

**Norfolk County
Procedural By-Law
By-law 2022-136**

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PROCEDURE BY-LAW – By-law 2022-136

To provide rules governing the order and proceedings of the council and committees of the council of the Corporation of Norfolk County.

WHEREAS subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "Municipal Act") requires municipalities to pass a procedure by-law governing the calling, place and proceedings of meetings, and,

AND WHEREAS it is necessary and expedient that there should be rules governing the order and proceedings of the council and the committees of Council of the Corporation of Norfolk County,

NOW THEREFORE the Council of the Corporation of Norfolk County Hereby Enacts As Follows:

PART 1: SHORT TITLE

- 1.1 This By-Law shall be known as "The Procedural By-Law" for The Corporation of Norfolk County.

PART 2: DEFINITIONS

- 2.1 "**Abstain**" shall mean a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases an abstention shall be deemed as a negative vote.
- 2.2 "**Advisory Committee**" shall mean a committee constituted by Council from time to time to act in an advisory capacity to Council and provide input on a discretionary basis on a particular matter or undertake special projects as assigned and in accordance with their terms of reference.
- 2.3 "**Amendment to a Motion**" means a motion to change the words of a pending motion. Amendments are debatable if the original motion is debatable. The amendment shall be germane (relevant) and not contrary to the main motion.
- 2.4 "**Announcement**" shall mean any announcement related to an event of interest to the general public, and shall not include a deputation.
- 2.5 "**By-Law**" shall mean this By-Law, as it may be amended from time to time. The Recitals to, and any Schedules attached to this By-Law, are considered integral parts of it.
- 2.6 "**Call the question**" shall mean that the vote on the motion shall now be taken.
- 2.7 "**Chief Administration Officer**" shall mean the Chief Administrative Officer of the Corporation of Norfolk County.
- 2.8 "**Chair**" shall mean the person presiding over a meeting, who is charged with the Procedural By-Law

responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except when disqualified) shall vote on all questions. If meetings are held in-person, then the person who Chairs the meeting must be in-person. If all Members of Council attend a meeting electronically, then the person chairing the meeting may do so electronically.

- 2.9 "**Clerk**" shall mean the Clerk of The Corporation of Norfolk County, or designate.
- 2.10 "**Closed Session**" shall mean a Meeting or part of a Meeting of Council, Council-In-Committee, a Committee or Committee-of-the Whole, not open to the public to discuss subject matters in accordance with the provisions of the *Municipal Act*.
- 2.11 "**Committee**" shall mean a Committee established by the Council.
- 2.12 "**Committee-of-the-Whole**" shall mean a Committee composed of all of the members of Council.
- 2.13 "**Communication Device**" includes a cellular phone, pager, smart phone, computer with a link to the Internet, or any other similar piece of technological equipment used for communications purposes.
- 2.14 "**Confirming By-law**" shall mean a by-law passed immediately prior to adjournment of every meeting of the Council to adopt, ratify and confirm the actions of the council of that meeting.
- 2.15 "**Consent**" shall mean a single motion to approve the recommendations arising out of a number of items of business on the agenda of a meeting, which items are considered to be routine and non-controversial.
- 2.16 "**Council**" shall mean the Council of The Corporation of Norfolk County.
- 2.17 "**Council-In-Committee**" shall mean all members of Council sitting as a Committee-of-the-Whole to deal with business matters and make recommendations to Council.
- 2.18 "**Debate**" shall mean discussion on the merits of a question/motion and whether the proposed action should or should not be taken. A main motion must be introduced and, if required, seconded before debate begins.
- 2.19 "**Defer**", "**deferred**" or "**deferral**", when used in connection with a matter or item before the council or committee, means that the said matter, as presented, or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that is specified in the motion to defer.
- 2.20 "**Deputation**" shall mean a person/group making a verbal presentation to Council.
- 2.21 "**Deputy Mayor**" shall mean a Member of Council who is appointed by the Mayor, to act from time to time in the place of the Mayor when the Mayor is absent from a meeting or the municipality or absent through illness, and unavailable, or when the

office is vacant and, while so acting, such Member has and may exercise all the rights, powers and authority of the Head of Council and this authority is delegated by Council under Section 23.1 of the Municipal Act, 2001, S.O. 2001 c.25. The Deputy Mayor may be appointed on a rotational six-month basis allowing every member of Council an opportunity to fulfill the deputy mayor role. In such instances as the Mayor and Deputy Mayor are absent, Council may by resolution appoint a Deputy Mayor *pro tempore*.

- 2.22 **"Division of the Question"** shall mean a request by a Member to have a motion divided into parts which are capable of standing alone, so that these parts may be considered separately.
- 2.23 **"Electronic Participation"** shall mean a Member of Council or Committee taking part in a meeting through the use of telephone, video conference, or any other technology that provides for audio and/or visual participation, in place of attending in person.
- 2.24 **"Emergency Meeting"** shall mean a Meeting of the Council called without written notice to address circumstances of emergency where an emergency has been declared to exist in all or part of the municipality under the Emergency Management and Civil Protection Act.
- 2.25 **"Ex Officio"** shall mean a member who holds a role by virtue of position. In Norfolk County this refers to the Mayor who may attend all meetings as their schedule permits and such attendance counts towards quorum and is able to vote as a member of the committee. Any committee member composition will increase by one (1) if the Mayor attends and all other members are in attendance.
- 2.26 **"Inaugural Meeting"** shall mean the first meeting of a new Council after a municipal election where the declarations of office are made.
- 2.27 **"Improper Conduct"** shall mean conduct that obstructs in any way the deliberations and/or proper action of Committee or Council.
- 2.28 **"Mayor"** shall mean the Head of Council and Chief Executive Officer (C.E.O.) of the municipality and the Mayor of Norfolk County.
- 2.29 **"Meeting"** shall mean any regular, special, committee or other meeting of Council or its committees where
- a) A quorum of members is present; and
 - b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 2.30 **"Meeting Schedule"** shall be deemed to be the Council or Committee meeting schedule containing the dates of the Council and Committee-of-the-Whole meetings, including other reserved dates confirmed by Council resolution.
- 2.31 **"Member"** shall mean a member of the Council or Committee.
Procedural By-Law

Commented [TR2]: Include that Council appoint an acting mayor if the mayor is no longer able to hold the position as noted under strong mayor powers

- 2.32 **"Minutes"** shall mean a record of the proceedings of a meeting, and shall be made by the Clerk, or designate, without note or comment.
- 2.33 **"Motion"** shall mean a Resolution of Council or a Recommendation of a Committee that is under debate by Council or a Committee.
- 2.34 **"Municipal Act, 2001"** is the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 2.35 **"Municipal Election"** shall mean a general, County-wide Municipal election or a by-election held in accordance with the *Municipal Elections Act, 1996*.
- 2.36 **"Notice"** shall mean notice provided to Members and to the public which advises the recipient of the time and place of a Meeting.
- 2.37 **"Notice of Motion"** shall mean a written notice advising Council that the motion described therein will be brought forward at a subsequent meeting.
- 2.38 **"Order of Business"** shall mean the sequence of business under consideration at a meeting that has been duly called and constituted.
- 2.39 **"Open Session"** shall mean any part of a meeting not in "closed session".
- 2.40 **"Other Business"** shall mean a section on the agenda for Council or Committees to inquire about or provide updates about pressing community concerns or issues during meetings. No decisions can be made under Other Business; any matter that requires a decision may be referred to staff to be added to a future meeting for consideration.
- 2.41 **"Pecuniary Interest"** includes a direct or indirect pecuniary interest of a member in accordance with the *Municipal Conflict of Interest Act*.
- 2.42 **"Personal Use"** shall mean for any business that is not related to County-related business, and in the case of meeting attendance, for matters not related to the meeting agenda.
- 2.43 A **"Point of Order"** shall mean a member calling to attention to:
- a) Any breach of the rules of order or conduct pursuant to this Procedure By-law; or
 - c) Any defect in the constitution of any meeting; or
 - d) The use of improper, offensive or abusive language; or
 - e) Notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - f) Any other informality or irregularity in the proceedings of the meeting.
- 2.44 A **"Point of Personal Privilege"** shall mean a member calling to attention a matter relating to:
- a) Statements challenging the integrity of the Council, Committee or individual

- members;
- b) An individual (i.e. statements made during the meeting naming that member specifically, comments regarding a member's character, an incorrect record if a member's participation in a meeting contained in minutes approved in a member's absence); or
- c) The rights and privileges of the Council or Committee (i.e. the accuracy of published reports of its proceedings; the conduct of the officers, employees or visitors; the comfort of members with respect to heating, ventilation, lighting, noise).

2.45 **"Presentation"** shall mean a:

- a) Ceremonial presentation to or from the Corporation of Norfolk County; or a
- b) Presentation made by Consultants or other Agents retained or requested by the Corporation of Norfolk County; or a
- c) Presentation made by Agents of another level of government; or a
- d) Presentation made by an organization or community association, at the request of the County, or a
- e) Presentation made by a Norfolk County staff member as it relates to County business.

2.46 **"Public Hearing"** for the purpose of this By-Law shall mean a Public Meeting of Council held for the consideration of Applications for Road Closures, Assessment, Reductions and Tax Write Offs, Planning Applications, Retail Business Holiday Act Exemptions, Drainage Applications, Development Charges By-Laws and any other matter that is required to hold a Public Meeting as per legislation.

2.47 **"Public Meeting"** shall mean a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public meeting.

2.48 **"Quorum"** shall mean a majority of the whole number of Members required to constitute a Council or Committee at a meeting, as the case may be.

2.49 **"Recorded Vote"** shall mean the recording of the name and vote of every member voting on any matter or question in Open or Closed Session during a Council or Committee-of-the-Whole meeting.

2.50 **"Refer", "referred", or "referral"** when used in connection with a matter or item before the Council or Committee, means that the said matter or item is referred to the body or person named in the motion to refer, for further consideration and action.

2.51 **"Reports"** shall mean a written document by a municipal employee, consultant, solicitor or other person for the purpose of providing advice, alternatives/recommendations on various matters.

- 2.52 "**Resolution**" shall mean a decision of the Council on any motion or Committee recommendation.
- 2.53 "**Rules of Procedure**" shall mean the rules and regulations provided in this By-Law.
- 2.54 "**Suspend the Rules**" shall mean to suspend any of the rules in this By-Law with the consent of two-thirds majority of the Council present. It cannot have an effect beyond adjournment. A motion to suspend the rules is not debatable or amendable, nor can any subsidiary motion be applied to it.
- 2.55 "**Two-thirds Majority Vote**" shall mean a vote where at least two-thirds (2/3) of the members present and eligible to vote, vote in the affirmative.
- 2.56 "**Workshop**" shall mean a meeting of Council, intended for all members of Council, for the purpose of:

- a) Receiving a briefing on municipal business;
- b) Discussing emerging priorities and issues, including strategic planning; and,
- c) Training purposes and which shall be conducted in accordance with Sections 13 and 24 of this By-Law.

PART 3: GENERAL RULES

- 3.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and its Committees and shall be the rules and regulations for the order and dispatch of business in the Council.
- 3.2 Interpretation:
- a) A word in this by-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to be inclusive of all parties.
 - b) The Clerk shall be responsible to interpret and administer the rules of procedure under this Procedure By-law.
- 3.3 The rules contained in the By-Law shall be observed with the necessary modifications, in every Committee, where applicable.
- 3.4 Those proceedings of the Council, or the Committees thereof, not specifically governed by the provisions of this By-Law shall be regulated in accordance with Robert's Rules of Order.
- 3.5 Members may request interpretation guidance of the rules of procedure from the County Clerk, or designate, during meetings; however the Mayor shall rule on the matter subject to Parts 13 and 15 of this By-Law.

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- 3.6 Any part or parts of this By-Law may be suspended, at such times and upon such conditions as may be deemed appropriate, except for those rules or regulations that are set out by Legislation, with the consent of two-thirds majority of the Council present for a single occasion. Council is not permitted to suspend any statutory requirement with respect to its proceedings.
- 3.7 In the absence of the Mayor from a meeting or the Municipality, or if they are absent through illness or refuses to act, or if the Office is vacant, the Deputy Mayor for the purposes of this By-Law, shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting, with the exception of the Strong Mayor Powers as set out in section 10.3 of this By-Law.
- 3.8 No person shall be allowed to enter the bar of Council during meetings without the leave of the Mayor, except members, and employees of The Corporation of Norfolk County.
- 3.9 No member of the public individual shall be authorized to record a meeting of Council, ~~or~~ Committee or Public Hearings Committee take photos during a Council or Committee meeting, ~~with exception of the County Clerk, or designate, unless expressly authorized by Council, the appropriate form is completed and submitted to the Clerks office, and subsequently given approval.~~
- 3.10 Members of Council or committee shall inform the Clerk of all planned absences, late arrivals and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance (i.e. vacation, illness, other municipal business, personal).
- 3.11 Council shall not conduct discussions by email, phone, teleconference, or electronically between a quorum of members that materially advances the decision making of Council as such discussions would constitute an improper closed meeting of Council.
- 3.12 For the purpose of this By-Law, during Council or Committee meetings where the Mayor is not presiding over the meeting, the role of Chair shall be interpreted in place of the term "Mayor".

PART 4: MEETINGS

4.1 Location:

All Meetings of Council shall be held at the County Administration Building located in Governor Simcoe Square in the Council Chambers and/or Committee Room A at 50 Colborne Street South, Simcoe, unless otherwise decided by Resolution of Council and are open to the public.

4.2 Inaugural Meeting:

The inaugural meeting of Council after a regular election shall be held within the legislated timeframes. ~~ten (10) business days after November 14th.~~

4.3 **Regular Meetings:**

- a) All regular meetings of Council shall convene at 1:00 p.m. in the Council Chambers and/or Committee Room A on the ~~fourth~~^{third} Tuesday of every month.
- b) A regular meeting of Council may be held directly after each Public Hearings Committee meeting on the first Tuesday of every month, if required to deal with time-sensitive business, with public notice given in accordance with Sections 5.1 and 5.2. If the meeting is not required, then public notice will not be provided and the meeting cannot be called.
- c) A regular meeting of Council may be convened at an earlier or later start time if deemed necessary with the approval of the Mayor with public notice given in accordance with Sections 5.1 and 5.2.
- d) Where such Tuesday may be a holiday, the Council shall meet on the business day next following the regular day of the meeting and at the same time as specified in Section 4.3(a) above, or on another date as may be deemed practicable.
- e) When the Norfolk County Fair commences on a Tuesday in October, any meeting scheduled on such Tuesday shall meet on the business day next following the regular day of the meeting and at the same time as specified in Section 4.3(a) above, or on another date as may be deemed practicable.
- e)f) ~~No Regular Meeting of Council shall be held-scheduled in the Month of August.~~

4.4 **Special Meetings:**

- a) The Mayor may, at any time, call a Special Meeting of Council.
- b) Upon receipt of a petition signed, or emailed by a majority of the Members of Council, the Clerk shall summon a Special Meeting of Council for the purpose and at the time set out in the petition. The petition must be initiated and submitted by the Members as the Clerk does not facilitate this process.
- c) The Clerk, in consultation with the Mayor and CAO, may call a Special Meeting of Council to address time-sensitive matters.
- d) The Office of the Clerk shall provide all Members with at least twenty-four (24) hours' notice of a Special Meeting.
- e) The Chair of an Advisory Committee may, upon consultation with the Clerk, summon a Special Meeting of the Advisory Committee, upon forty- eight (48) hours' notice to the members, which notice shall be given through the Clerk, and which notice shall set out the item(s) to be considered at the special meeting.
- f) Minimum notice shall consist of a telephone message or email to all Members followed by a written agenda.
- g) The only business to be dealt with at a Special Meeting is that which is identified on the agenda for the Meeting.
- h) The lack of receipt of a notice or of an agenda for a Special Meeting by any Member shall not affect the validity of the Meeting or any action taken thereat.

4.5 **Emergency Meetings:**

- a) Notwithstanding any other provisions of this By-Law, an Emergency Meeting may be held without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- b) Only business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- c) Lack of receipt of a Notice or of an Agenda for an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting or any action taken thereat.

4.6 **Committee-of-the-Whole:**

The following Committee-of-the-Whole will be comprised of all Members of the Council, ~~except the Mayor who shall be an ex-officio member of and~~ such committee ~~and~~ shall be established for less formal, discussion-oriented meetings:

- a) Council-in-Committee, which shall make recommendations to Council on matters pertaining to County business. Each Council Member, with exception of the Mayor, may have a six (6) month rotation as Chair of the Committee during the term of Council; such rotation occurring in numerical sequence by Ward, or as directed by the Mayor.
 - i) In Wards where there may be more than one (1) Councillor, the order ~~☞~~ shall be determined in alphabetical order by last name.
- b) Regular Council-in-Committee meetings shall commence at 1:00 p.m. on the second Tuesday of every month.
- ~~b)c) No Council-in-Committee shall be held-scheduled in the month of August.~~

Commented [TR3]: The mayor is a member of council

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4.7 **Public Hearings Committee:**

- a) All Public Hearings, as defined under section 2.46 of the Procedural By-Law shall be held at the Public Hearings Committee;
- b) The Public Hearings Committee shall be comprised of all members of Council and Chaired by the Head of Council;
- c) Public Hearings Committee Agendas shall be distributed in accordance with Part 5 of the Procedural By-Law;
- d) At the commencement of each public hearing committee meeting, the Chair shall explain the intent of the meeting is to hear the views of the public, and that the members shall not enter into discussion or debate on the subject.
- e) The decisions of the Public Hearings Committee may be directly adopted and approved by Council at a regular Council meeting directly following the Public

Hearings Committee or at the next regular scheduled Council meeting;

- f) The Public Hearings Committee shall meet upon the first (1st) Tuesday of the month unless otherwise approved by Council motion or established in the Council calendar.

~~g) — No Public Hearings Committee meetings shall be held-scheduled in the month of August.~~

4.8 **Budget Committee:**

- a) Capital and Operational Budget Deliberations will be held at the Budget Committee meetings;
- b) All Members of Council shall sit as members on the Budget Committee;
- c) Recommendations made at a Budget Committee meeting must be approved at a properly constituted Council meeting.
- d) Appointments of Chair and Vice-Chair will occur annually following Council's adoption of the budget.

~~e)~~ Budget Committee shall be in accordance with Strong Mayor Powers, outlined in Section 10.3 of the Procedural By-law and relevant Legislation

Commented [TR4]: Add in reference to the strong mayors section

4.9 **Other Committees:**

- a) Council may, at any time, establish and appoint a Committee from time to time for such purposes as deemed appropriate, based on terms of reference considered by Council and approved by resolution or By-Law.
- b) The members required to serve on such a committee shall be appointed by resolution.
- c) The Mayor is an ex-officio member of any committee established by this subsection.
- d) Any committee established by this subsection that includes members, who are not exclusively members of Council, shall also comply with the County's Procedure By-Law and any advisory committee guidelines and appointment procedures, as approved and amended by Council.
- e) Each committee shall appoint from among its members a Chair and a Vice-Chair for approval by resolution.
 - i) Members will be requested to indicate their intention to be appointed to a committee
 - ii) If there is more interest from members to be appointed to a committee than there are vacancies on the committee, members will be asked if anyone wishes to remove their name from being considered
 - iii) If there remains more interest from members to be appointed to a committee than there are vacancies on the committee, by majority resolution of those members present, one of the following processes will be selected to appoint the member:
 - ~~e~~a) Vote by show of hands

- e)b) Vote by secret vote
- e)c) Interested members names will be placed in a basket and a random draw will be made to select the appointed member(s)
- iv) If no member requests their name to be put forward for appointment to a committee, members shall proceed with a nomination process to appoint members
- f) Committees, as established by this subsection, shall report to a standing committee or the Council, as set out by resolution.

4.10 Joint Meetings of Councils:

- a) Notwithstanding 4.1, if authorized by resolution prior to the holding of the meeting, the Council may meet in joint session with the councils of one or more municipalities, in any one of the involved municipalities, or electronically, for the consideration of matters of common interest.
- b) A joint meeting may be held in closed session in accordance with Section 239(2), (3) and (3.1) of the *Municipal Act*.
- c) The host municipality shall provide the meeting Clerk who shall take the minutes for the business of the joint meeting. Such minutes shall be circulated to each attending municipality and received for information only.
- d) Decisions made at a joint meeting must be ratified by Council at a subsequent Council or Special Council meeting to become effective.

4.11 Alter Time, Day or Place:

Council may, by Resolution, alter the time, day or place of any Council and/or Committee Meeting and shall provide notice as outlined in Part 5.

4.12 Postponement of Meetings:

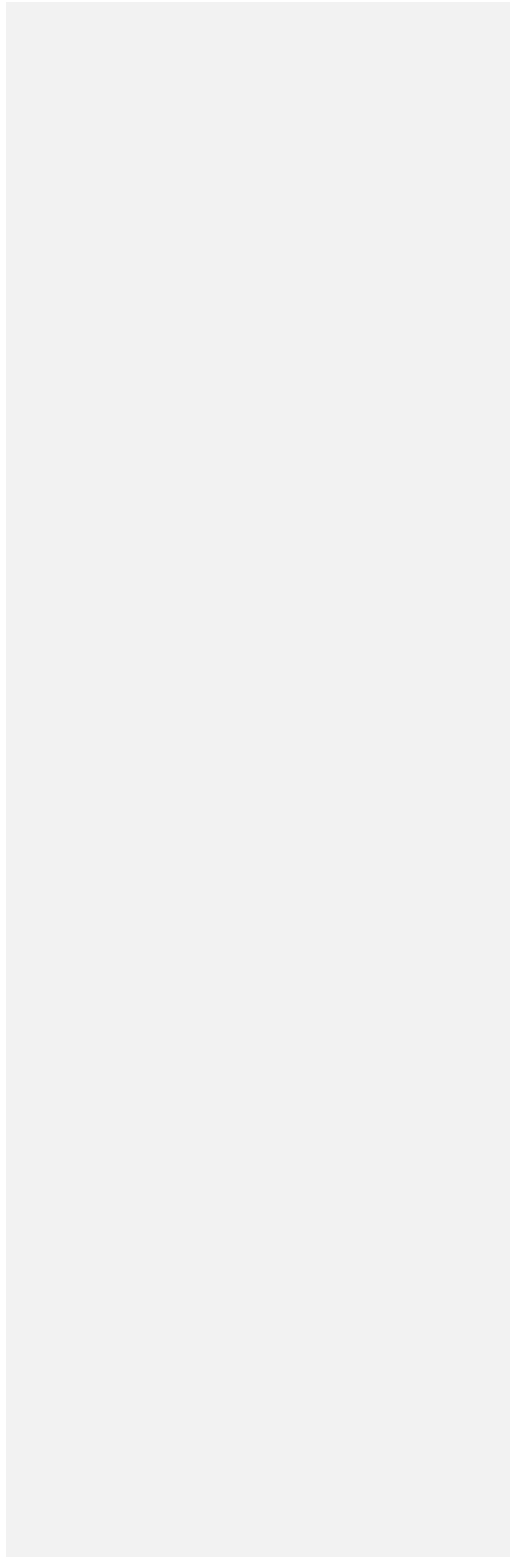
Any regular meetings of the Council, or Committee, may be postponed to a day named in:

- a) A notice by the Mayor or the Deputy Mayor given through the Clerk's Office at least twenty-four (24) hours in advance of the regular meeting; or
- b) A resolution of Council passed by the majority of members at a regular Council Meeting.

4.13 Commencement of Meetings:

- a) As soon after the hour fixed for a Meeting as a Quorum is present, the Meeting shall be called to order by the Mayor, Chair or Presiding Officer.
- b) If there is no quorum present within fifteen minutes after the time appointed for the Meeting, the Council shall stand adjourned until the date and time of the next Regular or Special Meeting and the Clerk shall record the names of the members present upon such adjournment.
- c) If during the course of a Council Meeting, a quorum is lost, the Mayor shall

declare that the meeting shall stand recessed temporarily, and if quorum remains lost for more than 30 minutes the meeting shall be adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.



- d) 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 in advance of the meeting in order to ensure that a quorum will be present prior to the meeting.
- e) In the case where a quorum is present, the Mayor shall preside at all Council meetings.
- f) In the absence of the Mayor, the Deputy Mayor shall preside during the Meeting or until the arrival of the Mayor.
- g) In the absence of the Mayor and the Deputy Mayor, the Clerk shall call the Meeting to order fifteen minutes after the hour appointed for the Meeting, and the members shall elect a Member to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.

4.14 **Adjournment:**

- a) The Council or Committee-of-the-Whole shall adjourn at the hour of 8:00 p.m., if in session at that hour, unless otherwise determined by a resolution of Council passed by a two-thirds majority vote of the members.
- b) If all agenda items are not completed during a Council meeting by the scheduled or extended end time, the Council meeting will continue on the next business day commencing at 9:00 a.m. unless a motion is passed specifying an alternate date or Special Council meeting. Quorum is required for the continuance of the meeting.
- c) If all agenda items are not completed during a committee meeting by the scheduled or extended end time, all unfinished business unless otherwise moved, would automatically be deferred to the next regular meeting or a Special Council meeting as called by the Mayor or majority resolution of those members present.
- d) Adjournment time for Advisory Committee or Board meetings will be determined by the Chair or any Advisory Meeting Protocol enacted by the County, and any unfinished business of the Advisory Committee, unless otherwise moved, would automatically be deferred to the next Advisory Committee meeting.

4.15 **Electronic Participation at Meetings:**

- a) Interpretation
In this Section the following shall apply, in addition to the definitions in Section 1 of this By-Law:
"Electronic Meeting" means a meeting called and held in full or in part via electronic means, including, but not limited to, audio teleconference, video teleconference, or via means of the internet, and with or without in-person attendance.
- e) Electronic Meetings
A regular meeting or special meeting of Council or Committee may be conducted by Electronic Meeting in accordance with any Council approved Electronic Meeting Protocol as may be adapted by Council or

the specific committee, provided such meeting is deemed appropriate by the CAO, responsible General Manager and County Clerk, in consultation with the Mayor or Committee Chair(s).

f) Quorum

Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting. A member who is joining and participating electronically in a meeting who, for any reason, will be arriving late for or leaving early from a meeting, shall advise the Mayor and Clerk of their arrival/absence immediately upon joining or prior to departing the meeting.

g) Voting for Electronic Meeting

All members present and attending shall be entitled to vote as if they were attending the meeting in person. All votes will be by show of hands or verbal consent to be determined by the Mayor to ensure the intent of the members vote is understood.

h) Closed Session

An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with the provisions of this Section and Section 6.2. Notwithstanding the definition:

- i. A Closed Session meeting conducted by way of an Electronic Meeting requires all members, both Council members and Staff, in attendance to have their video on. Any member who does not display their video during an Electronic Meeting shall be removed from the meeting and declared absent, unless otherwise approved by a majority of Council.

i) Technical disruptions or disconnections of electronic Council or Committee attendees do not invalidate the business conducted by Council. In cases where Council becomes aware that electronic attendees are absent they may recess for a brief period to allow them to rejoin. If technical, network or other issues do not allow the member to rejoin, the meeting shall continue with their absence noted in the minutes.

- i) If a public meeting is being held by virtual means only, and the live streaming is unavailable, the meeting must be suspended until such time as the public is available to attend virtually or in-person or the live-streaming is operational.
- ii) If a member has been bumped out, it is the member's responsibility to immediately notify the Clerk that they are having technical difficulties and are not accessing the meeting.
- iii) If a technical difficulty results in loss of quorum for a meeting then part 4.13(c) shall be in effect.

j) Public Notice of Electronic Meeting

A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

k) Deputations In Writing

An Electronic Meeting may include in-person or electronic public delegations where practical, and where impractical only by way of electronic submission received in advance of the meeting, which shall be submitted to the County Clerk's Office at clerks@norfolkcounty.ca prior to 3:00 p.m. the day before the meeting, and shall be provided to Members at the meeting.

l) Application and Conflict

Notwithstanding the foregoing, the Procedure By-Law shall continue to apply to an Electronic Meeting held pursuant to this Section, except such Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

PART 5: PUBLIC NOTICE OF MEETINGS/AGENDAS

- 5.1 The published Agenda shall be considered as adequate notice of Regular Meetings of Council and its Committees, except for meetings held on a day or at a time other than as provided for by this By-Law.
- 5.2 The Agenda for Regular Meetings shall be delivered to the Mayor and members not later than forty-eight (48) hours prior to the meeting.
- 5.3 Delivery of agendas shall be by electronic means; or as required by the Clerk.
- 5.4 Notice and Agendas of Special Meetings called in accordance with Section 4.4 of this By-Law shall be delivered prior to the meeting not later than twenty-four (24) hours before the hour appointed for the special meeting.
- 5.5 No business except the business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- 5.6 Notwithstanding any other provision of this By-Law, an Emergency Meeting may be held without written Notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the Meeting as soon as possible and in the most expedient manner available.
- 5.7 No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- 5.8 Lack of receipt of a Notice or of the Agenda by the members shall not affect the validity of the Meeting or any action taken thereat.
- 5.9 A complete copy of the published Agenda shall be posted on the County's website for members of the news media and the public no later than 48 hours preceding the scheduled meeting except in cases where a Special or Emergency meeting has been called in which case notice will be published as soon as possible.
- 5.10 An amended agenda may be published in advance of any regular meeting to provide for any late additions or amendments to agenda items already posted, and will be

made available as soon as possible and in the most expedient manner available.

- 5.11 Any item of business which is not listed on an Agenda may be raised as an addition to the agenda at the beginning of a Council or Committee meeting. When action is required on the added item, the matter shall be referred to a future Meeting Agenda in order to ensure adequate public notice is provided. Should immediate action be required, Council or Committee may, by a two-thirds majority vote of Council, waive the notification requirements of this By-Law to deal with the matter at that time.
- 5.12 Any item distributed at a Council or Committee meeting not included on the agenda shall form part of the Official Record of the proceedings, and therefore shall be considered to be a public document and included on the post-agenda for records purposes.
- 5.13 "Announcements" shall be used for Members to bring forward matters that are general information in nature. Matters requiring action shall be brought forward through the Notice of Motion process. Members wishing to make an announcement are required to raise their hand to indicate so to the Mayor.
- 5.14 The Annual Meeting Schedule of Council and Council-In-Committee, shall be published on the County's website.

PART 6: PUBLIC ACCESS TO MEETINGS

Open Meetings:

- 6.1 Except as provided in this Section, all meetings shall be open to the public.
 - a) Open to the public shall include one or more of the following options:
 - i. Public access to Council Chambers; or
 - ii. Live Stream on Norfolk County's YouTube channel, cable TV or other designated streaming capability.

Closed Meetings:

- 6.2 A Meeting or a part of a Meeting may be closed to the public in accordance with Section 239(2), (3) and (3.1) of the *Municipal Act* and if the subject matter being considered is:
 - a) The security of the property of the municipality or local board;
 - b) Personal matters about an identifiable individual, including municipal employees or local board members;
 - 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) The receiving of advice that is subject to solicitor-client privilege; including communications necessary for that purpose;
 - g) A matter in respect of which the Council, Board or Committee may hold a closed meeting under the authority of another Act;
 - h) The education and training of Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council;
 - i) Related to the consideration of a request under the Municipal Freedom of Information and Protection of Personal Privacy Act if the Council is designated as head of the institution for the purposes of that Act.
 - j) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c.13, Sched. 9, s.22.
 - k) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - l) 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;
 - m) 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
 - n) 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.
- 6.3 For any meeting at which there are items to be considered in a closed session, the agenda for that meeting shall identify the subsection(s) of the *Municipal Act*, or other applicable legislation, which authorizes each item to be considered at the closed session.
- 6.4 The Clerk shall prepare, and have approved by the CAO or designate, an agenda for the closed session which shall include a list of items to be considered that correspond with the identified listing of closed session items

on the Open Meeting Agenda.

- 6.5 The Clerk shall circulate the closed session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer.
- 6.6 No item may be added to the agenda for a closed session without approval of the Mayor, and/or Chief Administrative Officer, or designate, and with guidance from the Clerk.
- 6.7 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council shall state by Resolution:
 - a) The fact of the holding of the Closed Meeting and shall identify the subsection(s) of the *Municipal Act*, or other applicable legislation which authorizes each item to be considered at the closed session;
 - b) The general nature of the matter to be considered at the Closed Meeting;
 - c) In the case of a meeting for the purpose of educating and training of Members, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed for that purpose.
- 6.8 A Meeting shall not be closed to the public during the taking of a vote except where:
 - a) The provisions of this By-Law permits or requires a Meeting to be closed to the public; and
 - b) The vote is for a procedural matter, or for giving directions or instructions to officials, employees or agents of the Corporation of Norfolk County, or persons retained by or under contract with the municipality or local board.
- 6.9 Whenever a majority of the Members present decide that the Council should resolve into a Closed Session, the Mayor as Presiding Officer shall maintain order during the Meeting and shall report the proceedings thereof to the Council.
- 6.10 The rules governing the procedure of Council and the conduct of its Members shall be observed in the Closed Session with necessary modifications except that:
 - a) Voting shall only be permitted for providing direction to staff;
 - b) The number of times of speaking on any question shall not be limited.
- 6.11 In relation to a matter considered in a closed meeting, Council or Committee may vote:
 - a) On procedural motions;
 - b) On motions to rise, report and introduce a proposed recommendation on an open meeting agenda; or

- c) To give direction to staff or a third party of the County.
- 6.12 All deliberations while in Closed Session shall remain confidential unless otherwise approved in Open Session.
- 6.13 Once in a closed session, no item may be added to the agenda for that closed session.
- 6.14 Minutes shall be kept of all closed sessions, identifying the members present and absent, and the staff and any legal counsel present, in the same fashion as those kept for open sessions and shall correspond to the prepared closed session agenda.
- 6.15 All Closed Sessions of Council, Council-in-Committee, Budget Committee and Public Hearings Committee shall have an audio recording, unless the device to record malfunctions.
- 6.16 All audio recordings shall be maintained confidential and shall only be released to the Ombudsman under a Closed Session Investigation:
 - a) Notwithstanding section 6.15 audio recordings may be accessed by staff positions that were represented in the Closed Session for reference purposes, subject to the Clerks approval of appropriate security measures;
 - b) Notwithstanding section 6.15 audio recordings may be accessed by any Council member, as long as they did not abstain from the discussion, for reference purposes, subject to the Clerks approval of appropriate security measures.
- 6.17 All audio recordings shall be retained for a period of two (2) years in accordance with the Records Retention By-Law.
- 6.18 No Council Member or staff shall utilize an electronic recording device, on any computer, cell phone or any other device, in closed session, except the meeting Clerk when utilized for the purposes of recording, taking minutes or presenting.
- 6.19 Notwithstanding Clause 6.18, if the Clerk does not provide a hardcopy version of the Closed Session agenda, Members may use their electronic device to access the electronic Closed Session agenda.
- 6.20 The Record of all Confidential Closed Session Minutes shall be circulated to Members of Council and/or Committee for their review and shall be approved by resolution of Council. All Closed Session Minutes shall remain confidential unless a motion to release is approved unanimously by Council, or by order of a Court of competent jurisdiction.
- 6.21 Despite the provisions of public notification, a Closed Session item may be presented as a change to the Open Agenda, if the matter is deemed to be time sensitive. The Clerk shall attempt to give as much notice as possible to

Councillors, the media and the public in this instance. Attendance by staff in Closed Session may be limited to staff directly presenting or involved with a report, the CAO and the Clerk, or designate, for taking minutes. The Mayor and Chief Administration Officer will consult and make determinations upon required staff in Closed Session. Council as a whole may also be requested to provide input or decision.

- 6.22 No member of the Council shall distribute any reports or items, or disclose the nature of the content of discussions regarding any matters that are part of a closed agenda without the prior unanimous approval of the Council or Committee.
- 6.23 Any Consideration of release of Closed Session information provided within a Closed Meeting Report or Memo, shall require Council to first direct staff to prepare an Information Memo containing a summary of the content of the report that can be provided in open session without contravening any mandatory closed exemption outlined in the *Municipal Act, 2001*, the *Municipal Freedom of Information and Protection of Privacy Act*, or any other pertinent legislation related to confidential information or legal implications; such Report or Memo shall be presented to Council at a future meeting for consideration of release of said information.
- 6.24 The Council or Committee, rather than moving into a closed session, may simply acknowledge any items on a closed agenda, without full discussion, and may give direction in accordance with a recommendation included in a report on a closed session agenda, without moving into closed session.
- 6.25 The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed session.

Closed Meeting Investigations

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

PART 7: DEPUTATIONS/PRESENTATIONS

Deputations

- 7.1 Any person(s), group(s), or organization(s) that wishes to address Council-In-Committee for an item not listed on the agenda shall provide written notice to the Clerk no later than 12 noon Thursday prior to the meeting. Deputation Requests respecting matters that are listed on an agenda will be accepted until 3:00 p.m. the day prior to the meeting and may be presented to Members as Changes to the Agenda.
- 7.2 Deputations shall be considered at Council-In-Committee and Budget Committee Meetings only.

- 7.3 Deputations shall not be permitted on a Council Agenda unless the matter is time sensitive and related to business on the subject agenda. All deputations requesting to appear at a Council meeting must be received by the Clerks Office by 3:00 p.m. the Monday prior to the meeting.
- 7.4 ~~Notwithstanding Clause 7.3, items contained within Committee minutes that are listed on a Council agenda for approval are not considered as "business on the subject agenda" for the purposes of Deputations~~ Deputations are permitted to speak on an item that has been pulled from within a set of minutes provided they did not already give a Deputation in the same item during the Council-in-Committee meeting. Minutes shall be considered an item on the agenda only for the purposes of Deputations.
- 7.5 A Request for Deputation Form, as prescribed by the Clerk, shall be completed for all deputations and filed with the Clerk and shall clearly state the nature of the business to be discussed. Any form not completed with sufficient detail will not be considered.
- 7.6 Deputation requests which do not meet the regular agenda print may be presented at the beginning of Council-in-Committee as Changes to the Agenda for consideration of adoption.
- 7.7 Upon receipt of a deputation request, the Clerk will review the request to determine if it meets the requirements of the Procedure By-Law. If the request does not meet the procedures as outlined in the Procedure By-Law, it shall be the decision of the Clerk whether a deputation will be included on an agenda.
- 7.8 Deputation requests may be limited to a maximum of five (5) per meeting, at the discretion of the Clerk. Deputations regarding matters listed on the agenda will not be limited. Any deputation regarding a matter not listed on the agenda may be moved to a future agenda to meet the maximum limit per meeting, if required.
- 7.9 The deadline for Requests for Deputations is subject to change, at the discretion of the Clerk, around Statutory Holidays and office closures and instances where meeting start times are advanced significantly.
- 7.10 Deputations shall only present significantly new information. Repetitive deputations by any person(s), group(s), or organization(s) will not be considered.
- 7.11 Notwithstanding Clause 7.10, individuals who present at a Public Hearings Committee meeting related to a Planning matter, may only provide a deputation at the Council meeting where the Planning matter is considered if they are providing significantly new information than what was presented at the Public Hearings Committee meeting. Repetitive information will not be allowed.

7.12 Only one deputation shall be permitted on an agenda per person, per group or per organization.

~~7.12~~ 7.13 If a group or organization is giving a deputation, multiple people are permitted to speak

Commented [TR5]: Unless for the purposing under the planning act etc.

during their deputation, however collectively they have five (5) minutes to speak per section 7.8 and 7.15.

~~7.137.14~~ Notwithstanding Clause 7.12, the Chair of a Public Hearings Committee meeting may allow for multiple speakers on a subject matter or limit speakers if the information presented is continually repetitive.

~~7.147.15~~ The total time allotted to each deputation at any Council or Committee meeting shall be set at (5) five minutes with the provision for one (5) minute extension by a majority vote.

~~7.157.16~~ The Mayor, or the Clerk or designate, shall notify all deputations when they have one minute remaining.

~~7.167.17~~ In the case of extenuating circumstances, Council may, by a two-thirds majority vote, permit a person to appear as a deputation who does not appear on the agenda.

~~7.177.18~~ Any related written briefs, or PowerPoint presentations outlining the subject matter of the deputations, shall be provided to the Clerk and shall form part of the Official Record of the proceedings, and therefore shall be considered to be a public document.

~~7.187.19~~ Deputations may make PowerPoint presentations at meetings provided that an electronic copy of the presentation is provided to the Clerk, no later than 3:00 p.m. on the business day prior to the meeting day. The Clerk shall use their discretion on whether the Clerks Office will run the presentation during the meeting or allow the Deputation to control the presentation.

~~7.197.20~~ Deputations who wish to provide materials for distribution at a Council, ~~or~~ Committee or Public Hearings Committee meetings, must provide a copy in advance of the meeting to the Clerk, and upon approval that the materials can be distributed, the deputation must provide 15 copies to the meeting Clerk for distribution. In accordance with Norfolk County policies, the Norfolk County logo is not to be used on any material without the approval of the Clerk.

~~7.207.21~~ Council or Committee may in their discretion, refuse to hear any Deputation.

~~7.217.22~~ Council or Committee shall refuse to hear Deputations when, in the opinion of Council or the Committee, the subject of the presentation is beyond the jurisdiction of the municipality.

~~7.227.23~~ No person shall be permitted to address Council or Committee with respect to any labour/management disputes, labour relations, union negotiations and employee relations nor shall a brief respecting such matters be listed on a Council or Committee Agenda.

~~7.237.24~~ No person shall be permitted to address Council or Committee relating to any litigation or potential litigation matters with respect to The Corporation of Norfolk County, including but not limited to, individuals and / or organizations

actively involved in litigation.

~~7.247.25~~ No deputation shall be permitted to request a reconsideration of a decided matter within one year of the original decision.

~~7.257.26~~ No deputation shall be permitted from a bidder or potential bidder on a tender that is currently open or being presented to Council or Committee for approval.

~~7.267.27~~ No deputation shall be permitted to make a request for financial assistance from the Corporation and shall be advised that any such request must be submitted in writing to the Chief Administrative Officer and will be administered within the context of existing policies and procedures.

~~7.277.28~~ Notwithstanding subsection 7.276, no deputation shall be permitted requesting funds or waiver of fees except when staff reports respecting grant funding or the establishment of fees are being considered.

~~7.287.29~~ Members shall not engage in any debate with the deputation. Members shall only ask questions for clarification and obtaining additional relevant information after the deputation has finished their formal address.

~~7.297.30~~ A deputation regarding a matter for which there is no staff report on the agenda for that meeting may be received for information by members on the subject and the matter shall be referred to staff for a report.

Commented [TR6]: If requested by Council

~~7.307.31~~ Deputations shall not:

a) Speak disrespectfully to, or about:

i) -Any member of Council or Committee;

ii) Any member of Norfolk County Staff; or

•iii) Any member of the public, any person;

•b) Use offensive language;

•c) Speak on any subject other than the subject for which he/she has received approval to address Council-In-Committee;

d) Disobey the rules of procedure or a decision of the Mayor or Presiding Officer;

e) Leave the podium at any point during their presentation; or

•f) Circulate any materials to members of Council or Committee during their presentation that were not already circulated to members prior to the start of the meeting.

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~~7.347.32~~ All provisions within this section shall also apply to any deputations attending Council, ~~or~~ committee or Public Hearings Committee meetings.

Presentations

~~7.32~~7.33 Ceremonial presentations of awards and recognition to or from the Corporation shall be scheduled directly on Council Agendas.

7.34 All other presentations may be scheduled at Council or Council-In-Committee meetings.

~~7.33~~7.35 Presentations given by consultants retained by the municipality shall be given an allotment of 20 minutes to deliver their presentation

~~7.34~~7.36 All other Presentations shall be limited in speaking to not more than ten (10) minutes in total.

~~7.35~~7.37 Presentations by staff shall be limited to not more than ten (10) minutes in total, unless otherwise approved by the CAO.

~~7.36~~7.38 Extensions to presentations may be granted by a majority vote of members in attendance.

~~7.37~~7.39 Any related written briefs, or PowerPoint presentations outlining the subject matter of the presentations, shall be provided to the Clerk, no later than 3:00 p.m. on the day prior to the meeting day, and shall form part of the Official Record of the proceedings, and therefore shall be considered to be a public document.

~~7.38~~7.40 Presentation requests may be limited to a maximum three (3) per meeting, at the discretion of the Clerk.

PART 8: COMMUNICATIONS AND PETITIONS

- 8.1 Communications addressed to the Mayor and Council shall be circulated to Council via email for information purposes in a manner prescribed by the Clerk.
- 8.2 At the Clerk's discretion, any Communications received by the Clerk's Office after the publishing of an agenda directly related to a matter listed on the agenda and deemed to be relevant may be included on the agenda.
- 8.3 A Council Member may request any Communications addressed to Mayor and Council, circulated by the Clerk related to a matter on the agenda, to be added as a Communications item to said agenda subject to the same provisions as outlined for Deputations as outlined in Section 7, Clauses 7.16 to 7.32 of this By-Law. Requests to add such Communications to the agenda shall be made by 3:00 p.m. on the Monday prior to the meeting.
- 8.4 Petitions addressed to the Mayor and Council shall be listed on the Agenda under Communications, if action is required related to a matter on the agenda.
- 8.5 Petitions addressed to the Mayor and Council that are not related to a matter on the current meeting agenda shall be circulated to Council via email for information purposes.
- 8.6 A Council Member may request any petition circulated by the Clerk via email to be added to a future Council or Committee meeting as a Communications item

subject to the same provisions as outlined for Deputations as outlined in Section 7, Clauses 7.1~~76~~ to 7.3~~24~~ of this By-Law.

- 8.7 Every communication or petition intended for presentation to Council or to a Committee shall be legibly written or printed and shall be signed by at least one person with their appropriate contact information.
- 8.8 The deadline for receipt of communications or petitions by the Clerk for inclusion on the Agenda shall be 3:00 p.m. the day prior to the meeting.
- 8.9 No item of correspondence requesting financial assistance from the County shall be submitted to Council or committee for consideration and the author of such correspondence shall be advised that any such request must be submitted in writing to the Chief Administrative Officer and will be administered within the context of existing policies and procedures.
- 8.10 All Resolutions received from other municipalities shall be distributed, for information purposes, to the members of Council via email and may be placed on a meeting agenda at the request of a member of Council or the Chief Administrative Officer.
- 8.11 Communications or petitions containing obscene or defamatory language or submitted anonymously shall not be listed on the Agenda.
- 8.12 At the discretion of the Clerk, communications may be redacted to protect personal information that has been included by the author.

PART 9: ORDER OF PROCEEDINGS, AGENDAS & MINUTES

Agendas:

The Clerk or his/her designate shall prepare the Agenda for all Regular Council Meetings consisting of the following Order of Business:

1. Ceremonial Activities
2. Approval of Agenda/Changes to the Agenda
3. Disclosures of Pecuniary Interest and the general nature thereof
4. Closed Session (If early session required)
5. Consent
6. Presentations & Deputations
7. Communications
8. Approval/Correction of Council Meeting Minutes
9. Reports of Committees-of-the-Whole
10. Reports of Committees
11. Staff Reports/Discussion Items
12. By-Laws
13. Motions
14. Notices of Motion
15. Other Business
16. Announcements
17. Closed Session
18. Confirming By-Law
19. Adjournment

9.1 Deputations are to commence at 2:00p.m. in order to ensure a consistent start time for members of the public. If Council reaches the point in the agenda for

deputations prior to 2:00p.m., they are to skip deputations and continue with the regular order of business, and at 2:00p.m. they shall return to, and commence deputations.

- ~~9-49.2~~ The Clerk, or designate, may alter the order of business from that described above for the purpose of facilitating Public Meetings/Public Hearings and Deputations to be heard at a specific time.
- ~~9-29.3~~ The Clerk, or designate, may alter the order of business from that described above for the purposes of facilitating deputations and presentations that include an accompanying staff report.
- ~~9-39.4~~ The Minutes of all Council meetings shall, unless otherwise decided by the Council, be submitted for review and adoption at a subsequent Council meeting.
- ~~9-49.5~~ Changes to the Agenda order after publication and new items shall be presented under 'Approval of the Agenda/Changes to the Agenda' section for approval before adoption.
- ~~9-59.6~~ The business of each Meeting shall be taken up in the order in which it stands in the Agenda, unless otherwise decided by a majority vote of the members present.
- ~~9-69.7~~ A motion changing the order of business shall not be amendable or debatable.
- ~~9-79.8~~ All Council members desiring to pull an item from the Consent section of the agenda for discussion are required to notify the Clerk prior to the day of the meeting. The Clerk shall notify all Council members of the item being pulled for discussion.
- ~~9-89.9~~ All Council members desiring to pull for discussion an item or recommendation from a set of minutes listed on a Council agenda related to Council-in-Committee, Public Hearings Committee or Budget Committee minutes, are required to notify the Clerk the day before the meeting. The Clerk shall notify all Council members of the item being pulled for discussion.
- ~~9-99.10~~ Notwithstanding Clauses ~~9.98~~ and ~~9.109~~, Council by majority vote, may allow an item to be pulled for discussion.
- ~~9.11~~ Any item pulled for discussion as outlined in Sections ~~9.98~~, ~~9.109~~ and ~~9.110~~ shall provide for the Member who pulled the item to be the first member to speak to the matter.
- ~~9-109.12~~ Should a Member of Council wish to not adopt a recommendation within an item pulled from a set of Council-in-Committee or Public Hearing Committee meeting minutes, a Motion must be put forward to not adopt said recommendation. If a Council member intends to put forward a motion to not adopt a recommendation, advance notice must be given to the Clerk and the balance of Council.

Commented [TR7]: Pull a report and have it start fresh (as if it is a new report)

Minutes:

9.149.13 Minutes of the Council or its Committee, whether in Closed or Open Session, shall record:

- 1) The place, date and time of the meeting;
- 2) The record of the attendance of the members;
- 3) The name of the recording secretary, Clerk and senior staff present;
- 4) The name of any staff who presented or spoke to a matter;
- 5) All resolutions, decisions and other proceedings of the meeting without note or comment; and
- 6) The time of adjournment.

9.129.14 The minutes of each meeting:

- 1) shall be presented to the Council at the next regular meeting for approval.
- 2) Notwithstanding subsection (1) above, if the meeting of the Council is less than three (3) business days prior to a regular meeting of the Council, the minutes may be presented to the next meeting of the Council following the regular meeting, for approval.

9.139.15 After the minutes of each meeting of the Council have been approved by the Council, the minutes shall be signed by the Mayor and Clerk. Minutes shall be posted on the website when they are available.

9.149.16 Minutes of all Closed Sessions shall remain confidential unless authorized under Section 23.5(d).

PART 10: ROLE OF THE MAYOR

10.1 In accordance with the *Municipal Act, 2001*, it is the role of the Mayor as the Head of Council:

- a) To Act as Chief Executive Officer of the municipality;
- b) To preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) To provide leadership to Council;
- d) To represent the municipality at official functions
- e) To carry out the duties of the Head of Council under the *Municipal Act, 2001* and any other Act; and
- f) To provide information and recommendations to Council with respect to the role of Council described in the *Municipal Act, 2001*.

10.2 As Chief Executive Officer of the County, the Head of Council shall:

- a) Uphold and promote the purposes of the municipality;

- b) Promote public involvement in the County's activities;
- c) Act as the representative of the County both within and outside the municipality and promote the County locally, nationally and internationally; and
- d) Participate in and foster activities that enhance the economic, social and environmental well-being of the County and its residents.

10.3 Strong Mayor Powers

10.3.1 Strong Mayor Powers – Addition of Item(s) to an Agenda

- a) Pursuant to the *Municipal Act, 2001, Section 284.10 (1)*, despite any procedure by-law passed by the municipality under subsection 238 (2), if the head of Council is of the opinion that considering a particular matter could advance a prescribed provincial priority, the head of Council may require the Council to consider the matter at a meeting.
- b) Any such matter introduced by the Mayor pursuant to the Strong Mayor Powers will normally be in the form of a Mayoral Direction included on the Agenda prepared by the Clerk, but may be, at the Mayors discretion, introduced under Adoption of the Agenda, except no Motion or vote of Council is required for the matter to be included on the agenda.
- c) For greater certainty, and to ensure that the public records (Agendas and minutes) reflect the exercise of the Strong Mayor Powers, the Clerk is authorized to include the addition of business pursuant to the Strong Mayor Powers in the Agenda and minutes.
- d) Any matter introduced by the Mayor under this section shall normally be considered with Other Business, unless the Mayor directs otherwise.

10.3.2 Strong Mayor Powers – By-Laws Introduction

- a) Pursuant to the *Municipal Act, 2001, Section 284.10 (1)*, despite any procedure by-law passed by the municipality under subsection 238 (2), if the head of Council is of the opinion that considering a particular matter could advance a prescribed provincial priority, the head of Council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting.
- b) Any By-Law introduced by the Mayor will normally be included on the Agenda prepared by the Clerk, but may be, at the Mayors discretion, introduced under Adoption of the Agenda, whereby no Motion or vote of Council is required to include any such By-Law on the Agenda.

10.3.3 Notwithstanding any thing else in this Procedural By-Law, a By-Law introduced by the Mayor pursuant to the Strong Mayor Powers to advance a provincial priority shall, in accordance with *the Municipal Act*, Subsection 284.11.1 (4), be passed if more than **Laws Approval and Veto**

- a) In accordance with the timelines set out in Part VI.1 of the Municipal Act and the associated regulations, the Mayor shall communicate to the Clerk:
 - i) Written notice of any By-Laws that the Mayor intends to Veto pursuant to Strong Mayor Powers, and a written veto document as prescribed by the Act
- b) Upon receipt of written notice from the Mayor and in accordance with the timelines prescribed in the Regulations, the Clerk shall advise Council and the public by:
 - i) Posting notice of the Mayors approval of the By-Laws on the County's website and Posting notice of Mayoral Veto of a By-Law or By-Laws on the County's website and advising all members by e-mail, including providing a copy of the veto document.
- c) In accordance with Strong Mayor Powers, and subject to the timelines set out in Part VI.1 of the Act and associated regulations, Council may override a Mayoral Veto with a two-thirds (2/3) vote of all members. The override may be introduced by a Motion:
 - i) Without prior notice at any regular Council meeting under Adoption of Agenda; or
 - ii) At a special meeting called for this purpose.

10.3.4 Strong Mayor Powers – Budget – Introduction

- a) The Mayor will introduce the County's budget by directing staff to include the proposed budget on a Council Agenda, or an Agenda for a Special Council Meeting called for that purpose.
- b) Before presenting a proposed budget for Council's consideration, the Mayor will normally seek comments on a draft budget from the Budget Committee of the Whole or as detailed in a process determined by the Mayor.

10.3.5 Strong Mayor Powers – Budget – Consideration, Amendment, and Veto

- a) Council shall consider the Budget at a Meeting and shall:
 - i) Express support for the Mayor's budget as presented; or
 - ii) Make resolutions with proposals to amend the Mayors Budget
- b) In accordance with Strong mayor Powers, and subject to any prescribed timelines in the associated regulations, the Mayor may veto a budget amendment passed by Council. This veto shall be communicated within the timelines prescribed by the Act and associated regulations, and may be communicated to Council:
 - i) At the Council meeting at which the amendment was adopted or at a subsequent Council meeting, without notice, and with written notice of the veto to be subsequently provided to the Clerk to be recorded and publicly published in the draft and final minutes;

ii) By e-mail to Members of Council directly or through the Clerk, and shall be recorded and publicly published by the Clerk in the draft and final minutes.

c) In accordance with Strong Mayor Powers, and subject to any prescribed timelines in the associated regulations, Council may override the Mayoral Veto with a two-thirds (2/3) vote of all members. The override may be introduced by Motion:

i) Without notice or any regular Council meeting under adoption of Agenda; or

ii) At a Special Meeting called for this purpose.

10.3.6 Strong Mayor Powers – In-year Budget Amendments

a) If there are any in-year budget amendments, the introduction and Veto process shall be in accordance with the legislation and regulations.

PART 11: ROLE OF COUNCIL

11.1 In accordance with the *Municipal Act, 2001*, it is the role of Council:

- a) To represent the public and consider the well-being and interests of the County;
- b) To develop and evaluate the policies and programs of the County;
- c) To determine which services the County provides;
- d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) To ensure the accountability and transparency of the operations of the County, including the activities of the senior management of the County;
- f) To maintain the financial integrity of the County; and
- g) To carry out the duties of Council under the *Municipal Act, 2001* and any other Act.

PART 12: DISCLOSURE OF PECUNIARY INTEREST

12.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O 1990, c.M.50*) of any item or matter before Council, Committee or Local Board and the general nature thereof.

12.2 If a Member has any pecuniary interest, direct or indirect, in any matter in which the Council or Committee is concerned and if he/she is present at a Meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and

the general nature thereof and may leave the room and shall not take part in the consideration or the discussion of the matter nor vote on any motion in regard to the matter. The Member shall submit a written declaration of interest upon the form, prescribed by the Clerk, prior to the meeting or as soon as possible after declaring.

- 12.3 If a Member is not present and has any pecuniary interest, he/she shall disclose his/her interest at the next meeting in attendance.
- 12.4 Notwithstanding the quorum requirements of this By-Law, when a majority of the members has disclosed an interest in accordance with Section 12.2 of this By-Law and the *Municipal Conflict of Interest Act*, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- 12.5 Where a meeting is not open to the public, in addition to complying with the requirements for disclosure in open session, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 12.6 The Clerk shall record the nature of any disclosure of pecuniary interest made by Members, as the case may be, and any such record shall appear in the minutes of that particular meeting, as the case may be.

PART 13: RULES OF CONDUCT

- 13.1 No Member shall:
 - a) Speak disrespectfully of any person.
 - b) Use offensive words, inappropriate actions or insulting language in or against any Member of Council or any Staff member or any member of the public.
 - c) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability.
 - d) Engage in private conversation while in the Council or Committee Meeting or use electronic devices for personal use (electronic devices includes cellular phones, personal digital assistance, media players, etc.).
 - e) Speak on any subject matter other than the subject in debate.
 - f) Introduce any communications at a Council or Committee Meeting that is not listed on the agenda or has not been added to the agenda by two-thirds majority.
 - g) Disturb the Council by any disorderly conduct.
 - h) Where a matter has been discussed in Closed Session, and where the matter remains confidential, no Member shall disclose a confidential matter or the substance of deliberations at a Closed Session, except to the extent that Council has previously released or disclosed the matter in public;

- 13.2 A Member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.
- 13.3 A Member should not leave his/her seat or make any noise or disturbance during the meeting and while a vote is being taken or until the vote is declared.
- 13.4 A Member shall not interrupt a Member who is speaking, except to raise a point of order or a question of privilege.
- 13.5 A Member who asks a question of staff shall be entitled to the response to be provided by a staff member. No Member of Council shall respond on behalf of the staff member unless the requesting Member agrees otherwise.
- 13.6 Procedures that may be used by the Mayor in the event of a breach of order are as follows, in increasing order of severity provided that the Mayor may use any such procedure regardless of order of severity where circumstances warrant:
- a) advise and correct the member;
 - b) request an apology or withdrawal of a remark from the member;
 - c) warn the member;
 - d) call the member to order, by which the member shall be seated and not speak further until recognized by the Mayor;
 - e) name the member, by which the member shall be called to order and further, that the member's name and offence shall be entered into the minutes; and
 - f) exclude the member.
- 13.7 In the event that a Member persists in a breach of the Rules of this By-Law, after having been called to order by the Mayor, the Mayor shall put the question "Shall the Member be ordered to leave his/her seat for the duration of the Meeting?" and such question is not debatable.
- 13.8 If the Council decides the question set out in Section 13.7 of this By-Law in the affirmative by a majority vote of the members present, the Mayor shall order the member to leave his/her seat for the duration of the Meeting.
- 13.9 If the Member apologizes, the Mayor, with the approval of the Council, may permit the Member to resume his/her seat.
- 13.10 No member of the public shall:
- 1) Disturb the meeting by shouting, clapping or any other form of disorderly conduct, or
 - 2) Use indecent, insulting or offensive language either verbally or on other visual displays including the display of signs.
- 13.11 If a member of the public is in violation of the rules of this By-Law and fails to cease such activity upon direction of the Mayor, the Mayor has the discretion to

either adjourn or recess the meeting.

PART 14: RULES OF DEBATE

- 14.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 14.2 The Mayor shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council.
- 14.3 The Mayor may answer questions and comments in a general way without leaving the chair, but if he/she wishes to make a motion or to speak on a motion taking a definite position and endeavoring to persuade the Council to support that position, then he/she shall first leave the chair until their comments are finished and then may resume the chair.
- 14.4 If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor will chair the meeting. If the Deputy Mayor also desires to leave the chair for the purpose of taking part in the debate, the chair will pass to another member, in consecutive order starting with Ward 1, to a member who has not participated in the debate.
- 14.5 Before a Member may speak to any matter, he/she shall first be recognized by the Mayor.
- 14.6 If the motion pertains to a specific geographic area only within the County, the Councillor(s) of the area may request to speak first to the motion; and in the event both area Councillors wish to speak, the Mayor shall determine who first requested to speak.
- 14.7 The mover of the motion may request the right to be the last member to speak on the motion.
- 14.8 When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the Member who is to speak first.
- 14.9 When a Member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.
- 14.10 When a Member is speaking, no other Member shall interrupt that Member, except to raise a point of order or raise a question of privilege. No member shall speak more than once on an item of business until every member who desires to speak has spoken.
- 14.11 A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the members present.
- 14.12 Notwithstanding 14.11, a Member may provide a 1 minute introduction to a motion

Commented [TR8]: Provisions around friendly amendments etc. or include wording that any original motion that has been amended starts the clock over

that the Member introduces and said introduction will not count towards their opportunity to speak twice to the motion.

- 14.13 When a motion is under debate, a Member may ask a concisely worded question of another Member or a Staff member through the Mayor prior to the motion being put to a vote by the Mayor.
- 14.14 A Member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member who is speaking.
- 14.15 If a Member disagrees with the announcement of the Mayor that a question is Carried or Lost, he or she may immediately after the declaration by the Mayor, object to the Mayor's declaration and request the vote to be retaken, for purposes of clarification.
- 14.16 Unless a Member immediately appeals the Mayor's decision, the decision and its result shall be final.

Commented [TR9]: This should not count towards your allowable debating questions

PART 15: QUESTIONS OF PRIVILEGE & ORDER

- 15.1 If a Member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.
- 15.2 When the Mayor considers that the integrity of the Chief Administration Officer or a Member of the County Administration has been impugned or questioned, the Mayor may permit the Chief Administration Officer or a Senior Manager to make a statement to the Council.
- 15.3 When a Member desires to call attention to a violation of the Rules of Procedure, he/she shall ask leave of the Mayor to raise a point of order and after leave is granted, he/she shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the members of his/her decision.
- 15.4 Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.
- 15.5 If the decision of the Mayor is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.
- 15.6 When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Mayor unless to appeal the ruling of the Mayor.

PART 16: NOTICES OF MOTION

- 16.1 Any member of Council may give a Notice of Motion indicating intent that the Member will introduce a motion at the next or a subsequent meeting. The giving of a Notice of Motion requires no Secunder and is not at that time debatable.
- 16.2 All Notices of Motion shall include the proposed motion, be submitted in writing and filed with the Clerk.
- a) Notices of Motion filed by noon ~~5 business days on the Tuesday~~ ~~Thursday~~ prior to the meeting shall be placed on the regular meeting agenda.
 - b) Notices of Motion filed by noon on the Monday prior to the meeting shall be placed on the Chair notes to be added as an amendment to the Agenda addendum agenda.
 - ~~c) Notices of motion filed after the deadlines outlined in a) and b) shall be introduced verbally by the Member at the meeting, and will form part of the post-agenda after the meeting.~~
- 16.3 The Member may read out the Notice of Motion as written and/or submitted on the agenda and provide up to 1 minute introduction of the notice, but not may not introduce any other matter or enter into debate of the Notice.
- 16.4 The motions submitted under Notices of Motion shall be considered as follows:
- a) Notices of Motion filed with the Clerk at a Council Meeting shall be placed on the Council Agenda under "Motions" at the next Regular Council Meeting unless otherwise noted;
 - b) Notices of Motion filed with the Clerk at Council-In-Committee meetings shall be placed on the Agenda under "Motions" at the next Regular Council-In-Committee Meeting;
 - c) Notwithstanding Clause b) Notices-of-Motion filed with the Clerk before noon ~~5 business days the Thursday~~ prior to a Council-In-Committee meeting shall be permitted to be placed on the subsequent regular Council agenda as Motions, unless otherwise noted.
- 16.5 Any motion may be introduced without notice if the Council without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.
- 16.6 No delegations shall be permitted to speak on a Notice of Motion when it appears on the agenda until such time as it becomes a Motion for consideration by Council or Committee.

PART 17: MOTIONS

- 17.1 Motions shall be moved and seconded before being debated or put to a vote.
- 17.2 Every motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Mayor, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.

17.3 When a motion is under debate, no other motion shall be in order except a motion:

- a) to adjourn;
- b) to proceed beyond the hour of 8:00 p.m.;
- c) to defer;
- d) to call the question (close the debate);
- e) to amend;
- f) to refer.

17.4 A motion to adjourn shall:

- a) not be amended;
- b) not be debated;
- c) not include qualifications or additional statements; and
- d) always be in order except when a Member is speaking or the members are voting or when made in a Closed Session.

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

17.6 A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate.

17.7 The Council shall always adjourn when there is no business before them or at 8:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds majority vote of the members present at the Meeting to go beyond that hour.

17.8 A motion to proceed beyond the hour of 8:00 p.m. shall:

- a) not be amended;
- b) not be debated; and
- c) shall always be in order, except when a Member is speaking or the members are voting; and
- d) require a two-thirds majority.

17.9 A motion to defer a matter under consideration shall:

- a) not be amended;
- b) be debated only in the context of the deferral motion;
- c) always be in order and take precedence, except when a Member is speaking or the Members are voting; and
- d) where possible, indicate a future date during which the matter will be further considered.

- 17.10 A motion to refer means a motion to request that a pending motion be referred to Administration, a Committee, a Local Board, or elsewhere to obtain further information to be provided for consideration.
- 17.11 A motion to refer a matter under consideration to a Committee or elsewhere shall:
- a) be open to debate;
 - b) be amendable; and
 - c) preclude amendment or debate of the preceding motion, unless the motion to refer ~~is is defeated resolved in the negative~~, in which case the preceding motion shall be open to debate and amendment.
- 17.12 A motion to refer shall include:
- a) the name of the administrative department, Committee or Local Board to whom the request is to be referred; and
 - b) instructions or directions respecting the information required.
- 17.13 A motion to amend shall:
- a) be open to debate;
 - b) not propose a direct negative to the main motion;
 - c) be relevant to the main motion; and
 - d) not be further amended more than once.
- 17.14 Voting on the main motion and amending motions shall be conducted in the following order:
- a) a motion to amend a motion to amend the main motion;
 - b) a motion (as amended or not) to amend the main motion; and
 - c) the main motion (as amended or not).
- 17.15 When a motion under consideration contains distinct and separate propositions,
- a) A Member may request a division of the question, provided a Recorded Vote has not previously been called for. Such request is not debatable or amendable.
 - b) The Mayor shall divide the question and the vote upon each proposition shall be taken separately.
- 17.16 A member may make a motion to "call the question" (close debate) after each member who wished to speak on the motion has spoken once:
- a) The chair shall take the vote on a motion to "call the question" after each member who wished to speak on the motion has spoken once.
 - b) If a member speaks to the subject of a motion, he may not then immediately "call the question".
 - c) A motion to "call the question"

- i) Cannot be amended;
- ii) Cannot be proposed on the main motion, when there is an amendment under consideration;
- iii) Shall preclude all further amendments of the main motion;
- iv) When resolved by a majority vote, the motion is to be put forthwith without debate or amendment.

17.17 Any member may require the motion under discussion to be read at any time during debate but such request shall not be made so as to interrupt a member while speaking.

PART 18: VOTING PROCEDURES

- 18.1 A motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the motion have spoken in accordance with the rules of debate outlined in Section 14 of this By-Law.
- 18.2 After a motion is put to a vote by the Mayor, no Member shall speak on that motion, with the exception of the Mayor who may speak prior to calling the vote or after the result of the vote is announced. No other motion shall be made until after the result of the vote is announced.
- 18.3 Every Member of Council including the Mayor or other Presiding Officer present at a Council Meeting when a question is put shall vote thereon, except where he/she is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chamber when the question is put.
- 18.4 Every Member of Council who is not disqualified from voting by reasons of a declared pecuniary interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.
- 18.5 All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.
- 18.6 The Mayor shall ask for all members in favour; and then all members opposed.
- 18.7 The Mayor shall announce the result of every vote. Upon the taking of any vote, if all of the members present when the vote is taken vote unanimously, the Mayor may direct the Clerk to record the vote accordingly.
- 18.8 If a Member disagrees with the number of votes for and against a motion as announced by the Mayor, he/she may object immediately to the Mayor's declaration and, with the consent of the Council, the vote shall be re-taken.
- 18.9 When there is a tie vote on any motion, that motion shall be deemed to be defeated. ~~it shall be deemed to have been decided in the negative.~~
- 18.10 A Member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote.

- 18.11 When a Recorded Vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the Minutes.
- 18.12 In any vote required of the Whole Council, the number of members constituting the Council shall be determined by excluding:
- a) The number of members who are present at the Meeting but who are excluded from voting by reasons of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M50 as amended;
 - b) The number of seats that are vacant on the Council by reasons of Section 259 of the *Municipal Act, 2001* 2001, S.O. 2001, c.M25 as amended.

PART 19: RECONSIDERATION

- 19.1 A "Motion to Reconsider" means a motion requesting to bring back, for further consideration, a motion which has already been voted on by Council.
- 19.2 After a matter has been decided by Council, a member who voted in the majority may present a Notice of Motion to reconsider that matter. Such Notice of Motion to Reconsider shall be referred to the next available Meeting of Council and shall be included on the Agenda under "Motions". A matter may only be reconsidered once per year.
- 19.3 Actions of Council that have already been acted upon and cannot be reversed or suspended cannot be reconsidered. "Acted upon" shall include the execution of any agreements or legally binding documents, expenditures of funds over \$5,000 or any other action that may have a significant impact on County operations, the financial position or liability.
- 19.4 Before accepting a Notice of Motion to Reconsider, the Mayor may ask the Member to confirm that he or she voted with the majority on the issue in question.
- 19.5 A Motion to Reconsider a decided matter shall require the approval of at least two-thirds majority vote of the Members present.
- 19.6 No Motion to Reconsider may, itself, be the subject of a Motion to Reconsider.
- 19.7 No debate on a Motion to Reconsider a decided matter shall be permitted; however, the mover of a Motion to Reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- 19.8 If a Motion to Reconsider is decided in the affirmative at a Meeting, then consideration of the original motion shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

PART 20: DIRECTION TO STAFF

- 20.1 The Council or Committee may, by resolution, give direction to staff to pursue a course of action. An individual Councillor shall not direct staff to undertake an action, expend funds, commit resources or prepare a staff report to Council or committee, unless authorized by Council.
- 20.2 Despite subsection 20.1, where direction to staff is made by a Committee and, for practical and logistical reasons that action must be undertaken prior to Council passing a resolution to approve the Committee's recommendation (i.e. direction to refer a matter to the meeting of the Council at which the Committee's recommendation would be considered), such direction may still be given but only on a majority vote.

PART 21: ENACTMENT OF BY-LAWS

- 21.1 Every By-Law coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.
- 21.2 All By-Laws coming before Council shall receive ~~one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.~~ Three readings, unless otherwise required by relevant legislation.
- 21.3 Every By-Law shall be introduced upon motion by a Member of Council, and any number of By-Laws may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any By-Law.
- 21.4 No By-Law may be defeated on the floor without reconsideration of the original motion which gave rise to consideration of the By-Law.
- 21.5 Every By-Law enacted by the Council shall be dated and signed by the Mayor and the Clerk, and sealed with the seal of The Corporation.

PART 22: EDITORIAL AND OTHER CHANGES

- 22.1 The Clerk may make the following changes to By-Laws or resolutions to:
- a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - b) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - c) Correct errors in the numbering of provisions or other portions of a By-Law and make any changes in cross-references that are required as a result.
 - d) Make a correction, if it is patent both that an error has been made and what the correction should be.
- 22.2 The Clerk may provide notice of the changes made under paragraphs (a) to (d) in the manner that he or she considers appropriate.
- 22.3 No legal significance shall be inferred from the timing of the exercise of a power under this section.

22.4 Regardless of when a change is made to a By-Law under this section, the change may be read into the By-Law as of the date it was enacted if it is appropriate to do so.

PART 23: COUNCIL-IN-COMMITTEE

23.1 Composition:

All members of the Council shall constitute and fully participate in business meetings (termed "Council-In-Committee") at which all substantive matters of concern of the municipality requiring a policy decision shall be considered for recommendation to the Council.

23.2 Chair and Vice-Chair:

The Chair and Vice-Chair of Council-In-Committee shall be appointed for a six month term unless otherwise agreed upon by resolution.

23.3 Regular Meetings:

- e) All regular meetings of Council-In-Committee shall take place on the second ~~(2nd)~~ Tuesday of the month and shall convene in the Council Chambers and/or Committee Room A at 1:00 p.m.
- a) A Council-In-Committee may be convened earlier, if deemed necessary with the approval of the Mayor with public notice given in accordance with Sections 5.1 and 5.2.
- b) Where such Tuesday may fall directly after a holiday or be a holiday, the Council-In-Committee shall meet on the business day next following the regular day of the meeting or on another date as is deemed practicable.

23.4 Order of Business/Agendas:

The Clerk or his/her designate shall prepare the Agenda for all Regular Council- In-Committee Meetings consisting of the below Order of Business. The Clerk or Clerk-designate may amend the Order of Business to facilitate Deputations or Presentations being heard at a designated time including any accompanying staff reports.

- a) Approval of the Agenda/Changes to the Agenda
- b) Disclosures of Pecuniary Interest
- c) Closed Session (If early session required)
- d) Consent
- e) Presentations/Deputations & Related Reports
- f) Communications
- g) Staff Reports/Discussion Items
- h) Motions
- i) Notices of Motion
- j) Other Business
- k) Announcements

- l) Closed Session
- m) Adjournment

23.5 **Minutes**

- a) Minutes of the Council-In-Committee, whether it is closed to the public or not, shall record all of the recommendations, decisions and other proceedings of the meeting without note or comment.
- b) The Minutes (open and closed) of the Council-In-Committee meetings shall be circulated to the next subsequent Council meeting for Council's approval through resolution which enacts the resolutions contained therein.
- c) After the minutes (open and closed) of each Council-in-Committee have been approved by the Council, the minutes shall be signed by the [Mayer-Chair](#) and the Clerk.
- d) All Closed Session Minutes shall remain confidential unless a motion to release is approved unanimously by Council, or by order of a Court of competent jurisdiction.

23.6 **Rules of Procedure**

- a) The rules governing the procedures of the Council and the conduct of its Members shall be observed in Council-In-Committee Meetings with necessary modifications.

PART 24: COUNCIL WORKSHOPS

24.1 **Workshops:**

- a) A workshop shall be coordinated through the Clerk's Office, which shall be responsible for liaising with members of Council and County departments.
- b) A workshop may include open session and closed session business in accordance with the rules of the Procedure By-Law, Council policy and applicable legislation.
- c) Upon confirmation that the workshop is to proceed, the Clerk's Office shall give notice to all members of Council in accordance with this By-Law regarding the subject, date, time and location of the workshop.
- d) Preparation of an "agenda" will be dependent on the subject of the workshop. The Clerk's Office shall be consulted and shall keep a copy for the public record and public inspection.
- e) Notice of the workshop subject, date, time and location will be made available to the public in accordance with subsection 5.2 and 5.8, and comply with any additional requirements set out in Council policy or By-Law.
- f) After notice of the workshop has been provided, no new matters will be added to the "agenda" since the appropriate notification will not have been given in accordance with this By-Law.
- g) Quorum of Council is not required for the workshop to proceed.
- h) The Clerks Office will prepare "notes" from the workshop, and any public session "notes" will be made available on the website.
- i) No Council decisions shall be made at a workshop. Any matter requiring a decision shall

- be reported back to Council-in-Committee or Council for consideration or approval.
- j) Workshops will be open to public in-person attendance.
 - k) Any member of the public who does attend, will be permitted to observe the workshop during the public open session.
 - l) Workshops do not have to be live-streamed or recorded, and are subject to the discretion of the Clerk unless in-person attendance is prohibited due to Provincial order; such limitations will result in the workshop being videoed and made available on the County's website.

PART 25: COMMITTEES

25.1 Procedure:

Committees and Local Boards shall conform to the rules governing the protocol and procedure of Council and its Committees as set out in this By-Law except as otherwise provided for in this Section or any other governing legislation.

The Clerk, or designate, shall provide interpretation guidance related to the rules of procedure to the Committee as required.

25.2 Establishment-Appointments:

Council establishes various Boards and Committees to help support their work. Generally, Boards and Committees are ongoing or a task force. These Boards and Committees provide recommendations, advice, and information to Council on an ongoing basis on specific municipally related matters. Some are discretionary and others are mandatory as required by legislation. The process for the establishment, review and recruitment shall be in accordance with the Policy for Boards & Committees of Council (EBS-39), or any successor policies.

25.3 Mayor - Ex-officio:

The Mayor shall be an ex-officio member of every committee ~~ee of Council~~. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this Section. The Mayor shall vote and otherwise participate without any restriction in the business of the committee on the same basis and afforded the same rights as any other Committee Member.

25.4 Terms of Reference:

Subject to the provision of any general or special Act, the Council, in establishing any Boards or Committees, shall establish a Terms of Reference and such other provisions as the Council deems proper.

25.5 Quorum:

A quorum for a Committee is as defined under Section 2.48 of this By-Law. The Mayor is a member to be included in determining the quorum.

25.6 **Committee Chair:**

Annually, each Committee at its first meeting will appoint a Committee Chair and Committee Vice-Chair from among its members. Each Committee shall have the authority to alter the time of its meetings and to hold special meetings so that where possible it will not conflict with meetings of Council and consultation with the meeting Clerk shall occur prior to any such change.

25.7 **Minutes:**

The Minutes of all Advisory Committees shall be forwarded to Council for information.

- a) It is the responsibility of the Councillor assigned to the Committee to bring forward any items from the Committee minutes for Council consideration. Council may, by resolution, direct staff to bring a report to a future Council or Council-in-Committee meeting related to any recommendations within the Advisory Committee minutes for Council's consideration.
- b) Notwithstanding clause a), a Member of Council may bring forward any item from Committee minutes for Council consideration.

25.8 **Advisory Committees – Electronic Meetings**

Advisory Committees of Council may hold electronic meetings under Section 238(3.1) of the *Municipal Act 2001*, R.S.O. 2001, provided the following criteria are met:

- a) Electronic participation may occur at the discretion of the Clerk, in consultation with the Committee Chair, and during the time period of a regularly scheduled or Special meeting of the Committee.
- b) The meeting shall be accessible to the general public via attendance through an electronic means or in-person.
- c) Committee meetings will not be audio or video recorded unless such circumstances warrant a meeting that cannot be provided to the public in an electronic or in-person manner; such meeting will then be recorded and posted on the County's YouTube stream at the earliest possible time.
- d) Advisory Committees of Council may circulate and approve minutes of previous meetings electronically pending such a review is only done for the purposes of checking for errors or omissions and does not advance business

PART 26: CONFIRMING BY-LAW

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

PART 27: REPEALING BY-LAWS

27. That Norfolk County By-Laws 2017-83, 2017-134, 2018-78, 2019-63, 2019-79, and 2019-111, 2020-19, 2020-61, 2020-94, 2021-01 and 2022-71 are hereby repealed in their entirety.

PART 28: EFFECTIVE DATE

28. That the effective date of this By-Law shall be the date of passage thereof.