

The Corporation of the Town of Pelham

By-law No. 4507 (2022)

Being a By-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its Members and the calling of Meetings and to repeal and replace By-Law No. 4107(2019), as amended.

WHEREAS pursuant to Section 238(2) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the "Act") every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Act provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to set rules and regulations with regard to Council proceedings;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

Table of Contents

1. Purpose 2

2. Definitions 2

3. Principles and Application 6

4. Parliamentary Authority 6

5. Suspend the Rules 6

6. Curfew 7

7. Amendment to this By-Law 7

8. Roles and Duties 7

9. Inaugural Meeting of Council 9

10. Conduct of Proceedings at a Meeting 9

11. Notice of Meetings 10

12. Delivery of Agenda 11

13. Regular Meetings 11

14. Committee of the Whole 12

15. Special Meeting of Council 13

16. Emergency Meeting of Council 13

17. Closed Session Meetings 13

18. Agenda – Regular Meetings 15

19. Agenda – Special and Emergency Meetings 16

20. Agenda – Special Committee of the Whole 17

21. Agenda – Public Meetings and Public Hearings 17

22. Electronic and Hybrid Participation 17

23. Recording and Livestreaming 18

24. Quorum and Remedy 19

25. Absence of the Mayor 19

26. Call to Order 20

27. Disclosure of Pecuniary Interest 20

28. Delegations and Presentations 21

29. Minutes 22

30. Petitions and Communications 22

31. Unfinished Business 23

32. Reading of By-Laws and Proceedings Thereof 23

33. Notice of Motion 24

34. Motions 24

35. Reconsideration 25

36. Voting on Motions 25

37. Rules of Debate at a Meeting of Council 27

38. Points of Order and Privilege 27

39. Conduct of Members of Council and/or Persons Addressing Council 28

40. Conduct of the Public Gallery 29

41. Advisory Committees 29

42. Statutory Committees 30

43. Volunteer Working Groups 30

44. Use of Electronic Devices 31

45. Summer Recess 31

46. Election Recess 31

47. Staff Direction 31

48. Public Notice of Meetings 32

49. Public Meetings – *Planning Act* 32

50. General 32

51. Repeal 33

52. Effective Date 33

1. Purpose

The purpose of this By-law is to govern the proceedings of the Town of Pelham Council, Committee of Council and Advisory Committees and the conduct of its Members and the calling of Meetings.

2. Definitions

In this By-law:

“Act” means the *Municipal Act, 2001*, SO Chapter 25, as amended, from time to time.

“Advisory Committee” means any board, commission or committee established by Council, which has at least one (1) Member appointed from Council. The Member(s) appointed by Council may be members of staff and of the public. Such a committee shall be governed by clear terms of reference.

“Agenda” means the order of business setting out the matters to be considered at a Meeting.

“Chair” or **“Presiding Officer”** means the Member presiding at any Meeting.

“Chief Administrative Officer” means the person appointed as Chief Administrative Officer of the Town of Pelham or their designate.

“Clerk” means the person appointed as Town Clerk of the Town of Pelham or their designate.

“Closed Session” or **“Closed Meeting”** means a Meeting of Council, Committee of Council or Advisory Committee, or a portion thereof, which is closed to the public under the authority of the Act or any other Act.

“Committee of Council” means a committee established by Council consisting solely of Members of Council.

“Confirming By-Law” means a by-law passed for the purpose of giving general affect to a previous decision or proceedings of Council.

“Consent Agenda” means items on the Agenda containing Recommendations from the Clerk as to their disposition, all of which may be adopted by one Motion of Council, but any of which may be transferred to the regular Agenda for consideration upon the request of a Member.

“Council” means the Town of Pelham’s elected representatives, comprised of the Mayor, Deputy Mayor and Councillors.

“Councillor” means a person elected or appointed as a Member of Council, other than the Mayor.

“Chief Executive Officer” means the head of Council as defined in Section 225 of the Act.

“Delegate” or **“Delegation”** means a person, group of persons, firm or organization who addresses Council.

“Deputy Mayor” means the Member of Council who has been appointed to act for a designated period of time in the absence of the Mayor.

“Election Recess” means the time period determined by the Clerk that is immediately preceding and following the regular Municipal and School Board Election when Council meets less frequently.

“Electronic Device” means cellular telephones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders and cameras or any other similar functioning device.

“Electronic Meeting” means a Meeting called and held, in full or in part, via electronic means, as determined by the Clerk.

“Electronic Participation” means participation in a Meeting via electronic means, as determined by the Clerk.

“Emergency Meeting” means a Meeting of Council held to consider any business of Council which is deemed by the Mayor or Deputy Mayor in their sole and unfettered discretion, to constitute an emergency situation or of severe consequence, or extraordinary situation.

“Friendly Amendment” means an amendment to a Motion under debate put forward by a Member that is perceived by all Members as an enhancement to the original Motion and is unanimously accepted.

“Holiday” means those dates listed as holidays in the *Legislation Act*, 2006, S.O., c. 21, Sc. F, as amended, the Civic Holiday in August, and any day as set out in a Town by-law to be a Holiday.

“Majority” means 50% plus one.

“Hybrid Meeting” means a Meeting where some Members participate electronically and some Members participate in-person.

“Majority Vote” means more than half of the votes cast by Members who are present and eligible to vote.

“Mayor” means the Head of Council for the Town of Pelham.

“Mayor-Elect” means the successful candidate for the office of Mayor following an election, who has not yet been formally installed or invested with their office.

“Meeting” means any Regular, Special, Emergency or other Meetings of Council, or of certain local boards or committees, where Quorum is present and where Members discuss or otherwise deal with matters in a way that materially advances the business or decision-making of the relevant body.

“Member” means a Member of Council and includes the Mayor, Deputy Mayor and a Member of an Advisory Committee appointed by Council.

“Motion” means a subject being presented for consideration of Council and duly moved and seconded.

“New Business” means an entirely new matter, of which the subject is not contained anywhere on an Agenda, or a matter not related to an item on an Agenda, such as a matter related to an enquiry.

“Notice of Motion” means a written or verbal notice presented to Council advising that the Motion described therein will be brought to a future Meeting of Council.

“Pecuniary Interest” or **“Conflict of Interest”** means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

“Public Meeting” means a statutory Meeting of Council or Committee of Council that is open to the public.

“Quorum” means the minimum number of Members that must be present at any of its Meetings to make the proceedings of that Meeting valid. For greater certainty, a Quorum of Council or Committee of Council is four (4).

“Recess” means a short intermission in the Meeting’s proceedings which does not close the Meeting, and which business will resume immediately at the exact point where it was interrupted.

“Recommendation” means a suggestion or proposal by a Committee of Council, Advisory Committee, or by staff when accompanied by a staff report, to be considered by Council.

“Recorded Vote” means a vote where the response of each Member is recorded by the Clerk.

“Regular Meeting” means a scheduled Meeting held in accordance with the approved Council meeting schedule adopted by Council.

“Resolution” means a Motion that has been carried.

“Rules of Procedure” means the rules and procedures set out in this By-law.

“Special Meeting” means a Meeting held at a time different from a Regular Meeting for a special and limited purpose.

“Statutory Committee” means any board or committee established under the authority of provincial and/or federal legislation. Such a committee shall be governed by the terms of their specific statute and/or a terms of reference.

“Summer Recess” means the times during the months of July and August when Council and Committee of Council meets less frequently.

“Town” or **“Town of Pelham”** means The Corporation of the Town of Pelham.

“Town Hall” means the municipal office located at 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0.

“Two-Thirds (2/3) Vote” means at least two-thirds of the votes cast by the Members who are present and eligible to vote. For greater certainty, a Two-Thirds (2/3) Vote is five (5) for a Council of 7 Members.

“Unfinished Business” means matters listed on an Agenda which have not been dealt with by curfew or the adjournment of the Meeting, or a matter that has been deferred for further or future consideration.

“Volunteer Working Committee” means a group of individuals, led by Town staff, engaging in volunteer activities, or a specific project with a set timeframe or ongoing commitment to complete a task to the benefit of the Town.

“World Religious Holiday” means observation of select world religious holidays, including: Eid al-Adha, Rosh Hashanah, Yom Kippur, Diwali, Ramadan, Passover and Hanukkah.

3. Principles and Application

- 3.1. The following principles reflect the intent on which the provisions of this By-law are based:
 - a. The Majority of Members have the right to decide;
 - b. The minority of Members have the right to be heard;
 - c. Members have the right to an efficient Meeting;
 - d. All Members have the right to be treated with respect and courtesy; and
 - e. All Members have equal rights, privileges and obligations.
- 3.2. Council, Committee of Council and Advisory Committees shall observe the Rules of Procedure contained in this By-law, in all proceedings.
- 3.3. Advisory Committees shall refer to the provisions outlined in Section 41 and Appendix “A” of this By-Law to govern the calling and proceedings of Meetings.
- 3.4. The Clerk shall be responsible to interpret the Rules of Procedure under this By-law.
- 3.5. No Meetings of Council, Committee of Council or Public Meetings shall be held in the absence of the Clerk. For greater certainty, this includes all Closed Session Meetings.

4. Parliamentary Authority

- 4.1. All matters, points of order or questions of procedure arising and not provided for in the Rules of Procedure contained herein shall be in accordance with *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century*, by James Lochrie, and in such cases the decision of the Chair.

5. Suspend the Rules

- 5.1. In the absence of any statutory obligations, the Rules of Procedure

may be temporarily suspended at such times and upon such conditions as may be deemed appropriate by Council, by an affirmative Two-Thirds (2/3) Vote of the Members present.

6. Curfew

- 6.1. Unless approved by a Two-Thirds (2/3) Vote of Members present, to waive this provision and extend for an additional period of thirty (30) minutes, no item of business may be dealt with at a Meeting after ~~nine-thirty~~ **one** (~~9:30~~ **1:00**) p.m. but shall be adjourned, and any outstanding business shall be deferred to the next scheduled Regular Meeting or another Meeting date called by the Mayor to reconvene. Alternatively a Meeting may be recessed to another date called by the Mayor to reconvene. Curfew shall not be extended past ~~ten~~ **one-thirty** (~~10:00~~ **1:30**) p.m.

7. Amendment to this By-Law

- 7.1. No amendment, alteration or addition to this By-law shall be made unless due notice has been given setting forth the proposed amendment, alteration or addition at a previous Meeting and a Majority of all Members present at the latter Meeting vote in the affirmative and in accordance with the Town's Public Notice Provisions, Policy S201-14, as amended.

8. Roles and Duties

8.1. Mayor

It is the role of the Mayor as head of Council to:

- a. Act as Chief Executive Officer of the Town;
- b. Preside over Council Meetings so that its business can be carried out efficiently and effectively, unless unavailable, in which case the Deputy Mayor will act as the Chair/Presiding Officer;
- c. Provide leadership to Council;
- d. Represent the Town at official functions; and
- e. Carry out the duties of head of Council under the Act.

8.2. It is the role of the Mayor as Chief Executive Officer of the Town to:

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

8.3. Council

It is the role of Council to:

- a. Represent the public and to consider the well-being and interests of the Town;
- b. Develop and evaluate the policies and programs of the Town;
- c. Determine which services the Town provides;
- d. Ensure that administrative policies, practices and procedures, and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e. Ensure the accountability and transparency of the operations of the Town, including the activities of the senior management of the Town;
- f. Maintain the financial integrity of the Town; and
- g. Carry out the duties of Council under the Act or any other applicable Act.

8.4. Chief Administrative Office

It is the role of the Chief Administrative Officer to:

- a. Exercise the general control, leadership and management of the administrative affairs of the Town for the purpose of ensuring the efficient and effective operation of the Town;
- b. Acts as the link between Council and staff;
- c. Perform such other duties as are assigned by Council, including implementing the strategic plan and priorities;
- d. Review and guide all policy Recommendations prior to submission to Council;
- e. Provide expert professional advice to Council and ensure the proper implementation of Council's decisions; and
- f. Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members on carrying out their duties.

8.5. Clerk

It is the role of the Clerk to:

- a. Carry out the responsibilities of the role as described in Section 228 of the Act;
- b. Provide procedural advice to the Chair and Council on Agenda business and on preparing Motions;
- c. Ensure notice of Meetings is provided as set out in this By-law;
- d. Make minor deletions, additions or other administrative changes to any by-law, Motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- e. Authenticate by signature when necessary all by-law and minutes of Meetings and certify copies of such documents when required; and

- f. Perform such other duties as prescribed by law, or by direction of Council.

9. Inaugural Meeting of Council

- 9.1. The first Meeting of Council following a regular Municipal and School Board Election shall be held on the first ~~Tuesday~~ **Wednesday** after Council takes office pursuant to the *Municipal Election Act, 1996* at 5:30 p.m. at the Meridian Community Centre (100 Meridian Way, Fonthill, Ontario, L0S 1E6) or at such alternate location as determined by the Mayor-Elect and Clerk.
- 9.2. At the inaugural Meeting of Council, the only business to be brought before the Meeting shall be:
 - a. Declarations of Office; and
 - b. Matters incidental to any of the above.
- 9.3. Despite Section 9.2, an inaugural address by the Mayor may be delivered at the inaugural Meeting of Council or at a subsequent Meeting of Council.

10. Conduct of Proceedings at a Meeting

- 10.1. It shall be the duty of the Chair, with respect to any Meetings to which they preside:
 - a. To open the Meeting, declare Quorum and call the Members to order;
 - b. Announce the business in the order in which it is to be acted upon;
 - c. To receive and submit, in the proper manner, all Motions presented by the Members;
 - d. To put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
 - e. Decline to put to a vote to a Motion which infringes the Rules of Procedure as set out in this By-law;
 - f. Restrain the Members, within the Rules of Procedure, when engaged in debate;
 - g. Enforce on all occasions the observance of order and decorum among the Members and the public;
 - h. Call by name any Member or Delegate persisting in breach of the Rules of Procedure at a Meeting thereby ordering them to vacate the Council Chambers, or other designated Meeting place;
 - i. Receive all messages and other communications and announce them;
 - j. Authenticate, by signature when necessary by-laws, Resolutions and minutes;
 - k. Inform Members when necessary or when referred to for the purpose of a point of order or usage of the Rules of

Procedure;

- l. Enforce all time limits set out in this By-law unless a time extension is approved by a Two-Thirds (2/3) Vote of Members present;
- m. Represent and support Council, declaring its will and implicitly obeying its decisions in all things;
- n. Ensure that the decisions of Council, a Committee of Council or Advisory Committee, are in conformity with the laws and By-laws governing the activities of the Council;
- o. Adjourn the Meeting when the business is concluded; and
- p. Adjourn the Meeting, without question put, in the case of grave disorder arising in the Council Chambers, or other designated meeting place.

10.2 The Presiding Officer may take part in any debate without leaving the chair. If the Presiding Officer desires to introduce a Motion or by-law, the Presiding Officer shall vacate the chair for that purpose and shall call on another Member to fill their place until they resume the chair.

10.3 Points of order arising in a Meeting shall be decided by the Chair, subject to an appeal by Members.

11. Notice of Meetings

- 11.1. The Council meeting schedule, inclusive of Regular Meetings of Council and Public Meetings, upon Council's approval, shall be posted annually to the Town's website prior to the end of the current calendar year.
- 11.2. When a Regular Meeting of Council or Public Meeting falls on a Holiday or World Religious Holiday, Council shall meet at the same hour on the next following day which is not a Holiday or World Religious Holiday. For greater certainty, if a World Religious Holiday is a multi-day event, Council shall not meet on the first or last day of the said World Religious Holiday.
- 11.3. Notice of a Regular Meeting of Council, Committee of Council or Public Meeting, for public information, shall consist of posting an Agenda of the said Meeting on the Town's website, at least five (5) days prior to the date of the Meeting, **being the Friday prior to the Meeting**. For greater certainty, the day the Agenda is posted on the Town's website is considered a day of notice.
- 11.4. Notice of a Special Meeting for public information shall consist of posting a Meeting placeholder on the Town's website at least 48 hours prior to the date of the Meeting.
- 11.5. Notice of an Emergency Meeting for public information shall consist of posting an Agenda of the said Meeting on the Town's website, as soon as practically possible prior to the Meeting.

- 11.6. Lack of notice shall not affect the validity of a Meeting or any action taken at such Meeting.

12. Delivery of Agenda

- 12.1. Agendas, along with supporting materials, for Regular Meetings, Committee of Council Meetings and Public Meetings shall be delivered to all Members by 4:30 p.m. at least six (6) days prior to the date of the Meeting, **being the Thursday prior to the meeting**, by electronic notification. All Members shall access Agendas and supporting materials electronically via the Town's electronic agenda management system, unless otherwise arranged with the Clerk.
- 12.2. Agendas, along with supporting materials, shall be delivered to the public by 1:00 p.m. on the date in conjunction with paragraph 11.3 prior to Regular Meetings, Committee of Council Meetings and Public Meetings by way of posting on the Town's website.
- 12.3. Agendas, along with supporting materials, for Special Meetings shall be delivered to all Members twenty-four (24) hours prior to the Special Meeting.
- 12.4. Agendas, along with supporting materials, for Emergency Meetings shall be delivered to all Members of Council as soon as practically possible by the Clerk.
- 12.5. Agendas, along with supporting materials, for Special Meetings and Emergency Meetings shall be delivered to the public as soon as practically possible by the Clerk by way of posting on the Town's website.
- 12.6. All Closed Session Agendas and supporting materials will not be published to the public.
- 12.7. Adding items to the Agenda by addendum shall be avoided for all but urgent and extremely time sensitive matters.

13. Regular Meetings

- 13.1. Regular Meetings shall be held in Council Chambers at Town Hall, the Meridian Community Centre, or electronically, on the first and third ~~Tuesday~~ **Wednesday** of each month at ~~5:30 p.m.~~ **9:00 a.m.** unless Council, by Resolution, directs otherwise. If Council otherwise directs, notice shall be posted on the Town's website advertising the time and place.
- 13.2. A Regular Meeting shall not be scheduled for the first full week of January.
- 13.3. Any Member of Council, may submit in writing, an item for inclusion on the Agenda under Reports from Members of Council, New Business or Notice of Motions at least eight (8) days prior to the Meeting.
- 13.4. The business of the Council shall in all cases be taken up in the

order in which it stands upon the Agenda, unless otherwise directed by Council or amended pursuant to Section 18.1 of this By-law.

- 13.5. An item of business not listed on the Agenda cannot be introduced at a Meeting without the approval of Council expressed by a Motion to amend the Agenda.

14. Committee of the Whole

- 14.1. Committee of the Whole may be held during a Regular Meeting or on its own.
- 14.2. The Mayor or Deputy Mayor may at any time summon a Special Committee of the Whole Meeting.
- 14.3. Committee of the Whole Meetings will be held within the Regular Meeting on the day provided in the approved council meeting schedule, unless otherwise decided by Resolution.
- 14.4. The Mayor may, at any time, summon a Special Meeting of Committee of the Whole by giving direction to the Clerk stating the date, time and purpose of the special Committee of Council Meeting.
- 14.5. The Deputy Mayor shall preside over Committee of Council Meetings as Chair.
- 14.6. The Rules of Procedure contained in this By-law shall be observed in the Committee of Council, except that:
- a. Discussion may take place in the absence of a Motion;
 - b. Permission for a Member to speak is not required, but the Member should be recognized by the Chair;
 - c. The number of times a Member may speak on any question shall not be limited, provided that any second and subsequent statements are responsive to issues raised by other Members or contain new information not contained in the Member's original statement;
 - d. There shall be no time limit with respect to the speeches of Members;
 - e. A Motion to close debate is not permitted;
 - f. The Chair is permitted to participate in debate and discussion;
 - g. There shall be no call for a Recorded Vote;
 - h. No Motion shall be required to be in writing or seconded;
 - i. Committee of Council shall only recommend items for approval to a Council Meeting; and
 - j. Committee of Council may, by Majority Vote, provide direction to staff.
- 14.7. Lack of notice shall not affect the validity of the Special Meeting or any action taken at such Meeting.

15. Special Meeting of Council

- 15.1. The Mayor may at any time summon a Special Meeting.
- 15.2. The Clerk shall, upon receipt of a written petition signed by a Majority of the Members of Council, summon a Special Meeting for the purpose and at the time and place mentioned in the petition.
- 15.3. Minimum notice to all Members of Council shall consist of an email and/or a telephone message, followed by an electronic Agenda delivery.
- 15.4. The only business to be dealt with at a Special Meeting is that which is identified in the notice of the Meeting.
- 15.5. Lack of notice shall not affect the validity of the Special Meeting or any action taken at such Meeting.

16. Emergency Meeting of Council

- 16.1. Notwithstanding any other provisions of this By-law, an Emergency Meeting may be summoned by the Mayor or Deputy Mayor to deal with an emergency or other extraordinary situation, as determined by the Mayor or Deputy Mayor in their sole and unfettered discretion.
- 16.2. The Clerk shall notify or attempt to notify all Members of Council and the public about the Emergency Meeting as soon as possible and in the most expedient manner available, including but not limited to, posting a notice on the Town's website.
- 16.3. No business except dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- 16.4. Lack of notice shall not affect the validity of an Emergency Meeting or any action taken at such meeting.

17. Closed Session Meetings

- 17.1. Regular Meetings, Special Meetings, Public Meetings, Committee of Council and Advisory Committees shall be open to the public except where the Members present determine that certain matters on the Agenda shall not be open to the public. No person shall be excluded from a Public Meeting except for improper conduct as determined by the Chair. For greater certainty, a Meeting being open to the public includes the meeting being available via livestream or Electronic or Hybrid participation. During a Closed portion of a meeting, the Clerk shall end all livestreaming and remove any person(s) not entitled to participate from the Meeting, which includes physically or via Electronic Participation.

17.2. In accordance with Section 239(2), 239(3) and 239(3.1) of the Act a Meeting or part of a Meeting may be closed to the public if the subject matter being considered is:

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

(3) Other criteria – A Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:

- a. A request under the Municipal Freedom of Information and Protection of Privacy Act, or if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b. 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).

(3.1) Educational or training sessions – A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- a. The meeting is held for the purpose of educating or training the members; and
 - b. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 17.3. Before holding a Meeting or part of a Meeting that is to be closed to the public, there shall be a Resolution stating the: fact of holding the Closed Meeting, general nature of the matter to be considered, section and subsection of the Act or another Act and referencing any applicable file number(s).
- 17.4. All Electronic Devices must be turned off throughout Closed Meetings with the exception of the Clerk's Electronic Device which records the official record of the Meeting. Other than the Clerk, staff, Members of Council or authorized delegates shall not record any proceedings within the Closed Meeting.
- 17.5. A Meeting shall not be closed to the public during the taking of a vote except where:
 - a. The provisions of this By-law or the Act permit or require the Meeting to be closed to the public; and
 - b. The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town or persons retained by or under a contract with the Town.
- 17.6. On reconvening in public session, a Motion to rise and report shall be decided without debate.
- 17.7. Members shall hold in strict confidence all information concerning matters dealt with in Closed Session. No Member shall release, make public, or in any way divulge any such confidential information or any aspect of Closed Session deliberations, unless expressly authorized by Council or required by By-Law.

18. Agenda – Regular Meetings

- 18.1. The Clerk shall prepare the Agenda for all Regular Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:
 - a. Call to Order and Declaration of Quorum
 - b. Land Recognition Statement
 - c. Approval of the Agenda
 - d. Disclosure of Pecuniary Interest and General Nature Thereof
 - e. Hearing of Presentations, Delegations, Regional Report
 - I. Presentations
 - II. Delegations
 - III. Report of Regional Councillor
 - f. Adoption of Council Minutes

- g. Request(s) to Lift Consent Agenda Items for Separate Consideration
- h. Consent Agenda Items to be Considered in Block
 - I. Presentation of Recommendations Arising from Committee of Council, for Council Approval
 - II. Minutes Approval – Committee of Council
 - III. Staff Reports of a Routine Nature for Information or Action
 - IV. Action Correspondence of a Routine Nature
 - V. Information Correspondence
 - VI. Regional Municipality of Niagara Correspondence for Information or Action
 - VII. Advisory Committee Correspondence for Information or Action
 - VIII. Advisory Committee Minutes for Information
- i. Consent Agenda Item(s) Lifted for Separate Consideration, if any
- j. Presentation and Consideration of Reports
 - I. Members of Council Reports
 - II. Staff Reports Requiring Action
- k. Unfinished Business
 - l. New Business
- m. Presentation and Consideration of By-laws
- n. Motions and Notices of Motion
- o. Committee of the Whole
 - I. Reports
- p. Rise from Committee of the Whole
- q. Resolution to Move In Camera
- r. Rise from In Camera
- s. Confirming By-law
- t. Adjournment.

19. Agenda – Special and Emergency Meetings

- 19.1. The Clerk shall prepare the Agenda for all Special and Emergency Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:
 - a. Call to Order and Declaration of Quorum
 - b. Land Recognition Statement
 - c. Adoption of Agenda
 - d. Disclosure of Pecuniary Interest and General Nature Thereof
 - e. Resolution to Move in Camera
 - f. Rise from In Camera
 - g. Adjournment.

20. Agenda – Special Committee of the Whole

20.1. The Clerk shall prepare the Agenda for all Special Committee of the Whole Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

- a. Call to Order and Declaration of Quorum
- b. Land Recognition Statement
- c. Opening Remarks
- d. Adoption of Agenda
- e. Disclosure of Pecuniary Interest and General Nature Thereof
- f. Presentations
- g. Department Reports
- h. Committee Input
- i. Adjournment.

21. Agenda – Public Meetings and Public Hearings

21.1. The Clerk shall prepare the Agenda for all Public Meetings under the *Planning Act* and Public Hearings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

- a. Call to Order and Declaration of Quorum
- b. Land Recognition Statement
- c. Adoption of Agenda
- d. Disclosure of Pecuniary Interest and General Nature Thereof
- e. Planning Act Application
 - I. Planning Report and Presentation
 - II. Applicant's Presentation
 - III. Public Input
 - IV. Committee Input
 - V. Presentation of Resolutions
- f. Adjournment.

22. Electronic and Hybrid Participation

22.1. A Regular Meeting, Special Meeting, Committee of Council, Public Meeting or hearing, or Advisory Committee or Committee of Adjustment Meeting may be conducted by an Electronic Meeting or Hybrid Meeting.

22.2. Method(s) of Electronic or Hybrid Participation, including the technology platform used, shall be determined by the Clerk in consultation with Chief Administrative Officer, and may vary from time to time.

22.3. In the case where a Member requests Electronic Participation in an otherwise in-person Meeting, that Member shall notify the Clerk at least two (2) business days in advance of the date of the Meeting, or as soon as possible under the circumstances.

- 22.4. A Member who participates in an Electronic or Hybrid Meeting will have the same rights and responsibilities as if the Member were in physical attendance.
- 22.5. Members present during an Electronic or Hybrid Meeting shall be counted for purposes of Quorum at the commencement and at any point in time during the Meeting and shall be entitled to vote.
- 22.6. If Quorum cannot be maintained during an Electronic or Hybrid Meeting, due to a loss of Members' electronic connection, the Meeting will be Recessed for up to fifteen (15) minutes to allow for the electronic connection to be restored. If Quorum cannot be restored within fifteen (15) minutes, the Meeting will be Recessed or adjourned.
- 22.7. All Members votes at an Electronic or Hybrid Meeting shall be recorded by the Clerk through a Recorded Vote.
- 22.8. An Electronic or Hybrid Meeting may include a Closed Session component.
- 22.9. Members participating electronically in a Closed Session Meeting must ensure that no other person is in the location from which they are participating in the Meeting, or make appropriate arrangements so that any other person cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member will withdraw from the Meeting until it has reconvened in open session.
- 22.10. All Electronic or Hybrid Regular Meetings, Committee of Council Meetings, Special Meetings, Emergency Meetings, Public Meetings and hearings and Committee of Adjustment Meetings shall be livestreamed.
- 22.11. A public notice of an Electronic or Hybrid Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic or Hybrid Meeting.
- 22.12. Delegations shall be permitted to participate electronically. In an otherwise in-person Meeting, the Delegate shall notify the Clerk at least five (5) business days in advance of their intention to participate electronically.
- 22.13. The Rules of Procedure shall continue to apply when Meetings include Electronic or Hybrid Participation, with such necessary modifications as may be required to accommodate such participation at the discretion of the Clerk.

23. Recording and Livestreaming

- 23.1. Regular Meetings, Special Meetings, Committee of Council Meetings, Public Meetings and hearing and Committee of Adjustment Meetings shall be recorded and livestreamed.

- 23.2. Closed Session Meetings shall be exempt from recording and livestreaming, and recording and livestreaming shall cease upon a Motion being passed to move into Closed Session and recording and livestreaming may commence when Council rises from Closed Session.
- 23.3. All Electronic Devices must be turned off throughout Closed Session Meetings with the exception of the Clerk's Electronic Device which records the Meeting.
- 23.4. The electronic recording of the Meeting made by, and in the possession of the Clerk, shall be deemed the only official version of the Meeting and shall be the only version to be used for evidentiary records.

24. Quorum and Remedy

- 24.1. In order that legal business be conducted, a Quorum of Council, Committee of Council, Advisory Committee or Statutory Committee shall be present.
- 24.2. If there is no Quorum present within twenty (20) minutes after the starting time, the Meeting stands adjourned until the next Regular Meeting or Special Meeting or until rescheduled.
- 24.3. Notwithstanding section 24.2, if the Clerk is able to confirm, by telephone or email, Quorum cannot be achieved within the prescribed time period, the Clerk may adjourn the meeting prior to the expiry of the twenty (20) minutes.
- 24.4. Should loss of Quorum occur during a Meeting, the Meeting may be Recessed for a period of fifteen (15) minutes to restore Quorum. If Quorum is not restored the Meeting shall stand adjourned.
- 24.5. Where the number of Members, who by reason of the provisions of the *Municipal Conflict of Interest Act, 1990*, as amended, are unable to participate in a Meeting, is such that at that Meeting the remaining Members are insufficient to constitute a Quorum, then the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than two (2).

25. Absence of the Mayor

- 25.1. If the Mayor does not attend within fifteen (15) minutes after the starting time for the Meeting, 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.
- 25.2. In the event the Deputy Mayor is unable, for any reason to act in the place and stead of the Mayor, the Clerk shall call the Members to order and an Acting Mayor shall be appointed, by Resolution from among the Members present and shall preside until the arrival of the Mayor, and while so presiding the Acting Mayor appointed

shall have all the powers and authority of the Mayor while so acting.

26. Call to Order

26.1. The Mayor or Deputy Mayor presides at all Meetings and calls the Meeting to order once a Quorum is present.

27. Disclosure of Pecuniary Interest

27.1. It is the sole responsibility of each Member to:

- a. Understand and comply with their legal obligations under the *Municipal Conflict of Interest Act, 1990*, as amended;
- b. Identify and disclose any Pecuniary Interest, direct or indirect, as it arises;
- c. Clearly describe the general nature of the Pecuniary Interest;
- d. Surrender the chair, when applicable;
- e. Abstain from discussing and voting on the matter, and it shall be the practice of Members to vacate the Meeting during deliberation and voting on the matter in which the Member has so disclosed;
- f. Leave the Meeting or the part of the Meeting during which the matter is under consideration (for open or Closed Session);
- g. If a Member is absent from a Meeting where a matter is considered for which the Member would have disclosed a Pecuniary Interest were the Member in attendance, the interest shall be disclosed in full at the next Meeting at which the Member is present, and such disclosure shall be in the same manner as if the Member were present at the Meeting; and
- h. Members shall complete the required written statement of Disclosure of Pecuniary Interest which shall state the Member name, Meeting date, Agenda item number and title, and the general nature of the Pecuniary Interest. The statement shall be dated and signed by the Member and submitted to the Clerk for retention and publication in the Registry of Disclosure.

27.2. A declaration of Pecuniary Interest does not prohibit a Member from moving, seconding or voting on a matter of general procedure, including:

- a. Adoption of the Agenda;
- b. Approval of the Minutes of a previous Meeting;
- c. An omnibus Motion to approve items on the Consent Agenda; and
- d. An omnibus Motion to adopt all by-laws presented for adoption at the Meeting.

27.3. By voting on a matter(s) described in Section 27.2 the vote shall be deemed to be save and except for any matter which the Member

declared a Conflict of Interest.

28. Delegations and Presentations

- 28.1. Request to appear before Council as a Delegation shall be submitted in the prescribed form, available through the Clerk's Department and the Town's website, no later than 12:00 p.m. noon ~~ten (10)~~ nine (9) days prior to the Meeting, being the Monday, the week prior to the Meeting.
- 28.2. The request to appear before Council form and any attachments submitted will be part of the official record of the proceedings of Council and considered a public document.
- 28.3. The Clerk shall list a maximum of four (4) Delegations per Meeting on the Agenda. Delegations are to be scheduled by the Clerk on a first-come, first-serve basis. In the event the number of maximum Delegations has been attained then any additional Delegations will be placed on the next scheduled Regular Meeting.
- 28.4. Notwithstanding Section 28.3, the Clerk in consultation with the Mayor and Chief Administrative Officer may prioritize Delegations related to items on the Agenda, thereby superseding the first-come, and first-serve basis.
- 28.5. A presentation by a Delegation, who is a member of the public, shall be a maximum of ~~ten (10)~~ five (5) minutes (whether the Delegation consists of an individual or a group) unless the Chair gives permission for a longer presentation.
- 28.6. A presentation by a Delegation, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes, unless the Chair gives permission for a longer presentation.
- 28.7. Delegations shall not be permitted on the following topics:
- a. Administrative or operational matters involving Town staff or contracted personnel; or
 - b. Advertisements for products or services or for the sole purpose of publicity or promotion; or
 - c. Any employee relations or disputes; or
 - d. Bid or potential bid on a tender that is currently open or being presented for approval; or
 - e. Election campaigning; or
 - f. Matters of litigation or potential litigation with the Town; or
 - g. Matters outside or beyond the Town's jurisdiction; or
 - h. Matters which are the subject of a future statutory Public Meeting or of a statutory Public Meeting which has been closed; or
 - i. Requests to reconsider a decided matter within one year of the original decision; or
 - j. Union negotiations and labour relations.

- 28.8. A Delegate who has previously appeared on the same matter is limited to providing only new information in any subsequent appearance(s).
- 28.9. The Clerk in consultation with the Chief Administrative Officer may refuse to schedule a Delegation if it is deemed at their sole and unfetter discretion the topic is contrary to Town policies or public interest or if the matter has been previously considered and no new information is presented.
- 28.10. A Delegate shall not:
- a. Speak disrespectfully to any person; or
 - b. Use offensive language; or
 - c. Speak on any subject other than the subject for which they have received approval to address Council; or
 - d. Disobey the Rules of Procedure or a decision of the Chair.
- 28.11. Except on matters of order, Members, other than the Chair, shall not interrupt a Delegate while addressing Council.
- 28.12. Members shall not enter into debate or argue with the Delegate(s).

29. Minutes

- 29.1. The minutes of a Meeting shall record:
- a. The place, date and time of the Meeting;
 - b. The names of the Chair, Members and staff in attendance;
 - c. Disclosure of any Pecuniary Interest and the general nature thereof;
 - d. All Resolutions, decisions and other proceedings of the Meeting without note or comment; and
 - e. The time of commencement and adjournment.
- 29.2. After the Council minutes have been approved by Council, they shall be signed by the Chair and Clerk, and shall be the official record of the Meeting.

30. Petitions and Communications

- 30.1. Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper material or language and shall be signed by at least one (1) person and filed with the Clerk. For greater certainty, any communication or petition submitted anonymously shall not be listed on the Agenda.
- 30.2. Every petition and/or communication listed on the Agenda, including personal information, forms part of the official public record and shall be released to the public.
- 30.3. Every petition or communication shall be delivered to the Clerk before 12:00 p.m. noon no less than ~~ten (10)~~ **nine (9)** days prior to

the Regular Meeting, being the Monday prior to the meeting and shall be in the form of petition available from the Clerk or the Town's website.

- 30.4. The Clerk shall redact portions of, or deny in full, correspondence should the correspondence not conform with the Town's Council Correspondence Policy, S201-19, as amended.
- 30.5. All correspondence received by the Regional Municipality of Niagara shall be listed on the Agenda.
- 30.6. All Resolutions received from other municipalities shall be distributed to Members of Council, for information purposes, by e-mail as a Council Correspondence Listing.
- 30.7. Any Member of Council is entitled to request the Clerk to place any communication, petition or Resolution that is included in the Council Correspondence Listing on the next Agenda.

31. Unfinished Business

- 31.1. Any items not disposed of at a prior Meeting shall be repeated on each subsequent Agenda until disposed of by Council or Committee of Council, unless removed from the Agenda by leave of Council.

32. Reading of By-Laws and Proceedings Thereof

- 32.1. All by-laws are numbered consecutively in the year in which they are considered (i.e. number one in 2023 as "1-2023").
- 32.2. By-laws may be introduced upon single Motion duly moved and seconded, specifying the title and description of the by-law.
- 32.3. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- 32.4. Every by-law shall have three (3) readings prior to it being passed and all such readings, may or may not, take place in the same Meeting of Council.
- 32.5. Any Member of Council may request to have one or more by-laws to be considered separately.
- 32.6. Every by-law enacted by Council shall be numbered, dated and signed by the Clerk and Chair who presided at the Meeting. The seal of the Town shall be affixed to the said by-law.
- 32.7. The Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantic or descriptive nature or kind to the by-laws and schedules as may be necessary after the passage of the by-law.
- 32.8. The proceedings at every Meeting of Council shall be confirmed by by-law so that every decision of Council at that Meeting and every

Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted. Confirming By-laws are not amendable or debatable.

33. Notice of Motion

- 33.1. A Notice of Motion is a verbal statement of intention by a Member of Council to introduce a Motion at a future Meeting. A Notice of Motion is not debatable.
- 33.2. All Notices of Motion shall be in writing and filed with the Clerk.
- 33.3. After having provided a Notice of Motion at a Meeting, the Member of Council shall prepare and submit the Motion, in writing, to the Clerk no later than 12:00 p.m. noon, eight (8) days prior to the Meeting, so that it can be included in the Agenda for the subsequent Meeting at which the Motion is to be introduced for consideration by Council.
- 33.4. If the Motion for which notice was given is not seconded at the Regular Meeting of Council designated or is withdrawn voluntarily by the Member who gave notice, the Clerk shall remove the Motion from the Agenda.
- 33.5. Any Motion may be introduced without notice, if Council suspends its notice rules on the affirmative Two-Thirds (2/3) Vote of the Members present.

34. Motions

- 34.1. All Motions shall be duly moved and seconded before being debated or put to a vote.
- 34.2. When a Motion is presented it shall be stated by the Chair, or the Member presenting the Motion, or the Clerk, before debate or put to a vote.
- 34.3. Consideration of a Motion may be interrupted by consideration of a Motion with a higher priority.
- 34.4. A Motion properly before Council, Committee of Council or Advisory Committee for decision must receive disposition before any other matter may be debated.
- 34.5. A Motion to suspend the Rules of Procedure must identify the specific rule to be suspended. A Motion to suspend Rules of Procedure require a Two-Thirds (2/3) Vote.
- 34.6. A Motion with respect of a matter which is beyond the jurisdiction of the Council, Committee of Council or Advisory Committee shall not be in order.
- 34.7. A Friendly Amendment to a Motion may be requested by a Member, and if accepted by unanimous consent, the amendment becomes

part of the Motion without need for a formal amending Motion.

34.8. All order of precedence and rules governing Motions shall be adhered to as listed in Appendix B.

35. Reconsideration

35.1. A Motion to reconsider means a Motion requesting to bring back, for further consideration, a Motion which has already been voted on by Council;

35.2. A Motion to reconsider must be moved and seconded by Members of Council that voted with the Majority in the matter to be reconsidered;

35.3. A Motion to reconsider must be made by Notice of Motion in accordance with Section 33 of this By-Law;

35.4. Before accepting Notice of Motion to reconsider, the Chair may ask the Member of Council to confirm that they voted with the Majority on the matter in question;

35.5. A Motion to reconsider must be passed by a Two-Thirds (2/3) Vote of Members present;

35.6. If a Motion to reconsider is decided in the affirmative, then consideration of the original Motion shall become the next order of business unless the Motion to reconsider included direction to postpone reconsideration to a definitive date. Debate on the Motion to be reconsidered may proceed as though the Motion had never previously been decided;

35.7. Actions of Council that have been acted upon and cannot be reversed or suspended cannot be reconsidered;

35.8. No debate on a Motion to reconsider shall be permitted, however, the mover and seconder of a Motion to reconsider may provide or may make brief and concise statements outlining the reasons for proposing such reconsideration;

35.9. No matter shall be reconsidered more than once per term of council, nor shall a vote to reconsider be reconsidered; and

35.10. Notwithstanding Sections 35.2, 35.4 and 35.5 above, the above reconsideration rules shall not apply to the following:

- a. A Motion passed by previous Councils; or
- b. A Motion related to an order, practice or procedure within the Rules of Procedure.

36. Voting on Motions

36.1. A Motion shall be put to a vote by the Chair immediately after all the Members who wished to speak on the Motion have spoken, in accordance with the Rules of Procedure.

- 36.2. After a Motion is put to a vote by the Chair, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Chair.
- 36.3. No Member shall leave their seat or make any noise or disturbance while a vote is being taken until the vote is declared.
- 36.4. Every Member shall have one (1) vote. For greater certainty, proxy voting is not permitted.
- 36.5. Every Member present shall vote on every Motion unless the Member has declared a Pecuniary Interest in the matter or is otherwise prohibited by statute.
- 36.6. While every Member has the right to abstain from voting, the abstention shall be interpreted and recorded as a vote in the negative of a Motion.
- 36.7. In a Regular, Special, Emergency ~~or Committee in Council Meeting~~, a recorded vote will be taken on all motions that move the business of the organization. Recorded votes are not permitted in Advisory Committees or Volunteer Working Groups. All votes shall be cast, without note or comment by verbally stating "yay/yes" or "nay/no". Furthermore, the manner of determining the decision of Council or Committee in Council on a Motion shall not be by secret ballot or by any other method of secret voting, **unless explicitly provided in legislation**.
- 36.8. All votes shall be recorded by the Clerk, regardless of the meeting being held in-person, Electronic or Hybrid.
- 36.9. The Clerk shall call the names of all the Members present in alphabetical order to vote, with the exception of the Chair, who shall vote last. Each Member shall answer "yay or yes" or "nay or no" to the Motion. The result of the Recorded Vote shall be announced by the Clerk and the name of each Member who voted and the manner in which they voted shall be recorded in the minutes.
- 36.10. Any Motion on which there is a tie vote shall be deemed to be defeated or lost, except where expressly provided in statute or this By-Law.
- 36.11. The Chair or Clerk shall announce the result of every vote taken as either "carried or passed" or "defeated or lost."
- 36.12. If requested by any Member, the Clerk shall call the votes using a rotating call in alphabetical order by surname so as to not call upon the same Member first for each separate Recorded Vote.
- 36.13. If a Motion under consideration contains more than one (1) distinct part, upon the request of any Member, to divide, prior to the calling of the vote, each part or combination of parts contained in the Motion, shall be considered and voted on separately.

37. Rules of Debate at a Meeting of Council

- 37.1. The Chair shall preside over the conduct of the Meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal.
- 37.2. Members must address the Chair by their title of:
 - a. Chair/Mayor/Worship; or
 - b. Vice-Chair/Deputy Mayor; or
 - c. Councillor/Member.
- 37.3. Any Member who wishes to speak must raise their hand and be recognized by the Chair.
- 37.4. When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak;
- 37.5. Any Member may require the Motion under discussion to be read any time during the debate, but not so as to interrupt a Member while speaking.
- 37.6. No Member shall have the floor for longer than five (5) minutes without leave of Council.
- 37.7. No Member shall speak a second time if a Member who has not spoken wishes to speak for a first time and no Member shall speak more than twice to a Motion without Council's consent.
- 37.8. A Member may ask a question, through the Chair, only for the purpose of obtaining information relating to the matter under discussion.
- 37.9. The Presiding Officer may participate in the debate without physically leaving the chair.
- 37.10. Should the Presiding Officer wish to move or second a Motion, the Presiding Officer shall vacate the chair and the Mayor or Deputy Mayor, as applicable, will chair the Meeting until the conclusion of the vote upon the main Motion and all subsequent Motions.
- 37.11. When a Member is speaking, no other Member shall interrupt that Member except to raise a Point of Order.
- 37.12. If questions with respect to Rules of Procedure, which are unspecified, arise within the proceedings they shall be determined in the following order: this By-Law, *Meeting Procedures*, *Parliamentary Law and Rules of Order for the 21st Century*, by James Lochrie, or the Chair, subject to the appeal of Council.

38. Points of Order and Privilege

- 38.1. The Chair shall preserve order and decide questions of order.

- 38.2. A Member shall ask leave of the Chair to raise a point of order and after leave is granted, shall state the point of order to the Chair. The Chair shall state their decision on the point of order.
- 38.3. Unless a Member immediately appeals the Chair's decision, the decision and the result shall be final.
- 38.4. If a decision of the Chair is appealed, a seconder is required, and Council decides whether the ruling of the Chair is to be sustained without debate and the result is final. A vote of 50% (tied vote) or higher sustains the decision of the Chair.
- 38.5. Where a Member considers that their integrity or the integrity of Council as a whole has been impugned, they may, as a matter of personal privilege, speak at any time, with the consent of the Chair, for the purpose of drawing the attention of Council to the matter.
- 38.6. Where the Mayor or Chair considers that the integrity of any Town staff has been impugned or questioned, the Mayor or Chair may permit the Chief Administrative Officer or appropriate Town staff to make a statement to Council.

39. Conduct of Members of Council and/or Persons Addressing Council

- 39.1. No Member or person addressing Council, a Committee of Council, or Advisory Committee, shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario, or any person administering the Government of Canada, Province of Ontario, Regional Municipality of Niagara or the Council of the Town or any Member thereof, or any member of the Town's staff.
- 39.2. No Member or person shall:
- a. Use offensive words or unparliamentarily language in or against Council or against any Member or any member of the public; or
 - b. Speak on any subject other than the subject in debate; or
 - c. Criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
 - d. Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the Rules of Procedure; or
 - e. As provided in the Act, the Chair or Clerk may expel any person for improper conduct at a Meeting.
- 39.3. In the event that a Member persists in a breach of the Rules of Procedure prescribed herein, after having been called to order by the Chair, the Chair shall name the Member and put the question "Shall the Member, (state first name/last name) be ordered to leave

their seat for the duration of the Meeting?” and such question is not debatable.

- 39.4. If Council decides the question set out in Section 39.3 in the affirmative by a Majority Vote of the Members present, the Chair shall order the Member to leave their seat for the duration of the Meeting.
- 39.5. If the Member named under Section 39.3 apologizes, the Chair, with the approval of Council by unanimous consent, may permit them to resume their seat.
- 39.6. All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential. Any Closed Session material circulated in physical format shall be returned to the Clerk.
- 39.7. No Member shall release or make public any information considered at a Closed Session or discuss the content of such a Meeting with persons other than Members or relevant staff Members without the authorization of Council.
- 39.8. Members of Council shall abide by the Code of Conduct, Policy S201-15, as amended.
- 39.9. Any Member who contravenes Section 39.7 shall be deemed not to be acting in the interest of, on behalf of, or with the authority of Council, and constitutes a *prima facie* violation of the Code of Conduct Policy S201-15, as amended.

40. Conduct of the Public Gallery

- 40.1. Members of the public present at Meetings shall maintain order and decorum.
- 40.2. No person(s) shall display signs, applaud or jeer participants in debate or engage in conversation or other behavior which may disrupt the proceedings.
- 40.3. Any person who contravenes any provisions of this Section shall be expelled from the Meeting by the Chair or Clerk.

41. Advisory Committees

- 41.1. Council may establish and appoint Advisory Committees as deemed necessary, by Resolution and by-law.
- 41.2. Committee applications are confidential and shall solely be considered by Council and Town staff. Committee Members, including the Chair, are not entitled to participate in the appointment process.
- 41.3. An Advisory Committee shall meet in accordance with the Terms of Reference as adopted by Council and shall be guided by the procedures outlined in Appendix “A” of this By-law. Unless specified in Appendix “A”, the rules governing the procedure identified in this

By-law shall be observed, so far as they are applicable.

- 41.4. Advisory Committees shall abide by the Town's Code of Conduct, Policy S201-15, as amended.
- 41.5. All Recommendations of an Advisory Committee shall be reported to Council, in writing, and shall be subject to the approval of Council.
- 41.6. Advisory Committees shall appear as a Delegate before Council no less than once per calendar year or provide an annual report to provide an update on the progress of the Committees goals and priorities.

42. Statutory Committees

- 42.1. Council shall appoint Statutory Committee members as deemed necessary, by by-law.
- 42.2. Notwithstanding section 42.1, where the Statutory Committee is comprised of inter-municipal membership, Council shall appointment only the Town of Pelham's representative(s), by by-law.
- 42.3. Committee applications are confidential and shall solely be considered by Council and Town staff. Committee Members, including the Chair, are not entitled to participate in the appointment process.
- 42.4. A Statutory Committee shall be governed by their terms of reference, specific statute and/ or the procedures outlined in Appendix "A" of this By-law, where applicable. Where procedures conflict, the specific statute shall prevail.
- 42.5. Statutory Committees shall abide by the Town's Code of Conduct, Policy S201-15, as amended.
- 42.6. If applicable, all recommendations of a Statutory Committee shall be reported to Council, in writing, and shall be subject to the approval of Council.

43. Volunteer Working Groups

- 43.1. The lead department's director, with the permission of the Chief Administrative Officer, may establish Volunteer Working Groups to facilitate or complete a project.
- 43.2. The lead department's director shall identify the mandate, role, Meeting details and membership requirements of the Volunteer Working Group. Such details shall be disclosed to the Members of Council or public upon request.
- 43.3. Volunteer Working Groups shall be exempt from this By-law and thereby exempt from parliamentary procedure, unless otherwise stated in this section.
- 43.4. Members of a Volunteer Working Group shall abide by the Town's

Code of Conduct, Policy S201-15, as amended.

- 43.5. A staff member from the lead department shall be in attendance at all Volunteer Working Group Meetings.
- 43.6. Volunteer Working Groups shall not give direction to staff without the approval of the lead department director. Volunteer Working Groups can make a request from staff. If request(s) can be reasonably accommodated within existing workloads and resources, staff may proceed.
- 43.7. A Council representative is not a Volunteer Working Group membership requirement. No more than three (3) Council Members may attend a Volunteer Working Group Meeting at one time.
- 43.8. Appointments to Volunteer Working Groups shall be a one- (1) year term, and shall be facilitated and approved by the director of the lead department.
- 43.9. Members of a Volunteer Working Group shall serve without remuneration.
- 43.10. Volunteer Working Groups shall be open to the public and shall not meet in Closed Session.
- 43.11. Any annual budget allocation to a Volunteer Working Group shall be at the sole discretion of Council and subject to the annual budget process and shall be aligned with the mandate of the Volunteer Working Group.

44. Use of Electronic Devices

- 44.1. All Electronic Devices shall be silenced upon entry to the Council Chambers. The only Electronic Devices permitted to be on loud are those of emergency services.

45. Summer Recess

- 45.1. During the months of July and August within the first three (3) years of a term of Council, there shall be three (3) Regular Meetings of Council to be held at ~~5:30 p.m.~~ 9:00 a.m. on a date determined by staff and approved by Council in advance. Within the fourth (4) year of the term of Council there shall only be two (2) summer meetings to be held at ~~5:30 p.m.~~ 9:00 a.m. on a date determined by staff and approved by Council in advance.

46. Election Recess

- 46.1. During a regular municipal and school board election year, Council shall not meet the week immediately before or of the election unless a Special or Emergency Meeting has been called.

47. Staff Direction

- 47.1. Staff directions shall be through a Resolution of Council, or a direction of Committee of Council and shall be put in writing to the

Clerk prior to the adjournment of the Meeting at which the direction was made, and such Resolution shall include a specific delineation of the staff/department responsible to undertake the direction and the expected date of receipt of a report by Council or Committee of Council.

48. Public Notice of Meetings

- 48.1. The Clerk shall provide public notice of all Meetings of Council, Committees of Council and Advisory Committee, by posting a notice on the website of the Town which includes the place, date and time of the Meeting and the Meeting Agenda. Such published Agenda shall be considered as adequate notice of Regular Meetings of Council and Committees of Council, except as otherwise provided for in this By-law. Posting to the website shall occur a minimum of three business days prior to the Meeting.

49. Public Meetings – *Planning Act*

- 49.1. Holding of Public Meetings required by the *Planning Act*, shall be conducted in accordance with the Rules of Procedure under this By-law.
- 49.2. At the commencement of each Public Meeting, the Chair shall explain the intent of the Meeting and advise the Meeting is to hear the views of the public and Members of Council on the subject matter(s).
- 49.3. Public Meetings, shall be held whenever practical and in accordance with notice requirements, on the second ~~Tuesday~~ **Wednesday** of each month at 5:30 p.m. at a location to be determined by the Director of Community Planning and Development and the Clerk.
- 49.4. Any planning matter referred back to Council by the Ontario Land Tribunal, or its successor, shall not be deemed reconsideration.

50. General

- 50.1. The short title of this By-law is "The Procedural By-Law."
- 50.2. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- 50.3. This By-law shall be read with all changes in number or gender as required by context.
- 50.4. The Clerk is hereby authorized to effect any minor modification or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this or any By-law, Motion, Resolution and or minutes as may be determined to be necessary for the purpose of ensuring correct and complete implementation of the actions of Council.

51. Repeal

That By-law 4107(2019), 4217(2020), 4231(2020), 4269(2020), 4296(2020), 4362(2021) and 4422(2022) be and is hereby Repealed.

52. Effective Date

That this By-law shall become effective on _____, 2023.

Read a first and second time
This 19th day of December, 2022

Read a third time and finally passed
This _____ day of _____, 2023

Marvin Junkin, Mayor

Holly Willford, Town Clerk