

The Corporation of the Municipality of West Grey
Bylaw Number –XX-2021

Being a bylaw to govern the proceedings of council and committees of council;

Whereas Section 238 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a council shall pass a procedure bylaw for governing the calling, location and proceedings of meetings; and

Whereas notice of the intention to pass a procedure bylaw has been provided in accordance with the West Grey Notice Bylaw No. 3-2003; and

Whereas the Council of the Corporation of the Municipality of West Grey deems it necessary to set rules and regulations with regards to council and committee proceedings; and

Now therefore be it resolved that the Council of the Corporation of the Municipality of West Grey hereby enacts as follows:

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1. Definitions

- 1.1. **“Act”** shall mean the Municipal Act, S.O. 2001, c. 25, as amended from time to time.
- 1.2. **“Acting Chair”** shall mean the presiding officer of a committee or council who shall act in the place of the mayor or deputy mayor when both are absent from a meeting of council or in place of the committee chair who is absent for any cause and who shall exercise all the rights, powers and authority of the mayor or chair.
- 1.3. **“Addendum”** shall mean any addition to a completed published council agenda or addition to an item on the council agenda that the clerk believes is of an urgent nature and requires immediate attention or consideration.
- 1.4. **“Ad Hoc Committee”** shall mean a committee established by council resolution to review a specific issue; once the committee has reported to council with respect to its findings and recommendations, the committee is dissolved.
- 1.5. **“Advisory Committee”** shall mean an advisory committee established by council that has a defined purpose and mandate to allow residents with experience, interest and/or opinions in a particular subject area to provide input on a specific issue, through a balanced public process.
- 1.6. **“Alternate Council Member”** shall mean the council member appointed by Council of the Municipality to attend Grey County council meetings in the place of the mayor or deputy mayor of the municipality, when the mayor or deputy mayor is unable to attend a Grey County council/committee of the whole meeting for any reason. Such appointment shall be for the entire term of council.
- 1.7. **“Announcements”** shall be a heading on the agenda for the purpose of members providing information only. Comments are not debatable, nor shall they introduce new business. Comments shall be limited to five (5) minutes per member.
- 1.8. **“Business day”** shall mean Monday to Friday, inclusive, except for statutory or civic holidays observed in the Province of Ontario, or any other day the West Grey Municipal Office is not open for business.
- 1.9. **“Call to Order”** shall mean when the chair notifies members and the public that the meeting is commencing.
- 1.10. **“CAO”** shall mean the chief administrative officer/deputy clerk of the municipality.

- 1.11. **“Chair”** shall mean the presiding officer of a committee or council meeting.
- 1.12. **“Clerk”** shall mean the clerk of the municipality or designate.
- 1.13. **“Code of Conduct”** shall mean a bylaw to establish a Council Code of Conduct, as amended from time to time.
- 1.14. **“Committee”** shall mean a committee, task force or other body constituted and appointed by council, including the committee of the whole.
- 1.15. **“Committee of the Whole”** shall mean a committee of council comprised of all members of council which may serve as a forum for the consideration of recommendations and public input on matters of council business prior to consideration by council; or such other purpose as council may determine from time to time.
- 1.16. **“Confirming Bylaw”** shall mean a bylaw to confirm all of the actions of council at the previous council and special meetings as intended to be legal and binding.
- 1.17. **“Council”** shall mean the Council of the Municipality of West Grey.
- 1.18. **“Defer”** shall mean to remove a main motion from consideration of council or a committee until such time as provided for in the motion.
- 1.19. **“Delegation”** shall mean a person or group of persons who are not members of council or West Grey staff who have requested and are permitted to address council, individually or on behalf of a group.
- 1.20. **“Deputy Mayor”** fulfills the responsibilities of the mayor in the absence of the mayor.
- 1.21. **“Division of Question”** shall mean a request by a member to have a motion containing separate questions, recommendations or amendments, voted on in sections or parts.
- 1.21.1. Absurd in substance;
- 1.21.2. Frivolous; or
- 1.21.3. Unwarranted.
- 1.22. **“Electronic Participation”** shall mean the participation of a member of council who participates remotely in any open or closed Council or committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 1.23. **“Emergency”** shall mean an emergency situation as defined by the

Emergency Management and Civil Protection Act.

- 1.24. **“Emergency Meeting”** shall mean a meeting of the council called address circumstances of an emergency, notice provisions for a meeting of council may be waived.
- 1.25. **“Ex-officio Member”** shall mean the mayor’s membership on all council committees, sub-committees. Ex- officio means by “virtue of office” and therefore the mayor may attend any committee meetings and may participate and vote; however, the mayor shall not be included when determining the number of members required for quorum or counted when determining if a quorum is present.
- 1.26. **“Improper Conduct”** shall mean conduct by any person which offers any obstruction to the deliberations or proper action of council or a committee.
- 1.27. **“Inaugural Meeting”** shall mean the first meeting of council held after a municipal election in a regular election year.
- 1.28. **“In Writing”** shall mean handwritten, typewritten or electronically displayed.
- 1.29. **“Majority Vote”** shall mean an affirmative vote of more than one-half of the members present and voting.
- 1.30. **“Mayor”** shall mean the Head of Council of the Municipality of West Grey.
- 1.31. **“Meeting”** shall mean any regular, special or other meeting of a council, local board or of a committee of council where,
 - a) a quorum of members is present, and
 - b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 1.32. **“Member”** shall mean a member of council or committee.
- 1.33. **“Motion to Receive”** shall mean a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken.
- 1.34. **“Municipality/ Municipal”** shall mean The Corporation of The Municipality of West Grey.
- 1.35. **“New Business”** shall be a heading on the agenda that shall include notices of motion.

- 1.36. **“Notice of Motion”** shall mean a motion brought forward by any member for the consideration of council. The member shall file the notice of motion with the clerk or shall introduce the notice of motion at the meeting. The motion shall be read by the mayor without discussion or debate. The clerk shall include the motion on the agenda of the next regular council meeting for deliberation. Notices of motion shall be addressed in the New Business section of the agenda.
- 1.37. **“Order of Business”** shall mean the sequence of activities and/or discussions and decisions to be introduced and considered and may only be amended by a vote of council.
- 1.38. **“Pecuniary Interest”** shall mean a direct or indirect financial interest within the meaning of the Municipal Conflict of Interest Act.
- 1.39. **“Point of Clarification”** shall mean when a member wants to clarify something that was stated by another member. This is a statement and not a question.
- 1.40. **“Point of Information”** or **“Point of Parliamentary Inquiry”** shall mean a question asked about a motion or about the process taking place.
- 1.41. **“Point of Order”** shall mean a question by a member with the view to calling attention to any issue relating to the Procedure Bylaw or the conduct of council’s business or in order to assist the member in understanding council’s procedures, making an appropriate motion, or understanding the effect of a motion.
- 1.42. **“Point of Privilege”** or **“Personal Privilege”** shall mean a question by a member who believes that another member has spoken disrespectfully towards that member, another member, staff or a member of the public who considers that his or her integrity or that of a person has been impugned or questioned by the member. Can also be used when a member requires something relating to personal comfort such as temperature, noise level etc.
- 1.43. **“Presentation”** shall mean an address to council or committee by a consultant or associated body, or at the request of council, a committee or staff.
- 1.44. **“Quorum”** shall mean a majority of council or committee members.
- 1.45. **“Questions”** shall mean a section of the agenda where members may request clarification or updates on previous agenda items.
- 1.46. **“Resolution”** shall mean the decision of council or its committees on any motion.

- 1.47. **“Statutory Public Meeting”** shall mean a meeting called to fulfill a statutory requirement of an act.
- 1.48. **“Sub-Committee”** shall mean a committee established by council to work on and report on a specific function within the mandate of an advisory committee. Sub-committees may or may not contain members of council.
- 1.49. **“Town Hall Meeting”** shall mean a meeting of council which provides an opportunity to hear from members of the public at which members listen.
- 1.50. **“Unfinished Business”** shall mean agenda items from the previous agenda that were left undisposed of at the time of adjournment of the previous meeting.
- 1.51. **“Website”** shall mean the official municipal website.

2. Application

2.1 General

The rules of procedure set out in this bylaw shall govern all proceedings of council and committees.

2.2 Statutory Requirements

Notwithstanding anything in this bylaw, where council or a committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the Statutory Powers Procedure Act, as applicable, shall govern the proceedings.

2.3 Rules of Order Not Covered

All points of order or procedure not provided for in this bylaw shall be decided in accordance with Robert’s Rules of Order, 11th Edition, and the chair shall submit the ruling.

2.4 Use of Pronouns

Throughout this bylaw, the words “he” and “his” shall, where appropriate be deemed to read “she” and “her.”

3. Electronic Devices in Council Chambers

3.1 Electronic Devices in Council Chambers

Electronic devices are permitted in council chambers during open sessions of a meeting only, provided that they are turned to silent or vibrate during the meeting and are not used to record any aspect of the council or committee meeting, unless the clerk has given consent prior to the meeting.

4. Meeting Locations, Times and Notice

4.2 Inaugural Meeting of Council

The inaugural meeting of Council shall be held in the West Grey Council Chambers, 402813 Grey Road 4, Durham, on the opportunity following a regular municipal election, as called by the Clerk and agreed upon by the Clerk, Mayor and CAO, and shall be in a manner consistent with the Municipal Elections Act and the Municipal Act.

4.3 Inaugural Meeting Agenda

4.3.1 The Inaugural Meeting shall be ceremonial in nature for purposes of the members of council taking their Oath of Allegiance and Declaration of Office.

4.3.2 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.

4.3.3 The Clerk shall have prepared for the Members of Council at the inaugural meeting an "Order of Business" as follows, to also include other ceremonial proceedings as deemed necessary and/or desirable.

4.3.3.1 Call to Order

4.3.3.2 Oath of Allegiance and
Declaration of Office

4.3.3.3 Mayor's Inaugural Address

4.3.3.4 Confirmation Bylaw

4.3.3.5 Statements by Members (non-
debatable)

4.3.3.6 Adjournment

4.4 Meeting Schedule

Council shall annually adopt a regular meeting schedule for its meetings to be held in the following year including the dates, times and locations for

such meetings and the Clerk shall publish the schedule on the municipal website.

4.5 Electronic Participation

- 4.5.1** Any member of council who participates remotely in any open or closed Council or committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 4.5.2** Any member of council may participate in any open or closed council, Special Council or Committee meeting electronically and be counted for the purpose of establishing quorum.
- 4.5.3** A member who joins a meeting via electronic participation partway through the meeting shall advise the chair and clerk of their attendance at the meeting.
- 4.5.4** A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the chair and clerk of their absence from the meeting.
- 4.5.5** Members who have declared a pecuniary interest in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, with regard to a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
- 4.5.6** Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk's Office, and in accordance with this bylaw.
- 4.5.7** Any member of an advisory committee, local board, agency, commission and association may participate in meetings electronically and be counted for the purpose of establishing quorum.
- 4.5.8 Electronic Participation at Closed Meetings – Confidentiality**
 - 4.5.8.1** Members who are participating electronically in a closed meeting shall declare at the commencement of the closed meeting that no person, other than a person authorized to be in attendance, is with the member.

4.5.8.2 If it comes to the attention of the Chair that a member who is attending the closed meeting has someone not authorized to attend, then the Chair shall forthwith have the member disconnected from the meeting.

4.5.8.3 Virtual backgrounds shall not be used by any member in a closed meeting.

4.5.8.4 Members who are participating electronically in a closed meeting shall maintain both audio and video connections at all times.

4.5.8.5 If the audio or video connection is interrupted or lost for any reason, then the Chair shall forthwith have the member disconnected from the meeting.

4.6 Cancellation due to Weather

In the event of inclement weather or other reason, the Chair has the authority to cancel a Council meeting.

4.7 Notice of Cancellations

In the event of a meeting cancellation, staff shall post notice of the meeting cancellation on the municipal website and notify the members by email or by telephone. If the cancellation occurs at the last minute or after regular business hours and staff is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so.

4.8 Adjournment

Meetings shall stand adjourned three hours after being called to order. Council may, by resolution, extend the meeting for one hour. Council may by unanimous resolution extend the meeting for one further hour. Should the meeting agenda not be completed, all items left over shall be carried over to the next meeting.

4.9 Notice

Notice of all meetings of council and committees of council shall include the agenda and supporting documentation and shall be provided to the members via electronic mail and to the public via the municipal website.

5. Closed Meetings of Council

5.1 Exceptions to Open Meeting Requirements

All regular and special meetings of Council and committees shall be open to the public in accordance with the Act.

5.2 Closed Meeting Procedure

A motion to go into closed session shall be passed in a public meeting and shall state the nature of the matters to be considered.

No vote shall be taken at a closed meeting except for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, local board or Committee of either of them or persons retained by or under a contract with the Municipality or local board.

5.3 Reporting Out & Confidentiality of Closed Session Discussions

Upon the recess of the closed meeting, the mayor may at the public meeting report that:

- a) a closed meeting was held
- b) the general nature of the matter or matters deliberated at the closed meeting; and
- c) only on matters on which the mayor is authorized to report upon by council at the closed meeting;

No member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or shall be discussed at a closed meeting of council or a committee until such time that council or a committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or directed to do so by a court.

5.4 Application of Open & Closed Meeting Provisions to all Committees

The provisions of Section 239 of the Municipal Act and of this Procedure Bylaw shall apply to all Committees.

6. Special Meetings of Council

6.1 Mayor May Request

The Mayor may at any time summon a special meeting of Council.

6.2 Members Request

The Clerk shall, upon receipt of a written request of the majority of the members, call a special meeting for the purpose and time mentioned in the petition.

6.3 Special Meeting Notice

The clerk shall provide all members with at least forty-eight (48) hours' notice of a special meeting.

6.4 Special Meeting Minimum Notice Requirements to Members

Minimum notice shall consist of electronic notice followed by a telephone message to all members if required. If members accept the electronic meeting request, telephone communication shall be deemed unnecessary.

6.5 Special Meeting Notice to the Public

Notice for special meetings of Council shall be posted, as soon as practical after being established, on the municipal website. Agendas and supporting documentation shall be posted as soon as practical prior to the special meeting.

6.6 Special Meeting Business

The only business to be dealt with at a special meeting is that which is identified in the notice of the meeting.

6.7 Special Meeting Validity

The Clerk shall attempt to contact every member in relation to a special meeting. The lack of receipt of a notice or of an agenda for a special meeting by any member shall not affect the validity of the meeting or any action taken thereat.

6.8 Special Meetings under The Emergency Management and Civil Protection Act

A Special Meeting may be held, without notice, to deal with an emergency situation as defined under The Emergency Management and Civil Protection Act, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting. The forty-eight (48) hour notice required may be waived in the case of emergency as may be determined by the Mayor (or alternate) and/or CAO/Clerk/CEMC (or alternate) and documented in writing (memo or e-mail) to the Clerk.

7. Quorum for Council/Absence of Council Members

7.1. Majority for Quorum

A quorum shall consist of a majority of members of council.

7.2. No Quorum Present at Beginning

If a quorum is not present at a scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting shall stand adjourned

until the date of the next regular meeting and the Clerk shall record the names of the members present.

7.3. Loss of Quorum During Meeting

If a quorum is lost during a meeting the meeting shall recess. If the quorum is not reestablished within fifteen (15) minutes the meeting shall stand adjourned and all unfinished business shall be carried forward to the next meeting

7.4. Quorum and the Municipal Conflict of Interest Act

Notwithstanding Section 10.3 where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining members are not of sufficient number to constitute a quorum, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

7.5. Absence of Council Members

Notwithstanding Subsection 259(1)(c) of the Act, an office is not vacated by a Member of Council who is absent for 20 consecutive weeks or less if the absence is as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the Act. The Member shall provide the Clerk with written notice of an absence of 20 consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member. Council shall appoint another Member or Member's to attend Committee meetings that the Member is appointed to in the Member's absence. A Member of Council on pregnancy and/or parental leave shall continue to be paid their respective honorarium.

7.6. Temporary Replacement, Member of Upper Tier Council

Council may appoint an alternate Member of Council as a temporary replacement for a Member on the upper-tier (Grey County) Council pursuant to section 268 (1), (2) & (3) of the Municipal Act (confirmed section of Act) by a resolution of Council.

8. Agenda Preparation

8.1. Agenda Timing and Composition

The final regular council meeting agenda, along with copies of any supporting documentation shall be prepared by the Clerk and made available to members and posted on the website by 4 pm one week prior to the meeting, generally being the Tuesday preceding any regular Tuesday Council meeting. The agenda shall consist of the following headings as required:

Part 1

- 8.1.1.** Call to Order
- 8.1.2.** Moment of Reflection
- 8.1.3.** Declarations of Pecuniary Interest and General Nature Thereof
- 8.1.4.** Delegations/Presentations
- 8.1.5.** Public Meetings
- 8.1.6.** Unfinished Business

Part 2

- 8.1.7.** Adoption of Minutes
- 8.1.8.** Committee and Board Reports
- 8.1.9.** Correspondence
- 8.1.10.** Staff Reports
- 8.1.11.** Questions
- 8.1.12.** Bylaws
- 8.1.13.** New Business
- 8.1.14.** Announcements
- 8.1.15.** Closed Session
- 8.1.16.** Report from Closed Session
- 8.1.17.** Adjournment

8.2. Addendum to the Agenda

An addendum shall include any addition to a completed published council agenda or addition to an item on the council agenda that the clerk believes is of an urgent nature and requires immediate attention or consideration. Addendums shall be circulated to members and published on the website not later than 12 noon on the day prior to the meeting.

8.3. Electronic System Failure

In the case of an electronic system failure, power interruption, or any other extenuating circumstance that hinders the posting of the agenda, it shall be posted as soon as possible. Council members shall be notified by such other method as the clerk determines to be appropriate.

9. Order Of Business

9.1. Agenda Order

The business of council shall be taken in the order in which it stands upon the agenda as prepared.

9.2. Items Left Undisposed

When any agenda item or items are left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such agenda item or items shall be taken up in succession under the heading Unfinished Business or as the first order of business of each respective heading at the next meeting or special meeting called for that purpose of council.

9.3. Moving Items Forward on the Agenda

The order of items may be prioritized by a majority vote of council to address identified issues for those in attendance.

10. Council Minutes

10.1. Content of Minutes

The minutes of council, as taken by the clerk, shall consist of:

- 10.1.1.** The place, date and time of the meeting;
- 10.1.2.** The name of the chair and the attendance of the members and staff;
- 10.1.3.** Each item heading and the decision;
- 10.1.4.** The results of any recorded vote;
- 10.1.5.** The adoption of minutes of prior meetings; and
- 10.1.6.** Pursuant to the Municipal Act, the minutes shall be without note or

comment.

- 10.2.** Draft minutes of council shall be prepared by the clerk and presented to the members within five (5) business days following the meeting.

11. Responsibilities of the Chair

- 11.1.** In addition to the responsibilities of the head of council as set out in the Municipal Act 2001, as amended, it shall be the duty of the chair to ensure an efficient meeting by:

- 11.1.1.** Maintaining order and decorum;
- 11.1.2.** Deciding on all questions of order, subject to an appeal by council;
- 11.1.3.** Receiving and submitting, in the proper manner, all motions presented to the members of council;
- 11.1.4.** Putting to vote all questions which are properly brought before council or that necessarily arise in the course of proceedings and announcing the results;
- 11.1.5.** Ruling on all procedural matters without debate or comment;
- 11.1.6.** Declining to put to a vote motions which do not comply with the rules of procedure or which are not within the jurisdiction of council;
- 11.1.7.** Focusing the members, within the rules of order, when engaged in debate;
- 11.1.8.** Adjourning or suspending the meeting if he/she considers it necessary because of grave disorder;
- 11.1.9.** Remaining neutral and not entering into debate or discussions while in the Chair; and
- 11.1.10.** The Chair shall vacate the chair in order to move or second a motion and shall resume the chair following the vote on the matter.

11.2. Right to Expel

The Chair may expel or exclude from any meeting any person or member whom he feels has exhibited improper conduct at the meeting in accordance with the Municipal Act S.241(2).

11.3. Chair Moving a Resolution or Debating

When the Chair wishes to move or second a resolution before Council or enter into debate on a specific topic, he/she may call the Deputy Mayor to the Chair, present his/her resolution or comments from the floor and remain out of the Chair until the motion, all amendments, and the main

motion to it have been disposed of. In the event that the Deputy Mayor is unable to assume the Chair, the Mayor shall call for an alternate member to assume the Chair.

11.4. Absence of Mayor and Deputy Mayor

In the absence of the Mayor and Deputy Mayor, the Clerk shall convene the meeting and call for a motion to fill the role of Acting Chair.

12. Conduct of Members

12.1. No member shall:

- 12.1.1.** Speak disrespectfully of any member of Federal or Provincial parliaments, Council or employee of West Grey;
- 12.1.2.** Use offensive words or un-parliamentary language;
- 12.1.3.** Engage in private conversation while in a Council meeting or use electronic devices (including cellular phones) in a manner which interrupts the proceedings of Council;
- 12.1.4.** Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- 12.1.5.** Speak on any subject other than the subject under debate;
- 12.1.6.** Where a matter has been discussed in closed session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed meeting;
- 12.1.7.** Criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
- 12.1.8.** Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a member persists in any such disobedience after having been called to order by the Chair, the Chair shall not recognize that member, except for the purpose of receiving an apology from the member tendered at that meeting or any subsequent meeting.

12.2. Addressing the Chair

Should more than one member indicate the intent to address the Chair shall determine who is entitled to the floor and the order of the remaining members for speaking.

If a Member disobeys a rule in this Procedure Bylaw or a chair's ruling:

- 12.2.1.** After the first occurrence, the chair calls the Member to order;
- 12.2.2.** After the second occurrence, if the Member continues to disobey this Procedure Bylaw or the Chair's ruling, the Chair shall immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting;
- 12.2.3.** If the Offending Member informs the Clerk that he/she wishes to apologize, the Clerk shall inform the Chair of the Member's request;
- 12.2.4.** At the next available opportunity in the Meeting, the Chair shall allow the Offending Member to return to his/her seat to apologize to Council or a Committee. The apology shall not include additional comments or debate by the Offending Member or by Council or a Committee;
- 12.2.5.** After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the meeting;
- 12.2.6.** Should at any point the Offending Member create a disturbance while seated in the audience, the Chair shall order the Offending Member to leave the Council chamber or meeting room;
- 12.2.7.** Council cannot appeal and the Offending Member cannot seek an apology from Council for the Chair's ruling;
- 12.2.8.** If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room, the Chair may request that the CAO contact security or Police for assistance.

13. Duties of the Clerk

13.1. Role of the Clerk assigned by the Municipality related to Council

In addition to duties set out in the Municipal Act, other duties of the Clerk as assigned by the Municipality;

- 13.1.1.** To sign every bylaw and minutes approved by Council;
- 13.1.2.** To call the meetings to order and preside until the election of a Chair in the absence of the Mayor or Deputy Mayor;
- 13.1.3.** To advise the Chair on procedural matters;
- 13.1.4.** To prepare and circulate the agenda and supporting information;
- 13.1.5.** To prepare the draft minutes and distribute to members within five (5) days of the Council meeting;

13.1.6. To advise all departments of decisions by Council; and

13.1.7. To schedule delegations and presentations for Council meetings.

13.2. Powers of Deputy Clerk

In the absence of the Clerk, the Deputy Clerk shall have all of the powers and duties of the Clerk.

13.3. Delegation of Powers

13.4. The Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.

14. Delegations

14.1. Responsibility of Clerk

Any person desiring to present information on matters of fact or to make a request of Council shall give notice and disclose the subject matter to the Clerk fourteen (14) days prior to the Council meeting at which such person desires to be heard. No delegation is permitted to discuss the same matter with Council or Committees more than twice in a calendar year.

14.2. Documentation Required

Any person who is scheduled to appear as a delegation before Council is required to submit to the Clerk, a written and/or electronic request to appear as a delegation, noting the subject matter, not later than 12 p.m. (noon) at least twelve (12) days preceding the Council meeting. All materials to be presented to council must be included with the original request.

14.3. Time Limit

Each delegation shall be limited in speaking to not more than ten (10) minutes. Extensions to these limits shall be at the discretion of Council. No more than three (3) delegations shall be permitted at any one meeting, and no delegations shall be permitted after the agenda is set, unless it is of a time sensitive nature and is authorized by the Mayor or Chair. The Mayor or Chair shall notify the delegate when the time has elapsed. Council members shall limit their comments to questions for clarification purposes only.

14.4. Delegate Address

All delegates shall address the Chair and shall state their name and who they represent.

14.5. Conduct of Delegates

No delegates shall:

- 14.5.1.** Speak disrespectfully of any person;
- 14.5.2.** Use offensive language;
- 14.5.3.** Speak on any subject other than the subject for which he has received approval to address Council; or
- 14.5.4.** Disobey the rules of procedure or any decision of the Chair or Council on any other procedural matters.
- 14.5.5.** Speak beyond the time limit permitted.

14.6. Delegation Curtailment

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

14.7. Delegation, Correspondence and Petition Content

Every communication, including petitions designed to be presented to Council must be legibly written, typed or printed and shall not contain any obscene matter or language and shall be signed by at least one person and filed with the Clerk.

15. Presentations

15.1. Time Limit

Presentations that are requested by Council shall have a time limit as determined between the clerk and the presenter

15.2. Presentation Content

Presentations can include training for Council, information from contractors, presentations of study findings by consultants or other such requests.

16. Members of the Public

16.1. Conduct of Audience at a Meeting

Members of the public who constitute the audience at a meeting shall refrain from any activity or behavior that would affect Council deliberations and shall not:

- 16.1.1.** Address Council or committee without permission;

- 16.1.2.** Bring signage, placards or banners into meetings; or
- 16.1.3.** Interfere with the conduct of the Council or committee meeting in any way.

17. Rules of Debate

17.1. Addressing Council

To address Council a member shall request to speak, be recognized by the Chair and direct all comments through the Chair.

17.2. Address the Chair

Prior to speaking to any question or motion, each member shall address the Chair.

17.3. Order of Speakers

When two or more members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

17.4. Interruptions

When a member is speaking, no other member shall interrupt the member speaking except to raise a point of order, privilege or personal privilege;

17.5. Motion to be Repeated

Any member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the member speaking.

17.6. Speaking to a Question

Members must indicate their intention to speak to a question through the Chair. No member shall speak more than twice to the same question without Council's permission, except that a reply shall be permitted only from the member who has presented the main motion. The total time a member may take to speak and obtain any necessary clarification shall not be more than five minutes regardless if they speak one or two times. The mover and seconder of a motion have the opportunity to speak first to a motion. Members' comments shall be relevant to the matter of business before Council or a Committee. Members shall express themselves succinctly without repetition.

17.7. Content of Questions

A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated briefly and asked only of the Chair, the previous speaker, the

CAO, Department Heads or their designates. A member may also state a point to the matter under discussion without asking a question.

17.8. Point of Order

When a member rises on a point of order, point of privilege or point of personal privilege, the member shall ask leave of the Chair to explain the point. After leave is granted, the member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point. Any member may challenge the ruling of the Chair immediately following the ruling. The Chair's ruling is final unless it is challenged. Council's decision, by vote, is final if the Chair is challenged.

18. Motions

18.1. Motions in Writing

All substantive motions shall be in writing before being put to council.

18.2. Motions outside Jurisdiction of Council

A motion or notice of motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

18.3. Withdrawn Motion

After a motion has been proposed and seconded, and placed in the hands of the Chair, it shall be considered to be in the possession of the Council but may be withdrawn by the mover and seconder if there are no objections from any members. If any member objects, the motion may only be withdrawn by a vote of the members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented.

18.4. Motions Permitted Without Written Notice

The following may be introduced orally without written notice and without leave of council:

- 18.4.1.** A point of order, privilege or personal privilege;
- 18.4.2.** A motion to recess;
- 18.4.3.** A motion to adjourn;
- 18.4.4.** A motion to call the question;
- 18.4.5.** A motion to separate the question;
- 18.4.6.** A motion to receive an item;
- 18.4.7.** A motion to refer;
- 18.4.8.** A motion to defer; and
- 18.4.9.** A simple amendment to a main motion.

18.5. Motions to be Moved and Seconded

A motion shall be moved and seconded before being open for discussion and consideration.

18.6. Members May Vote Against

A member may move a motion in order to initiate discussion and debate and that member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

19. Specific Motions

19.1. Motion to Recess

A motion to recess is not debatable.

19.2. Motion to Adjourn

A motion to adjourn the Council meeting is not debatable and shall always be in order except:

- 19.2.1.** When another member is in possession of the floor;
- 19.2.2.** When a vote has been called;
- 19.2.3.** When the members are voting;
- 19.2.4.** When a member has indicated to the Chair his/her desire to speak on the matter before Council; or

- 19.2.5.** A motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate, except for the Chair to indicate any remaining pressing needs, in which case the member shall have the option to withdraw the motion to adjourn;

19.3. Call the Question

A motion to call the question is not debatable. A member who moved the motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative. A motion to call the question shall be put immediately without debate.

19.4. Motion to Defer

A motion to defer is not debatable except with respect to the time period and shall include:

- 19.4.1.** The time to or period within which, consideration of the matter is to be deferred; and
- 19.4.2.** Whatever explanation is necessary to demonstrate the purpose of the motion to defer.

19.5. Consideration of Matter Previously Deferred

A motion that council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be placed on the agenda by staff or by a member as a notice of motion.

19.6. Motion to Refer

A motion to refer, and any amendment to it, is debatable and shall include:

- 19.6.1.** The name of the committee or official to whom the motion or amendment is to be referred; and
- 19.6.2.** The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

19.7. Motion to Amend

A motion add, delete from, or substitute words in the main motion, shall:

- 19.7.1.** Be presented in writing and seconded by a member;
- 19.7.2.** Be open to debate;
- 19.7.3.** Not propose a direct negative to the main motion;
- 19.7.4.** Be relevant to the main motion;

- 19.7.5.** Have only one motion to amend the main motion at one time;
- 19.7.6.** Have only one motion to amend a motion to amend the main motion at one time; and
- 19.7.7.** Be put in the reverse order to that in which it is moved.

19.8. Voting on motion to amend

Voting on the main motion and amending motions shall be conducted in the following order:

- 19.8.1.** A motion to amend the main motion;
- 19.8.2.** A motion, as amended, to amend the main motion; and
- 19.8.3.** The main motion, as amended.

19.9. Division of Motion

- 19.9.1.** Any member may request the Presiding Officer to divide any motion or report into such parts as the Member may submit and the Presiding Officer shall make a ruling on whether to divide the motion.
- 19.9.2.** A member may appeal the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.

19.10. Motion to Reconsider

- 19.10.1.** A motion to reconsider a decided matter shall only be introduced by a member who voted with the majority on the original motion.
- 19.10.2.** Reconsideration at the same meeting shall require a motion to reconsider.
 - a) After such notice is given no action shall be taken by the council on the main motion until such reconsideration is disposed of.
 - b) No discussion of the main question shall be allowed unless a motion to reconsider is passed by a majority on a recorded vote.
- 19.10.3.** If a motion for reconsideration is made at a subsequent meeting, the main motion shall not be considered until the motion to reconsider is passed by and such vote shall be by a recorded vote.
- 19.10.4.** A vote to reconsider shall not be reconsidered.
- 19.10.5.** No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

19.11. Improper Motions

The chair shall declare improper motions out of order. These motions include those that are:

- 19.11.1.** Are outside of the scope of jurisdiction;
- 19.11.2.** Conflict with a previously adopted motion;
- 19.11.3.** Present essentially the same question that has been defeated earlier in the same meeting without a motion to reconsider; or
- 19.11.4.** Present a question that Council still has within its reach (such as an item that had been referred to committee or staff to come back to council).

20. Voting

20.1. Order of Voting

Motions relating to an item under consideration (main motions) shall be voted on in the following order:

- 20.1.1.** A motion to adjourn;
- 20.1.2.** A motion to recess;
- 20.1.3.** A motion to call the question;
- 20.1.4.** A motion to defer;
- 20.1.5.** A motion to refer;
- 20.1.6.** A motion to amend, in reverse order of its being placed; and
- 20.1.7.** The main motion.

20.2. Members Shall Vote

Every member present at a meeting of council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. If any member present does not vote at a meeting of the Council where a question is put, he/she shall be deemed to vote in the negative except where the member is prohibited from voting by statute.

20.3. Chair to State the Question

Immediately preceding the taking of a vote, the Chair shall state the question in the precise form in which it shall be recorded in the minutes unless the wording is provided for visually in front of the members on their monitors.

20.4. Indication of Vote

A member shall vote by raising a hand or otherwise indicating the member's vote, except where a recorded vote is requested.

20.5. Conduct During a Vote

When the chair calls for the vote on a question:

20.5.1. Each member shall occupy his/her seat and shall remain in place until the result of the vote has been declared by the Chair; and

20.5.2. During this time no member shall walk across the room or make any other noise or disturbance.

20.6. Separate the Vote

Upon the request of any member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

20.7. Majority Vote Required

All decisions of Council shall require a majority vote except as otherwise set out in this bylaw.

20.8. Tie Votes

Any motion that receives a tie vote shall be deemed to have been decided in the negative.

20.9. Recorded Votes

A request by a member present at the meeting for a recorded vote shall be made prior to, or immediately after, the vote and must be requested prior to any consideration of another matter. When a recorded vote is requested by a member, the Clerk or Committee Secretary, as applicable, shall record the name and vote of every member on any resolution. When a recorded vote is recorded at Council or Committee meetings, names shall be called in random order.

20.10. Announcing the Results

The Chair shall announce the result of the vote, with the exception of the recorded vote where the Clerk shall announce the result.

21. Bylaws

21.1. Introduced by Motion

Every bylaw shall be introduced by motion, specifying the title thereof.

21.2. Three Readings

Every bylaw shall have three readings prior to being passed. Bylaws shall be taken as read for the first, second and third readings. A bylaw may be passed through all its stages and be finally passed at one meeting with a majority of members present.

21.3. Confirmatory Bylaw

The proceedings of the previous regular meeting and special meeting of Council shall be confirmed by bylaw so that every decision of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate bylaw duly enacted.

21.4. Amendments to Bylaws

All amendments to any bylaws approved by Council shall be deemed to be incorporated into the bylaw and if the bylaw is enacted by Council, the amendments shall be recorded by the Clerk.

21.5. Duty to Sign Every Bylaw

Bylaws, once passed, shall be dated and duly signed by the Mayor and the Clerk or the deputies.

22. Committees

22.1. Composition

Council shall determine the appropriate number of committees, their membership, mandates and reporting practices.

22.2. Other Appointments

Appointments and nominees to other bodies shall be recommended by Council.

22.3. Ad Hoc Committees

Council may, from time to time, appoint ad hoc committees which shall

report directly to Council. The establishment of such committees should include a specific mandate, terms of reference, and term of appointment. Ad hoc committees shall report to Council with a recommendation with regard to their continuation, assumption of responsibilities by Council, or abolishment.

22.4. Duty of the Chair

A Chair and Vice-Chair shall be appointed by the members at the first regular scheduled meeting. Each Chair and/or Vice Chair shall preside at every meeting of their committee, may vote on every question submitted for consideration and may require that resolutions be in writing.

22.5. Ex-Officio Membership

The Mayor shall be an ex-officio member of all West Grey committees, sub committees and working groups. He/she shall not be included to make up quorum, shall have the right to take part in discussion, and shall have the right to vote.

22.6. Notice to Members

Notice of meetings including agendas, minutes and supporting documentation to the members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency or if the member does not have electronic mail. In the event of a meeting cancellation, staff shall notify the members by email or by telephone as soon as possible.

22.7. Notice to the Public

Notice of meetings shall be given in accordance with section 4.8 of this bylaw and meetings shall be posted as soon as practical after being established by committees. Agendas shall be posted a minimum of two days prior to the meeting. In the case of emergency meetings, notice of the agenda shall be posted as soon as practical. In the event of a meeting cancellation, staff or the Committee Secretary, as applicable, shall post notice of the meeting cancellation on West Grey's website and email group. If the cancellation occurs at the last minute or after regular business hours and staff or the Committee Secretary, as applicable, is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so.

22.8. Role of Committees

The role of committees shall generally be to make recommendations to Council on matters which are in their jurisdiction.

22.9. Action on Committee Recommendations

No action shall be taken on committee recommendations until they are subsequently approved by resolution at Council.

22.10. Governing Rules of Procedure

The rules governing the procedure of the Council and the conduct of members at Council shall be observed by committees as far as they are applicable, with specific exceptions of the rules for Committee of the Whole and committees set out in this section including:

- 22.10.1.** The number of times of speaking on any question shall not be limited;
- 22.10.2.** A majority vote shall be required to decide any matter before the committee; and
- 22.10.3.** Recorded votes shall be called to vote by name in alphabetic order.

22.11. Council Attendance at Committee Meetings

Members of Council who are not members of a specific committee may attend meetings of that committee as members of the public and may, with consent of the Chair of that committee, take part in the discussion, but shall not be counted in quorum, shall not be entitled to make motions or vote, shall not be reimbursed for attendance at those meetings and shall not be entitled to attend any closed portion of a committee meeting.

22.12. Absence of Chair

In the event of the Chair of a committee not attending the committee at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the committee Vice-Chair shall call the meeting to order and preside until the arrival of the committee Chair.

Should the committee Vice-Chair not be in attendance at the meeting, the recording secretary shall call the meeting to order and ask those members in attendance to appoint one of the members to act in the place of the committee Chair for that meeting. Such member shall then preside until the arrival of the committee Chair or the committee Vice-Chair. The meeting must have a quorum to commence.

22.13. Absence of Committee Member

Should any Member of a Committee fail to attend three successive Regular or Special Meetings without being authorized to do so by a resolution of the Committee, the Committee may certify such failure and provide notice to Council. Thereupon the membership of such person on the Committee shall be terminated by Council and Council may appoint another Member in their place.

22.14. Preparation of Agenda

The appropriate West Grey staff person, Committee Secretary or Chair shall prepare committee agendas for distribution.

22.15. Committee Delegations

Any person desiring to present information to a committee may do so subject to the following:

22.15.1. Requests shall be in writing and the information to be presented shall be on matters of fact or to make a request of the committee;

22.15.2. Requests shall be made not less than five days preceding the committee meeting at which such person desires to be heard;

22.15.3. Exceptions to the five (5) business days' notice requirement required in (b) above may be approved by the committee Chair;

22.15.4. Any person who is scheduled to appear as a delegation before a committee is requested to submit written documentation for the committee's consideration to the appropriate West Grey staff person or Committee Secretary not less than five (5) business days preceding the committee meeting; and

22.15.5. Rules relating to time limits, behaviour, curtailment of time and conduct shall be as set out in Section 14.

22.16. Closed Session

No meeting of a committee shall be held in closed session except in accordance with Section 5.

22.17. Declarations of Pecuniary Interest

Members of committees shall adhere to The Municipal Conflict of Interest Act with respect to declarations of pecuniary interest in committees;

22.18. Quorum

A quorum shall consist of more than 50% of the membership of the committee. Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, at a minimum of two members.

22.19. Committee Minutes

Committee minutes shall be directed as follows:

- 22.19.1.** Approved Committee minutes shall be placed on the agenda for the next regular meeting of council.

23. Amendments to Bylaw

Public Notice shall be given as required pursuant to the municipal Notice Policy prior to any amendment or repeal of this bylaw being considered.

24. Conflict

24.1. Severability

If a court or tribunal of competent jurisdiction declares any portion of this Bylaw to be illegal or unenforceable, that portion of this Bylaw shall be considered severed from the remainder of this Bylaw, which shall continue to be in full force and effect;

24.2. Bylaw Versus Statute

If there is any conflict between this by-law and any statute, the provisions of the statute prevail.

25. Interpreting the Procedure Bylaw

- 25.1.** In the event of conflict between this Procedure Bylaw and legislation, the provisions of the legislation prevail;

- 25.2.** A specific statement or rule in this Procedure Bylaw has greater authority than a general one; and

- 25.3.** If there is a conflict between two or more rules in this Procedure Bylaw, or if there is no specific rule on a matter, the Chair shall rule. In making a

ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order, Edition 11.

26. Enactment

Bylaw No. 20-2018, 52-2018 and 27-2020 are hereby repealed.

This bylaw shall come into force on the date of passing.

Read a first, second, and third time this ____day of _____ , 2021.

Christine Robinson, Mayor

Genevieve Scharback, Clerk