

# Procedure By-law

NUMBER XX-23

CORPORATION OF THE MUNICIPALITY OF PORT HOPE

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# The Corporation of the Municipality of Port Hope

## By-law xx-23

### A By-law to Govern the Proceedings of Council and Committee Meetings

Whereas section 238 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings, for public notice of meetings and for electronic participation in meetings;

Now Therefore the Council of the Municipality of Port Hope hereby enacts as follows:

## General

### 1. Application and Interpretation

- 1.1. This By-law establishes the rules of order for meetings of Council and Committee.
- 1.2. A word in this By-law expressed in the singular has a corresponding meaning when used in the plural.
- 1.3. Any future amendment(s) to the Municipal Act, 2001 or other legislation as noted in this By-law may alter the provisions of the legislation referenced but shall not affect the validity of this By-law or any part thereof.
- 1.4. In an event of conflict between this By-law and any superior legislation, the provisions of the superior legislation prevail.
- 1.5. A specific statement or rule in this By-law has greater authority than a general statement or rule.
- 1.6. Any reference to a provision of this By-law may be referred to as "Section" notwithstanding that it may be a section, subsection, clause or paragraph.
- 1.7. If there is a conflict between two or more rules in this By-law, or if there is no specific rule on a matter, the Chair will rule and, in making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices or refer to *Robert's Rules of Order*.
- 1.8. Any use of the male or female pronouns in this by-law, shall have no significance in the interpretation and application of the terms, provisions and conditions of this By-law, such use is solely for the sake of convenience.

### 2. Principles of this By-law

The principles of parliamentary law governing Meetings includes:

- 2.1. The majority of Members have the right to decide.
- 2.2. The minority of Members have the right to be heard.

- 2.3. All Members have the right to information to help make decisions, unless otherwise prevented by law.
- 2.4. All Members have the right to an efficient Meeting.
- 2.5. All Members, Municipal Staff and participants have the right to be treated with respect and courtesy.
- 2.6. All Members have equal rights, privileges and obligations.

### 3. Suspension of Rules

Rules of order provided for in this By-law may be suspended by a Two-Thirds vote of the members of Council present and voting, with the exception of the following circumstances:

- 1.1. Where required by law;
- 1.2. In any contract or agreement binding the Municipality;
- 1.3. Amending this By-law;
- 1.4. Requirements of Quorum.

A Motion to suspend the Rules of Procedure required by this Procedure By-law shall not be debatable or amendable. In addition, the motion to suspend should identify the reasons that the rules are being set aside.

### 4. Appointment of the Deputy Mayor

- 4.1. Every Member of Council, with the exception of the Mayor, shall be the Deputy Mayor for a period of approximately eight (8) months consecutively during a four (4) year term of Council, on a rotating basis.
- 4.2. The appointment schedule will be determined alphabetically by the last name of the Member of Council and will be presented for Council consideration at the first Regular Meeting of Council following an election in the form of a by-law.
- 4.3. The Clerk will ensure the appointment schedule of the rotating Deputy Mayor is available on the Municipal website and changes are communicated to the public as the Deputy Mayor position rotates throughout the term of Council.
- 4.4. That should the appointed Deputy Mayor either before or during the term of their appointment as Deputy Mayor notify the Clerk in writing that they, for any reason, can no longer assume the duties of the Deputy Mayor, or, choose not to assume the duties of Deputy Mayor, then the next Member of Council as per the appointment schedule will assume the duties of the Deputy Mayor for the remainder of their term, unless otherwise determined by Council.
- 4.5. In the event the head of Council's seat becomes vacant, as defined in section 259 of the Municipal Act, 2001, that vacancy shall be filled in accordance with the options identified in section 263 of the Municipal Act, 2001, with the appointed Deputy Mayor at that time acting in the place of the Head of Council until such time as the vacant seat is

otherwise filled by Council.

- 4.6. That in the scenario described in Section 4.5, there is no presumption that the Deputy Mayor at the time of vacancy of the Head of Council is to be automatically appointed as permanent Head of Council.
- 4.7. When the Mayor and the Deputy Mayor are absent or refuse to act, the Council shall, by Resolution, appoint one of its Members to act in the place of the Mayor and such Member shall have all the powers and duties of the Mayor with respect to the role of presiding at meetings, as Acting Chair, at a duly called meeting.

## 5. Administrative Authority of the Clerk

The Clerk is authorized to revise or correct by-laws, minutes and other records or documents relating to Council and Committee for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings and general housekeeping.

## Definitions

### 6. Definitions in this By-law

- 1.1. **Act** means the Municipal Act, 2001, S.O. 2001, c. 25 as amended or replaced from time to time.
- 1.2. **Acting Chair** means such person who is a Member of the Committee and who acts in place of the Committee Chair when such Chair is absent from a meeting of the Committee for any cause and who shall exercise all the rights, powers and authorities of the Chair while so acting.
- 1.3. **Ad Hoc Committee** means a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council. It can also be referred to as a Working Group or a Steering Committee.
- 1.4. **Advisory Committee** means a Committee created by Council to act in an advisory capacity on a specific matter of municipal interest.
- 1.5. **By-law** means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council.
- 1.6. **CAO** means the Chief Administrative Officer of the Municipality of Port Hope.
- 1.7. **Chair** means the presiding officer at a Meeting.
- 1.8. **Clerk** means the Clerk of the Municipality of Port Hope, or their designate.
- 1.9. **Closed Meeting** means a Meeting or part of a Meeting that is closed to the public as permitted by the Act.
- 1.10. **Committee** means Committee of the Whole, Advisory Committee or other committee as established by Council.
- 1.11. **Committee of the Whole** means a committee comprised of all Members of Council.
- 1.12. **Consent Agenda** means a listing of Consent Items being presented to Council and Committee for its consideration and vote.
- 1.13. **Consent Item** means a report that is presented for approval without debate and with no deputation or presentation and is generally considered routine in nature.
- 1.14. **Council** means the Municipality of Port Hope's elected representatives, comprised of the Mayor and Councillors.

- 1.15. **Councillor** means any Member of Council, other than the Mayor.
- 1.16. **Deputation** means any person, group of persons, firm or organization, who is neither a Member of a Committee or Council or an appointed Official of the Municipality or a consultant or other individual hired by the Municipality, wishing to address Council on a specific matter upon request to the Clerk.
- 1.17. **Deputy Mayor** means a Member of Council appointed from within to act in the absence of the Mayor in accordance with the Deputy Mayor appointment schedule.
- 1.18. **Director** means the most senior staff of the Municipality of Port Hope as delegated by the CAO.
- 1.19. **Electronic Meeting** means any open or Closed Meeting where Council or Committee, as a whole participates remotely or virtually via electronic means, and Members have the same rights and responsibilities as if they were in physical attendance including the right to vote, and shall count towards a Quorum.
- 1.20. **Emergency** means a situation caused by forces of nature, an accident, an intentional act, or otherwise that constitutes immediate or imminent threat to persons or property.
- 1.21. **Majority** means for the purpose of voting, unless otherwise specified, more than half the total number of the Members of Council or Committee present at the vote and not prohibited by statute from voting.
- 1.22. **Majority Vote** means more than one half of the votes cast by Members present.
- 1.23. **Mayor** means the Mayor of the Municipality of Port Hope, as defined in the Act.
- 1.24. **Meeting** means a Meeting of Council or Committee where a quorum of Members is present and Members discuss or otherwise deal with any matter in a way that materially advances the business of Council or Committee.
- 1.25. **Member** means a Member of Council, including the Mayor, or a Member of Committee, including the Chair.
- 1.26. **Motion** means a proposal, moved by one Member and seconded by another Member to adopt, amend, or otherwise deal with a matter before Council or Committee.
- 1.27. **Motion to Defer** means a Motion to delay consideration of a matter until later in the same Meeting or at a future Meeting of Council or Committee.
- 1.28. **Motion to Refer** means to direct a matter under discussion by Council and/or Committee of the Whole to staff or another committee for further consideration or review.
- 1.29. **Notice of Motion** means a written notice respecting a substantive matter not on the agenda, submitted to the Clerk, for inclusion on the agenda of a future Meeting.
- 1.30. **Point of Order** means a question by a Member calling attention to a possible violation of the rules or customary procedures of this By-law.
- 1.31. **Point of Privilege** means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member, Municipality staff or a deputation or who considers that his or her integrity or that of a Member or Municipality staff or deputation has been impugned or questioned by a Member.
- 1.32. **Quorum** means a majority of the Members of Council or Committee.
- 1.33. **Two-Thirds** means two-thirds (2/3) of the Members of Council or Committee.
- 1.34. **Youth Councillor** means any young person between the ages of 13 and 18 years of age appointed to Council as a Youth Councillor. This person shall have no voting rights.
- 1.35. **Workshop** means a meeting of Council where the purpose is for Council to discuss issues in an informal venue. With the exception of procedure matters, no Motions are passed, and no matter is discussed which advances the business of the Municipality.

## Duties and Conduct

### 7. Chair of Meeting

- 7.1. The Chair of Council, Committee of the Whole or a Workshop is the Mayor and, in the absence of the Mayor, the Deputy Mayor is Chair.
- 7.2. The Chair and Vice Chair of any other Committees may be appointed by a vote of the Members of the Committee.

### 8. Appointments to Committees as Mayor's Designate and as Portfolio Chairs

- 8.1. Where Council representation is required on a Committee or a Local Board, the Mayor, in consultation with Members of Council, shall designate the Member or Members to represent the Council on such Committee or Local Board, and present the appointments for review and approval via Council resolution within the first three months of the Council term.
- 8.2. Departmental Portfolio Chairs will be established by the Mayor in consultation with Members of Council, and presented to Council for review and approval via Council resolution within the first three months of the Council term.
- 8.3. Portfolio Chairs will be established as per the departments currently structured in the Municipality.
- 8.4. As Portfolio Chairs, Council Members may advocate for items related to their respective portfolios or speak to the aforementioned items at a Meeting.
- 8.5. Portfolio Chairs may serve as a general point of contact for the public for items/issues related to that Portfolio.
- 8.6. Portfolio Chairs are not involved in operational activities or decisions for the department.

### 9. Duties of the Chair

- 9.1. The Chair shall call a Meeting to order as soon as there is Quorum present after the time set for the Meeting.
- 9.2. The Chair shall preside over the Meetings so business can be carried out efficiently and effectively, and shall:
  - a) maintain order and preserve the decorum of the Meeting;
  - b) rule on all procedure matters;
  - c) receive and submit to a vote all Motions presented by the Members that do not contravene the rules of procedure;
  - d) decline to put any Motions to a vote which do not comply with the rules of procedure, or which are not within the jurisdiction of Council or Committee;
  - e) announce the result of the vote on any Motions presented for a vote;
  - f) expel or exclude from any Meeting any person whom the Chair feels has exhibited improper conduct at the Meeting;
  - g) adjourn or suspend the Meeting if they consider it necessary because of grave disorder;



- h) close the Meeting when business is concluded or recess the Meeting;
- i) after issuing appropriate warning, may call by name any Member persisting in breach of the rules of procedure, order them to leave the Meeting and if the Member refuses to leave the Meeting, the Chair may request the CAO or designate to contact security or police for assistance to remove the Member;
- j) shall decide all matters not covered by this By-law and may call upon the Clerk to provide advice regarding procedure whereupon the Clerk shall provide advice, following which the Chair shall announce the ruling;
- k) may call a vote on the question of sustaining the ruling of the Chair in response to a Member disagreeing and appealing the ruling of the Chair and may provide further explanation of the ruling prior to calling the vote and announce the results of the vote;
- l) if necessary, may call a recess for a brief, specified time to consult the Clerk or CAO, or any other person deemed appropriate, or to provide a short break to Members of Council;
- m) if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recess the Meeting for a specified time;
- n) ensure all Members who wish to speak have had an opportunity to speak at least once when the matter is being discussed;
- o) ensure clarity, where required, by reading, or requesting the Clerk or other appropriate person to read Motions before voting;
- p) vote on all matters unless disqualified from doing so by any statute;
- q) adjourn the Meeting when all business is concluded; and
- r) authenticate, when necessary, by their signature, all by-laws and minutes.

## 10. Duties of the Deputy Mayor

- 10.1. When the Mayor is absent from a Meeting, the Deputy Mayor may exercise all the rights, powers and authority of the Mayor as head of Council.
- 10.2. Outside of Meetings and this By-law, the Deputy Mayor is not assigned any additional authority.

## 11. Duties of Members

All Members shall:

- 11.1. Attend scheduled Meetings.
- 11.2. Carefully consider and make decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting.
- 11.3. Vote on all Motions put to a vote unless disqualified from voting under any statute.
- 11.4. Respect the rules of order as set out in this By-law.
- 11.5. Listen attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Privilege, as set out in this By-law.

- 11.6. Refrain from using any offensive, disrespectful or unparliamentary language.
- 11.7. Refrain from speaking 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, the Legislative Assembly of the Province of Ontario or the County of Northumberland.
- 11.8. Respect and follow the decisions of Council or Committee.
- 11.9. Respect the confidentiality of matters discussed in Closed Meetings and not disclose the subject or substance of these discussions unless authorized to do so by Council or Committee, in accordance with the Closed Meeting Policy and all applicable legislation.
- 11.10. Comply with the ruling of the Chair and the decisions of Council and Committee.

## 12. Duties of Attendees

- 12.1. The Chair may expel or exclude any person who disrupts a Meeting and request security and/or police assistance in doing so.
- 12.2. Attendees must maintain order and not heckle or engage in conversation, disrupting the meeting in any way.
- 12.3. As determined by the Chair, attendees that are displaying placards or props or displaying any behaviour that may be considered disruptive may be asked to leave the Meeting.
- 12.4. Attendees must ensure that they are speaking respectfully at all times.
- 12.5. Attendees must ensure they do not interrupt any speech or action of the Members or any person addressing Council.
- 12.6. Attendees must ensure that all personal digital devices are turned off or set to silent mode during a Meeting.
- 12.7. Individuals who wish to submit materials for Council's consideration must do so through the Clerk, and the Clerk will determine the distribution of such materials in due course.

## 13. Rules of Debate and Questions from Members

- 13.1. The Chair will provide each Member an opportunity to speak.
- 13.2. Prior to accepting a Motion, Members shall be entitled to speak up to three (3) times or ask questions directly relating to the matter under consideration.
- 13.3. A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding.
- 13.4. The Chair is permitted to ask questions or comment in a general manner without leaving their position. The Chair who presides over any part of a Meeting may state

relevant facts and the Chair's position on any matter before the Council or Committee without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a Motion or debate a question without first leaving the chair.

- 13.5. If during a Meeting of Council the Mayor desires to leave the chair to move a Motion or to take part in the debate, the Mayor shall call on the Deputy Mayor to preside until the Mayor resumes the chair. If the Deputy Mayor is unavailable, then the Mayor will ask another Member of Council to assume the role of Acting Chair.
- 13.6. Members are encouraged to provide questions to staff prior to the Meeting and address any answers received during the comments portion of the discussion.
- 13.7. When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Privilege.
- 13.8. Comments are to be relevant to the matter of business at the Meeting.
- 13.9. Members shall express themselves succinctly without repetition.

#### 14. Point of Order

- 14.1. A Member may raise a Point of Order when such Member feels there has been:
  - a) A deviation or departure from the rules set out in this By-law; or
  - b) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- 14.2. Where a Member raises a Point of Order, the Chair shall:
  - a) Interrupt the matter under consideration;
  - b) Ask the Member raising the Point of Order to state the substance of and the basis of the Point of Order; and
  - c) Rule on the Point of Order immediately without debate by Council or Committee.
- 14.3. A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.

#### 15. Point of Privilege

- 15.1. A Member may raise a Point of Privilege at any time if he or she considers their integrity, the integrity of Council or Committee as a Whole or Municipality staff or a deputation has been impugned.
- 15.2. Where a Member raises a Point of Privilege, the Chair shall:
  - a) Interrupt the matter under consideration;
  - b) Ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
  - c) Rule on the Point of Privilege immediately without debate by Council or Committee.

15.3. A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.

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

## Meetings

### 16. Inaugural Council Meeting

16.1. The first Meeting of Council following a regular election shall be held at a date and time set by the Clerk in accordance with the Act. The Meeting will be held in the Council Chamber at the Municipality's office or at such alternate location as determined by the Clerk.

16.2. At the Inaugural Meeting of Council, each Member present shall make their declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this Meeting.

### 17. Location and Schedule of Meetings

17.1. Meetings of Council and Committee of the Whole will take place in the Council Chamber or at another location within the municipality or as provided for in the Act, as amended when notice is given.

17.2. Council shall approve a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings shall be posted on the Municipality's website and available from the Clerk's office.

17.3. Generally speaking, over a three-week period, the schedule will be as follows:  
Week 1: Council; Week 2: Committee of the Whole; Week 3: No Meetings.

17.4. The Meeting schedule of all other Committees is determined by the Committee, in accordance with By-law 05/2021 or any subsequent by-law, and/or prescribed mandate.

### 18. Regular Council Meetings

18.1. Regular Council Meetings will typically be held on a Tuesday at 6:00 p.m. in the Council Chamber, unless otherwise noted, in accordance with the schedule of meetings approved by Council.

18.2. Notwithstanding Section 18.1, Meetings may be cancelled or postponed in accordance with Section 22.

18.3. If a Council Meeting falls on a public or civic holiday, the Council shall meet at the same hour on the next following day, which is not a public or civic holiday, unless otherwise provided by resolution of the Council.

## 19. Regular Committee of the Whole Meetings

Regular Committee of the Whole Meetings will typically be held on a Tuesday at 3:00 p.m. in the Council Chamber, unless otherwise noted, in accordance with the schedule of meetings approved by Council.

## 20. Special Meetings of Council

- 20.1. A special Meeting may be called by the Mayor or Chair, or by the Mayor in consultation with the Chief Administrative Officer (CAO) and the Clerk, at any time. A Special Meeting is limited to business included in the notice of Meeting.
- 20.2. As per the Act and notwithstanding Section 20.1, the Clerk may call a Special Meeting when petitioned in writing by a majority of Council Members.
- 20.3. Notwithstanding any other provision in this By-law, the Mayor, at any time, may call or provide Notice of an Emergency Meeting of Council. An Emergency Meeting of Council is limited to business matters included in the Notice of the Meeting.
- 20.4. The Order of Business at a Special Meeting of Council is determined by the Mayor in consultation with the CAO and the Clerk.

## 21. Workshops

- 21.1. The Mayor and/or Chief Administrative Officer, in consultation with the Clerk, may convene a Workshop for Members of Council for the purpose of:
  - a) educating or training;
  - b) for providing the Members with information and/or advice; or
  - c) to solicit input from the Members.
- 21.2. With the exception of procedural matters, no Motions are passed and no decisions are made at Workshops. Workshops are not generally livestreamed.
- 21.3. Minutes describing, in general terms, the proceedings and the subject matter discussed at all Workshop Meetings will be placed on a future Council agenda to be received only for information purposes.
- 21.4. Deputations shall not be permitted at Workshops.

## 22. Cancellation or Postponement of Meetings

- 22.1. A regular, special or emergency Meeting of Council or Committee of the Whole, or a Workshop, may be cancelled or postponed in any of the following circumstances:
  - a) If the Clerk determines in advance that Quorum will not be achieved;
  - b) If the Meeting is cancelled by Council or Committee recommendation;
  - c) In the event of an emergency or imminent weather event; or
  - d) Where the Meeting is no longer required as determined by the Clerk and the CAO due to a lack of forecasted agenda items.
- 22.2. The Clerk gives notice of the cancellation or postponement of a regular, special or emergency Meeting of Council or Committee of the Whole, or Workshop, on the municipal website. Council Members are notified of cancellations through electronic

means (email, instant messaging), or via telephone, whenever possible. Where time is limited, a notice is posted on the main entrance of the Municipal office and/or online.

22.3. Meetings of other Committees may be cancelled or postponed by the Clerk, Chair or other assigned person where Quorum cannot be achieved, in the event of an emergency or where the Meeting is deemed no longer required by the Chair in consultation with the Clerk or designate.

## 23. Notice of Meetings

23.1. The Clerk will give notice of a Meeting by publishing a Meeting agenda on the municipal website.

23.2. Regular Council and Committee of the Whole Meeting agendas will be posted on the municipal website no later than seventy-two (72) hours prior to the scheduled Meeting.

23.3. Items or matters will not be added to the agenda after its publication by inclusion on an addendum unless determined by the Clerk in consultation with the Chief Administrative Officer.

23.4. The Clerk will prepare a calendar giving notice of specific dates when Regular Council and Committee of the Whole Meetings agendas will be available and this calendar will be available through the municipal website.

23.5. Special Meetings of Council agendas will be posted on the municipal website no later than forty-eight (48) hours prior to the scheduled Meeting.

23.6. Workshop agendas will be posted on the municipal website no later than forty-eight (48) hours prior to the scheduled Workshop.

23.7. Emergency Meetings may be held, without written notice, to deal with issues that may urgently or immediately affect the health or safety of residents. The Clerk shall attempt to notify the public of Emergency Meetings as soon as possible and in the most expedient manner available.

23.8. The Clerk may provide earlier or additional forms of notice, as the Clerk deems appropriate.

23.9. The failure of any person to receive notice of a Meeting shall not affect the validity of the Meeting or any action taken during the Meeting.

## 24. Notice of Meeting Closed to the Public

24.1. Where a matter may be considered by Council or Committee for discussion in closed session, whenever possible, written notice will include:

- a) The fact the Meeting will be closed to the public as provided by the appropriate legislation; and
- b) The general nature of the matter to be considered at the Closed Meeting.

## 25. Invalidation of the Notice of Meeting

If notice of a Meeting is substantially given but varies from the form and manner provided in this By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

## 26. Quorum

If Quorum is not achieved within thirty (30) minutes after the time appointed for a Meeting, the Clerk will record the names of the Members present and the Meeting is adjourned.

## 27. Open and Closed Meetings

27.1. All Meetings shall be open to the public, except as provided for in section 239 of the Act. Council or Committee may convene in a closed session in order to discuss the following matters:

- a) the security of the property of the Municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the Municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which Council or Committee may hold a Closed Meeting under another statute;
- 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;
- 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; or
- l) the Meeting is held for the purpose of educating or training the Members, providing no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.

27.2. Council or Committee shall convene into a Closed Meeting for the following purposes:

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if Council or Committee is the head of an institution for the purposes of that statute; or
- b) an ongoing investigation respecting the Municipality, a local board or a Municipally-controlled corporation by the Ombudsman appointed under the

Ombudsman Act, a municipal Ombudsman referred to in subsection 223.13(1) of the Act, or a closed meeting investigator referred to in subsection 239.2(1).

27.3. The Mayor or Chair shall report at an open Meeting following the Closed Meeting and generally summarize actions taken. Any matters discussed in a Closed Meeting requiring a decision of Council or Committee will be brought forward to an open Meeting.

27.4. No Member shall disclose or discuss, through any means including written, electronic or verbal communication to any individual or third party, any information that has been or will be discussed at a Closed Meeting or any records or documents disclosed thereat until Council or Committee has agreed to the disclosure of such information, records or documents or if directed to do so by a court.

27.5. All Closed Meetings will adhere to the Closed Meeting Policy.

## 28. Preparation of Agendas

The Clerk provides administrative processes to support the approval, preparation, notice, publication and distribution of agendas, following approval by the Chief Administrative Officer and/or Director.

## 29. Record of Meetings (i.e. Minutes)

29.1. The Clerk or designate records the minutes of Meetings of Council and Committee of the Whole without note or comment. The minutes record:

- a) The date, time, and location of the Meeting;
- b) The name of all Members in attendance;
- c) The name and nature of presentations and deputations; and
- d) All resolutions, decisions and other proceedings of the Meeting.

29.2. Minutes of each Meeting of Council are presented to a subsequent regular Meeting of Council for approval, as time permits.

29.3. Minutes of other Committees, as designated by Council, are submitted to Council for information following approval by the Committee.

29.4. The receipt of minutes from other Committees by Council does not constitute endorsement by the Municipality of any recommendations or actions contained therein.

## 30. Public Record

All Communications the Clerk receives pertaining to a matter on the agenda of a public or open Meeting may form part of the public record. Personal information and opinion in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

## 31. Recordings, Broadcasting and/or Streaming

All Council and Committee of the Whole Meetings may be video recorded, broadcast and/or streamed publicly by the Municipality with the exception of proceedings closed to the public



provided for by the Act or this By-law. Given their nature and informal approach, Workshops will generally not be live-streamed or recorded.

Attendees may not use their own recording, broadcasting and/or streaming services during a Meeting unless they have arranged to do so prior to the meeting and have received approval from the Clerk.

## 32. Electronic Participation

32.1. A regular or special meeting of Council, or committee of Council, may be conducted by electronic means when it has been determined by the Mayor and Clerk that electronic participation will be required by all or some Members attending a Meeting. In person attendance at such meetings may be restricted by the Mayor and Clerk subject to the meeting being open to the public by electronic means.

32.2. A Member of Council may participate electronically in a Meeting that is open or closed to the public, depending on the technology available. A Member participating electronically shall count towards determining whether or not a quorum of members is present at any point in time.

32.3. Members are required to notify the Clerk in advance of any Meeting at which they intend to participate electronically.

32.4. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair in consultation with the Clerk shall have the authority to modify the Rules of Procedure to ensure Members can effectively electronically participate in the meeting.

32.5. Members of the public shall have the option to present or make a deputation to Council and at Statutory Public Meetings under the Planning Act either electronically or in person, depending on the technology available. The Clerk shall facilitate the presenter or deputees' preferred option upon receiving a formal request to appear as a deputation.

32.6. The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk, depending on the technology available.

32.7. Notwithstanding the above, electronic participation by Members of Council, presenters, deputees or the public will only be provided if the necessary technology is available in the Council Chamber or any other location, as determined by the Clerk.

32.8. Unless otherwise determined by the Clerk, participation in Question Period must be in person only.

## 33. Advisory and Ad-Hoc Committees

33.1. Advisory Committees are created by Council with no defined ending and serve to make recommendations and/or to provide key information and materials to Council. All Advisory Committees are governed by the Committee By-law 05/2021, or any subsequent by-law that replaces it.

- 33.2. Each Advisory Committee shall have a Terms of Reference that sets out its purpose, guidelines for membership and how it will operate.
- 33.3. A minimum of one (1) Member of Council will be appointed to an Advisory Committee.
- 33.4. The Chair of Advisory Committees will be the Member of Council appointed to that Committee.
- 33.5. Council may appoint Ad Hoc Committees, with a definite ending, to consider a specific matter and report to Council through the CAO or Director.
- 33.6. The Clerk may establish simplified Rules of Procedure for Advisory Committees, Quasi-Judicial Committees or Local Boards. Where simplified Rules of Procedure are not established, the Committee or Local Board shall be deemed to have adopted this Procedure By-law, save and except those Local Boards or Committees which may adopt their own Rules of Procedure, subject to approval by the Clerk or through other legislation.

#### 34. Youth Councillor

From time to time, the Youth Councillor appointed to Council by resolution may provide a report updating Members of Council on issues relevant to the youth community in the Municipality.

### Order of Business

#### 35. Council

- 35.1. Notwithstanding Sections 35 and 36, the order of business for a Council and Committee of the Whole may be adjusted at the discretion of the Clerk and the Chair.
- 35.2. The Clerk shall prepare an agenda for the use of Members for Meetings of Council as follows:
- Call to Order
  - Moment of Silent Reflection
  - Land Acknowledgement
  - Disclosure of Pecuniary Interest
  - Announcements, Updates and Recognitions
  - Presentations
  - Deputations
  - Correspondence (if required)
  - Adoption of Minutes – Consent Agenda
  - Advisory Committee and Board Minutes – Consent Agenda
  - Committee Reports and Recommendations

Notice of Motions  
Report from Youth Councillor (if required)  
By-laws – Consent Agenda  
Closed Session  
Business Arising from Closed Session  
Confirmatory By-law  
Adjournment

### 36. Committee of the Whole

The Clerk shall prepare an agenda for the use of the Members for Meetings of Committee of the Whole as follows:

Call to Order  
Moment of Silent Reflection  
Land Acknowledgement  
Disclosures of Pecuniary Interest  
Correspondence  
Items for Consideration  
Notice of Motions  
Updates and New Business  
Question Period  
Adjournment

### 37. Statutory Public Meetings under the Planning Act

Note: Herein and for the purpose of this section, a statutory public meeting under the Planning Act, R.S.O. 1990, c. P.13 shall be referred to as a “public meeting”.

- 37.1. The Chair of the Planning and Development portfolio or designate shall chair public meetings.
- 37.2. The dates and times for hearing public meetings shall be established in the meeting schedule and the dates and times of such public meetings may be amended with the consent of the Mayor and the Director of Planning and Development, provided all notice requirements under the Planning Act are met.
- 37.3. Public meetings are not deemed to be a meeting of the Council or a Standing Committee.
- 37.4. Submissions from the Public received during a Public Meeting shall be heard first from any member of the public attending the meeting in-person, followed by any members of

the public registered to participate remotely via electronic means, should such technology be available. The Chair, in consultation with the Clerk, may accommodate a different order of speakers where deemed possible and appropriate.

37.5. The public meeting for each application shall proceed as follows:

- a) Staff shall provide a brief overview of the application;
- b) The applicant or their representative may appear and provide information regarding the application;
- c) Members of the Public and/or stakeholders in attendance and wishing to speak may make an oral submission;
- d) The Chair may call on the applicant and/or staff to provide clarification on matters raised by members of the public and/or stakeholders.

37.6. The Clerk shall capture oral submissions from the public and stakeholders at the public meeting, and shall provide a copy of the Clerk's minutes capturing such submissions to the Members of Council for their review.

37.7. Notwithstanding Section 37.5, the order of business for a Public Meeting may be adjusted at the discretion of the Clerk and the Chair.

## 38. Staff Reports

38.1. In accordance with established administrative protocols, reports to Council or Committee are prepared by staff, approved by the CAO, submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting.

38.2. Reports prepared by staff contain information and recommendations prepared in context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

38.3. An information report is prepared for the information of Council and usually presented at Committee of the Whole.

38.4. In most circumstances, only time-sensitive items will be presented first to Council.

## 39. Notice of Motion

39.1. A Member of Council shall provide a proposed Motion to the Clerk, in writing, for inclusion on a regular agenda of Council for the purpose of giving notice. The proposed Motion will include a confirmed mover and seconder. No discussion will take place at the Council Meeting where the notice of the motion is provided.

39.2. At the subsequent meeting of the Committee of the Whole, the Member of Council who submitted the proposed Motion shall introduce and subsequently move the Motion. After discussion by Members of the Committee of the Whole, the final disposition of the item will be at the next scheduled Meeting of Council, as per Figure 1.

39.3. A Member of Council may request that the notice provisions be waived, which will require a two-thirds vote.

39.4. No staff report will be prepared unless the Motion is referred to staff for a further report.

39.5. It is the duty of the Member of Council to:

- a) Prepare the proposed Motion in writing; and
- b) Submit the proposed Motion to the Clerk prior to the publication deadline for the regular agenda of Council.

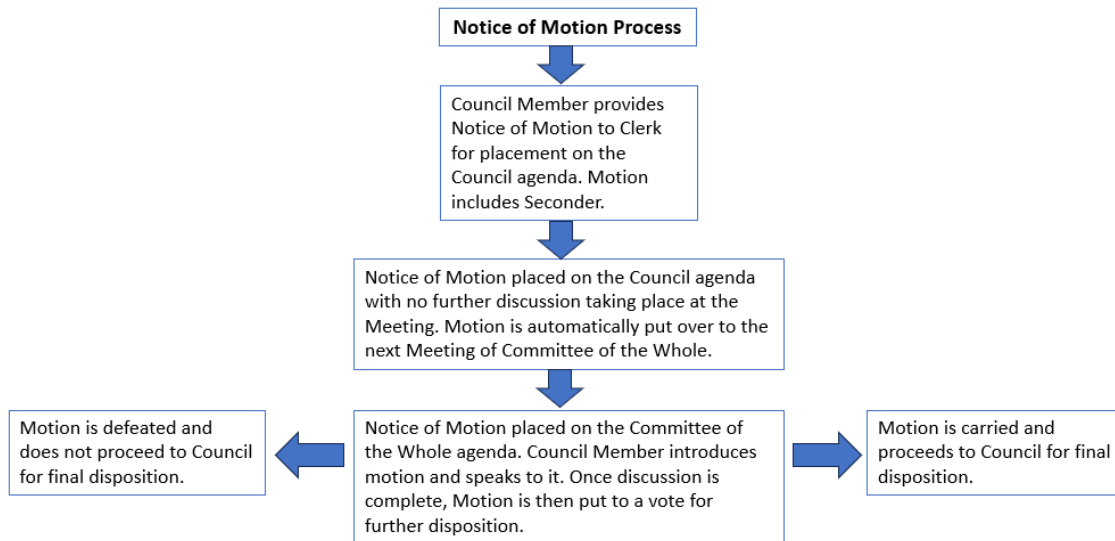


Figure 1

## 40. By-laws

- 40.1. All by-laws shall be passed in a single Motion by Council by Majority Vote, unless otherwise required by legislation.
- 40.2. A Confirmatory By-law shall be enacted at the conclusion of each Meeting of Council.
- 40.3. The following types of by-laws may be presented directly to Council without the requirement for a staff report:
  - a) Those directed to be presented to Council by Committee of the Whole or Council;
  - b) Appointment of staff authorized by the CAO;
  - c) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution.

## 41. Majority Vote

Unless this By-law states otherwise, a matter passes when a Majority of the Members present at the Meeting vote in the affirmative.

## Public Participation

See Schedule A for more information

## 42. Presentations

- 42.1. Presentations at Council Meetings shall be limited to a maximum of ten (10) minutes. Upon prior approval by the Chair, the Presentation may extend beyond ten (10)

minutes.

42.2. If a Presentation extends beyond the maximum time limit during a Meeting, without prior approval of the Chair, then the Clerk will issue a warning to the presenter. It is the Chair's discretion as to whether they are allowed to continue past the maximum time limit.

42.3. A maximum of three (3) presentations will be permitted at a Council Meeting.

42.4. Presentations by an outside organization or individual shall not be permitted for the sole purpose of generating publicity or promotion.

42.5. Outside organizations or individuals wishing to make a presentation shall complete the required forms and shall provide the Clerk with written materials, presentation materials, etc. for inclusion on the agenda by the deadline outlined by the Clerk, being no later than the Wednesday preceding the Council meeting.

42.6. Where a staff or third party presentation accompanies an item on a Committee of the Whole agenda, the presentation will be heard at the time the matter is under consideration at Committee of the Whole.

42.7. The Clerk may limit the frequency and/or number of times a group or individual may appear before Council.

42.8. The following types of presentations shall provide information only and shall be heard at the beginning of a Council Meeting:

- a) Presentations by groups or individuals on subjects that are within the jurisdiction or influence of local government, as determined by the Clerk and Chair;
- b) Presentations by outside organizations providing information with no accompanying report or recommendations; and
- c) Presentations recognizing achievements.

42.9. Presenters requesting specific financial assistance or services in-kind from Council shall be directed to the appropriate department for review. A decision will not be made at the Meeting where the presentation is heard.

42.10. Presenters requesting specific action from the Municipality related to an operational issue shall be directed to the appropriate department for review. A decision will not be made at the Meeting where the presentation is heard.

42.11. No presentations will be heard at a Committee of the Whole Meeting, unless determined by the Mayor in consultation with the Clerk.

### 43. Deputations

43.1. An individual may make a deputation at a Meeting of Council related to an item of business on the agenda.

- 43.2. An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian.
- 43.3. Individuals who register as a deputation will have their name and the purpose of their deputation published on an agenda.
- 43.4. Anyone wishing to appear before Council shall register as a depute by submitting the prescribed form and all accompanying materials to the Clerk no later than noon (12:00 p.m.) one (1) business day prior to the scheduled Meeting date.
- 43.5. Deputations are limited to five (5) minutes. Council may extend the five (5) minute time period by a Majority Vote of the Members present by way of a Motion to be decided without debate.
- 43.6. No deputation shall be made to Council on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- 43.7. No deputation shall speak on a matter that is not within the jurisdiction of the Council. The Mayor in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council.
- 43.8. Deputations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.
- 43.9. Deputies shall refrain from making statements or comments that are, in the opinion of the Chair, frivolous or vexatious in nature.
- 43.10. Deputies who share the same position on a matter or are from the same organization, are encouraged to speak in one deputation.
- 43.11. A deputation shall only register themselves to speak and may not register other deputations.
- 43.12. A person may only make one request for a deputation per Meeting, subject to the discretion of the Clerk.
- 43.13. Members of Council are permitted to ask individuals making a deputation questions only for clarification and to obtain additional relevant information.
- 43.14. The Mayor shall have discretion to further provide limitations on deputations, including the amount of deputations per Meeting, in consultation with the Clerk.

#### 44. Correspondence

- 44.1. Correspondence intended to be presented to the Committee of the Whole shall,
  - a) Include the author's full name and contact information;

- b) Be legibly written or printed;
- c) Be appropriate and respectful in tone, and not contain any improper or offensive language or information; and
- d) Be filed with the Clerk.

44.2. The Clerk shall prepare a Council Information Index listing all correspondence received by the Clerk. The Council Information Index shall be delivered electronically directly to each Member of Council every Friday, unless otherwise specified. A Member of Council may request in writing that an item from the Council Information Index be lifted and included in the next appropriate Committee of the Whole agenda.

44.3. When required due to urgency or timing, and subject to the discretion of the Mayor in consultation with the Clerk, correspondence may be placed on a Council Agenda as an additional item.

44.4. The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Municipality of any of the recommendations it may contain, or actions it may advocate.

## 45. Petitions

45.1. Petitions may be submitted to the Clerk and will include a minimum of two (2) persons and their respective contact information unless otherwise required by law, and a clear statement of the purpose of the petition. Petitions will be placed under the Correspondence section of the Committee of the Whole or Council agenda, unless otherwise determined by the Mayor in consultation with the Clerk.

45.2. All Petitions must adhere to the Petition Policy.

45.3. If the petition meets the requirements of the Petition Policy and/or any other related Municipality policies, the request conveyed in the petition will be considered by the Committee of the Whole or Council for disposition.

45.4. The Municipality is not responsible or accountable for the accuracy or reliability of petitions that are submitted.

## 46. Question Period

46.1. Question Period occurs in Committee of the Whole, prior to Adjournment. During Question Period, members of the Public and Media may address Council to make informal inquiries on matters of municipal business.

46.2. Council reserves the right to refer the inquiry to Staff for timely follow-up subsequent to the meeting, however, staff are not expected to prepare or provide recommendations regarding the informal inquiry at the meeting.

46.3. Question Period is for questions/inquiries only, and not an opportunity to provide comment on municipal matters. Council reserves the right to ask attendees to limit their question to the matter at hand.



46.4. There are no obligations on Council to respond or action items related to a question asked during Question Period.

46.5. Generally, no motions are passed related to matters raised during Question Period.

46.6. In order to ask a question during Question Period, attendees must attend the Meeting in person, unless otherwise determined by the Clerk.

## Motions

### 47. General Motions

47.1. After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee. A Motion or amending Motion may be withdrawn with the consent of the Mover and Seconder at any time before the amendment or decision.

47.2. Council and Committee shall not debate any Motion until it has been moved and seconded. Once a Motion has been seconded, it may upon request, be read or stated by the Chair or Clerk at any time during the debate.

47.3. If the Chair is of the opinion that an amending Motion is contrary to the main Motion, the Chair shall apprise the Members immediately. A Member of Council or Committee may appeal the ruling of the Chair. If appealed, the Chair will take an immediate vote on the Motion without debate.

47.4. When a Motion is under consideration, no other Motion shall be received unless it is a Motion:

a) To refer the Motion to Committee, Council or Staff. A **Motion to Refer**:

- Is open to debate
- Is amendable
- Shall preclude amendment or debate of the preceding motions.

b) To amend the Motion. A **Motion to Amend**:

- Is open to debate
- Shall not propose a direct negative to the main Motion
- Shall be relevant to the main Motion
- Is subject to only one further amendment, and any amendment more than one must be to the main Motion, and
- If more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main Motion is put to the vote.

c) To defer the Motion to another time. A **Motion to Defer**:

- Is not open to debate
- Is not subject to amendment

- Applies to the Main Motion and any amendments thereto under debate at the time the Motion to Defer is put forth.
- d) To adjourn the Meeting. A **Motion to Adjourn**:
- Is not open to debate
  - Is not subject to amendment
  - Shall always be in order.
- e) To call a vote on the Motion. A **Motion to Call a Vote on the Motion**:
- Cannot be amended
  - Cannot be proposed when there is an amendment under consideration
  - When resolved in the negative, shall be followed by resumption of debate
  - Shall always be in order
  - When resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment.
- f) Once all the Motions relating to the main Motion have been dealt with, and once the main Motion is put, there shall be no further discussion or debate and the Motion shall immediately be voted on.

#### 48. Reconsideration of a Council Decision

- 48.1. Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it subject to the following rules:
- a) No resolution shall be reconsidered more than once during the term of Council; and
  - b) A Motion to reconsider shall not be reconsidered.
- 48.2. A Member who voted on the prevailing side of a decision may bring a Motion to reconsider at the same Meeting at which the question to be reconsidered was dealt with and shall require the support of a Majority of the Members present.
- 48.3. A Member who voted on the prevailing side or who was absent from the vote or was not a Member of Council at the time of the vote may bring a Notice of Motion to reconsider at a Meeting subsequent to that at which the question to be reconsidered was dealt with and shall require a Two-Thirds vote to be carried.
- 48.4. No deputations shall be permitted to speak on a Notice of Motion to Reconsider.
- 48.5. A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution, resulting in legally binding commitments that are in place on the date the Motion to reconsider is considered by Council.

## 49. Motion Containing Two or More Matters

When a Motion under consideration concerns two or more matters, upon the request of any Member, they may be taken separately through a motion. Such a request may also be made by the Chair. This may also be referenced as a “Motion to Divide”.

## 50. Voting

50.1. After a Motion is put to a vote by the Chair, no Member shall speak to it nor will any other Motion be made until after the vote is taken and the result has been declared.

50.2. All Members of Council or Committee will vote on all Motions. A failure by any Member to announce their vote openly and individually, including an “Abstention”, is deemed to be a vote in the negative.

50.3. Each Member present and voting indicates his or her vote by show of hands or electronically (dependent on available technology), and no vote is taken by ballot or any other method of secret voting.

50.4. The following represents the required number of votes for a Majority Vote or Two Thirds vote.

Number of Members Present	Majority Vote	Two-Thirds Vote
7	4	5
6	4	4
5	3	4
4	3	3
3	2	2

## 51. Tie Vote

Any vote on which there is a tie vote is deemed to be lost.

## 52. Recorded Vote

52.1. Any Member may request a recorded vote immediately preceding or following the taking of a vote.

52.2. All Members present at the Meeting shall vote unless they are disqualified from voting with respect to that item as a result of declaring pecuniary interest.

52.3. A Member of Council’s failure to participate in a recorded vote when they have not declared a pecuniary interest is deemed to be a negative vote.

52.4. A recorded vote will be taken as set out below:

- a) the Clerk shall call on Members to cast their vote alphabetically by last name, with the Chair voting last;
- b) each Member present that is not disqualified from voting shall announce their vote openly, in the order set out above; and
- c) the Clerk shall announce and record the result of the vote, and record how each Member voted.

52.5. Notwithstanding a recorded vote, a record or notation of a Member's opposition to an issue is not recorded in any minutes of the Meeting.

### 53. Weighted Voting: Transition Board Order

Each Member of Council shall have one vote, except for the two Members of Council from Ward 2 may in accordance with the provisions of the Transition Board Order dated March 2000, invoke their right to have two votes for matters relating to approvals under the Planning Act, tax rate adjustments arising out of the amalgamation of the former Township of Hope and the former Town of Port Hope and boundary adjustments and shall declare prior to the calling of the question and such declaration shall be recorded in the minutes.

### 54. Adjournment

54.1. All Meetings of Council shall automatically adjourn three (3) hours after commencement if still in session, unless and otherwise decided by a Two-Thirds vote of all Members present.

54.2. A Meeting that is authorized to continue past three (3) hours shall be automatically adjourned one (1) hour later, unless the Meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

54.3. All Meetings of the Committee of the Whole shall automatically adjourn four (4) hours after commencement if still in session, unless otherwise decided by a Two-Thirds vote of the Members present.

54.4. A Meeting of the Committee of the Whole, with the exception of Meetings related to the budget that are authorized to continue past four (4) hours, shall be automatically adjourned one (1) hour later, unless the Meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

54.5. At a Meeting of Council, where a Meeting has adjourned automatically or by a Motion by any Member, prior to the adjournment being effective, the Members shall consider the by-laws and Confirmatory By-law, if such items have not already been addressed.

54.6. A Motion to adjourn may be made by any Member of Council who has been recognized by the Chair. The Motion must be moved and seconded. A Motion to adjourn shall not be made during a vote on any other Motion.

54.7. The Chair may adjourn a meeting at the conclusion of the business as noted on the agenda of the Meeting.

### Short Title

This By-law, other than in this By-law itself, shall be referred to as the "Procedure By-law" or the "Procedural By-law".

## Repeal

By-law 49/2015 and all previous by-laws related to meeting procedures of Council and Committee, including amending by-laws, are hereby repealed.

## Schedule A

### Public Participation at Council

