

# **The Corporation of the Town of Grand Valley**

## **Procedural By-Law**

**2018-04**

Office Consolidation April 2020

- By-law 2020-15 – Part X Electronic Meetings in Emergencies

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# The Corporation of the Town of Grand Valley

## By-Law 2018-04

### Procedural By-law

**A By-law to provide rules governing the calling, place and proceedings of meetings of Council, Local Boards and Committees, and the conduct of its members.**

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

**NOW THEREFORE** the Council of the Corporation of the Town of Grand Valley hereby enacts as follows:

### Part I – Interpretation

#### 1.1 Definitions

Where a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this section. Where a word appears in ordinary case, its regularly applied meaning in the English language is intended.

- 1) **“Chief Administrative Officer”** (CAO) means the Chief Administrative Officer as referred to in Section 229 of the *Municipal Act*, of the Town of Grand Valley, who may also be referred to as the Town Manager.
- 2) **“Deputy Clerk”** means the Deputy Clerk of the Town of Grand Valley as appointed pursuant to Section 228(2) of the *Municipal Act*.
- 3) **“Committee”** means any standing, advisory or other committee, subcommittee or similar entity established by Council.
- 4) **“Council”** means the Municipal Council of the Town of Grand Valley.
- 5) **“Local Board”** means any board established by Council but does not include the Police Services Board or the Library Board.
- 6) **“Mayor”** means the Mayor of the Town of Grand Valley.
- 7) **“Meeting”** means any regular, special or other meeting of Council, a Local Board or a Committee of either of them, 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 Council, the Local Board or Committee. (*Municipal Act*, s. 238(1))
- 8) **“Member”** means any member of Council, a Local Board or a Committee of the Town of Grand Valley.
- 9) **“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.

- 10) **“Newspaper”** means a printed publication in sheet form, intended for general circulation in the Town of Grand Valley, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest.
- 11) **“Official”** or **“Staff”** means any salaried officer, Deputy Clerk or worker in the employ of the Town of Grand Valley.
- 12) **“Presiding Officer”** means the person who conducts the meeting and ensures the rules are followed. Typically the Mayor, Committee Chair or designate.
- 13) **“Recorded Vote”** means the recording by the Deputy Clerk in the minutes, the name and vote of every Member on any matter or question.
- 14) **“Rules”** means the rules of procedure and order as set out in this By-law.
- 15) **“Substantive Motion”** means any motion, except a motion to:
  - a. Recess,
  - b. Postpone,
  - c. Refer,
  - d. Extend the meeting,
  - e. Close debate,
  - f. Change the order of business,
  - g. Adjourn, or
  - h. Any other procedural rule incidental to the proceedings of the meetings at that time.
- 16) **“Town”** means the Corporation of the Town of Grand Valley or its geographic boundaries as the situation requires.

## 1.2 Legislation

Specific references to law in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

## 1.3 General Meeting Procedure

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied, the procedure followed in “Robert’s Rules of Order.”

## 1.4 Short Title

This By-law may be referred to as the “Procedural By-law.”

## Part II – Effect

Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all Meetings of Council and by its Members, and shall constitute the rules of the order and dispatch of business by Council and its Members.

## Part III – Role of Council and Mayor

### 3.1 Role of Council – *Municipal Act*, section 224

It is the role of Council to:

- (a) Represent the public and to consider the well-being and interest of the Town;
- (b) Develop and evaluate the policies and programs of the Town;
- (c) Determine which services the Town shall provide;
- (d) Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decision of Council;
- (e) Ensure accountability and transparency of the operations of the Town, including the activities of management of the Town;
- (f) Maintain the financial integrity of the Town; and,
- (g) Carry out the duties of Council as set out in the *Municipal Act* and any other Act.

### 3.2 Role of Mayor – *Municipal Act*, sections 225, 226.1

- 1) It is the role of the Mayor to:
  - a. Act as chief executive officer of the Town;
  - b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
  - c. Provide leadership to Council;
  - d. Without limiting clause (c), provide information and recommendations to Council with respect to the role of Council as described in the *Municipal Act*, clauses 224(d) and (d.1);
  - e. Represent the Town at official functions; and
  - f. Carry out the duties of the head of Council under this or any other Act.
- 2) As chief executive officer, the Mayor shall:
  - a. Uphold and promote the purposes of Town;
  - b. Promote public involvement in the Town's activities;
  - c. Act as the representative of the Town both within and outside the Town, and promote the Town locally, nationally and internationally,; and,
  - d. Participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.
- 3) The Mayor may assign or delegate any of the duties of the Mayor to any Councillor from time to time, according to such terms and conditions as the Mayor may define, and the Councillor shall carry out such duties with care and diligence.

### 3.3 Duty of Members

- 1) It shall be the duty of Members to:
  - a. Attend all Council Meetings;
  - b. Prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
  - c. Speak to only the subject under debate;

- d. Vote on all motions before Council unless prohibited from voting by law;
  - e. Observe the Rules at all meetings;
  - f. Work through the Presiding Officer at meetings;
  - g. Support Council and not criticize any decision of the Council except for the purpose of moving that the question be reconsidered or repealed;
  - h. Attend all meetings of committees and local boards to which the Member has been appointed by Council;
  - i. Carry out the duties set out in the *Municipal Act* and all other applicable Acts; and
  - j. Act in accordance with their Declaration of Office.
- 2) No Member shall divulge to any person any information that pertains to any aspect of any discussion or direction of Council that was given or provided at a closed Meeting of Council.
  - 3) Should any Member be unable to perform any of their duties for an extended period of time, the Member shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.

### **3.4 Vacancies by Members**

- 1) The office of a member of Council becomes vacant if the member becomes disqualified from holding the office of a member of council under any section of the *Municipal Act*.
- 2) Clause 3.4.1 does not apply if a member of Council is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

## **Part IV – Council Meetings**

### **4.1 Meeting Place**

- 1) Council Meetings shall be held in the Council Chambers adopted and used by the Council from time to time for such purpose or any other locations identified by Council. Despite the foregoing, the Mayor may authorize a special Council Meeting to be held at a location other than the Council Chambers currently adopted.
- 2) Where the Council Chambers currently adopted are not available for a meeting due to an unforeseen circumstance or due to renovation or similar impediment, the Mayor shall designate another location that is accessible to the public for purposes of holding Council meetings.

### **4.2 Inaugural Meeting of Council**

- 1) The Inaugural Meeting of Council shall be held commencing at 10:00a.m. on the second Tuesday in December or an election year, unless such Tuesday is not practicable, in which case the Inaugural Meeting shall be held at a time and date set by the Deputy Clerk in consultation with the CAO and the incoming Council but not later than thirty-one (31) days after the new term of Council commences.
- 2) At the Inaugural meeting, Members shall take the Declaration of Office.

#### **4.3 Regular Council Meetings**

- 1) Regular Council Meetings shall be held on the second (2<sup>nd</sup>) and the fourth (4<sup>th</sup>) Tuesdays of each month, except in the months of February, July, August and December, or as otherwise set by Council from time to time.
- 2) Regular Council Meetings shall commence at 6:00 p.m. on the second (2<sup>nd</sup>) Tuesday of the month, and at 9:30 a.m. on the fourth (4<sup>th</sup>) Tuesday of the month, except as otherwise set by Council from time to time.
- 3) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Deputy Clerk in consultation with the Mayor and /or the CAO may cancel the Council Meeting or reschedule the meeting to a different date or time of commencement provided that adequate notice of the change is posted pursuant to the notice of meeting provisions.
- 4) In the event of inclement weather, the Mayor will have authority to cancel a meeting of Council.

#### **4.4 Special Council Meetings**

- 1) Special Council Meetings may be held from time to time and may be initiated by:
  - a. The Mayor,
  - b. A petition or a vote of the majority of the Members, or
  - c. The Deputy Clerk, in consultation with the CAO, in an emergency situation.
- 2) The date, time and location of a Special Council Meeting shall be set by the Deputy Clerk in consultation with the Mayor or by petition or vote of the majority of the Members.
- 3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.

#### **4.5 Closed Council Meetings**

- 1) A Closed Council Meeting is a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of this By-law and the *Municipal Act*.
- 2) Closed Council Meetings may be initiated by:
  - a. The Mayor,
  - b. Petition or vote of the majority of the Members, or
  - c. The Deputy Clerk, in consultation with the CAO.
- 3) The date, time and location of a Closed Council Meeting shall be set by the Deputy Clerk in consultation with the Mayor or by petition or vote of the majority of the Members.
- 4) A Closed Council Meeting may be held only if the subject matter being considered relates to:
  - a. The security of the property of the Town or Local Board;
  - b. Personal matters about an identifiable individuals, including Town or Local Board employees;
  - c. A proposed or pending acquisition or disposition of land by the Town or Local Board;
  - d. Labour relations or employee negotiations;

- e. Litigation or potential litigation, including matters before administrative tribunals, affecting the Town or Local Board;
  - f. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - h. Information explicitly supplied in confidence to the Town or Local Board by Canada, a province or territory or a Crown agency of any of them;
  - i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Town or Local Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j. A trade secret or scientific, technical, commercial or financial information that belongs to the Town or Local Board and has monetary value or potential monetary value;
  - k. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Town or Local Board. (*Municipal Act*, s. 239(2));
  - l. Education or training of the Members, and 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;
  - m. The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, where Council is designated as Head of the Institution for the purposes of the Act;
  - n. An ongoing investigation respecting the Town, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of the Act, or an investigator referred to in subsection 239.2(1).
- 5) No matter except the matters so identified in the motion authorizing the Closed Council Meeting shall be transacted at that meeting.

#### **4.6 Meeting Agendas**

- 1) The Deputy Clerk shall cause to be delivered to each Member a meeting agenda for each Council Meeting, to the address, or in the case of electronic agendas, to the email address or via such electronic means, provided by the Member to the Deputy Clerk:
  - a. In the case of a Regular Council Meeting, no less than four (4) days before the date appointed for the holding of such meeting; and
  - b. In the case of Special and Closed Council Meetings, no less than forty-eight (48) hours before the hour appointed for the holding of such meeting.
- 2) In preparing a meeting agenda, the Deputy Clerk shall consult with the Mayor and the CAO, and shall reflect the direction of the Mayor and the CAO in finalizing the meeting agenda.

- 3) With the approval of the Mayor, the Deputy Clerk may provide a meeting agenda for a Special Council Meeting or a Closed Council Meeting at the meeting where time constraints do not allow the meeting agenda to be delivered to the Members at least 48 hours before the hour appointed for the holding of such meeting.
- 4) As soon as possible after a meeting agenda has been delivered to the Members, with the exception of agendas for Closed Council Meetings, the Deputy Clerk shall make the meeting agenda available to the public, and shall;
  - a. Maintain copies of the meeting agenda in the Town office for use by the public;
  - b. Post the meeting agenda on the Town's website; and
  - c. Ensure that the meeting agenda is available to any of the local news media or members of the public who have requested a copy of the same.

#### **4.7 Meeting Minutes**

- 1) The Deputy Clerk shall prepare and maintain minutes of all Council Meetings, to include:
  - a. The date, time and place of the Council Meeting;
  - b. The names of Presiding Officer or Officers and record of attendance of the Members;
  - c. The names of staff members and consultants present at any meeting;
  - d. The names of members of the public who spoke or presented at a statutory public meeting as required by any Act and the names of members of the public who spoke or appeared as Deputations or in Question Period, if applicable;
  - e. The reading, if requested, correction and adoption of the minutes of prior Council Meetings;
  - f. A record, without note or comment, of all resolutions, decisions and other proceedings of the Council, whether the Meeting is closed to the public or not; and
  - g. If required by any Member present at a vote, a record of the name and vote of every member voting on any matter or question.
- 2) The Deputy Clerk shall maintain a record of all minutes of Council Meetings in the Deputy Clerk's office.
- 3) All minutes shall be signed by the Mayor and the CAO upon approval of the same by Council, which, with the exception of minutes of Closed Council Meeting, shall be available for public viewing.
- 4) The Deputy Clerk shall post approved meeting minutes on the Town's website.

## **Part V – General Meeting Procedures**

### **5.1 Open Meetings**

Except as authorized under any Act, all Council Meetings shall be open to the public.

### **5.2 Quorum**

- 1) A majority of the whole number of the Members required to constitute Council is necessary to form a quorum, except as may otherwise be authorized pursuant to the provision of the *Municipal Conflict of Interest Act*.
- 2) If no quorum is present within fifteen (15) minutes after the time appointed for a Council Meeting, the Deputy Clerk shall record the names of the Members present and the meeting shall stand adjourned.

### **5.3 Presiding Officer**

- 1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings.
- 2) In the case of the absence of the Mayor, or if he/she is absent through illness, or he/she refuses to act or his/her office is vacant, or declares a conflict of interest (any of the foregoing hereinafter referred to as “absent”) the Deputy Mayor shall act in the place and stead of the Mayor, save that should the Mayor and the Deputy Mayor be absent, then in alphabetical order by surname, a Member of Council shall assume the position of Presiding Officer.
- 3) The Deputy Mayor or any Council Member acting in the place and stead of the Mayor shall have all the rights, powers and privileges of the Presiding Officer.

## **Part VI – Order of Procedure for Regular and Special Council Meetings**

### **6.1 Order of Business**

- 1) The Deputy Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that conforms to the following order of business:
  1. Call to Order
  2. Adoption of Agenda
  3. Disclosure of Pecuniary Interest and the General Nature Thereof
  4. Approval of Previous Minutes
  5. Question Period
  6. Unfinished Business
  7. Staff Reports
  8. Planner’s Report
  9. Public Meeting
  10. Deputations/Presentations
  11. Pending Items
  12. Correspondence
  13. County Council Report

14. Committee Minutes and Recommendations
  15. New Business
  16. Announcements/Notice of Motion
  17. By-Laws
  18. Closed Session (if required)
  19. Confirm Proceedings By-law
  20. Adjournment
- 2) Council may, at any point within a Council Meeting, adopt a motion to go into closed session to consider matters in accordance with the provisions of Part 4.5(4) of this By-law.
  - 3) Council shall dispense with the Business of Council in the order by which it is presented in the meeting agenda, except Council may by consent change the order of business.

## **6.2 Opening Procedure (Call to Order)**

As soon after the appointed time of the Council Meeting there shall be a quorum present, the Mayor, or such other Presiding Officer appointed as set out in Part 5.3 of this By-law, shall take the Chair and call the Members to order.

## **6.3 Adoption of Agenda**

- 1) Where an item is not on the agenda but due to its urgent nature requires Council consideration at the Council Meeting, Council may add the item to the agenda by simple majority.
- 2) Items added to the agenda by simple majority shall be placed under the appropriate heading for consideration.

## **6.4 Disclosure of Pecuniary Interest or the General Nature Thereof**

- 1) Where a Member has a pecuniary interest pertaining to any item listed on the meeting agenda, the Member shall so disclose the pecuniary interest and the general nature thereof in writing to the Deputy Clerk, using the prescribed form, and the Deputy Clerk shall record the declaration in the minutes.
- 2) Members shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a Closed Council Meeting or at a previous Council Meeting at which the Member was absent, and shall provide such declaration in writing to the Deputy Clerk, using the prescribed form, and the Deputy Clerk shall record the declaration in the in minutes.
- 3) During a Council Meeting, should a matter be raised that is not listed on the meeting agenda for which a Member has a pecuniary interest, the Member shall so declare such interest and the general nature thereof at that time, and the Deputy Clerk shall record the declaration in the minutes. The Members shall complete the prescribed form at the earliest convenience and provide the written declaration to the Deputy Clerk as soon as possible.
- 4) The Deputy Clerk shall be responsible for maintaining a public registry of all declarations of pecuniary interest.

- 5) If there number of Members who, by reason of the declaration of pecuniary interest, are disabled from participating in a meeting is such that at that meeting the remaining members are not 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.
- 6) The disclosure, recording and registering of such declarations or other matters under this section shall be managed in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.

#### **6.5 Approval of Previous Minutes**

- 1) Members shall review the Minutes as prepared by the Deputy Clerk.
- 2) The Deputy Clerk shall make note of any errors or omissions identified by Members of Council.

#### **6.6 Question Period**

- 1) Question Period provides an opportunity for the public to address Council in open session during a Council Meeting. Matters to be raised by the public under Question Period shall be permitted at the discretion of Council.
- 2) Individuals shall be permitted five (5) minutes to address Council. Question Period shall be limited to thirty (30) minutes.
- 3) The following matters will not be permitted during Question Period:
  - a. Discussion and complaints against Members or Town Staff;
  - b. Discussion that is contrary to the *Municipal Freedom of Information and Protection of Privacy Act*;
  - c. Matters before the courts or pending litigation;
  - d. Matters involving insurance claims or pending claims by or against the Town;
  - e. Matters beyond the jurisdiction of Council or the Town; and
  - f. Requests for grants and donations.
- 4) No decisions will be made as a result of a presentation received during Question Period. The matter may be referred to staff to investigate and prepare a report under Staff Reports or by Notice of Motion.

#### **6.7 Unfinished Business**

Business that remains unfinished on an Agenda will be included in the next regular Council Meeting Agenda at the request of the Mayor or CAO.

#### **6.8 Staff Reports**

Any Member may request Staff to prepare a report pertaining to any issue. Council by resolution shall direct staff as requested and shall provide direction as to when the report is required to be presented.

## **6.9 Planner's Report**

The Town Planner shall present a general update to Council on any issues pertaining to planning and development matters within the Town.

## **6.10 Public Meeting**

- 1) Where Council is required by law to hold a public meeting, or otherwise has resolved to hold a public meeting, such a meeting may be conducted at a Regular or Special Council Meeting.
- 2) The Deputy Clerk shall ensure that public meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.
- 3) During a public meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to deputations appearing before Council under this By-law, except that:
  - a. Prior notice of one's desire to speak shall not be required; and
  - b. A motion need not be considered by Council following each presentation.

## **6.11 Deputations/Presentations**

- 1) Persons desiring to present information verbally on matters of fact or make a request of Council shall give written notice accompanied by a written brief outlining the subject matter of the presentation to the Deputy Clerk by not later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting.
- 2) Persons appearing as a Deputation shall be limited to a maximum of ten (10) minutes speaking time, and where a Deputation consists of more than one person, all persons combined shall be limited to two (2) speakers and a maximum of fifteen (15) minutes speaking time, but the Presiding Officer may, by resolution, grant permission to any Deputation to speak for longer than the time allotted.
- 3) Council may refuse to hear Deputations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Town of Grand Valley. No person will be permitted to address Council with respect to labour/management disputes, nor will a brief respecting such disputes be listed on a Council agenda, although a written submission by any person with respect to labour negotiations or labour management disputes may be distributed to the members of information purposes.
- 4) Council has the discretion to close a meeting to the public during a Deputation if the subject matter being considered relates to matters listed in Part 4.5(4).
- 5) During or following a Deputation, Members may ask specific questions relating to the presentation for the purpose of clarification without statement or comment.
- 6) Following a Deputation, Council shall adopt a motion:
  - a. To receive;
  - b. To refer to another item listed on the meeting agenda;
  - c. To refer to a Committee, Local Board or Town staff for a report; or
  - d. To refer to New Business for Consideration.

## **6.12 Pending Items**

Items of an ongoing nature, requiring frequent updates from staff and/or action from Council shall be listed and discussed under Pending Items until all issues pertaining to the item is concluded and no longer requires updates or action.

## **6.13 Correspondence**

- 1) Items of correspondence or other forms of written communication intended to be presented to Council on the meeting agenda, including petitions, shall:
  - a. Be legibly written or printed;
  - b. Not contain any obscene or improper language; and
  - c. Contain the signature of at least one person
- 2) To be eligible to appear on a meeting agenda, items of correspondence shall be received by the Deputy Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting. Notwithstanding the foregoing, items of correspondence received after this time may be added to the meeting agenda by resolution of Council where such item of correspondence is germane to a matter of business that is on the Meeting Agenda or is of a time-sensitive nature.
- 3) Upon consideration of any item of correspondence, Council may adopt a motion to:
  - a. Receive the item of correspondence;
  - b. Refer the item of correspondence to another item listed on the meeting agenda;
  - c. Refer the item of correspondence to a Committee, Local Board or Town staff for a report; or
  - d. Consider a substantive motion with respect to the same.
- 4) The meeting agenda shall include, under Correspondence, matters that are principally for the information of Council and that do not by necessity require action or response from Council. Council may receive information items by one motion, but prior to consideration of such motion, the Presiding Officer shall call for comment on the items received, and Council shall take action on such items upon which comment is brought forward.

## **6.14 County Council Report**

The Mayor shall present a general update to Council on any items of interest to the Town as deliberated by County Council.

## **6.15 Committee Minutes and Recommendations**

The Deputy Clerk shall ensure that minutes of all Local Board and Committees are placed on the next Regular Council Meeting agenda as soon as practicable. Council shall receive the minutes by resolution. All recommendations contained within those minutes requiring Council action will be placed on the agenda as the next item of business following the minutes for Council consideration.

## **6.16 New Business**

- 1) Under New Business, Council shall consider items:
  - a. Added from on-desk by resolution during Adoption of the Agenda;
  - b. Referred to New Business pursuant to a Deputation; and
  - c. Raised by a Member that, in the opinion of the Member, are of urgent concern and within the jurisdiction of Council, or are of general interest.
- 2) Under New Business, substantive motions may be introduced with respect to new items but to be considered by Council without issuance of a Notice of Motion, a motion to consider an item shall be supported by a minimum two-thirds vote, failing which the proposed resolution shall be placed on the meeting agenda under Unfinished Business at the next Regular Council Meeting. If the motion to consider a new item is support by a two-third vote, then the next order of business is consideration of the new item.

## **6.17 Announcements/Notice of Motion**

- 1) Under Announcements, Members may verbally introduce information respecting special events, meetings, notices, declarations or proclamations that are considered to be of general interest to the community.
- 2) Any person or organization wishing to have the Mayor make an announcement respecting a special event, meeting, notice, declaration or proclamation shall forward such request to the Deputy Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting, and such request shall:
  - a. Be legibly written or printed;
  - b. Clearly specify the nature of the requested announcement; and
  - c. Contain the signature of at least one person who is making the request.The Mayor shall be under no obligation to make any announcement so requested.
- 3) The Deputy Clerk shall ensure that proposed motions, for which Notice of Motion has been given, or that otherwise failed to secure the requisite minimum two-thirds vote for items raised in New Business at a previous meeting, are included in full in the meeting agenda.
- 4) Any member may provide notice of his/her intent to introduce a motion for the consideration of Council at the next Regular Council meeting by:
  - a. Filing with the Deputy Clerk, in writing, no later than 4:30 p.m. on the Tuesday preceding the date of a Regular Council Meeting, a proposed resolution that the member intends to put forward for consideration at the Council Meeting, and such proposed motion shall be included in full on the meeting agenda; or
  - b. Giving written notice to Council during Notice of Motion that the Member intends at the next Regular Council Meeting to introduce a motion with respect to a matter so declared.
- 5) Any motion may be introduced without providing notice of motion if Council dispenses with notice by a two-thirds vote.

## **6.18 By-laws**

- 1) Under By-laws, the meeting agenda shall list all proposed by-laws to be placed before Council for Consideration.
- 2) All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be inserted by the Deputy Clerk.
- 3) No By-laws except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been previously considered and recommended to Council, unless such by-law is of an administrative nature and/or authorized by the CAO or designate.
- 4) All proposed by-laws shall be in typewritten form and numbered, and shall contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- 5) Every by-law enacted by Council shall be signed by the Mayor and Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and filed in the Office of the Deputy Clerk.

## **6.19 Closed Session (if required)**

Where required and scheduled in advance, Council shall pass a motion to go into closed session and so move into closed session at this point in the agenda, in accordance with the conditions stated in Part VII of this By-law.

## **6.20 Confirm Proceedings By-law**

Council shall adopt a Confirm Proceedings By-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such By-law may be enacted by one motion that is not amendable or debatable.

## **6.21 Adjournment**

- 1) Council Meetings shall adjourn at the hour of 11:00 p.m. if still in session at that time, unless otherwise determined by a two-thirds vote of the Members present that the meeting shall continue past the hour of 11:00 p.m.
- 2) In the instance of a grave disorder arising during a Council Meeting, adjournment shall be possible at any time.

# **Part VII – Order of Procedure for Closed Council Meetings**

## **7.1 Meeting Agenda for Closed Council Meetings**

- 1) The Deputy Clerk shall prepare for the use of the Members at Closed Council Meetings, an agenda that conforms to the following order of business:
  - a. Call to Order
  - b. Motion to go into Closed Session

- c. Approval of the Closed Session Agenda
  - d. Disclosure of Pecuniary Interest and the General Nature Thereof
  - e. Approval of Closed Minutes (if necessary)
  - f. Items for Consideration
  - g. Adjournment
- 2) Where Council elects to go into a Closed Session in the midst of a Regular Meeting or Special Council Meeting, the Call to Order and Motion to go into Closed Session are not necessary, and the Adjournment shall be a Rise and Report motion to return to Open Session.

## **7.2 Opening Procedure for Closed Council Meetings**

- 1) As soon after the appointed time of the Meeting as there shall be a quorum present, the Mayor, or such other Presiding Officer appointed as set out in Part 5.3 of this By-law, shall take the Chair and,
  - a. Call the Members to Order; and
  - b. Request that Council consider a motion to go into closed session.
- 2) The opening procedure shall be conducted in open session.
- 3) Prior to going into closed session, Council shall adopt a resolution stating the fact of holding a closed meeting and setting out the general nature of the matter or matters to be considered at the closed meeting, or in the case of a meeting that is held pursuant to Part 4.5(4) (l) of this By-law, stating the fact of holding a closed meeting, the general nature of its subject-matter, and that it is to be closed pursuant to that Section.

## **7.3 Disclosure of Pecuniary Interest at Closed Council Meetings**

- 1) Any member, prior to any consideration of any matter at a Closed Council Meeting, shall disclose any pecuniary interest and the general nature thereof in writing to the Deputy Clerk, using the prescribed form, and the Deputy Clerk shall record the declaration in the minutes.
- 2) Any Member shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a previous Closed Council Meeting at which the Member was absent, and shall provide such declaration in writing to the Deputy Clerk, using the prescribed form, and the Deputy Clerk shall record the declaration in the minutes.
- 3) Any Member declaring a pecuniary interest in any matter under consideration in a Closed Council Meeting shall vacate the meeting room during the time Council considers the matter.
- 4) The disclosure, recording and registering of such declarations or other matters under this section shall be managed in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.

## **7.4 Procedures for Closed Council Meetings**

- 1) The Rules governing the procedure of Council and the conduct of Members shall be observed in Closed Meetings, with the necessary modifications.

- 2) No matter shall be discussed at a Closed Council Meeting that is not consistent with the motion to go into closed session adopted during the opening procedure.
- 3) If a matter arises in a Closed Meeting that a Member feels is not appropriate to consider in closed session, the Member shall be provided with the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an open Council Meeting.

Where, following such endeavour, the majority of Council believes the matter is to be considered in closed session, the Member may withdraw from the meeting room during consideration of the matter, and the Deputy Clerk shall so note in the minutes.

## **Part VIII – Rules of Procedure for Council Meetings**

### **8.1 Duties of the Presiding Officer**

It shall be the duty of the Presiding Officer to:

- a. Open the meeting by taking the Chair and calling the Members to order;
- b. Announce the business before Council in the order in which it is to be acted upon;
- c. Receive and submit, in the proper manner, all motions presented by the Members;
- d. Put to a vote all questions which are duly moved, or arise in the course of proceedings, and to announce the result;
- e. Decline to put to a vote all questions that infringe upon the Rules;
- f. Restrain the Members, within the Rules, when engaged in debate;
- g. Enforce on all occasions the observance of order and decorum among the Members;
- h. Order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
- i. Receive all messages and other communications and announce them to the Council;
- j. Authenticate, by signature when necessary, all by-laws, resolutions and minutes of Council;
- k. Inform Council, when necessary or when referred to for that purpose, of a ruling on a point of order, a point of personal privilege, or of a breach of the assembly's privileges;
- l. Represent and support Council declaring its will, and implicitly obey its decisions in all things;
- m. Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- n. Recess the meeting where necessary in accordance with the Rules;
- o. Call for adjournment of the meeting when the business is concluded; and
- p. Adjourn the meeting with question in the case of a grave disorder.

## 8.2 Rules of Decorum

- 1) The form of address for Members of Council shall be "Councillor."
- 2) No Member shall;
  - a. Speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario or other provincial legislature;
  - b. Use offensive words or un-parliamentary language against any Member or staff, or speak disrespectfully of any Member or staff;
  - c. Speak on any subject other than the subject in debate;
  - d. Communicate with any other person electronically;
  - e. Criticize any decision of the Council, except for the purpose of moving that the question be reconsidered;
  - f. Disobey the Rules;
  - g. Disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules, except for the purpose of appealing the decision in accordance with the Rules.
- 3) No person except Members and Officials shall be allowed within the Council area during a Council Meeting without permission of the Presiding Officer or the Council upon reference.
- 4) No person, other than a Member or an Official, shall, before or during a Council Meeting, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Mayor of the Presiding Officer as applicable.
- 5) When the Presiding Officer is putting a question to a vote, no Member shall leave or make a disturbance.
- 6) If any Member of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure, and the Deputy Clerk shall record the time thereof in the minutes.
- 7) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Deputy Clerk shall declare the Meeting adjourned.
- 8) Where any person not being a Member or an Official desires to address Council, other than as a Deputation listed on the meeting agenda, the person shall be permitted to do so only during the Question Period portion of the Meeting or with leave of a majority of the Members present, but such approval shall not be required where a person has a statutory right to be heard by Council or Council is holding a public meeting for the purpose of receiving comments from the public.
- 9) Once Council has dispensed with an item by vote, the same matter may not be reopened for further discussion or consideration at the same Council Meeting, but a member may issue a Notice of Motion to reconsider as set out in Part 6.17(4) of this By-law.

- 10) The Presiding Officer may declare a recess at any point during a Council Meeting with the consensus of Council without the necessity of a motion, to enable any unusual circumstance or condition that has arisen to be addressed.

### **8.3 Rules of Procedure Respecting Motions**

- 1) Motions to be considered shall be clearly stated, and shall not contain disjointed thoughts or directions that in the opinion of the Presiding Officer are excessively difficult to interpret.
- 2) Where the Presiding Officer believes a motion is complex, or not clearly stated, or contains disjointed thoughts or directions, the Presiding Officer may:
  - a. Require the Member to put forward the motion in written form; and/or
  - b. Rule that such motion is out of order due to its uncertainty and not place the question before Council for consideration.
- 3) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- 4) When a motion is presented in writing, it shall be read by the Presiding Officer or the Deputy Clerk when directed by the Presiding Officer, before debate.
- 5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
  - a. A motion can only be withdrawn by the mover by consent of Council.
  - b. Withdrawal of a motion shall be in order at any time during debate.
  - c. If no Member objects to the withdrawal of a motion, the motion shall be considered withdrawn.
  - d. If a Member objects to the withdrawal of a motion, a withdrawal motion shall be entertained, and if such motion receives a seconder, it shall be decided prior to consideration of any other motion.
  - e. If a motion is withdrawn, the effect is the same as if it had never been made.
- 6) A motion containing two or more distinct proposals may be divided by leave of Council, and Council shall consider each part separately.
- 7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely;
  - a. To recess;
  - b. To adjourn;
  - c. To postpone the motion under consideration to a definite date;
  - d. To postpone the motion under consideration indefinitely;
  - e. To refer to motion under consideration to a Committee or staff for a report;
  - f. To amend the motion under consideration; and
  - g. To close debate (to end debate on the motion under consideration).
- 8) A motion to recess:
  - a. Is permissible when there is business before Council for consideration;
  - b. Shall specify the length of time of the recess;
  - c. Is not debatable except with regard to the length of the recess; and
  - d. Shall be amendable with respect to the length of the recess.

- 9) A motion to adjourn:
- a. Is permissible;
  - b. Is not debatable;
  - c. Is no amendable;
  - d. Is not in order when a Member is speaking or during a vote; and
  - e. When resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
- 10) A motion to postpone:
- a. May or may not state a definite time or date as to when the matter shall be further considered;
  - b. Shall apply to the main motion and to any motions to amend the main motion that are pending;
  - c. Is not debatable except as to date or time; and
  - d. Shall not be amendable except as to date or time.

Where a motion to postpone is adopted without a definite time or date as to when the matter shall be further considered, Council shall not consider the matter until such time as Council, by resolution, brings back the matter for consideration.

- 11) A motion to refer:
- a. Shall be open to debate;
  - b. May be amended;
  - c. Shall include the terms of referral including the time or conditions under which the matter is not returned to Council for consideration; and
  - d. May include the reasons for the referral.
- 12) A motion to amend:
- a. Shall be relevant to the main motion;
  - b. Shall not be directly contrary to or propose a direct negative to the main motion;
  - c. Shall be debatable; and
  - d. Shall not itself be amended more than once

Motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.

Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects.

- 13) A motion to close debate:
- a. Is not permissible until every Member present has had the opportunity to speak to the question at least once;
  - b. Is not amendable;
  - c. Is not debatable; and
  - d. Requires a two-thirds vote of the Members present.

Upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.

- 14) A motion to suspend the rules:
  - a. Is permissible in accordance with Part 8.10 of this By-law;
  - b. Is not debatable;
  - c. Is not amendable;
  - d. Shall include a statement as to the purpose of the suspension;
  - e. Requires a two-thirds bore of the Members present; and
  - f. Is not permissible with regard to any statutory requirements that apply to the proceedings of Council.
- 15) A motion to change the order of business as presented in the meeting agenda shall not be amendable or debatable.
- 16) Dilatory motions shall not be entertained by the Presiding Officer. Such motions include:
  - a. Any motion made subsequent to a motion that was lost that is substantially the same as the lost motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate Council; and
  - b. Any motion made that is absurd or frivolous, or that cannot be effected.
- 17) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted by Council shall employ the reconsideration procedures as set out in Part 8.4 of this By-law.

#### **8.4 Rules of Procedure Respecting Reconsideration**

- 1) A motion to reconsider is in order at any time, even when another Member has the floor, or while Council is voting on the motion to adjourn.
- 2) A motion to reconsider can be made only at the Meeting in which the vote on the original motion to be reconsidered was taken, or at the next succeeding Regular Council Meeting. It must be made by a Member who voted with the prevailing side. Any Member may second the motion to reconsider the vote.
- 3) The effect of making this motion is to suspend all action the original motion would have required until the reconsideration.
- 4) If the motion to reconsider is lost, it cannot be repeated except by general consent. No question can be twice reconsidered unless it was materially amended after its first reconsideration. A reconsideration requires only a majority vote, regardless of the vote necessary to adopt the motion reconsidered.
- 5) If the motion to reconsider is adopted, the next order of business is the original motion that was considered.
- 6) Reconsideration differs from motions to rescind or amend something previously adopted. Reconsideration can only occur during the timeframes stated in this section. However, any member can bring up a motion to rescind or amend something previously adopted at any meeting, in accordance with section 8.3, any specific requirements for notice of motion which may apply to the motion to rescind or amend something previously adopted, and any specific exceptions (see Roberts Rules of Order s. 35).

## 8.5 Voting on Motions

- 1) No vote shall be taken in a Council Meeting by ballot or by any other method of secret voting, unless authorized under the *Municipal Act*.
- 2) The Presiding Officer shall be entitled to vote on any question, but is not required to vote unless:
  - a. A Member has requested a Recorded Vote; or
  - b. The votes of all other Members present produces an equality of votes.
- 3) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Deputy Clerk to read the motion in the form introduced, and shall do so if required by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- 4) After a motion is put to a vote by the Presiding Officer, 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.
- 5) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.
- 6) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is lost, as appropriate.

The Presiding Officer may consider a motion to be carried where the Presiding Officer is of the opinion that the motion has the general support and consensus of Council, subject to the right of any Member to request a show of hands, which must be complied with by the Presiding Officer.
- 7) Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- 8) Any motion on which there is a tie vote shall be deemed to be lost and nothing in the Rules shall apply to prevent the Presiding Officer from voting to create a tie.
- 9) If any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request a Recorded Vote be taken, whereupon the Deputy Clerk shall poll the Council.
- 10) When a Member requests a Recorded Vote on a motion, all Members present shall vote when polled by the Deputy Clerk by verbally indicating yea or nay, and the Deputy Clerk shall record the results of the vote in the minutes.

The Deputy Clerk shall conduct the recording of votes of all Members alphabetically, with the Deputy Mayor and Mayor being polled last.

A Member may request a Recorded Vote immediately prior to or subsequent to the taking of a vote on a motion.

## 8.6 Rules of Debate

- 1) Every Member, prior to speaking to any question or motion, shall so indicate his/her desire to speak to the Presiding Officer through the raising of a hand, and no member shall speak until recognized by the Presiding Officer as having the floor.  
When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.
- 2) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions to the Presiding Officer.
- 3) When a Member is speaking, no other Member shall interrupt except to rise on a point of order, a point of personal privilege, or a point of privilege affecting the assembly.
- 4) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.
- 5) No Member shall speak more than once to the same motion until every Member who desires to speak has spoken, except that the Member who made the motion shall be entitled to a reply immediately prior to the calling of a vote by the Presiding Officer.
- 6) No Member, without leave of Council, shall speak to the same motion more than twice, or in reply, for longer than five (5) minutes, excluding staff response time, without leave of the Presiding Officer.
- 7) During debate, a Member may ask a question of another Member only for the purpose of obtaining information or clarification relating to the matter under discussion, and such question shall be stated briefly and clearly, and the Member to whom the question was directed shall respond briefly and clearly to the question, but shall not introduce any new information other than was posed in the question.
- 8) When a Member has been recognized by the Presiding Officer as having the floor, immediately before speaking, such Member may ask a question of the Presiding Officer or an Official on the matter under discussion, but only for the purpose of obtaining information or clarification, following which the Member shall speak.
- 9) The Presiding Officer shall appoint another member to act as Chair:
  - a. While temporarily being absent from the meeting;
  - b. While speaking to or debating a question; or
  - c. If he/she wishes to put forward a motion.
- 10) The Presiding Officer may, at any time, declare a recess for five (5) minutes in order to consult Officials with respect to matters of procedure and interpretation of the Rules.
- 11) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided in the Rules:
  - a. Point of Order
  - b. Point of Personal Privilege
  - c. Point of Privilege affecting the Assembly
  - d. Presentation of Petitions

- e. Motion to Refer
  - f. Motion to Postpone
  - g. Motion to Amend
  - h. Motion to Close Debate (end debate)
  - i. Motion to Recess
  - j. Motion to Adjourn
  - k. Motions pursuant to Correspondence and New Business
- 12) When the Presiding Officer calls for the vote on a motion, each member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- 13) In all proceedings of a Council Meeting, the Presiding Officer shall decide and rule upon all matters pertaining to the Rules, subject to an appeal in which case the matter shall be decided by the Council.
- 14) When a Member wishes to appeal the ruling of the Presiding Officer, except as prohibited by the Rules, the Member shall introduce the following motion with a view to having the same considered by Council:

“That the ruling of the Chair be appealed and set aside.”

### **8.7 Point of Order**

- 1) A Member may rise on a point of order at any time, including interrupting another Member who has the floor, to bring Council’s attention to:
- a. Any breach of the Rules;
  - b. A deviation from the matter under consideration, noting that the current discussion is not within the scope of the motion on the table; or
  - c. Any other informality or irregularity in the proceedings of Council.
- 2) When a Member rises on a point of order, the Member shall ask leave of the Presiding Officer to raise the point of order, and the Presiding Officer shall grant such leave, following which the Member shall state the point of order, and the Presiding Officer shall decide on the point of order and state his/her ruling on the matter.
- 3) Upon the raising of a point of order, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of order.
- 4) Upon hearing the point of order, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer’s ruling to Council.
- 5) If no Member appeals, the ruling of the Presiding Officer shall be final.
- 6) If a Member appeals the Presiding Officer’s ruling on the point of order to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:
- “That the decision of the Chair be sustained without further debate, and the decision of Council shall be final.”

## **8.8 Point of Personal Privilege**

- 1) A Member may rise at any time on a point of personal privilege, where such Member feels that his/her integrity, or the integrity of the Council, or the integrity of a Committee, or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- 2) When a Member rises on a point of personal privilege, the Member shall ask leave of the Presiding Officer to raise the point of personal privilege and the Presiding Officer shall grant such leave, following which the Member shall state the point of personal privilege, and the Presiding Officer shall decide on the point of personal privilege and state his/her ruling on the matter.
- 3) Upon the raising of a point of personal privilege, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of personal privilege.
- 4) Where the Presiding Officer rules that a breach of privilege has taken place, he/she shall demand that the offending member or individual apologize, and failing such apology, shall require the Member or individual to vacate the meeting room for the duration of the meeting as provided for in Part 8.9 of this By-law.
- 5) With the exception of providing an apology, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of a breach of privilege to Council.
- 6) If no Member appeals, the ruling of the Presiding Officer shall be final.
- 7) If a Member appeals the Presiding Officer's ruling on the point of personal privilege to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to replay with reasons, and the Council shall decide the question

"That the decision of the Chair be sustained"

without further debate, and the decision of Council shall be final.

## **8.9 Expulsion for Improper Conduct**

- 1) The Presiding Officer, where a warning or ruling has not been heeded, may expel any Member or person from the meeting place for improper conduct at the meeting, which for the purposes of this Section shall include:
  - a. Violation of the Rules;
  - b. Interruption of the proceedings of Council;
  - c. Making of disruptive noise or visible gestures;
  - d. Campaigning for any political cause or outcome; or
  - e. Any other activity that impedes the conduct of the meeting.
- 2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.
- 3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.

- 4) If no Member appeals, the ruling of the Presiding Officer shall be final.
- 5) If a Member appeals the Presiding Officer's ruling on expulsion to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question

"That the decision of the Chair be sustained"

without further debate, and the decision of Council shall be final.

### **8.10 Suspension of the Rules**

- 1) During a Council meeting, any Member may introduce a motion that Council temporarily suspend the Rules established by this By-law in order to introduce a motion with respect to an item that is not listed on the meeting agenda, stating the subject matter for which the suspension of the Rules is being sought.
- 2) A motion to suspend the Rules shall require a two-thirds vote of the Members present at the meeting.
- 3) Upon adoption of a motion to suspend the Rules, the Member so making the motion to suspend the Rules may introduce a motion respecting the matter for which the suspension of the Rules was granted.

## **Part IX – Committee and Local Boards**

### **9.1 Local Boards**

- 1) Every Local Board shall adopt a procedural by-law to govern the calling, place and proceedings of meetings of the Local Board, as required pursuant to the provisions of the *Municipal Act*, but until the Local Board has adopted a procedural by-law, the provisions of this By-law shall apply with the necessary modifications.
- 2) Where a Local Board has not adopted a code of conduct for its members, the Code of Conduct as set out in Schedule "A" of this By-law for Council shall apply to the Members of the Local Board.

### **9.2 Committees of Council**

- 1) Council may, from time to time, establish standing, advisory, special and other committees consisting of such members as Council may determine, to carry out such duties and responsibilities as may be set out in terms of reference approved by Council.
- 2) Council may establish ad hoc committees to take up a specific task or assignment. The committees shall consist of such members as Council may determine, and the term of such committee is limited to the time required to complete the specific task or assignment.
- 3) Should any Committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such Committee from consideration of a matter, or appoint another Committee in its place, or disband the Committee in its entirety.

- 4) Persons appointed to Committees are appointed for such term as defined by Council, and by resolution, Council may rescind any appointment at any time.  
If any Member of a Committee fails to attend three (3) consecutive meetings thereof without being authorized to do so by resolution of the committee, the committee may certify such failure and thereupon the membership of such person on the Committee shall be terminated and the Council may appoint another Member in their place.
- 5) The Council Code of Conduct attached to this By-law as Schedule "A" shall apply to all appointees by Council to all Committees with necessary adjustments.

### **9.3 Meetings of Committees**

- 1) All meetings of committees shall be open to the public, except that committees may hold a closed meeting or move into a closed session to deal with matters that qualify for consideration at a closed meeting as set out in Part 4.5(4) of this By-law.
- 2) Committee shall establish the meeting date, time and location for each meeting of the committee, unless otherwise set by Council. All Committee and Local Board locations shall be posted on the Town's website. Committees may alter the date and/or time of a regular or special meeting provided that adequate notice of the change is posted pursuant to the notice provisions of this By-law.
- 3) The person designated in the terms of reference for a committee as responsible for administrative support, herein referred to as the committee secretary, shall be responsible for preparing meeting agendas, issuing notice as required by this By-law, and preparation of meeting minutes.
- 4) The committee secretary shall prepare the meeting agenda and provide the same to members of the committee, and to any member of the public including the news media who have requested a copy, no less than five (5) days preceding the day of the meeting, unless the Chair or Vice-Chair in absence of the Chair of the committee has authorized a meeting agenda to be handed out at the meeting.
- 5) The committee secretary shall prepare minutes of all meetings of committees and shall forward copies of all minutes to the Deputy Clerk.

### **9.4 Presiding Officer for Committees**

- 1) Council may designate the Chair for any committee, or allow the committee to elect a Chair from its members.
- 2) Where Council has not appointed a Chair, at the first meeting of each committee, the committee shall elect from its members a Chair for such term as the committee shall determine, and the committee may at its discretion elect a Vice-Chair from its members for such term as the committee shall determine.
- 3) The duties of the Chair, or in the absence of the Chair the Vice-Chair, or in the absence of the Chair and the Vice-Chair such other member as the committee may designate to preside over the meeting, shall be as set out in part 8.1(1) of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.
- 4) Should the Chair of any committee neglect or refuse to call meetings of the committee at such times or with such frequency as the proper dispatch of the committee's business

requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or actions, the committee may report such neglect, refusal or action to the Council, which may remove such Chair from office and appoint another member as Chair.

## **9.5 Rules of Order for Committees**

- 1) A quorum in any committee shall be a majority of the voting members of the committee.
- 2) If there is no quorum present within fifteen (15) minutes after the time appointed for a meeting, the meeting shall stand adjourned at the call of the Chair.
- 3) The Chair, or in the Chair's absence the Vice-Chair, or in the absence of the Chair and the Vice-Chair, such other member as the committee may designate shall preside at the meeting.

In the absence of the chair and Vice-Chair if applicable for a period of fifteen (15) minutes after the time appointed for the holding of a meeting, one of the other members of the committee, if there be a quorum present, shall be appointed by the committee and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair.

- 4) Each committee shall transact all business according to the Rules for Council, with necessary modifications, as set out in:
  - a. Part 8.2 – Rules of Decorum
  - b. Part 8.3 – Rules of Procedure Respecting Motions
  - c. Part 8.5 – Voting on Motions
  - d. Part 8.6 – Rules of Debate
  - e. Part 8.7 – Point of Order
  - f. Part 8.8 – Point of Personal Privilege, and
  - g. Part 8.9 – Expulsion for Improper Conduct,

with the exception that the number of times a member may speak on any question shall not be limited, and at the request of any member, any item on the meeting agenda may be reopened upon a majority vote of the members present.

- 5) A committee may appoint a sub-committee from its members to investigate and report on any matters related to the business of the committee, provided that:
  - a. The sub-committee shall report directly to the appointing committee;
  - b. The sub-committee shall not have the power to appoint an additional sub-committee, nor shall it add to its membership without permission from the committee that established the sub-committee; and
  - c. The sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned.
- 6) Any sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

## Part X – Electronic Meetings During Emergencies

Meetings of Council may be conducted by electronic means during an Emergency and such meetings shall be governed by the following:

- 10.1. Part I of this By-law applies, and in this section the following shall apply, in addition to the definitions in Section 1.1:
  - “**Emergency**” means any period of time during which an emergency has been declared to exist within the municipality by the Head of Council or the Province of Ontario under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;
  - “**Electronic Meeting**” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;
  - “**Electronic Participation**” includes telephone, video or audio conferencing of other interactive methods;
- 10.2. A special meeting of Council may be conducted by Electronic Meeting or in-person meeting at the call of the Mayor during an Emergency, in accordance with this section, to declare that Part X of the Procedural By-law is in effect and future meetings during the Emergency will be held by electronic participation.
- 10.3. An emergency-specific Emergency Electronic Meeting Protocol (“Protocol”) shall be prepared by the Clerk and approved by Council during the special meeting held under 10.2.
- 10.4. The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the Clerk, in consultation with the Mayor, based on advice and resources available at the time and the prevailing circumstances and context for a meeting.
- 10.5. A public notice of an Electronic Meeting shall include information to provide the public with a means to electronically access the open session of such Electronic Meeting. The Town, taking into consideration the health and safety of all individuals and access to and viewing of the meeting, shall provide operable solutions to facilitate public electronic participation in a meeting that would otherwise be facilitated in a meeting that was not conducted through electronic participation.
- 10.6. Parts II, III, VII, VIII, IX and XI all apply as written, with emergency-specific guidance to be provided in the Protocol.
- 10.7. During an Emergency and the Mayor deems it necessary to meet by electronic means, Part IV is amended as follows:
  - 4.1 – the Meeting Place shall be the electronic means chosen for the meeting.
  - 4.3 – Regular meeting schedules may be suspended during the emergency to facilitate decision-making required for the emergency.
  - 4.7 – Draft Meeting Minutes may be made available in accordance with the meeting protocol established specific to the emergency.
- 10.8. During an Emergency and the Mayor deems it necessary to meet by electronic means:

- 5.2 - Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- 10.9. During an Emergency and the Mayor deems it necessary to meet by electronic means:
- 6.1 – Council agendas shall be permitted to deviate from the prescribed Order of Business, and the Deputy Clerk shall cause to be prepared for Council Meetings a meeting agenda that conforms to the order of business prescribed in the Protocols and in consultation with the Mayor and Clerk.

## **Part XI – General Provisions**

### **11.1 Conflict with other Acts**

Where there is conflict between any parts of this By-law and any Act or regulation, the Act or regulation shall take precedence.

### **11.2 Severability**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered severed from the remainder of this By-law, which shall continue to be in full force and effect.

### **11.3 Amendment**

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous meeting of Council. The waiving of this notice by Council is prohibited.

### **11.4 Repeal**

By-law 2015-37 of the Corporation of the Town of Grand Valley is hereby repealed.

### **11.5 Force and Effect**

This By-law shall come into force and take effect on the date it is enacted.

**Read for a First, Second and Third time and passed this 9<sup>th</sup> day of January, 2018.**

*Original signed by*

*Original signed by*

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Steve Soloman, Mayor

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Jane M. Wilson, CAO/Clerk-Treasurer