

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 058-2019 – AS AMENDED BY BY-LAW NO. 042-2020

Being a by-law to repeal and replace By-law No. 067-2016 being a by-law to govern the proceedings of the Township of Wainfleet Council, the conduct of its Members and the calling of meetings.

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

WHEREAS Section 238 (2.1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that the procedure by-law shall provide for public notice of meetings;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **DEFINITIONS**

- 1.1 **Act** – means the *Municipal Act, S.O. 2001, c. 25, as amended*.
- 1.2 **Agenda** – means the order of business setting out the matters to be considered at a meeting.
- 1.3 **Deputy Mayor** – means a Member who has been appointed in accordance with this by-law to act for a designated period of time in the absence of the Mayor.
- 1.4 **Amendment** – means to alter or vary the terms of the main motion without materially changing its purpose.
- 1.5 **Chair** – means the Member presiding at any Meeting.
- 1.6 **Chief Administrative Officer** – means the individual appointed as the Chief Administrative Officer of the Township by Council.
- 1.7 **Clerk** – means the Clerk or his/her designate of the Township.
- 1.8 **Closed Meeting** – means a meeting of Council or Committee thereof that is closed to the public under the authority of the *Municipal Act, 2001*, as amended.
- 1.9 **Committee** – means any advisory or other committee, subcommittee or similar entity created by Council.
- 1.10 **Council** – means Council for the Township.
- 1.11 **Delegation** – means a person or group of persons who addresses Council.

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- 1.12 **Electronic Meeting** - means a meeting called and held in full or in part via electronic means (including but not limited to audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance;
- 1.13 **Emergency** - means any period of time during which an Emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.0.1 of the Emergency Management Act and shall include any period of recovery immediately following a declared emergency;
- 1.14 **Emergency Management Act** - means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9, as amended.
- 1.15 **Emergency Meeting** – means a meeting of Council held to consider any business of the Council which is deemed by the Mayor or his or her designate, in their sole and unfettered discretion, to constitute an emergency situation.
- 1.16 **Inaugural Meeting** – means the first Meeting of Council after a regular election or by-election
- 1.17 **Mayor** – means the Head of the Council for the Township.
- 1.18 **Meeting** – means any Regular Meeting, Special Meeting or other meetings of Council, or of certain local boards or Committees, where a quorum is present and where Members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body.
- 1.19 **Member** – means a Member of Council and includes the Mayor and a Member of a Committee.
- 1.20 **Motion** – means a subject being presented for consideration of Council and duly moved and seconded.
- 1.21 **Pecuniary Interest** – means any direct or indirect Pecuniary Interest within the meaning of the Municipal Conflict of Interest Act
- 1.22 **Point of Order** – means the right of a Member to bring to the attention of the Mayor or Chair any deviation or departure from the rules of procedure.
- 1.23 **Planning Act** – means the *Planning Act, R.S.O. 1990*, as amended.
- 1.24 **Presentation(s)** – includes Special Awards, Certificates or Recognitions being given or received by the Council to or from a particular person or group of persons.

- 1.25 **Quorum** – means a majority of the whole number of Members or members of a Committee.
- 1.26 **Recorded Vote** – means a vote where the response of each Member is recorded by the Clerk.
- 1.27 **Regular Meeting** – means a regularly scheduled Meeting of Council.
- 1.28 **Special Meeting** – means a Meeting that is arranged outside of the regular schedule to deal with only specific item(s) of business.
- 1.29 **Staff** – includes Chief Administrative Officer, Directors, Managers, Supervisors, Officers and all current union and non-union employees of the Township, whether full-time, part-time, contract or seasonal, including volunteers.
- 1.30 **Township** – means the Corporation of the Township of Wainfleet.

2. **APPLICATION**

- 2.1 Unless a separate by-law has been passed setting out a specific procedure to be followed for a Committee, in all proceedings of Council and its Committees, the following rules and regulations shall apply and be observed and shall be the rules and regulations for the order and dispatch of the business in Council and the Committees thereof:

(a) **Parliamentary Authority**

All matters, Points of Order or questions of procedure arising and not provided for in the rules contained herein shall be in accordance with "Meetings Procedures, Parliamentary Law and Rules of Order for the 21st Century" by James Lochrie.

(b) **Distribution of this By-law**

Following a regular or new municipal election, the Clerk shall provide each Member with a copy of this by-law, including amendments thereto.

(c) **Amendments to this By-law**

No amendment, alteration or addition to this by-law shall be made unless due notice has been given setting forth the proposed amendment, alteration or addition at a previous Meeting and a majority of all Members present vote thereon.

(d) **Food and Beverages at Meeting**

Consumption of beverages, other than water, and the consumption of food shall not be permitted in the Council Chambers during a Meeting.

(e) **Electronic Devices**

All cell phones, pagers, radios, etc. shall be switched off, non-audible or muted during a Meeting with the exception of pagers and similar devices carried by members of the fire service or other first responders, in the interest of public safety.

3. CONFLICT OF INTEREST

3.1 Members are required to comply with the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*, as amended.

3.2 Disclosures of Interest

3.2.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any Pecuniary Interest, direct or indirect, in any matter and is present at a Meeting of the Council or local board at which the matter is the subject of consideration, the Member:

- a) Shall understand and comply with their legal obligations under the prevailing conflict of interest legislation;
- b) Shall, prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- c) Shall not take part in the discussion of, or vote on any question in respect of the matter; and
- d) Shall not attempt in any way whether, before, during or after the Meeting to influence the voting on any such question

3.2.2 At a Meeting in which a Member discloses an interest, or as soon as possible afterwards, the Member shall file with the Clerk, a written statement of the interest and its general nature on the form prescribed by this By-law (attached as Schedule "A")

4. NOTICE OF MEETINGS

4.1 The schedule of Regular Meetings of Council shall be posted to the Township's website annually upon Council approval.

- 4.2 Notice of a Regular Meeting and all Meetings for public information shall consist of posting of an Agenda of the said Meeting on the Township's website, at least three (3) days prior to the date of the Meeting.
- 4.3 Notice for public information of a Special Meeting shall be posted as soon as practical with the intent of Section 4, taking into account the overriding provisions of Subsections 5.4 and 5.5 herein.
- 4.4 The Township shall give notice for specific items of public interest to be considered at Meetings, in accordance with its Notice Policy.
- 4.5 Any Amendments to the Agenda shall be made available to the public as soon as is practicable prior to the Council meetings by posting the Amendment on the Township website.

5. GENERAL ORDER OF PROCEDURES AT COUNCIL

5.1 Location

All Meetings shall be held in the Council Chambers at the Municipal Administration Building, 31940 Highway #3, Wainfleet, unless otherwise established in advance by resolution of Council.

5.2 Inaugural Meeting

The Inaugural Meeting after a regular election and a by-election under Section 226 (1) of the *Municipal Elections Act* shall be held at 7:00 p.m. on the first Tuesday following the date of the commencement of the term of the new Council. The opening ceremonies for the Inaugural Meeting shall be as determined by the Clerk.

5.3 Regular Meetings

- 5.4 Regular Meetings shall be held in the Council Chambers at the Municipal Administration Building every third Tuesday beginning with the first Tuesday in January at 7:00 p.m. unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Administration Building and on the Township's website advising of the time and place.

5.5 Special Meetings

- (a) The Mayor may at any time summon a Special Meeting.
- (b) The Clerk shall, upon receipt of a written petition signed by a majority of the Members, summon a Special Meeting for the purpose and at the time and place mentioned in the petition.

- (c) The Clerk shall provide all Members and the public with a minimum of forty-eight (48) hours' notice of all Special Meetings.
- (d) Minimum notice to all Members shall consist of a telephone message and/or email followed by a written notice and Agenda by email.
- (e) The only business to be dealt with at a Special Meeting is that which is identified in the notice of the Meeting.
- (f) The lack of receipt of a notice or an Agenda for a Special Meeting by any Member shall not affect the validity of the Meeting or any action taken thereat.

5.6 Emergency Meetings

- (a) Notwithstanding any other provision of this by-law, an Emergency Meeting may be summoned by the Mayor to deal with an emergency or other extraordinary situation, as determined by the Mayor in her or his sole and unfettered discretion.
- (b) The Clerk shall notify or attempt to notify all Members and the public about the Emergency Meeting as soon as possible and in the most expedient manner available, including, but not limited to, posting a notice on the Township's website.
- (c) No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- (d) The lack of receipt of a notice or an Agenda for an Emergency Meeting by any Member shall not affect the validity of the meeting or any action taken thereat.

5.7 Recording and Live Streaming

- (a) Regular Meetings may be recorded and live streamed when possible. Special Meetings of Council may be recorded and live streamed at the discretion of the Clerk in consultation with the Mayor.
- (b) Signage shall be posted in Council Chambers to ensure that presenters and members of the public are aware that the Meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com. A statement of the same will be made by the Mayor through Mayor's Remarks and Announcements.
- (c) Closed Meetings shall be exempt from recording and live streaming, and recording and live streaming shall cease upon a Motion being passed to

move into Closed Meeting and may commence when Council rises from Closed Meeting.

5.8 **Open Meetings**

All Meetings shall be open to the public, except when considering items in accordance with the criteria for a Closed Meeting as established by Section 239 of the Act, and no person shall be excluded therefrom except for improper conduct as determined by the Mayor.

5.9 **Closed Meetings**

5.9.1 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 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;

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- (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.
- 5.9.2 A Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:
- (a) A request made under the Municipal Freedom of Information and Protection of Privacy Act, if the Council is the head of an institution for the purposes of that Act;
 - (b) An ongoing investigation respecting the municipality, a local board or a municipality-controlled corporation by the Ombudsman appointed under the Ombudsman Act
- 5.9.3 A Meeting of Council or local board or of a Committee of either of them 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, local board or Committee.
- 5.9.4 Before holding a Meeting or part of a Meeting that is to be closed to the public, a municipality or local board or Committee of either of them shall state by resolution:
- (a) The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - (b) In the case of a meeting under section 5.7.4, 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.
- 5.9.5 A Meeting shall not be closed to the public during the taking of a vote except where:
- (a) The provisions of this By-law or the Act permit or require the Meeting to be closed to the public; and

- (b) The vote is for a procedural matter or for giving directions or instructions 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.

5.9.6 Any direction given in a Closed Meeting which requires ratification by Council in an open session shall be so ratified in open session of a Meeting in the form of a written Motion.

5.10 **Public Meetings**

5.10.1 Public Meetings are held for the purposes of engaging the public to receive comments in relation to development applications under the Planning Act, drainage matters under the Drainage Act and other purposes under various statutes.

5.10.2 Public Meetings shall be listed on the agenda in accordance with procedures detailed in this By-law.

5.10.3 For each matter presented at the Public Meeting, the following procedure will occur:

- (a) Chair will state the purpose of the meeting;
- (b) Staff will summarize the matter;
- (c) If applicable, the Chair will ask the applicant if they wish to present any comments;
- (d) If applicable, the Chair will ask Council if they wish to ask questions of the applicant;
- (e) Chair will invite members of the public to provide comments;
- (f) Chair will ask Council if they wish to ask questions of members of the public providing comments;
- (g) Staff will explain the next steps in the consideration process.

5.11 **Cancellation of Meeting**

Where, in the sole and unfettered discretion of the Mayor, circumstances warrant, the Mayor may cancel a Meeting and the Clerk shall so advise all of Council and provide notice to the public.

5.12 Quorum

A majority of the Members of Council is necessary to form a quorum. If no Quorum is present ten (10) minutes after the time appointed for a Meeting, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or until otherwise rescheduled.

5.13 Curfew

No items of business may be dealt with at a Meeting after eleven o'clock post meridian (11:00 p.m.), unless approved by a majority of Members present. Should Council adjourn at 11:00 p.m. before the Agenda is completed, all outstanding items will be placed on the Agenda of the next Regular Meeting unless such item or items are placed on the Agenda of an earlier Special Meeting or Emergency Meeting.

5.14 Electronic Meetings

Members of Council may participate electronically in any Council meeting in accordance with the following procedures:

- a) Notwithstanding any other provision in this By-law, any Regular or Special or Emergency Meeting of Council may be conducted by Electronic Meeting.
- b) Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote, through a recorded vote recorded by the Clerk as if they were attending the meeting in person.
- c) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this section.
- d) An Electronic Meeting may permit public delegations, in person or by way of electronic submission, which shall be arranged by the Town Clerk prior to the start of the Electronic Meeting, and shall be provided to Members at the meeting.
 - e) Public attendance at Electronic Meetings may be restricted to electronic means during the time of an Emergency or other time that the Clerk determines necessary and appropriate for the safe or secure conduct of a meeting.

5.14.1 Notwithstanding Section 5.14, except during a declared Emergency, no Member shall participate in more than three successive meetings via electronic means without first being authorized to do so by a resolution of Council.

6. CLOSED MEETINGS AND CONFIDENTIALITY

6.1 Chair of Closed Meetings

In Closed Meetings, the Mayor or in her/his absence the Deputy Mayor, shall be Chair.

6.2 Public Attendance

Closed Meetings shall be for the purpose of dealing with matters as described in Section 239 of the Act, as may be amended from time to time, and therefore shall not be open to the public unless specifically directed otherwise by a majority of Members present.

6.3 Rules

The rules and regulations set out in this by-law apply to Closed Meetings, except that no Motion shall be allowed with the exception of Motions in direct relation to those items as listed in Section 239 (6) of the Act, as may be amended from time to time. No Member shall be limited in the number of times that he/she may speak to any matter or question being discussed by Council in a Closed Meeting.

6.4 Recording of Closed Meetings

The Clerk shall record without note or comment all resolutions, decisions and other proceedings at a Closed Meeting.

6.5 Incomplete Items

Any matters not completed at the recess of a Closed Meeting shall be or placed on the next Closed Meeting Agenda.

6.6 Direction from Closed Meetings

Any direction given in a Closed Meeting which requires ratification by Council in an open session shall be so ratified in open session of a Meeting in the form of a written Motion.

6.7 Completion – Reconvene Open Meeting – May Report

Upon completion of the Closed Meeting, the Members shall immediately rise and reconvene in open session. The Chair of the Closed Meeting may report the results thereof in open session.

6.8 Disclosure & Disciplinary Action

- (a) No Member, Staff or any person shall disclose the content or substance of any discussions and/or deliberations of a Closed Meeting to the public, unless expressly authorized to do so by a majority vote of the Members present at the Meeting, or as required by law. A person who contravenes this section is guilty of an offence.
- (b) All information, documentation or deliberations received, reviewed or taken in a Closed Meeting is confidential and shall be returned to the Clerk upon request, prior to the Meeting adjournment.
- (c) Any violation by a Member of the confidentiality procedures may result in the offending Member being excluded from future Closed Meetings of Council for such period as Council determines and the said Member no longer being provided with correspondence, materials or information proposed to be dealt with by Council at a Closed Meeting. Any documented violation by Township staff will be dealt with in accordance with established policy procedures.
- (d) Any decision to exclude a Member in accordance with clause (c) above shall be made only after the matter has been discussed by Council at a Closed Meeting. Once a decision has been made to exclude a Member, the results of Council's deliberations shall be reported publicly in the form of a resolution moved and seconded in open session during a Meeting of Council. The resolution shall specify precisely the length of time that the offending Member shall be excluded from Closed Meetings and from receiving confidential information and materials.
- (e) Any Member alleged to have violated clause (a) above shall not be permitted to vote on a Motion respecting his/her alleged violation and his/her subsequent exclusion from Closed Meetings should such a resolution be put forward by the Council.
- (f) Any decision to prosecute a Member under the *Provincial Offences Act, R.S.O 1990, c.P 33*, as provided in subsection 425 (1) of the Act shall only be made after Council has met in a Closed Meeting to consider the matter, at which time the Member proposed to be prosecuted may be present and shall have the option of attending with his or her legal counsel.

6.9 Public Comment regarding Closed Meetings

- (a) Upon completion of a Closed Meeting, the decisions of Council with respect to any of the matters discussed in the Closed Meeting and direction to Township staff in accordance therewith, shall only be reported publicly as may be required by applicable law.
- (b) Once a decision has been made by Council to release any information about matters dealt with by Council at a Closed Meeting, such release shall be carried out by the Mayor or her/his delegate only. Such delegate shall be the Deputy Mayor in the event that the Mayor is absent, or such other person as chosen by Council.
- (c) The response by Members to inquiries about any matter dealt with by Council at a Closed Meeting, prior to it being reported publicly, shall be "I cannot confirm or deny what subjects were discussed at a Closed Meeting. I can say that Council met in a properly Closed Meeting and there is nothing to report at this time" or words to that effect.

7. ROLES

7.1 Role of the Mayor

7.2 It is the role of the Mayor, as Head of Council, to:

- (a) Act as Chief Executive Officer of the municipality
- (b) preside over Council Meetings so that its business can be carried out efficiently and effectively;
- (c) provide leadership to the Council;
- (d) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 7.5 d) and e)
- (e) to represent the municipality at official functions; and
- (f) to carry out the duties of the head of Council under the Act, and any other Act.

7.3 It shall be the duty of the Mayor, with respect to any Meetings over which he or she presides, to:

- (a) Open the Meeting of Council as Chair, and call the Members to order;

- (b) Announce the business before Council in the order in which it is to be acted upon;
- (c) Receive and submit, in the proper manner, all Motions presented by the Members;
- (d) Put to vote all Motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- (e) Decline to put to vote Motions which infringe on the rules of procedure as set out in this by-law;
- (f) Restrain the Members, within the rules of order, when engaged in debate;
- (g) Enforce on all occasions the observance of order and decorum among the Members and the public;
- (h) Call by name any Member persisting in breach of the rules of order of Council as set out in this by-law, and may order him/her to vacate the Council Chambers;
- (i) Receive all messages and other communications and announce them to Council;
- (j) Authenticate, by signature when necessary, all by-laws, acknowledgements and directions, resolutions and minutes of Council;
- (k) Inform Council, when necessary or when referred to for the purpose, in a Point of Order or usage;
- (l) Enforce all time limits set out in the by-law unless a time extension is approved by a majority of Members present;
- (m) Represent and support Council, declaring its will, and implicitly obeying its decisions in all things;
- (n) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- (o) Adjourn the Meeting when the business is concluded.

7.4 **Role of Deputy Mayor**

- (a) Council by way of resolution and from time to time appoint a Deputy Mayor, in accordance with this section, who shall be a Member and who shall act in the place of the Mayor when the Mayor is absent or refuses to

act or the office is vacant and while so acting, such Deputy Mayor shall have all the powers and duties of the Mayor.

- (b) The Deputy Mayor shall serve as Chair over Meetings.
- (c) The Deputy Mayor shall serve as Chair over any Committee Meetings in the absence of the Chair of such Committee.
- (d) Subject to the provisions of the Act, in case that the Mayor and Deputy Mayor do not attend within ten (10) minutes after the time appointed for a Meeting, the Clerk shall call the Members to order and an Interim Deputy Mayor shall be appointed from among the Members present and shall preside until the arrival of the Mayor or Deputy Mayor and while so presiding the Interim Deputy Mayor shall have all the powers of the Mayor.

7.5 **The Role of Council**

Council shall comply with the statutory roles as prescribed in Section 224 of the Act, namely:

- (a) Represent the public and consider the well-being and interests of the Township;
- (b) Develop and evaluate the policies and programs of the Township;
- (c) Determine which services the Township provides;
- (d) Ensure that administrative policies, practices and procedures, and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (e) Ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- (f) Maintain the financial integrity of the Township; and
- (g) Carry out duties of Council under the Act, and any other acts.

7.6 **The Role of the Chief Administrative Officer**

The Chief Administrative Officer shall have the following responsibilities:

- (a) Exercising the general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;
- (b) Performing such other duties as are assigned by the municipality;
- (c) Review and guide all policy recommendations prior to submission to Council;
- (d) Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties;

8. RULES OF ORDER

8.1 Mayor to Preserve Order

It shall be the duty of the Mayor to preserve order and to decide all questions of procedure and, if called upon to do so, state the rule applicable to any Point of Order, practice or procedure. The Mayor's ruling on a Point of Order shall be made without debate and shall be final subject only to an immediate appeal from such ruling by a Member.

8.2 Appeal from Mayor's Ruling

In the case of immediate appeal by a Member, from a decision of the Mayor on a Point of Order, practice or procedure, the appealing Member shall state the grounds for the appeal. The initiation requires a seconder and such appeal must be decided by a majority vote of the Members present.

9. RULES OF DEBATE

9.1 At a Meeting, no Member may:

- (a) Speak disrespectfully of or use offensive words against any person or group;
- (b) Speak on any subject other than the subject under debate;
- (c) Criticize any decision of Council except in accordance with the provisions of these rules for reconsidering a matter previously decided; or
- (d) Speak in any manner that is discriminatory in nature based on an individual's race, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability.

- 9.2 Every Member, prior to speaking to any question or motion shall address the Chair. When two or more Members wish to speak, the Chair shall designate the Member who may speak first.
- 9.3 If a Member disagrees with the announcement of the Chair that a motion is carried or lost, he/she may, but only immediately after the declaration by the Chair, appeal the declaration and request that a Recorded Vote be taken.
- 9.4 When the Chair calls for the vote on a motion, each Member shall occupy a seat and shall remain in place until the result of the vote has been declared by the Chair and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
- 9.5 When a Member is speaking no other Member shall pass between him/her and the Chair or interrupt, except to raise a Point of Order.
- 9.6 Any Member may request the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 9.7 No Member, without leave of Council, shall speak to the same question, or in reply, for longer than ten (10) minutes.

10. DELEGATIONS

- 10.1 Council shall not receive more than four (4) separate Delegations at any Meeting. Delegations are to be scheduled by the Clerk on a first come, first served basis. In the event that the maximum number of Delegations has been attained then any additional Delegations wishing to appear before Council may be placed on the next scheduled Council Meeting at the discretion of the Chief Administrative Officer and the Clerk.
- 10.2 Should the matter be of an urgent nature, in the opinion of the Clerk, and requires immediate attention to a particular decision and/or statement prior to the next Council Meeting, recognition from Council is required in the form of a main Motion, seconded and a majority vote.
- 10.3 Delegations appearing before Council who have previously appeared on the same subject matter shall be limited to providing only new information in their second and subsequent presentations.
- 10.4 Delegations shall submit a written request including name, address and daytime phone number as well as a brief explanation of the issue to be addressed and the desired action of Council on the issue (refer to Schedule "B"). The request must be received by the Clerk's Department no later than 4:30 p.m. on the

- Tuesday prior to the meeting. Failure to provide the required information on time will result in a loss of privilege to speak before Council at the next scheduled Regular Meeting.
- 10.5 Delegations wishing to speak to an item listed on the Agenda shall submit a written request on the prescribed form (refer to Schedule "B"). This request must be received by the Clerk's Department no later than 12:00 p.m. on the day of the scheduled Council Meeting.
 - 10.6 The delegate is required to review and be familiar with the Township of Wainfleet's Delegation Protocol (attached as Schedule "B").
 - 10.7 Delegations shall provide all presentation material to be discussed with Council by 4:30 p.m. on the Tuesday prior to the meeting. The Clerk shall ensure that all materials will be included in the Agenda packages for the Council Members and appropriate staff.
 - 10.8 If the delegate intends to read from a prepared text, a copy of this text shall be filed with the Clerk for Township records at the end of the presentation to Council.
 - 10.9 Should the delegate choose to present additional written material at the Meeting, ten (10) copies should be made available for distribution prior to the Meeting and provided to the Clerk in advance of the commencement of the Meeting.
 - 10.10 The Delegation shall be heard at in the order they appear on the Agenda. Presentations shall be limited to ten (10) minutes in length. At the conclusion of the presentation, the Delegation should remain in position to allow for any questions from Members. Members may question the Delegation and seek clarification from either the Delegation or staff. Members may only ask questions of clarification and shall not enter into debate with the Delegation and other Members. Members shall then immediately enter into discussion and may refer the matter to Staff for report and recommendation or make a Motion. (approve, refuse, defer, refer, etc.)
 - 10.11 If deemed appropriate by Council, any questions directed toward Council in the form of a presentation or by a Delegation shall be submitted in writing and any subsequent response by Council and or staff shall be in a time and manner deemed appropriate by Council.
 - 10.12 A written response to the Delegation shall be submitted by Council or staff as soon as possible after full consideration of the presentation.

11. CONDUCT OF MEMBERS OF COUNCIL AND PERSONS ADDRESSING COUNCIL

- 11.1 No Member or person addressing Council shall speak disrespectfully of the Province of Ontario, Regional Municipality of Niagara, Council, or any Member thereof, or any member of the Township's Staff.
- 11.2 No Member or person addressing Council shall:
- (a) Use offensive words or unparliamentarily language in or against Council or against any Member or any member of the public;
 - (b) Speak on any subject other than the subject in debate;
 - (c) Criticize any decision of Council except for the purpose of moving that the question be reconsidered;
 - (d) Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- 11.3 In the case where a Member or person addressing Council persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, without amendment, adjournment or debate, being allowed, "That such Member or person be ordered to leave for the duration of the Meeting of Council" but if the Member or person apologizes he/she may, by vote of Council, be permitted to retake his/her seat.

12. AGENDAS

- 12.1 The Clerk shall have prepared for the use of the Members at all Regular Meetings, Special Meetings and Emergency Meetings of Council an Agenda with the following headings:
- i. Call to Order
 - ii. National Anthem
 - iii. Land Acknowledgement Statement
 - iii. Disclosures of Pecuniary Interest and the General Nature Thereof
 - iv. Presentations (if scheduled)
 - v. Mayor's Announcements and Remarks
 - vi. Councillor's Announcements and Remarks
 - vii. Adoption of Previous Council Minutes
 - viii. Public Meeting (if scheduled)
 - ix. Delegations (if scheduled)
 - x. Staff Reports and Recommendations
 - xi. Review of Correspondence

- xii. By-laws
- xiii. Notices of Motion
- xiv. Closed Meeting (if required and can be scheduled at any time during the Meeting)
- xv. By-law to Confirm the Proceeding of Council
- xvi. Adjournment of Meeting

12.2 Notwithstanding the order of business set out in section 12.1, Council by general consent or majority vote may otherwise direct that business be considered in a different order.

12.3 All correspondence addressed to the Mayor or Council shall be received and managed in accordance with the Correspondence Policy.

- (a) Proclamation requests will be submitted through correspondence and referred to Council for consideration. Approved proclamation requests will not be proclaimed during a Meeting of Council but rather signed by the Mayor and be posted to the Township's website.

13. MINUTES

13.1 The minutes shall be recorded by the Clerk, or appropriate officer, in accordance with Section 239 (7) of the Act:

- i. The place, date and time of the Meeting;
- ii. The name of the Chair and record of attendance of the Members;
- iii. All resolutions, decisions and other proceedings at the Meeting;
- iv. All the proceedings of the Meeting without note or comment.

13.2 Once approved by Council, the minutes shall be the official record of the Meeting.

14. MOTIONS

14.1 All Motions shall be duly moved and seconded before being debated.

14.2 After a Motion has been read, stated or verbally acknowledged by the Chair, it shall be deemed to be in the possession of Council or Committee thereof.

14.3 Motions and Staff recommendations will be in electronic form and displayed on the projection screen in Council Chambers during debate.

14.4 The following matters may only be introduced orally without written notice and without leave:

- i. A Point of Order or Personal Privilege

- ii. A Motion to suspend a rule of procedure (which requires a majority vote of Members present)
- iii. A Motion to adjourn (not debatable)
- iv. A Motion that the vote now be taken (close debate)

14.5 Except as provided in Subsection 14.4 above, all other Motions and notices shall be in writing.

14.6 **Speaking Order**

- (a) When two or more Members raise their hands, the Chair shall designate the order in which they may speak.
- (b) No Member shall speak more than once to the same questions, Motion or matter except to give an explanation until every Member who desires to speak has spoken and unless leave has been granted.
- (c) A Member who has made a substantive Motion by making an original Motion or moving an Amendment or moving to close debate shall be allowed to reply.

14.7 **Withdrawal of Motions**

Motions may, with the consent of Council, be withdrawn at any time prior to Amendment or decision.

14.8 **Motions During Debate**

When a Motion is under debate, no other Motion shall be received except a Motion for the following purposes:

- i. To amend;
- ii. To refer to Committee and/or Staff;
- iii. To move to close debate;
- iv. To resolve into a Closed Meeting;
- v. To lay on the table;
- vi. To defer to a specific date;
- vii. To adjourn.

14.9 **Motion to Adjourn/To Resolve Into Closed Meeting**

A Motion to adjourn the debate or to adjourn the Meeting or to resolve Council into a Closed Meeting shall always be in order and shall be put by the Chair forthwith without debate except for:

- i. When a Member is speaking;

- ii. When it has been decided to close debate shall be put forthwith;
- iii. When a Recorded Vote has been called for;
- iv. When Members are voting.

14.10 Notices of Motion

- (a) A Notice of Motion is a statement of intention by a Member to introduce a Motion at a future Meeting. A Notice of Motion is not debatable.
- (b) After having provided a Notice of Motion at a meeting, the Member shall prepare and submit the Motion, in writing, to the Clerk so that it can be included in the agenda for the subsequent Meeting at which the Motion is to be introduced for consideration by Council.
- (c) Council will not consider any Motion regarding new business, unless a Notice of Motion was provided at the last Regular Meeting of Council.

14.11 Request for Motion to Be Read

Any Member may, at any time during a debate, but not while a Member is speaking, request that a Motion under consideration be read.

14.12 Motion to Amend

The following shall apply to Amendments to a main Motion:

- i. Shall be presented in writing;
- ii. Amendments to a Motion shall be put in reverse order to that in which they are moved;
- iii. A Motion to amend shall be relevant and shall not be in direct opposition to the main Motion;
- iv. Only one motion to amend an Amendment to the question shall be allowed.

14.13 Motion to Defer

- (a) A Motion to defer shall not be open to Amendment but shall be debatable as to advisability to postponement.
- (b) A Motion to defer shall be to a specific date at which time the matter will again be considered by Council.

14.14 Motion to Refer

- (a) Debate may go into only the reasons why the Motion should or should not be referred to a Committee. Debate may go into the merits of the underlying main Motion but only in respect to referring the decision.
- (b) Amendments may be made to clarify the subject being referred, who appoints the Committee, the number of composition of the Committee, the reporting date and instructions to the Committee.

14.15 Points of Order and Privilege

Except as otherwise specified in this subsection, only Members may raise points of order and privilege. A Point of Order or privilege may be raised, at any time, by a Member without doing so in the form of a Motion. Upon receiving recognition from the Chair, the Member raising the Point of Order or privilege shall state such and await the ruling of the Chair on the Point of Order or privilege so raised. The Clerk may raise a Point of Order upon receipt of recognition from the Chair.

14.16 Motion to Reconsider

- (a) A Motion to Reconsider must be given in accordance with Section 14.10 within twelve (12) months of the original Motion.
- (b) No matter or question shall be reconsidered by Council until such time as a Motion to reconsider the matter or question has been voted on and passed by the majority of Council.
- (c) No discussion of the decided matter is permitted prior to passage of a Motion to reconsider except that the mover of a Motion for reconsideration shall be permitted to make a brief and concise statement of reasons which he/she believes justify such reconsideration without in any way debating the content of the matter.
- (d) No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- (e) Notwithstanding Section 14.16(a), Council may at any time reconsider a Council decision related to order, practice or procedure.

14.17 Motion to Rescind

- (a) A Notice of Motion to rescind action previously taken by Council on a particular matter or question must be introduced at the Regular Meeting of

Council immediately preceding the Regular Meeting of Council at which it is intended that the matter be rescinded.

- (b) No matter or question previously dealt with by Council can be rescinded unless by an affirmative vote of the majority of all the Members present. Should a Motion to rescind be decided in the negative by a majority vote of the Members, a second Motion to rescind on the matter cannot be brought forward during the term of the Council during which the first Motion to rescind was considered.

14.18 **When Cannot Rescind**

Where a specific action has been undertaken as a result of a previous vote of Council on any matter or question, and such action cannot be undone or where an attempt to undo such action would have serious legal implications or would, in the opinion of the majority of Council, be contrary to the public interest, such matter or question cannot be rescinded.

14.19 **Division of Motion**

When the Motion under consideration concerns two or more matters, the Chair, upon request of any Member, shall direct that the vote upon each matter shall be taken separately.

14.20 **Staff Directions**

Shall include a specific description of the staff/department responsible to undertake the direction and Council's expected date of receipt for a staff report.

14.21 **Voting on Motions**

The manner of determining the decision on a Motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

14.22 **Recorded Vote**

- (a) Where a vote is taken for any purpose and a Member requests, before or immediately after the vote, that the vote be recorded, each Member present, except a Member disqualified from voting by any Act, shall, in alphabetical order, announce their vote openly by announcing aloud their position when called upon by the Chair, and the Clerk shall record the name and vote of every Member on the matter or question.
- (b) The Chair, except where disqualified to vote, shall vote on all questions and when so doing, shall vote last.

- (c) After the question is finally put by the Chair, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.

14.23 **Secret Ballot**

No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect, except as provided in Sections 233 and 238 of the Act.

14.24 **Failure to Vote**

- (a) Any Member who fails to vote and is present at the Meeting at the time of the vote and is qualified to vote shall be deemed to be a negative vote.
- (b) The Clerk shall record in the minutes the name of any Member who is not present in the Council Chambers when a Recorded Vote is taken.
- (c) Except where expressly provided in statute, any question on which there is an equality of votes shall be deemed to be defeated.

15. **BY-LAWS**

- 15.1 By-laws may be introduced upon single Motion duly moved and seconded, specifying the title and description of the by-law.
- 15.2 Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any other Act.
- 15.3 Subject to the provisions of any statute or regulation which requires otherwise, by-laws shall require only one reading prior to being adopted by Council.
- 15.4 A by-law may be introduced and passed on the same day as its subject matter is approved, unless that by-law deals with drainage.
- 15.5 A Member may request that any by-law be considered separately and upon the request of the Member, the by-law specified by the Member shall, without debate, be removed from the Motion and dealt with separately. Where more than one by-law is the subject of a request for separate consideration, each such by-law shall be separately considered in the order in which the request pertaining to it was made.
- 15.6 Every by-law enacted by Council shall be numbered and dated and signed by the Clerk and the Chair who presided at the Meeting at which the by-law as enacted and the seal of the Township shall be affixed thereon.

15.7 A by-law is effective on the day it is enacted, unless the by-law specifies otherwise.

16. GENERAL

16.1 Severability and Validity

Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

16.2 Rules

The rules in this by-law that apply to Council shall apply to all Committees with appropriate modification.

16.3 Editing

The Clerk may make such minor clerical, typographical or grammatical corrections, additions, deletions or other changes to any by-law, Motion, resolution, and/or minutes as may be required for the purpose of ensuring the correct and complete implementation of the actions of Council.

16.4 Repealed By-laws

By-law No. 067-2019 is hereby repealed.

16.5 Force & Effect

This By-law shall come into force and take effect on the final passage thereof.

BY-LAW READ A FIRST TIME THIS 10th DAY OF SEPTEMBER, 2019.

BY-LAW READ A SECOND TIME THIS 10th DAY OF SEPTEMBER, 2019.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF SEPTEMBER, 2019

K. Gibson MAYOR

W. Kolasa, CLERK



SCHEDULE "A" TO BY-LAW NO. 058-2019

**TOWNSHIP OF WAINFLEET
DECLARATION OF PECUNIARY INTEREST**

Name: _____

Mayor Council

Date: _____

Topic: _____

Meeting Type

Council

Board/Committee Specify: _____

Other: _____

I _____ declare a pecuniary interest on

item _____

for the reason that _____

Signature of Member

Please note: In accordance with the Municipal Conflict of Interest Act, this document will form part of a registry that will be maintained by the Clerk. This Registry shall be made available for public inspection.



SCHEDULE "B" TO BY-LAW NO. 058-2019

TOWNSHIP OF WAINFLEET

DELEGATION REQUEST FORM

Please fill out and return no later than 4:30 p.m. on the Tuesday prior to the meeting you wish to appear. Completed forms are to be submitted to the Clerks Department and can be dropped off or emailed to mciuffetelli@wainfleet.ca

If you are speaking to an item listed on the agenda, the deadline for submission is 12:00 p.m. on the day of the scheduled meeting.

Name:	
Address:	
Telephone:	E-mail:

Date of Meeting: _____

Subject Matter to be Discussed:	
Action Requested:	

Have you previously spoken on this issue? Yes No

If an individual has previously appeared as a delegation, a further delegation from the same individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have material for distribution at the meeting? Yes No

If yes, specify:

Do you have a copy of your notes/presentation to attach? Yes No

If yes, specify:

Delegations are required to provide the Clerk's Department presentation materials for publication in Council's agenda package.

- I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments, will become public documents and listed on Township meeting agendas and posted to the Township's website.

Signature

Date



SCHEDULE "C" TO BY-LAW NO. 058-2019

TOWNSHIP OF WAINFLEET

DELEGATION PROTOCOL

The purpose of the delegation process is to allow interested parties to make their views known to Council. Council values and welcomes input, comments, and constructive suggestions. Since Council generally has to consider a large number of issues and concerns at any given time, the following protocol is observed:

- 1) Upon your arrival at the meeting, please identify yourself to the Clerk.
- 2) When called upon by the Chair the delegation (speaker) should proceed immediately to the podium at the front of the Council Chambers.
- 3) Speakers are asked to keep their remarks as brief as reasonably possible. Comments when stated in a clear, concise and factual manner are very much appreciated. The maximum allowable time is 10 minutes. In order to reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the Clerk requires a written copy of the presentation and speaking notes.
- 4) Discussion topics, other than the subject matter of the written request to appear as a delegation, will not be permitted. Subsequent delegations on the same topic, without significant new information, will not be permitted.
- 5) It is considered proper protocol and simply good manners not to ridicule or berate other individuals. Remarks or questions concerning the character or performance of named individuals or groups shall be immediately ruled out of order. A subsequent offence during the same presentation will result in the speaker forfeiting your right to speak. The Chair reserves the right to immediately end the delegation if the remarks are considered severe. Any future offences at a subsequent meeting will result in the speaker forfeiting his/her right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the speaker to respect the ruling of the Chair will result in the meeting being immediately adjourned until the speaker can be removed from the Council Chambers.
- 6) Upon completion of your remarks, you should remain in position to allow for any questions from Members. Members may ask questions for clarification purposes. After completion of any questions, the speaker will be asked to be seated. Members shall then enter into discussion at which time Members may refer the matter to Staff for a report and/or recommendation.
- 7) Delegations will not be permitted on items that will be the subject of an upcoming public meeting pursuant to the *Planning Act*, unless exceptional circumstances apply, which have been reviewed and approved by Council. Persons should present their concerns and opinions at the scheduled Public Meeting where their comments can be considered along with all other submissions.