

# **Municipality of Lakeshore**

## **By-law 70-2023**

### **Being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore**

**Whereas** the *Municipal Act, 2001*, S.O. 2001, c.25 ("*Municipal Act, 2001*") requires every municipality to pass a procedure by-law for governing the calling, place and proceedings of Meetings;

**And whereas** on June 27, 2023 Council directed Administration to prepare a draft Procedure By-law for consideration which includes the recommended changes described in the report presented at the June 27, 2023 Council Meeting;

**And whereas** section 239 of the *Municipal Act, 2001* governs the closure of municipal council Meetings to the public;

**And whereas** Council deems it expedient to pass a new procedure by-law;

**Now therefore** the Council of the Municipality of Lakeshore enacts as follows:

#### **Part 1 – Interpretation**

##### **Definitions**

1. (a) In this by-law:

"*Accessibility for Ontarians with Disabilities Act, 2005*" means the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11;

"Acting Mayor" means a Member, excluding the Deputy Mayor, authorized to act in the absence of the Mayor and Deputy Mayor for the term of the appointment as determined by bi-weekly rotation on a list prepared by the Clerk.

"Administration" means the members of staff employed by the Municipality;

"Advisory Committee" means a Committee established in accordance with section 132 to provide comment and make recommendations to Council on a specific matter;

"Agenda" means the written Order of Business combined with the documents contemplated by the Order of Business and as further described in this by-law;

"Chair" means the person presiding over a Meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding;

“Chief Administrative Officer” means the Chief Administrative Officer of the Municipality appointed by Council;

“Clerk” means the Clerk of the Municipality appointed by Council or their designate;

“Closed Session” means a Council or Committee Meeting or portion thereof, which is closed to the public in accordance with the *Municipal Act, 2001*;

“Code of Conduct” means the Municipality of Lakeshore Code of Conduct for Members of Council, Local Boards, and Committees adopted by Council from time to time;

“Committee” means a group of individuals appointed by Council to perform a function or functions and may be a committee as defined by statute where the context requires;

“Communication Items” includes and is not limited to notices of development applications, status reports, general administrative information which do not require any action by Council, correspondence items from other levels of government, crown corporations, agencies, boards or provincial/federal associations;

“Consent Agenda” means a listing of items of business of a routine nature which do not typically require substantial discussion or debate;

“Corporate Leadership Team” as defined by the job description of certain senior staff members in Administration;

“Council” means the municipal council of the Municipality constituted pursuant to the *Municipal Act, 2001*;

“Delegation” means any person or group of persons who wish to appear before Council to speak on matters listed on the Agenda;

“Deputy Clerk” means the Deputy Clerk of the Municipality appointed by Council or their designate;

“Education and Training Meetings” are Meetings conducted for the purpose of Member education and training and which may be closed in accordance with subsection 239(3.1) of the *Municipal Act, 2001* and may include Council Orientation;

“Electronic Attendance” means attendance at a Meeting by use of video-enabled technology that:

- i. enables all of the Meeting’s participants to see, hear and speak with each other when permitted, and
- ii. enables the public to hear the statements and hear or see the votes of the Council Members during the part of the Meeting that is open to the public.

“Electronic Voting Tool” means an electronic software tool approved by the Clerk that allows Members to digitally submit their vote on a matter;

“Emergency” means an emergency existing in the Municipality and declared in accordance with the *Emergency Management and Civil Protection Act*;

“Emergency Governance Committee” means a Committee responsible for making binding decisions of Council when Quorum cannot be achieved due to an Emergency;

“*Emergency Management and Civil Protection Act*” means the *Emergency Management and Civil Protection Act*, 2006, R.S.O. 1990, c. E.9;

“Hearing Committee” means a Committee that conducts hearings to any appeal to Council pursuant to statute and regulatory by-laws for the Municipality where provided by by-law;

“Holiday” includes a day described as a holiday in the *Legislation Act, 2006* and a day when Town Hall is closed for business;

“Hybrid Meeting” means a Meeting conducted in a manner that permits both Electronic and in person attendance by Members of Council, members of Administration and members of the public;

“Information Report” means an administrative report provided to Council for information which is not intended to seek Council approval, direction or action;

“*Legislation Act*” means *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F;

“Mayor” means the head of Council;

“Meeting” means any Regular or Special meeting, where a Quorum is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council;

“Member” means a person elected or appointed to serve as a member of Council;

“*Municipal Act, 2001*” means *the Municipal Act, 2001*, S.O. 2001, c. 25;

“*Municipal Conflict of Interest Act*” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;

“*Municipal Elections Act, 1996*” means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

“Municipal Website” means the website located at [www.lakeshore.ca](http://www.lakeshore.ca);

“Municipality” means the Municipality of Lakeshore as constituted pursuant to the *Municipal Act, 2001*;

“Notice of Motion” means notice to Members on a matter which Council will be asked to take a position;

“Order of Business” means the sequence of business under consideration at a Meeting that has been duly called and constituted;

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*;

“*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P. 13;

“Point of Order” means a matter that a Member considers to be departure from or contravention of the rules, procedures or generally accepted practices of the Council;

“Point of Personal Privilege” means a matter that a Member considers to impugn their integrity or the integrity of the Council;

“Public Meeting” means a public Meeting held pursuant to the *Planning Act*;

“Public Presenter” means any person, group, corporation or organization wishing to address Council on a matter that is not before Council and does not include a presenter arranged by Administration to present to Council and Public Presentation is similarly defined;

“Quorum” means a majority of the Members;

“Regular Meeting” means a Meeting scheduled in accordance with section 17;

“Request for Support” is a request from a person, organization, association, other government or agency to support or endorse a resolution or position of that organization;

“Special Meeting” means a Meeting that does not appear on the Regular Meeting Schedule and that is called in accordance with this by-law;

“Standing Committee” means a Committee established in accordance with section 130 and section 131 that exercises authority with respect to the affairs or purposes of the Municipality on matters established by legislation or by-law;

“*Statutory Powers Procedures Act*” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. s. 22;

“Strategic Planning Meeting” means a Meeting conducted for the purpose of strategic planning for the Municipality;

“Task Force” means a short-term body established by Council to carry out a specific task.

(b) Words and phrases not defined in this by-law and defined in the *Municipal Act, 2001*, shall be given the meaning defined in the *Municipal Act, 2001*.

## **Application of Robert's Rules of Order**

2. All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance, as far as is reasonably practical, with the rules as contained in the most recent edition available to the Clerk of *Robert's Rules of Order*.

## **References to Laws**

3. A reference in this by-law to another by-law, an Act or provision of either a by-law or an Act is a reference to a by-law of the Municipality, an Act or provision of a by-law or Act as amended, re-enacted or remade or changed.

4. If an Act or by-law or provision of an Act or by-law is repealed or revoked, without being replaced, the repealed or revoked provision continues to have effect, but only to the extent that is necessary to give effect to the provision that contains the reference and that reference shall be read as it read immediately before the repeal or revocation.

## **References to Time**

5. In this by-law, a reference to time is a reference to time in Eastern Standard Time.

## **Amendments**

6. Any amendment to this by-law shall require an affirmative vote of two-thirds of the Members present and eligible to vote to succeed.

## **Schedules**

7. The schedules attached to this by-law form part of this by-law and have the same effect as if they were contained in the by-law.

## **Headings**

8. Headings in this by-law are provided for convenience only.

## **Conflict**

9. In the event of any conflict between the provisions of this by-law and any other by-law of the Municipality concerning rules of procedure, the provisions of this by-law shall apply.

## **Correction of Errors**

10. The Clerk, in consultation with legal counsel, is authorized to make corrections for technical, typographical or other administrative errors or omissions to minutes, resolutions and by-laws for the purpose of ensuring that Council records accurately reflect the proceedings.

## **Part 2 – Application**

### **Governance**

11. (a) The procedures set out in this by-law shall govern all proceedings of Council and its Committees and Task Forces, with modifications as required.

(b) Where this by-law states that a matter applies to Council, it shall also apply to a Committee and Task Force subject to any specific modifications set out in this by-law.

12. (a) Subject to (b), where Council convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, shall govern the proceedings and shall prevail in the event of a conflict between this by-law and those statutes.

(b) A Public Meeting shall not be governed by the *Statutory Powers Procedure Act*.

### **Council Decision - Making by Resolution**

13. Actions taken and decisions made by Council under this by-law shall be by resolution.

14. Unless otherwise stated, a resolution of Council must have the support of a majority of the Members eligible to vote.

## **Part 3 – Meetings**

### **Inaugural Meeting**

15. (a) The Inaugural Meeting of a new term of Council shall take place at the earliest opportunity following the beginning of the term of Council, on a date and time to be scheduled by the Clerk in consultation with the Mayor-elect and in any case the Meeting shall take place no later than 31 days after the Council term commences.

(b) The location of the Inaugural Meeting shall be in the Council Chamber or an alternate location if required to accommodate the public.

(c) The Inaugural Agenda shall include the following and such other items as the Clerk may arrange in consultation with the Mayor:

1. Call to Order,
2. Singing of O Canada,
3. Land Acknowledgement,
4. Moment of Reflection,
5. Disclosures of Pecuniary Interest,
6. Address by the Mayor,
7. Consideration of By-laws,
8. Closed Session, and
9. Adjournment.

## **Location of Meetings**

16. All Meetings shall be held as Hybrid Meetings, hosted virtually from the Council Chamber, unless an exigent circumstance dictates otherwise, in which case notice should be issued to the public in whatever means is practicable in the circumstance.

## **Date of Meetings**

17. (a) Subject to subsection (b), Regular Meetings shall be held the second and fourth Tuesday of each month throughout the year, with the exception of July and August when one Regular Meeting will be scheduled per month.

(b) No less than 2 months prior to January 1<sup>st</sup>, the Clerk shall prepare a Regular Meeting Schedule for the approval of Council which shall be prepared in accordance with this section and may be modified based on the following considerations:

- i. Four days of Council Orientation shall be included in the Regular Meeting Schedule in the first 2 months following the commencement of a new term of Council;
- ii. Following the months in which Council Orientation occur, a 30 to 45 minute monthly Education and Training Meeting should be scheduled once per month from September through to and including June of each year;
- iii. An additional Meeting shall be scheduled during the following periods to accommodate additional Planning Act matters:
  1. September through to and including November,
  2. January through to and including March, and
  3. April through to and including June;
- iv. Meetings shall not be scheduled on a Holiday and Meetings may be scheduled the following week to avoid a Regular Meeting falling the day after a Holiday;
- v. Meetings shall be scheduled to accommodate Member attendance at municipal conferences commonly attended by municipal council members in Ontario; and
- vi. Meetings may be scheduled to accommodate local school board closures.

## **Time of Meetings**

18. (a) Meetings will be scheduled to commence as follows and as circumstances permit:

- i. Open sessions of Regular Meetings shall be scheduled to commence no earlier than 5:30 PM;
- ii. Closed sessions of Regular Meetings shall be scheduled to commence no earlier than 4 PM;

- iii. Education and Training Meetings scheduled immediately prior to another Meeting may be scheduled to commence no earlier than 4:15 PM;
- iv. Education and Training Meetings, Orientation Meetings and Strategic Planning Meetings may be scheduled to commence at 9 AM or after; and
- vi. Special Meetings at a time called by the Mayor or petitioned by Council.

### **Notice of Meetings**

19. (a) Subject to subsection (b), notice of a Meeting shall be in the form of an Agenda, which shall make mention of the date, time and place for the Meeting.

(b) Notice of a Special Meeting which is called for an urgent circumstance, and which cannot be called pursuant to section 32, may be given by the Clerk upon direction by the Mayor who shall provide the Clerk with notice in writing, and the Clerk shall issue notice of the date, time, location and purpose of the Meeting to:

- i. Members by telephone, email or other means deemed by the Clerk to be expeditious and practical; and
- ii. members of the public by posting electronically on the Municipal Website.

20. The failure of any person to receive notice of a Meeting under this by-law shall not affect the validity of the Meeting, nor any decisions, recommendations, or actions resulting from the Meeting.

### **Distribution of Notice and Agenda**

21. (a) The Clerk shall give notice of each Meeting to:

- i. all Members,
- ii. the Chief Administrative Officer, Deputy Clerk, and Corporate Leadership Team members,
- iii. Members of the public, and
- iv. such other persons as the Chair of the Meeting in question or the Clerk deem necessary.

(b) Notice shall be provided by the Clerk by posting the Agenda on the Municipal Website. Notice of a Meeting shall be provided no less than four calendar days prior to the Meeting for which Notice is being provided. Notice is deemed to be given upon publication of the Agenda on the Website.

(c) Paper copies of each Agenda will be provided to Members; however, notice is deemed to be given to the Members when the agenda is distributed electronically.



(d) Upon request to the Clerk, a paper copy of the Agenda will be distributed to a Member's mailbox at Town Hall or to a Member's home.

### **Cancellation of Meetings**

22. (a) The Chief Administrative Officer, in consultation with the Mayor, has authority to cancel a Meeting, if it is determined that:

- i. in the case of a Regular Meeting, there is not sufficient business to be conducted;
- ii. exigent circumstances have arisen such that it would be unsafe to proceed; or
- iii. the Chief Administrative Officer or Clerk become aware that there will not be a Quorum present.

(b) Notice of cancellation of a Meeting shall be given by the Clerk as soon as practicable and shall be distributed to the persons described in subsection 22(a).

### **Attendance by Members at Meetings**

23. Members are expected to attend Meetings physically or by Electronic Attendance.

### **Electronic Attendance**

24. The following rules govern Electronic Attendance by Members at Meetings:

- i. If a Member is disconnected from a Meeting while in Electronic Attendance and does not immediately reconnect, the Chair shall announce a recess until it is determined whether or not the electronic connection can be re-established, at which time the Clerk shall attempt to contact the Member by an alternative method of communication and permit the Member time to re-establish the connection.
- ii. In the event that a disconnection impacts more than one Member, the Meeting shall be deemed recessed until such time as the connections are re-established.
- iii. In the event that the Chair is disconnected while in Electronic Attendance, the Vice-Chair shall act in the place of the Chair.
- iv. In the event that a Member has been disconnected while in Electronic Attendance and confirms with the Clerk that the connection cannot be re-established, the Chair shall:
  - a) Continue the Meeting and treat the interruption in the same manner as if a Member who is physically present leaves the Meeting room;
  - b) Recess the Meeting until such time as the Member is able to establish a different connection, including connection by audio only, to continue attendance at the Meeting;

- c) Adjourn the Meeting; or
- d) Any combination of a, b, or c.

### **Call to Order**

25. As soon as there is a Quorum after the time set for the start of the Meeting, the Mayor shall take the chair and call the Meeting to order.

### **Quorum Not Present**

26. In the event that a Quorum is not present within 30 minutes after the designated start time of the Meeting, the Clerk shall record the names of the Members present and the Meeting shall be deemed to be adjourned.

### **Chair Not Present**

27. (a) If where a Quorum is present and the Mayor has not attended within fifteen minutes after the time appointed, the Deputy Mayor shall assume the Chair during the Meeting for as long as the Mayor is absent.

(b) If the Mayor and Deputy Mayor are both absent, the Acting Mayor shall preside during the Meeting for as long as the Mayor and Deputy Mayor are absent.

(c) If the Mayor, Deputy Mayor and Acting Mayor are absent, Council may appoint a chair from among the remaining Members.

28. The Clerk shall record, in the minutes, those Members who were present and those Members who were absent.

### **Adjournment**

29. The duration of a Regular Meeting, excluding time spent in Orientation and Strategic Planning Meetings and the Education and Training component of a Meeting, shall not be longer than 6 hours.

30. (a) Subject to subsection (b), if the Meeting is not completed by 9:30 PM on the day of the Meeting, then the Meeting shall be deemed to be adjourned at 9:30 PM.

(b) Subject to subsection (c), Council may extend the Meeting to 10:00 PM.

(c) A motion to extend the Meeting beyond 6 hours shall require a unanimous vote of Council.

(d) If the Order of Business is not completed in accordance with this section, the unfinished business shall be deemed to be deferred to the next regular Meeting of Council, unless Council resolves to re-convene the Council Meeting to another day and time prior to the next regular Meeting of Council.

## **Minutes**

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

## **Part 4 – Special Meetings**

### **Calling of Special Meeting**

32. a) A Special Meeting may be called:

- i. By the Mayor by providing written direction to the Clerk stating the date, time and purpose for the Special Meeting; or
- ii. By a majority of Members by providing a signed written direction to the Clerk stating the date, time and purpose for the Special Meeting.

(b) The direction to the Clerk provided pursuant to subsection (a) shall be provided to the Clerk five calendar days prior to the date selected for the Special Meeting.

### **Limited Business Transacted**

33. No business other than that which formed the purpose of calling the Special Meeting may be transacted at the Special Meeting and the Clerk shall modify the Order of Business accordingly.

## **Part 5 - Closed Sessions**

### **Authority**

34. (a) A Meeting or a part of a Meeting may be closed to the public in accordance with the Schedule “B”.

(b) If the *Municipal Act, 2001* or any other statute includes provisions permitting or requiring the closing of a Meeting for reasons other than those described in Schedule “B”, Council may close the Meeting for those reasons, in addition to those described in Schedule “B”.

### **Resolution Required**

35. Prior to closing a Meeting to the public, Council must pass a resolution stating:

- i. the reference to the *Municipal Act, 2001* authorizing the closure of the Meeting;
- ii. the fact of the holding of the Closed Session; and
- iii. the general nature of the matter to be considered during the Closed Session.

## **Voting in Closed Session**

36. A Meeting may be closed to the public during the taking of a vote if:

- i. the Meeting is permitted to be closed to the public; and
- ii. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under a contract with the Municipality.

## **Closed Session Agenda**

37. (a) Any reports for Closed Session must be signed by the Chief Administrative Officer or their designate verifying that the report is appropriately being dealt with in Closed Session.

(b) The Clerk shall prepare the Closed Session Agenda.

38. (a) Closed Meeting agendas and minutes shall be confidential.

(b) Every Closed Session Agenda shall be distributed and maintained in a manner that ensures confidentiality.

## **Reporting to the Public – At Meeting**

39. During the Meeting open to the public following a Closed Session or at the subsequent Meeting, the Mayor shall report the following:

- i. the reference to the *Municipal Act, 2001* authorizing the closure of the Meeting;
- ii. the fact of the holding of the Closed Session;
- iii. the general nature of the matter to be considered during the Closed Session; and
- iv. the holding of vote, if any.

## **Reporting to the Public - Quarterly**

40. (a) On a quarterly basis, the Clerk shall prepare an Information Report for a Meeting open to the public describing the Closed Sessions held during the previous quarter which describes:

- i. the reference to the *Municipal Act, 2001* authorizing the closure of the Meeting;
- ii. the fact of the holding of the Closed Session;
- iii. the general nature of the matter to be considered during the Closed Session; and
- iv. the holding of vote, if any; and
- v. such other information as may be disclosed taking care not to reveal the substance of the deliberations of Council.

## Part 6 – Agenda

### Order of Business

41. The Clerk, in consultation with the Chief Administrative Officer, shall prepare, for the use of the Members at Meetings an Agenda based on the following Order of Business:

1. Call to Order
2. Closed Session
3. Singing of O Canada
4. Land Acknowledgment
5. Moment of Reflection
6. Disclosures of Pecuniary Interest
7. Recognitions
8. Announcements by Mayor
9. Public Meetings under the *Planning Act*
10. Public Presentations
11. Delegations
12. Completion of Unfinished Business
13. Approval of Minutes
14. Consent Agenda
15. Reports for Direction
16. Reports from County Council Representatives
17. Report from Closed Session
18. Notices of Motion
19. Consideration of By-laws
20. Non-Agenda Business
21. Addendum
22. Adjournment

42. (a) The Clerk will not include communications in the Agenda that:

- i. Are addressed to individual Members or members of Administration,
- ii. Are illegible,
- iii. Do not identify the author (including unsigned correspondence),
- iv. Do not include a return email or home address, or
- v. Contains personal information for which consent to disclose at a Meeting has not been provided.

(b) Where permitted at law or as appropriate in the circumstance, the Clerk may provide these items direct to the Members.

43. Members are encouraged to contact the Chief Administrative Officer or designate prior to the Meeting to raise questions or clarify issues relating to a matter on the Agenda and to secure additional information as may be required.

## **Part 7 - Disclosure of Pecuniary Interest**

44. It is the responsibility of each Member to identify and disclose any Pecuniary Interest on any item or matter before the Council or any Committee.

45. Where a Member, either on their own behalf or while acting, by, with or through another, has any Pecuniary Interest in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall:

- i. prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof at a Meeting;
- ii. not take part in the discussion of, or vote on, any question in respect of the matter; and
- iii. not attempt in any way, whether before, during, or after the Meeting, to influence the voting on any such question.

46. The Member shall provide the Clerk with a notice in writing of the Pecuniary Interest, the agenda item with which the conflict is associated and the general nature thereof for recording in a registry.

47. Where a Meeting is closed to the public and a Member has a Pecuniary Interest in a matter, in addition to complying with the other requirements in this part, the Member shall forthwith leave the Meeting for the part of the Meeting during which the matter is under consideration.

48. Where a Pecuniary Interest has not been declared the general nature of a Pecuniary Interest of a Member has not been disclosed, by reason of absence from the particular Meeting, the Member shall disclose the general nature of the Interest and otherwise comply at the next available Meeting.

49. The Clerk shall record the nature of any disclosure of Pecuniary Interest made by Members, as the case may be, and any such record shall appear in the minutes of the Meeting.

## **Part 8 – Public Meetings under the *Planning Act* & Hearings**

### **Application and Precedence**

50. When a Public Meeting or a hearing is required, the rules set out in this part apply and shall prevail over any other provision to the contrary in this by-law. The other provisions of this by-law shall govern to the extent that they do not conflict with this Part.

### **Announcement by Chair**

51. The Chair shall commence the Public Meeting or hearing by announcing the fact that the matter is a Public Meeting or hearing, as applicable, describing the particular subject matter and the fact that any person who wishes to speak on the matter shall be allowed to do so.

52. (a) The order of speakers shall be:

- i. member(s) of Administration;
- ii. the applicant/appellant and/or their agent; and
- iii. anyone else that wishes to speak on the matter.

(b) This order may be varied by the Chair as circumstances require.

### **Time – Limitation**

53. Speakers will be limited to no more than 10 minutes to address the Members. Where it appears that a significant number of speakers wish to address the Members, the Chair shall encourage speakers to limit their presentations to 5 minutes to provide sufficient opportunity for all persons to be heard.

### **Limitation on Motions**

54. Once a Public Meeting or hearing has begun, no motion shall be read or voted upon until all persons wishing to address Council have had the opportunity to do so, with the exception of reasonable motions to recess and motions to adjourn and defer the hearing to a later date, where it is apparent, due to the significance of the matter and the number of speakers wishing to address the Members, that the hearing cannot be completed during the current Meeting.

### **Members- Late Arrival - Early Departure**

55. Should a Member arrive after a Public Meeting or hearing has commenced, or leave before the Public Meeting or hearing is complete, the Clerk shall record this in the minutes and the Member shall not take part in the vote on any recommendation or motion for the matter.

### **Deferral/Continuation**

56. Where a Public Meeting or hearing is deferred, the Chair shall inform the persons present of the time and place of the continuation. Where the date and time for the continuation is not yet known, notices of the continuation shall be sent to every person who leaves their name and address with the Clerk and those persons who have already provided the Clerk with a written request for such notice.

### **Conclusion of Hearing - Announcement**

57. The Chair shall conclude the Public Meeting or hearing by announcing that the Public Meeting or hearing portion is complete and that the Members will proceed to discuss and vote on the matter. Motions are in order upon the conclusion of the Public Meeting or hearing.

### **Following Conclusion - No Further Submissions**

58. Following the conclusion of the Public Meeting or hearing, no further submissions from any person shall be permitted by the Chair.

## **Record of Proceedings**

59. The Clerk shall summarize in the minutes all evidence and representations presented to at during the Public Meeting or hearing and all findings of fact made at a Public Meeting or hearing, collect any documentation presented during the hearing.

### **Part 9 – Minutes**

60. A motion to approve the minutes is not debatable.

61. (a) A motion to amend the minutes may be debated.

(b) All requests to amend the minutes shall be made by motion. Where during debate if there appears to be disagreement on the matter, a vote shall not be taken and the approval of the minutes deferred to the next Regular Meeting. The Clerk shall review the recording of the Meeting and prepare a report to Council reviewing the matter in dispute.

### **Part 10 - Consent Agenda**

#### **Items included in Consent Agenda**

62. The Consent Agenda shall include the following:

- i. Information Reports,
- ii. Committee minutes or Board reports and minutes,
- iii. Petitions, and
- iv. Communication Items.

63. (a) The Chair shall limit inquiries and discussion relating to Consent Agenda items to 20 minutes. A motion to approve the Consent Agenda will be in order at the earlier of the completion of the 20-minute time period, or when all Members have concluded their questions.

(b) A motion directing administration to undertake certain action with respect to Consent Agenda item, shall be in order.

(c) Any issues of jurisdiction on any matter of communication before the Council shall be determined by the Chair, subject to a challenge by any Member of Council.

64. Delegations will not be permitted to be heard regarding items on the Consent Agenda unless Council directs an administrative report be prepared for a future Meeting at which time interested parties may address Council.

#### **Requests for Support or Endorsements**

65. a) Requests for Support shall not be included in the Agenda unless a Member indicates in writing to the Clerk that a Request for Support be included in the Consent Agenda. The Member's written indication must be filed 10 days prior to the Meeting at which the Member wishes to have the Request for Support considered.



- (b) Requests for Proclamations will not be considered by Council nor included in the Agenda.

## **Petitions**

66. Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the Municipality, may be filed directly with the Clerk and provided by the Clerk to Council in the Consent Agenda. A petition must be filed with the Clerk 10 days prior to the Meeting for which the petition will be included in the Agenda.

## **Approval of Consent Agenda**

67. The Consent Agenda shall be approved by resolution.

68. A motion to adopt the whole or the balance of the Consent Agenda is not debatable but the Chair shall permit questions for a period no longer than 20 minutes.

69. A Consent Agenda Item may at any time prior to or at the Meeting request that any item be removed from the Consent Agenda and considered separately.

70. Once an item is approved as part of the Consent Agenda, a motion for reconsideration is required to take further action in relation to that item.

## **Part 11 – Attendance at Meetings**

### **Addressing Council**

71. Members of Council shall be addressed as follows:

- i. The Mayor may be addressed as “Mayor”, “Chair” or “Your Worship”.
- ii. Each Member may be addressed as “Councillor [insert last name]”.

### **Member Conduct**

72. Members of Council shall:

- i. act in accordance with their Declaration of Office;
- ii. not use indecent, offensive, or insulting expressions or language, at any time, toward other Members, Administration, delegations or members of the public;
- iii. not speak in a manner that is discriminatory in nature based upon an individual’s race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability;
- iv. speak only to the matter before Council;
- v. respect the time of the other Members; and

- vi. support decisions of Council despite circumstances where the Member may have opposed the matter at the time of decision; and
- vii. comply with this by-law, the Code of Conduct, decisions of the Chair and Council.

### **Conduct of All Persons**

73. All Persons attending a Meeting shall:

- i. Respect the decorum of Council;
- ii. Speak only on the subject for which they have the floor;
- iii. Address remarks to the Chair;
- iv. Refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Meeting;
- v. Not use offensive words;
- vi. Speak disrespectfully of any person and any member of Council;
- vii. Disobey a decision of the Chair or Council;
- viii. Not enter into a cross-debate with other members of the members of the public, Administration, Members or the Chair; or
- ix. Appear for the sole purpose of publicly announcing a local event;
- x. when attending the Meeting by Electronic Attendance:
- xi. ensure that they have a stable connection to facilitate attending in a virtual manner; and
- xii. Where attending by Electronic Attendance, mute their microphones while not speaking.

74. (a) An individual, including a Member, who is called to order shall immediately cease the behaviour impugned.

(b) The Chair may take such steps as necessary to maintain decorum, including expulsion of an individual, including a Member, from the Meeting.

(c) The Chair may permit the re-entry of a Member at such time as the Member has discontinued the disorderly behaviour and has apologized to Council.

## **Part 12 - Presentations to Council by Public Presenters and Delegations**

### **Public Presentations**

75. (a) A Public Presenter shall make a written request to the Clerk 30 calendar days prior to the Meeting at which they would like to present.

(b) The Public Presenter's request shall provide particulars of the presentation, including any materials intended to be presented at the Meeting.

76. The Clerk shall refuse a request for a presentation by a Public Presenter where opportunities for public input have been provided by way of open houses, public hearings, surveys or other forms of civic engagement.

77. The Chief Administrative Officer may, in consultation with the Mayor, refuse a request of a Public Presenter where:

- i. the request is not submitted within the timelines required in this by-law;
- ii. the Public Presenter did not submit the materials required of section 75;
- iii. the subject matter is deemed to be beyond the jurisdiction of Council;
- iv. the issue is specific to a labour/management dispute, or other matter properly held in closed session;
- v. the issue has been or is to be considered by a Committee;
- vi. Council has previously made a decision on the issue and one delegation has appeared before Council with respect to the previously made decision within a period of twelve months following the date on which the decision was made;
- vii. Council previously indicated it will not hear further from this presenter; and
- viii. the issue should be referred to administration for action.

78. (a) The Clerk shall provide, on behalf of the Chief Administrative Officer, a written response to the person requesting to make a Public Presentation and, where the request is refused, provide a reason for the refusal.

(b) If a request for a Public Presentation is accepted, the Clerk shall notify the Chief Administrative Officer of the Meeting date in order for the Chief Administrative Officer to determine if an administrative report should accompany the submission.

### **Delegations**

79. Delegations will be allowed of individuals who want to address Council on any matter on the Agenda.

80. Any person wishing to address Council on a matter on the Agenda shall be referred to as a Delegation. The Delegation shall indicate their intention to the Clerk, in writing, by 4:30 PM on the day prior to the date of a Meeting. Delegations are encouraged to provide a written brief and, if submitted to the Clerk by 4:30 PM on the day prior to the date of the Meeting, shall be circulated to Members prior to the Meeting.

### **Rules for Presenters**

81. In the remaining sections in this Part, the term “Presenter” shall include Delegations and Presenters.

### **Disruption in Electronic Attendance**

82. In the event that a Presenter attends the Meeting by Electronic Attendance and is disconnected, the Chair may do any one or a combination of the following:

- i. call a recess to permit the member of the public time to reconnect;
- ii. move to the next item on the agenda, while allowing time for the member of the public to reconnect; and
- iii. having provided sufficient opportunity for the member of the public to reconnect, proceed with the matter; and
- iv. take any other measures necessary to ensure a fair and transparent process.

### **Discourse**

83. (a) Any discourse between Members and the Presenter shall be limited to Members asking questions for clarification and obtaining relevant information only.

(b) Members shall not enter into debate with the Presenter.

(c) Once a motion relating to the matter is moved and seconded, no further submissions by the Presenter shall be permitted.

### **Time Limit**

84. (a) The following time limits shall apply to each Presenter and shall be strictly enforced:

- i. A maximum of five minutes shall be allotted for each individual Presenter to present their information. Where there are numerous members of the public taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views.
- ii. A group presentation shall be limited to two spokespersons limited to a total of ten minutes.

(b) Council may extend the time limit.

## **Conduct**

85. Presenters shall not:

- i. repeat information presented by an earlier Presenter;
- ii. speak more than once; and
- iii. rebut or cross-debate with others.

## **Part 13 – Rules of Debate**

86. No Member shall be deemed to have precedence or seniority over any other Member.

87. No Member shall speak to a question or motion until the Member has been recognized by the Mayor or Chair. A Member shall signal the Member's desire to speak by verbally requesting the floor when the Member opens the floor to discussion.

88. No Member shall speak to a question or motion more than once until all Members wanting to speak on the issue have spoken. A Member may speak on a question or motion for no longer than 5 minutes on the first instance and no longer than 2 minutes thereafter.

89. When a Member is speaking, no other Member shall interrupt that member, except to raise a Point of Order.

90. Prior to the taking of a vote, a Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.

91. Prior to the taking of a vote, the Mayor may require the question or motion under discussion to be read.

92. If a Member disagrees with the announcement of the Mayor, that a question is Carried or Lost, the Member may immediately after the declaration by the Mayor, object to the Mayor's declaration and request the vote be retaken, for purposes of clarification.

93. The following matters may be introduced orally, without written notice and without leave of the Chair:

- i. a Point of Order,
- ii. a question of privilege,
- iii. a motion to amend,
- iv. a motion to refer, including to closed session,
- v. a motion to table the question,
- vi. a motion to vote on the question,
- vii. a motion to go into Closed Session,
- viii. a motion to suspend the rules of procedure,
- ix. a motion to recess.

94. If a Member considers that their integrity or the integrity of Council or Committee of Council has been impugned, the Member may, as a matter of personal privilege, draw the attention of Council or Committee as the case may be, to the matter by way of a Point of Personal Privilege. When a Point of Personal Privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a point of privilege may be appealed to Council or the Committee of Council, as the case may be for a final decision.

## **Part 14 – Voting Procedures**

### **All Members Vote**

95. (a) Every Member present at a Meeting, including the Chair, when a question is put, shall vote, unless prohibited from voting.

(b) A Member shall indicate their vote by selecting the option in the Electronic Voting Tool, where available. If the Electronic Voting Tool is not available for any reason, the Member shall advise the Chair and Clerk and audibly state if “in favour” or “opposed” to the motion.

96. When the Mayor or Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or Chair.

97. After a question is put by the Mayor or 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.

### **Effect of Tied Vote**

98. When a vote is taken and a tie results, the motion is lost.

### **Failure to Vote**

99. A failure to vote by a Member who is present at a Meeting at the time of the vote and that is not prohibited from voting shall be deemed to be a negative vote.

### **Division of Question**

100. The Mayor or Chair shall, upon request of a Member, divide the question, and the vote upon each part of the motion shall be taken separately. The parts of the motion must be able to stand alone for division of a question to be in order.

### **Record of Votes**

101. The Clerk shall record all votes in the minutes and all votes carried unanimously shall be noted.

## **Part 15 – Motions**

### **Order of Precedence**

102. Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- i. to adjourn,
- ii. to recess,
- iii. to request information,
- iv. to request that the vote be taken,
- v. to limit or extend the debate,
- vi. to defer (to another Meeting or date),
- vii. to refer (to another committee, administration), and
- viii. to amend.

### **Notice of Motion**

103. (a) Notice of a motion shall be given in writing or by email and delivered to the Clerk ten calendar days prior to the Meeting at which the motion is to be considered.

(b) Council may temporarily suspend the notice requirement in subsection (a) by a two-thirds vote in support by the Members present and eligible to vote.

(c) This section shall not apply to a notice of motion to reconsider.

### **Withdrawal of Motion**

104. After a motion is received by the Mayor or Chair, it shall be deemed to be in the possession of Council and may be withdrawn with the consent of the seconder and if there are no objections by Members at any time before decision or amendment.

### **Motion to Amend**

105. A motion to amend shall:

- i. be made only to a previous question or to amend an amendment to the question;
- ii. be relevant to the question to be decided;
- iii. be considered prior to the motion which it purports to amend; and
- iv. not be in order if, in essence, it constitutes a rejection of the main question.

### **Motion to Refer**

106. (a) A motion to refer the question:

- i. shall include the name of the body or official to whom the question is to be referred; and
- ii. may include instructions respecting the terms upon which the question is to be referred.

(b) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.

(c) A motion to refer a question may be amended.

### **Motion to Defer**

107. A motion to defer:

- i. shall include a fixed date for the question to come back before Council for consideration;
- ii. may be made while the main motion or an amendment is on the floor, and takes precedence over that motion or amendment;
- iii. may be debated, however, the debate must be limited to the advisability of the proposed postponement; and
- iv. may be amended only to change the length of the postponement.

### **Motion to Adjourn**

108. A motion to adjourn the Meeting shall always be in order, except:

- i. when a Member is speaking;
- ii. during the taking of a vote;
- iii. immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- iv. when a Member has already indicated to the Chair, that the Member desires to speak on the question; and
- v. when resolved in the negative, cannot be made again until Council has conducted further proceedings.

### **Motion to Reconsider**

109. (a) A Member that voted on the prevailing side of a decision may make a motion to reconsider.

(b) A Member may make a motion to reconsider:

- i. during the Meeting at which a decision was made; or
- ii. at a Meeting subsequent to the Meeting at which the decision was made provided that notice of the motion to reconsider is given in accordance with section 103(a).

(c) A motion to reconsider:



- i. is not debatable;
- ii. is not amendable; and
- iii. requires the support of two-thirds of the Members present and eligible to vote to succeed.

110. If the action approved in the motion proposed to be reconsidered cannot be reversed, the motion cannot be reconsidered and a motion to reconsider is not in order.

111. No motion shall be reconsidered more than once during a Council term.

112. When a motion to reconsider is moved by a Member in a subsequent Council term, the rules regarding a motion to reconsider, other than subsection 109(a), shall apply during that term.

113. A notice of motion to reconsider any Council decision shall not operate to stop or delay any action in furtherance of that decision, unless Council directs by a two-thirds majority vote.

114. If a motion to reconsider is carried:

- i. the decision to be reconsidered shall become the next order of business, unless the motion calls for a future definite date for the reconsideration; and
- ii. Debate on the question being reconsidered shall proceed as though it had not been previously voted on.

115. The following motions cannot be reconsidered:

- i. To adjourn;
- ii. To recess;
- iii. To suspend the rules;
- iv. To reconsider; and
- v. Decisions made pursuant to the *Planning Act* or in relation to a hearing required by statute or by-law.

116. A Committee may reconsider any recommendation made by it however, once Council Has ratified such recommendation or decided a motion, a Committee may not seek to reconsider the same issue, nor consider any other issue which could create a result inconsistent with Council's decision, unless a motion to reconsider is approved by Council.

## **Debate on Motions**

117. (a) Subject to (b) and where otherwise stated, all motions are debatable.

(b) The following motions are not debatable:

- i. to adjourn;
- ii. to close, limit or extend debate;
- iii. to lay on the table;
- iv. questions of privilege;
- v. to suspend rules; and
- vi. to take up from the table.

## **Motions Proposing Actions Beyond Jurisdiction of Council**

118. A motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council is not in order.

## **Part 16 - By-laws**

### **Listing on Agenda**

119. The proposed by-law title and citation shall be listed on the Agenda.

### **Motion Required to Adopt**

120. A motion to adopt the by-laws is required to introduce the by-laws for consideration by Council.

### **Reading**

121. A Member may request that the Clerk read a by-law or by-laws for clarification or benefit of the public. If reading is not required, all by-laws will be considered to have been read and need not be read.

### **Execution**

122. Once the by-laws have been adopted, the by-laws shall be signed by the Mayor and Clerk, and the municipal seal shall be affixed to every by-law duly passed.

### **Confirming By-law**

123. The proceedings at every meeting of Council shall be confirmed by by-law so that every decision of Council at that meeting of Council and every resolution thereof 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.

## **Part 17 - Addendum**

124. (a) The Clerk may, under the direction of the Chief Administrative Officer and with the consent of the Mayor, prepare an addendum to the Agenda in order to deal with urgent matters only.

(b) The addendum is deemed to form part of the Agenda upon Notice of the issuance of the Agenda.

## **Part 18 – Non-Agenda Business**

125. Members shall be restricted to two questions or announcements during Non-Agenda Business. The questions or announcements must relate to matters of that are of municipal jurisdiction, matters that are of an immediate nature, and matters that were not dealt with previously during the Meeting.

## **Part 19 – Committees**

### **General**

126. Committee and Task Force Meetings shall be conducted in accordance with this by-law, including conducting Meetings in accordance with section 239 of the *Municipal Act, 2001*.

- i. Meetings of Committees and Task Forces shall be conducted in accordance with section 39 of the *Municipal Act, 2001*.
- ii. Council may adopt terms of reference and policies for the governance of committees from time to time.
- iii. The Clerk may establish procedures associated with the conduct of Meetings from time to time.

127. No Committee or Task Force shall:

- i. have departmental jurisdiction,
- ii. direct Administration,
- iii. have the authority to direct or interfere with the performance of any work being carried out by an employee of the Municipality.

128. Council may establish an ad hoc Committee by resolution.

129. (a) Subject to (b), no decision of any Committee or Task Force shall be binding on Council, no action shall be taken from that decision, unless Council adopts the Committee's recommendations.

(b) The decisions of the following Committees shall be binding:

- i. Drainage Board when acting as the Court of Revision;
- ii. Emergency Governance Committee;
- iii. Committee of Adjustment subject to Council's right of appeal, where applicable; and
- iv. Lakeshore Election Compliance Audit Committee, as provided by the *Municipal Elections Act, 1996*.

### **Standing Committees**

130. The following are Standing Committees established and continued in accordance with the legislation described in Column 2 of the following table and which shall operate in accordance with this by-law, the Committee guidelines and the terms of reference:

<b>Column 1</b>	<b>Column 2</b>
<b>Committee</b>	<b>Statute</b>
Committee of Adjustment	<i>Planning Act</i>
Lakeshore Accessibility Advisory Committee	<i>Accessibility for Ontarians with Disabilities Act</i>
Lakeshore Election Compliance Audit Committee	<i>Municipal Elections Act, 1996</i>

131. The following are Standing Committees established and continued by this by-law which shall operate in accordance with this by-law, the Committee guidelines and the terms of Reference:

- i. Hearing Committee; and
- ii. Emergency Governance Committee.

### **Advisory Committees**

132. (a) An Advisory Committee may be created by resolution of Council from time to time for the purpose of consulting with the public on programs and services of the Municipality.

(b) The objective of an Advisory Committee is to comment on and make recommendations regarding matters referred to the Advisory Committee by Council and Administration.

(c) Advisory Committees shall report to Council by minutes to be prepared by the Municipal Liaison and approved by the Chair and Vice-Chair.

(d) Recommendations of the Committee shall be approved by a majority vote of the Members present and eligible to vote.

(e) Advisory Committees shall be comprised in accordance with the terms of reference and policies as approved at the commencement of each term of Council. The Mayor shall be an ex-

officio member of each Advisory Committee.

(f) The term of an Advisory Committee expires at the end of the term of the Council that established the Advisory Committee.

(g) Recommendations of an Advisory Committee do not bind Council.

### **Task Forces**

133. (a) A Task Force may be created by resolution of Council from time to time for the purpose of consulting with the public on a specific issue defined by Council.

(b) The objective of a Task Force is to produce reports that include information and recommendations regarding the issue.

(c) Recommendations of the Task Force shall not be binding upon Council.

(d) Task Forces shall be comprised of members of the public appointed by Council.

## **Part 20 – Roles**

### **Council**

134. It is the role of Council:

- i. to represent the public and to consider the well-being and interests of the Municipality;
- ii. to develop and evaluate the policies and programs of the Municipality;
- iii. to determine which services the Municipality provides
- iv. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- v. to ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- vi. to maintain the financial integrity of the Municipality; and
- vii. to carry out the duties of Council under this by-law and the *Municipal Act, 2001*.

135. The role of Council is to develop policies of the Municipality, while the role of administration is executed by senior appointed staff, under the direction of the Chief Administrative Officer, with a role to develop strategies for the implementation of the policies established by Council.

136. Any request for information or reports made by a Member that, in the opinion of staff, will require more than two hours of staff time must be directed by Council resolution. Council may, without notice, request a report be prepared by Administration.

137. No Member shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Municipality.

**Mayor, Deputy Mayor and Alternate County Council Member**

138. (a) The role of the Mayor is:

- i. to act as chief executive officer of the Municipality;
- ii. to preside over council meetings so that its business can be carried out efficiently and effectively;
- iii. to provide leadership to the Council;
- iv. without limiting clause (iii), to provide information and recommendations to the council with respect to the role of council in accordance with clauses 224 (d) and (d.1) of the *Municipal Act, 2001*;
- v. to represent the Municipality at official functions; and
- vi. to carry out the duties of the head of council under this by-law and the *Municipal Act, 2001* and any other Act.

(b) And as the 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. act as the representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally; and
- iv. participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

139. The Mayor, as Chair, is responsible to conduct Meetings consistent with the provisions of this by-law.

140. (a) From time to time, the Mayor may be absent from the Municipality or may be absent from office through illness.

(b) The Deputy Mayor shall act in the absence of the Mayor and have all authority set for the position of the Mayor.

141. (a) Subject to subsection (b), the Acting Mayor shall act in the absence of the Mayor and Deputy Mayor and have all authority set out for the position of the Mayor.

(b) From time to time, the Mayor or Deputy Mayor may be absent from County Council and the Alternate County Council Member shall act in their absence as part of County Council. The Alternate County Council Member shall be selected in accordance with Schedule "A".

## **Chief Administrative Officer**

142. The Chief Administrative Officer will be responsible for:

- i. exercising general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality, and;
- ii. performing such other duties as are assigned by the Municipality.

## **Part 21 - Administration**

### **Short Title**

143. This by-law shall be referred to as the "Procedure By-law".

### **Repeal**

144. By-laws 94-2017, 4-2019, 118-2019, 123-2019, 30-2020, 48-2020, 70-2021 and 18-2023 and any other amendments to those by-laws are repealed.

### **Effect of By-law**

145. The enactment of this by-law shall not affect the operation of any other by-law unless expressly provided within.

### **Enactment**

146. This by-law shall come into force on January 1, 2024.

## **Schedule “A”**

### **Procedure for Election of Alternate Member to County Council**

1. In this Schedule and this by-law:

“Alternate County Council Member” shall mean the Member appointed by Council that has sworn or affirmed the declaration of office for County Council.

2. Within 90 days of the Inaugural Meeting or in the case of a vacancy as soon as practicable, the Clerk shall place a report on the Agenda, seeking the appointment of an Alternate County Council Member in accordance with the process described in this schedule.

3. The Chair shall call for nominations from the Members to be the Alternate County Council Member. Nominees may withdraw at any time during the selection process.

4. (a) The Chair shall confirm if a Member is willing to accept a nomination.

(b) Members may nominate themselves.

(c) In the event that more than 1 Member is nominated:

- i. The Clerk shall distribute blank ballots for each Member of Council to record their vote for Alternate County Council Member.
- ii. Each Member is entitled to one vote and each Member must vote.
- iii. The Clerk shall count the ballots and announce each vote and the Member to whom the vote is attributed.
- iv. The Member receiving 51% or more of the votes cast shall be declared by the Chair to be the Alternate County Council Member.
- v. In the event that none of the nominees receive 51% or more of the votes cast, the nominee receiving the lowest number of votes cast shall be eliminated and second ballots shall be cast by the Members.
- vi. In the case of one or more nominees achieving a tie for the lowest vote, the Clerk shall place the names of the nominees achieving the tie in a receptacle and the Chair shall withdraw names until only one name remains undrawn. The undrawn nominee's name shall continue to the next ballot.
- vii. The selection process shall proceed in this manner until a nominee is elected or a tie is achieved by 2 remaining nominees. In the event of a tie between 2 remaining nominees, the Clerk shall place the names of the nominees in a receptacle and the Chair shall withdraw a name.



### **Schedule “A” (cont’d)**

- (d) Once the Chair has declared the name of the Alternate County Council Member, the Clerk shall prepare an appointment by-law for Council’s consideration at the subsequent regular Council Meeting
- (e) Immediately following the close of the Council Meeting at which the selection took place, the Clerk shall destroy the ballots.

## **Schedule “B”**

### **Discretionary Exemptions to the Requirement for an Open Meeting**

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

- i. the security of the property of the Municipality;
- ii. personal matters about an identifiable individual, including municipal employees;
- iii. a proposed or pending acquisition or disposition of land by the Municipality;
- iv. labour relations or employee negotiations;
- v. litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
- vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- vii. a matter in respect of which a council may hold a closed Meeting under another Act;
- viii. information explicitly supplied in confidence to the Municipality by Canada, a province or territory or a Crown agency of any of them;
- ix. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Municipality, 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;
- x. a trade secret or scientific, technical, commercial or financial information that belongs to the Municipality and has monetary value or potential monetary value;
- xi. 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
- xii. if the following conditions are both satisfied:
  - 1) The Meeting is held for the purpose of educating or training the Members; and
  - 2) 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.

## **Schedule “B” (cont’d)**

### **Mandatory Closure of Meeting**

2. 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 Municipality by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*.