

# THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

## PROCEDURAL BY-LAW NUMBER 86 - 2009

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**CORPORATION OF THE MUNICIPALITY OF WEST GREY  
BY-LAW NUMBER 86 - 2009**

**“Being a By-law for governing the calling, place and proceedings  
of meetings of the Municipal Council for the Municipality of West Grey”**

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

AND WHEREAS Council deems it expedient to pass such a by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
MUNICIPALITY OF WEST GREY HEREBY ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS:**

- 1.1 **“Ad Hoc Committee”** means a Committee established by Council to review a specific matter and once the Committee has reported with respect to its findings and recommendations, the Committee is automatically dissolved.
- 1.2 **“Chair”** means the Mayor or the Presiding Officer of a meeting.
- 1.3 **“Clerk”** means the CAO/Clerk of the Corporation of the Municipality of West Grey or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act
- 1.4 **“Closed Session”** means that part of a meeting closed to the public in accordance with the provisions of the Municipal Act.
- 1.5 **“Committee”** means any advisory or other committee, subcommittee or similar entity composed of members of Municipality of West Grey Council alone or together with members of another Council or public.
- 1.6 **“Committee Chair”** means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member
- 1.7 **“Committee of the Whole”** means a meeting of Council in Committee format for discussion purposes.
- 1.8 **“Council”** means the elected and sworn members of the Council of the Municipality of West Grey.
- 1.9 **“Delegation”** means a person intending to address the Council or Committee on a matter where a decision to the Council may be required.
- 1.10 **“Deputy Mayor”** means the Council member acting as the presiding officer in the absence of the Mayor.
- 1.11 **“Inaugural Meeting”** means the first meeting of Council held after a municipal election in a regular election year.
- 1.12 **“Local Board”** means a local board as defined in the Municipal Act, 2001.

- 1.13 **“Majority Vote”** means the vote of more than half of the members present at a properly constituted meeting at which a quorum is present.
- 1.14 **“Mayor”** means the Head of Council acting as the Chief Executive Officer of the Municipality.
- 1.15 **“Meeting”** means any regular, special or other meeting of a Council, or a local board or a committee of either of them.
- 1.16 **“Member”** means a member of the Council of The Corporation of the Municipality of West Grey.
- 1.17 **“Municipal Act”** means the Municipal Act, S.O. 2001, c.25, as amended, and any successor legislation thereto.
- 1.18 **“Municipal Election”** means a general municipal election held pursuant to the Municipal Elections Act.
- 1.19 **“Municipality”** means The Corporation of the Municipality of West Grey.
- 1.20 **“Newspaper”** means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than seven (7) days.
- 1.21 **“Pecuniary Interest”** means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, and any subsequent legislation thereto.
- 1.22 **“Point of Order”** means an issue to which a member calls attention to:  
 (a) any breach of the rules of order pursuant to this Procedural By-law; or  
 (b) any defect in the constitution of any meeting; or  
 (c) the use of improper, offensive or abusive language; or  
 (d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or  
 (e) any other informality or irregularity in the proceeding of the meeting.
- 1.23 **“Presiding Officer”** means:  
 (a) The Mayor, or  
 (b) in the absence of the Mayor, the Deputy Mayor, or  
 (c) a member appointed pursuant to Section 6.
- 1.24 **“Quorum”** means a majority (more than half) of the whole number of members of Council, or at least 50% of members of a Committee, except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act, the quorum may be less than half plus one of the whole number of members but shall not be less than two.
- 1.25 **“Recorded Vote”** means the recording of the name and vote of every Member or Committee on any matter of question, subject to the Municipal Conflict of Interest Act.
- 1.26 **“Resolution”** means the decision of the Council or Committee on any motion.
- 1.27 **“Rules of Order”** means the rules established by the by-law to govern the proceedings of Council and its Committees.

## **2.0 INTENT OF BY-LAW**

- 2.1 The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
- 2.2 All Points of Order of procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

## **3.0 INAUGURAL MEETING OF COUNCIL**

- 3.1 The First or Inaugural Meeting of Council shall be held in accordance with the Municipal Act on the dates to be determined.
- 3.2 Prior to the inaugural or first meeting of the Council in each election year, the Mayor shall determine the order of the seating of the members in the chamber.
- 3.3 When a vacancy occurs in the Council, the person elected or appointed to fill such vacancy shall take a seat as determined by the Mayor.

## **4.0 REGULAR MEETINGS AND DATE CHANGES**

- 4.1 The subsequent regular meetings of the Council shall generally be held on the first Monday of each month at 10:00 a.m. and the third Monday of each month at 7:00 p.m. or at such time as the Council, from time to time appoints by resolution, on adjourning and every such resolution shall be entered upon the Minutes of Council.
- 4.2 Meetings of Council shall be held at the Council Chambers adopted and used by Council from time to time for such purpose.
- 4.3 If a meeting date falls on a holiday, the meeting will be generally be held on the Wednesday following the holiday, unless otherwise specified by resolution.
- 4.4 Notwithstanding the aforementioned, the Mayor after consultation with the Clerk may alter the regular meeting date and location of Council or the date and location established by Council, due to extenuating or emergency circumstances, provided a minimum of 5 days notice is given to each member of Council prior to the date established by Council or the altered date whichever is the earliest.

## **5.0 SPECIAL MEETINGS**

- 5.1 The Mayor may at any time summon a Special Meeting of the Council on forty-eight (48) hours notice to the members of Council, and shall summon a Special meeting whenever requested in writing by a majority of the members of Council so to do. Forty-eight (48) hours notice of all special meetings of Council shall be given to Members through the Clerk's Office unless such notice is waived by a majority of the Members.
- 5.2 In case of the death of the Mayor, a Special Meeting may be summoned at any time by the Clerk upon the receipt of a petition signed by a majority of the members of Council.
- 5.3 Any special meeting of the Council shall be held at such time and place as the Mayor or the requisition of the members, may designate.

- 5.4 In case of emergency, of which the Mayor shall be the sole judge, the Mayor may summon a Special Meeting of the Council in such a way as deemed best without regard to any length of notice to the members.
- 5.5 By way of notice convening a Special Meeting the business for which the same is called shall be specified and no other business shall be considered.
- 5.6 All meetings of Council and all meetings for the Committees of Council shall be open for attendance by the public, except for closed session items pursuant to Subsection 239(2) of the Municipal Act.

## **6.0 ABSENCE OF HEAD OF COUNCIL/COMMITTEE CHAIR**

- 6.1 In the case of the absence of the Head of Council from illness or any other case except death or other circumstances rendering the seat in the Council vacant by law, the Deputy Mayor shall have all rights, powers and authority of the Mayor, while so acting.
- 6.2 In the case of the absence of the Head of Council and the Deputy Mayor, as aforesaid, a Councillor shall be appointed by the Mayor to act from time to time in the place and stead of the Head of Council and the Deputy Mayor and will have all rights, powers and authority of the Head of Council while so acting.
- 6.3 Where a vacancy occurs in the office of a member of Council, the vacancy shall be filled pursuant to the Municipal Act.
- 6.4 If the Mayor does not attend a meeting of Council within fifteen minutes after the hour appointed, the Deputy Mayor shall preside at the Council meeting until, or if, the Mayor attends the Council meeting. If the Mayor and Deputy Mayor do not attend a meeting of Council within 15 minutes after the hour appointed, the members present may, subject to being a quorum of the Council, appoint a Chair from among themselves and such Chair shall have the same authority in presiding at such meeting as the absent person would have had if present.
- 6.5 For a Committee meeting, in the event that the Committee Chair does not attend, the Vice-Chair shall assume the Chair for the meeting and shall preside until the arrival of the Chair and, while presiding, shall have all the powers of the Chair. In the case of the absence of the Committee Chair and Vice-Chair, a Committee Member shall be appointed to act from time to time in the place and stead of the Committee Chair and Vice-Chair, and will have all rights, powers and authority of the Committee Chair.

## **7.0 QUORUM/NO QUORUM**

- 7.1 The Mayor, or in the absence of the Mayor, the Presiding Officer, shall call members to order as soon after the meeting time as a quorum is present.
- 7.2 If within thirty minutes after the time set for the holding of the meeting of the Council there is no quorum present, the Mayor or in the absence of the Mayor, the Presiding Officer may take the chair and adjourn the meeting until such time as the majority of the members then present may decide.
- 7.3 Subject to the provisions of the next preceding section, upon the appearance of the quorum the Mayor shall take the chair and call the members to order.

- 7.4 If at any time during a sitting of the Council, the Mayor should observe, or if any members shall call attention to the fact that quorum is not present, the Mayor shall forthwith declare the Council adjourned until such time as the majority of the members then present may decide.
- 7.5 Whenever the Mayor is obliged to adjourn the Council for want of a quorum, the Clerk shall enter in the minutes the names of the members present at the hour at which such adjournment was made, and the time fixed for the adjourned meeting.
- 7.6 If Members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk or the Mayor, in advance of the meeting.

## **8.0 ROLE AND DUTIES OF THE MAYOR**

- 8.1 It is the role of the Mayor as the Head of Council,
- a) to act as the Chief Executive Officer of the Municipality;
  - b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
  - c) to provide leadership to the Council;
  - d) to provide information and recommendations to Council with respect to the role of Council;
  - e) to represent the Municipality at official functions;
  - f) to carry out the duties of the Head of Council under any Act, and
  - g) to fulfill the responsibility of the Head of Council as prescribed in West Grey's Emergency Response Plan.
- 8.2 It is the duty of the Mayor,
- a) to open the Meetings of Council by taking the Chair and calling the meeting to order;
  - b) to receive and submit, in the proper manner, all motions presented by the members;
  - c) to put to vote all motions and announce the result;
  - d) to sit as an ex-officio member of any Standing Committee of Council and to vote at such Meetings;
  - e) decline to put motions to a vote which infringe upon the rules of procedure;
  - f) to inform the members of the proper procedure to be followed and to enforce the rules of procedure;
  - g) to enforce on all occasions, the observance of order and decorum among the members;
  - h) to call by name any member persisting in a breach of the rules of procedure and order the member to vacate the Council Chambers;
  - i) to permit the questions to be asked through the Mayor of any officer of the Municipality for information to assist in any debate when the Mayor deems it proper;
  - j) to provide information relating to the business of the Municipality;
  - k) to authenticate by signature on all by-laws, agreements and minutes of Council;
  - l) to rule on any points of order raised by members;
  - m) to represent and support Council'
  - n) to adjourn the meeting when the business is concluded;
  - o) to carry out the duties of the Head of Council under the Municipal Act or any other Act; and
  - p) to act in accordance with the Oath of Allegiance and Oath of Elected Office.

## **9.0 ROLE OF COUNCIL AND DUTIES OF COUNCILLORS**

- 9.1 It is the role of the Council,
- a) to represent the public and consider the well-being and interests of the Municipality;
  - b) to develop and evaluate the policies and programs of the Municipality;
  - c) to determine which services the Municipality provides in accordance with applicable legislation;
  - d) to ensure that the administrative policies practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - e) to ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
  - f) to maintain the financial integrity of the Municipality, and;
  - g) to carry out the duties of Council under this or any other Act.
- 9.2 It is the duty of Councillors,
- a) to prepare for meetings, including reviewing the agenda and background information prior to the meeting;
  - b) to speak only to the subject under debate;
  - c) to vote on all motions before the Council unless prohibited from voting by law;
  - d) to observe proper procedure and decorum at all times;
  - e) to state questions to be asked through the Presiding Officer;
  - f) to support the Council once a decision is made;
  - g) to attend Local Board and Committee Meetings to which the member has been appointed by Council;
  - h) to carry out the duties of Councillors under the Municipal Act or any other Act; and
  - i) to act in accordance with the Oath of Allegiance and Oath of Elected Office.

## **10. CONDUCT OF PUBLIC**

- 10.1 Only Members of Council and municipal staff shall be permitted to approach the Council table during the meeting, unless authorized to do so by the Head of Council.
- 10.2 No person shall bring into the Council Chamber any hard objects, sharp or blunt, not normally worn or carried.
- 10.3 Any signs, placards or other displays brought into the Council Chamber shall not be printed on hard material, or mounted on any wooden stake or other hard object, shall not be displayed in such a manner as to obstruct the vision or movement of any person, or the décor of the Council Chamber, shall be displayed in a passive manner, and any raising, waving or other movement of such signs during the conduct of the meeting shall be considered as improper conduct at the meeting;
- 10.4 No person shall bring into the Council Chamber any sign displaying vulgar or obscene material, and no person shall use offensive words against the Council or against any member thereof;
- 10.5 Pursuant to subsection 241 (2) of the Municipal Act, as amended, persons violating these policies may be subject to expulsion or exclusion from the meeting.

## **11. ORDER OF BUSINESS**

- 11.1 The order of business of the Council shall be taken in the order in which it stands upon the agenda.
- 11.2 Reports will be considered in the listed order unless otherwise agreed to by a vote of two-thirds of the Members present.
- 11.3 When any order or orders of the day are left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such order or orders shall be taken up in succession as the first order of business at the next meeting of Council.

## **12. MINUTES AND AGENDA**

### **12.1 AGENDA FORMAT**

12.1.1 All articles to appear on the Agenda must be in the hands of the Clerk four (4) days prior to the Session of Council.

12.1.2 The Agenda for the Regular Meetings of Council shall be as follows:

1. Call to Order
2. Lords' Prayer/Moment of Reflection
3. Declarations of Pecuniary Interest
4. Closed Session
5. Matters arising from the Closed Session
6. Public Meetings
7. CONSENT AGENDA
  - A. Council, Committee and Board Minutes
  - B. Award of Tenders
  - C. Routine Departmental Reports
  - D. Miscellaneous Correspondence - for information only
  - E. Future Committee Meetings
8. Communications from the Mayor and Council
9. Delegations
10. Business Arising from the Previous Meeting
11. Manager's Reports
12. By-Laws
13. New Business
14. Addendum
15. Notice of Motion/Direction Motions
16. Closed Session (incomplete items)
17. Matters Arising from Closed Session (incomplete items)
18. Question Period
19. Municipal Act - Notices
20. Adjournment

The order of business as stated shall be followed but items may be taken out of the stated order at the discretion of the Head of Council.

#### **1. Call to Order/Attendance**

The Chair will call the meeting to Order.

#### **2. Lords' Prayer/Moment of Reflection**

Upon calling a regular meeting of Council to order, the Chair shall request the members and those in attendance at the meeting to rise for an opening prayer or for a moment of silent prayer, meditation or reflection.



### **3. Declaration of Pecuniary Interest**

Members are bound by the provisions of the Municipal Conflict of Interest Act and shall declare the pecuniary interest and its general nature.

Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:

- a) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
- b) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
- c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
- d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
- e) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

### **4. Closed Session**

Council may go into Closed Session by the passing of a motion which shall state:

- a) the fact of holding the closed session;
- b) the general nature of the matters to be considered during the closed session as provided in Subsection 239(2) of the Municipal Act;
- c) the time in which Council constituted themselves in closed session;
- d) the officers that are authorized to remain with Council in the Closed Session.

Unless otherwise determined by the Clerk, in consultation with the Mayor, Closed Sessions shall commence one hour immediately prior to the regular or special meeting of Council and shall adjourn at least ten minutes prior to the time scheduled for the commencement of the regular or special meeting of Council.

The Clerk or designate shall record minutes of Closed Session, The time that Council arises from Closed Session shall be recorded in the motion.

Council may take a vote during Closed Session if such a vote complies with Subsection 239(2) of the Municipal Act, and Council deems that it is in the best interests of the Municipality to do so.

Subject to the Municipal Freedom of Information and Protection of Privacy Act, no member of Council shall disclose any personal information or other information which reveals the substance of deliberations of Council in Closed Session. Any member who discloses such information may be subject to the penalty provisions under the Act.

Any matters not completed at the adjournment of the Closed Session held immediately prior to the meeting of Council, shall be completed at the end of the regular meeting.

**5. Matters Arising from the Closed Session**

Council will consider any resolutions or by-laws that arise from the closed session.

**6. Public Meetings**

**7. Consent Agenda**

In preparing the Agenda, the Clerk may, where appropriate, include items of business in a Consent Agenda with a recommendation as to the manner in which such item should be dealt with. The following may not however, be dealt with in the Consent Agenda:

- a) Matters where the supporting or relevant documentation is not available for distribution as part of the Agenda and cannot therefore be reviewed by Council prior to the Meeting.
- b) Recommendations which have been the subject of a recorded vote unless such vote has been shown to be unanimous.
- c) Items consisting of motions from other municipalities or sources unless identical to motions which have already been considered and decided upon by the current Council or unless the Clerk and/or Senior Staff member responsible for the subject area recommends endorsement.
- d) Any item which Council or Committee has directed that the matter be brought forward for discussion under the Regular Agenda.
- e) Any item within a Consent Agenda may be the subject of limited discussion for the purpose of clarification. If however any member of Council disagrees with the Clerk's recommendation, or for any reason other than clarification believes that the item requires discussion that Council member should request the withdrawal of the item from the Consent Agenda and referral to the appropriate part of the Regular Agenda.
- f) Subject to withdrawal at the request of a member of Council, all items remaining in the Consent Agenda shall be dealt with by way of a single motion which shall serve to authorize the Clerk to deal with each of the items in the manner recommended.

Minutes:

The Minutes of any previous Council Meeting(s) shall be placed on the Consent Agenda for adoption.

The Minutes of the Meetings of any Committee of Council shall be placed on the Consent Agenda under Committee minutes and shall be received by Council. The Minutes of the Library Board or Special Purpose Committees shall be placed on the Consent Agenda under Committee Minutes and shall be received for information only. The Minutes of any Committee or other body shall be adopted at the next Committee or Board Meeting, as applicable.

#### Committee Recommendations:

Recommendations from the minutes of Committee meetings distributed with the Council Agenda shall be dealt with under the Consent Agenda unless directed otherwise by Committee or as required under the provisions of this by-law. The Clerk may, at his or her discretion, recommend that a Committee recommendation be referred to the Regular Agenda, including Closed Session, if circumstances are such that Council needs to consider new information or advice before the adoption of the recommendation.

#### Award of Tenders

Any tenders submitted for the approval of Council shall include copies of the tenders received, and a recommendation on awarding of tender. Awards of tender may also be dealt with under the respective Managers' Reports.

#### Routine Departmental Reports

Matters for information only, or requiring action from Council that in the opinion of the respective Manager does not warrant discussion, shall be summarized on a single report from the respective Manager, and shall include a recommendation to Council on action to be taken.

Recommendations made in reports are numbered and Council can approve the recommendations in the entire report as presented. Council shall request an item to be lifted from a report if discussion on the item is desired, and the item shall subsequently be dealt with in the Regular Agenda.

#### Miscellaneous Correspondence

The Clerk shall not copy for attachment to the agenda, items listed under the heading of "Miscellaneous Correspondence" but shall place them in a file for perusal by those members so interested. Each item of miscellaneous correspondence shall be numbered and if any member desires a copy of said correspondence the item may be so marked in the file. Miscellaneous Correspondence will be listed in the Consent Agenda, and shall be deemed as being received for information if not referred to the Regular Agenda.

#### Future Committee Meetings

Meeting dates, times, and locations of Committees of Council, Library Board and other Special Purpose Committees in the time frames between meetings, as they become known, are to be listed in the Council Agenda and Minutes.

### **8. Communications from the Mayor and Council**

Incidental items of business may be brought forward by Council members which do not fall within other Agenda categories, including reports on attendance at conferences and seminars.

### **9. Delegations**

Persons desiring to appear as a delegation before Council or Committee shall give notice to the Clerk or designate prior to 12:00 o'clock noon of the Wednesday prior to the meeting or Council or Committee. The delegations, at the request of the Mayor or Committee Chair, as applicable, shall submit its request in writing, together with a written submission detailing the matters that the delegation wishes to present to the Council or Committee. Such written submission shall be circulated with the Council Agenda.

A delegation shall have up to ten minutes to make its presentation, although such time limit may be extended by decision of the Chair, by such amount of time as the Chair deems advisable.

The Clerk shall advise the meeting when there are two minutes remaining and once the time allotted to the delegation has expired, the Chair shall so inform the delegation and the delegation shall immediately cease its presentation.

Presentations by a delegation may be followed by questions to the delegation by members concerning their presentation. Any discourse between members of Council and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Members of Council shall not enter into debate with the delegation respecting the presentation. Upon completion of the presentation and the questions by members, the Chair shall introduce any motion, duly moved and seconded, arising out of the subject matter of the delegation and the motion shall then be debated.

When a request to appear is received after the agenda has been set or when the agenda already includes three delegations, the Clerk or designate, with the approval of the Mayor or Committee Chair, may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the Clerk shall refer the request to the head of Council and a delegation may only be scheduled at the leave of the Head.

No delegation is permitted to discuss the same matter with Council or Committees more than twice per calendar year.

The Mayor or Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this by-law and, if the Mayor or Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

Council may refuse to hear a delegation when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality. The Head of Council has the discretion to limit Delegations on repetitive topics, or topics that are deemed frivolous.

Only Members of Council and municipal staff shall be permitted to approach the Council table during the meeting, unless authorized to do so by the Head of Council.

No delegation shall speak disrespectfully of any person; use offensive words or un-parliamentary language; speak on any subject other than the subject for which they have received approval to address Council or Committee; or disobey the rules of procedure or a decision of the Mayor or Chair.

The Clerk or designate, with the approval of the Mayor, may direct that a delegation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.

#### **10. Business Arising from the Previous Meeting**

Business Arising from the previous meeting means “unfinished business” and shall include any matters pertaining to issues which have already been the subject of Council or Committee deliberation, but which have not yet been finally determined or contain components which remain to be dealt with. The Clerk shall note on the Agenda the last date when this matter was discussed by Council or Committee.

**11. Manager's Reports**

Matters requiring action from Council shall be summarized on a single report from the Managers, and will include, where possible, a recommendation to Council on action to be taken. Recommendations made in reports are numbered and Council can approve whichever recommendations they wish to in the reports or the entire report as presented.

**12. By-Laws**

The Chair shall call for a reading of a resolution properly moved and seconded for the first, second and third reading of each by-law.

**13. New Business**

"New Business" shall consist of items which have not been considered by Council or Committee on any previous occasion and which have not been referred to more appropriate sections of the Agenda.

**14. Addendum**

There shall only be an addendum to an agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the Agenda and prior to the meeting, which items the Clerk, believes are of urgent nature and require the immediate consideration at the meeting.

**15. Notice of Motion/Direct Motions**

"Notice of Motion" shall consist of motions brought forward by individual members for the consideration of Council. The member shall read the proposed motion and shall present a copy of the motion in writing to the Clerk. The Clerk shall include this motion in the agenda of the next regular Council Meeting under "New Business".

"Direct Motions" may be introduced under this section of the Agenda with the consent of a 2/3 majority of Council. All such motions shall be introduced no later than one-half hour before curfew. It is the intent of Direct Motions to consider items which, due to time constraints, require the immediate attention of Council.

**16. Closed Session (only incomplete items)**

**17. Matters Arising from the Closed Session (only incomplete items)**

**18. Question Period**

Inquiries during the question period shall be directed by the public and press to Council members and shall deal with matters specific to Agenda business.

A maximum of two (2) minutes per person is allotted for questions, and the maximum time allotted for the Question Period as a whole is fifteen (15) minutes.

Each inquiry made during the question period shall be recorded in the minutes and the minutes shall note whether the inquiry was answered or requires an answer at or before the next meeting.

**19. Municipal Act - Notices**

Notices pursuant to the requirements of the Municipal Act, and in accordance with West Grey By-law No. 3-2003, as amended, are entered here for public notification purposes. Items listed will be placed on the next regularly scheduled meeting of the Council

**20. Adjournment**

All meetings of Council and Committees shall be subject to mandatory adjournment by not later than 11:00 p.m.

Council or Committee may, prior to the time for adjournment, pass a motion to extend the meeting. Such a motion shall state the proposed time for adjournment and shall be passed by two-thirds majority. If a motion to extend the meeting does not receive the consent of a 2/3 majority, the meeting shall adjourn not later than 11:00 p.m.

A motion to adjourn shall include the time of adjournment and the date, time and location of the next Regular Meeting.

**13. MINUTES FORMAT**

- 13.1 The Minutes of Council shall consist of a record of the names of all the members present or absent at any meeting and shall consist of a record of all proceedings taken in the Council. Pursuant to the Municipal Act, minutes shall be taken without note or comment.
- 13.2 The Minutes of each Session shall be made available to all Council members, officials and the public prior to the next succeeding Session of Council.
- 13.3 All open session Council Minutes and Reports and Committee of Council Minutes following adoption shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours. All open session Council Minutes shall be posted on the website of the Municipality.

**14. PETITIONS AND COMMUNICATION**

- 14.1 Every petition or other written application or communication intended to be presented to the Council must be clearly written or printed, and signed by at least one person, and the same shall be presented and read by the Clerk as soon as that order of business is reached.

**15. VOTING REQUIREMENTS**

- 15.1 Every member who is present when a question is put shall vote thereon, unless the Council excuses him/her, or unless he/she has declared a Pecuniary Interest which is recorded. Where such instances occur, such individuals vote shall not be considered as a negative vote shall be considered as being absent from the vote.
- 15.2 Any question on which there is an equality of votes, shall be declared to be negative.
- 15.3 A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- 15.4 Any member may of right, require the question or motion under discussion to be read for his information at any time during the debate but not so as to interrupt a member while speaking.
- 15.5 A majority shall be required for adoption of any vote.

**16. RECORDED VOTE**

- 16.1 A recorded vote may be requested by any member present at a meeting at the time of the vote on any question and shall be taken by alphabetical order by the Clerk. A recorded vote shall be requested either immediately prior to or immediately following the taking of the vote.

## **17. QUESTIONS, MOTIONS AND AMENDMENTS**

### **17.1 NOTICE OF MOTION**

17.1.1 All motions must be made in writing.

17.1.2 All motions must be moved and seconded with the exception of a motion to adjourn which does not require a seconder.

17.1.3 A motion must be read out by the Chair. After a motion has been read out, it shall be deemed to be in the possession of Council, but may be withdrawn by the mover and seconder at any time before a decision or amendment, provided Council does not object. The Chair shall then call for discussion on the motion if it has not been withdrawn.

17.1.4 Each member of Council may have the opportunity to address the subject matter of the motion. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt any other member while speaking. The Clerk or any other appropriate member of staff may address Council to clarify the issues pertaining to the subject matter of the motion or to provide additional information pertaining thereto. Only Council members may speak during the time between the reading of the motion by the Chairperson and the conclusion of the vote on the motion. No further discussion is permitted once the Chair indicates that he or she is putting the question to the vote.

17.1.5 A motion may be withdrawn by the mover with the agreement of the seconder.

17.1.6 A motion to refer to a Committee until it is decided shall preclude all amendment of the main question.

17.1.7 A motion properly before Council for decision must receive disposition before any other motion can be received, except a motion to amend.

17.1.8 A motion to amend:

- a) Shall be presented in writing;
- b) Shall receive disposition of Council before a previous amendment on question;
- c) Shall be directly relevant to the question to be received;
- d) Shall not be received proposing a direct negative to the question.

17.1.9 In the event that the majority of Council determine they have inadequate information to be able to vote on a particular issue, the Chairperson may mark the motion "Tabled" and the said motion shall appear as an item of business on the Agenda for the next and each subsequent Regular Council meeting until a decision thereon has been reached.

17.1.10 A motion to adjourn may not be debated.

17.1.11 A motion to reconsider may be introduced by any member and must be duly seconded. A motion to reconsider is not debatable and is subject to the following:

- a) If a motion to reconsider is brought forward at the same meeting when the original motion was considered, a two-thirds majority of the members is required to pass the motion to reconsider;

- b) If a motion to reconsider is brought forward at a subsequent Council or Committee meeting, a majority of the members is required to pass the motion to reconsider;
- c) The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed;
- d) A motion to reconsider is not subject to amendment or reconsideration. A motion to reconsider cannot be tabled or referred;
- e) Where a member of Council has been named in any legal action related to a matter before Council for reconsideration, no vote for reconsideration shall be taken until the action has been resolved.

**18. MOTION TO RECONSIDER**

18.1 No motion for the reconsideration of a question previously disposed of, or to rescind a vote already taken, shall be received unless made by two members who voted with the majority on such question, nor shall be considered carried unless a majority of the whole Council vote in favour thereof. Where there is a motion to reconsider a grant or payment ordered, no cheque or order for payment shall be given till such motion is disposed of.

**19. ADJOURNMENT MOTION**

19.1 A motion of adjournment shall be always in order except:

- a) when a member is in possession of the floor;
- b) when the yeas and the nays are being called;
- c) when the members are voting;
- d) when adjournment was the last preceding motion

19.2 When a question is under debate no motion shall be received unless it is:

- a) a motion for adjournment;
- b) for the previous question;
- c) to lay on the table;
- d) to postpone the question to a certain day;
- e) to refer; or
- f) to amend, which have precedence in the order in which they are named, and the first three of which they are named, and the first three of which shall be decided without debate.

**20. PREVIOUS QUESTION**

20.1 A previous question, until it is decided, shall preclude all amendments and debate of the main question, and shall be forthwith decided without debate.

20.2 The “previous question” shall be put as follows: “Shall the main question be now put?” and if the majority of the members voting are in favour, the main question shall then be forthwith submitted and decided without further debate.



**21. MOTION TO TABLE**

21.1 When a motion to table prevails, the question so delayed may be called up again at any subsequent sitting, by motion as unfinished business.

**22. NOTICES OF MOTION**

22.1 Notice shall be given in writing, at the previous meeting of Council:

- a) to amend repeal, or alter this by-law;
- b) to introduce any measure or change in Council's established policy that has not been previously referred to a Special Committee of Council for consideration.

**23. RULES OF ORDER**

23.1 All points or matters of Order of Procedure not provided for in these Rules shall be decided in accordance with "Robert's Rules of Order" and the Mayor shall submit the ruling without debate.

**24. REFERRED MATTERS**

24.1 When any matter is referred from one Session to the next the Clerk shall insure the same is presented to the Council at such next Session.

**25. UNFINISHED BUSINESS**

25.1 When any order of business shall be left undisposed of at the time of adjournment, either for the want of a quorum or otherwise, such order or orders shall be taken in succession at the first business, after the daily routine at the next sitting of Council.

**26. DEBATE LIMITATION**

26.1 No subject shall be discussed during the same sitting of Council after a vote has been taken thereon without the consent of the Council.

**27. COMMITTEE OF THE WHOLE - RULES OF PROCEDURE**

27.1 The rules of the Council shall apply to the Committee of the Whole Council, except the rule limiting the time of speaking, of taking the yeas and nays, and of motions, which need not be in writing.

27.2 A Committee of the Whole meeting shall be open to the public unless closed by motion of Council to consider subject matters.

27.3 In Committee of the Whole a motion that the Committee rise and report shall always be in order and shall take precedence of any other motion, and the question shall be decided without debate.

27.4 Whenever it shall be moved and carried that the Council shall go into the Committee of the Whole, the Mayor or other Chair, may leave the chair, if he/she deems it desirable and shall, before leaving the same, appoint a Chair to reside, who shall have the same authority in the chair of the Committee as the Mayor of the Chair in the chair of the Council. On going into Committee of the Whole to consider the report of the Committee, no member of that Committee shall be called to the chair.

27.5 All amendments made in Committee shall be reported by the Chair on leaving the chair and the same shall be forthwith referred to the Council for concurrence.

**28. SPECIAL OR AD HOC COMMITTEES**

28.1 The Council, or the Mayor, may, from time to time, as may be necessary, appoint one or more Special or Ad Hoc Committees to which may be referred for report any matter sent to such Committee by the Council or the Mayor.

- 28.2 The Council, or Mayor, when appointing a Special or Ad Hoc Committee shall be satisfied that the matter or matters referred are beyond the normal responsibility of any Standing Committee or other Committee referred to in this By-Law.
- 28.3 Each Special or Ad Hoc Committee shall be given a clear mandate and well defined terms of reference that shall include:
- (a) the mandate;
  - (b) the membership;
  - (c) the composition, including the applicable staff members;
  - (d) the reporting relationships
  - (e) the staff and other resources to be made available, and
  - (f) a start and finish date.

## **29. COMMITTEE PROCEDURE**

### **29.1 MATTERS REFERRED BY MOTIONS**

- 29.1.1 Notwithstanding anything heretofore contained any matter may, by vote of Council, be referred to any of the said Special Committee for consideration and report.
- 29.1.2 All applications for money, petitions or other written communication, on any subject within the cognizance of a Special Committee shall, on presentation, be referred to the proper Committee without any motion, and no member shall speak upon, nor shall any debate be allowed on the presentation of the same to the Council, but any member may move that in referring the same, certain instructions be given by the Council, or that they be referred to a Special Committee.
- 29.1.3 In the absence of the Chair of any Committee, the Vice Chair shall preside, and he/she shall discharge the duties and possess all the powers and privileges of the Chair until his/her arrival. In the absence of the Chair and Vice Chair of any Committee, one of the other members thereof shall be selected to preside and he/she shall discharge the duties and possess all the powers and privileges of the Chair.
- 29.1.4 The Chair of any Committee may vote on any questions submitted for consideration and any case on which there is an equality of votes shall be declared to be negative.
- 29.1.5 Each Committee shall report to the Council on every matter referred to it, and shall properly number and endorse its reports. No report shall be presented to or be received by the Council as the report of a Committee which shall not have been approved at a meeting of the Committee or a majority of its members, nor shall a report of a Committee be final or anything done by virtue thereof until such report is approved by the Council unless where such Committee has been expressly authorized by the Council to deal with the questions.
- 29.1.6 Unless otherwise provided for, the rules of the Council shall be observed in the various Committees thereof, so far as they are applicable thereto, and it shall be the duty of the Chair of each Committee to see that the business is conducted in accordance with such rules.
- 29.1.7 Every Committee shall, as far as it is practical, follow these procedures subject to the following:
- a) The provisions with respect to the Consent Agenda shall also apply to General Committee and Planning Committee;

- b) The provisions with respect to By-laws shall not apply to Committees;
- c) Notwithstanding Subsection 239(2) of the Municipal Act, a Committee comprised of members of Council may pass a resolution to authorize meeting in closed session.

29.1.8 Standing, Advisory and Ad Hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary.

29.1.9 The Head of Council shall be an ex-officio member of all Standing, Advisory and Ad Hoc Committees of the Municipality where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof.

**30. PRESCRIBED NOTICE OF MEETINGS/AGENDAS**

30.1 The published Agenda shall be considered as adequate notice of Regular Meetings of Council and its Committees pursuant to Subsection 238(1)(2.1) Municipal Act. The Agenda for Meetings of Council shall also be posted on the website of the Municipality not later than forty-eight (48) hours prior to the meeting.

30.2 The Agenda for Regular Meetings of Council shall be provided to Council not later than forty-eight (48) hours prior to the meeting.

30.3 The Annual Meeting Schedule of Council, as adopted by Council, shall be posted on the website of the Municipality.

**31. SUSPENSION OF RULES**

31.1 Any procedure required by this by-law may be suspended with the consent of a majority of the Members of Council present.

**32. EFFECTIVE DATE**

32.1 This By-law shall come into force and be effective on the date of passing thereof.

32.2 By-law Number 8-2003 is hereby repealed.

**33. SHORT TITLE**

33.1 The short title of this by-law is the Procedural By-law.

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Read a first and second time, this 21<sup>st</sup> day of December, 2009.

Read a third time and finally passed this 21<sup>st</sup> day of December, 2009.

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Mayor – Kevin Eccles

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Christine Robinson, CAO/Clerk