



# By-law 8-2024

Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore

| March 5, 2024



## History

### Outline of Approved Amendments since 2017

- By-law 4-2019 - Procedure for election of an alternate member to County Council.
- By-law 118-2019 to replace Sections 3.5 and 8.3 and to replace Section 10.1(f) and add Section 10.1(g).
- By-law 123-2019 to replace Section 4.1 Order of Business.
- By-law 30-2020 to amend Sections 1.1, 3.6 and 13, to replace Sections 8.2 and 9.1 and to add Schedule A.1.
- By-law 48-2020 to delete Section 7.11(b).
- By-law 70-2021 to repeal and replace Sections 1.1 n.1), 3.2(a), 3.6.1, 7.2 and 7.3.
- By-law 18-2023 to repeal and replace Sections 1.1, 3.2, 3.6.1, 7.3.1, 7.3.2 and 9.1.

## June 27, 2023

### Approved Changes

1. Opening of the Meeting
  2. Meeting Location
  3. Regular Meetings
  4. Special Meetings
  5. Meeting Times
  6. Reconsiderations
  7. Statutory Public Meetings
  8. Reading of Motions
  9. Order of Business
  10. Eliminate Question Period and Merge with Non-Agenda Business
  11. Questions of Administration
  12. Civic Petitions
  13. Authority to Correct Clerical Errors
  14. Miscellaneous Items
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## Opening of the Meeting

### Current By-law

No singing of national anthem

### Approved Changes

Add the singing of “O Canada” at the beginning of the meeting

**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:

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

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## Meeting Location

### Current By-law

By-law 70-2021 allows for electronic participation of Members and the public

### Approved Changes

None, continue to allow for electronic participation

**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.

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# Regular Meetings

## Current By-law

Regular meetings to be held the 2nd and 4th Tuesdays of the month, with the exception of July and August

## Approved Changes

Codify the practice of scheduling meetings to avoid holidays, conferences and school breaks; and Add one additional Planning meeting during the following periods:

- January - March
- April - June
- September - November

**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 1st, 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;

**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.

**iii.** An additional Meeting shall be scheduled during the following periods to accommodate additional Planning Act matters:

- 1.** January through to and including March,
- 2.** April through to and including June; and
- 3.** September through to and including November.

## Meeting Times

### Current By-law

Closed session at end of meeting  
Motion to proceed past 9:30 PM  
Adjournment at 10 PM

### Approved Changes

Closed sessions prior to open session;  
Education/training session once per month (Sept –June);  
4 days of Council Orientation for new term of Council; and  
5 hour time limit on regular Council meetings (including time spent in closed session but excluding time spent on education and training).  
The meeting is deemed adjourned at 10 PM)

**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
- v.** Special Meetings at a time called by the Mayor or petitioned by Council.

**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 5 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 a Regular Meeting beyond 5 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.

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## Special Meetings

### Current By-law

Called by the Mayor with 5 days notice or by petition of majority of Council Members

### Approved Changes

Requires 3 days notice for special meeting called by Mayor or by petition of majority of Members

**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 three calendar days prior to the date selected for the Special Meeting.

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## Reporting to the Public about Activities in Closed Meetings

### Current By-law

Practice has been to report once per year

### Approved Changes

Reporting on activities in closed meetings at each meeting (without waiving any privilege or confidentiality)

**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.

**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.
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# Reconsiderations

## Current By-law

Practice has been to report once per year

## Approved Changes

Notice of motion to reconsider be moved by a Member who voted on the prevailing side;

Require notice of reconsideration (10 days' prior);

Reconsideration of a matter shall only take place 1 time per Council term; and

Report for Information, once received, require reconsideration for further action

**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.

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# Statutory Public Meetings

## Current By-law

There is no procedure for statutory public meetings in the current by-law

## Approved Changes

Include procedure for statutory public meetings/hearings;

Discontinue the practice of holding statutory public meetings for removal of a holding provision (not required by the Planning Act)

## 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 being considered during their absence.

## **Statutory Public Meetings Continued**

### **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 during the Public Meeting or hearing and all findings of fact made at a Public Meeting or hearing, and collect any documentation presented during the hearing.

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## **Reading of Motions**

### **Current By-law**

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

### **Approved Changes**

Clerk to read motion prior to the vote being taken for clarity (if different from recommendation on agenda)

Note: this language was not specifically added to the draft by-law due to the introduction of the Electronic Voting Tool with public broadcast of all resolutions

**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.

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# Order of Business

## Current By-law

- Call to Order
- Moment of Reflection
- Disclosures of Pecuniary Interest
- Recognitions
- Public Meetings under the Planning Act
- Public Presentations
- Delegations
- Completion of Unfinished Business
- Consent Agenda
- Reports for Information
- Reports for Direction
- Announcements by Mayor
- Reports from County Council Representatives
- Report from Closed Session
- Notices of Motion
- Question Period
- Non-Agenda Business
- Consideration of By-laws
- Closed Session
- Adjournment

## Approved Changes

Include the Land Acknowledgment in the Order of Business after the singing of “O Canada” and before the Moment of Reflection;

Include Announcements by the Mayor after Recognitions;

Include a distinct item for the approval of meeting minutes; and

Moving the Consideration of By-laws to an earlier time in the agenda to ensure that necessary by-laws are approved prior to the deemed end of the meeting at 10 PM

**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:

- |  |  |
|--|--|
| <b>1.</b> Call to Order                          | <b>12.</b> Completion of Unfinished Business           |
| <b>2.</b> Closed Session                         | <b>13.</b> Approval of Minutes                         |
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| <b>11.</b> Delegations                           | <b>22.</b> Adjournment                                 |
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# Eliminate Question Period and Merge with Non-Agenda Business

## Current By-law

- Call to Order
- Moment of Reflection
- Disclosures of Pecuniary Interest
- Recognitions
- Public Meetings under the Planning Act
- Public Presentations
- Delegations
- Completion of Unfinished Business
- Consent Agenda
- Reports for Information
- Reports for Direction
- Announcements by Mayor
- Reports from County Council Representatives
- Report from Closed Session
- Notices of Motion
- Question Period
- Non-Agenda Business
- Consideration of By-laws
- Closed Session
- Adjournment

## Approved Changes

Remove Question Period as questions can be directed to Administration during Non-Agenda 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
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## Questions of Administration

### Current By-law

Requests for substantive reports shall be by Council Motion

### Approved Changes

Requests for information or reports made by a Council Member that, in the opinion of staff, will require more than two hours of Administration's time must be directed by Council resolution

**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.

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## Civic Petitions

### Current By-law

**12.1** Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the Town of Lakeshore, may be introduced by a member of Council.

**12.2** A motion directing receipt of the petition and report on the action requested, along with a time line for completion of the report, shall be in order.

**12.3** Petitions to Council to be included on the agenda may be submitted by residents and included either under Communication Items, or as part of a Departmental Report. Any such petition must be submitted to the Clerk, at least ten (10) days in advance of the Council meeting.

### Approved Changes

Petitions to be submitted to the Clerk at least 10 days prior to the Council meeting.

### 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.

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## Authority to Correct Clerical Errors

### Current By-law

Not in the current by-law but authorized by the Municipal Act, 2001

### Approved Changes

The Clerk, in consultation with legal counsel, is authorized to correct errors or omissions

### 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.

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## Miscellaneous

### Approved Changes

Modify language to clarify definitions and clarify what is a public presentation and a delegation.

### Correction of Errors

**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 by 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 within the term of Council;
- 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.

**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.

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