **only** meeting is specifically scheduled (Video Conferencing or telephone only) and is advertised in the 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 ten (5 10)** 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 his or her** 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 a Special Meeting

that is called specifically to address Closed Session matters.

## 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 possible 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: Who will make the final decisions on the Agenda items? 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 come before Council as a whole.](#)

- 6.1.2 All Council Agendas will be prepared by the Clerk in writing and [Regular Council meetings](#) will generally be in accordance with the attached **Schedule "B"**. [Other meeting Agenda's will be adapted by the Clerk \(or Secretary in the case of a Committee or Local Board\) as determined to be appropriate for the intended meeting.](#)

[\(per Scott Nash add 'Report Deadlines – Reports, presentations](#)

and other agenda materials are due to the Clerk's Office later no than 7 Business Days before the schedule meeting.')

Staff note – the above referenced timeline recommended by Scott Nash is not enough time and will lead issues in the Clerk's office in regard to meeting other timelines

Additionally, internal Staff report deadlines as well as reports from the PSAPB or others are set by the CAO and is an internal matter based on a number of factors including review/approval time required and determination of recommendations.

- 6.1.3** The Council Meeting will consider the items to be dealt with in accordance with the order that is set out in the Agenda unless otherwise approved ~~decided~~ by the majority of Council. ~~meeting-Chairperson.~~

**NOTE: END OF DISCUSSION AT JULY 11, 2023  
SPECIAL COUNCIL MEETING**

Councillor Comments below this point in this document *generally* remain unchanged from the July 11, 2023 Council meeting (with the exception of 6.1.6 and 6.1.16)

- 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 of the majority 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 ~~two-thirds~~ majority by vote 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, delegation requests) no later than 1:00 p.m. \_\_\_ days, prior to the regularly scheduled Council meeting at which the item is intended for discussion.

~~(per Scott Nash add 'any member of Council may have an item placed on the Agenda by submitting in writing the item to the Clerk no later than seven days preceding the date of the meeting. The Clerk may accept an item after the 7 days at their discretion'.~~

Staff note - this time frame to be established by staff input once the Agenda distribution timeline has been confirmed)

- 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 a completed form provided hereto as **Schedule “C”**.

(per Joe Lamb remove Schedule C)

(per Scott Nash add or via email)

**6.1.9** Members who wish to have a Notice of Motion placed on the Agenda will provide the Clerk with a completed form provided hereto as **Schedule “C”**. (per Scott Nash add 'or via email')

**6.1.10** 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 “D”** no later than 1:00 p.m. \_\_\_ days, (Staff note, this time frame to be established with Staff input once the Agenda distribution timeline has been confirmed) prior to the regularly scheduled Council meeting at which the presentation or delegation is intended for discussion.

(per Scott Nash, time frame to be 10 days)

Deputations will be limited to ten (10) minutes in length per speaker (per Scott Nash and Joe lamb add 'if 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 in the affirmative. (per Scott Nash add 'by 10 minutes)

Emergency Deputation requests will be received by the Mayor and will be heard at the leave of the majority of Council.

(per Scott Nash remove 'Emergency Deputation requests will be received by the Mayor and will be heard at the leave of the majority of Council.')

For any given Regular Council Meeting, a maximum of three (3) ten (10) minute deputations may be scheduled. (per Scott Nash change 3 to 2)

Upon completion of 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 respecting their comments.

The Chair will curtail a deputation for disorder or any other breach of this By-law. Once the Chair rules that the deputation is concluded, the person or persons appearing will withdraw. Failure to withdraw or to engage in behaviour that is inappropriate can result in the Chair requesting the person(s) to vacate the meeting or the Municipal building.



Subsequent deputations on the same topic by the same person, or groups, will be accepted providing it is limited to the submission of new information only. (per Scott Nash add 'not within 12 months of last presentation')

No deputation may be scheduled for a closed session, nor will a deputation be permitted regarding any specific personnel matters where an individual may be identified.

Staff note – this may need to be revised to allow for special circumstances

**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 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 (per Joe Lamb add 'and Deputy Mayor') and 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 Staff Reports for Council;
- b) The Delegation Request Form was not submitted by the deadline;
- c) The Delegation Request Form is incomplete;
- 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 Meeting Agenda is already too lengthy; (per Joe Lamb remove f)
- g) The subject matter is set to be discussed on another Agenda;
- h) The issue is frivolous or vexatious;
- i) The issue has been or is to be considered by the Committee of Adjustment;
- j) Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
- k) Council previously indicated that it will not hear further from this Delegation; or
- l) 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.

(per Scott Nash add 'email address and phone number will be redacted from the public record.)

Personal Information, other than email contact information and phone numbers, disclosed in correspondence will become part of the public record, including the name of the author.

(per Scott Nash remove 'Personal Information, other than email contact information and phone numbers, disclosed in correspondence will become part of the public record, including the name of the author.)

(per Scott Nash add 'Members of the public may submit items to be included in Correspondence. Personal information (e-mail address, address, phone numbers) 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 request 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.

(per Brian Woods, Joe Lamb and Scott Nash remove '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 (per Joe Lamb add 'that any member of Council will be able to answer a question from the public') who may also request a response from Council 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) Question may only be asked in respect of matters within Council's purview and jurisdiction.
- e) The Chair may terminate the question period at any time the Chair deems it necessary. (per Scott Nash replace with 'upon a majority vote of Council')

**6.1.16** The Agenda package will be made available to the Public on the Municipal website no later than **three (3)** business day prior to 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 prior to the Regularly Scheduled Meeting.

Council Packages will be provided electronically to Members no later than **four (4)** business days prior to the Regularly Scheduled Meeting (generally by the end of the work day).

i.e, for clarity, if a Regularly Scheduled Council meeting is scheduled for a Tuesday, Members of Council will receive the Agenda Package electronically on the Wednesday, prior to the meeting assuming the Monday before the Council meeting is scheduled, is not a Statutory Holiday. If the Monday before the Regularly Scheduled meeting is a Statutory Holiday, Members of Council will receive the Agenda Package electronically on the Tuesday prior to the meeting.)

Hard Copy Agenda packages will be available to Members by **three (3)** business days prior to 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 be effort to have the Draft motions available at the time the agenda package is released to Council electronically however circumstances my required additional time.

~~(per Scott Nash change to 5 days by 1:00 pm)~~

~~(per Scott Nash add:-~~

~~The Agenda Packages for Council shall include all copies of correspondence, minutes, reports forming the agenda package including all motions')~~

**6.1.17** If an addendum or supplementary Council Agenda 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 prior to the Council Meeting.

Further items will not be considered to 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 (per Scott Nash change Other to Special)**

**Staff note: There are more meetings than 'Special' meetings to consider**

**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.

(per Scott Nash, remove 6.2.1)

(per Scott Nash add section on Boards and Committees per City of Guelph)

(per Scott Nash add "the rules and procedures as set out for the Public Council Meetings shall apply, refer to section 6.1)

**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.

**6.3.2** Closed Session Agendas and Agenda Package materials will be returned to the Clerk immediately after the meeting or if the Member attended the Closed Session meeting Electronically, within three (3) working days.

(Per Scott Nash and Joe Lamb remove 6.3.2)

~~(per Scott Nash add 'Closed session meeting Agenda will be available to members of council no later than 1:00 pm 5 business days prior to the meeting.)~~

The Agenda Packages shall include all copies of correspondence, minutes, reports forming the agenda including draft motions.

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

**Note: a current Resolution exists which is imbedded in Policy A06 – C04-01 :**

**Resolution No. 2007-179**

THAT Council receives confidential information for closed sessions along with their regular material/agenda and shall return such confidential information to the CAO-Clerk at the end of each closed session meeting

## 6.4 Adjournment

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

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

**6.4.2** 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 one-half (1/2) hour.

(per Janice Bray - would like to extend the curfew so that we can ensure that we can get through the items on the Agenda.)

## 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, 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**

Comments received from Mayor Comrie

## Committees

There should be a separate section dealing with Committees / Task Forces / Working Groups. There are essentially three types:

- **Standing Committees** - These are more or less permanent and last for the term of Council (or longer), but are reconstituted with each new Council term. They may have 1 or 2 Councillors on them, plus others (staff, volunteers). Meetings will generally be open to the public. E.g., Recreation Committee, Environmental Stewardship Committee
- **Ad-hoc Committees or Task Forces** (they're the same thing; one definition should point to the other). They last until their mandate has been completed and they are stood down by Council resolution. Same composition as standing committees, but their membership is not renewed when the Council term ends, and members who resign / die can be replaced as required. Meetings may or may not be open to the public. E.g., WWKLTF
- **Working Groups** - one or two Councillors plus staff / volunteers with a specific (usually short-term) mandate. Not open to the public. No notice requirements. Limited ToR. E.g., Short-Term Rental Review Group

All require Council-approved ToR, which should follow a Council-approved template (an Appendix to the by-law).

**Schedule "A"**  
to By-law No. xx-2023 Procedural By-law



**DECLARATION OF INTEREST  
MUNICIPAL CONFLICT OF INTEREST ACT**

Regular Council Meeting       Special Council Meeting

**DATE OF MEETING:** \_\_\_\_\_

**DECLARATION**

I, \_\_\_\_\_, declare a  direct /  indirect pecuniary interest on

Agenda Item No.: \_\_\_\_\_ Item Title: \_\_\_\_\_

for the following reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Member

**Duty of Member**

**When present at meeting at which matter considered**

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

**Where member to leave closed meeting**

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

**Written statement re disclosure**

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

For an "indirect pecuniary interest" see Section 2 of the Municipal Conflict of Interest Act.

For a "deemed" direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act.

**CLERKS ACKNOWLEDGEMENT**

Received on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Designate

**Schedule “B”**  
to By-law No. xx-2023 Procedural By-law  
**COUNCIL AGENDA HEADINGS**

**1. Call to Order and Roll Call**

**National Anthem**

**Indigenous Land Acknowledgement Statement**

**2. Disclosure of Pecuniary Interest**

**3. Approval of Agenda**

**4. Presentations and Delegations**

**5. Committee of the Whole**

**6. Public Meeting**

**7. Consent Agenda**

**8. Accounts Payable**

**9. Staff Reports**

**10. By-Laws**

**11. Business Matters**

**12. Correspondence**

**13. Councillor Information Items**

**14. Questions from the Public**

**15. Confirming By-law**

**16. Adjournment**

# Schedule "C" to By-law No. xx-2023 Procedural By-law



- Notice of Motion
- Agenda Item

## Notice of Motion or Request for Agenda Item

In accordance with Sections 6.1.8 and 6.1.9 of the Procedure By-law, this form is to be completed and submitted to the Clerk for any Notice of Motion or for a request to have an item placed on the Agenda.

When drafting a Notice of Motion, consideration should be given to the following conventions:

- Start with the word "That"
- Use the third person and avoid the use of the first person
- Clearly indicate the intention of the Council
- Avoid statements that are vague and aim for clarity of expression
- Indicate proposed action or reflect agreed views on a particular issue
- Do not re-introduce a resolution which has already been rejected
- Key questions to ask when drafting a resolution:
  - What is the issue?
  - Who does what?
  - How do they do it?
  - When do they do it?
  - Do they report back and when/how is that done?

I \_\_\_\_\_, a Member of Council, propose the  
(name)

following to be considered at the \_\_\_\_\_ meeting of Council \_\_\_\_\_.  
(Regular / Closed) (date)

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(date)

Received by Clerk

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(date)





# Schedule "D" to By-law No. xx-2023 Procedural By-law

## Delegation Request Form

A Delegation is an opportunity to appear before Council as a Delegation to present information verbally on matters of fact or make a request of the Council. Please refer to page 2 of this form for further information regarding engaging Council through a Delegation.

Completed Forms shall be submitted to the CAO/Clerk and can be dropped off or mailed to the Municipality of Whitestone, 21 Church Street, Dunchurch, ON P0A 1G0; faxed to 705-389-1855 or emailed to [info@whitestone.ca](mailto:info@whitestone.ca).

### Delegate Information (PLEASE PRINT):

Last Name:

First Name:

Street Number:

Street Name:

Town/City:

Postal Code:

E-mail Address:

Contact Number:

Proposed Meeting Date Requested: \_\_\_\_\_

Alternate Meeting Date Requested: \_\_\_\_\_

Purpose of the Delegation:

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### Background Material Attached:

Power Point Presentation: Yes  No  Handouts for meeting: Yes  No

Personal information contained on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used for the purpose of providing correspondence relating to matters before Council.

Please note that all meetings are open to the public except where permitted to be closed under legislated authority. Council meetings are audio and video recorded and posted on the Municipality's website. Questions about this collection should be forwarded to the Municipal Freedom of Information Coordinator at 705-389-2466.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### APPROVAL:

Council Meeting Date: \_\_\_\_\_

CAO/Clerk Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Engaging Council through a Delegation

Council welcomes and encourages public input. A person may appear before Council as a Delegation to present information verbally on matters of fact or make a request of the Council

### What Rules of Procedure do I keep in mind up to and during the meeting?

1. Delegations should be factual, stating why one is speaking in favor or against a particular matter.
2. All delegations should be limited to a maximum of 10 minutes unless permitted otherwise.
3. Where there are numerous presenters (from an association, a club, a family, a neighborhood, etc.) on the same matter they are encouraged to select one spokesperson to present their information.
4. The meeting Chairperson (Mayor/Chair) may curtail any presenter for disorder or any other breach of the Procedural By-Law. Once the Mayor/Chair rules that the delegation is concluded, the person or persons appearing shall withdraw. Failure to withdraw or to engage in behavior that is inappropriate can result in the Mayor/Chair requesting the person(s) to vacate the premises (see Code of Conduct below).
5. There will be no debate during any delegation. Presenters should be prepared to answer questions from members of Council at the end of the deputation/ presentation. Presentations are not a question and answer period. Questions to Council should be sent separately in writing for consideration.
6. Subsequent presentations on the same topic by the same person, or groups will be accepted, but will be limited to the submission of new information only.

### What is meant by a “Code of Conduct”?

No Deputant(s) (or Member of the Public) shall:

- a. Speak without first being recognized by the Mayor/Chair.
- b. Speak disrespectfully of any person.
- c. Use offensive words, gestures or make abusive comments.
- d. Use signage, placards or banners in the meeting unless previously approved.
- e. Speak on any subject other than the subject stated in their request for delegation.
- f. Enter into cross debate with other deputations/presenters, administration, Council members or the Mayor/Chair or the attending public.
- g. Disobey the Rules of Procedure or decisions of the Council.
- h. Engage in any activity or behavior that would affect the deliberations.
- i. Bring food into the meeting unless permitted.
- j. Allow any electrical/electronic device (cell phones, iPods, etc.) to ring, play or operate to a point of disrupting the proceedings.

## The Petition Approach

### What is a “Petition”?

A written application from a person or persons to some governing body or public official asking that some authority be exercised to grant relief, favors, or privileges.

### How do I prepare a petition?

The purpose of the petition must be clearly and factually stated, including the remedy sought from Council or the appropriate Committee; and

1. Include the name, civic address, and either telephone number or email address of the petition creator; and
2. Include the names, civic address, and date of signing of everyone who signs the petition; and
3. Include the date the petition was started.

All information contained in a petition is deemed to be public information, including the names and addresses of those signing the petition.

### How do I present a Petition?

A petition may be presented at the time of your delegation appearance at the Council, or separately addressed to the Mayor and Members of Council. In the latter situation it should be given to the CAO/Clerk provide the petition to Council in a timely fashion for deliberations at a Regular Council meeting. The originator of the petition will be contacted by Municipal Staff as to when the petition's subject matter will appear in front of Council.