

# Township of Lucan Biddulph

## BY-LAW NO. 30-2020

---

Being a By-law to govern the proceedings of the Council, the conduct of its members and the calling of meetings.

### By-law Index

- 1.0 Definitions
- 2.0 General
- 3.0 Roles and Duties
- 4.0 Schedule of Meetings
- 5.0 Notice of Meetings
- 6.0 Open Meetings
- 7.0 Agendas/Supporting Materials
- 8.0 Commencement of Meetings
- 9.0 Rules of Debate and Conduct
- 10.0 Questions of Privilege & Points of Order
- 11.0 Motions – Order – Putting Motions
- 12.0 Voting
- 13.0 Reconsideration
- 14.0 Delegations
- 15.0 Communications – Petitions
- 16.0 Enquiries
- 17.0 Emergent Business
- 18.0 Unfinished Business
- 19.0 Enactment of By-laws
- 20.0 Special Committees
- 21.0 Disclosures of Pecuniary Interest
- 22.0 Confirming By-law
- 23.0 Repeal – Enactment – Amendment

### Part 1 - Definitions

#### **Chair**

“Chair” shall mean the person presiding at a Council or Committee meeting.

#### **Clerk**

“Clerk” shall mean the Clerk of the Township of Lucan Biddulph.

#### **Committee**

“Committee” shall mean a committee established by Council.

#### **Committee of the Whole**

“Committee of the Whole” shall mean a committee composed of all of the members of Council.

#### **Council**

“Council” shall mean the Council of the Township of Lucan Biddulph.

#### **Electronic Participation**

“Electronic Participation” means that a member of Council, of a Local Board or of a Committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in this by-law provided that any such member shall not be counted in determining whether or not a quorum

of members is present, at any point in time [2017, c.10, Sched.1, s.25(2)] with the only exception for emergency situations as set out in Section 6.7 of this by-law.

**Closed Session**

“Closed session” shall mean a closed session of County, of a committee or the Committee of the Whole, not open to the public.

**Meeting**

“Meeting” shall mean a meeting of the Council or committee.

**Recorded vote**

“Recorded vote” shall mean the recording of the name and vote of every member on a motion during a meeting.

**Part 2 – General**

**2.1 Rules – regulations – observed – at all times**

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council.

**2.2. Rules – observed – modifications – permitted**

The rules contained in this by-law shall be observed, with the necessary modifications, in every committee.

**2.3 Parliamentary procedure – proceedings**

Those proceedings of the Council, the committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with generally accepted parliamentary procedure.

**2.4 Rules – regulations – suspended – majority consent - Council**

Any rules or regulations contained in this by-law may be suspended with the consent of a majority of the whole Council.

**2.5 Absence – Mayor – Deputy Mayor – authority**

In the absence of the Mayor from the Municipality, or if he/she is absent through illness or if he/she refuses to act or if the office is vacant, the Deputy Mayor for the purposes of this by-law shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.

**2.6 Absence – Deputy Mayor – member – appointed**

In the event that the Deputy Mayor is unable, for any reason, to act in place and stead of the Mayor, a member shall be appointed pursuant to subsection 226 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, to act from time to time in place and stead of the head of Council, and shall have and may exercise, while do so, all the rights, powers and authority of the head of Council.

**2.7 Meeting Locations**

All meeting of the Municipal Council, the Committee of Whole and the Standing Committees shall be held at the Township Office, Council Chambers unless there are extraordinary circumstances for which there is a consent by at least two-thirds of the whole Council to hold a meeting at another location within the boundaries of the Township of Lucan Biddulph, subject to the provisions of public notice of the change in venue, in the form, manner and times as determined by the Clerk. Council may by consent of at least two-thirds of the whole Council hold two (2) regularly scheduled Council meetings per year in a location other than at the Township Office, Council Chambers.

## **Part 3 – Roles and Duties**

### **3.1 Role of the Mayor**

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) With limited clause c) to provide information and recommendations to the council with respect to the role of council described in 3.2 d) and e);
- e) To represent the municipality at official functions;
- f) To carry out the duties of the head of council under the *Municipal Act* or any other Act; and
- g) As chief executive officer of the municipality, the Mayor shall;
  - i. Uphold and promote the purposes of the municipality;
  - ii. Promote public involvement in the municipality's activities;
  - iii. Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents; and
  - iv. To act as Council's representative when dealing with other levels of government, their agencies and the private sector.
- h) The Mayor is an ex-officio member of each committee, Board or other body established by Council unless prohibited by law. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, except where prohibited by law, being the mayor, as provided under this section. The Mayor may vote and otherwise participate unless prohibited by law, in the business of the committee on the same basis as any other committee member.

### **3.2 Role of Council**

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;
- e) To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) To maintain the financial integrity of the municipality; and
- g) To carry out the duties of council under the *Municipal Act* or any other act.

### **3.3 Duty of Mayor**

It is the duty of the Mayor to preside at all meeting of Council, and

- a) To open the meeting of Council by taking the Chair and calling the meeting to order;
- b) To receive and submit, in the proper manner, all motions presented by the members;
- c) To put to a vote all motions and announce the result;
- d) To serve as an ex-officio member of all committee of the Council and entitled to vote at meetings;
- e) Decline to put motions to a vote which infringe upon the rules of procedure;
- f) To inform the members of proper procedure to be followed and to enforce the rules of procedure;
- g) To enforce on all occasions, the observance of order and decorum among the members;
- h) To call by name any member persisting in a breach of the rules of procedure

- and order the member to vacate the Council Chamber;
- i) To permit questions to be asked through the Mayor of any officer of the municipality for information to assist in any debate when the Mayor deems it proper;
  - j) To provide information to members on any matter relating to the business of the municipality;
  - k) To authenticate by signature all by-laws and minutes of the Council;
  - l) To rule on any points of order raised by members;
  - m) To represent and support the Council;
  - n) To maintain order. Where it is not possible to maintain order, the Mayor may, without any motion being put, adjourn the meeting to a time to be named by the Mayor;
  - o) To adjourn the meeting when the business is concluded;
  - p) To carry out the duties of the head of council under the *Municipal Act* or any other Act; and
  - q) To act in accordance with his/her Oath of Elected Office.

### **3.4 Duty of Councillors**

It is the duty of the Councillors to attend all meetings of Council, and;

- a) To prepare for meetings, including reviewing the agenda and background information prior to the meeting;
- b) To speak only to the subject under debate;
- c) To vote on all motions before the Council unless prohibited from voting by law;
- d) To observe proper procedure and decorum at all meetings;
- e) To state questions to be asked through the Mayor;
- f) To support the Council;
- g) To attend any committee meeting to which the member has been appointed by Council;
- h) To act in accordance with their Oath of Elected Office.

### **3.5 Duty of the Clerk**

It is the duty of the Clerk to attend all Council meetings, and;

- a) To record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- b) If required by any member present at a vote who requests a recorded vote, to record the name and vote of every member voting on any matter or question;
- c) To keep the originals of copies of all by-laws and of all minutes of the proceedings of the Council;
- d) To make such minor clerical, typographical or grammatical corrections in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- e) To perform the other duties required under the *Municipal Act* or any other Act;
- f) To advise Council on parliamentary procedure; and
- g) The Clerk may delegate minute-taking for meetings as deemed necessary.

## **Part 4 – Schedule of Meetings**

### **4.1 Annual Schedule of Meetings – Prepared by Clerk**

The Clerk shall, on an annual basis, prepare and submit a schedule of meetings for each Council year by no later than December 1<sup>st</sup> of each calendar year for consideration and adoption by the Municipal Council.

#### **4.2 Regular meeting – civic or public holiday**

If the day fixed for a meeting of Council or a committee falls upon a civic or public holiday, then such meeting shall be held on the next regular business day, unless otherwise provided by resolution.

#### **4.3 Proceedings – adjournment - termination**

The proceedings of the regular Council meeting shall be terminated by 11:00 p.m. in the evening, unless such proceedings are continued after such hour with the consent of two-thirds of Council members present. A motion thus passes may not set the time beyond 12:00 a.m. or the conclusion of the topic at hand. Proceeding beyond this point may be continued to a time set out in the motion approved by two-thirds of the members present.

#### **4.4 Annual Schedule of Meetings – Qualifications**

When setting the annual schedule of meetings:

- a. Following a regular municipal election, the inaugural meeting shall be held as soon as practicable in December of that year at a time chosen by the Clerk and the Mayor-elect.
- b. The Council shall hold two regular meetings per month on the 1st and 3rd Tuesday of each month in each year (with the exception of one meeting only during the months of July and August).

#### **4.5 Special Meeting – emergency – called by Mayor**

The Mayor may, at any time, call a special or emergency meeting.

#### **4.6 Special Meeting – called by Clerk – petition – submitted**

Upon receipt of a petition signed by a majority of the members, the Clerk shall call a special meeting for the purposes and at the time mentioned in the petition.

#### **4.7 Special Meetings – emergency – held in Chambers**

Special or emergency meetings shall be held in the Council Chambers at the Township Office, unless otherwise decided by a majority of the members.

### **Part 5 – Notice of Meetings**

#### **5.1 Meeting Agenda – deemed notice**

Public notice of meetings shall be given by posting the meeting schedule on the Township's official website at the beginning of each calendar year. The meeting schedule shall include the date, time and location of the Council meeting. The meeting schedule is subject to change as necessary. Prior to the meeting, the agenda shall be posted on the Township's official website, where possible.

#### **5.2 Meeting Agenda – deemed notice – exception**

The Meeting Agenda shall be considered as adequate notice of regular meetings, except for meetings held on a day or at a time other than as provided for by this by-law.

#### **5.3 Meeting Agenda – delivered – 48 hours in advance**

The Meeting Agenda for regular meetings shall be placed in the Council member's mailbox so as to be received no later than 48 hours before the hour appointed for the meeting.

#### **5.4 Special meetings – notice – delivered – 24 hours prior**

Notice of special meetings called in accordance with sections 4.5 and 4.6 of this by-law shall be placed in the Council member's mailbox so as to be received no later than 24 hours before the hour appointed for the special meeting. Notice of the special meeting, shall also be posted no later than 24 hours before the hour appointed for the special meeting on the Township's website.

**5.5 Special meetings – business specified – transacted**

No business except the business dealing directly with the purpose mentioned in the notice shall be transacted at any special meeting.

**5.6 Emergency – notice not required**

Notwithstanding any other provision of this by-law, an emergency meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

**5.7 Emergency – business specified – transacted**

No business except the business dealing directly with the emergency or extraordinary situation shall be transacted at any special meeting.

**5.8 Meeting Agenda – notice – not received – validity**

Lack of receipt of a notice or of the Meeting Agenda by the members shall not affect the validity of the meeting or any action taken thereat.

**5.9 Postponement – meeting – emergency – up to 3 days**

The Mayor may, when emergency or extraordinary situations arise, postpone a meeting for not more than 3 days.

**5.10 Postponement – notice by Clerk**

Upon the postponement of a meeting by the Mayor in accordance with sections 5.8 of this by-law, the Clerk shall attempt to notify the members of the postponement as soon as possible and in the most expedient manner available.

**Part 6 - Open Meetings**

**6.1 Meetings – open to public**

Except as otherwise provided by Section 239 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, all meetings shall be open to the public.

**6.2 Meetings – when closed**

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a) The security of the property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal or local board employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- 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 a council, board, committee or other body may hold a 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; or
- 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

*Other criteria:*

- l) a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:
  - i) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - ii) an ongoing investigation respecting the municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1).

**6.2.1. Meetings – when closed – education or training**

A meeting may be closed to the public if the following conditions are both satisfied:

- a) The meeting is held for the purpose of educating or training the members;
- b) 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 or committees.

**6.3 Meetings – resolution required**

Before holding a meeting or part of a meeting that is to be closed to the public, the Council or committee that is holding the meeting shall state by resolution:

- a) The fact of the holding of a closed meeting;
- b) The general nature of the matter to be considered at the closed meeting; and
- c) In the case of a meeting under section 6.2.1 of this by-law, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that section of the by-law.

**6.4 Meetings – not closed during vote**

Subject to section 6.5 of this by-law, a meeting shall not be closed to the public during the taking of a vote.

**6.5 Meetings – not closed during vote – exception**

A meeting may be closed to the public during a vote if:

- a) Section 6.2 permits or requires the meeting to be closed to the public, and
- b) The vote is for the procedural matter for or giving direction or instruction to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

**6.6 Voting Procedure – Closed Session – Committee of the Whole**

At any meeting of part of a meeting of the Committee of the Whole that is closed to the public, no vote shall be taken on any matter that does not fall within Section 6.5 and the Committee of the Whole shall instead consider whether to forward the matter to the Council for the purposes of deliberation and taking a vote in public session. A motion from the Committee of the Whole forwarding a matter which must be voted on in public session shall indicate on its face that the forwarding of the matter is a procedural step under this by-law made for the purposes of having the Committee of the Whole forward the matter to Council for deliberation and vote in public session.

**6.7 Electronic Participation at Meetings**

- a. A member may participate in a meeting via teleconferencing or other electronic

means that has been tested for reliability and can be muted to block background noise, subject to:

- i. the member is unable to travel to the meeting; or
- ii. the member's health.

b. The chair may direct that the connection be terminated if the councillor cannot be clearly understood, or if a poor connection or background noise is deemed to be disruptive to the meeting.

c. Notwithstanding Section 6.7.a., if a technical problem prevents or interrupts a member's electronic participation in a meeting, the minutes shall reflect the time at which the member ceased to participate in the meeting by reason of the technical problem. If such technical problem is later resolved and the member rejoins the meeting by electronic means without a vote on a motion having taken place during the interruption in the member's participation, the minutes shall reflect the time at which the member rejoined the meeting.

d. If electronic communication is interrupted during a meeting and remains interrupted while a vote on a motion is taken, the member affected is deemed to have left the meeting prior to the vote and shall not be permitted to rejoin the meeting, either electronically or in person.

e. Invited delegates may participate in meetings electronically.

### **6.8 Emergency Council Meetings**

a. Where an emergency has been declared in all or part of the Township of Lucan Biddulph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

- i. any member of council may participate in any open or closed council meeting electronically and be counted for the purpose of establishing quorum;
- ii. all votes shall be recorded votes; and

b. That the regular order of the Agenda be suspended to allow Emergency Council Meetings to proceed without delegations.

## **Part 7 – Meeting Agenda – Meeting Agendas**

### **7.1 Composition – prepared by Clerk**

The Clerk shall prepare the Meeting Agenda for all regular meetings consisting of the following:

1. Call to Order
2. Disclosure of Pecuniary Interest & Nature Thereof
3. Announcements
4. Closed Session
5. Public Meetings
6. Delegations, Presentations & Petitions
7. Adoption of Minutes
8. Business Arising From the Minutes
9. Correspondence



10. Committee Reports
  - a) CEDC (Community Economic Development Committee)
  - b) Bluewater Recycling
  - c) Lake Huron
  - d) Fire Boards
  - e) ABCA (Ausable Bayfield Conservation Authority)
  - f) UTRCA (Upper Thames River Conservation Authority)
  - g) Parks & Recreation
11. Staff Reports
  - a) CAO/Clerks Office
  - b) Building/Bylaw Enforcement
  - c) Finance
  - d) Planning
  - e) Public Works
  - f) Parks & Recreation
  - g) Economic Development
12. Councillor's Comments
13. Changes to Budget
14. Notice of Motions
15. Motions and Accounts
16. By-laws
17. Adjournment

**7.2 Deadline – material inclusion**

The deadline for receipt of material by the Clerk to be included in the Meeting Agenda shall be 11:00 a.m. on the Friday prior to the meeting.

**7.3 Order of Business – as specified – exception**

The business of each meeting shall be taken up in the order in which it stands in the Meeting Agenda, unless otherwise decided by a two-thirds vote of the members present.

**7.4 Motion – to change order – not amendable – debatable**

A motion changing the order of business shall not be amendable or debatable.

**Part 8 – Commencement of Meetings**

**8.1 Quorum – majority – required**

A quorum shall be a majority of the members constituting the Council.

**8.2 Call to Order – quorum present**

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to order by the Mayor.

**8.3 Quorum – lost – unfinished business**

If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following date or at such other time and place as the Chair will then announce. If, in the Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Chair will announce that the unfinished business of the Council will be taken up at its next regularly scheduled meeting.

**8.3 Adjournment – quorum not present – names recorded**

If there is no quorum present within one-half hour after the time appointed for the meeting, the Council shall stand adjourned until the date and time of the next regular or special meeting, and the Clerk shall record the names of the members present upon such adjournment.

**8.4 Mayor – to preside – all meetings**

The Mayor, if present, shall preside at all meetings.

**8.5 Mayor – absence – Deputy Mayor – to preside**

In the absence of the Mayor, the Deputy Mayor shall preside during the meeting or until the arrival of the Mayor.

**8.6 Mayor – Deputy – absence- member appointed**

In the absence of the Mayor and the Deputy Mayor, the Clerk shall call the meeting to order 15 minutes after the hour appointed for the meeting and the members shall elect a member to preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

**Part 9 – Rules of Debate and Conduct**

**9.1 Order – decorum – maintained – Mayor**

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.

**9.2 Mayor – speaking on motion – to leave Chair**

The Mayor may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or to speak on a motion taking a definite position and endeavoring to persuade the Council to support that position, then he/she shall first leave the Chair.

**9.3 Mayor - leaving Chair – member designate in place**

If the Mayor desires to leave the Chair for the purpose of taking part in the debate or for any other reason, he/she shall designate another member to fill his/her place until he/she resumes the Chair.

**9.4 Speaking – recognition by Mayor – required**

Before a member may speak to any matter, he/she shall first be recognized by the Mayor.

**9.5 Speaking – order – determination**

When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the member who is to speak first.

**9.6 Speaking – once only – exception – vote – reply**

A member shall not speak more than once to any motion, unless otherwise decided by a majority vote of the members present, but the member who has made a motion shall be allowed to reply for a maximum of 5 minutes.

**9.7 Speaking – under debate – motion – prohibited**

A member who has already spoken to any motion under debate shall not be permitted to move any motion described in section 11.7 of this by-law, except a motion to proceed beyond the hour of 11:00 p.m.

**9.8 Motion – under debate – questions – before vote**

When a motion is under debate, a member may ask a concisely worded question of another member, or the Clerk or of staff, through the Mayor prior to the motion being

put to a vote by the Mayor in accordance with section 12.4 of this by-law.

**9.9 Motion – under debate – read at any time**

A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

**9.10 Disruption – Council – by member – prohibited**

A member shall not disturb the Council by any disorderly conduct.

**9.11 Offensive language – insults – prohibited**

A member shall not use profane or offensive words or insulting expressions.

**9.12 Disobedience – rules – points of order – prohibited**

A member shall not disobey the rules of the Council or decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.

**9.13 Leaving seat – disturbance during vote – prohibited**

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

**9.14 Speaking – without addressing – prohibited**

A member shall not speak until he/she has addressed himself/herself to the Mayor.

**9.15 Interruption – speakers – prohibited**

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

**9.16 Leaving meeting – not to return – Mayor informed**

A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Mayor.

**9.17 Disorderly conduct – member to be removed – question**

In the event that a member persists in a breach of the rules prescribed in sections 9.10 to 9.15 inclusive of this by-law, after having been called to order by the Mayor, the Mayor shall put the question “Shall the member be ordered to leave his/her seat for the duration of the meeting?” and such question is not debatable.

**9.18 Disorderly conduct – member to leave seat**

If the Council decides the question set out in section 9.17 of this by-law in the affirmative by a majority vote of the members present, the Mayor shall order the member to leave his/her seat for the duration of the meeting.

**9.19 Apology – member to resume seat – by permission**

If the member apologizes, the Mayor, with the approval of the Council, may permit him/her to resume his/her seat.

**Part 10 – Questions of Privilege – Points of Order**

**10.1 Rights – privileges – integrity – of members – affected**

If a member believes that his/her, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.

**10.2 Administration – integrity questioned – procedure**

When the Mayor considers that the integrity of the Clerk or a member of the administration has been impugned or questioned, the Mayor may permit the Clerk or

a department head or his/her designate to make a statement to the Council.

**10.3 Rules of procedure – violation – raised by member**

When a member desires to call attention to a violation of the rules of procedure, he/she shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the members of his/her decision.

**10.4 Appeal – Mayor’s decision – immediately – required**

Unless a member immediately appeals to the Council, then the question “Shall the ruling of the Chair be sustained?” shall be put immediately without debate and its result shall be final.

**10.5 Call to Order – speaking – permission**

When the Mayor calls a member to order, that member shall not speak again until the matter under discussion without the permission of the Mayor, unless to appeal the ruling of the Mayor.

**Part 11 – Motions – Order – Putting Motions**

**11.1 Notice of Motions – filed with Clerk**

Notices of motions filed with the Clerk shall be directed by the Clerk to the next regular Council meeting.

**11.2 Question – urgent – included in Meeting Agenda**

Notwithstanding the provisions of section 11.1 of this by-law, when a member, submitting a notice of motion to the Clerk within the deadline prescribed in section 7.2 of this by-law indicates in writing to the Clerk that the notice of motion is a question of urgency, the Clerk shall include the notice of motion in the Orders of Day (Agenda).

**11.3 Notice – Orders of Day – consideration – conditions**

Notices of motions included in the Meeting Agenda shall only be considered by the Council when a majority of the members present have given leave for the introduction of such a motion.

**11.4 Motions for giving leave – non-amendable – debatable**

Motions for giving leave shall not be amended and shall be decided without debate.

**11.5 Motion – seconded before debate – exception**

Motions shall be seconded before being debated or put to a vote, except motions to adopt a recommendation or report from a committee.

**11.6 Withdrawal – before put – requirement**

Every motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Mayor, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.

**11.7 Motion under debate – other motions permitted**

When a motion is under debate, no other motion shall in order except a motion:

- a) To adjourn;
- b) To proceed beyond the hour of 11:00 pm.;
- c) To table;
- d) To put the question (to close the debate);
- e) To postpone;
- f) To refer; or
- g) To amend.

### **11.8 Motion to adjourn**

A motion to adjourn shall:

- a) Not be amended;
- b) Not be debated;
- c) Not include qualifications or additional statements; and
- d) Always be in order, except when a member is speaking or the members are voting or when made in Committee of the Whole.

### **11.9 Motion to adjourn – rejected – procedure**

When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

### **11.10 Adjournment – extension – maximum – permissible**

The Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present at a meeting or at a meeting of the Committee of the Whole.

### **11.11 Motion to proceed beyond 11:00 p.m – qualifications**

A motion to proceed beyond the hour of 11:00 p.m. shall:

- a) Not be amended;
- b) Not be debated; and
- c) Always be in order, except when a member is speaking or the members are voting.

### **11.12 Motion to table – qualifications**

A motion to table shall:

- a) Not be amended;
- b) Not be debated;
- c) Apply to the main motions and any amendments thereto under debate at the time when the motion to table was made; and
- d) Not include qualification or additional statements.

### **11.13 Motion to table – accepted – procedure**

Notwithstanding the provisions of section 11.1 and 11.2 of this by-law, if a motion to table is decided in the affirmative by a majority vote of the members present, then the main motion and any amendments thereto shall be removed from the Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk within the deadline prescribed in section 7.2 of this by-law and is included in the Meeting Agenda.

### **11.14 Motion to put to the question – qualifications**

A motion to put the question (to close the debate) shall:

- a) Not be amended;
- b) Not be debated;
- c) Not be introduced by a Council member who has already spoken to the motion or amendment under debate, in accordance with section 9.7 of this by-law;
- d) Apply to the motion or amendment under debate at the time when the motion to put the question is made;
- e) Not be received in any committee; and
- f) Be moved using the words "that the question now be put" and the mover and the seconder shall not be permitted to speak to the motion to put the question.

### **11.15 Motion to put the question – accepted – procedure**

If a motion to put the question is decided in the affirmative by a two-thirds vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

### **11.16 Motion to postpone – to certain time – qualifications**

A motion to postpone a matter to a certain time shall:

- a) Be open to debate;
- b) Be amendable; and
- c) Preclude amendment and debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

**11.17 Motion to refer – qualifications**

A motion to refer a matter under consideration to a committee or elsewhere shall:

- a) Be open to debate;
- b) Be amendable; and
- c) Preclude amendment and debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

**11.18 Motion to amend – qualifications**

A motion to amend shall:

- a) Be open to debate;
- b) Not propose a direct negative to the main motion; and
- c) Be relevant to the main motion.

**11.19 Motion to amend – main motion – one at a time**

Only one motion to amend the main motion shall be allowed at one time.

**11.20 Motion to amend – amendment – one at a time**

Only one motion to amend the motion to amend the main motion shall be allowed at one time.

**Part 12 – Voting**

**12.1 Amendment – to amendment – voted on first**

A motion to amend an amendment shall be voted on first.

**12.2 Voting - order**

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

- a) A motion to amend a motion to amend the main motion;
- b) A motion (as amended or not) to amend the main motion; and
- c) The main motion (as amended or not).

**12.3 Propositions – divided – voted on separately**

When the motion under consideration contains distinct propositions, upon the request of any member and provided a recorded vote has not been called for, the vote on each proposition shall be taken separately.

**12.4 Motion to vote – immediately – after all have spoken**

A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with section 9.6 of this by-law.

**12.5 Speaking – after motion – before vote announced**

After a motion is put to a vote by the Chair, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.

**12.6 Mandatory vote – all members – exception**

Every member present, except the Mayor, shall vote on every motion unless the member indicates a conflict of interest.

**12.7 No vote – deemed negative – exception**

Notwithstanding the provisions of section 12.6 of this by-law, every member except

the Mayor, who is not disqualified from voting by reason of a declared conflict of interest, shall be deemed to be voting against the motion if he/she declines or abstains from voting.

**12.8 Mayor – voting privilege**

Subject to section 12.17 to this by-law, the Mayor may vote with the other members, except when he/she is disqualified from voting by reason of a declared conflict of interest.

**12.9 Secret voting – on motion – prohibited**

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

**12.10 Putting the question to vote – qualifications**

When putting the question to vote, the Chair shall first ask for those in favour of its adoption to raise their hands, and then ask for those opposed to its adoption to raise their hands.

**12.11 Result – announced – by Chair**

The Chair shall announce the result of every vote.

**12.12 Result – disagreement – objection immediate – retaken**

If a member disagrees with the number of votes for and against a motion as announced by the Chair, he/she may object immediately to the Chair's declaration and, with the consent of the Council, the vote shall be retaken.

**12.13 Tie vote – deemed negative**

Where there is a tie vote on any motion, it shall be deemed to have been decided in the negative.

**12.14 Recorded vote – required – when called for – other**

A recorded vote shall be taken when called for by any member or when required by law.

**12.15 Recorded vote – called for – before – after – vote**

A member may call for a recorded vote immediately prior to or immediately after the taking of the vote.

**12.16 Recorded vote – names – entered in minutes**

When a recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

**12.17 Recorded vote – all members to vote – exception**

Notwithstanding the provisions of section 12.8 of this by-law, the Mayor and all members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a declared conflict of interest.

**12.18 Voting – number of members – calculation**

In any vote required of the whole Council, the number of members constituting the Council shall be determined by excluding:

- a) The number of members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*; and
- b) The number of seats that are vacant on the Council by reason of section 259(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.

**12.19 Voting – Rotation – Recorded Vote**

The taking of the first recorded vote at any Council meeting will begin with the Deputy Mayor, except when he/she has been disqualified from voting by reason of a

declared conflict of interest or is absent; and thereafter the starting point for the taking of subsequent recorded votes will move from eligible member in a counter-clockwise rotation around the Council board; provided however, that the Mayor will always be the last person voting when a recorded vote is being taken.

### **Part 13 – Reconsideration**

#### **13.1 Introduction – by majority vote – or absentee**

A motion to reconsider a decided matter shall only be introduced by a member who voted with the majority on the original motion or who was absent when the vote was called.

#### **13.2 Urgent question – included in Meeting Agenda**

When a member submitting a notice of motion to reconsider a decided matter to the Clerk within the deadline prescribed in section 7.2 of this by-law indicates in writing to the Clerk that the notice of motion is a question of urgency, the Clerk shall include the notice of motion in the Meeting Agenda.

#### **13.3 Administrative action – not delayed – before notice**

A notice of motion to reconsider a decided matter filed with the Clerk shall not stop or delay any administrative action on the decided matter at any time before the notice of motion has been dealt with by the Council.

#### **13.4 Reconsideration – majority vote – whole Council – required**

A motion to reconsider a decided matter shall require the approval of majority of the whole Council.

#### **13.5 Reconsideration – majority approval – exception**

Notwithstanding the provisions of 13.4 of this by-law, a motion to recommend the reconsideration of a decided matter of the Council, made a committee, shall only require the approval of a majority of all the members of the committee.

#### **13.6 Reconsideration – twice only**

No motion for the reconsideration of any decided matter shall be permitted more than twice during any one year nor shall a motion to reconsider be reconsidered.

#### **13.7 Affirmative vote – original matter – next business**

If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

#### **13.8 Debate – prohibited – statement of reason – permitted**

No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

### **Part 14 – Delegations**

#### **14.1 Written request – to Clerk – for committee**

Any person desiring to be heard by Council or a committee shall submit a written request to the Clerk and the Clerk shall then direct the request to the committee.

#### **14.2 Business – stated – matters – related to**

Persons appearing before the Council or committee shall confine their remarks to the business stated in their request. Delegations shall be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.



**14.3 Repetition – prevented – hearing declined – exception**

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the Council or committee may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting of Council or committee.

**14.4 Appearance – previous – limitation – new information**

Except as required by law, any person appearing before the Council or committee, who has previously appeared before the Council or committee on the same subject matter shall be limited to providing only new information in their second and subsequent appearances.

**Part 15 – Communications – Petitions**

**15.1 Presentation – information – legibly written – signed**

Every communication or petition intended for presentation to the Council or a committee shall be legibly written or printed and shall be signed by at least one person given his/her address.

**15.2 Listed – In Meeting Agenda – with similar matters**

The Clerk shall list in the Meeting Agenda only those communications and petitions which pertain to matters contained in the reports and other communications listed in the Meeting Agenda.

**15.3 Matters – not pertinent – directed to appropriate area**

Every communication or petition which does not pertain to matters in the Meeting Agenda shall be directed by the Clerk to the appropriate committee.

**15.4 Language – obscene – defamatory – prohibited**

Notwithstanding the provisions of sections 15.2 and 15.3 of this by-law, communications or petitions containing obscene or defamatory language shall not be listed in the Meeting Agenda or be directed to a committee.

**Part 16 – Enquiries**

**16.1 Corporation – business – procedure**

Enquiries relating to any matter connected with the business of the Corporation of the Township of Lucan Biddulph may be made by members to the Mayor or, through him/her, to another member or to the Clerk or to a department head or his/her designate.

**16.2 Argument – opinions – debates – prohibited**

When an enquiry is made in accordance with section 16.1 of this by-law, no argument, opinion or facts shall be stated, except so far as may be necessary to explain the enquiry, and no debate shall be permitted with respect to the enquiry.

**16.3 Answer – response – debate – prohibited**

When a member answers a question in response to an enquiry, he/she shall not debate the matter to which the enquiry refers.

**Part 17 – Emergent Business**

**17.1 Emergency – congratulations – condolatory matters**

Business that is not part of the Meeting Agenda shall not be considered by the Council unless it is of an emergency, congratulatory or condolatory nature.

**17.2 Introduction – majority – required**

Members shall introduce matters described in section 17.1 of this by-law, but in order

for such matters to be introduced by the majority of the members present shall give leave for the introduction of such matters.

**17.3 Motion to introduce – not amendable – debatable**

Motions to give leave for the introduction of such matters shall not be amendable or debatable.

**Part 18 – Unfinished Business**

**18.1 Repeated – until disposed of**

Items in the Meeting Agenda which have not disposed of by the Council shall be repeated in each subsequent Meeting Agenda until disposed of by the Council.

**Part 19 – Enactment of By-laws**

**19.1 Printed – distributed – with Meeting Agenda**

By-laws shall be printed and distributed with the Meeting Agenda for the meeting at which they are to be read.

**19.2 Readings – 3 – required – before enactment**

Every by-law shall receive 3 separate readings before being enacted by the Council.

**19.3 Readings – 3 – at same meeting – permitted**

Unless other provided by law, every by-law may receive all 3 readings at the same meeting.

**19.4 First – third readings – motion – no amendment – debate**

Motions for the first and third readings of the by-laws shall not be amendable or debatable.

**19.5 Second reading – amendable – debatable**

Amendments and debate on the content of by-laws shall be in order after a motion for the second reading of the by-laws has been duly made and seconded.

**19.6 Signed – seal affixed – dates shown**

Every by-law enacted by the Council shall be signed by the Mayor or Presiding Officer and the Clerk or Deputized Clerk, sealed with the seal of the Corporation and shall show the dates of the three readings by the Council.

**Part 20 – Special Committees**

**20.1 Appointment – by Council – consideration – report**

A special committee may be appointed by the Council to consider and report on a specific subject, project or undertaking.

**20.2 Work – completed – committee – dissolved**

When a special committee has completed its work and made its report to the Council, the committee shall be deemed to be dissolved.

**Part 21 – Disclosures of Pecuniary Interest**

**21.1 Pecuniary Interest – disclosure – requirements**

If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a meeting at which the said matter is the subject of consideration, then he/she shall disclose his/her interest by verbal means followed by completion of the Statutory Declaration as required under Section 223 of the *Municipal Act, 2001 as amended*, effective March 1, 2019 and he/she shall not take part in the consideration or discussion of the said matter nor shall he/she vote on any motion in regard to the same matter.

**21.2 Non-compliance – by member – validity not affected**

The failure of one or more members to comply with 21.1 of this by-law shall not affect the validity of the meeting in regard to the said matter.

**21.3 Disclosure – by majority – quorum – requirement**

Notwithstanding the provisions of section 8.1 of this by-law, when a majority of the members has disclosed an interest in accordance with section 21.1 of this by-law and the *Municipal Conflict of Interest Act*, as may be amended from time to time, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

**Part 22 – Confirming By-law**

**22.1 Proceedings – all matters**

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

**22.2 Non-amendable – non-debatable**

Notwithstanding the provisions of section 19.5 of this by-law, confirming by-laws shall not be amendable or debatable.

**Part 23 – Repeal – Enactment – Amendment**

**23.1 By-laws – previous**

That By-law No. 11-2020 is hereby rescinded.

**23.2 Effective date**

This by-law comes into force on July 14, 2020

**Read a FIRST, SECOND and THIRD time and FINALLY PASSED this 14th Day of July, 2020**

*Cathy Burghardt-Jesson*

*Ron Reymen*

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK