



**THE CORPORATION OF THE TOWN OF ERIN  
OFFICE CONSOLIDATION**

**BY - LAW NO. 16- 21**

**(amended by By-laws 20-13, 20-32, 21-50)**

**To provide rules governing the order and proceedings  
of the Municipal Council of the Corporation of the Town  
of Erin, and its Committees and Local Boards, and to  
repeal By-law 15-56**

**For Reference Purpose Only. Not a legal document/By-law**

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

**NOW THEREFORE** the Council of the Corporation of the Town of Erin enacts as follows:

**1. Definitions**

- 1.1 **“Ad Hoc Committee”** means a committee appointed to review and report on a specific issue; once the report is delivered, the ad hoc committee is automatically dissolved unless continued by Council.
- 1.2 **“Agenda”** means the specific items of business to be dealt with at a Meeting of Council or Committee of Council, placed in sequence and defined by the order of business.
- 1.3 **“By-law”** means a law of the municipality passed by the municipal council.
- 1.4 **“CAO”** means the Town Manager/Chief Administrative Officer of the Corporation of the Town of Erin, or his or her designate.
- 1.5 **“Clerk”** means the Clerk of The Corporation of the Town of Erin, or his or her designate.
- 1.6 **“Closed Session”** means a meeting or part of a meeting that is not open to the public under authority of section 239 of the *Municipal Act, S.O. 2001, c. 25*, as amended, may also be referred to as an “In Camera Session”.
- 1.7 **“Committee of Council”** means an advisory or other Committee, sub-Committee or similar entity of which at least one of the Members is also a Member of Council.
- 1.8 **“Committee”** means any committee, such as an advisory, ad hoc or standing committee established by the Council from time to time.
- 1.9 **“Council”** means the Municipal Council of The Corporation of The Town of Erin.
- 1.10 **“Defer”, “Deferred” or “Deferral”** means, when used in connection with a matter or item before the Council or Committee of Council, that the said matter or item is to be dealt with at the next or specified meeting of the same body; may also be referred to as “postponing” a matter.

- 1.11 “**Delegation**” means a person or persons who address Council or a Committee of Council in the manner described within the provisions of this by-law.
- 1.12 “**Emergency**” means a situation or the possibility of an impending situation which by its nature and magnitude requires a timely, coordinated and controlled response.
- 1.13 “**Ex Officio**” means a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office.
- 1.14 “**Head of Council**” means the Mayor of The Corporation of the Town of Erin.
- 1.15 “**Local Board**” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.
- 1.16 “**Main Motion**” means a formal proposal introducing a substantive question to the meeting as a new subject, or a subject related to past business.
- 1.17 “**Majority**” means a number greater than half of the total.
- 1.18 “**Meeting**” means the official assembly of the Council, or a Committee, as the case may be, includes the Chairperson/Mayor.
- 1.19 “**Member**” means a member of the Council or a committee, as the case may be.
- 1.20 “**Municipality**” means The Corporation of the Town of Erin.
- 1.21 “**Notice of Motion**” means an advance notice to Members of a matter on which the Council or Committee of Council will be asked to take a position.
- 1.22 “**Pecuniary Interest**” means a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50 as amended.
- 1.23 “**Point of Order**” means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council or a Committee of Council.
- 1.24 “**Presiding Officer**” means the person presiding at a meeting. Also known as the Chairperson.
- 1.25 “**Quorum**” means the majority of all the whole number of members, excluding those members with a declared conflict of interest, required to constitute Council and/or Committee; or not less than two members where by reason of *The Municipal Conflict of Interest Act* members are disallowed by the Act from participating in the meeting.
- 1.26 “**Recommendation**” means a recommended course of action. A Committee of Council may pass a recommendation to be later taken up by Council for its consideration.
- 1.27 “**Recorded Vote**” means documenting within the minutes of a Meeting the name of each Member and their vote on a matter or question, in favour, opposed, abstained (shall be recorded as opposed), or absent.
- 1.28 “**Regular Meeting**” means a scheduled Meeting held in accordance with the approved calendar or schedule of Meetings.
- 1.29 “**Resolution**” means a motion or question to be considered by Council or Committee of Council.
- 1.30 “**Council/Staff Working Meeting**” means a special meeting called by Council resolution for the purpose of interacting with staff on specific matter(s).
- 1.31 “**Emergency**” means any period of time during which an Emergency has been declared to exist in all or part of a municipality by the Head of Council or the

Province under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, as amended; (By-law 20-13)

- 1.32 **“Emergency Management Act”** means the Emergency Management and Civil Protection Act, R.S.O 1990, c. A, 9 as amended. (By-law 20-13)

## **2. General Rules**

- 2.1 The rules and regulations contained within this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and the dispatch of business of the Council and, wherever possible and with the necessary modifications, for all Committees of Council, unless otherwise prescribed.
- 2.2 All points of order or procedure for which rules have not been provided with this by-law shall be decided by the Presiding Officer in accordance, as far as it is reasonably practical, with the rules of parliamentary law as contained in James Lochrie’s Meeting Procedures, Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century.
- 2.3 No provision of this by-law shall be suspended except by resolution by a majority vote of the members of Council.
- 2.4 The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media may be permitted with the approval of the Head of Council.
- 2.5 Cell phones are required to be either turned off or placed on vibrate during Council or Committee meetings. Members of Council and municipal staff shall not communicate by electronic means during a meeting.
- 2.6 The members may by resolution, cancel or alter the time, day, or place of any meeting pursuant to the notice provisions of this by-law.

## **3. Meetings**

- 3.1 Location of Meetings
- a) All meetings of Council shall take place in the Council Chambers at the municipal office, 5684 Trafalgar Road, Hillsburgh, or such other place designated and used by Council from time to time. Notice of meetings held at locations other than the municipal office shall be provided in accordance with the notice provisions of this by-law.
- b) Notwithstanding section 3.1 a) above, in the event of an emergency, the Council shall determine, at its discretion, other locations within or outside the municipality to hold its meeting, pursuant to Section 236 (1) of the Municipal Act, 2001. The Clerk shall provide notice in accordance with section 4.3 of this by-law.
- 3.2 Inaugural Meeting
- a) The inaugural meeting of the new Council, in each term, shall be held after November 14<sup>th</sup> as determined by the Clerk at the time and location determined by the Clerk. (By-law 21-50)
- b) Notwithstanding section 3.2 a), an alternate location, date, and time of the inaugural meeting may be determined by resolution of Council.
- 3.3 Regular Meetings
- a) Council meetings shall be held on the second and fourth Thursday of each month of the year at the hour of 3:00 pm, respectively, unless by resolution Council selects an alternate meeting date or time. (By-law 21-50)
- b) Notwithstanding section 3.3 a), during the months of July and August, there shall be one (1) meeting scheduled for each month by resolution setting out the date, time, and location.

- c) The fourth Tuesday of each month may be used from time to time as a Regular Council Meeting should there be sufficient business in the opinion of the Clerk and Town Manager/CAO.
- d) When the day for a meeting is a public or civic holiday, the Council shall meet at the same hour on the next regular business day, unless decided otherwise.

#### 3.4 Calling of Meetings to Order and Quorum / No Quorum

- a) 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 three (3) members of Council.
- b) Unless there is a quorum present within fifteen (15) minutes after the time appointed for the meeting, the Council or Committee of Council shall stand adjourned until the next meeting date, and the Clerk shall record the names of the members present at the expiration of the fifteen (15) minutes.
- c) As soon after the hour of the meeting as there is a quorum present, the Mayor shall assume the chair and call the members to order. In the absence of the Mayor, a Presiding Officer shall be chosen from the members present and that person shall preside during the meeting until the arrival of the Mayor.
- d) If at any time during the meeting there is no quorum in attendance, the meeting shall automatically stand recessed until there is a quorum once again in attendance. Should the lack of a quorum continue for fifteen (15) minutes from the time of its occurrence, the meeting shall stand adjourned until the next scheduled meeting.
- e) 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 the 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).
- f) If members of Council are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk in advance of the meeting.

#### 3.5 Special Meetings

- a) The Head of Council may at any time call a special meeting. See section 3.1 for location of meetings, and section 4.2 of this by-law for notice of special meetings.
- b) Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting of Council for the purpose and the time mentioned in the petition. See section 3.1 for location of meetings, and section 4.2 of this by-law for notice of special meetings.
- c) No business may be transacted at a special meeting other than that specified in the notice or agenda.
- d) Notwithstanding any other provision of this by-law, a special meeting may be held without notice in the case of an emergency, as defined in the Emergency Management Act, provided that attempts have been made to reach all members and notice is placed on the Town website.
- e) A Special Meeting may also constitute a Public Meeting pursuant to legislation, including but not limited to matters under the Planning Act.
- f) Notwithstanding the provisions of this by-law, the time limitation for delegations, as set out in this by-law, shall not apply to a Public Meeting pursuant to legislation, including but not limited to matters under the Planning Act.

- g) A Special Meeting also constitutes a Council/Staff Working Meeting for the matter(s) listed on the Agenda.

### 3.6 Closed Sessions

- a) For the purpose of this section, a meeting or a portion thereof, not open to the public shall be called a 'closed session'.
- b) All meetings of council and committees shall be open to the public except as provided for in section 239 of the Municipal Act, 2001.

#### Exceptions:

- i. The security of the property of the municipality or local board;
  - ii. Personal matters about an identifiable individual, including municipal or local board employees
  - iii. A proposed or pending acquisition or disposition of land by the municipality or local board;
  - iv. Labour relations or employee negotiations;
  - v. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - vi. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; 2001, c.25, s. 239 (2);
  - viii. If the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239(3);
  - ix. If the meeting is held for the purpose of educating or training the members and if no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee of that Act 2006, c.32, Schedule A, s. 103(1).
- c) Before holding a closed session, the Council shall state by resolution the reason for holding the closed session and the general nature thereof.
  - d) When a closed session is necessary, it will be a requirement that the minutes shall be prepared and circulated in the next closed session agenda and signed by the Presiding Officer and Clerk.
  - e) All agendas, confidential reports and materials for closed sessions will be circulated to the members in sealed envelopes in advance of the closed session whenever possible.
  - f) The closed session material shall be returned to the Clerk or his/her designate, at the close of the meeting at which the closed session is held.
  - g) The Clerk shall be responsible for retaining a confidential copy of all original documentation distributed in relation to closed sessions, and for retaining the confidential minutes of all closed sessions.
  - h) It shall be the responsibility of the members and staff to respect the confidentiality of all matters disclosed to them and materials provided to them during closed sessions.
  - i) Members of Council shall not disclose any information pertaining to matters dealt with by Council in closed session, prior to it being reported out publicly. Items can either be ratified in open Council immediately after the closed session or at a future scheduled Council meeting. Upon the reporting out of any closed session agenda item, any individual member may express their own

personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other members of Council or any staff member.

### 3.7 Electronic Meetings (By-law 20-13)

Notwithstanding the other provisions of this Procedural By-law, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, the following meeting provisions shall apply:

#### a) Electronic Participation

- i. Members of Council or Committees may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of member is present at any point in time.
- ii. Electronic Meetings are those held by means of telecommunications instruments including but not limited to telephones, video conferencing, and computers with internet access and conferencing programming.
- iii. Members must provide sufficient notice to the Clerk, or delegate or their intent to participate electronically in a meeting to ensure the proper technology is enabled to make electronic participation available.
- iv. All votes during a meeting where some or all Members are participating electronically shall be recorded votes.
- v. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair shall have the authority to modify the Rules of Procedure to ensure Members can effectively electronically participate in the meeting.
- vi. The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.
- vii. In the event that members of the public are not permitted to attend a Regular Meeting of Council or Committee due to the emergency and electronic deputations by the public cannot be facilitated, the public will be requested to provide their comments in writing to the Clerk prior to the Meeting. The Meeting shall be livestreamed. Any Special Council meetings called in contravention of the regular notice requirements will not allow for public comments via e-mail submission.

#### b) Notice of Emergency Meeting

Any notice requirement under section 4 of this By-law, as amended, may be waived by the Mayor for any Meeting held during an Emergency.

#### c) Attendance by the Public at Emergency Meetings

Attendance at a Meeting by members of the public shall be in person unless and Emergency is declared by the Premier, Cabinet or the Head of Council under the Emergency Management and Civil Protection Act, whereby attendance may be restricted by the Mayor to protect the health, safety and welfare of all individuals.

#### d) Meetings of Council

Regular and Special Meetings of Council may be held outside of the Town of Erin Council Chambers or the Town Municipal Building in order to provide space for social distancing insofar as the location chosen is fully accessible to persons with disabilities.

#### e) The Cancellation of Meetings

The Mayor, CAO, or Clerk may cancel any scheduled meetings as necessary during the declared state of emergency.

#### f) Critical and Non-Critical Items

All non-critical items to be considered by Council, as defined by the CAO, shall be held in abeyance until the state of emergency has been terminated, while all critical items, as defined by the CAO, proceed directly to meetings scheduled from time to time to ensure critical business of the municipal continues.

### 3.8 Electronic Meeting- General (By-law 20-32)

- a) Electronic participation may be allowed for a member of Council, of a local board or of a committee of either of them in accordance with section 238 (3.1) of the Municipal Act; for clarity this includes Advisory Committees, and why Committee of Council including Committee of Adjustment Members participating electronically may count towards determining whether a quorum of members is present and may participate in a meeting which is open or closed to the public.
- b) With respect to members Council, electronic participation will be authorized at the discretion of the Mayor.
- c) The method of participation shall be determined by the Clerk.
- d) If a member of Council wishes to participate electronically in a meeting, they must submit a request to the Mayor or Clerk 48 hours in advance of the meeting or as soon as practicable.
- e) The Clerk may provide for electronic participate of Staff.
- f) With respect to Committee members, electronic participation shall be authorized by the appointed Council representative of that particular Committee.
- g) If a Committee member wishes to participate electronically they must submit a request to the Council representative 48 hours in advance of the meeting.
- h) The method of participation shall be determined by the Council representative.
- i) All votes during a meeting where some or all Members are participating electronically shall be recorded votes.

## 4. Notice of Meetings

### 4.1 Regular Meetings

- a) A meeting schedule shall be maintained on the Town website. Posting of meetings on this schedule shall constitute notice of regular and special meetings of council, and will include the date and time of the meeting.
- b) A copy of the Council meeting agenda shall be provided to the members of Council and posted on the Town's website for public viewing. The posted agenda shall be considered as notice of regular and special meetings of council. The agenda shall include the date, time, and place of the meeting.
- c) The Clerk shall ensure that notice of each regular meeting of council is provided to the members of council and the public at least forty eight (48) hours in advance of said meeting. The members of council shall receive notice of the regular meeting electronically, or by telephone, and the public shall receive notice in the manner identified in section 4.1 a) and 4.1 b).
- d) The Clerk or CAO, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so. The Clerk shall provide notice of cancellation of a meeting to Council, staff, the local media, and other interested parties within at least (3) hours in advance of a meeting. The public shall receive notice by the method identified in section 4.1 b), and/or by posting notice on the entrance doors located at the municipal office; or the entrance door of the location where the meeting was scheduled to be held.

### 4.2 Special Meetings

- a) The Clerk shall ensure that notice of each special meeting of Council is provided to the members of Council and the public at least twenty four (24) hours in advance of the said meeting. The members of Council shall receive

notice of a special meeting electronically, or by telephone, and the public shall receive notice in the manner specified in 4.1 a) and 4.1 b).

4.3 Emergency Meetings

a) The Clerk shall ensure that notice of an emergency meeting of Council is provided to the members of Council and the public once the meeting has been scheduled. The members of Council shall receive notice of an emergency meeting electronically, or by telephone, and the public shall receive notice in the manner specified in 4.1 a) and 4.1 b) of this by-law. If it is not feasible to provide notice by any of the above methods, then notice shall be given in whatever manner is deemed to be effective and appropriate, given the circumstance.

4.4 Lack of receipt of the notice by any member of Council shall not affect the validity of holding a meeting nor any action taken at a meeting.

**5. Responsibilities of the Presiding Officer or Chairperson**

5.1 The Mayor as Head of Council shall chair all meetings of Council or Committee unless otherwise provided for. The Mayor is a Member, ex officio, of all other Committees of the Council, and shall have the same rights, including voting rights, as a member.

5.2 The Mayor shall be the Presiding Officer at all Council meetings. In the absence of the Mayor, and if a quorum is present, the Council shall elect a chairperson from amongst the members present. While presiding, the member appointed by Council shall have all the powers and duties of the Head of Council.

5.3 It shall be the duty of the Presiding Officer to:

- a) open the meeting of Council by taking the Chair and calling the members to order;
- b) announce the business before the Council in the order in which it is to be acted upon;
- c) ensure the meeting agenda is followed and that the meeting progresses with due efficiency;
- d) receive and submit, in the proper manner, all motions presented by the members of Council;
- e) put to a vote all motions which are moved and seconded, or necessarily arise in the course of proceedings, and to announce the results;
- f) decline to put to vote resolutions which infringe upon the rules of procedure or are beyond the jurisdiction of Council;
- g) restrain the members, within the rules of order, when engaged in debate;
- h) enforce the observance of order and decorum among the members;
- i) do all matters to permit the meeting to proceed in an orderly and efficient manner;
- j) expel or exclude from any meeting any member of the gallery who is guilty of improper conduct at the meeting;
- k) call on another member to assume the role of Presiding Officer if desiring to take part in debate or otherwise;
- l) authenticate, by his signature when necessary, all by-laws and minutes of the Council;
- m) inform or advise the Council on points of order or usage;



- n) represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- o) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- p) adjourn the meeting when the business is concluded;
- q) adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;
- r) select members of Council who are to serve on Committees, such selections to be ratified by Council.

## **6. Responsibilities of All Council Members**

- 6.1 All 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.
- 6.2 Requests for reports that will take more than one (1) hour of staff time to prepare shall be authorized by Council resolution, and the resolution shall identify the appropriate department or department head and the objectives of the report.
- 6.3 No member of Council shall have the authority to direct or interfere with the performance of any work for the Municipality.
- 6.4 The Municipality's "Council Code of Ethics" policy shall govern the actions and behaviour of the members of Council. The code of ethics can be found on the Town of Erin website.
- 6.5 The Council, by majority vote, may expel or exclude a member of Council who is guilty of improper conduct at a meeting.

## **7. Roles of Administration**

- 7.1 Town Manager/Chief Administrative Officer (CAO)
  - a) The Town Manager/CAO shall have such general control and management of the administrative affairs of the Corporation of the Town of Erin, as may be prescribed by Council by by-law and shall be responsible for the efficient administration of all its departments to the extent he/she is given control over such departments by by-law.
  - b) In accordance with Section 227 of the Municipal Act, 2001, the Town Manager/CAO shall be responsible to establish and implement such policies as may be required to carry out the administrative duties prescribed by the Council of the Town of Erin.
  - c) All reports and recommendations of the Senior Management Team shall be coordinated through the Town Manager/CAO.
- 7.2 Clerk
  - a) The Clerk shall be responsible for preparing and distributing the agenda for all Council meetings, in accordance with the provisions of this by-law, and shall determine the appropriateness and location of all items to be placed on the agenda.
  - b) The Clerk shall make such minor clerical, typographical or grammatical corrections in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council.
  - c) The Clerk, in conjunction with the Town Manager/CAO and Senior Management Team, shall ensure that administrative processes relative to the

agenda preparation and distribution are comprehensive, efficient and cost effective.

- d) The Clerk shall maintain the originals of all by-laws and minutes of the proceedings of Council.

### 7.3 Senior Management Team

- a) The role of the Senior Management Team and all members of staff is to provide information, guidance, advice and recommendations for all matters to Council while considering the interests and safety of the whole community.
- b) Each Department Head or designate is required to act in accordance with applicable legislation and to carry out their statutory duties as outlined in the legislation.
- c) The administrative programme of the Corporation of the Town of Erin is divided among and performed by the municipal departments and each Department Head shall be responsible to and subject to direction and control by the Town Manager/CAO.

## 8. Agendas

- 8.1 All items for the Agenda shall be delivered in writing to the Clerk, prior to 12:00 pm on the Wednesday preceding the meetings of Council.

- 8.2 The Clerk shall prepare the Council Agenda under the following headings:

- a) Call to Order
- b) Approval of Agenda
- c) Declaration of Pecuniary Interest
- d) Public Meeting(s)
- e) Community Announcements
- f) Adoption of Minutes
- g) Business Arising From the Minutes
- h) Delegations/Petitions/Presentations
- i) Reports
- j) New Business
- k) Correspondence
- l) Closed Session
- m) By-laws
- n) Notice of Motion
- o) Adjournment

- 8.3 The order of business shall be taken upon the order in which it stands on the agenda, unless otherwise decided by consent of the majority of council.

- 8.4 At the time of approval of the Agenda, a change in the order set forth on the Agenda may be permitted by majority vote of the members present and heard under the appropriate section in the Agenda.

- 8.5 An item of business not listed on the Agenda cannot be introduced at a Council meeting unless the item related to an item already on the Agenda and must be approved by Council (having regard for provisions of Notice in this by-law, or any other related by-law).

- 8.6 The Clerk shall place any agenda items not dealt with at a meeting on the agenda for the next regular meeting, unless otherwise decided by the Council.
- 8.7 When it appears there is insufficient business for a regular meeting of the Council, the Clerk or CAO may cancel the meeting.
- 8.8 Public Meetings or Public Information Sessions for any purpose giving such notice as may be deemed necessary or required by legislation, may be conducted during a regular scheduled meeting of Council, or as a separate meeting on a designated day.
- 8.9 An Agenda, with the necessary modifications and applicable sections, will be prepared by the Clerk for Special Council Meetings.

## **9. Minutes**

- 9.1 The minutes of a meeting shall record:
  - a) The date, time, and place of the meeting.
  - b) The record of attendance of the Members of Council and Senior Staff.
  - c) All resolutions voted on and their disposition.
  - d) All other proceedings of the meeting without note or comment.
- 9.2 The Clerk shall ensure that the minutes of the regular and special meetings are circulated along with the agenda prepared in accordance with section 7.2 and 8.2 of this by-law, and that the 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 Town of Erin website for public inspection.
- 9.3 The 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.
- 9.4 Only changes in the form of errors or omissions in the recording of any action taken or not taken at a previous Council meeting can be made at the time of adopting the minutes.
- 9.5 When the minutes have been adopted, they shall be signed by the Mayor and Clerk.
- 9.6 Items under the heading "Business Arising from the Minutes" shall be business from the previous meeting requiring additional consideration by Council. Items under this heading may also include follow-up information provided by staff or consultants.

## **10. Delegations/Petitions/Presentations**

- 10.1 Any person wishing to appear before the Council on a matter which requires specific action of Council, and is a matter that falls within the jurisdiction of the Town, may notify the Clerk by providing a completed "Request to Appear as a Delegation" form no later than 12:00 p.m. on the Wednesday preceding the meeting.
- 10.2 The "Request to Appear as a Delegation" form, as well as any correspondence that is to be presented to Council, shall be legibly written, typed, or printed, and shall not contain any obscene or defamatory language.
- 10.3 Any requests to appear before Council that are received by the Clerk after the deadline as set out in section 10.1, shall be approved by the Clerk before it will be added to the Agenda.
- 10.4 The Clerk shall evaluate the request for Delegation and decide whether the request complies with the criteria set out within this by-law. If the Clerk decides not to place a delegation on the agenda, and the delegation wishes to appeal the Clerk's

decision, the information shall be distributed under separate cover to Council for their consideration.

- 10.5 The Clerk may, upon receipt, refer any correspondence or petition to a department head without the prior consideration of Council. Any correspondence or petition sent anonymously will not be received.
- 10.6 Once a date and time has been established for the person requesting delegation status, the Clerk shall provide confirmation, by telephone, fax or electronic means.
- 10.7 The scheduling of delegations for regular meetings shall be limited to three (3) per meeting, unless otherwise determined by the Clerk, in consultation with the Town Manager/CAO.
- 10.8 Any person desiring to address the Council by oral communication who has not requested to be a delegation shall not be permitted to speak unless determined by unanimous consent of the Council.
- 10.9 Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity or personal attacks.
- 10.10 Delegations that have previously appeared before Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
- 10.11 Delegations shall be limited to two (2) speakers, shall stand or sit, as may be appropriate, at a place usually reserved for that purpose or as may be directed by the Mayor or Presiding Officer, and shall limit their address to ten (10) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the 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.
- 10.12 A person who is unable to attend a Council Meeting but who has registered with the Clerk as a delegation may arrange for another person to appear on their behalf and to read aloud a prepared statement, adhering to the time allotment and the provisions of this by-law.
- 10.13 If a staff report is required to provide further information, the matter shall be referred to the appropriate staff to report back to Council at a subsequent meeting. (See Section 6.2)
- 10.14 Delegations shall not:
  - a) Speak disrespectfully of any person;
  - b) Use offensive words;
  - c) Speak on any subject other than the subject that they have received approval to address Council;
  - d) Disobey a decision of the Presiding Officer or Council;
  - e) Enter into a cross debate with other Delegations, staff, Council Members, or the Presiding Officer.
- 10.15 The Mayor or Presiding Officer may curtail any Delegation, for disorder or any other breach of this by-law and, if he/she rules that the Delegation is concluded, the person appearing as a Delegation shall withdraw, and the decision of the Mayor or Presiding Officer shall not be subject to challenge.
- 10.16 Upon the completion of a Delegation, any discussion between the Members and the Delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the Delegation. Once a Motion has been moved and seconded, no further presentation or questions of the Delegation shall be permitted.

- 10.17 Delegations will not be permitted on items that will be the subject of a scheduled public meeting pursuant to the Planning Act. Persons should present their concerns and opinions at the scheduled public meeting where their comments can be considered along with all other submissions. Delegations or submissions to Council after the Public Meeting has been completed and before Council has made its determination will not be permitted.

## **11. Reports**

- 11.1 All reports of departments shall be coordinated with the CAO prior to the Wednesday that precedes the regular council meeting.
- 11.2 All reports of departments and committees shall be received by the Clerk no later than 12:00 pm on the Wednesday that precedes the regular council meeting.
- 11.2 Walk-in reports shall be discouraged. Reports not included on the agenda may be circulated to the members of Council at a regular meeting; however consideration of such report shall be given at the next meeting unless otherwise determined by the consent of the majority of Council.

## **12. New Business**

- 12.1 New business includes any correspondence to Council that may not necessarily require a staff report in order to be considered.
- 12.2 New business items shall be received by the Clerk no later than 12:00 pm on the Wednesday that precedes the regular council meeting.
- 12.3 New business shall be listed on the Agenda or may be added to the Agenda by resolution during Approval of the Agenda, in order to be discussed by Council.

## **13. Correspondence**

- 13.1 All correspondence shall be received by the Clerk no later than 12:00 pm on the Wednesday that precedes the regular council meeting.
- 13.2 Correspondence may be that for which direction or a decision of Council is required. Council may request a report and recommendation from any person or Committee, on correspondence of this nature. (See Section 6.2)
- 13.3 Correspondence for which direction or a decision of Council is not required may be received by one motion, but prior to consideration of such motion, members may request that specific items be removed from consideration under such motion and Council shall consider such items individually.

## **14. By-laws**

- 14.1 Every by-law listed on the agenda shall be considered by Council for enactment by one main motion, but any Member may request that a proposed by-law be considered separately.
- 14.2 Motions for amendment need not be written unless the effect of such amendment would be to substantially change the intent of the by-law.
- 14.3 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.
- 14.4 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.
- 14.5 The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision of Council and every resolution passed at a meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

- 14.6 Every by-law passed by Council shall:
- a) Be signed by the Mayor or Presiding Officer;
  - b) Be signed by the Clerk;
  - c) Be sealed with the seal of the Corporation;
  - d) Indicate the date of passage;
  - e) Be numbered and filed by the Clerk for safe keeping.

**15. Notice of Motion**

- 15.1 The Notice of Motion shall be introduced at a Meeting of Council but shall not be discussed or debated until the next Regular Meeting. The Member introducing the notice of motion shall provide the Clerk with a written copy of the proposed motion by 12:00 pm on the Wednesday preceding the date of the next Regular Meeting.
- 15.2 At the Regular Meeting following the introduction, the motion previously introduced through a notice of motion shall be included in full in the Agenda Package and listed on the Agenda under New Business. The motion shall be seconded by a Member before being debated.

**16. Adjournment**

- 16.1 The Council shall adjourn four hours from the start of the meeting (By-law 21-50), if in session at that hour, unless otherwise determined by a resolution of Council passed unanimously among the Members present; and provided that such motion does not require the meeting to be extended for more than one (1) hour. This motion requires a second, is not debatable, and is not amendable.
- 16.2 When the Council adjourns before the Agenda is completed, the items on the Agenda not dealt with shall be noted and deferred to the next Regular meeting, unless a resolution is adopted by a majority vote to reconvene at a date and time prior to the next Regular Meeting.
- 16.3 A Regular Council Meeting shall not be adjourned until a by-law confirming the proceedings of the Meeting at the time of adjournment has been presented and adopted by Council.

**17. Voting and Motions/Resolutions**

- 17.1 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect, in accordance with section 244 of the Municipal Act, 2001.
- 17.2 All motions shall be duly moved and seconded before being debated. Upon request, the motion may be read or stated by the Mayor or Presiding Officer, or Clerk at any time during the debate.
- 17.3 Every member of Council shall have one vote. Voting shall be by show of hands, where no recorded vote is required. The failure to vote by a qualified member of Council shall be deemed to be a negative vote. The Mayor or Presiding Officer, except where disqualified to vote, may vote on all questions, and when doing so, shall vote last.
- 17.4 Once the Mayor or Presiding Officer states the question, the motion shall be deemed to be in the possession of the Council, but may, with the consent of the majority of Council, be withdrawn at any time before decision or amendment.
- 17.5 After a motion is 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.
- 17.6 No member of Council shall speak more than once to the same question without the consent of the Council or until all of the other members of Council have had the opportunity to speak to the question a first time, except in explanation of a

material part of his/her speech which may have been misconstrued, and in doing so, is not to introduce a new matter.

- 17.7 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.
- 17.8 Except where expressly provided in statute, any question on which there is an equality of votes shall be deemed to be defeated. See section 245 of the Municipal Act, 2001.
- 17.9 All votes shall be announced openly, as carried or defeated, by the Mayor or Presiding Officer. Should the result of a vote be stated by any Member to be in doubt, the Mayor or Presiding Officer shall require the vote to be retaken in alternative manner and the result of this vote shall be final. The Clerk shall record the results of the votes as follows:
- a) If passed "Carried"
  - b) If not passed "Defeated"
- 17.10 A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below, namely:
- To recess;
  - To adjourn;
  - To postpone the motion under consideration to a definite date;
  - To postpone the motion under consideration indefinitely;
  - To refer the motion under consideration to a Committee or staff for a report;
  - To amend the motion under consideration; and
  - To close debate (to end debate on the motion under consideration)
- a) A motion to recess:
    - i. Is permissible when there is business before Council for consideration;
    - ii. Shall specify the length of time of the recess;
    - iii. Is not debatable except with regard to the length of the recess; and
    - iv. Shall be amendable with respect to the length of the recess.
  - b) A motion to adjourn:
    - i. Is permissible;
    - ii. Is not amendable;
    - iii. Is not debatable;
    - iv. Is not in order when a Member is speaking or during a vote; and
    - v. When resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
  - c) A motion to postpone:
    - i. May or may not state a definite time or date as to when the matter shall be further considered;
    - ii. Shall apply to the main motion and to any adhering motions to amend the main motion that are pending;
    - iii. Is not debatable except as to date or time; and
    - iv. Shall not be amendable except as to date or time.

Where a motion to postpone is adopted without a definite time or date as to when the matter shall be further considered, it shall be considered at the next regular meeting.
  - d) A motion to refer:
    - i. Shall be open to debate;
    - ii. May be amended;
    - iii. Shall include the terms of referral including the time of conditions under which the matter is to be returned to Council for consideration; and
    - iv. May include the reasons for the referral.
  - e) A motion to amend:

- i. Shall be relevant to the main motion;
- ii. Shall not be directly contrary to or propose a direct negative to the main motion;
- iii. Shall be debatable; and
- iv. Shall not itself be amended more than once;
- v. And motions to amend shall be put to a vote in reverse order from which they are made, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.

Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects.

- f) A motion to close debate:
  - i. Is not permissible until every Member present has had the opportunity to speak to the question at least once;
  - ii. Is not amendable;
  - iii. Is not debatable; and
  - iv. Upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.
- g) A motion to suspend the rules:
  - i. Is permissible;
  - ii. Is not amendable;
  - iii. Is not debatable;
  - iv. Shall include a statement as to the purpose of the suspension; and
  - v. Is not permissible with regard to any statutory requirements that apply to the proceedings of Council.

17.11 Precedence of motions and rules governing such motions, shall unless otherwise indicated herein, be in accordance with James Lochrie's Meeting Procedures, Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century.

17.12 Recorded votes:

- a) The Mayor or Presiding Officer shall require a recorded vote to be taken on any question upon request of a member if such request is made prior to the commencement of the voting or immediately thereafter. When a member present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute, shall announce his/her vote openly and individually in favour of or against the question except for the Mayor or Presiding Officer, who shall announce his/her vote last.
- b) The Clerk shall call each member to vote in random order, except for the Mayor who shall vote last. When called to vote, each member shall answer "Yes", "No", or "Abstain". Abstain will be considered a "No" vote.
- c) The Clerk shall record each member's vote and each member's vote shall be noted in the minutes. The Clerk shall record in the minutes the name of a member who is not present when the recorded vote is taken.
- d) If during the recorded vote any member present refuses or fails to vote, he/she shall be deemed and recorded as voting against the motion.

## **18. Reconsideration**

- 18.1 Council may only reconsider a matter that has not been acted on by an officer, employee, or agent of the municipality.
- 18.2 After any question has been decided by Council, any member who voted with the prevailing side in respect of such question may move 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.
- 18.3 Should a main motion be defeated due to a tie vote, only a member who voted in the negative may move a motion for reconsideration.



- 18.4 Any member who was absent at the time the vote was taken on the original motion shall be deemed to be a member who voted with the prevailing side for the purposes of section 17.2 of this by-law.
- 18.5 When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was carried or defeated, the motion for reconsideration shall be resolved at that meeting and shall require the support of the majority of the members present.
- 18.6 At the same meeting, if the motion to reconsider is adopted, the original motion as voted on shall be the next order of business.
- 18.7 Where a motion for reconsideration is made at a meeting subsequent to that at which the question to be re-opened for debate was carried or defeated, the motion for reconsideration shall be initiated by a notice of motion pursuant to section 16 of this by-law (Notices of Motion). The motion for reconsideration of a vote shall require the support of the majority of Council present.
- 18.8 At the subsequent meeting, if the motion to reconsider is adopted, the original motion as voted on shall be the next order of business or a motion on the same matter, subject to a Notice of Motion, shall be the next order of business.
- 18.9 No discussion on the original motion shall be allowed unless the motion for reconsideration is carried in the affirmative by the majority of Council, present.
- 18.10 The original motion shall remain in effect until a new motion is carried that supersedes the original motion, subsequent to a motion of reconsideration carried in the affirmative.
- 18.11 No question shall be reconsidered more than once within 12 months following the date that a motion to reconsider was ratified.

## **19. Points of Order and Privileges**

- 19.1 When a member of Council is speaking, no other member shall interrupt him/her except to raise a point of order.
- 19.2 Any member may raise a point of order.
- 19.3 When a member rises on a point of order, a member shall state the point of order to the Mayor or Presiding Officer who shall immediately rule on the point of order, and there shall be no debate by the members.
- 19.4 Thereafter, the member raising the point of order shall only address the Council for the purpose of appealing the decision of the Mayor or Presiding Officer. If there is no appeal, the decision is final.
- 19.5 The Council, if appealed to, shall decide on the question without debate and its decision is final.
- 19.6 The procedure for decision on matters of personal privilege or privilege of the Council as a whole shall be the same as for point of order.
- 19.7 Where a member considers that a member's integrity or the integrity of Council as a whole has been impugned, the member may as a matter of privilege rise at any time, for the purpose of drawing the attention of the Council to this matter.
- 19.8 Where the CAO or a member considers staff as being maligned, the CAO or member may as a matter of personal privilege rise at any time, for the purpose of drawing the attention of the Council to this matter.
- 19.9 Where the discussion is such that the integrity of any Town employee has been impugned or questioned, the discussion will cease and any further discussion or debate will be held in closed session.

## **20. Committees**

- 20.1 Special or ad hoc committees may be established from time to time by Council to consider a specific matter. The committee shall report directly to Council. Once an ad hoc committee has completed its work, the committee shall be deemed to be dissolved, unless otherwise determined by Council.
- 20.2 Council may appoint representatives to serve on local boards, advisory committees, or any other body to which Council is required or empowered to appoint a representative. Appointments to such boards/committees may be a member of Council or may be a person appointed from amongst its ratepayers.
- 20.3 The following applies to all committees:
- a) The rules and regulations contained in this by-law shall apply to all committees, with necessary modifications.
  - b) A quorum for a committee is a majority of the members thereof, not including the Mayor.
  - c) The members of a committee shall appoint a Chairperson from among them and shall specify the term of office.
  - d) Unless authorized by the budget or by by-law, no committee or member of a committee shall incur any expense or liability in the name of the Corporation.
  - e) The Chairperson shall preside at every meeting and may vote on all questions submitted, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negative.
  - f) In the absence of the Chairperson, one of the other members shall be elected to preside, who shall discharge the duties of the Chairperson during the meeting, or until the arrival of the Chairperson.
  - g) The Minutes of every Committee of Council shall be recorded and shall be circulated for confirmation or correction, once approved a copy of the minutes must be forwarded to the Municipal Office.
  - h) The Committee members present shall vote unless disqualified from voting by an Act, and in the event a member refuses to vote without being excused; his or her vote shall be counted in the negative. Each member of a Committee shall have one vote at Committee meetings.
  - i) All meetings shall be open to the public unless it is in accordance with section 3.6 of this by-law.
  - j) The Chairperson of the Committee may expel or exclude any person from the gallery who is guilty of improper conduct at a meeting.
  - k) The committee, by majority vote, may expel or exclude a member of the committee who is guilty of improper conduct at a meeting.
  - l) Should a Chairperson of any Committee neglect to call a meeting of his Committee at such time, or with such frequency, as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal, or action to the Council who may, if Council deems it advisable, remove the said Chairperson from the Committee and appoint another member in his or her place and also may appoint a new Chairperson of the said Committee.
  - m) Should any member or members of a Committee neglect or refuse to attend the properly summoned meetings of their Committee, the Chairperson shall report such neglect or refusal to the Council, who may remove the said member or members from the Committee and appoint another member or other members in their place or places, or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may by resolution discharge such Committee and appoint another in its stead.

- n) Members of the Council may attend the meetings of any of its Committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the Committee.
- o) The Mayor may appoint a member of Council to sit on the various Committees, such appointment to be ratified by Council; the appointed individual shall be deemed a member of the Committee and shall be allowed all rights of committee membership.

**21. Amendment of These Rules**

21.1 These rules may be amended, or new rules adopted by a majority vote of all members of Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

**22. Validity and Severability**

22.1 It is hereby declared that notwithstanding any of the sections or provisions of this by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of the Council to enact, such sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this by-law as a whole or part thereof and all other sections of this by-law shall be deemed to be separate and independent therefrom and enacted as such.

**23. Repeal of By-law**

23.1 By-law 15-56 is hereby repealed and replaced by this By-law on such date that this By-law comes into force.

23.2 This By-law comes into force and effect on the date of its passing.

Passed in open Council on \_\_\_\_\_.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Clerk**