



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR
BYLAW 42 OF 2019**

[As Amended by Bylaw 26 of 2020]
[As Amended by Bylaw 47 of 2020]

A Procedure By-law governing Council, its committees, and Local
Boards of the Township of St Clair, and the conduct of its
members

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

AND WHEREAS it is deemed expedient to adopt, by by-law, rules governing the order and procedure of the Council of The Corporation of the Township of St. Clair;

THEREFORE, the Council of The Corporation of the Township of St. Clair enacts as follows:

Part 1: Interpretations/Definitions

1. In this By-law:

- a) **“Abstain”** means to refrain from voting. Should a member abstain from voting, their vote is counted in the negative unless the member is not participating in the vote due to a declared conflict on a matter before the Council.
- b) **“Agenda”** means the specific items in the Order of Business.
- c) **“Chair”** means the person presiding over a meeting, generally being the Mayor or his assigned designate according to the procedures in this Bylaw.
- d) **“Civic or Public Holiday”** means Sundays, New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor (The Legislative Act, 2006).
- e) **“Clerk”** means the Clerk of the Corporation of the Township of St. Clair and their deputy or designate.
- f) **“Closed Session”** means a Council, Committee or Local Board meeting or portion thereof, which is closed to the public in accordance with Section 239 of the *Municipal Act*.
- g) **“Combined Meeting”** means a regular meeting of Council in which the agenda includes planning applications as prescribed by the *Planning Act*.
- h) **“Committee of the Whole”** means a committee established to review and consider strategic and policy issues and make recommendations to Council with regard to these matters and whose membership shall include all members of Council and no one else.
- i) **“Committee”** means a Committee of Council or Special Purpose Committee established by Council to address matters which Council has deemed appropriate for the Committee to consider.
 - i. Advisory Committees of Council will address on-going matters within the scope and responsibility of Council and will be expected to provide periodic reports to Council presenting advice and/or recommendations on matters under consideration. Advisory Committees of Council will have the right to make recommendations and provide advice directly to Council. Advisory Committees will not have any delegated authority to make decisions on behalf of Council.

- j) **"Communications"** includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article, text, etc.
- k) **"Consent Agenda"** means a listing of items of business of a routine nature, which do not require substantial discussion and/or debate. Items on the consent agenda are adopted by one vote.
- l) **"Council"** means the Council of the Corporation of the Township of St. Clair.
- m) **"Councillor"** is the term consistent with the *Municipal Act* and is the title assigned to a Member elected to represent electors of a specific Ward.
- n) **"Deputation"** means any person(s), group(s), corporation(s), or organization(s), who wishes to address Council, Committee or Local Board and who is not a member of Council, Committee or Local Board or an employee or official of the Municipality, Local Board or subsidiary corporation.
- o) **"Division of the Question"** means a request by a Member to have a motion divided into parts which are capable of standing alone, so that these parts may be considered separately.
- p) **"Electronic Meeting"** means a meeting called by the Mayor and held in full or in part through any electronic means, taking into account the Township of St. Clair's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online through the Internet or otherwise via the Internet, and with or without in person attendance [added by Bylaw 26 of 2020].
- q) **"Emergency"** means any period of time during which an emergency has been declared to exist by the Mayor of the Township, the Warden of the County of Lambton and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 [added by Bylaw 26 of 2020].
- r) **"Friendly Amendment"** means an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion's adoption.
- s) **"Improper Conduct"** means conduct which results in any obstruction to the deliberations or impedes the proper action of Council.
- t) **"Majority"** means more than half of the votes cast by Members entitled to vote.
- u) **"Mayor"** is the Head of Council elected by general vote.
- v) **"Meeting"** means any regular, special, committee, closed session, or other meeting of Council, a Committee or Local Board that gather to transact business for a length of time during which there is no cessation of proceedings and the members do not separate, unless for a short recess.
- w) **"Member"** means a person duly elected or appointed to serve on the Council, a Committee, or a Local Board for the Corporation of the Township of St. Clair.

- x) **"Municipal Act"** is the *Municipal Act, S.O. 2001, c.25* as amended from time to time.
- y) **"Municipality"** shall mean the Corporation of the Township of St. Clair.
- z) **"Order of Business"** means the sequence of business under consideration at a meeting that has been duly called and constituted.
- aa) **"Pecuniary Interest"** means a direct or indirect interest as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.
- bb) **"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 the meeting.
- cc) **"Point of Personal Privilege"** means a matter that a Member considers impugn their integrity or the integrity of the meeting.
- dd) **"Presentation"** means an address delivered to Council regarding municipal business by an employee or official of the Municipality, Local Board, or subsidiary corporation.
- ee) **"Quorum"** means a majority of the whole number of Council, Committee, or Local Board Members, where majority equals 50% in a committee with an even number of members.
- ff) **"Regular Meeting"** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- gg) **"Rules of Procedure"** means the applicable procedural rules and rules of conduct contained in this By-Law.
- hh) **"Special Meeting"** means a previously unscheduled meeting called for a specific time and for a specific purpose. The time, place, and purpose of the meeting must be included in the notice sent to all members. Only business that was specified in the call of the meeting can be transacted at the meeting.
- ii) **"Special Purpose Committee"** means a Committee established by Council to consider a specific matter. Council shall establish the composition, mandate and timelines for a final report from the Special Purpose Committee.

Part 2: General Application of this By-law

- 2.
 - a) The rules of this procedure contained within this by-law be observed in all proceedings of Council and shall be rules for the order and dispatch of business by Council and, unless specifically provided, with the necessary modifications shall apply to all meetings of Committees.
 - b) The Mayor shall appoint a Committee Chair for each Committee. Local Boards shall appoint their own Chair, which must be ratified by Council.
 - c) Suspend the Rules

Except as provided elsewhere in this By-law, Council may temporarily suspend or waive the following rules, for the purposes of

a particular meeting or issue, by a two-thirds vote of the whole number of members present:

- Amending the Order of Business
 - Adding or Removing Deputations
 - Amending the rules for debate (adding or decreasing time)
 - Introducing a Motion without the standard notice
- d) All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance, as far as is reasonably practical, with the rules of parliamentary law as contained in ROBERT'S Rules of Order.
- e) Unless a contrary intention appears in this By-law, words in the singular include the plural and words importing masculine gender include the feminine.
- f) All Members, except the Mayor and Deputy Mayor, are to be addressed as: "COUNCILLOR (surname inserted)".
- g) The Mayor shall be addressed as "MAYOR (surname inserted)" or "Mr. MAYOR" or "Madam MAYOR" (as the case may be) or alternatively as "YOUR WORSHIP"; and the Deputy Mayor shall be addressed as "DEPUTY MAYOR (surname inserted)" or "Mr. DEPUTY MAYOR" or "Madam DEPUTY MAYOR" (as the case may be).
- h) Chairs of Committees shall be addressed either as "Mr. Chair" or "Madam Chair" (as the case may be), except for the Mayor and Deputy Mayor who shall always be addressed as described above.

Part 3: Meeting Attendance

3.1 The office of a Member becomes vacant if the Member is absent from the meetings of Council or committee, for three successive months without being authorized to do so by a resolution of Council.

3.2 Section 3.1 does not apply to vacate the office of a Member if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the Member.

3.3 Electronic Attendance

- a) A Member may participate in a Meeting via electronic application only where the Council Chamber is equipped to facilitate such action, and only where they can otherwise not travel to the location of the meeting.
- b) Any Member appearing via electronic application may not be included in confirming a quorum and may not participate in a closed meeting.
- c) Any Member appearing electronically may vote on any question, but must do so by visual sign and verbally. If the Member does not choose to vote it will be considered a negative vote.

3.4 Electronic Meeting Participation during Declared Emergencies [Section 3.4 added by Bylaw 26 of 2020]

- a) Notwithstanding any other Part hereof, at the call of the Mayor a regular or special meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting

during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.

- b) A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person.
- c) An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.
- d) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.
- e) During declared Emergencies, no Non-Essential deputations will be permitted at any regular or Special Council meeting.
- f) The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part. In the event of any inconsistency and/or conflict between this Part and any other Part of these Rules of Procedure, this Part 3.4 shall prevail to the extent of the inconsistency and/or conflict.

3.5 Electronic Meetings while not in Declared Emergency
[Section 3.5 Added by Bylaw 47 of 2020]

- a) Be declaration the Mayor on his/her own, or Council by motion may opt to host any upcoming meeting(s) as an Electronic Meeting.
- b) Participation by any Member in an Electronic Meeting may be done by either telephone or video application.
- c) For Electronic Meetings, notice shall be posted to the Township website no later than 5 days prior to the date of the meeting.
- d) During a declared electronic meeting, the public may view the meeting only by accessing a link that will be posted to the homepage of the Township's website and may not attend physically.
- e) Deputations will be permitted during Electronic Meetings where in addition to the requestor, anyone wishing to be a party to the deputation will only be authorized to attend electronically.
- f) Any Member may choose to attend the Council Chambers for a declared Emergency Meeting unless otherwise prevented by any Emergency Declaration or Order.
- g) During an Electronic Meeting, a member accessing the meeting remotely will be included in confirming a quorum and may participate in closed meetings.
- h) During an Electronic Meeting, regardless of physical attendance, or electronic participation, each Member attending counts towards quorum; there is no minimum or maximum requirement for physical attendance, nor electronic participation.

- i) In the event all Members physically attend a declared Electronic Meeting, the meeting shall be broadcast to the link posted to the Township homepage.
- j) Any Member participating remotely in an Electronic Meeting whose vote cannot be audibly heard, or visually seen due to service interruption will not be considered a negative vote; it will simply not count for or against.

Part 4: Meetings

4.1 Inaugural Meetings

- a) The first meeting in a new term of Council shall be held the earliest first or third Monday of the first month of the new term as permitted by the Municipal Act.
- b) The location of the inaugural meeting shall be in the Council Chambers of the Township of St. Clair or at such other place within the Municipality as Council may determine.
- c) The Inaugural Agenda shall include:
 - Ceremonial Address by Special Guest(s)
 - Filing of Declaration of Office in accordance with the provisions of the *Municipal Act*
 - Address by the Mayor

4.2 Regular Meetings

Location of Meetings

- a) All regular meetings of the Council shall be held in the Council Chambers of the Township of St. Clair, 1155 Emily Street, Mooretown, or such other place within the Municipality as Council may from time to time determine.

Date and Time of Regular Meetings

- b) Regular Council meetings shall be held in accordance with the Council Meeting Schedule which will be presented by the Clerk's Office to Council for consideration and approval by December each year, detailing the dates for all Regular Council meetings in the subsequent year. Unless otherwise altered by Council by motion, all meetings will be held at 3:00pm on the first Monday of each month; and at 6:00pm on the third Monday of each month. In the event the Monday falls on a holiday, the meeting will be held on the subsequent Tuesday at the same scheduled time.
- c) The Clerk, in consultation with the Chair and the Chief Administrative Officer, has the authority to cancel any regular meeting if it is determined there is not sufficient business to be conducted. The Council, public and media will be advised by regular email and/or phone forthwith after the decision to cancel has been made, and it will be posted to the municipal website.

Notice of Meeting

- d) The Clerk shall send by electronic media or a supplied paper copy, as determined by each member of Council, to all members of Council a notice/agenda, for each regular meeting of Council. The notice/agenda of the regular meeting shall be provided not later than

noon on the Wednesday prior to the scheduled Monday meeting. At the same time, the Clerk shall also distribute a copy of the notice/agenda to the Chief Administrative Officer and the Executive Management Team.

- e) Any material received later than 2:00pm on the Monday one week prior to a meeting will not be included on the agenda for the following week's meeting.
- f) Agendas for regular Council meetings shall be made available to the media and the public not later than by 4:30 p.m. the Wednesday prior to the scheduled Monday meeting. For the ease of the public and media, the agenda with all attachments, will be available on the Municipality's website.

4.3 Special Meetings

- a) In addition to the regular meetings, the Mayor may, at any time, summon a Special Meeting by providing written direction to the Clerk stating the date, time and purpose for the Special Meeting.
- b) In addition, a majority of Members may, at any time, petition the Clerk to call a Special Meeting by providing the written petition to the Clerk stating the date, time and purpose for the Special Meeting.
- c) The Clerk shall give notice to the Members of all Special Meetings, whenever required, and such notice shall be delivered to each Member and the media by any of the following means (personal delivery, facsimile transmission, electronic mail) so as to reach their residence or place of business at least twenty-four hours before the time fixed for the Special Meeting.
- d) Only business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- e) These provisions shall apply to Committees and Local Boards with modifications.

4.4 Emergency Meetings

- a) Notwithstanding any other provision of this By-law, an Emergency Meeting may be called by the Mayor or Clerk without written notice to deal with an emergency or extraordinary situation. The Clerk will attempt to notify Members, Chief Administration Officer and Senior Management Team about the meeting as soon as possible and in the most expedient manner available.
- b) Immediately following the conclusion of the Emergency Meeting, the Clerk shall notify all Members, Chief Administrative Officer and Senior Management Team and the media that an Emergency Meeting has occurred.
- c) Only business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- d) Lack or receipt of a Notice by the Members shall not affect the validity of the Emergency Meeting or any action taken thereat.
- e) Quorum is still required.
- f) These provisions shall apply to Committees and Local Boards with modifications.

4.5 Meetings Closed to the Public (“In-Camera Meetings”)

- a) Meetings, or portions thereof, may be closed to the public (hereafter “In-Camera”) only in accordance with the *Municipal Act*.
- b) The Township Solicitor may be consulted to advise Council, Clerk, Chief Administrative Officer and Senior Management Team, on whether agenda matters may be discussed In-Camera.
- c) A meeting **may** be held In-Camera if the subject matter to be discussed is:
 - i. The security of the property of the Township;
 - 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 Township or Local Board;
 - iv. Labour relations or employee negotiations;
 - v. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - 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 an in-camera meeting under the Act;
- d) A meeting **shall** be held In-Camera if the subject matter is:
 - i. In respect of the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council is designated as the “Head” for the purpose of that Act, or
 - ii. An ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman.
- e) Prior to moving “in-camera” for one of the reasons listed in the above section, Council shall pass a motion in public session stating:
 - i. The fact of the holding of the In-Camera and that Council is convening In-Camera, and;
 - ii. The general nature of the matters to be considered at the closed meeting.
- f) Voting may take place In-Camera only if the vote is for a procedural matter or for giving direction or instruction to officers, employees, or agents of the Municipality.
- g) The Clerk’s office shall have the In-Camera session agenda and minutes prepared for all in-camera meetings, identifying the reason under which each matter is permitted to be considered In-Camera. The In-Camera session agenda shall be distributed to all Members of Council, the Senior Management Team and the Clerk in accordance with the same Notice requirements as open session of Council.
- h) Directions and general actions resulting from In-Camera discussions shall be received in open or public session without disclosing more than the nature of the In-Camera session business.

- i) In-Camera meetings of Council shall not be recorded by any audio or video recording device.
- j) A mover and seconder are required for all motions In-Camera.
- k) The rules, outlined in the Procedural By-law shall apply during In-Camera sessions.

4.6 Adjournment Hour/All Meetings

- a) All regular meetings shall be adjourned by motion when the Council has completed all business as listed on the Agenda, or 10:00 p.m., whichever comes first.
- b) In the event the business before Council has not been completed by 10:00 p.m., Council, by majority vote of all members present, may approve an extension of the meeting to the hour of 11:00 p.m. At 11:00 p.m., the unfinished business shall be postponed to the next regular meeting of Council, unless a resolution of Council to reconvene the Council meeting to another day and time prior to the next regular meeting of Council is adopted by majority vote.

4.7 Quorum/Call to Order

- a) As soon as a quorum of Members and the Clerk are present after the time set for the start of the meeting, the Chair shall call the meeting to Order.
- b) In the event that a quorum of Members and the Clerk are not present within 30 minutes after the designated start time of the meeting, the Clerk or Chair shall record the names of the Members present and the meeting shall stand adjourned.
- c) In the case where a quorum of Members and the Clerk are present, and the Mayor is not in attendance within fifteen minutes after the time appointed, the Clerk shall call the Members to order, and the Deputy Mayor shall assume the Chair during the meeting for as long as the Mayor is absent. In the event the Deputy Mayor is also absent, the Clerk shall call the Members to order, and the Members shall nominate and elect a Chair among the Members present who shall preside during the meeting for as long as the Mayor is absent.
- d) In the case of the absence of the Mayor during an In-Camera session, the Deputy Mayor shall assume the Chair. Should the Deputy Mayor also be absent, the Members shall elect a chair for the proceedings for as long as the Mayor is absent.
- e) Members are required to notify the Clerk or Mayor when the Member is aware that they will be absent from any meeting.
- f) The Clerk shall record, in the minutes and on the Municipal website, those Members who were present and those Members absent from any meeting.

4.8 Committee of the Whole

The Township of St. Clair does not operate a Committee of the Whole. The Township reserves the right to create such committee and its terms at any time by passing a resolution.

Part 5: Order of Business / Agenda

- 5.1 The Clerk shall prepare, for use of Members at Regular Meetings an "Agenda" in a form that best allows for the most efficient conduct of business.
- 5.2 The Clerk may, under the direction of the Chief Administrative Officer, prepare a supplementary Agenda in order to deal with urgent or priority matters only.
- 5.3 **Consent Agenda**
 - a) The Clerk shall list routine agenda items on the Consent Agenda, such as reports provided for information purposes, reports in response to questions, and minutes of Local Boards and Committees that are to be brought forward during a regular meeting. The Clerk shall not list any matter on the Consent Agenda which the Clerk believes will be contentious, controversial, or result in significant debate and discussion. The Clerk shall be the final arbiter of whether an agenda item is listed on the Consent Agenda.
 - b) Staff reports to approve projects previously approved by the capital budget can be included in the consent agenda. Other staff reports that carry a recommendation may or may not be included in the Consent Agenda at the discretion of the Clerk and CAO. Any item contained in the Consent Agenda may be removed and dealt with individually at the request of any Member of Council.
 - c) Any Member may speak to an item on the Consent Agenda prior to the consideration of the adoption of matters listed on the Consent Agenda; in addition, if a Member wishes to amend the recommendation of an item(s) listed on the Consent Agenda, the Member shall request the item(s) be removed from the Consent Agenda for consideration after the Consent Agenda is satisfied.
 - d) All of the items on the Consent Agenda which have not been removed by a Member by motion will be adopted by one motion.
 - e) If a Member has a conflict-of-interest on a report on the Consent Agenda this item is considered and voted on separately.

Part 6: Disclosure of Conflict of Interest

- 6.1 A Member must identify and disclose any pecuniary interest on any item or matter before Council or Committee and the general nature thereof, pursuant to the *Municipal Conflict of Interest Act*.
- 6.2 Members may declare a conflict of interest on any item or matter before Council. This may arise from a rule pursuant to the Member's Code of Conduct or for any other reason.
- 6.3 During In-Camera meetings Members that have declared a conflict of interest must leave the meeting room; but the declaration must be made in open session prior to the commencement of the closed portion of the meeting. During open session, the Member may remain in the room however may not vote on, or speak to the matter.

Part 7: Correspondence Items

- 7.1 The Clerk shall prepare a package for the regular meeting of Correspondence Items for Members. Items to be included in the Correspondence package shall include, but are not limited to, various notices of development applications, liquor license applications, status reports or general information, general inquiries from the public, correspondence from other levels of government or agencies, crown corporations, boards and provincial and federal associations engaged in municipal matters.
- 7.2 Every item of correspondence intended to be presented shall be legible and not contain any defamatory allegations and shall be signed by the author(s) and their return mailing address must be noted thereon. The Clerk's office will redact the personal information of a complainant, but it must be included on the original complaint in order to gain status on an Agenda. The Clerk shall not include any correspondence that does not meet the above requirements.
- 7.3
- a) Requests from persons, organizations, associations and other municipal governments to endorse resolutions affecting Provincial legislation may be referred by the Clerk to the Association of Municipalities of Ontario for review and consideration. Requests for resolutions concerning Federal legislation may be referred by the Clerk to the Federation of Canadian Municipalities for review and consideration.
 - b) Council may direct the Clerk, or other members of the administration, to take additional action on a resolution referred above, where, in the opinion of Council, the circumstances warrant a local initiative or support for the resolution.

Part 8: Council Staff Communication

- 8.1 Members will be governed by the following rules respecting communication with staff related to Agenda matters:
- a) Members are strongly encouraged to contact the appropriate Manager or Director to raise questions or clarify issues relevant to the matter and to secure additional information as may be required. If done via email, any response from staff will be carbon copied for all members to see.
 - b) Managers and Directors may provide a verbal response to the matters raised and will make every reasonable effort to provide the information to the Member within a reasonable time. When possible, the Managers and Directors will provide the Member with an approximate date when the information will be provided to Council. When this is communicated via email, such response will be provided to all Members.
 - c) A motion may be made by any Member directing Administration to undertake certain action with respect to any item from Correspondence, or resulting from an item elsewhere on the Agenda, provided it is seconded and carried.
 - d) No Member shall direct or interfere with the performance of any work being carried on by any member of the administration. Direction, including reports, may only be requested by resolution of Council and not by any individual Member.

Part 9: Deputations

9.1 Any person(s), group(s), corporation(s) or organization(s) that wishes to address Council or Committee pursuant to a matter on the current agenda, may be heard by Council, provided they advise the Clerk in writing of the particulars of the matter to which the deputation wishes to address Council, and follow the prescribed rules regarding Deputations as set out by the Clerk. Persons speaking shall address their remarks to the stated business. Rebuttal or cross debate with other deputations shall not be permitted.

All parties to a deputation must speak to the Mayor, and all questions posed by Members will be through the Mayor, with all responses also through the Mayor.

9.2 Deputations will be permitted from the gallery, without prior registration, only during a public hearing portion of a meeting under the provisions of the applicable legislation. Sections 9.8 and 9.9 of this By-law do not apply to a public hearing portion of a meeting.

9.3 The Mayor may curtail any deputation, any questions of a deputation or debate during a deputation, for disorder or any other breach of this By-law and, if the Mayor rules that the deputation is not in compliance with Section 9.5 of this by-law, the person or persons appearing shall withdraw from the deputation table, and the decision of the Mayor shall not be subject to challenge.

9.4 Deputations shall not:

- i. Speak disrespectfully of any person;
- ii. Use offensive words;
- iii. Speak on any subject other than the subject for which they have received approval to address Council, or Committee;
- iv. Disobey a decision of the Mayor/Chair;
- v. Enter into cross debate with other deputations, administration, Members of the Mayor/Chair, and;
- vi. Appear for the purpose of publicly announcing a local event unless authorized by the Clerk or Chief Administrative Officer.

9.5 Upon the completion of a presentation to Council or Committee by a deputation any discourse between Members and the deputation shall be limited to Members asking questions for clarification and obtaining additional relevant information only. Members shall not enter into debate with the deputation respecting the presentation. Once a motion to accept the deputation has been moved and seconded, no further representation or questions of the deputation shall be permitted.

9.6 No person shall bring into the Council Chambers posters, signage, and literature stating their opinions or comments regarding Council business.

9.7 Deputation – Item on Current Agenda

- a) Any person who wishes to appear before Council regarding an item on the current agenda shall make written application to the Clerk, by 3:00 p.m., the day of the meeting, to be placed on the Agenda to appear before Council at the meeting at which it will be dealing with the item of interest to the deputation. Presentation material must be submitted with the request to appear and shall be copied and distributed as “Deputation” submissions to Members.

- b) The Clerk shall review the presentation material and in consultation with the Chief Administrative Officer, determine if the subject matter and nature of the deputation's request falls within the jurisdiction of Council.
- c) The Clerk, in consultation with the Chief Administrative Officer, may refuse a deputation when there has been or will at least one (1) public meeting, including a Committee of the Whole meeting, held at which the public was or will be provided the opportunity to make formal presentations on that subject matter.
- d) A maximum of ten minutes shall be allotted for each deputation to present their position of support or opposition to the relevant item on the Agenda. Where there are numerous deputations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Deputations are encouraged not to repeat information presented by an earlier deputation. The five-minute time line shall be strictly enforced. The Mayor shall, at the conclusion of the five minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. Only upon a verbal motion to extend the five-minute limit, adopted by a majority of Members, shall the five-minute limit be extended. In the case where there is 10 or more deputations on the same issue, the time limit will be reduced to two minutes per speaker.
- e) The number of deputations to address an item on the current agenda will be unlimited, but subject to the discretion of its Members, and they can be limited in order to allow for efficient and effective operation of the meeting proceedings.

9.8 Deputation – Item Not on Current Agenda

- a) When a request is received for a deputation wishing to be heard on an item which is not listed on the agenda, the person shall submit in writing, the nature of the presentation to the Clerk. Once approved, the Clerk will determine an available meeting date.
- b) The Clerk shall review the presentation material and in consultation with the CAO, determine if the subject matter and nature of the deputation's request falls within the jurisdiction of Council.
- c) The Clerk, in consultation with the CAO, may refuse a deputation when there has been at least one (1) public meeting, including a Committee of the Whole meeting, held at which the public was provided the opportunity to make formal presentations on that subject matter.
- d) Once it has been concluded that the presentation/request does fall within the jurisdiction of Council, the Clerk shall forward a copy of the written submission to the CAO to determine if an administrative report should accompany the submission on the next or subsequent agenda. The CAO shall determine which Senior Manager shall report on the issue and the timing of the report. The Clerk shall advise the deputation accordingly.
- e) Where the matter falls outside of the scope of the responsibility of Council, the Clerk shall notify the person(s) that the presentation should be properly referred to the most appropriate Committee, Local Board, Commission, Agency or Provincial or Federal Government Ministry for consideration.

- f) A maximum of ten minutes shall be allotted for each deputation to present their position. Where there are numerous deputations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Deputations are encouraged not to repeat information presented by an earlier deputation. The ten-minute time line shall be strictly enforced. The Mayor shall, at the conclusion of the ten minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. The Mayor may extend the ten minutes if he/she deems it desirable.
- g) No more than a combination of six planned deputations or presentations shall be allowed at any meeting. Deputations will be selected as determined by the Clerk and may be postponed at the Clerk's discretion.

9.9 Members of the public attending a Council or Committee meeting shall respect the decorum of the meeting and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting. The Mayor/Chair may request that a member or members of the public vacate the meeting if their behaviour is deemed to be disruptive to the business at hand. The Mayor/Chair may unilaterally suspend the meeting until order is restored in the Chamber.

9.10 The Clerk may refuse deputations under the following circumstances:

- i. The request is not submitted within the time required in Section 9.7 and 9.8.
- ii. No written submission is provided with the request to appear.
- iii. The subject matter is deemed to be beyond the jurisdiction of Council.
- iv. The issue is specific to a labour/managerial dispute, or subject matter is subject to solicitor-client privilege or in litigation or potential litigation.
- v. The issue has been or is to be considered by the Committee of Adjustment.
- vi. Council has previously made a decision on the issue unless a Request for Reconsideration has been approved.

9.11 In the event a deputation is refused, the Clerk's Office shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.

Part 10: Rules of Debate in Council or Committee

- 10.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 10.2 No Member shall speak to a question or motion until the Member has been recognized by the Chair.
- 10.3 When a Member is speaking, no other Member shall interrupt that Member, except to raise a Point of Order or raise a Question of Privilege.
- 10.4 When a Member is speaking to a Motion, he/she shall confine their remarks to the Motion and in speaking shall be limited to a maximum

of five (5) minutes, unless otherwise decided by a majority vote of the Members present.

- 10.5 A Member shall not speak more than once to any Motion unless otherwise decided by the Chair, except the Member who has made the Motion shall be provided five (5) minutes to reply to comments from other Members.
- 10.6 If a Member disagrees with the announcement of the Chair that a question is Carried or Lost, he or she may immediately after the declaration by the Chair, object to the Chair's declaration and request the vote be re-taken, for the purposes of clarification.
- 10.7 Prior to taking of a vote, a Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.
- 10.8 If a Member considers that their integrity or the integrity of Council, Committee or Local Board has been impugned, the Member may, as a matter of Personal Privilege and with leave of the Chair, draw the attention of Council, Committee or Local Board as the case may be, to the matter by way of a Point of Personal Privilege. When a Point of Personal Privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a Point of Privilege may not be appealed.
- 10.9 When a Member desires to call attention to a violation of the Rules of Procedure, they shall ask leave of the Chair to raise a Point of Order and after leave is granted, they shall state the Point of Order to the Chair succinctly and the Chair shall then decide upon the Point of Order and advise the Members of their decision.
- 10.10 Unless a Member immediately appeals the Chair's decision, the decision and its result shall be final.
- 10.11 If the decision of the Chair is appealed, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately to the Members without debate and the result of the vote shall be final. In the event of tied vote, the decision of the Chair is sustained.
- 10.12 When the Chair calls a Member to Order, that Member shall cease speaking until the Point of Order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.

Part 11: Voting Procedures

- 11.1 Every member, excluding the Mayor, present at a meeting, when a question is put, shall vote unless prohibited by statute.
- 11.2 The Mayor may vote on any question if desired. The Mayor shall vote to break a tied vote.
- 11.3 If any Member does not vote when a question is put, they shall be deemed to have voted in the negative except where the Member has abstained from the vote as a result of declaring a conflict of interest in the matter or question.
- 11.4 Any question on which there is a tie vote is deemed to be a negative vote.

- 11.5 When the Mayor calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor.
- 11.6 After a question is put by the Mayor, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 11.7 The Mayor shall, upon request of a Member, divide the question, and the vote upon each part shall be taken separately.
- 11.8 A Friendly Amendment may be made providing there is consent from the mover and the seconder.
- 11.9 Should a Member have voted in error and wishes to change the record of the vote in the minutes, the Member must bring it to the Mayor's attention immediately before the next item on the agenda is announced.

11.10 Recorded Votes

- a) Any Member may ask for a Recorded Vote at any time.
- b) If a recorded vote is requested, each Member shall vote.
- c) The CAO, or his designate, will call each Member individually to ask for their vote which will be recorded by the Clerk.
- d) All other voting procedures remain applicable for Recorded Votes.

11.11 Motion to Suspend Notice Requirements

In accordance with Section 2(c), Council, by a two-thirds vote of the whole number of Members present, may temporarily suspend or waive, for the purpose of that particular meeting or issue, the notice requirements, as set out in Section 10.9 and deal with the motion immediately.

11.12 Motion to Withdraw

After a motion is received by the Mayor, it shall be deemed to be in possession of Council, but may, at the request of the mover and with the permission of Members, be withdrawn at any time before decision or amendment.

11.13 Motion to Amend

- a) A "Motion to Amend" means a motion to modify the wording of a pending motion before the pending motion is voted upon.
- b) A Motion to Amend:
 - i. Is not in order when another Member has the floor;
 - ii. Must be seconded;
 - iii. Is debatable;
 - iv. Is amendable;
 - v. Requires a majority vote for adoption; and
 - vi. Can be reconsidered.
- c) A Motion to Amend shall:

- i. Be made only to a previous motion or to amend an amendment to the motion;
- ii. Be relevant to the question to be decided; and
- iii. Not be in order if it constitutes a rejection of the main question.

11.14 Motion to Refer

- a) A "Motion to Refer" means a motion to request that a pending motion be referred to Administration, a Committee, a Local Board, or elsewhere to obtain further information to be provided for consideration.
- b) A Motion to Refer:
 - i. Is not in order when another has the floor;
 - ii. Must be seconded;
 - iii. Debate on the motion must be confined to its merits only and cannot discuss the main question;
 - iv. Requires majority vote for adoption; and
 - v. Can be reconsidered.
- c) A Motion to Refer should include:
 - i. The name of the administrative department or Committee to whom the request is to be referred; and
 - ii. Instructions or directions respecting the information required.

11.15 Motion to Postpone to a Certain Time

- a) A "Motion to Postpone to a Certain Time" means a motion requesting that a pending question be delayed to a definite day, meeting, or hour, or until after a certain event.
- b) A Motion to Postpone to a Certain Time:
 - i. Is not in order when another has the floor;
 - ii. Must be seconded;
 - iii. Debate on a motion to Postpone to a Certain Time must be confined to its merits only and cannot go into main question;
 - iv. Is amenable only to change the length of the postponement;
 - v. Requires majority vote for adoption; and
 - vi. Can be reconsidered.
- c) A Motion to Postpone to a Certain Time shall:
 - i. Include a fixed date for the question to come back before consideration; and
 - ii. Be made while the main motion or an amendment is on the floor, and takes precedence over that motion or amendment.

11.16 Motion to Reconsider

- a) A "Motion to Reconsider" means a motion which proposes to amend or cancel a previous decision of Council, a Committee or Local Board.
- b) A Committee or Local Board has lost all jurisdiction over a matter once it goes to Council.

c) **A Motion to Reconsider:**

- i. Is not in order when another has the floor;
- ii. Must be seconded;
- iii. Debate must be confined to reasons for or against reconsideration;
- iv. Is not amendable;
- v. Requires two-thirds or majority vote for adoption; and
- vi. Cannot be reconsidered.

d) If the action approved in the original motion cannot be reversed because the tender has already been awarded, the motion cannot be reconsidered.

e) **Reconsideration at the Same Meeting**

When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was dealt with, the motion for reconsideration shall be resolved at that meeting and shall require the support of a majority of the Member's present. Once achieved, the motion is brought back to the floor.

f) **Reconsideration at a Subsequent Meeting**

Where a motion for reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was dealt with, the motion for reconsideration shall require the support of two-thirds of the members present in order for the motion to reconsider to be carried. Once achieved, the motion is brought back to the floor.

g) A motion may be reconsidered provided that a Member who voted with the majority on the original motion moves for reconsideration of the original motion.

h) A Motion to Reconsider suspends action on the motion to which it applies until it has been decided.

i) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.

j) No motion shall be reconsidered more than once during a period of twelve months following the date on which the last question was decided.

k) When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

l) The following motions cannot be reconsidered:

- i. To adjourn;
- ii. To recess;
- iii. To suspend the rules; and
- iv. To reconsider.

m) During a Budget Committee meeting, a motion to reconsider shall not be required in order to amend or cancel a decision made by the Committee.

11.17 Motion to Call a Question

- a) A "Motion to Call the Question", or end the debate, shall always be in order, except:
 - i. When a Member is speaking; or
 - ii. When a Member has already indicated to the Chair, that he or she desires to speak on the question.

11.18 Motion to Adjourn

- a) A "Motion to Adjourn" means to close the meeting.
- b) A Motion to Adjourn is not debateable.
- c) A Motion to Adjourn the meeting shall always be in order, except:
 - i. When a Member is speaking;
 - ii. During the taking of a vote; or
 - iii. When a Member has already indicated to the Chair, that he or she desires to speak on a question.
- d) When resolved in the negative, cannot be made again until Council has conducted further proceedings.

11.19 Non-Debatable Motions

The following motions are not subject to debate:

- i. To adjourn;
- ii. To close, limit or extend a debate;
- iii. Questions of privilege; and,
- iv. To suspend the rules.

Part 12: Conduct of Members – Business of Council

12.1 Members of Council shall:

- a) Act in accordance with their Declaration of Office and the Code of Conduct for Members of Council;
- b) Speak only to the subject under debate; and
- c) Obey the rules of the Council or a decision of the Chair or Council, on a question of order, or upon the interpretation of the Rules of Council.

12.2 A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.

12.3 The Member will be permitted to retake their seat provided the Member has apologized to Council, even if for ignorance.

12.4 All members of Council are encouraged to attend all formal and informal events throughout the Township; but only the Mayor or their designate will publicly speak on behalf of the Municipality.

12.5 Email Conduct

12.6 No business shall be conducted via email.

- 12.7 Along with the response, any information requested of staff by a Member of Council via email, shall be carbon copied to all Members.
- 12.8 No opinions or debate shall be permitted via email.
- 12.9 Email shall only be used between Members and staff to confirm or request information and shall not be used by any Member to request a report from staff.

Part 13: Role of Mayor and Members

13.1 The Mayor may state relevant facts and position on any matter before the Council without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Mayor to move a motion or debate a question without first leaving the Chair. If the Mayor elects to leave the Chair, they can ask any Member to take the Chair. That Member has the ability to decline the request, in which case the Mayor can then ask another Member. If no Member is willing to accept the chair, the Mayor may not participate in the debate of the question.

13.2 From time to time, the Mayor may be absent from the Township of St. Clair or may be absent from office through illness. In such instances, the Deputy Mayor will act in the place of the Mayor. In the event the replacement is also absent, the Chair will be elected by the Members in attendance.

13.3 It is the role of Council:

- (a) to represent the public and to 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 provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under the Municipal or any other Act

13.4 It is the role of the Mayor:

- (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 the council;
- (d) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 13.3;
- (e) to represent the municipality at official functions; and
- (f) to carry out the duties of the Mayor according to the Municipal and any other Act.

13.5 It is the role of the Clerk:

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of Council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of Council;
- (d) to perform other duties required under the Municipal Act or any other Act;
- (e) to perform other such duties as are assigned by the Township.

13.6 It is the role of the Treasurer to handle all financial affairs of the Township on behalf of and in the manner directed by Council including:

- (a) collecting money payable to the municipality and issuing receipts for those payments;
- (b) depositing all money received on behalf of the Township in a financial institution designated by the Township;
- (c) paying all debts of the Township and other expenditures authorized by the Township;
- (d) maintaining accurate records and accounts of the financial affairs of the municipality;
- (e) providing Council with such information with respect to the financial affairs of the Township as it requires or requests;
- (f) ensuring investments of the municipality are made in compliance with the regulations made under section 148 of the Municipal Act, if applicable; and,
- (g) complying with any requirements applicable to the Treasurer under the Municipal Act.

13.7 It is the role of the CAO to:

- (a) exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) perform such other duties as are assigned by Council.

Part 14: By-Laws

- 14.1 All proposed by-law titles and references shall be listed on the Council Agenda.
- 14.2 A motion, duly moved and seconded, is required to introduce the by-laws for first second and final readings by Council.
- 14.3 A Member may request that the Clerk read a by-law or by-laws for clarification or benefit of the public including any amendments previously stated during the meeting. If reading is not required, all by-laws will be considered to have been read.
- 14.4 Once the by-laws have been adopted, the by-laws shall be signed by the Mayor/Deputy Mayor and the Clerk/Acting Clerk, and the corporate seal shall be affixed to every by-law duly passed.

14.5 Notwithstanding the foregoing, when the requirements of any Provincial legislation requires that notification be given of Council's intention to enact a by-law, the Mayor shall notify persons who are present at the meeting that they may make representation on the proposed by-law during Council's hearing of Deputations.

Part 15: Petitions

15.1 Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the Township of St. Clair, may be introduced by a Member of Council or the Clerk.

15.2 A motion directing the receipt of the petition and report on the action requested, along with a time line for completion of the report, shall be in order.

15.3 Petitions to Council may be submitted by residents and included either under Correspondence items, or as part of a staff report. Any such petition must be submitted to the Clerk, in accordance with this by-law.

Part 16: Confirmation By-law

16.1 The proceedings at every Council meeting shall be confirmed by by-law so that every decision of the Council at the meeting, and every resolution passed there at, shall have the same force and effect as it each and every one of them had been the subject matter of a specific matter of a separate by-law duly enacted.

Part 17: Enactment


17.1 Any amendment to this by-law shall require an affirmative vote of two-thirds of the Council.

Part 18: Effective Date

18.1 This by-law shall come into force and take effect upon its passing.

Bylaw 40 of 2004 is hereby repealed.

READ a FIRST, SECOND, THIRD and FINAL time and finally passed this the 15 of July, 2019.



Steve Arnold
Mayor



Jeff Baranek
Clerk