



# Staff Report

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**Report No.:** CPS-010-2017  
**Meeting Date:** February 22, 2017  
**Submitted by:** Stephanie Troyer-Boyd, Clerk  
**Subject:** Procedure By-Law

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## **Recommendation:**

THAT By-law 2017-026 being a By-law to provide rules for governing the order and procedures of the Council of the Municipality of Middlesex Centre be approved.

## **Purpose:**

The purpose of this report is to present a new Procedure By-law which will reflect the current Council structure and enhance accountability and transparency.

## **Background:**

Staff has prepared an updated Procedure By-Law which will be used to guide the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all Advisory Committees and Ad Hoc Committees. The By-Law sets out processes that are open and transparent. Section 238(2) of The Municipal Act, 2001 requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings. The updated Procedure By-Law will replace the current Procedure By-law 2011-034.

## **Analysis:**

The updated by-law was drafted with the following principles:

- a) Each member has the right to:
  - One vote, subject to the declaration of pecuniary interest;
  - Information to help make decisions, unless otherwise prevented by law;
  - An efficient meeting; and,
  - Be treated with respect and courtesy.
  
- b) No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council. The Clerk in consultation with the Mayor will determine if a matter is within the jurisdiction of Council.

## Accountability & Transparency

The responsibility of Council has been maintained with additional emphasis on the importance of civility in the Council Chamber. (Section 8) We have added sections detailing the role and duties of the Mayor, Council, and Presiding Officer (Sections 9-12). As recommended by Nigel Bellchamber in the September 2016 training, the by-law includes an extensive section regarding decorum of Council Chamber (Section 13). With respect to voting, staff recommend maintaining the practice of having all members vote on all matters; this is consistent with many municipalities in the province and Middlesex County. The current practice for recorded votes has been maintained as it has been effective whereby the member requesting the recorded vote casts their vote first followed by the member to their left with the exception of the Mayor who will vote last.

## Administrative Revisions

The proposed by-law includes clear direction on delegations and presentations to Council including timing, appropriateness and how follow up will be handled. In addition, the by-law provides clearer guidance for when a Notice of Motion will be dealt with by Council and less cumbersome directive on how to submit a Notice of Motion. The order of the agenda has been slightly amended to allow for a smoother flow and more orderly conduct of meetings. In addition, staff have recommended an update from County Council. As well, communication items of a routine nature will be presented to Council in a separate package rather than listing on the agenda; correspondence requiring Council action will be listed on the agenda. All references to Committees of Council has been removed as the current governance structure does not include Council Committees. Special request or enquiries by Council which will require substantial staff time to be brought forward under Other Business and will require a resolution of Council.

With Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016 pending, there will likely be a need to amend the Procedure By-Law in order to comply with the new legislation.

## **Financial Implications:**

N/A

## **Strategic Plan:**

Process: Streamline Key Processes

**MUNICIPALITY OF MIDDLESEX CENTRE**

**BY-LAW NUMBER 2017-026**

**A BY-LAW TO PROVIDE RULES FOR GOVERNING THE ORDER AND PROCEDURES OF THE COUNCIL OF THE MUNICIPALITY OF MIDDLESEX CENTRE**

**WHEREAS** Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25 requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Municipality of Middlesex Centre deems it desirable that there be rules governing the conduct of its members and citizens who attend meetings;

**THEREFORE** the Council of the Municipality of Middlesex Centre enacts as follows:

**1. SHORT TITLE**

This By-law may be known as the "Procedural By-law."

**2. DEFINITIONS**

"Chair" means the person presiding at a meeting whether it be the Mayor, a member of council or a duly appointed member of a committee.

"Clerk" means the Clerk of the Municipality of Middlesex Centre, a designate appointed by the Clerk, in writing, or deputy Clerk.

"Committee of Council" means any advisory or other committee or sub-committee composed of members of one or more boards or councils.

"Council" means the Council of the Municipality of Middlesex Centre.

"Decorum" means behaviour that, in the opinion of the Presiding Officer, promotes an atmosphere of respect in Council Chamber.

"Delegation" means a person or persons who address Council or any Committee in the manner described within the provisions of this by-law.

"Deprecating" means attacks of character, attacks of reputation, name calling, or comments that are injurious to reputation, derogatory, slanderous or libellous.

"Deputy Mayor" means the Deputy Mayor of the Municipality of Middlesex Centre.

"Emergency Meeting" means a meeting of the council called without notice to address circumstances of emergency.

"Improper Conduct" means unethical conduct and includes engaging in a course of vexatious comments or conduct against another person that is known or ought reasonably to be known to be unwelcome.

"Mayor" means the Mayor of the Municipality of Middlesex Centre.

“Meeting” means any regular, special, closed, committee or other meeting of the Council or a Committee of Council.

“Member” means a member, including the Mayor, of the Council or Committee of Council of the Municipality of Middlesex Centre.

“Motion” means a question to be considered by the Council or a Committee of Council which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.

“Notice of Motion” means an advance notice to members of Council of a matter on which Council will be asked to take a position.

“Pecuniary Interest” means a direct or indirect financial interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M. 50, as amended.

“Presiding Officer” means the Mayor of the Municipality of Middlesex Centre or the Deputy Mayor or the appointed Chairperson of a Committee, or in the absence of the foregoing, the member appointed in accordance with this By-law.

“Recording Equipment” means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not being limited to computers, cell phones, voice recorders, and cameras.

“Recorded Vote” means where a vote is taken for any purpose and a member of Council requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.

### **3. GENERAL RULES**

- 3.1 The provisions contained in this by-law shall govern the proceedings of Council and committees unless otherwise prescribed.
- 3.2 The Clerk shall be present at all meetings of Council; however, the Deputy Clerk may act instead at the meeting of the Council and the Deputy Clerk or the Clerk’s designate may act at Committees. Should the Clerk or Deputy Clerk find the need to be absent during the course of the Council meeting, some other person shall be appointed pro tempore by Council to act during the absence.
- 3.3 In any case for which provision is not made in these rules and regulations, the procedure to be followed shall be as near as may be that followed in the most recent edition of Roberts Rules of Order in existence at the time shall be referred to.
- 3.4 Members shall comply with the Municipal Conflict of Interest Act.
- 3.5 The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including the media, shall be permitted subject to approval and/or direction of the Mayor or Presiding Officer.
- 3.6 Cell phones are required to be either turned off or placed on vibrate during council or committee meetings.

- 3.7 Should the Municipality of Middlesex Centre be requested to provide a person with a disability a document or information, the Municipality will take into consideration the communication needs of the person with a disability and endeavour to provide the information to the person in a format that takes into account the person's disability.
- 3.8 Despite Section 3.1, the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the members present and voting.

#### **4. MEETINGS**

- 4.1 The Inaugural Meeting of the new council, after a regular election, shall be held on the first Wednesday after the beginning of the term of office in the Council Chamber at the municipal office. The day, time and place of regular meetings may be altered by resolution of Council.
- 4.2 Prior to the first meeting in each calendar year, the council shall establish a schedule of all regular council meeting dates for the calendar year. Except as otherwise noted on the meeting schedule, meetings will generally be held twice monthly on every other Wednesday of the month at 4:00 pm. Exceptions to this schedule could be made to avoid conflict with conferences and for the months of July and August to accommodate a reduced schedule of summer meetings
- 4.3 Any regular meeting of Council, except for the inaugural meeting, may be postponed by the Clerk to a day to be named in the notice given, but such postponement shall not exceed two weeks.
- 4.4 A special meeting may be summoned by the Mayor or when a petition is presented to the Clerk by a majority of Council. The Clerk shall notify all members of Council of each special meeting at least 24 hours prior to the time appointed for such meeting. The notice provision can be waived for an emergency meeting with the consent of a majority of all members of Council.
- 4.5 No business may be transacted at a special meeting other than that specified in the notice of such meeting.
- 4.6 Notwithstanding any other provision of this by-law, the Mayor may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without notice, provided that an attempt has been made by the Clerk to notify the members about the meeting in the most expedient manner available. An Emergency Meeting may only be called by the Mayor to deal with an emergency or extraordinary situation.

#### **5. CLOSED MEETINGS**

- 5.1 All meetings of council and committees shall be open to the public except as provided for in Section 239 of the Municipal Act, 2001. A meeting or part of a meeting may be closed to the public if the subject being considered relates to:
- a) the security of property of the municipality;
  - b) personal matters about an identifiable individual, including municipal or local board employees;
  - c) a proposed or pending acquisition or disposition of land by the municipality or local board purposes;
  - d) labour relations or employee negotiations;

- e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
  - f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) a matter in respect of which Council or committee has authorized a meeting to be closed under another Act.
  - h) the education or training of Council as long as no member discusses or otherwise deals with any matter that would materially advance the business or decision making of the Council.
- 5.2 A meeting shall not be closed to the public during the taking of a vote except as provided for in subsection 239 (6) of the Municipal Act, 2001. In addition to sub-section 239(6), direction or instruction may be given in a closed session.
- 5.3 Prior to any meeting being closed to the public, the Council or Committee shall state by public resolution:
- a) the fact of the holding of the closed meeting;
  - b) the general nature of the matter being considered at the closed meeting.
- 5.4 Pursuant to Section 239 (3) of the Municipal Act, a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.
- 5.5 Upon the completion of the closed session, the members shall immediately reconvene in open session. A resolution may or may not be enacted regarding the business that was discussed in the closed session.
- 5.6 When a closed session is necessary, it will be a requirement that minutes be prepared but shall not require a resolution of approval. Minutes will be circulated with the next in closed session agenda package and the clerk will ask for concurrence of the contents of the minutes during the meeting. Any changes proposed will be agreed upon by Council and reflected in the minutes.
- 5.7 No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.
- 5.8 Any member who contravenes Section 5.7 shall be deemed not to be acting in the interest of, on behalf of, or within the authority of the Council or the Municipality of Middlesex Centre. Any violation of this regulation may result in exclusion of the offending member from future closed meetings of Council. That member will no longer be provided with correspondence, materials or information proposed to be dealt with by Council at a closed meeting.
- 5.9 The determination of whether or not a violation has been committed of Section 5.7 of the closed meeting provisions of this by-law, and the length of the exclusion from closed meetings, shall be made by Council prior to the affected member being excluded from any closed meeting. The results of Council's deliberations shall be reported in the open session of Council.
- 5.10 If the purported violation of the closed meeting provisions of this by-law by more than one member is to be considered, a separate resolution of Council with respect to each affected member is to be adopted.

**6. NOTICE OF MEETINGS**

- 6.1 The schedule of Council meetings shall be advertised on the municipal website.
- 6.2 In the case of Special Council meetings notice shall be given by posting the agenda on the municipal website. The Clerk shall revise the meeting schedule in the event that a special meeting is called.
- 6.3 Notwithstanding the above, the date, location or time of Council meetings may periodically be altered if, in the opinion of the Clerk, the change of meeting date, location or time is appropriate to accommodate the Council meeting. Notice for such changes shall be provided on the municipal website and on the agenda for the meeting.

**7. QUORUM**

- 7.1 The Mayor or presiding officer shall call the members of council to order as soon after the hour fixed for holding of the meeting a quorum is present.
- 7.2 A majority of all members of council shall constitute a quorum and be necessary for the transaction of business. A majority of all members shall be determined as four (4) members of council.
- 7.3 If a quorum is not present fifteen minutes after the time appointed for the commencement of the meeting, the Clerk shall indicate that no quorum is present and record the names of those members of council in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- 7.4 Where the number of members of council who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 7.5 If during the course of a council meeting, a quorum is lost, the Mayor or presiding officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- 7.6 If members of council are not going to be in attendance or are going to be late for a meeting, they shall inform the Clerk in advance of the meeting.

**8. COUNCIL RESPONSIBILITY**

- 8.1 Members of council shall come prepared to every meeting by having read all the material supplied, including the agenda and staff reports, to facilitate discussion and the determination of action at the meeting. The members are encouraged to make inquiries of staff regarding the materials supplied with the agenda in advance of the meeting.
- 8.2 Requests for substantive reports shall be authorized by council resolution and the resolution shall identify the appropriate department or department head and objectives of the report.
- 8.3 No member of council shall have the authority to direct or interfere with the performance of any work for the Municipality.

- 8.4 Council affirms that the business of Council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the Mayor or Presiding Officer is expected to maintain decorum by all persons in attendance at its meetings in accordance with this Procedure By-Law and the Municipal Act.

## **9. ROLE OF THE MAYOR**

- 9.1 It is the role of the Mayor as the Head of Council:
- a) to Act as Chief Executive Officer of the municipality;
  - b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
  - c) to provide leadership to Council;
  - d) to represent the municipality at official functions;
  - e) to carry out the duties of the Head of Council under any Act; and
- 9.2 As the Chief Executive Officer of the municipality, the Head of Council shall:
- a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the municipality's activities;
  - c) act as the representative of the municipality both within and outside the municipality and promote the municipality locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## **10. ROLE OF COUNCIL**

- 10.1 It is the role of Council:
- a) to represent the public and consider the well-being and interests of the municipality;
  - b) to develop and evaluate the policies and programs of the municipality;
  - c) to determine which services the municipality will provide;
  - d) to ensure that administrative policies, practices and procedures and controllership polices, practices and procedures are in place to implement the decisions of Council;
  - e) to ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
  - f) to maintain the financial integrity of the municipality; and
  - g) to carry out the duties of Council under any Act.

## **11. CONDUCT OF MEMBERS**

- 11.1 No member shall:
- a) use offensive words or language that is not inclusive;
  - b) engage in private conversation while in the Council meeting or use electronic devices including cellular phones, pagers, blackberries, tablets and computers, in a manner which disrupts the proceedings of Council or may influence a vote;
  - c) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
  - d) disturb another Member, or the Council itself, by any disorderly conduct disconcerting to any Member speaking;
  - e) resist the rules of Council, or disobey the decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretations of the rules of procedure;
  - f) speak without first addressing the Presiding Officer; or

- g) where a matter has been discussed in closed session, and where the matter remains confidential, disclose the substance of deliberations of the in closed session meeting.

## **12. ROLE OF THE PRESIDING OFFICER**

12.1 The Mayor shall be the Presiding Officer for Council meetings. In the absence of the Mayor or if the Mayor's office is vacant, or if fifteen minutes after the time fixed for the regular or special meeting the Presiding Officer is not present, the Deputy Mayor shall be Presiding Officer of regular, special and closed meetings of Council. If the Mayor and Deputy Mayor are both absent, Council shall appoint a Presiding Officer from the members present.

12.2 The Role of the Presiding Officer is to:

- a) Open the Meeting of Council and calling the Members to order;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) ensure that members of the public feel safe to participate in public debate; and
- d) ensure decorum is maintained within Council Chamber in accordance with Section 13 of this By-law.
- e) put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the result;
- f) require a recorded vote to be taken on any question upon request of a Member if such request is made prior to commencement of voting or immediately thereafter;
- g) decline to put to vote motions which infringe this By-law;
- h) authenticate by signature, when necessary, all by-laws, minutes and documents authorized by Council;

12.3 When ruling on conduct matters, the Presiding Officer may warn the offender of the improper behaviour and will request the at the behaviour ceases. This will be considered to be the only warning.

12.4 If the behaviour continues, the Presiding Officer will expel the offender from the meeting. If required, assistance may be sought from local authorities.

## **13. DECORUM OF COUNCIL CHAMBER**

13.1 To preserve and protect the decorum of Council Chamber or other meeting place of Council, no person participating in a meeting, including members of the audience, may undertake any of the following actions:

- a) make deprecating comments about, or speak disrespectfully of, or malign the integrity of any member of staff member, Council or the public;
- b) use offensive words or an aggressive tone of attack;
- c) disobey any rule or request of the Presiding Officer or any decision of Council on questions of order or practice;
- d) enter into cross debate with the Presiding Officer, members of Council, other delegations or staff;
- e) appear before Council for the sole purpose of generating publicity or personal attacks;
- f) address Council without permission;
- g) interrupt any speech or action of the members of Council or Committee or any other person addressing Council;
- h) display or have in their possession picket signs or placards in the Council Chamber or meeting rooms or within any municipally owned building used for such purposes;

- i) applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council.
- j) carry on private conversations enough to disrupt the Council meeting.

13.2 Council affirms that the business of Council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the Head of Council is expected to maintain decorum by all persons in attendance at its meetings in accordance with this Procedure By-Law and the Municipal Act.

#### **14. AGENDA PREPARATION AND POSTING**

14.1 Staff reports shall be provided to the Clerk by 4:00 p.m. on the Tuesday preceding the Council meeting for inclusion in the electronic agenda package to Council.

14.2 The title of any verbal reports or updates should be listed on the agenda and revised agendas.

14.3 Delegations are required to register for an agenda in accordance with Section 18 of this By-law.

14.4 Agendas shall be formatted as detailed in Section 15 of this By-law, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law.

14.5 Prior to each regular meeting of Council, the Clerk shall prepare an electronic agenda of all business to be brought before Council at such meeting. Council shall be notified of the availability of the agenda at least 48 hours prior to the meeting except in circumstances over which the Clerk has no control.

14.6 Notwithstanding any unforeseen circumstances (technical malfunctions or operational hindrances) an electronic copy of the agenda shall be posted on the municipal website on the Friday before the meeting. All revised agendas will be posted on the website by 2:00 p.m. on the day of the meeting.

14.7 If these deadlines cannot be met, the Clerk will post a notice on the municipal website with an approximate time of availability and a general reason for the delay.

14.8 The Clerk may prepare a revised electronic agenda in order to deal with an urgent matter requiring a Council decision.

14.9 The business of Council shall be taken up in the order as listed on the agenda, unless otherwise decided upon by the Mayor, Presiding Officer or a majority vote of Council.

#### **15. AGENDA**

15.1 The Clerk shall prepare an agenda for regular meetings of council. The following are the headings that may be included on an agenda:

- Call to order
- Disclosure of Pecuniary Interest and General Nature Thereof
- Additions to the Agenda
- Adoption of the Minutes
- Delegations and Presentations

Consent Agenda  
Staff Reports  
Closed Session  
Committee of Adjustment  
Public Meetings under the Planning Act, R.S.O. 1990  
Notice of Motion  
Communications and Petitions  
County Council Update  
Other Business  
By-laws  
Confirming By-law  
Adjournment

- 15.2 The Mayor or any member of council may bring before the council, any business that he/she feels should be deliberated upon by the council. These matters need not be specifically listed on the agenda; however, may be brought before the council under other business. The member may introduce the matter; however deliberations on such matter shall be given at the next regular meeting.

## **16. DISCLOSURE OF PECUNIARY INTEREST**

- 16.1 A Member must identify and disclose any pecuniary interest on any item or matter before Council, Committee or Local Board and the general nature thereof, pursuant to the *Municipal Conflict of Interest Act*.
- 16.2 Where a member of Council has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council at which the matter is the subject of consideration, the member:
- a) shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the member has a pecuniary interest;
  - b) shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;
  - c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
  - d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and

## **17. MINUTES**

- 17.1 Minutes of the council meeting, whether it is closed to the public or not, shall record:
- a) the date, time and place of the meeting;
  - b) the names of the presiding officer or officers and the record of the attendance of the members;
  - c) any disclosure of pecuniary interest;
  - d) correction and adoption of the minutes of prior meetings, and
  - e) a summary of all the other proceedings of the meeting, including resolutions and decisions, without note or comment.
- 17.2 Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.

- 17.3 Presentations, delegations, petitions, and communications received by Council in the course of a meeting shall only be referred to in a brief and summary manner.
- 17.4 The minutes shall be signed electronically by the Mayor or presiding officer and by the Clerk after they have been approved by Council.
- 17.5 The Clerk shall ensure that the minutes of the regular and special meetings are circulated along with the agenda prepared in accordance with Section 15 of this by-law, and that minutes of closed meetings are circulated with the next closed session agenda package. The minutes of regular and special meetings shall be posted on the municipal website once approved by Council.
- 17.6 The onus shall be upon the members of council attending after commencement of the meeting to inform the Clerk of their arrival in order that same may be recorded in the minutes.
- 17.7 Meeting minutes may be adopted by council or the respective committee without having been read at the meeting at which the question of their adoption is considered.

## **18. PRESENTATIONS/DELEGATIONS**

- 18.1 Any person wishing to appear before Council on municipal business shall submit a request to the Clerk at least 10 business days in advance of the meeting. The request must be accompanied by a brief description of the subject matter of the presentation. Any presentation material must be provided to the Clerk by noon the day before the meeting.
- 18.2 The Clerk shall evaluate the request for delegation and decide whether the request complies with the criteria set out within this By-law and will schedule delegations accordingly on first come, first served basis.
- 18.3 The Clerk may direct that a delegation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.
- 18.4 The Clerk may, upon receipt, refer any correspondence or petition to a department head without the prior consideration of council.
- 18.5 The Clerk or the Mayor may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of council, appears to be frivolous or would be better dealt with in another forum. If the delegation wishes to appeal the decision, the information must be distributed under separate cover to council for their consideration.
- 18.6 Once a date and time has been established for the person requesting delegation status, the Clerk shall provide confirmation electronically, by telephone, by fax or in writing.
- 18.7 The scheduling of delegations for regular meetings shall be limited to three (3) delegations per meeting, unless otherwise determined by the council or Clerk.
- 18.8 Delegations addressing Council shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner. Political satire and criticism will not be permitted and the Presiding Officer shall enforce this provision.

- 18.9 Each person addressing the council shall step up, shall give his/her name and address in an audible tone of voice or with assistance for the record and, unless further time is granted by the council, shall limit their address to ten (10) minutes, including questions. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than members of council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of council. No questions shall be asked to the members of council, except through the Mayor or presiding officer.
- 18.10 Any person desiring to address the council by oral communication, who has not requested delegation status, shall not be permitted to speak unless determined by unanimous consent of the council.
- 18.11 After a delegation has been heard at a council meeting and it is felt that a further hearing on the same topic is warranted, the council may so recommend and shall determine the time and date of such further hearing.
- 18.12 The council may not necessarily make a decision on requests by delegations at the meeting the request is made, but may instead refer the request to municipal staff for further information and/or recommendation.
- 18.13 Delegations that have previously appeared before Council on a subject shall provide new information only in any subsequent presentations relating to that matter.
- 18.14 Members of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.
- 18.15 The Mayor has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- 18.16 Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Municipality of Middlesex Centre or the presentation is abusive or includes profanity or threats, including threats of litigation.
- 18.17 A person involved in a matter of litigation or potential litigation with an individual member of Council, the Municipality of Middlesex Centre or Council as a body, or any municipal staff member, shall not be permitted to address Council on any topic that relates to the litigation or potential litigation.

## **19. CONSENT AGENDA**

- 19.1 All items for the Consent Agenda shall be determined by the Clerk.
- 19.2 Consent Agenda items shall be preceded by an explanatory note which indicates that items listed under the Consent Agenda are considered routine, and are enacted in one motion in order to expedite the meeting.
- 19.3 Items listed under the Consent Agenda shall be routine matters, reports provided for information purposes, reports in response to Council questions, introductory reading of by-laws and other matters of a non- controversial nature.
- 19.4 Unless any member of Council requests otherwise, the Consent Agenda shall be considered by Council in a summary manner.

- 19.5 A member of Council may request that an item on the Consent Agenda be extracted and discussed and voted upon separately.

## **20. NOTICE OF MOTION**

A Notice of Motion shall be submitted to the Clerk prior to the council agenda being prepared. A notice of motion shall not be debated at the council meeting at which it first appears, but shall be dealt with at the subsequent meeting of Council.

## **21. COMMUNICATIONS AND PETITIONS**

- 21.1 Every communication including petition designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk.
- 21.2 Letters and other communications addressed to the Municipality or Council and received by the CAO or Clerk shall be dealt with as follows:
- a) correspondence of a routine administrative nature shall be referred directly to the appropriate Director;
  - b) The Clerk shall cause a "For the Information of Council" package to be prepared and distributed of routine matters, reports provided for information purposes, resolutions from other municipalities, public agencies or organizations and similar matters. The "For the Information of Council" package shall be distributed with the Regular Council Agendas, as deemed necessary.
- 21.3 A member of Council, at the appropriate time during the Council meeting, may request that a matter listed on the "For the Information of Council" be considered by moving a motion with the support of a seconder.
- 21.4 Petitions shall be presented to Council and
- shall contain a clear statement of the matter on which Council is being asked to take action
  - shall be a matter within the jurisdiction of Council
  - shall include the signature, printed name and full address of each petitioner. If the signatures are affixed to more than one sheet, then the intent or action requested of the petition must be repeated at the top of each signature sheet, and
  - shall be made available by the municipality to the public upon request.
- 21.5 No information shall be severed from petitions as they are considered to be a part of the public record.

## **22. OTHER BUSINESS**

Other business may include matters that are introduced by a member of council at a meeting, however consideration of the matter shall be given at the next regular meeting unless otherwise determined by consent of the majority of the members of council.

## **23. BY-LAWS**

- 23.1 Council shall be provided with a draft copy of all by-laws which are on the agenda for consideration. Every by-law shall be introduced by the Clerk, specifying the number and title of the by-law.

- 23.2 By-laws may be given first, second and third reading by way of one resolution.
- 23.3 By-laws may be considered separately or jointly with other by-laws in the sequence as determined by the Mayor or Presiding Officer.
- 23.4 Amendments to separate by-laws may be proposed during the course of the debate.
- 23.5 A by-law shall deem to have been read upon the title or heading or short description thereof being read or taken as read unless a member of council requires the by-law or any portion thereof to be read in full.
- 23.6 The Clerk may make minor corrections of errors and omissions in any by-law before it is signed and sealed for the purpose of ensuring complete implementation of council's decision.
- 23.7 Every by-law enacted by council shall be numbered and dated and shall be sealed with the seal of the corporation and signed by the Clerk and Mayor.
- 23.8 A confirming by-law shall be passed prior to the adjournment of each Council meeting to confirm the actions and proceedings of Council.

#### **24. ADJOURNMENT**

Meetings shall adjourn no later than 11:00 pm, unless otherwise decided before the curfew hour of 11:00 by the majority of the members present.

#### **25. MOTIONS**

- 25.1 A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- 25.2 Motions may be presented verbally or in writing. When a motion has been moved and seconded, the Presiding Officer shall present the motion for the members, at which time each member of Council shall be permitted to speak once to the question, and not more than once except with permission of the Presiding Officer and/or Council.
- 25.3 Discussion or debate of the motion shall be restricted to members of Council. If clarification is required from a delegation or staff member, permission is required from the Presiding Officer and/or Council.
- 25.4 After a motion has been stated or read it shall be deemed to be in possession of Council but it may be withdrawn by consent of the majority of Council members present.
- 25.5 Once the Mayor or presiding officer states a question, the motion shall be deemed to be in the possession of the council but may, with consent of the majority of council, be withdrawn at any time before decision or amendment.
- 25.6 After a motion has been read, a member may propose a friendly amendment, following which the mover may:
- a) accept the friendly amendment, in which case the motion shall be read incorporating the amendment; or
  - b) reject the friendly amendment, in which case it may be presented as an amendment.

- 25.7 Only one amendment shall be allowed to an amendment. The order of voting shall be:
- a) an amendment to an amendment; then
  - b) an amendment to a motion; then
  - c) the motion, as amended.

25.8 After a motion is finally put to a vote, no member of council shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

## **26. SPECIAL COUNCIL ENQUIRIES/REQUESTS**

26.1 A special inquiry or request, which will require a substantial amount of staff time to respond or complete, shall only be acted on if approved by resolution of a majority of Council members at the meeting. A request for a staff report is to be brought forward under Other Business.

26.2 No member of Council has the authority, outside of Council Chamber, to direct or interfere with the performance of any work being carried out by an employee, agent or contractor of the municipality. Any direction of work by an employee, agent or contractor of the municipality by any member of Council will occur through appropriate direction and/or resolution made at a Council meeting.

## **27. VOTING**

27.1 Every member of council shall have one vote and shall vote when a motion is put forward.

27.2 The Mayor or presiding officer shall vote with the other members of council on all questions.

27.3 Failure to vote by a qualified member of council shall be deemed to be a negative vote.

27.4 Recorded Votes

- a) The Mayor or presiding officer shall require a recorded vote to be taken on any question upon request of a member of council if such request is made prior to the commencement of the voting or immediately thereafter. When a member of council present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute.
- b) For the purposes of recorded votes, the Clerk shall call the names beginning with the Councillor who requests the recorded vote and continuing with the Councillor to their left with the exception of the mayor who will vote last. The members of council shall respond yea or nay when called upon. The names of those who voted for and those voted against shall be noted in the minutes.

27.5 Any motion having an equal number of votes shall be deemed to be lost.

27.6 When a motion is put forward, every member entitled to vote shall do by voice, electronic voting, show of hands, standing or otherwise, as determined by the Presiding Officer.

27.7 The Mayor or presiding officer shall declare the vote on all questions and should his/her declaration be stated by any member of council to be in doubt, the Mayor or presiding officer shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

## **28. RECONSIDERATION**

- 28.1 After a motion has been decided, a member who voted in the majority may move for reconsideration thereof at any subsequent meeting. A motion for reconsideration may be seconded by any member who voted on the original motion either for or against. No discussion of the question shall be allowed until the motion for reconsideration is approved by a two-thirds majority (5 members) of Council members present.
- 28.2 Council may only reconsider a matter that has not been acted on by an officer, employee or agent of the municipality.
- 28.3 Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.
- 28.4 A member of council who voted on the prevailing side of the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the Mayor or presiding officer shall determine that the motion to reconsider is being appropriately introduced.
- 28.5 Any member who was absent at the time the vote was taken on the Main Motion, shall be deemed to be a Member who voted with the majority for the purposes of Section 28.1 of this By-law.
- 28.6 No question shall be reconsidered more than once during the term of Council, nor shall a motion to reconsider be reconsidered.

## **29. RULES OF DEBATE**

- 29.1 Any member desiring to speak will signify their desire to speak by raising their hand and upon being recognized by the Presiding Officer will address their question or comments through the Presiding Officer.
- 29.2 When two or more members signify a desire to speak the, Presiding Officer will recognize the member who, in the opinion of the Presiding Officer, signified first by a show of hands and next recognize in order the other members.
- 29.3 The Presiding Officer shall preserve order and decide all questions of order without argument or comment, subject to an appeal to Council.
- 29.4 When the Presiding Officer has determined a question of order, any member of Council may appeal to Council with the provisions of this by-law.
- 29.5 If the Presiding Officer determines he or she wishes to take part in any debate, while addressing Council, the Presiding Officer shall place another member in the Chair. If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor shall assume the chair in his/her place until he/she resumes the chair.
- 29.6 A member may call another member to order while speaking and debate shall then be suspended until the point of order is determined by the Presiding Officer. Any member may appeal the decision of the Presiding Officer. All appeals shall be directed by a majority vote and without debate.

- 29.7 Any member of Council may require the question or motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member speaking.
- 29.8 Any member of Council may request a recess of the meeting. The Presiding Officer may allow a recess.
- 29.9 The Mayor or Presiding Officer may speak last on a motion.
- 29.10 The Mayor or Presiding Officer may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavouring to persuade the council to support that position, then he/she shall first leave the chair.
- 29.11 The Mayor or Presiding Officer does not need to vacate the chair to simply state support or opposition to a motion on the floor.

**30. LOCAL BOARDS AND COMMITTEES**

- 30.1 Local Boards and committees appointed by Council shall have the same terms of office and for such Local Boards and committees shall be congruent with the term of Council unless otherwise determined by Council.
- 30.2 Council may by resolution establish ad hoc committees, which shall advise the Council on matters assigned or referred to it.
- 30.3 The provisions of this by-law, with necessary modifications, shall apply to the various Local Boards and committees appointed by the Council unless specific terms of reference have been adopted by Council.

**31. EFFECTIVE DATE**

- 31.1 By-law No. 2011-036 is hereby repealed.
- 31.2 This by-law comes into force and takes effect on the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED** this 14<sup>th</sup> day of December, 2016.

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Mayor

\_\_\_\_\_  
Clerk