

**THE CORPORATION OF THE TOWN OF CARLETON PLACE
PROCEDURAL BY-LAW XX-2023**

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO ESTABLISH THE RULES GOVERNING THE ORDER AND PROCEEDINGS OF COUNCIL AND COMMITTEES OF THE CORPORATION OF THE TOWN OF CARLETON PLACE (PROCEDURAL BY-LAW) AND TO REPEAL BY-LAW NO. 117-2018 AND ANY AMENDMENTS THERETO.

WHEREAS subsection 238(2) of the Municipal Act, 2001, S.O. 2021. C.25, as amended (the Act), states that every municipality and local board shall pass a procedure by-law for governing the calling, place, and proceedings of meetings;

AND WHEREAS subsection 238(3.1) of the Act, provides that the applicable procedure by-law may provide that a Member of Council, of a local board, or of a committee of either of them, may participate electronically in a meeting to the extent and manner set out in the by-law;

AND WHEREAS the Council of the Corporation of the Town of Carleton Place deems it advisable to enact a new by-law to govern the proceedings of Council and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to repeal previous By-laws 117-2018, 37-2019, 77-2019, 31-2020, 62-2020 and 11-2023;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. DEFINITIONS

In this By-law:

Abstain shall mean a Member who is lawfully entitled to vote and who is present at a meeting but chooses not to exercise their right to vote on a matter. This does not include where a Member is absent or is not participating due to a declared conflict of interest.

Act shall mean the Municipal Act, 2001, S.O. 2001, c. 25, as amended or replaced from time to time.

Acting Chair shall mean any Member of Council that is responsible for chairing a meeting if the regular Chair is absent or otherwise unavailable. The procedure for selecting an acting Chair is in Schedule B of this By-law.

Agenda shall mean the written and published order of proceedings for a meeting, setting out the business to be considered at the meeting.

Advisory Committee shall mean a Committee created by Council to report to the Committee of the Whole on a specific matter on an ongoing basis.

By-law shall mean a local law that has been enacted by Council in order to exercise a power provided by the Act.

Chair shall mean the Member who presides at a Council or Committee meeting.

Chief Administrative Officer shall mean the Chief Administrative Officer (CAO) of the Town or designate duly appointed by Council, by By-law and as prescribed by the Act.

Clerk shall mean the Municipal Clerk or Deputy Clerk or designate, duly appointed by Council, by By-law and as prescribed by the Act.

Closed Session shall mean a meeting or part of a meeting that is closed to the public in accordance with Sections 239(2), (3) or (3.1) of the Act.

Committee of the Whole or **CoW** shall mean a working committee made up of all Members of Council for the purpose of conducting business and providing recommendations to Council.

Confirmatory By-law means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each motion and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

Conflict of Interest shall mean a pecuniary interest as defined in the Municipal Conflict of Interest Act and in accordance with the Town's Code of Conduct.

Consent List shall mean a listing of items being presented to Council for its consideration.

Council shall mean the Council of the Corporation of the Town of Carleton Place.

Councillor shall mean a Member of Council other than the Mayor or Deputy Mayor.

Defer shall mean to delay the consideration of a matter, generally until a specific time or event.

Delegate shall mean any person, group of persons, firm or organization who is neither a Member of Council, a committee, or an appointed official of the Town and who is addressing the Committee of the Whole or Council in real time, either in person or electronically.

Electronic Participation or **Virtual Participation** shall mean a Member of Council who participates remotely in any open or closed Council or CoW meeting via electronic means whereby the Member is able to fully participate in the meeting despite not being physically present. The Member(s) participating electronically shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall be included as being present in determining quorum.

Emergency Meeting shall mean a meeting of Council called without notice to address the circumstances of an emergency.

Information List shall mean a section of the regular CoW agenda that lists informative communications for Council to be aware of.

Local Board means a local board of the City as defined in the Municipal Act.

Majority Vote shall mean a vote where over half of the Members present, and eligible to participate vote in the same manner.

Mayor shall mean the head of Council of the Corporation of the Town of Carleton Place.

Meeting shall mean any regular, special, or other meetings of Council, CoW or other committee, where quorum is present in person and/or virtually and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making.

Member shall mean, according to the circumstances, a Member of Council, including the Mayor, or Deputy Mayor, or a Member of a committee, including the Chair.

Motion shall mean a verbal recommendation moved by a Member during a meeting, and seconded by another Member, that resolves and effects a decision. See Schedule C of this By-law.

Notice of Motion shall mean written notice from a Member provided in advance of a meeting to the Clerk, advising Council that the motion described therein shall be brought forward to the next CoW meeting unless otherwise specified.

Point of Order shall mean a motion introduced by a Member with the view to calling attention to any departure from this By-law or in the practiced conduct during a meeting.

Point of Privilege shall mean a motion introduced by a Member who is concerned that a matter affects the credibility, reputation, integrity, or dignity of a Member individually or as a group of Members.

Point of Procedure shall mean a motion introduced to obtain information on a matter of procedure where the rules of this By-law bearing on the business at hand in order to assist a Member to make an appropriate motion or understand the parliamentary situation or the effect of a motion.

Presentation shall mean the occurrence when staff, an individual or group have been invited to present information to Council or CoW. This shall include ceremonial presentations to or from the Town of Carleton Place, or presentations made by staff and/or by consultants retained by the Town or by another level of government.

Quorum shall mean a majority (more than half) of the whole number of Members of Council or a Committee except where a Member has or Members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act, the quorum may be less than half plus one of the whole number of Members but shall not be less than two. Members attending virtually shall count towards quorum.

Recorded Vote shall mean documenting in the minutes of a Council meeting the name of each Member and the Members' vote on a matter or question.

Registered Delegate shall mean an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address the CoW in relation to a matter appearing on a specific agenda. Delegates may participate in person or remotely but shall participate in real time and pre-recorded submissions shall not be accepted. Delegates are not registered until the Clerk has confirmed their registration.

Refer shall mean to send a matter currently under consideration by Council or CoW to an individual, department or an advisory committee or local board for further consideration and/or action.

Special Meeting shall mean a meeting of Council or CoW that is in addition to what has been published on the annual meeting schedule. Special meetings shall be focused on one or more particular and specific items or subjects.

Striking Committee shall mean a Committee comprised of all Members of Council. The Striking Committee shall consider appointments and provide recommendations to Council for existing advisory committees as established by Council, and for appointments to local boards and external organizations on which the Council desires or is required to have representation.

Summer Recess shall mean the period of time each year when no Council or other meetings are scheduled. Summer recess shall normally occur during the month of July. This does not prevent the calling of a special or emergency meeting.

Two-thirds Vote shall mean a vote where at least two-thirds of the Members present and eligible to vote, vote in the same manner.

2. PRINCIPLES AND RULES

2.1. General Principles

2.1.1. Each Member has the right to:

- a) One vote per motion, subject to the declaration of pecuniary interest.
- b) Information to help make decisions, unless otherwise prevented by law.
- c) Efficient meetings.
- d) To be treated with respect and courtesy.

2.2. General Rules

- 2.2.1. Council and all committees created by Council shall observe the rules of procedure contained in this By-law in all meetings.
- 2.2.2. This By-law shall be used to guide the order and dispatch of business of Council and committee meetings wherever possible.
- 2.2.3. Modifications may be necessary for advisory committees, local boards and ad hoc committees, unless otherwise provided.
- 2.2.4. All meetings shall be open to the public.
- 2.2.5. Notwithstanding the above, a meeting or part of a meeting may be closed to the public in accordance with Section 239 (2), (3) or (3.1) of the Act.
- 2.2.6. No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or CoW. The Mayor and/or Chair, in consultation with the Clerk and/or CAO who shall determine if a matter is within the jurisdiction of Council or CoW.
- 2.2.7. In the event of conflict between the provisions of this By-law and the Act, or any other legislation, the provisions of the legislation shall prevail.
- 2.2.8. Subject to the right of appeal by a Member, the Chair shall be responsible to interpret the rules of procedure established by this By-law with the assistance and advice of the Clerk and/or CAO.
- 2.2.9. The Clerk or the Clerk's designate shall be the secretary of Council and CoW meetings and shall be in attendance at all meetings either in person or virtually.
- 2.2.10. Where procedural matters of Council or CoW are not provided for in this By-law, and are not governed by the Act, or any other legislation, Robert's Rules of Order shall apply.
- 2.2.11. Information which is to be distributed shall be supplied to the Clerk for examination and potentially distribution.

2.3. Suspension of Rules

- 2.3.1. No provision of this By-law shall be suspended except by a two-thirds vote in the affirmative.

- 2.3.2. A suspension of the rules shall only apply to the specific procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- 2.3.3. No other business shall take place during a special meeting other than what is identified on the published agenda.
- 2.3.4. Quorum requirements shall not be suspended.
- 2.3.5. The requirement for meetings to not extend beyond 10:00 p.m. shall not be suspended.

2.4. Public Notice

- 2.4.1. Public notice shall include the following information regarding each meeting:
 - a) Date
 - b) Time
 - c) Location
 - d) Methods of participation (electronic or in person)
- 2.4.2. The Clerk shall give public notice of all regular open and closed Council and CoW meetings by posting the agendas on the Town's website five (5) days prior to the meeting.
- 2.4.3. The Clerk shall give public notice of special meetings of Council and CoW by posting the agenda(s) on the Town's website as soon as possible after the meeting is called and no later than 48 hours prior to the meeting.
- 2.4.4. The Clerk shall give public notice for emergency meetings of Council or CoW by posting the agenda on the town's website as soon as possible after the meeting is called, or prior to the meeting if possible.
- 2.4.5. Notice for statutory public meetings shall be as prescribed by an Act, regulation, or By-law.
- 2.4.6. Council and CoW agendas shall generally be made available by 4:00 p.m. on the Thursday prior to the meeting.
- 2.4.7. Council and CoW meetings may be cancelled in consultation with the Mayor or Chair, CAO and Clerk if insufficient business shall be before Council or the CoW. Notice of cancellation should be posted as soon as possible on the Town's website.

- 2.4.8. Council and CoW meetings may be cancelled or postponed due to inclement weather, other similar occurrences, or emergency situations. The Mayor or Chair may direct the Clerk to postpone a meeting by contacting all Members if possible. Generally, meetings shall be postponed by 4:00 p.m. on the day of a meeting and notice of any cancellations shall be posted on the Town's website as soon as possible.

2.5. Annual Meeting Schedule

- 2.5.1. The annual meeting schedule shall outline the dates of regular Council and CoW meetings as well as professional development days.
- 2.5.2. Regular Council and CoW meetings shall generally take place twice a month on Tuesdays, with the exception of the summer recess.
- 2.5.3. Special and emergency meetings may be called at any time including during the summer recess.
- 2.5.4. Any Council or CoW meeting that takes place outside of the annual meeting schedule shall be deemed to be a special or emergency meeting.
- 2.5.5. Rescheduled meetings shall not be considered to be special meetings.
- 2.5.6. The Clerk shall prepare an annual meeting schedule for Council's consideration and approval by December of each year, for the subsequent year.

3. ROLES AND RESPONSIBILITIES

3.1. Assignment of Role

- 3.1.1. The Mayor shall Chair Council meetings unless by reason of absence, refusal, or is otherwise unable to do so.
- 3.1.2. In the absence of the Mayor, the process laid out in Schedule B of this By-law shall be followed.
- 3.1.3. Each CoW Chair shall be appointed for a period of eight (8) months.
- 3.1.4. The determination of the first CoW Chair shall be determined by the Striking Committee.
- 3.1.5. If possible, preference for the initial CoW Chair for a new term of Council shall be given to a Member who served on the previous Council.
- 3.1.6. Subsequent Chairs shall be assigned by alphabetical order.

- 3.1.7. All Members of Council, with the exception of the Mayor, shall be eligible to serve as CoW Chair following the first Chair person.
- 3.1.8. Should a Member decline the position of Chair, the next Member in alphabetical order shall be assigned the role.
- 3.1.9. If necessary, the length of each term of Chair may be adjusted.

3.2. Responsibilities of the Chair

- 3.2.1. It shall be the responsibility of the Chair to:
 - a) Review and understand the agenda in consultation with the CAO and Clerk.
 - b) Provide direction when required regarding meeting conduct and procedures with assistance from the Clerk.
 - c) Represent Council initiatives and decisions to the public, where appropriate.
 - d) Open the meeting by calling the meeting to order at the appointed time.
 - e) Ensure that quorum is established and maintained throughout the meeting.
 - f) Announce the business in the order in which it is to be considered.
 - g) Manage the discussions in such a manner that all questions and comments are directed through the Chair.
 - h) Receive and submit, in the proper manner, all motions which are to be read aloud.
 - i) Put to a vote all motions which are moved and seconded when necessary and to announce the result of each vote.
 - j) Decline to put to a vote any motion which infringes upon the rules of this by-law or the Act.
 - k) Provide order and decorum.
 - l) Vote on all motions.
 - m) Ensure that Members, staff and attendees adhere to the rules of this By-law.
 - n) Undertake all matters required to ensure that the meeting proceeds in an orderly and efficient manner.
 - o) Authenticate By-laws and minutes by signature when required.
 - p) Adjourn the meeting when business is concluded or at the designated time.
 - q) Be a political liaison with other Council and committee Members.

- 3.2.2. Maintain an appearance of impartiality on all matters. The Chair may answer questions or comment in a general way.
- 3.2.3. If the Chair wishes to participate in debate, make a motion, speak to a motion under consideration, or leave the Chair for any other reason, the Chair shall first delegate their duties to a Member of Council or Member of the committee in accordance with the provisions of this By-law.
- 3.2.4. The Chair shall not resume the position of Chair until they are finished debating the matter. Only then shall the Chair resume the position of Chair from the acting Chair.

4. RULES OF CONDUCT FOR MEMBERS, STAFF AND ATTENDEES AT MEETINGS

4.1. Rules Specific to Members

- 4.1.1. When two or more Members wish to speak, the Chair shall name the Member who is to speak first.
- 4.1.2. When a Member is recognized by the Chair, the Member shall confine their remarks to the motion under consideration.
- 4.1.3. When a motion is under debate, a Member may ask a question through the Chair of another Member, staff or other.
- 4.1.4. Members shall not interrupt another Member who is speaking, except to raise a Point of Order or Point of Privilege.
- 4.1.5. Any Member may require the motion under debate to be read at any time during the debate, but in doing so, shall not interrupt a Member that is speaking.
- 4.1.6. All Members, staff and delegations shall address their questions and comments through the Chair.
- 4.1.7. Members shall not rise from their seats or make any noise or disturbance while a vote is being taken.
- 4.1.8. No Member shall permanently leave the meeting without first advising the Chair or the Clerk.
- 4.1.9. Members shall not make detrimental comments, or speak ill, or malign the integrity of staff, the public, Mayor or other Members of Council or its committees.

- 4.1.10. Communicating with Delegates.
- 4.1.11. Through the Chair, Members may ask delegates points of clarification.
- 4.1.12. Members shall not enter into debate or discussion with delegates.

4.2. Rules Specific to Presenters, Delegates and Attendees.

- 4.2.1. An attendee shall not participate in a meeting unless they have received confirmation from the Clerk that they have been registered as a delegate or presenter.
- 4.2.2. Attendees seeking to be a delegate that have not received confirmation from the Clerk are subject to consideration of the Committee. The attendee shall only be permitted to speak if their request is supported by a two-thirds vote in the affirmative.
- 4.2.3. Delegates shall not at any time question the personal or professional integrity of Council or staff.
- 4.2.4. No person, except for Members of Council and staff shall be permitted to come within or behind the horseshoe during a meeting without the permission of Council.
- 4.2.5. No person shall display signs or distribute information.

4.3. Rules for All in Attendance

- 4.3.1. No person shall:
 - a) Bring food into the Council Chambers or meeting room unless authorized.
 - b) Engage in any activity, conduct or behaviour or make any audible noise that could disturb deliberations.
 - c) Use profane or offensive words or insulting expressions.
 - d) Devices are to be muted for the duration of all meetings.

4.4. Breach of Conduct

- 4.4.1. In the event that a Member or attendee persists in a breach of this By-law, after having been called to order by the Chair, the Chair shall without debate call the question "Shall the Member (or attendee) be ordered to leave the meeting?".
- 4.4.2. If the majority of Members present vote in the affirmative, the Chair shall order the Member or attendee to leave the room, or have the person

removed from the virtual meeting, for the duration of the meeting.

- 4.4.3. If the person refuses to leave, the Chair shall direct the Clerk to seek appropriate assistance from the OPP to have the person removed and Council shall leave the Council Chambers until the OPP arrive.

5. COUNCIL AND COMMITTEE MEETINGS

5.1. Inaugural meeting of Council.

- 5.1.1. The Inaugural meeting shall be conducted in accordance with Schedule A of this by-law.

5.2. Council Meetings

- 5.2.1. Council meetings shall normally be held in the Council Chambers at the Town Hall located at 175 Bridge Street, Carleton Place and/or by virtual video conference.
- 5.2.2. Regular meeting dates shall be identified in the annual meeting schedule.
- 5.2.3. The start time for Council meetings shall be 6:00 p.m.
- 5.2.4. Notwithstanding 5.2.3 of this By-law, for the last meeting in December and the last meeting in June, the Council meeting shall take place immediately following the Committee of the Whole meeting. In these instances, all items that are approved at the CoW meeting shall be immediately placed on that evening's Council agenda for consideration.

5.3. Committee of the Whole

- 5.3.1. Council shall conduct its business using a Committee of the Whole system. Committee of the Whole meetings shall normally be held in the Council Chambers at the Town Hall located at 175 Bridge Street, Carleton Place and/or by virtual video conference.
- 5.3.2. Regular meeting dates shall be identified in the annual meeting schedule.
- 5.3.3. Meetings shall take place immediately following the regularly scheduled Council meeting.
- 5.3.4. If the regularly scheduled Council meeting is cancelled, the CoW meeting shall commence at 6:00 p.m.
- 5.3.5. Notwithstanding 5.2.3 of this By-law, CoW meetings shall occur prior to Council and commence at 6:00 p.m. for the last meeting in December and

the last meeting in June.

- 5.3.6. The Committee of the Whole shall be the approval authority for Development Permit applications.
- 5.3.7. With the exception of 5.3.6, no decision to take any action or do anything other than matters administrative in nature shall be recognized as emanating from the Committee of the Whole, and all affirmative CoW recommendations shall be referred to the next regularly scheduled Council meeting for consideration or as otherwise determined by Council.

5.4. Special Meetings

- 5.4.1. The Mayor may at any time call a special meeting of Council.
- 5.4.2. The CoW Chair may at any time call a special meeting of CoW.
- 5.4.3. A special meeting of either Council or CoW may be called by the Clerk once a motion to do so has been adopted by the majority of Members at the meeting, or upon receiving a petition from a majority of Members of Council.
- 5.4.4. A motion or petition to hold a special meeting shall clearly state the purpose, date, and time of the special meeting. The petition shall be delivered to the Clerk.
- 5.4.5. The only business to be dealt with at a special meeting shall be that which is stated on the agenda of the meeting.
- 5.4.6. A minimum of forty-eight (48) hours' notice shall be provided for all special meetings. This shall be achieved by posting the agenda on the Town's website and by emailing the notice to the Members.

5.5. Emergency Meetings

- 5.5.1. The Mayor may call an emergency meeting at any time without providing forty-eight (48) hours' notice. The Clerk shall make best attempts to advise all Members immediately upon being notified of the intention to hold an emergency meeting.

5.6. Public Meeting (Statutory)

- 5.6.1. Statutory public meetings shall be scheduled as prescribed for the purpose of the meeting per the requirements of an Act, Regulation or By-law.
- 5.6.2. A statutory public meeting shall be called by the Clerk as required under

the Town's notice policy or as required under an Act or Regulation. The notice shall clearly state the purpose, date, time and location of the meeting, and shall provide a brief description of the purpose of the meeting.

- 5.6.3. Statutory public meetings shall generally take place at the beginning of the CoW meetings under the Delegations/Presentations section of the agenda.

5.7. Post-Election – Orientation Meetings

- 5.7.1. Following a regular general election, an orientation program shall be held for all Members of Council to provide an overview of the expectations of elected office and administrative matters.
- 5.7.2. Once training/education has been provided during Council orientation or otherwise, Members may be required to sign off that they have taken the training/education.
- 5.7.3. The orientation shall be conducted by the CAO, the Clerk, Managers and/or external subject matter experts of the Town such as the Integrity Commissioner.

6. ADVISORY COMMITTEES AND LOCAL BOARDS

6.1. Striking Committee

- 6.1.1. The Striking Committee shall be comprised all Members of Council.
- 6.1.2. The Striking Committee shall consider appointments and provide recommendations to Council for existing advisory committees as established by Council, and for appointments to local boards and external organizations on which the Council desires or is required to have representation.
- 6.1.3. Recommendations of the Striking Committee shall be presented at the next regular Council Meeting for consideration.

6.2. Appointments to Advisory Committees and Local Boards

- 6.2.1. Council Members shall be appointed to the various advisory committees, local boards, and external organizations by motion, unless a By-law is required by an Act or Regulation.
- 6.2.2. Advisory committee and local board Members shall be appointed to the end of the term of Council in which they are appointed, unless otherwise determined by the Act or Regulation.

7. ORDER OF BUSINESS AND GENERAL RULES

7.1. Format of Agendas

- 7.1.1. If an item on a regular Council or CoW agenda does not have any associated content, that item heading may be omitted from the agenda for that meeting. The numbering of items shall be adjusted as needed in this circumstance.

7.2. Council Agendas

- 7.2.1. Council agendas shall generally be prepared as follows:
1. Land Acknowledgement
 2. Call to Order
 3. Approval of Agenda
 4. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
 5. Approval of Minutes
 6. Presentations
 7. Consent Report
 8. Motions
 9. By-laws
 10. Announcements
 11. Closed Session
 12. Rise and Report
 13. Confirmatory By-law
 14. Adjournment

7.3. Committee of the Whole Agendas

- 7.3.1. Committee of the Whole agendas shall generally be prepared as follows:
1. Call to Order
 2. Approval of Agenda
 3. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
 4. Approval of Minutes
 5. Delegations/Presentations
 6. Reports
 7. New/Other Business

8. Committee, Board and External Organization Updates
9. Information Listing
10. Notice of Motions
11. Closed Session
12. Rise and Report
13. Adjournment

7.4. Special and Emergency Agendas

7.4.1. Special and Emergency Agendas shall generally be prepared as follows:

1. Call to Order
2. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
3. Business
4. Closed Session
5. Rise and Report
6. Adjournment

7.5. Agenda Items – General Rules

7.5.1. The CAO and Clerk shall determine the appropriate meeting at which items of business shall be considered in accordance with this By-law.

7.5.2. The Clerk or their designate shall attend Council and CoW meetings (both open and closed session) unless otherwise excluded.

7.5.3. All meeting materials shall be distributed through and by the Clerk or their designate.

7.6. Council Agenda Items

7.6.1. Call to Order – Upon being called to order, all persons in attendance shall immediately take their seats. Members participating remotely shall mute their system until recognized by the Chair.

7.7. Approval of the Agenda

7.7.1. After the agenda has been posted, substantive amendments (additions or deletions) shall require a vote of at least two-thirds in the affirmative of the amending motion. Clerical changes may be made at the discretion of the Clerk or CAO.

- 7.7.2. Additions or Deletions to the agenda shall only be made during the Approval of the Agenda portion of the meeting. Amendments to the agenda are to be made by motion. Additions shall only be made to an agenda if the matter is of a timely nature.
- 7.7.3. Amendments to the agenda may be initiated by either Members of Council or Staff.
- 7.7.4. The Chair may change the order in which business on the agenda is dealt with through the consensus of the majority of the Members participating in the meeting. This action does not require a formal motion.

7.8. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof

- 7.8.1. Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with the Municipal Conflict of Interest Act, disclose the Member's interest and the general nature thereof, prior to any consideration of the matter at the meeting.
- 7.8.2. Where a Member has declared an interest, the Member shall not take part in the discussion of or vote on any question in respect of the matter; and not attempt in any way before, during or after the meeting to influence the voting on the matter.
- 7.8.3. Where a meeting is not open to the public, in addition to complying with the requirements of the Municipal Conflict of Interest Act, the Member shall leave the meeting (physically or virtually) or the part of the meeting during which the matter is under consideration.
- 7.8.4. Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of Council or CoW (as the case may be), attended by the Member after the particular meeting.
- 7.8.5. The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes of that meeting.

7.9. Delegations

- 7.9.1. Delegations shall be limited to CoW meetings.

- 7.9.2. Delegations are to be limited to ten (10) minutes followed by a question period for Members.
- 7.9.3. Persons that wish to speak to an item on a CoW agenda have until 2:00 p.m. on the Monday of the week of the meeting to notify the Clerk.
- 7.9.4. Requests to be a delegate shall be made by submitting a written (email or hardcopy) request to the Clerk. Submissions shall be required to identify which item on the agenda is being addressed.
- 7.9.5. A delegate may only speak to an item on the agenda and only on matters that are within the jurisdiction of Council or the Committee.
- 7.9.6. All registered delegates for any item shall be heard before Members discuss or debate that item.
- 7.9.7. Delegates that have not submitted a request within the specified time may submit a request to be heard. This request shall be determined by the CoW as an addition to the agenda which, to be successful, shall require a two-thirds vote in the affirmative.
- 7.9.8. The number of delegations per agenda shall be limited to three (3)
- 7.9.9. Delegates wishing to speak to a matter not on the agenda shall provide the Clerk with a written request outlining the subject matter and the requested outcome. The Clerk shall advise the Chair and CAO of the request. The requestor shall be advised of the actions taken or when the item might come forward to a future CoW meeting.

7.10. Presentations

- 7.10.1. Public presentations are for information purposes only.
- 7.10.2. Public presentations shall be limited to ten (10) minutes.
- 7.10.3. Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion for commercial purposes.
- 7.10.4. Questions directed to staff by any presenter shall be received through the Chair.
- 7.10.5. The purpose of Town presentations shall be when staff, an individual or group have been invited to present information to Council or Committee.
- 7.10.6. Town presentations shall generally be assigned to a Committee of the Whole agenda and only assigned to a Council agenda if time sensitive.

7.10.7. The role of the presenter is to provide information and not to enter into debate with Council or staff.

7.10.8. Celebratory or ceremonial presentations shall generally occur at Council.

7.11. Committee of the Whole Consent Report

7.11.1. A report from CoW to Council shall be submitted to Council in the form of a Consent Report.

7.11.2. Council Members shall identify any items contained in the Consent Report which they wish to speak to, and the matter shall be extracted from the Consent Report to be debated and voted on separately.

7.11.3. If there is a declared pecuniary interest related to an item on a Consent Report, that item shall be voted on separately.

7.11.4. The balance of items on the Consent Report that have not been extracted shall be voted on in one motion.

7.11.5. In the event that Council adopts a motion referring an item back to Staff, Staff shall report back to a Regular Council meeting.

7.12. Reports

7.12.1. Staff reports are due to the CAO for approval by noon on the Tuesday, the week prior to the meeting.

7.12.2. If the report deadline is not met, the report may be placed on a subsequent agenda.

7.13. New/Other Business

7.13.1. This section shall include proposed motions which have appeared on a previous agenda under the Notice of Motion category. The Member that brought forward the motion shall be the first to speak to the proposed motion before it is debated.

7.13.2. This section shall also include items that have been approved by a two-thirds vote to be added to the agenda.

7.14. Committee, Board and External Organization Updates

7.14.1. Minutes and summaries received from advisory committees, local boards and external organizations shall be received under this section of the agenda.

- 7.14.2. For a motion from an advisory committee or local board to be presented to CoW for consideration, a Council Member shall present the motion through the notice of motion procedure.

7.15. Information Listing

- 7.15.1. Information items are matters that are principally for the information of Council and may not require any action or response from Council.
- 7.15.2. Any Member may request that an item of information may be pulled for discussion at the next CoW meeting.

7.16. Notice of Motion

- 7.16.1. A notice of motion shall be submitted to the Clerk in writing prior to the Wednesday before a regularly scheduled CoW meeting.
- 7.16.2. Items listed under Notice of Motion shall not be introduced or debated, they shall only be listed on the agenda. Items shall be introduced and debated at a subsequent meeting where they are listed under New/Other Business.
- 7.16.3. The Clerk shall notify the CAO, Mayor and Chair of all notices of motion.

7.17. Closed Session (In Camera Session)

- 7.17.1. All meetings shall be open to the public except as provided for in Section 2.2.5 and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this By-Law or applicable statute.
- 7.17.2. The Clerk or their designate shall remain in the room for all closed sessions or in the virtual session.
- 7.17.3. A meeting may be conducted in closed session in accordance with the Act.
- 7.17.4. Before moving into a closed session, it shall be established by motion that a closed session is being held, the general nature of the matter(s) to be considered and the specific provision under the Act under which each item is permitted to be considered in closed session.
- 7.17.5. Prior to moving into closed session, any Declarations of Pecuniary Interest, shall be made by Members.
- 7.17.6. Closed Meetings are to be listed on the agenda in such a way as to

provide the most information possible without compromising confidentiality or adversely affecting the Town's position.

- 7.17.7. A meeting shall not be closed to the public during the taking of a vote except where the vote is for a procedural matter or giving directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- 7.17.8. Confidential discussion during a closed session shall be limited to the issue described in the authorizing public resolution/motion and nothing in this By-law confers the power of any Member(s) of Council to make any decision or take any action unless, or until such action is presented and decided upon at an open meeting of Council.
- 7.17.9. No Member, Staff or other person present during a closed session shall in any way, notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential or that have been obtained or considered in a closed session without approval of such release by Council or unless authorized under Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 7.17.10. Upon returning to open session, a statement resulting from the Closed Session shall be provided regarding what took place including any declarations of pecuniary interest during the closed session.
- 7.17.11. The Clerk shall be responsible for securing and maintaining a confidential record of all original documentation distributed or presented, relating to closed sessions.
- 7.17.12. A separate set of closed session minutes shall be kept for each closed session which shall be kept in a secure and confidential location under the control of the Clerk and shall only be open to those in attendance at the meeting, to others approved by the Council or as legislated.
- 7.17.13. Closed session minutes shall be circulated by the Clerk at the next closed session meeting for adoption. The adoption of the closed session minutes is a procedural matter and does not affect the validity or affect the resolutions/motions recorded in the minutes.
- 7.17.14. Where practical, closed sessions shall be scheduled at the end of the meeting.
- 7.17.15. The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or a committee or after staff ceases to be employed by the Town.

- 7.17.16. When closed sessions include advice from paid consultants hired on behalf of the Town, or the Town's solicitor, the closed session may be held at a time prior to the start of the regular Council meeting, and if required, may impact the regular start time of the meeting.

7.18. Quorum

- 7.18.1. If no quorum is present fifteen (15) minutes after the time appointed for a meeting of Council or Committee, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next meeting; regular, special or emergency.
- 7.18.2. When quorum is lost as a result of declarations of pecuniary interest by one or more Members, the remaining Members shall be deemed to constitute quorum, provided the number of Members is not fewer than two (2).
- 7.18.3. The Chair shall call the meeting to order as soon after the hour fixed for the holding of the meeting that a quorum is present.
- 7.18.4. If the Chair is not available at the time appointed for a meeting of Council, the Deputy Mayor shall conduct the meeting until the arrival of the Mayor.
- 7.18.5. If the Chair is not available at the time appointed for a CoW meeting, the meeting shall be called to order by the Clerk and Schedule B of this By-law shall be followed to appoint an acting Chair, by motion, to conduct the meeting until the arrival of the CoW Chair.
- 7.18.6. Members shall notify the Clerk when intending to be absent from a Council, CoW, Special or Emergency meeting for the purpose of ensuring quorum at the meeting.
- 7.18.7. When a quorum is lost, the meeting shall stand recessed, and no further action shall be taken. If a quorum is regained within ten (10) minutes the meeting shall proceed.
- 7.18.8. If quorum is not regained within ten (10) minutes, the meeting shall stand adjourned.

7.19. Recess

- 7.19.1. At a Council meeting, a motion to recess shall be brought forward and shall set a time (ex. recess for 5 minutes) or state "until called to order by the Chair".

- 7.19.2. At a CoW meeting, the Committee may recess by majority consent and shall set a time (ex. recess for 5 minutes) or state "until called to order by the Chair".

7.20. Adjournment

- 7.20.1. All Meetings shall adjourn no later than 9:00 p.m., unless a motion to proceed beyond 9:00 p.m. is approved.
- 7.20.2. Notwithstanding Subsection 7.20.1 above, no meeting shall proceed beyond 10:00 p.m. All remaining items on an agenda adjourned by the deadline, shall be moved to the next regularly scheduled meeting or a special meeting.
- 7.20.3. There shall be no updates, questions or discussions once a meeting has been adjourned.

8. MOTIONS

8.1. Motion Process - Refer to the Motion Table in Schedule D

- 8.1.1. All motions shall be read aloud after which the Chair shall call for a mover and seconder.
- 8.1.2. Only motions that have been moved and seconded shall be recorded in the minutes.
- 8.1.3. After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee and open for debate. Council or Committee may consent to the withdrawal of the motion at any time before amendment or decision.
- 8.1.4. Where Members of the public are to be heard on a matter, no motion shall be received until they have been heard, and no further public participation shall be allowed at that meeting after the motion has been duly moved and seconded.
- 8.1.5. Whenever the Mayor or Chair is of the opinion that an amending motion is contrary to the main motion, the Mayor or Chair shall apprise the Members thereof immediately. A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee. If there is no appeal, the decision of the Mayor or Chair shall be final.
- 8.1.6. The Council or Committee, if appealed to, shall vote on the motion without debate and its decision shall be final.

- 8.1.7. All Members present, including the Chair, are entitled to vote on every motion, unless the Member has declared a pecuniary interest or conflict of interest.
- 8.1.8. Every Member participating in the meeting, shall be deemed to vote against the motion if they decline or abstain from voting, unless the Member is disqualified from voting by reason of a declared pecuniary or conflict of interest.
- 8.1.9. No Member shall speak more than once until every Member has had an opportunity to speak towards the motion.
- 8.1.10. A motion on which the voting results in a tie shall be considered defeated.
- 8.1.11. When the motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each proposal. (See the motion to "Divide" in the Motion Table)
- 8.1.12. The Chair shall call the vote immediately after all Members desiring to speak to the motion have spoken.
- 8.1.13. Upon the Chair calling for a vote, no further speakers shall be permitted.
- 8.1.14. The manner of determining the vote on a motion shall be by show of hands.
- 8.1.15. No vote shall be taken at any meeting by any method of secret voting, except where permitted or required by law.
- 8.1.16. The Chair shall announce the result of every vote.
- 8.1.17. If a Member disagrees with the announcement of the result of any vote, the Member may object immediately to the announcement and require that a recorded vote be called.

8.2. Reconsideration of a Motion

- 8.2.1. Reconsideration of a Motion shall only be permitted at Council Meetings.
- 8.2.2. Any proposal to reconsider a decision of Council made within its current term shall require a motion of reconsideration.
- 8.2.3. A motion to reconsider may only be introduced by a Member who voted on the prevailing side and shall require a two-thirds' vote of Members present.
- 8.2.4. A motion to reconsider shall be introduced by way of a Notice of Motion to

Council.

- 8.2.5. Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.
- 8.2.6. No delegations shall be permitted to speak on a Notice of Motion to reconsider.
- 8.2.7. If a motion to reconsider is decided in the affirmative, reconsideration of the original motion shall become the next order of business.
- 8.2.8. During the term of Council, a motion to reconsider on a particular item shall not be permitted more than once nor shall a vote to reconsider be reconsidered.
- 8.2.9. A Motion to Reconsider shall not be in order if Council is made aware the question or By-law has been implemented, resulting in legally binding commitments as of the date the Motion to reconsider is moved.

8.3. Notice of Intention

- 8.3.1. A notice of the intention to reconsider a Motion shall be placed on the next Council Agenda. At the next Meeting after Notice is given a Motion to reconsider may be brought forward.

8.4. Motion to Reconsider

- 8.4.1. When a Motion for reconsideration is introduced, no discussion of the original Motion shall be allowed unless the Motion for reconsideration is approved by at least Two-Thirds' of the Members present and voting.
- 8.4.2. A Motion to reconsider shall not be amended but may be debated.
- 8.4.3. Debate on a Motion for reconsideration shall be confined to reasons for or against reconsideration or to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate.
- 8.4.4. A Motion to reconsider shall include the date of when the original Motion was passed.
- 8.4.5. Should a Motion to reconsider be defeated, the original motion shall remain in force and effect.

8.5. Original Motion

- 8.5.1. The original Motion being reconsidered shall be stated in the exact manner in which it was first presented and voted on.
- 8.5.2. The debate on the original Motion being considered as a result of an affirmative Motion of reconsideration shall proceed as though it had never previously been voted on.

8.6. Recorded Votes

- 8.6.1. Except for matters that are determined at the Committee level only (i.e. Development Permits), recorded votes shall only be permitted at Council Meetings.
- 8.6.2. A recorded vote shall be taken when called for by any Member or when required by law.
- 8.6.3. A Member may call for a recorded vote prior or immediately subsequent to the taking of the vote. This shall take place before the next item of business is considered.
- 8.6.4. All Members, including the Mayor, shall be required to vote when a recorded vote is called for, except when absent from the meeting or disqualified by a declared pecuniary or conflict of interest.
- 8.6.5. When a recorded vote is requested and permitted, the Chair shall pose the question and the Clerk shall call upon each Member, beginning with the requester of the recorded vote, followed by each Member in subsequent alphabetical order thereafter, at which time the Clerk shall record the Members' votes. The Clerk shall also record the number of Members absent.
- 8.6.6. On a recorded vote, failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- 8.6.7. When a recorded vote is taken, the names of those who voted for and those who voted against the Motion and those absent shall be entered in the Council minutes.
- 8.6.8. The Clerk shall tabulate and announce the results of the vote.

8.7. Point of Privilege

- 8.7.1. A Member may raise a point of privilege directing attention to a matter that affects the rights of the Member or Members.
- 8.7.2. A point of privilege shall take precedence over any other matter except

during verification of a vote.

- 8.7.3. A Member shall state the point of privilege to the Chair at the time of occurrence.
- 8.7.4. A Member shall not be permitted to enter into any argument or introduce any Motion not related to the point of privilege.
- 8.7.5. The Chair shall decide upon the point of privilege and advise the Members of the decision.
- 8.7.6. Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 8.7.7. If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.
- 8.7.8. When the matter has been determined to be a point of privilege, the Member shall be afforded an opportunity to propose a Motion in relation to that point of privilege.
- 8.7.9. When the integrity of the CAO or other employee of the Corporation has been questioned, the CAO shall be permitted to make a statement to the Members.

8.8. Point of Order

- 8.8.1. A Member may raise a point of order to a perceived violation of the rules of procedure, except during verification of a vote.
- 8.8.2. A Member shall state the point of order to the Chair at the time of the occurrence and shall quote the appropriate section of this By-law.
- 8.8.3. The Chair shall decide upon the point of order and advise the Members of the decision.
- 8.8.4. Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 8.8.5. If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.

9. BY-LAWS

9.1. By-law Approval Process

- 9.1.1. Every By-law shall be listed on the agenda by an identifying number, followed by a brief description of the intent of the By-law.
- 9.1.2. Every By-law shall be adopted in a single motion having been given three readings simultaneously with the exception of Part Lot Control By-laws or other series of like By-laws, which may be grouped together and dispensed with in a single motion.
- 9.1.3. Prior to voting on the motion, every By-law may be debated, subject to amendment, and may be deferred or referred to a Committee or Staff for further consideration before being voted.
- 9.1.4. Upon a Two-Thirds' Vote of the Members present and voting, third reading of any By-law may be postponed until the next Meeting. In this instance only, the motion shall be divided into two separate motions.
- 9.1.5. Every By-law passed by Council shall be signed by the Mayor, or the Deputy Mayor in the absence of the Mayor, and the Clerk, sealed with the seal of the Corporation, showing the date of all readings, be kept in a volume for the year in which it was passed and shall be recorded in the electronic By-law index.
- 9.1.6. The Clerk shall be authorized to make minor corrections to any By-law resulting from technical, or typographical errors prior to the By-law being signed.

9.2. Confirmatory By-law

- 9.2.1. The proceedings at every regular and special meetings of Council shall be confirmed by By-law, so that every decision of Council at that Meeting and every motion passed thereat, unless required by an Act, Regulation or By-law, 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.

10. AMENDMENT OF PROCEDURAL BY-LAW

- 10.1.1. No amendment or repeal of this By-law or any part thereof shall be considered at any Meeting of Council unless:
 - a) Notice of intention of proposed amendment or repeal has been given at a previous CoW meeting; and
 - b) The waiving of this notice by Council is prohibited.
- 10.1.2. The Clerk shall be responsible for reviewing this By-law at least once every term of Council.

11. ULTRA VIRES

- 11.1.1. Should any sections of this By-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

12. BY-LAWS TO BE REPEALED

- 12.1.1. THAT By-law Nos. 09-2015 and 25-2018 be repealed.
- 12.1.2. All By-laws or parts thereof and motions passed prior to this By-law which are in contravention of any terms of this By-law are hereby rescinded.

13. EFFECTIVE DATE

- 13.1.1. This By-law shall come into effect on the date of its passing.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS XX DAY OF DECEMBER, 2023.

Toby Randell, Mayor

Stacey Blair, Clerk