

DRAFT

The Corporation of the Municipality of Northern Bruce Peninsula
By-law No. 2023-89

Being a By-law to govern the calling, place and proceeding of Municipal Council and the conduct of its members and calling of the meetings of the Corporation of the Municipality of Northern Bruce Peninsula and its Committees

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

And Whereas the procedure by-law shall provide for public notice of meetings pursuant to the Municipal Act, 2001, S.O. 2001, c.25, as amended;

And Whereas the Council of the Corporation of the Municipality of Northern Bruce Peninsula now deems it advisable to enact a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to repeal previous by-laws related thereto;

Now Therefore the Council of the Corporation of the Municipality of Northern Bruce Peninsula hereby enacts as follows:

Table of Contents

Table of Contents	1, 2
Part 1 - General	2
Short Title	2
Definitions	2, 3, 4
Application	4
Suspension	5
Interpretation	5
Severability	5
Effective Date	5
Part II – Roles and Duties	5
Role of Council	5-6
Role of Mayor	6
Role of Deputy Mayor	6
Role of Chief Administrative Officer	6
Role of Clerk	7
Part III – Meetings	7
General	7
Location	7
Decorum	8
Open to the Public	8
Staff Participation	8
Inclement Weather	8
Absenteeism/Leave of Absence	8-9
Inaugural Meeting	9
Regular Meetings	9
Schedule	9
Notice	9

General Announcements	10
Agenda	10
Special Council Meetings	10
Notice	10
Agenda	10
Closed Session Meetings	11-12
Electronic Meetings	12-13
Adjournment	13
Part IV – Meeting Procedures	13
Call to Order and Quorum	13-14
Disclosure of Interest	14
Delegations	14
Minutes	15
Supplementary Business	15
Part V – Committees	15-16
Part VI – By-laws	16
Part VII – Debate	16-17
Conduct of Members	17
Motions	17
Motion to Call the Question	17
Motion to Adjourn	17
Withdrawal of Motion	17
Ultra Vires	17
Notice of Motion	17
Motion to Divide the Question	18
Motion to Amend	18
Motion to Table	18
Reconsideration	18
Voting	19
Recorded Vote	19

Part I – General

Short Title

1. This By-law shall be cited as the “Procedural By-law”.

Definitions

2. In this By-law, the following terms have the specified meanings:
 - a) “Abstain” means to refrain from voting. Members who abstain for reasons other than a declared conflict of interest shall be deemed to vote in opposition of the question or matter
 - b) “Ad Hoc Committee” means a committee appointed to review and report on a specific issue for a term as prescribed by Council
 - c) “Agenda” means the written order of business for a meeting

- d) "Chief Administrative Officer" means the Chief Administrative Officer (CAO) of the Municipality of Northern Bruce Peninsula in accordance with Section 21 of this By-law
- e) "Clerk" means the Clerk of the Municipality of Northern Bruce Peninsula in accordance with Sections 22-25 of this By-law
- f) "Closed Session" (also known as an "in camera meeting") means a meeting or portion thereof, closed to the public in accordance with Sections 45-54 of this By-law
- g) "Committee" means a committee appointed by Council regardless of whether Council member(s) sit on the committee
- h) "Communication(s)" includes, but is not limited to, a letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure or periodical
- i) "Council" means the Council of the Municipality of Northern Bruce Peninsula comprised of persons elected and sworn in to the positions of Mayor, Deputy Mayor and three (3) Councillors
- j) "Defer" means to postpone the consideration of a question or resolution until a specific action(s) can be undertaken, such as obtaining advice, documentation or circulation for public comment
- k) "Delegate(s)" means a person or group of persons that applies to the Clerk to make a delegation
- l) "Delegation" means the appearance by a person or group of persons to address Council or a Committee
- m) "Electronic Meeting" means a meeting called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance.
- n) "Electronic Participation" – means the participation in a meeting of a member who is not physically present in the room but through electronic means such as audio only communication or audiovisual communication.
- o) "Ex-Officio Member" means that he/she is a member by virtue of his/her office and would not otherwise be a member. He/she has all of the rights of a member unless otherwise stated
- p) "Hybrid" means a meeting which is held both in-person and through electronic participation where members and staff may choose to attend through either method while the meeting is being livestreamed.
- q) "Mayor" means the Mayor of the Municipality of Northern Bruce Peninsula in accordance with Sections 15-18 of this By-law
- r) "Meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where
 - 1) a quorum of members is present
 - 2) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee
- s) "Member(s)" means a Council or Committee Member(s)
- t) "Motion" means a question to be considered by Council or a Committee which is

moved, seconded and presented, read and is subject to debate. When a motion is carried, it becomes a resolution

- u) "Municipal Conflict of Interest Act" means the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended
- v) "Municipality" means the Corporation of the Municipality of Northern Bruce Peninsula
- w) "Notice of Motion" means an advance notice to Members when Council or a Committee will be asked to take a position
- x) "Pecuniary Interest" means a direct or indirect interest of a Member and an interest deemed to be that of a Member in accordance with The Municipal Conflict of Interest Act R.S.O.1990, chapter M.50, as may be amended.
- y) "Presiding Officer" means the person designated to chair and conduct a Council or Committee meeting
- z) "Quorum" means the minimum number of required members (fifty percent plus one of the membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simple majority.
- aa) "Recorded Vote" means recording in the minutes of a meeting the names of each member present and his/her vote (i.e. in favour or opposed) on a matter or question before Council or a Committee. Where the member abstains, the recorded vote shall read "opposed", except where the abstention is for reasons of a declared conflict of interest in which case the vote shall read "abstain"
- bb) "Recording/Electronic Device" means any device used for the purpose of recording or live streaming whether it be analogue, digital or other means of recording, including but not limited to MP3 players, computers, cell phones, voice recorders, and cameras.
- cc) "Regular Meeting" means a regularly scheduled Council meeting in accordance with Sections 36-39 of this By-law
- dd) "Rules of Procedure" means the applicable regulations contained in this By-law
- ee) "Section" means an enumerated section of this By-law
- ff) "Special Council Meeting" means a meeting called by the Mayor which is not scheduled in accordance with the approved regular schedule of meetings
- gg) "Table" means to postpone the consideration of a resolution until or for a specific time
- hh) "Vote" means a formal indication of a choice between being in favour of a question, motion, course of action, or opposed to same, which is typically expressed by a show of hands unless a recorded vote is requested
- ii) "Website" means the internet site maintained by the Municipality at www.northbrucepeninsula.ca

Application

3. The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and, with necessary modification, to all Committees. A failure to strictly adhere to the procedural rules of this By-law shall not invalidate the action of Council or a Committee acting in good faith.

Suspension

4. Except as provided elsewhere in this By-law, the rules contained in this paragraph may be temporarily suspended by Council or a Committee by a vote of two-thirds (2/3) of the members present:
 - a) amending the Order of Business
 - b) adding or removing a Delegation
 - c) increasing or decreasing speaking time for a Delegation
 - d) introducing a motion without the standard Notice of Motion

Interpretation

5. In this By-law, words in the singular include the plural and vice versa, and all references are intended as gender neutral.
6. The business, by-laws and resolutions of the Municipality will be conducted and maintained in English.
7. Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

Severability

8. Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining provisions.
9. By-law No. 2020-79 and all other by-laws inconsistent with the provisions of this By-law are hereby repealed.

Effective Date

10. This By-law shall take force and come into effect on the date of third reading and final passage of same.

Part II – Roles and Duties

Role of Council

11. 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 ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - d) 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 Act, 2001, as amended, or any other Act.
12. Council develops regulations to be adopted in by-laws and passes resolutions which serve the purposes outlined above in Section 11.
13. Council appoints statutory officers to ensure that an appropriate management system is in place to administer the Municipality within the policies set by Council.

14. Council collectively arbitrates matters where this By-law is silent and the matter is placed before Council for disposition.

Role of the Mayor

15. It is the role of the Mayor:
 - a) to act as Chief Executive Officer of the Municipality and in that capacity shall:
 - i) uphold and promote the purposes of the Municipality
 - ii) promote public involvement in the Municipality's activities
 - iii) act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally
 - iv) participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents
 - 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 the foregoing, to provide information and recommendations to Council with respect to the role of Council as described in Section 11
 - e) to represent the Municipality at official functions
 - f) to carry out the duties of head of council under The Municipal Act or any other Act
16. The Mayor shall be the official spokesperson on matters discussed in Closed Session meetings, although this provision does not release the Mayor from the confidentiality requirements of Closed Session(s).
17. The Mayor shall sit on the Council of the County of Bruce as County Councillor.
18. The Mayor is a non-voting ex-officio member of all Committees unless he/she is appointed by Council as a voting member.

Role of the Deputy Mayor

19. The Deputy Mayor shall act as the Presiding Officer and assume certain duties of the Mayor as outlined above in Section 15-18 for the duration requested by the Mayor, should the Mayor be absent from the Municipality and notice is provided to the Clerk by the Mayor.
20. Notwithstanding the previous section, the Deputy Mayor shall act as the Presiding Officer and assume the necessary duties of the Mayor for the necessary duration, should the Mayor be unable to perform his/her duties as a result of illness, incapacity or the office of the Mayor becomes vacant.

Role of the Chief Administrative Officer (CAO)

21. In addition to those roles and duties assigned by Council, the CAO shall have the following responsibilities:
 - a) to exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient operation of the Municipality
 - b) to ensure the implementation of Council's decisions and establishment of administrative practices and procedures to carry out Council's decisions;
 - c) to assist Council in discharging its responsibilities and, in a non-partisan manner, to aid members in carrying out their duties
 - d) to attend Council meetings with the right to speak, subject to the consent of the Presiding Officer, but not to vote
 - e) to ensure the undertaking of research and provision of advice to Council on the policies and programs of the Municipality
 - f) to review and guide all policy recommendations prior to submission to Council

Role of Clerk

22. The Clerk shall be appointed by by-law and shall be deemed a municipal officer in accordance with the Municipal Act and for any other purpose as required.
23. The Clerk is a non-voting ex-officio member of all Committees unless he/she is appointed by Council as a voting member.
24. Pursuant to Section 228(1) of The Municipal Act, 2001, as amended, the Municipality shall appoint a clerk whose duty it is:
 - 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 any other duties required under The Municipal Act, 2001, as amended, or under any other Act
 - e) to perform such other duties as are assigned by Council
 - f) to ensure agendas for Open Session meetings of Council shall be made available to the public and media the Thursday proceeding a regular meeting of Council. Ad Hoc Committee agendas will be posted at least 5 days prior to the scheduled meeting date, in order to provide notice. If content necessary to create the agenda is unavailable resulting in the inability to meet the above noted deadline, then the applicable Ad Hoc Committee meeting will be rescheduled to a later date.
 - g) Where a video or audio recording of a Meeting is made, to retain such recording in accordance with the Records Retention By-law
25. In addition to those roles and duties specified in Section 228 of the Municipal Act, the Clerk shall have the following responsibilities:
 - a) make such minor clerical, typographical or grammatical deletions, additions or other changes to any By-law, motion, resolution, or minutes as may be required for the purpose of ensuring correct and complete implementation of Council direction
 - b) facilitate the efficient management of Council meetings by determining the suitability and eligibility of delegations on the basis of the presentation subject and/or request for action or support by Council
 - c) ensure provision of administrative support to Committees
 - d) all powers and duties, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) are delegated to the Clerk

Part III – Meetings

General

Location

26. Council Meetings shall be held in the Council Chambers of the Municipality of Northern Bruce Peninsula, 56 Lindsay Road 5, Lion's Head, Ontario, N0H 1W0, unless:
 - a) otherwise specified in this By-law
 - b) an alternate location is approved by resolution of Council
 - c) where a resolution is impractical, the Clerk may select an alternate location within the Municipality
27. Where a meeting of Council is held at a location other than the Council Chambers,

notice shall be given in accordance with the Municipality's Public Notice By-law.

Decorum

28. Members of the public attending a meeting shall respect the formal and professional decorum of Council and its Committees. Individuals shall refrain from public outburst, shouting and any behavior intended to disrupt the debate, discussion and general proceedings of Council or a Committee. Individuals with placards, signs, posters, clothing and similar advertising devices, whether political or otherwise, that demonstrate a lack of respect for the formal nature of Council meetings being held in the Council Chambers, or any alternate location, may be asked to leave or such items may be removed by the Clerk. The Mayor may request that a member or members of the public vacate the location of a meeting if his/her/their behavior or actions are deemed disruptive to the business at hand. The Mayor may unilaterally suspend the meeting until order is restored.

Open to the Public

29. All meetings shall be open to the public and no person shall be excluded except where Council or a Committee meets for a Closed Session meeting in accordance with this By-law and the Municipal Act.

Staff Participation

30. Municipal Staff and Municipal Consultants in attendance **or electronically**, at a meeting may be recognized to speak at the discretion of the Mayor. Members shall, whenever possible, communicate their concerns to Municipal Staff in advance of discussing them at a meeting.

Video Equipment and Recording Devices

31. Council or committee meetings are to be recorded by video and live streamed, whenever practical, to increase accessibility to such meetings and enhance accountable local government. Video recording of meetings may not always be available due to equipment malfunctions and/or an alternate location to hold such Meeting, and shall not be relied upon as the official record of the meeting.
32. At meetings of Council or its Committees, the use of cameras, electronic lighting equipment, flash bulbs, recording equipment and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the media or the recording secretary of the meeting including but not limited to members of the public is prohibited unless authorized in advance by the Chair, CAO, or Clerk.
33. When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the meeting, whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a record of the meeting.

Inclement Weather

34. If it appears that a storm or weather event or similar occurrence will prevent the members from attending a meeting, the Mayor or Presiding Officer may postpone or cancel that meeting up to three (3) hours before the start of the meeting, by advising the Clerk who shall assist in advising as many members as possible as well as the media, senior management and interested parties.

Absenteeism/Leave of Absence

35. In accordance with the Municipal Act, the office of a Member of Council will not become vacant if the member of Council who is absent for twenty (20) consecutive

weeks or less if the member is absent as a result of a member's pregnancy, the birth of the member's child or the adoption of a child by the member.

36. All members will endeavor to provide substantive notice of absence from meetings to the Mayor and Clerk at least forty-eight (48) hours prior to the commencement of the meeting from which the member shall be absent.
37. If a member wishes to leave a Council meeting prior to its adjournment and does not plan to return to that meeting, he/she shall advise the Mayor at the commencement of the meeting. The time of the member's departure will be recorded in the Council minutes.
38. The Clerk will record the attendance of members of Council at regular, special and ad hoc Committee meetings.
39. Where a member is absent from Council meetings for three (3) successive months without being authorized to do so by a Council resolution, the office of that member shall be declared vacant and procedures as set out in Section 263 of the Municipal Act, 2001, R.S.O. 2001, as amended, shall apply.
40. For the purpose of remuneration, Council member are permitted to be absent from regular Council meetings for a maximum of four (4) meetings per calendar year.
41. Bereavement, medical and Municipal business will be considered to be acceptable reasons for absence from regular Council meetings. Members of Council will not be penalized for absences for the reasons stated in this section.
42. A penalty in the amount of One Hundred and Fifty (\$150.00) Dollars per missed meeting will be imposed on a member of Council who misses more than four (4) regular Council meetings as permitted in Section 38 above.

Inaugural Meeting of Council

43. In accordance with The Municipal Act after a regular municipal election or a by-election, the first meeting of a new council shall be held no later than thirty-one (31) days after its term commences and said meeting shall be held in the Council Chambers at the Office of the Municipality of Northern Bruce Peninsula.
44. In the event that it becomes necessary to cancel or reschedule the first or inaugural meeting, the Mayor Elect and Clerk shall determine an alternate date and time which is suitable.
45. The Mayor Elect and Clerk shall be responsible for the format, agenda content and arrangements for the inaugural meeting, but the agenda shall include the declaration of office pursuant to the Municipal Act.

Regular Meetings

Schedule

46. Council shall hold its regular meetings on the second and fourth Monday of each month at 1:00 p.m., subject to any exceptions noted in this By-law, or on such other day as may be determined by resolution of Council. In the event that such a day is a holiday, Council shall meet at the same hour on the first day thereafter that is not a weekend or holiday.

Notice

47. Notice of a regular meeting shall be given in accordance with the Municipality's Public Notice By-law.

General Announcements

48. Council members may make announcements, recognize achievements, promote an event or recognize matters of community-wide interest without being placed on the meeting agenda. These announcements shall be expressed during the Other Business section of the agenda.

Agenda

49. The Clerk shall have an agenda prepared with the Order of Business outlined below for regular meetings:
 - a) Call to Order and Disclosure of Pecuniary Interest and General Nature Thereof
 - b) Approval of Agenda
 - c) Adoption of Minutes
 - d) Public Meeting(s)
 - e) Delegation(s)
 - f) Consideration of Agenda Items
 - g) Notice(s) of Motion
 - h) Other Business
 - i) Correspondence
 - j) Reading of By-laws (including Confirmatory By-law)
 - k) Closed Session (when applicable)
 - l) Adjournment

Special Council Meetings

50. The Mayor may, at any time upon receiving a two-thirds (2/3) majority petition of members specifying the purpose, summon a Special Council Meeting provided that a minimum of forty-eight (48) hours' notice is given to the Members, staff, media and by posting on the Municipal website.

Agenda

The Clerk shall have an agenda prepared with the Order of Business outlined below for Special Council meetings:

- a) Call to Order and Disclosure of Pecuniary Interest and General Nature Thereof
- b) Approval of Agenda
- c) Business for which the Special Meeting is call (i.e. Workshop, etc.)
- d) Other Business
- e) Reading of By-Laws (Confirmatory By-law)
- f) Adjournment

Notice

51. In an emergency situation, at the discretion of the Mayor in consultation with the Clerk, the notice in Section 40 may be waived subject to confirmation by the majority of Council.
52. The notice calling a Special Council Meeting shall state the business to be considered at the Special Council Meeting and no business other than that stated in the notice shall be considered at such a meeting except with the unanimous consent of all Members present at the Special Council Meeting.
53. Notice of a Special Council Meeting shall be given in accordance with the Municipality's Public Notice By-law

Closed Session Meetings

55. Pursuant to the Municipal Act, 2001, S.O. 2001, c.25, as amended, Council may direct that a meeting or part of a meeting may be closed to the public if any of the following subject matter is being considered:
- a) the security of the property of the Municipality or local board
 - b) personal matters about an identifiable individual including municipal or local board members
 - c) a proposed or pending acquisition or disposition of land by the Municipality or local board
 - d) labour relations or employee negotiations
 - e) litigation or potential litigation including matters before administrative tribunals affecting the Municipality or local board
 - f) advice that is subject to solicitor-client privilege including communications necessary for that purpose
 - g) a matter in respect of which council, board, committee or other body may hold a closed meeting under another Act
 - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them
 - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization
 - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value
 - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
56. Pursuant to Section 239(3.1) of The Municipal Act, a meeting of Council or a local board or of a committee of either of them may be closed to the public if the meeting is held for the purpose of educating or training the members provided that, at the meeting, 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.
57. Other criteria in accordance with Section 239(3):
- A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:
- a) a request under the Municipality Freedom of Information and Protection of Privacy Act (MFIPPA), if the council, board, commission or other body is the head of an institution for the purposes of that Act, or
 - b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 112.13(1) of the Municipal Act, or the investigator referred to in subsection 239.3(1) of the Municipal Act.
58. Before holding a meeting or part of a meeting that is to be closed to the public, Council or the Committee shall state by resolution:
- a) the fact of the holding of the Closed Session including the date and time
 - b) the general nature of the matter to be considered at the Closed Session
59. Pursuant to Section 239(3.1) of The Municipal Act, a meeting of Council or a local board or of a committee of either of them may be closed to the public if the meeting is held for the purpose of educating or training the members provided that, at the meeting, 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.

60. Pursuant to the Municipal Act, 2001, S.O. 2001, c.25, as amended, a meeting may be closed to the public during a vote if:
 - a) the subject matter falls into a category where a closed session meeting is allowed in accordance with Section 239(2) of The Municipal Act
 - b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality
61. Closed Session minutes are recorded by the Clerk or designate. In the event that the Clerk is excused or absent from the Closed Session meeting, the CAO (as appointed Deputy Clerk) shall document the proceedings or request that the Deputy Clerk be summoned to do so. Council members shall ensure that confidential matters disclosed to them and materials provided to them for closed session are strictly confidential and will not be discussed with or disclosed to any individual. The Council members shall be required to return all printed confidential materials distributed at the meeting to the Clerk or Deputy Clerk at the end of the meeting for destruction.
62. Notice of a Closed Session meeting shall be given in accordance with the Municipality's Public Notice By-law.
63. Upon completion of a Closed Session Meeting and Reporting Out in Open Session:
 - a) the Members shall immediately reconvene in open session
 - b) the Mayor shall report direction(s) on each item(s) discussed in the Closed Session Meeting, and
 - c) if applicable, the Members shall vote on any resolution(s) originating from the Closed Session meeting
64. Confidentiality of Closed Session Meeting Discussions
 - a) any required vote will occur in open session following the Closed Session meeting discussion of a Council meeting
 - b) no Member shall disclose or discuss through written, electronic or verbal communication or any other means, any individual or third party, any information that has been or will be discussed at a Closed Session Meeting until such time that Council has been advised by staff that the matter, or any part of the matter, may be made public, subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

Electronic Meetings

- 64.1 That while every effort shall be made by Council or Committee members to attend meetings physically in person, during the following circumstances members of Council may participate by telephone or other electronic video teleconferencing means in a meeting to the extent and in the manner set out in this by-law:
 - a) It is not safe or possible to attend in person meeting due to a natural weather event;
 - b) Health and safety restrictions as determined by the CAO in consultation with the Mayor or Municipality's Emergency Control Group;
 - c) Restrictions or guidelines set out by the Grey Bruce Health Unit, the Ontario Provincial Police or the Province of Ontario; or
 - d) The activation of the Emergency Control Group or a declared emergency by any level of government or health unit.
- 64.2 The Members of Council or Committee shall advise the Clerk, or designate, as

soon as practicable prior to the scheduled meeting of his/her intent to participate electronically.

- 64.3 Members of Council or Committee participating electronically will count towards quorum and have the ability to vote in both public and closed session (in-camera) meetings. Voting may take place by way of roll call by the Mayor (or Chair), ensuring that Members and the public are aware of how each Member votes. **The Mayor or designate will as the Clerk or designate to call the vote and announce the results of the vote at that time so that all members are clear on the result.**
- 64.4 **Each member participating by electronic means shall mute his or her electronic device when he or she is not speaking.**
- 64.5 **Each member participating by electronic means for a closed meeting shall participate in an enclosed space and ensure that no other person is present in the room.**
- 64.6 **Where a loss of connection, or any connection issue impedes the ability of a member(s) to participate in the meeting in real time, and the loss of connection does not affect quorum, the meeting will continue in the absence of the member(s).**
- 64.7 **Where a loss of connection, or any connection issue impedes the ability of a member(s) to participate in the meeting in real time, and the loss of connection affects quorum, the Chair shall recess the meeting for fifteen (15) minutes to provide time for the connection to be regained. Where a connection that satisfies quorum cannot be regained, the meeting shall be adjourned, and the remaining business addressed at a subsequent meeting.**

Adjournment

65. Adjournment for regular meetings shall be no later than 6:00 p.m. unless this rule is temporarily suspended by a two-thirds (2/3) majority vote of the members present.
66. Unfinished business, as a result of an adjournment, shall be automatically tabled to the next regular meeting.
67. The previous two sections do not apply to Closed Session meetings.

Part IV – Meeting Procedures

Call to Order and Quorum

68. The Mayor or Presiding Officer shall call the members to order as soon after the hour of the meeting as there is a quorum present.
69. If a quorum for a meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Clerk shall indicate that no quorum is present and the meeting shall stand adjourned until the next meeting is called in accordance with the provisions of this By-law.
70. The Mayor shall chair Council meetings unless he/she is unavailable or has a conflict, in which case the Deputy Mayor will chair the Council meeting. In the absence of the Mayor and the Deputy Mayor, and if a quorum is present, the Clerk shall call the members to order. An Acting Presiding Officer shall be chosen from the members by the members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor.
71. While presiding, the Deputy Mayor or the Acting Presiding Officer shall have all of the powers of the Mayor for the purpose of conducting the meeting.

72. If, during the course of the meeting, quorum is lost, the Presiding Officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next meeting called in accordance with the provisions of this By-law.
73. The Clerk shall be present at all Regular, Closed Session and Special Council Meetings.

Disclosure of Interest

74. Where a member, either on his/her own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the member shall:
 - a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof
 - b) not take part in the discussion of or vote on any question with respect to the matter
 - c) not attempt in any way before, during and/or after the meeting to influence the voting on any such question
75. Where a meeting is not open to the public and a member has a pecuniary interest in a matter, the Member shall forthwith leave the meeting for the part of the meeting during which that matter is under consideration.
76. Where the interest of a member has not been disclosed by reason of his/her absence from a particular meeting, the member shall disclose his/her interest and otherwise comply at the first meeting of Council or Committee attended by him/her after that meeting.
77. The Clerk shall record the particulars of any disclosure of interest made by a Member and any such record shall appear in the minutes of that particular meeting.

Delegations

78. The Clerk has discretion to schedule Delegations at meetings giving consideration to the volume of material on a given regular agenda. Delegation can be presented in person or electronically.
79. Delegations will be dealt with on a first come, first serve basis.
80. **Any person desiring to be heard as a delegation shall submit a written, signed and complete request to the Clerk completing the delegation form on the municipal website at:**

<https://northernbrucepeninsula.civicweb.net/Portal/CitizenEngagement.aspx>

Delegates shall submit documentation to the Clerk clearly outlining the nature and intent of the business to be discussed as well as provide a summary of the information to be presented. The required delegation package shall be provided to the Clerk for inclusion on the Council agenda **no later than 12 Noon on the Wednesday preceding a regular Council meeting.**
81. Delegation(s) shall be allotted fifteen (15) minutes for the presentation including questions and answers.
82. Upon two-thirds (2/3) majority vote by Council, a Delegate may be invited to answer further questions and offer additional relevant information.
83. Delegates addressing Council shall confine their remarks to the business stated in the Delegation request.
84. The Mayor may advise the delegation that Council is receiving the presentation

only at this time and that Council will not necessarily establish a position on the matter; however, that a timely response to the presentation will be provided.

85. The subject matter of a Delegation does not have to relate to a matter on the agenda for that meeting.
86. No Delegate shall:
 - a) speak disrespectfully of any person
 - b) speak on any subject other than the subject for which approval has been received to address Council or a Committee
 - c) disobey the rules of procedure
 - d) speak to Council about matters, such as:
 - i) involving current or pending litigation
 - ii) involving insurance claim(s)
 - iii) administrative complaints that have not been reported and investigated through the established administrative process
 - iv) beyond the jurisdiction of Council
 - v) contrary to MFIPPA

Minutes

87. The Clerk shall record the following:
 - a) the place, date and time of the meeting
 - b) the names of the Mayor/Presiding Officer, members of Council, staff and delegations in attendance at the meeting
 - c) the adoption, by resolution, of the minutes of the previous meeting(s)
 - d) all resolutions, decisions and other proceedings of the meeting, without note or comment whether it is closed to the public or not

Supplementary Business

88. If the Clerk receives a request for an addition to the agenda within twenty-four (24) hours of the regular meeting start time, said item shall be considered during the Approval of the Agenda part of the regular meeting agenda and addition of same to that agenda requires a two-thirds (2/3) majority vote of Council to be added.

Part V – Committees

89. Council may, from time to time, appoint certain Council members, ratepayers, staff, professionals and/or others to serve on ad hoc committees. These appointments will be enacted by By-law. All Committees recognized as a Committee of Council Shall conduct their meeting in accordance with the adopted Terms of Reference and this Procedural By-law.
90. An ad hoc committee may be established by Council to consider a specific matter.
91. When an ad hoc committee has presented its final report to Council, it shall be deemed to be dissolved unless otherwise determined by Council by way of the Committee's Terms of Reference.
92. The Chairperson of a committee, unless otherwise prescribed by Council or set out in the Committee's Terms of Reference, is chosen by the members of the Committee. A copy of all typewritten minutes of each Committee will be presented at the Council meeting following the Committee meeting approval.
- 92.1 All Ad Hoc Committee members are required to respond to the Recording Secretary's email regarding anticipated attendance for the upcoming meeting, whether a committee member is able to attend the meeting or not. If a quorum is not achieved, the meeting will be cancelled.

Agenda for Committees

The Clerk or designate shall have an agenda prepared with the Order of Business outlined below for Committee meetings:

- a) Call to Order and Disclosure of Pecuniary Interest and General Nature Thereof
- b) Approval of Agenda
- c) Approval of Minutes
- d) Consideration of Agenda Items
- e) Other Business
- f) Adjournment

Part VI – By-laws

93. No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter has been considered by Council. In general, all by-laws must be initially placed on a preceding Council meeting agenda forming part of a staff report prior to that by-law proceeding to Council for consideration.
94. Every by-law shall have three (3) readings prior to being enacted. If any Council member requires that the by-law be read in its entirety, the by-law shall be so read. If a request is not received for the reading of a by-law in its entirety, the by-law number and preamble only will be read when being introduced for first, second and third reading.
95. All by-laws shall be introduced by way of one (1) consolidated motion, specifying the title and preamble of each of the By-laws being given first, second and third reading. A member has the right to request that a specific by-law be removed from the consolidated motion if he/she has requested that a separate vote on the by-law be taken.
96. Every by-law shall contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act. It shall subsequently be completed by the Clerk.
97. Every by-law enacted by Council shall be numbered, dated, affixed with the seal of the Municipality, signed by the Clerk and Mayor, and its safekeeping shall be assured by the Clerk.

Part VII – Debate

Conduct of Members

98. Members shall:
 - a) discharge with integrity all responsibilities to Council, the Municipality and the public and in keeping with approved Corporate policies
 - b) encourage public respect for and try to improve the administration of the Municipality
 - c) treat the Mayor or Presiding Officer, other members, staff and delegates with courtesy, respect and honesty
 - d) hold in strict confidence all information concerning matters dealt with in Closed Session(s)
 - e) not leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared
 - f) respect the decision of the Mayor or Council on a question relating to this By-law
 - g) require that a question or motion under discussion be read at any time during the debate but not so as to interrupt a member while he/she is speaking
 - h) ask a succinct question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding not as a means of making statements or assertions

- i) act in accordance with the his/her sworn Oath of Office and the Municipality's Code of Conduct for Members of Council
- j) serve his/her constituents in a conscientious and diligent manner

Motions

- 99. All motions shall be moved and seconded before being read and then debated.
- 100. When a motion is under debate, no other motion shall be received, except a motion to amend, defer, table, divide or call the question.
- 101. After the question is called, no Member shall speak to the question nor shall any further motions be made until after the result of the vote has been declared.
- 102. Resolutions shall require a majority in order to be valid and binding on Council or a Committee unless otherwise specified in this By-law.
- 103. Should the Mayor desire to move a motion or by-law, the Deputy Mayor, or in their absence, another Member shall temporarily chair the meeting.

Motion to Call the Question

- 104. A motion to call the question shall take precedence over any other motion. It is only proper after a minimum thirty (30) minutes of discussion on the same motion and all Members wishing to address the matter have had an opportunity to speak at least once.

Motion to Adjourn

- 105. A motion to adjourn the meeting shall be put immediately without debate.

Withdrawal of Motion

- 106. A motion may be withdrawn at any time before the decision with the consent of the mover, seconder and a majority of the members.
- 107. Where a withdrawn motion fails, a substitute mover is permissible in those circumstances so that the original mover is not forced to vote in favour of a motion that he/she wished to withdraw.

Ultra Vires

- 108. A motion with respect to a matter which is beyond the scope of power (ie. ultra vires – the jurisdiction) of Council or a Committee shall not be in order except regarding a matter which, in the opinion of a majority of the Members, the question has to do with the welfare of the Municipality's citizens in general.

Notice of Motion

- 109. All notices of motions shall be in writing and announced by the Member presenting same at the Council meeting which precedes the meeting which the new motion will be discussed. The written motion shall be filed with the Clerk in order to form part of the next regular Council agenda.
- 110. In addition, the following motions may be introduced without notice, but such motions shall be in writing and, where possible, provided to the Clerk in advance of the meeting:
 - a) to defer
 - b) to table
 - c) to divide the question
 - d) to amend

Motion to Divide the Question

111. Any Member may request that the Mayor divide the question (also known as “splitting the motion”) where there are separate propositions contained therein.
112. If there is no objection, the Mayor shall facilitate the debate and the vote shall be called on each proposition separately. If a member objects to the division, the Mayor will call the vote on the question of whether the motion should be divided. In that case, a simple majority is required to divide the question.
113. A motion to divide the question is not debatable.

Motion to Amend

114. A motion to amend the main motion shall:
 - a) be moved, seconded and then the amending portion(s) to the main motion shall be read aloud in a manner that highlights the change(s)
 - b) receive disposition of Council or the Committee before a previous amendment or the question
 - c) not be further amended more than once, although further amendments may be made to the main motion
 - d) be relevant to the main motion
 - e) not propose a directive negative to the main motion, although it may propose a separate and distinct disposition of a question
115. Where a motion to amend is relevant to the main motion but significantly changes the substance of the original recommendation, Members are encouraged to table the amendment to allow for public notice of the change.

Motion to Table

116. A motion to table requires a mover and seconder. It takes precedence over a motion to amend.
117. A motion to table the main motion is debatable, but only with respect to the issue of whether to table the matter.
118. A motion to table the main motion may not be brought more than once during the same debate.

Reconsideration

119. Reconsideration of a previously approved resolution, question or matter is not permitted. Any Member wishing to present an alternative action to a decided matter must put forward a Notice of Motion, in the manner outlined in this By-law, for Council discussion, consideration and action. A brief and concise statement of the reasons in which he/she believes such reconsideration is justified shall be included with the Notice of Motion (for reconsideration). The Mayor shall confirm that the Member voted with the majority on the issue in question.

Voting

120. Every member, including the Mayor, shall have one (1) vote.
121. Every member present at a meeting who is required to vote on a question, but, in fact, does not vote thereon, shall be deemed to be voting in the negative and, when required, shall be so recorded, subject to the provision of this By-law.

- 122. When a vote is called, every member shall immediately:
 - a) occupy his/her seat and shall remain there until the result of the vote has been declared
 - b) not traverse the room
 - c) cease all discussion on the matter immediately
 - d) not speak to any other member or make any noise or disturbance
- 123. Any question on which there is a tie vote result shall be deemed to be lost.
- 124. The Mayor shall announce the number of members in favour and the number of those opposed after each and every vote unless it is by way of a recorded vote or it is unanimous.

Recorded Vote

125. If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member starting with the requester of the recorded vote and moving alphabetically from that member through the list shall announce his/her vote upon request openly and individually unless otherwise prohibited by statute and the Clerk shall record the same and shall announce the result of the vote. The Deputy Mayor and then the Mayor vote last.

- 1. That all such appointment by-laws, including By-law No. 2021-08 is hereby rescinded.
- 2. That this By-law shall come into full force and effect upon its final passage.

Read a first and second time this 11th day of December 2023.

Read a third time, finally passed, signed and sealed on this 11th day of December 2023.

Mayor, Milt Mclver

Clerk, Cathy Addison