

The Corporation of the Municipality of West Grey
Bylaw Number 16-2021

Being a bylaw to govern the proceedings of council and committees of council;

Whereas Section 238 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a council shall pass a procedure bylaw for governing the calling, location and proceedings of meetings; and

Whereas notice of the intention to pass a procedure bylaw has been provided in accordance with the West Grey Notice Bylaw No. 3-2003; and

Whereas the Council of the Corporation of the Municipality of West Grey deems it necessary to set rules and regulations with regards to council and committee proceedings; and

Now therefore be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

1. Definitions

- 1.1. “**Act**” shall mean the Municipal Act, S.O. 2001, c. 25, as amended from time to time.
- 1.2. “**Acting Chair**” shall mean the presiding officer of a committee or council who shall act in the place of the mayor or deputy mayor when both are absent from a meeting of council or in place of the committee chair who is absent for any cause and who shall exercise all the rights, powers and authority of the mayor or chair.
- 1.3. “**Addendum**” shall mean any addition to a completed published council agenda or addition to an item on the council agenda that the clerk believes is of an urgent nature and requires immediate attention or consideration.
- 1.4. “**Ad Hoc Committee**” shall mean a committee established by council resolution to review a specific issue; once the committee has reported to council with respect to its findings and recommendations, the committee is dissolved.
- 1.5. “**Advisory Committee**” shall mean an advisory committee established by council that has a defined purpose and mandate to allow residents with experience, interest and/or opinions in a particular subject area to provide input on a specific issue, through a balanced public process.
- 1.6. “**Alternate Council Member**” shall mean the council member appointed by council of the Municipality to attend Grey County council meetings in the place of the mayor or deputy mayor of the municipality, when the mayor or deputy mayor is unable to attend a Grey County council/committee of the whole meeting for any reason. Such appointment shall be for the entire term of council.
- 1.7. “**Announcements**” shall be a heading on the agenda for the purpose of members providing information only. Comments are not debatable, nor shall they introduce new business. Comments shall be limited to five (5) minutes per member.
- 1.8. “**Business day**” shall mean Monday to Friday, inclusive, except for statutory or civic holidays observed in the Province of Ontario, or any other day the West Grey Municipal Office is not open for business.
- 1.9. “**Call to Order**” shall mean when the chair notifies members and the public that the meeting is commencing.
- 1.10. “**CAO**” shall mean the chief administrative officer/deputy clerk of the municipality.

- 1.24. **“Emergency”** shall mean an emergency situation as defined by the Emergency Management and Civil Protection Act.
- 1.25. **“Emergency Meeting”** shall mean a meeting of the council called address circumstances of an emergency, notice provisions for a meeting of council may be waived.
- 1.26. **“Ex-officio Member”** shall mean the mayor’s membership on all council committees, sub-committees. Ex- officio means by “virtue of office” and therefore the mayor may attend any committee meetings; however, the Mayor shall not have voting privileges and shall not be included when determining the number of members required for quorum or counted when determining if a quorum is present.
- 1.27. **“Improper Conduct”** shall mean conduct by any person which offers any obstruction to the deliberations or proper action of council or a committee.
- 1.28. **“Inaugural Meeting”** shall mean the first meeting of council held after a municipal election in a regular election year.
- 1.29. **“In Writing”** shall mean handwritten, typewritten or electronically displayed.
- 1.30. **“Majority Vote”** shall mean an affirmative vote of more than one-half of the members present and voting.
- 1.31. **“Mayor”** shall mean the head of council of the Municipality of West Grey.
- 1.32. **“Meeting”** shall mean any regular, special or other meeting of a council, local board or of a committee of council where,
- a) a quorum of members is present, and
 - b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 1.33. **“Member”** shall mean a member of council or committee.
- 1.34. **“Motion to Receive”** shall mean a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of council with no additional action being taken.
- 1.35. **“Municipality/ Municipal”** shall mean The Corporation of The Municipality of West Grey.
- 1.36. **“New Business”** shall be a heading on the agenda that shall include notices of motion.

- 1.48. **“Statutory Public Meeting”** shall mean a meeting called to fulfill a statutory requirement of an act.
- 1.49. **“Sub-Committee”** shall mean a committee established by council to work on and report on a specific function within the mandate of an advisory committee. Sub-committees may or may not contain members of council.
- 1.50. **“Town Hall Meeting”** shall mean a meeting of council which provides an opportunity to hear from members of the public at which members listen.
- 1.51. **“Unfinished Business”** shall mean agenda items from the previous agenda that were left undisposed of at the time of adjournment of the previous meeting.
- 1.52. **“Website”** shall mean the official municipal website.

2. Application

2.1 General

The rules of procedure set out in this bylaw shall govern all proceedings of council and committees.

2.2 Statutory Requirements

Notwithstanding anything in this bylaw, where council or a committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the Statutory Powers Procedure Act, as applicable, shall govern the proceedings.

2.3 Rules of Order Not Covered

All points of order or procedure not provided for in this bylaw shall be decided in accordance with Robert’s Rules of Order, 11th Edition, and the chair shall submit the ruling.

2.4 Use of Pronouns

Any gender language in this document shall be deemed to be gender neutral.

3. Electronic Devices in Council Chambers

3.1 Electronic Devices in Council Chambers

Electronic devices are permitted in council chambers during open sessions of a meeting only, provided that they are turned to silent or vibrate during the meeting and are not used to record any aspect of the council or committee meeting, unless the clerk has given consent prior to the meeting.

4.5 Electronic Participation

- 4.5.1** Any member of council who participates remotely in any open or closed council or committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 4.5.2** Any member of council may participate in any open or closed council, special council or committee meeting electronically and be counted for the purpose of establishing quorum.
- 4.5.3** A member who joins a meeting via electronic participation partway through the meeting shall advise the chair and clerk of their attendance at the meeting.
- 4.5.4** A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the chair and clerk of their absence from the meeting.
- 4.5.5** Members who have declared a pecuniary interest in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, with regard to a matter being discussed, and are participating electronically, shall not participate in any way with respect to the matter in question.
- 4.5.6** Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the clerk's office, and in accordance with this bylaw.
- 4.5.7** Any member of an advisory committee, local board, agency, commission and association may participate in meetings electronically and be counted for the purpose of establishing quorum.
- 4.5.8 Electronic Participation at Closed Meetings – Confidentiality**
 - 4.5.8.1** Members who are participating electronically in a closed meeting shall declare at the commencement of the closed meeting that they shall maintain the confidentiality of the closed meeting and that no person, other than a person authorized to be in attendance, is with the member.

All regular and special meetings of council and committees shall be open to the public in accordance with the Act.

5.2 Closed Meeting Procedure

A motion to go into closed session shall be passed in a public meeting and shall state the nature of the matters to be considered.

No vote shall be taken at a closed meeting except 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.

5.3 Reporting Out & Confidentiality of Closed Session Discussions

Upon the recess of the closed meeting, the mayor may at the public meeting report that:

- a) a closed meeting was held
- b) the general nature of the matter or matters deliberated at the closed meeting; and
- c) only on matters on which the mayor is authorized to report upon by council at the closed meeting;

No member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or shall be discussed at a closed meeting of council or a committee until such time that council or a committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or directed to do so by a court.

5.4 Application of Open & Closed Meeting Provisions to all Committees

The provisions of Section 239 of the Municipal Act and of this Procedure Bylaw shall apply to all Committees.

6. Special Meetings of Council

6.1 Mayor May Request

The Mayor may at any time summon a special meeting of council.

6.2 Members Request

The clerk shall, upon receipt of a written request of the majority of the members, call a special meeting for the purpose and time mentioned in the petition.

If a quorum is not present at a scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the clerk shall record the names of the members present.

7.3. Loss of Quorum During Meeting

If a quorum is lost during a meeting the meeting shall recess. If the quorum is not reestablished within fifteen (15) minutes the meeting shall stand adjourned and all unfinished business shall be carried forward to the next meeting

7.4. Quorum and the Municipal Conflict of Interest Act

Notwithstanding Section 10.3 where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining members are not of sufficient number to constitute a quorum, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

7.5. Absence of Council Members

Notwithstanding Subsection 259(1)(c) of the Act, an office is not vacated by a member of council who is absent for 20 consecutive weeks or less if the absence is as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member in accordance with Subsection 259(1.1) of the Act. The member shall provide the clerk with written notice of an absence of 20 consecutive weeks or less as a result of the Member's pregnancy, the birth of the member's child or the adoption of a child by the Member. Council shall appoint another member or member's to attend committee meetings that the member is appointed to in the Member's absence. A member of council on pregnancy and/or parental leave shall continue to be paid their respective honorarium.

7.6. Temporary Replacement, Member of Upper Tier Council

Council may appoint an alternate member of council as a temporary replacement for a member on the upper-tier council pursuant to section 268 (1), (2) & (3) of the Municipal Act by a resolution of Council.

8.2. Addendum to the Agenda

An addendum shall include any addition to a completed published council agenda or addition to an item on the council agenda that the clerk believes is of an urgent nature and requires immediate attention or consideration. Addendums shall be circulated to members and published on the website not later than 12 noon on the day prior to the meeting.

8.3. Electronic System Failure

In the case of an electronic system failure, power interruption, or any other extenuating circumstance that hinders the posting of the agenda, it shall be posted as soon as possible. Council members shall be notified by such other method as the clerk determines to be appropriate.

9. Order Of Business

9.1. Agenda Order

The business of council shall be taken in the order in which it stands upon the agenda as prepared.

9.2. Items Left Undisposed

When any agenda item or items are left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such agenda item or items shall be taken up in succession under the heading Unfinished Business or as the first order of business of each respective heading at the next meeting or special meeting called for that purpose of council.

9.3. Moving Items Forward on the Agenda

The order of items may be prioritized by a majority vote of council to address identified issues for those in attendance.

10. Council Minutes

10.1. Content of Minutes

The minutes of council, as taken by the clerk, shall consist of:

- 10.1.1.** The place, date and time of the meeting;
- 10.1.2.** The name of the chair and the attendance of the members and staff;
- 10.1.3.** Each item heading and the decision;
- 10.1.4.** The results of any recorded vote;

11.3. Chair Moving a Resolution or Debating

When the chair wishes to move or second a resolution before council or enter into debate on a specific topic, he/she may call the deputy mayor to the chair, present his/her resolution or comments from the floor and remain out of the chair until the motion, all amendments, and the main motion to it have been disposed of. In the event that the Deputy Mayor is unable to assume the Chair, the Mayor shall call for an alternate member to assume the chair.

11.4. Absence of Mayor and Deputy Mayor

In the absence of the mayor and deputy mayor, the clerk shall convene the meeting and call for a motion to fill the role of acting chair.

12. Conduct of Members

12.1. No member shall:

- 12.1.1.** Speak disrespectfully of any member of Federal or Provincial parliaments, council or employee of West Grey;
- 12.1.2.** Use offensive words or un-parliamentary language;
- 12.1.3.** Engage in private conversation while in a council meeting or use electronic devices (including cellular phones) in a manner which interrupts the proceedings of council;
- 12.1.4.** Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- 12.1.5.** Speak on any subject other than the subject under debate;
- 12.1.6.** Where a matter has been discussed in closed session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed meeting;
- 12.1.7.** Criticize any decision of council except for the purpose of moving that the question be reconsidered; or
- 12.1.8.** 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. In case a member persists in any such disobedience after having been called to order by the chair, the chair shall not recognize that member, except for the purpose of receiving an apology from the member tendered at that meeting or any subsequent meeting.

- 13.1.3. To advise the chair on procedural matters;
- 13.1.4. To prepare and circulate the agenda and supporting information;
- 13.1.5. To prepare the draft minutes and distribute to members within five (5) days of the council meeting;
- 13.1.6. To advise all departments of decisions by council; and
- 13.1.7. To schedule delegations and presentations for council meetings.

13.2. Powers of Deputy Clerk

In the absence of the clerk, the deputy clerk shall have all of the powers and duties of the clerk.

13.3. Delegation of Powers

- 13.4. The clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.

14. Delegations

14.1. Responsibility of Clerk

Any person desiring to present information on matters of fact or to make a request of council shall give notice and disclose the subject matter to the clerk fourteen (14) days prior to the council meeting at which such person desires to be heard. No delegation is permitted to discuss the same matter with council or committees more than twice in a calendar year.

14.2. Documentation Required

Any person who is scheduled to appear as a delegation before council is required to submit to the clerk, a written and/or electronic request to appear as a delegation, noting the subject matter, not later than 12 p.m. (noon) at least twelve (12) days preceding the council meeting. All materials to be presented to council must be included with the original request.

14.3. Time Limit

Each delegation shall be limited in speaking to not more than ten (10) minutes. Extensions to these limits shall be at the discretion of council. No more than three (3) delegations shall be permitted at any one meeting, and no delegations shall be permitted after the agenda is set, unless it is of a time sensitive nature and is authorized by the mayor or chair. The mayor or chair shall notify the delegate when the time has elapsed. Council members shall limit their comments to questions for clarification purposes only.

16. Members of the Public

16.1. Conduct of Audience at a Meeting

Members of the public who constitute the audience at a meeting shall refrain from any activity or behavior that would affect council deliberations and shall not:

- 16.1.1. Address council or committee without permission;
- 16.1.2. Bring signage, placards or banners into meetings; or
- 16.1.3. Interfere with the conduct of the council or committee meeting in any way.

17. Rules of Debate

17.1. Addressing Council

To address council a member shall request to speak, be recognized by the chair and direct all comments through the chair.

17.2. Address the Chair

Prior to speaking to any question or motion, each member shall address the chair.

17.3. Order of Speakers

When two or more members indicate their desire to speak at the same time, the chair shall designate the order of speakers.

17.4. Interruptions

When a member is speaking, no other member shall interrupt the member speaking except to raise a point of order, privilege or personal privilege;

17.5. Motion to be Repeated

Any member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the member speaking.

18.3. Withdrawn Motion

After a motion has been proposed and seconded, and placed in the hands of the chair, it shall be considered to be in the possession of the council but may be withdrawn by the mover and seconder if there are no objections from any members. If any member objects, the motion may only be withdrawn by a vote of the members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented.

18.4. Motions Permitted Without Written Notice

Motions may be added to the agenda following council approval by a two-thirds vote and on the recommendation of staff with respect to urgent matters.

The following may be introduced orally without written notice and without leave of council:

- 18.4.1. A point of order, privilege or personal privilege;
- 18.4.2. A motion to recess;
- 18.4.3. A motion to adjourn;
- 18.4.4. A motion to call the question;
- 18.4.5. A motion to separate the question;
- 18.4.6. A motion to receive an item;
- 18.4.7. A motion to refer;
- 18.4.8. A motion to defer; and
- 18.4.9. A simple amendment to a main motion.

18.5. Motions to be Moved and Seconded

A motion shall be moved and seconded before being open for discussion and consideration.

18.6. Members May Vote Against

A member may move a motion in order to initiate discussion and debate and that member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

19.6. Motion to Refer

A motion to refer, and any amendment to it, is debatable and shall include:

- 19.6.1. The name of the committee or official to whom the motion or amendment is to be referred; and
- 19.6.2. The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

19.7. Motion to Amend

A motion add, delete from, or substitute words in the main motion, shall:

- 19.7.1. Be presented in writing and seconded by a member;
- 19.7.2. Be open to debate;
- 19.7.3. Not propose a direct negative to the main motion;
- 19.7.4. Be relevant to the main motion;
- 19.7.5. Have only one motion to amend the main motion at one time;
- 19.7.6. Have only one motion to amend a motion to amend the main motion at one time; and
- 19.7.7. Be put in the reverse order to that in which it is moved.

19.8. Voting on motion to amend

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

- 19.8.1. A motion to amend the main motion;
- 19.8.2. A motion, as amended, to amend the main motion; and
- 19.8.3. The main motion, as amended.

19.9. Division of Motion

- 19.9.1. Any member may request the chair to divide any motion into such parts as the member may submit. If satisfied that the matter under consideration contains distinct proposals, the chair shall make a ruling on whether to divide the motion and the vote upon each proposal shall be taken separately.
- 19.9.2. A member may appeal the decision of the chair to the council which shall vote on whether or not to support the decision of the chair.

20. Voting

20.1. Order of Voting

Motions relating to an item under consideration (main motions) shall be voted on in the following order:

- 20.1.1.** A motion to adjourn;
- 20.1.2.** A motion to recess;
- 20.1.3.** A motion to call the question;
- 20.1.4.** A motion to defer;
- 20.1.5.** A motion to refer;
- 20.1.6.** A motion to amend, in reverse order of its being placed; and
- 20.1.7.** The main motion.

20.2. Members Shall Vote

Every member present at a meeting of council where a question is put shall vote on the question, unless prohibited by statute, in which case the clerk shall so record. If any member present does not vote at a meeting of the council where a question is put, he/she shall be deemed to vote in the negative except where the member is prohibited from voting by statute.

20.3. Chair to State the Question

Immediately preceding the taking of a vote, the chair shall state the question in the precise form in which it shall be recorded in the minutes unless the wording is provided for visually in front of the members on their monitors.

20.4. Indication of Vote

A member shall vote by raising a hand or otherwise indicating the member's vote, except where a recorded vote is requested.

20.5. Conduct During a Vote

When the chair calls for the vote on a question:

- 20.5.1.** Each member shall occupy his/her seat and shall remain in place until the result of the vote has been declared by the chair; and
- 20.5.2.** During this time no member shall walk across the room or make any other noise or disturbance.

21.5. Duty to Sign Every Bylaw

Bylaws, once passed, shall be dated and duly signed by the mayor and the clerk or the deputies.

22. Committees

22.1. Composition

Council shall determine the appropriate number of committees, their membership, mandates and reporting practices.

22.2. Other Appointments

Appointments and nominees to other bodies shall be recommended by Council.

22.3. Ad Hoc Committees

Council may, from time to time, appoint ad hoc committees which shall report directly to council. The establishment of such committees should include a specific mandate, terms of reference, and term of appointment. Ad hoc committees shall report to council with a recommendation with regard to their continuation, assumption of responsibilities by council, or abolishment.

22.4. Duty of the Chair

A chair and vice-chair shall be appointed by the members at the first regular scheduled meeting. Each chair and/or vice chair shall preside at every meeting of their committee, may vote on every question submitted for consideration and may require that resolutions be in writing.

22.5. Ex-Officio Membership

The mayor shall be an ex-officio member of all West Grey committees, sub committees and working groups. He/she shall have the right to take part in discussion, but shall not be included to make up quorum and shall not have the right to vote.

22.6. Notice to Members

Notice of meetings including agendas, minutes and supporting documentation to the members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency or if the member does not have electronic mail. In the event of a meeting cancellation, staff shall notify the members by email or by telephone as soon as possible.

22.12. Absence of Chair

In the event of the chair of a committee not attending the committee at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the committee vice-chair shall call the meeting to order and preside until the arrival of the committee chair.

Should the committee vice-chair not be in attendance at the meeting, the recording secretary shall call the meeting to order and ask those members in attendance to appoint one of the members to act in the place of the committee chair for that meeting. Such member shall then preside until the arrival of the committee chair or the committee vice-chair. The meeting must have a quorum to commence.

22.13. Absence of Committee Member

Should any member of a committee fail to attend three successive regular or special meetings without being authorized to do so by a resolution of the committee, the committee may certify such failure and provide notice to council. Thereupon the membership of such person on the committee shall be terminated by council and council may appoint another member in their place.

22.14. Preparation of Agenda

The appropriate West Grey staff person, committee secretary or chair shall prepare committee agendas for distribution.

22.15. Committee Delegations

Any person desiring to present information to a committee may do so subject to the following:

- 22.15.1.** Requests shall be in writing and the information to be presented shall be on matters of fact or to make a request of the committee;
- 22.15.2.** Requests shall be made not less than five days preceding the committee meeting at which such person desires to be heard;
- 22.15.3.** Exceptions to the five (5) business days' notice requirement required in (b) above may be approved by the committee chair;
- 22.15.4.** Any person who is scheduled to appear as a delegation before a committee is requested to submit written documentation for the committee's consideration to the committee secretary not less than five (5) business days preceding the committee meeting; and
- 22.15.5.** Rules relating to time limits and conduct shall be as set out in Section 14.

25. Interpreting the Procedure Bylaw

- 25.1. In the event of conflict between this Procedure Bylaw and legislation, the provisions of the legislation prevail;
- 25.2. A specific statement or rule in this Procedure Bylaw has greater authority than a general one; and
- 25.3. If there is a conflict between two or more rules in this Procedure Bylaw, or if there is no specific rule on a matter, the chair shall rule. In making a ruling, the chair may consult the clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order, Edition 11.

26. Enactment

Bylaw No. 20-2018, 52-2018 and 27-2020 are hereby repealed.

This bylaw shall come into force on the date of passing.

Read a first, second, and third time this 16th day of March, 2021.



Christine Robinson, Mayor



Genevieve Scharback, Clerk