

The Corporation of the Town of Essex

By-Law Number 1592

Being a by-law to provide Rules of Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards

Whereas Section 238 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

And whereas on May 16, 2016, Council of the Town of Essex enacted By-Law Number 1511 to provide procedural rules for the conduct of its Meetings;

And whereas Council of the Town of Essex deems it appropriate to revise the procedural rules for the conduct of its meetings and notice requirements;

And whereas By-Law Number 1511 is hereby repealed as of the date and time of this By-Law coming into force and effect;

And whereas By-Law Number 1592 shall come into force and take effect upon the final passing thereof;

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

Part I – Interpretation

1.1 Short Title

1.1.1 This by-law may be cited as the “Procedural By-Law”.

1.2 Application

1.2.1 The rules of procedure contained in this by-law shall be observed in all proceedings of Council and, unless specifically provided otherwise, shall apply to all meetings of Committees, Sub-Committees or Local Boards.

1.2.2 All Points of Order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance with, and as far as is reasonably practicable, the rules of parliamentary procedure contained in Robert’s Rules of Order.

1.3 Definitions

In this by-law:

“Accessible”, in relationship to documents, means documents that have been prepared using plain language, proper text formatting, alternative text, etc. and that pass the accessibility checking tools provided in software such as Microsoft Word and Adobe Acrobat X Pro without errors;

“Ad Hoc Committee” means a Committee appointed by Council to perform a specific task which is dissolved when the task is completed. An Ad Hoc Committee has no authority for decision making or independent actions;

“Administration” means an employee or a group of employees who have been charged with the responsibility for administering business operations or segments of business operations of the Town of Essex;

“Agenda” means the document issued in accordance with this by-law that sets out the order of proceedings for a meeting and the business to be considered at a meeting;

“Announcements” as it relates to the Order of Business in an Agenda, means a brief statement about a fact, occurrence or other matter related to the Town, including events occurring within the Town which are of interest to Members, employees or the public in general, with no further discussion or debate permitted on an Announcement and no motion arising from an Announcement;

“By-law” means an enactment, in a form approved by Council, passed for the purpose of governing matters within the municipality or giving effect to a decision or proceedings of Council;

“Chair” means the person presiding over a meeting, including the Mayor, Deputy-Mayor, Chair or Vice-Chair or any other Member of Council, a Committee, Sub-Committee or Local Board appointed to act as Chair and is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding;

“Chief Administrative Officer” means the Chief Administrative Officer of The Corporation of the Town of Essex or his or her designate;

“Civic or Public Holiday” means those dates listed as “Paid Holidays” in the current Collective Agreement between the Town of Essex and the Canadian

Union of Public Employees, Local 702.3, and the Agreement between the Town and its non-union employees;

“Clerk” means the Clerk of the Town of Essex or his or her designate;

“Closed Meeting” means a meeting, or a part of a meeting of Council, a Committee, Sub-Committee or Local Board, which is closed by resolution, to the public as permitted by the Municipal Act, S.O. 2001, Chapter 25;

“Committee” means an Advisory or other Committee, Sub-Committee or similar entity;

“Confidential Information” means information in the possession of, or received in confidence by the Town that the Town is either prohibited from disclosing, or is required to refuse to disclose under the Municipal of Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56, or other legislation. Confidential information includes information that concerns personnel, labour relations, litigation or potential litigation, advice that is subject to solicitor-client privilege, negotiations, disposal and acquisition of property, the security of property of the Town and matters authorized in other legislation;

“Council” means the Council of The Corporation of the Town of Essex, comprised of the Mayor, Deputy Mayor and Councillors;

“Councillor” means a Member of Council, other than the Mayor and Deputy-Mayor;

“Delegation” means a person or group making a presentation to Council;

“Deputy Mayor” means the Councillor elected by Council to act in the place of the Mayor in accordance with this By-Law;

“Director” means an employee of the Town of Essex where the designation of Director forms part of his or her formal job title;

“Disorderly Conduct” means conduct which results in any obstruction to the deliberations of or impedes the proper action of Council;

“Employee” means an employee of the Town of Essex, including any union or non-union employee, regular full-time, part-time, temporary, casual or contract employee, and includes volunteer firefighters;

“Emergency Meeting” means a Meeting of the Council called to address circumstances that arise suddenly and require immediate consideration;

“Executive Senior Management Team” means the Chief Administrative Officer, Directors and the Fire Chief;

“Ex officio” means that, by virtue of his or her office or position, a person has the right to participate fully in a Committee, Sub-Committee or Local Board and to vote, unless prohibited by law;

“Friendly Amendment” means an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion’s adoption;

“Inaugural Meeting” means the first meeting of the term of Council held after a municipal election in a regular election year;

“Local Board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

“Manager” means an employee of the Town of Essex where the designation of Manager forms part of his or her formal job title, and includes Assistant Managers;

“Majority” means, for the purpose of voting, more than half the total number of Members of Council, Committee, Sub-Committee or Local Board present at the vote and not prohibited by any Act from voting;

“Mayor” means the Head of Council elected by general vote;

“Meeting” means a gathering of Members of Council, a Committee, Sub-Committee or Local Board to transact business for a length of time during which there is no cessation of proceedings and the Members do not separate, except for a short recess, and includes regular, special, inaugural, public, committee, closed or other Meetings;

“Member” means a Member of Council, a Committee, a Sub-Committee or a Local Board of the Town of Essex;

“Minor”, for purposes of permitting the addition of New Business to an Agenda, means matters that do not require extensive research and background

information and do not have a significant cost or impact on the Town or resident(s) of the Town;

“Motion” means a proposed resolution brought forward for adoption by a Member and seconded by another Member, for the consideration of Council, a Committee, Sub-Committee or a Local Board;

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25 as amended from time to time;

“Municipal Freedom and Protection of Privacy Act (MFIPPA)” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56;

“Non-Pecuniary (Non-Financial) Interest” means private or personal interests or advantages that commonly arise out of a family or personal relationship, or involvement in sporting, social or other cultural groups and associations. For purposes of this by-law, the non-pecuniary interest of a parent, spouse, child, or friend of a Member shall, if known to the Member, be deemed to be also the pecuniary interest of the Member;

“Notice” means notice provided to Members and to the public which advises of the time and place of a meeting;

“Order of Business” means the sequence of business to be introduced and considered in a meeting;

“Pecuniary (Financial) Interest” means an interest that a Member has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Member or another person with whom the Member is associated. For purposes of this by-law, the pecuniary interest of a parent, spouse, child, or friend of the Member shall, if known to the Member, be deemed to be also the pecuniary interest of the Member;

“Quorum” means a majority of Members of Council, a Committee, a Sub-Committee or a Local Board;

“Regular Meeting” means a scheduled meeting held at regular intervals in accordance with the approved calendar/schedule of Meetings;

“Rules of Procedure” means the applicable procedural rules and rules of conduct set out in this by-law;

“Secretary” means the staff person assigned by the Clerk to attend at and take minutes of any Committee, Sub-Committee or Local Board meeting;

“Special Meeting” means a meeting that is separate from a Regular Meeting and is called for a specific time and for specific purposes to deal with important matters that arise between Regular Meetings;

“Sub-Committee” means a sub-committee of a Committee appointed by and directly reporting to the Committee on matters which the Committee has deemed appropriate for the Sub-Committee to consider;

“Task Force” means a Committee formed by Council with approved terms of reference to examine and provide recommendations related to a specific problem;

“Unfinished Business” means matters listed in the meeting agenda which have not been dealt with in their entirety at a previous meeting;

“Urgent”, for purposes of permitting the addition of New Business to an Agenda, means a matter that is time sensitive and, if delayed until the next scheduled Meeting, could result in or cause:

- a) danger to the life, health or safety of individuals;
- b) damage to property;
- c) an interruption of essential services provided by the Town;
- d) loss of revenue by the Town, or
- e) prejudice the Town.

“Vice Chair” means a Member of a Committee, a Sub-Committee or Local Board appointed by the Committee, Sub-Committee of Local Board who shall have all the power and duties of the Chair in their absence; and

“Youth Member” means an individual who is less than eighteen (18) years of age, is enrolled as a full-time student in school, is a resident of the Town of Essex and has been appointed by Council to sit as a Youth Member of Council.

Part II – Roles, Responsibilities and Duties

2.1 Mayor

2.1.1 It is the role of the Mayor to:

- 1) act as the Chief Executive Officer of the municipality;

- 2) review and approve Agenda items in conjunction with the Clerk and Chief Administrative Officer prior to publishing or distributing an Agenda to ensure items meet the requirements of the Procedural By-Law, and that there is sufficient information provided for each item to facilitate Council deliberations;
- 3) preside over Council meetings so that its business can be carried out efficiently and effectively;
- 4) assign the seating arrangements in Council Chambers for all Members of Council prior to the Inaugural Meeting of Council;
- 5) provide leadership to the Council;
- 6) provide, without limiting clause (3) above, information and recommendations to the Council with respect to the role of Council;
- 7) represent the municipality at official functions;
- 8) carry out the duties of the Head of Council under the Municipal Act or any other Act;
- 9) sit as an Ex-officio Member of all Committees of Council with the right to vote at meetings;
- 10) act as Council's representative and provide information/updates to council where appropriate when dealing with other levels of government, their agencies and the private sector; and
- 11) act as head of the municipality for purposes of the Municipal Freedom of Information and Protection of Privacy Act.

2.1.2 It is the duty of the Mayor to preside over meetings and to:

- 1) open the meeting of Council by taking the chair and calling the meeting to order;
- 2) receive and submit, in the proper manner, all motions presented by Members of Council;
- 3) put to a vote all Motions which are moved and seconded, and to announce the result of a vote;
- 4) decline to put Motions to a vote which infringe upon the Rules of Procedure;
- 5) inform the Members of the proper procedure to be followed and to enforce the Rules of Procedure;
- 6) enforce, on all occasions, the observance of order and decorum among all present at a meeting;
- 7) call by name any Member persisting in a breach of the Rules of Procedure and order the Member to vacate the Council Chamber;

- 8) permit questions to be asked through the Mayor of any Member of Administration for information to assist in any debate, when the Mayor deems it proper;
- 9) provide information to Members on any matter relating to the business of the Town;
- 10) authenticate by signature all By-Laws and minutes of Council;
- 11) rule on any points of order raised by Members;
- 12) represent and support the Council;
- 13) maintain order and, where it is not possible to maintain order, to adjourn the meeting to a time to be named by the Mayor without any Motion being put;
- 14) call for adjournment of the meeting when the business is concluded; and
- 15) act in accordance with his or her Declaration of Office.

2.2 Deputy Mayor and Acting Deputy Mayor

- 2.2.1 In the event the Mayor is absent from the Town of Essex, the Deputy Mayor shall act in the absence of the Mayor and shall have all of the rights, powers and authority as the position of the Mayor as set out in Section 242 of the Municipal Act.
- 2.2.2 In the event that the Deputy Mayor is unable to act in the place and stead of the Mayor, a Councillor appointed by the majority of Members of Council shall be deemed to be Acting Deputy Mayor and shall act in the absence of the Mayor and shall have all the rights, powers and authority of the Mayor, while acting as Acting Deputy Mayor.

2.3 Election of Deputy Mayor

- 2.3.1 The election of the Deputy Mayor shall be held at Council's Inaugural Meeting as established by the Minister's Order dated November 19, 1997.
- 2.3.2 The election of the Deputy Mayor shall be conducted by the Clerk and the Chief Administrative Officer.
- 2.3.3 Nominations for Deputy Mayor shall be determined by a roll call process wherein those who aspire to the position of Deputy Mayor make their intentions known.
- 2.3.4 The election of Deputy Mayor shall proceed by secret ballot under the authority of the Clerk and the Chief Administrative Officer and all ballots shall be counted by the Clerk and the Chief Administrative Officer.

- 2.3.5 The first candidate to receive a majority of the votes present shall be declared elected.
- 2.3.6 If no candidate receives a majority of the votes, the candidate receiving the lowest number of votes cast shall be eliminated from the second ballot and the election shall proceed in this manner until a candidate is elected.
- 2.3.7 In the case where there is more than one candidate having the lowest number of votes of equal value, the Clerk and the Chief Administrative Officer shall place the names of those candidates on equal sized pieces of paper in a receptacle and names shall be withdrawn by the Clerk or the Chief Administrative Officer until only one name remains undrawn. The name(s) of the candidate(s) drawn shall continue to the next ballot.
- 2.3.8 Ballots shall continue to be taken in the manner hereinbefore set out until a candidate is elected.
- 2.3.9 Should the number of votes be equal between the final two members running for Deputy Mayor, the successful candidate shall be determined by the Clerk or Chief Administrative Officer placing of the names of the candidates on equal sized pieces of paper in a receptacle and one name being drawn by the Clerk or the Chief Administrative Officer. The name of the candidate drawn shall be declared elected as Deputy Mayor for the term of Council.
- 2.3.10 Following the completion of the election of Deputy Mayor, ballots used in the election will be destroyed by the Clerk.
- 2.3.11 The results of all ballots used in the election of the Deputy Mayor shall be deemed Confidential Information and shall not be disclosed, released or published by any means by those individuals that are privy to the contents of the ballots.

2.4 Council

- 2.4.1 It is the role of Council to:
- 1) represent the public and to consider the well-being and interests of the municipality;
 - 2) develop and evaluate the policies and programs of the municipality;
 - 3) determine which services the municipality provides;
 - 4) ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;

- 5) ensure the accountability and transparency of the operations of the municipality, including the activities of senior management of the municipality;
- 6) maintain the financial integrity of the municipality; and
- 7) carry out the duties of Council under the Municipal Act or any other Act.

2.5 Councillor

2.5.1 It is the role of a Councillor to:

- 1) participate at Council meetings so that its business can be carried out effectively and efficiently;
- 2) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- 3) ensure the accountability and transparency of the operations of the municipality, including the activities of Administration of the municipality;
- 4) seek information and recommendations from Administration;
- 5) represent the municipality at official functions, as directed by the Mayor; and
- 6) carry out the duties of Council under the Municipal Act or any other Act.

2.5.2 It is the duty of a Councillor to:

- 1) prepare for meetings, including reviewing the Agenda and background information prior to the meeting;
- 2) declare any conflict of interest at a meeting where a conflict exists;
- 3) speak only to the subject under debate at a meeting;
- 4) vote on all Motions before the Council unless prohibited from voting by law;
- 5) observe proper procedure and decorum at all meetings;
- 6) refrain from disturbing, through disorderly conduct, other Members, speakers or Delegations in attendance;
- 7) refrain from the use of profane or offensive words or insulting expressions at a meeting;
- 8) state questions to be asked through the Mayor or Chair at a meeting;
- 9) support the Council;
- 10) act in accordance with his/her Declaration of Office
- 11) notify the Clerk when the Member is aware that he or she will be absent from a scheduled Meeting; and
- 12) attend Meetings of Committees, Sub-Committees, and Local Boards to which the Member has been appointed by Council.

2.6 Youth Members

- 2.6.1 Youth Members shall be appointed by Council after the Inaugural Meeting of the new Council.
- 2.6.2 The number of Youth Members shall be limited to two, with one from Ward 4, the former Town of Harrow or Ward 3, the former Township of Colchester South, and one from Ward 1, the former Town of Essex or Ward 2, the former Township of Colchester North.
- 2.6.3 Youth Members will attend, participate and /or report in Regular Meetings of Council for the purpose of bringing a youth perspective to Council matters or discussions.
- 2.6.4 Youth Members shall not be permitted to move or second any resolution, nor shall the Youth Members be counted for the purpose of deciding a vote of the Council.
- 2.6.5 Youth Members shall not be included in constituting a quorum of Council.
- 2.6.6 The term of office for a Youth Member shall be established with the appointment, but shall not exceed two years.
- 2.6.7 Youth Members shall not be compensated with wage or per diem.

2.7 Clerk

- 2.7.1 It is the duty of the Clerk or Secretary to:
- 1) record, without note or comment, all resolutions, decisions and other proceedings of Council, Committees, Sub-Committees or Local Boards;
 - 2) record the name and vote of every member voting on any matter or question, if required by any member present at a vote;
 - 3) keep the originals or copies of all by-laws and minutes of the proceedings of Council, Committees, Sub-Committees or Local Boards;
 - 4) perform other duties required under the Municipal Act or any other Act; and
 - 5) to perform such other duties as are assigned by the municipality.

2.8 Code of Conduct for Members of Council

- 2.8.1 Members of Council shall adhere to the Code of Conduct for Members of Council, as adopted by Council and, as amended from time to time.

2.9 Council-Staff Relationship and Roles

- 2.9.1 No Member of Council, a Committee, Sub-Committee or Local Board shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Town of Essex. Employees are subject only to direction provided by their supervisors, as established in the formal organizational structure of the Town.
- 2.9.2 Council shall request reports from Administration by Council motion.
- 2.9.3 The role of Council is to develop policies for the municipality, while the role of Administration, under the direction of the Chief Administrative Officer, is to develop strategies for the implementation of the policies established by Council.
- 2.9.4 Council Members are encouraged to contact the appropriate Director or the Chief Administrative Officer prior to the meeting to raise questions or clarify issues relevant to matters on the Council meeting agenda and to secure additional information as may be required.
- 2.9.5 Directors shall have regard to providing a verbal response to the matters raised and will make every reasonable effort to provide the information to the Council Member within a reasonable period of time.

Part III – Meetings, Agendas and Minutes

3.1 Inaugural Meeting

- 3.1.1 The Inaugural Meeting of the newly-elected Council shall be held on the first Monday in December in each regular municipal election year.
- 3.1.2 The location and time of the Inaugural Meeting shall be determined by the Chief Administrative Officer.
- 3.1.3 The Clerk shall prepare the agenda for the Inaugural Meeting and the order of business shall be as follows:
- 1) Call to Order
 - 2) Declarations of Elected Office
 - 3) Address by the Mayor
 - 4) Address by Councillors
 - 5) Election of Deputy Mayor
 - 6) Business matters incidental to the above or of an urgent matter
 - 7) Adjournment

- 3.1.4 The business of the Inaugural Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.
- 3.1.5 No business shall be conducted at the Inaugural Meeting until the Council Members have made their Declaration of Office.

3.2 Regular Meeting

- 3.2.1 Regular Meetings of Council shall be held in the County of Essex Civic Centre Council Chambers, 360 Fairview Avenue West, Essex, Ontario on the first and third Mondays of each month commencing at 6:00 PM., unless otherwise decided by a majority of Members.
- 3.2.2 When a Regular Meeting falls on a Monday that is a Civic or Public Holiday or on a day when Town Hall is closed for business, the Regular Meeting shall be held on the next following date that is not a public holiday or on a date agreed to by Council.
- 3.2.3 Council may, by resolution, alter the time, date and location of any Regular Meeting approved under Section 3.2.1 or Section 3.2.2.
- 3.2.4 The Clerk or Secretary shall prepare the Agenda for Regular Meetings and the order of business shall be as listed on Schedule "A" to this By-Law, as amended from time to time. The Agenda for Regular Meetings of Committees, Sub-Committees and Local Boards may exclude some of the Agenda Sections listed in Schedule "A" that are not relevant to the Committee, Sub-Committee or Local Board, such as Reports from Youth Members, County Council Update, Committee Meeting Minutes.
- 3.2.5 The business of the Regular Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.
- 3.2.6 The deadline for receipt of material by the Clerk to be included on the Agenda for Regular Council Meetings shall be the time stated on Schedule "A" attached to this by-law, as amended from time to time.
- 3.2.7 The Mayor, in consultation with the Clerk and Chief Administrative Officer, may defer or remove an item from the Agenda if, in the Mayor's opinion, it does not meet the requirements of the Procedural By-Law, there is insufficient information provided to facilitate Council deliberations or the item is operational and should first be referred to Administration for follow-up.

- 3.2.8 The Mayor, in consultation with the Chief Administrative Officer, may cancel a Regular Meeting if it is determined there is not sufficient business to be conducted or special circumstances or an emergency (for example, weather) has arisen. Council Members, the Executive Senior Management Team, the public and the media will be advised immediately after making the decision to cancel a Regular Meeting.
- 3.2.9 The Mayor may reschedule a cancelled Regular Meeting or may include the Agenda items from the cancelled meeting on the next Regular Meeting Agenda or a Special Meeting.

3.3 Special Meeting

- 3.3.1 The Mayor or the Clerk, in consultation with the Mayor or the Chief Administrative Officer, may, at any time, call a Special Meeting of Council.
- 3.3.2 The Mayor shall also call a Special Meeting of Council when so requested by a majority of the Members of Council.
- 3.3.3 No business other than the business stated in the Agenda of the Special Meeting shall be transacted at the Special Meeting.
- 3.3.4 The business of the Special Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.

3.4 Closed Meeting

- 3.4.1 A Meeting that is closed to the public may only be held in accordance with the Municipal Act. The only subject matter that may be considered at a Closed Meeting is as follows:
- 1) the security of the property of the municipality or local board;
 - 2) personal matters about an identifiable individual, including municipal or local board employees;
 - 3) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - 4) labour relations or employee negotiations;
 - 5) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - 6) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 7) a matter in respect of which a Council, a Board, Committee or other body may hold a Closed Meeting under another Act;

- 8) the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act; or
- 9) an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act or a closed meeting Investigator appointed by Council in accordance with section 239.2 (1) of the Municipal Act.

3.4.2 A Meeting of Council, a Committee, Sub-Committee or Local Board may be closed to the public if, as set out in the Municipal Act, the following conditions are both satisfied:

- 1) The Meeting is held for the purpose of educating or training the Members; and
- 2) At the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee, Sub-Committee or Local Board.

3.4.3 The Mayor or the Clerk, in consultation with the Mayor or the Chief Administrative Officer, may, at any time, call a Closed Meeting of Council.

3.4.4 The Mayor shall also call a Closed Meeting when so requested by a majority of the Members of Council.

3.4.5 The Clerk may only delegate, in writing, the duties of the Clerk with respect to recording minutes in a Closed Meeting of Council to a full-time employee of the Town.

3.4.6 The Rules of Procedure, as outlined in the Procedural By-law, shall apply during Closed Meetings.

3.4.7 The business of the Closed Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Chair or a majority vote of the Members present.

3.5 Emergency Meeting

3.5.1 An Emergency Meeting of Council to deal with an emergency or extraordinary situation may be called by the Mayor at any time and at any location within or outside the municipality as may be convenient.

- 3.5.2 Only business dealing directly with the emergency shall be transacted at the Meeting.
- 3.5.3 The business of the Emergency Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.

3.6 Notice of Meetings

3.6.1 Regular Meeting

- 3.6.1.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Regular Meeting of Council, based on the time requirements set out in Schedule "A" to this By-Law. In the case of Regular Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.
- 3.6.1.2 The Agenda of the Regular Council Meeting shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.
- 3.6.1.3 The order of business for a Regular Meeting will be as set out in Schedule "A" to this By-Law, as amended from time to time.

3.6.2 Special Meeting

- 3.6.2.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Special Meeting, based on the time requirements set out in Schedule "A" to this By-Law. In the case of Special Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.
- 3.6.2.2 The Agenda of the Special Council Meeting shall note the date, time and location of the Special Meeting and shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.

3.6.3 Closed Meeting

- 3.6.3.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Closed Meeting based on the time requirements set out in Schedule "A" to this By-Law. In the case of Closed Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.

3.6.3.2 A notice of the Closed Meeting, including date, time and location shall be posted on the Town's website, based on the time requirements set out in Schedule "A" to this By-Law.

3.6.4 Emergency Meeting

3.6.4.1 The Clerk shall attempt to notify all Council Members of an Emergency Meeting as soon as practicable after the Meeting is called and in the most expedient manner.

3.6.4.2 A notice of the Emergency Meeting, including date, time and location shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.

3.7 Lack of Notice of Meeting or Agenda

3.7.1 Lack of receipt of notice or an Agenda by the Members of Council, a Committee, Sub-Committee or Local Board shall not affect the validity of the Meeting or any action lawfully taken at the Meeting.

3.8 Closed Meeting Protocol

3.8.1 Council, a Committee, Sub-Committee or Local Board shall move into a Closed Meeting from a Meeting that is open to the public. To enter into a Closed Meeting from an open Meeting, a motion to move into Closed Meeting is required. Once the matters in the Closed Meeting have been dealt with, the Members shall pass a motion to adjourn the Closed Meeting and move back into open session.

3.8.2 The Agenda for the open session prior to a Closed Meeting, shall note:

- 1) that the Members will move into a Closed Meeting, the general nature of the matter(s) being considered at the Closed Meeting and the appropriate section(s) of the Municipal Act that provide for the Meeting to be closed; or
- 2) in the case of a Closed Meeting for the purpose of educating or training the Members, that the Members will move into a Closed Meeting, the general nature of the subject matter and the relevant section of the Municipal Act that provides for the Meeting to be closed.

3.8.3 The information noted in Section 3.8.2 of this By-Law shall be announced by the Chair, Clerk or Secretary in the open Meeting just prior to considering a Motion to move into a Closed Meeting.

3.8.4 After moving into the Closed Meeting, the Chair, Clerk, or Secretary will remind Members that the Closed Meeting matters are Confidential Information within

the meaning of this By-Law and shall not be discussed after the meeting with any person(s) not related to the subject matter outside of the Closed Meeting.

- 3.85 In a Closed Meeting, the Council, Committee, Sub-Committee or Local Board shall only vote on motions pertaining to procedural matters or for giving directions or instructions to officers, employees or agents of the Town.
- 3.8.6 Immediately after moving from a Closed Meeting to an open Meeting, the Clerk or Secretary shall disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting.

3.9 Quorum

- 3.9.1 As soon after the published time for a Meeting as a quorum is present, the Meeting shall be called to order by the Mayor or Chair.
- 3.9.2 If there is no quorum present within thirty minutes after the time published for the Meeting, the Meeting shall stand adjourned until the next established Meeting date and the Clerk or Secretary shall record the names of the members present upon adjournment.
- 3.9.3 If during the course of any type of Meeting, quorum is lost, then the Meeting shall stand adjourned to reconvene as determined by the Chair. If, in the opinion of the Chair, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled Meeting, then the Chair shall announce that the unfinished business will be considered at that time.

Part IV – Rules of Order and Debate

4.1 Formalities to be Observed

- 4.1.1 The Mayor shall be addressed as “Mayor (surname) or as “Your Worship”.
- 4.1.2 The Deputy Mayor shall be addressed as “Deputy Mayor (surname)”.
- 4.1.3 All Members of Council, except the Mayor and Deputy Mayor, shall be addressed as “Councillor (surname).”
- 4.1.4 Chairs or Vice-Chairs of Committees, Sub-Committees and Local Boards shall be addressed as “Chair (surname) or “Vice-Chair (surname)”, as the case may be.
- 4.15 Staff of the Town of Essex shall be addressed as “Mr. or Ms. (surname), (position title)”;

- 4.1.6 Members of Council, a Committee, Sub-Committee or Local Board, members of Administration, and members of the public shall only speak at a Meeting when they have been recognized by the individual chairing a meeting.
- 4.1.7 Members of Council, a Committee, Sub-Committee or Local Board and members of Administration shall raise their hand at a Meeting and wait to be recognized by the individual chairing a meeting.
- 4.1.8 Members of Council, a Committee, Sub-Committee or Local Board, members of Administration, and members of the public shall address only the individual chairing the meeting, or address each other through the individual chairing the meeting.
- 4.1.9 The observance of order and decorum at all Meetings shall be enforced by the individual chairing the meeting.
- 4.1.10 When, in the opinion of the individual chairing a Meeting, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law, or is causing unreasonable disruption to the Meeting, or, in the case of a Council Member, is in contravention of the Town's Code of Conduct for Council Members, the individual chairing a Meeting may rule the person out of order and require the person to cease the activity. If the person refuses to cease the activity, the Chair may order the person to vacate their seat or leave the meeting.
- 4.1.11 Any Council Member or Member of a Committee, Sub-Committee or Local Board may require that the question or motion under discussion be read by the Clerk or Secretary at any time during the debate but not so as to interrupt the member who has the floor.
- 4.1.12 When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Members except to raise a Point of Order or to raise a Question of Privilege.
- 4.1.13 If any person, including a Member, does not leave his or her seat or leave the meeting after being ordered to do so pursuant to Section 4.1.9, such person will be escorted from the Meeting with the assistance of the local police department.
- 4.1.14 No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Mayor or Chair to vacate the Meeting or his or her seat after committing a breach of any rule of order, without making an apology and

without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.

- 4.1.15 No Member shall walk across the floor, or out of the Meeting room, or make any noise or disturbance when the Chair is putting a question.
- 4.1.16 No Member shall leave his or her seat while a vote is being taken and until the result of the vote is declared.
- 4.1.17 No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.
- 4.1.18 Members leaving their seats prior to adjournment shall do so in a manner that does not disrupt the proceedings of Council.
- 4.1.19 Members shall respect the rules set out in this By-Law and shall not disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.
- 4.1.20 During Meetings, all Members, employees of the Town and members of the public shall have their smart phones or electronic devices turned to vibrate and shall only answer a call in the event of an emergency and only upon leaving the Meeting.
- 4.1.21 No persons, except Members of Council and municipal employees of the Town of Essex, shall be permitted to stand behind Council or advance beyond the delegation table during a Council Meeting.
- 4.1.22 The Chair or Members may call upon the Clerk, Secretary or Chief Administrative Officer to provide advice with respect to interpretation of the Rules of Procedure.

4.2 Disclosure of Conflict of Interest

- 4.2.1 It is the responsibility of each Member to identify and disclose any pecuniary interest, direct or indirect as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, on any item or matter before Council, a Committee, Sub-Committee or Local Board and the general nature thereof.
- 4.2.2 Where a Member, either on his or her own behalf or while acting with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of Council, a Committee, Sub-Committee or Local Board at which the matter is the subject of consideration, the Member shall:

- a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- b) abstain from taking part in the discussion of, or vote on, any question in respect of the matter; and
- c) not attempt in any way, whether before, during or after the meeting, to influence the voting of any such question.

4.2.3 In addition to complying with the requirements noted in Subsection 4.2.2 above, when the Meeting is a Closed Meeting, the Member shall leave the Meeting or the part of the Meeting during which the matter is under consideration.

4.2.4 Where the interest of a Member has not been disclosed as required by Subsection 4.2.1 above, by reason of a Member's absence from the Meeting referred to therein, the Member shall disclose the interest and otherwise comply with Subsection 4.2.2 at the first Meeting of Council, Committee, Sub-Committee or Local Board, as the case may be, attended by the Member after the Meeting at which the conflict of interest arose.

4.2.5 The Clerk or Secretary shall record the declaration of a conflict of interest and the general nature thereof made by a Member and any such record shall appear in the minutes of that particular Meeting. If a Member fails to disclose the nature of the pecuniary interest, the Clerk or Secretary shall immediately request this information.

4.2.6 Where the Meeting is not open to the public, every declaration of a conflict of interest made under subsection 4.2.1 above, but not the general nature of that interest, shall be recorded in the minutes of the next Meeting that is open to the public.

4.2.7 Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, are disabled from participating in a Meeting and the remaining Members are not of sufficient number to constitute a Quorum, then, despite any other general or special Act, the remaining number of Members at this meeting shall be deemed to constitute a Quorum for the Meeting, provided such number is not less than two.

4.3 Public Presentations and Delegations

4.3.1 Any person who wishes to appear before Council as a Delegation shall submit the prescribed "Delegation Request Form" to the Clerk by 2:00 PM on the Tuesday preceding the Regular Council Meeting.

- 4.3.2 The Clerk, Mayor, Chief Administrative Officer and Director of Corporate Services shall review the Delegation Request Form to determine if the subject matter and nature of the request falls within the jurisdiction of Council, or if the request needs to be referred to Administration for comments.
- 4.3.3 The Clerk shall contact the Delegation to advise if and when their submission will be presented to Council and will ensure that they have been provided with the "Guide to Delegations" information brochure.
- 4.3.4 The Mayor, in consultation with the Chief Administrative Officer, has the authority to deny Delegation requests under the following circumstances:
- 1) the request is not submitted within the time required in Section 4.3.1 of this By-Law;
 - 2) no written submission together with handouts or materials is provided with the request or the submission is incomplete;
 - 3) the subject matter is deemed to be beyond the jurisdiction of Council;
 - 4) the issue is specific to a labour/management dispute, or other matter properly held in closed session;
 - 5) the issue has been or is to be considered by the Committee of Adjustment;
 - 6) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council.;
 - 7) Council previously indicated it will not hear further from this Delegation; or
 - 8) the issue should be referred to Administration for action.
- 4.3.5 A Delegation shall not be received by Council on matters relating to litigation or potential litigation affecting the Town, including matters which are before and under the jurisdiction of any court or tribunal, unless such matter is referred to Council by the said court or tribunal or, in the alternative, Council deems the matter to be sufficiently important to allow the Delegate to be heard.
- 4.3.6 If applicable, Delegations shall provide a copy of their presentation materials to the Clerk, together with the Delegation Request Form. If using presentation software, such as PowerPoint, Delegations shall provide an electronic version to the Clerk, which shall be uploaded onto a Town-supplied laptop that Delegations will use during the Meeting. Presentation materials shall be attached to the circulated Meeting agenda.

- 4.3.7 Delegations shall not distribute printed materials on the Council floor. All printed materials must be submitted to the Clerk prior to the commencement of the Meeting.
- 4.3.8 The display of placards and signs is not permitted during a Meeting.
- 4.3.9 The Clerk will only circulate material that complies with the provisions of MFIPPA, as amended.
- 4.3.10 Delegations that are for the sole purpose of generating publicity for an event shall not be permitted.
- 4.3.11 Delegations will be scheduled in the order in which they were received by the Clerk.
- 4.3.12 No more than four (4) Delegations shall be permitted at any Meeting.
- 4.3.13 Delegations shall confine their remarks to the business stated in the Delegation Request Form.
- 4.3.14 Delegations shall be permitted to speak for up to five (5) minutes. A Delegation of two (2) or more persons shall be permitted to speak for up to ten (10) minutes.
- 4.3.15 The Chair shall, at the conclusion of the permitted time limit, inform the Delegation that the time limit has expired. An extension to the time limit may be granted by a majority vote of the Members present at the Meeting.
- 4.3.16 Delegations shall address their remarks through the Chair.
- 4.3.17 Except on matters of order, Members shall not interrupt a Delegation while he or she is addressing Council.
- 4.3.18 Members may address a Delegation only to ask questions and not to express opinions or enter into debate or discussion.
- 4.3.19 Once a Motion to receive the presentation has been moved and seconded, no further representation or questions of the Delegation shall be permitted.
- 4.3.20 The Chair may curtail any Delegation, any questions of a Delegation or debate during the presentation, as a result of disorder or other breach of the Procedural By-Law. If the Chair rules that the Delegation is concluded, the person or persons appearing before Council shall withdraw from the table.
- 4.3.21 If a Delegation is not registered with the Clerk, and Council, by a two-thirds vote of the Members present at the Meeting, gives the Delegation permission to address Council, the Delegation shall only address Council with respect to an item on the published Agenda.
- 4.4.22 All of the general rules to address Council as established for Delegations will apply to public presentations unless otherwise noted.

4.4 Public Attendance at Meetings

4.4.1 During Meetings, members of the public shall not:

- 1) speak disrespectfully of Members, employees or any other person;
- 2) use offensive words or gestures;
- 3) speak on any subject other than the subject for which they have received approval to address Council;
- 4) disobey a decision of the Chair;
- 5) display placards or signs; or
- 6) enter into debate with other Delegations, Members or employees.

4.4.2 During Meetings, members of the public shall:

- 1) conduct themselves respectfully; and
- 2) refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and general proceedings of the Meeting.

4.4.3 In the event the Chair does not address the member of the public who is disrupting the Meeting, a Member may make a Point of Order.

4.4.4 The Chair may request that a Member or members of the public vacate the Council Chambers, or the room in which the Meeting is taking place, if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally recess the Meeting until order is restored.

4.4.5 If a member of the public who has been ordered to vacate the Council Chambers or the room in which the Meeting is taking place, refuses to leave the Council Chambers or the room in which the Meeting is taking place, the member of the public will be escorted from the Meeting with the assistance of the local police department.

4.4.6 If a member of the public who has been ordered to vacate the Council Chambers or the room in which the Meeting is taking place, voluntarily offers an apology to Council and/or withdraws objectionable statements or remarks, he or she may be permitted to return or resume his or her presence at a Meeting, provided a majority of the Members present at the Meeting vote in favour.

4.5 Reports from Administration

4.5.1 Reports from Administration shall be listed in the section on Regular Meeting Agendas designated for "Reports from Administration". The reports must be prepared using the pre-approved Reports to Council template, must be

accessible and must be presented to the appropriate Managers, Directors and the Chief Administrative Officer for review and concurrence prior to submitting the report to the Clerk or Secretary.

- 4.5.2 Notwithstanding the foregoing, if a report from Administration relates specifically to a matter located earlier in the Agenda (for example, a Delegation), such report may be listed in the earlier section of the Agenda.

4.6 Correspondence

- 4.6.1 Items of correspondence shall be legible, contain no obscene language or defamatory allegations, and shall be signed by the author(s) together with their return mailing address or email address.
- 4.6.2 No person, except the Clerk or Secretary, shall, before or during a Meeting, place on the desks of Members or otherwise distribute any material whatsoever. Materials for distribution shall be provided to the Clerk or Secretary prior to the commencement of the Meeting.
- 4.6.3 Correspondence or petitions containing obscene or defamatory language shall not be included on the Meeting Agenda, and shall be directed to the Chief Administrative Officer.
- 4.6.4 Requests from persons, organizations, associations and other municipal governments to endorse resolutions shall be included in the Correspondence section of the Agenda.
- 4.6.5 Where the subject matter of the correspondence is within the jurisdiction of a Committee, Sub-Committee or Local Board, such correspondence shall be forwarded directly to the appropriate Committee, Sub-Committee or Local Board.
- 4.6.6 Correspondence of a routine administrative nature shall be referred directly to the appropriate Director or Manager.

4.7 New Business

- 4.7.1 Members of Council, a Committee, Sub-Committee or Local Board may, after the Agenda has been published, introduce matters that are minor and urgent in nature to an Agenda during a Regular Meeting under the heading "New Business", if the Member introducing the New Business is able to demonstrate, to the satisfaction of the Chair, that the matter is in fact Minor and Urgent in nature, as defined in Section 1.3 of this By-Law and should be added to the

Agenda. The decision of the Chair in determining whether an item will be added as New Business shall be final.

4.7.2 If a Member is aware of a New Business item prior to the Meeting, the Member shall contact the Mayor at any time prior to 2:00 p.m. on the day of the meeting to provide details of the New Business item(s), at which time the Mayor may make a determination of whether the New Business item(s) will be added to the Agenda.

4.7.3 The general nature of how the New Business item(s) met the requirements of Urgent and Minor in nature will be disclosed by the Mayor at the time that the New Business item(s) is introduced at the Meeting.

4.7.4 .At the sole discretion of the Chair, the question of whether a New Business item meets the requirement of being minor and urgent in nature may be referred to the whole of Council, a Committee, Sub-Committee or Local Board to be decided by a majority vote.

4.8 Reports from Council Members

4.8.1 Each Council Member will be provided with a maximum of five (5) minutes, with no extension of time permitted, to make reports to the rest of Council on matters that they are working on as a Council Member and any other matters which they deem may be of interest to other Council Members,

4.8.2 Items brought forward by Council under Reports from Council Members, shall not be discussed by any other Council Member, are not debatable and shall not be the subject of a motion or resolution of Council.

4.9 Discussion with No Motion on the Table

4.9.1 Members are permitted to speak more than once on a matter prior to the introduction of a Motion, provided the information being presented by the Member is new and does not repeat any prior discussion by that Member.

4.9.2 At the sole discretion of the Chair, a Member who has spoken on a matter more than once may be asked to cease speaking if, in the opinion of the Chair, the information being presented is not new and repeats prior discussion by that Member.

4.10 Motions

4.10.1 Motions shall be seconded before being debated or put to a vote.

4.10.2 Types of Motions

410.2.1 Schedule "B" to this By-Law provides a description of the most common types of Motions encountered at a Meeting, together with a table entitled "Rules Relating to Motions". This table summarizes the ranking of Motions and other characteristics of Motions, such as whether a Motion can be amended, debated, etcetera.

4.10.3 Speaking to a Motion

4.10.3.1 Each Member shall be permitted to speak only once to a Motion.

4.10.3.2 When speaking to a Motion, a Member shall confine his or her discussion to the Motion and, in speaking, will be limited to a maximum of 5 minutes unless otherwise decided by the Chair.

4.10.3.3 Notwithstanding Section 4.8.2.1, the Member who made the Motion shall be permitted to reply for a maximum of five (5) minutes, after all other Members who wish to speak to the Motion have spoken.

4.10.3.4 When a Motion is under debate, a Member may ask a concisely worded question through the Chair to the Chief Administrative Officer, the Clerk or another Employee of the Town regarding the Motion, prior to the Motion being put to a vote by the Mayor.

4.10.3.5 A Member may request that the Motion under debate be read at any time during the debate, but shall not interrupt a Member who is speaking.

4.10.3.6 If the Chair wishes to speak to a Motion for the purposes of taking a position on the Motion and endeavouring to persuade other Members to support his/her position, the Chair shall first leave his or her chair and request that the Deputy Mayor, Vice Chair or another Member, take over as Chair until such time as the Chair has finished speaking to the Motion.

4.10.4 Friendly Amendment

4.10.4.1 A friendly amendment to a Motion may be offered by someone who is in sympathy with the purpose of the main Motion, in the belief that the amendment will either improve the statement or effect of the main Motion, or will increase the chances of the main Motion's adoption.

4.10.4.2 A friendly amendment to a Motion may be made providing there is consent from the mover and the seconder.

4.10.5 Motion to Direct Administration

4.10.5.1 A Motion directing Administration to undertake certain action with respect to any item on the Agenda shall be in order, provided it is moved, seconded and carried by Council.

4.10.6 Notice of Motion

4.10.6.1 A Notice of Motion is an advance notice to Members regarding a matter on which Council, a Committee, Sub-Committee or Local Board will be asked to make a decision.

4.10.6.2 A Notice of Motion shall be given in writing to the Clerk or Secretary during a Regular Meeting and shall include the name of the mover. The Clerk or Secretary shall then advise that the Motion will be brought to the next Regular Meeting.

4.10.6.3 A Notice of Motion once presented, shall not be debated or discussed by Members until the next Regular Meeting.

4.10.7 Motion to Change the Order of Business

4.10.7.1A motion changing the order of business shall not be amendable or debatable and requires a majority vote of Council, a Committee, Sub-Committee or Local Board.

4.11 Rules of Voting

4.11.1 Every Member present at an open or Closed Meeting of Council, a Committee, Sub-Committee or Local Board, when a question is put, shall vote, unless prohibited by statute. If prohibited, the Clerk or Secretary shall record the name of the Member and the reason that he or she is prohibited from voting.

4.11.2 A Member of Council may request that the Chair "call the question", at which time the Chair may accept or deny the request with the decision of the Chair being final.

4.11.3 If any Member does not vote when a question is put, they shall be deemed to have voted in the negative, except where the Member has not voted as a result of declaring a conflict of interest in the matter or question before Council.

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

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

4.11.6 When a vote is taken and a tie results, the motion is defeated.

4.11.7 Upon making a Motion to Divide the Question, the question may be divided, and the vote upon each question shall be taken separately. The parts of the motion must be able to stand alone for division of a question to be in order (refer to Schedule B, "Motions", Section B.3).

4.11.8 A Motion to amend an amendment shall be voted on first.

4.11.9 Voting of the main Motion and amending Motions shall be conducted in the following order:

- 1) a Motion to amend a Motion to amend the main Motion;
- 2) a Motion, as amended, to amend the main Motion; and
- 3) the main Motion, as amended.

4.10.10 Voting for a Motion shall not be permitted by ballot or by any other method of secret voting, except where a vote is taken for purposes of electing the Deputy Mayor (refer to Section 2.3, "Election of the Deputy Mayor") and every vote so taken will be of no effect.

4.11.11 The Chair shall announce the result of every vote taken as either Carried or Defeated.

4.11.12 If a Member disagrees with the result announced by the Chair, he or she may object immediately and the vote shall be retaken, and this shall be noted in the minutes by the Clerk.

4.11.13 The Clerk shall not record dissenting votes in the Minutes unless the member(s) of Council voting against the motion has made such a request.

4.11.14 In any vote required of the whole Council, a Committee, Sub-Committee or Local Board, the number of members constituting the whole Council, a Committee, Sub-Committee or Local Board shall be determined by excluding:

- 1) the number of Members who are present at the Meeting but who are excluded from voting by reason of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended; and
- 2) the number of Member seats that are vacant by reason of Section 259 of the Municipal Act, "Vacant Seat".

4.11.15 The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion, he or she shall leave the Chair for that purpose and shall call upon the Deputy Mayor or Vice Chair to fill his or her place while the matter is being considered. Upon completion of the matter, the Chair shall resume the Chair and preside over the Meeting.

4.12 Recorded Vote

4.12.1 A Recorded Vote shall be taken when called for by any Member. The Clerk or Secretary shall call upon each Member of Council, a Committee, Sub-Committee or Local Board entitled to vote on the Motion, to answer "support" or "opposed" beginning with the member who requested the recorded vote and then proceeding in a clock-wise direction to the other Members.

4.12.2 A Member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote.

4.12.3 When a Recorded Vote is taken, the names of the Members who voted in support and those who voted in opposition to the motion shall be entered in the minutes. The names of the members declaring a conflict of interest shall be entered in the minutes.

4.12.4 All Members present shall vote when a Recorded Vote is called for, except when they have been disqualified from voting by reason of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 or any other Act.

4.13 By-Laws

4.13.1 By-Laws shall be introduced in the section on the Council agenda designated for By-Laws. However, if a By-Law is attached to a Report from Administration, the By-Law may be given the required readings at the time the report is received and the recommendations contained therein are approved.

4.13.2 Every By-Law shall receive First Reading, Second Reading and Third Reading by Council before being enacted, unless provided otherwise by law.

4.13.3 Unless prohibited by law, a By-Law may proceed to second reading at the same Meeting that it received first reading, provided the first reading was supported by at least two-thirds of the Members of Council present and entitled to vote. A By-Law shall not proceed to third reading at the same Meeting that it received first and second reading unless specifically approved by the Clerk, and the third reading was supported by at least two-thirds of the members of Council present and entitled to vote.

- 4.13.4 By-Laws of an urgent nature that were not included on the Regular Council Meeting Agenda prior to distribution, may be included as “New Business” and introduced as an addition to the published Agenda prior to adoption of the published Agenda.
- 4.13.5 Every By-Law shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- 4.13.6 Every By-Law enacted by Council shall be numbered and shall be signed by the Mayor and the Clerk, sealed with the seal of the Corporation and shall show the dates of the three readings by Council.
- 4.13.7 Every By-Law shall be kept in numerical order in the specified By-Law book and in the electronic filing system.
- 4.13.8 A confirmatory By-Law should be considered at the end of each Regular Meeting, immediately prior to adjournment, to confirm all proceedings and resolutions passed by Council, except for those resolutions that require or are still subject to the approval of the Ontario Municipal Board or other mandatory statutory approval.
- 4.13.9 The Clerk may make changes to By-Laws or resolutions to:
- 1) correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature;
 - 2) alter the style or presentation of text or graphics to improve electronic or print presentation and accessibility;
 - 3) replace a description of a date or time with the actual date or time;
 - 4) if a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result;
 - 5) when the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address;
 - 6) correct errors in the numbering of provisions or other portions of a By-Law and make any changes in cross-references that are required as a result;
 - 7) if a provision of a transitional nature is contained in a By-Law, make any changes that are required as a result;
 - 8) make a correction, if it is apparent both that an error has been made and what the correction should be;

4.14 Petitions

- 4.14.1 Petitions must adhere to guidelines provided in the Town of Essex Petition Policy.
- 4.14.2 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 Essex, must be directed to the Clerk for inclusion on an agenda, including those received by the Mayor or a Member of Council.
- 4.14.3 A motion directing receipt of the petition and the action required shall be in order.
- 4.14.4 Petitions to Council to be included on the agenda may be submitted by residents and included under Correspondence. Any such petition must be submitted to the Clerk, in accordance with Section 4.3.1 of this By-Law regarding Public Presentations and Delegations.

Part V – Committees, Sub-Committees and Local Boards of Council

5.1 Appointments to Committees, Sub-Committees and Local Boards of Council

- 5.1.1 Council shall appoint Council Members and members of the public to its Committees, Sub-Committees and Local Boards after the Inaugural Meeting of the new Council.
- 5.1.2 Immediately after the municipal election, the Clerk shall provide the Mayor-elect, Deputy Mayor-elect, and Councillors-elect with a list of Committees, Sub-Committees and Local Boards to which Council appoints member(s) to sit.
- 5.1.3 By December 1 in an election year, Members of Council-elect shall meet to consider and make recommendations related to committee structure and composition and to select the Committees, Sub-Committees and Local Boards to which they seek appointment.
- 5.1.4 Appointments of Council Members and the public will be made during a Special Council Meeting.

5.2 Committee, Sub-Committee and Local Board Meeting Minutes

- 5.2.1 Committee, Sub-Committee and Local Board Meeting minutes must be completed and circulated by the Secretary to the Committee, Sub-Committee

or Local Board Chair and then forwarded to the Clerk within one week of the Meeting date.

- 5.2.2 Recommendations to Council as a result of Committee, Sub-Committee or Local Board Meeting Minutes shall be listed with the Minutes on the Council Agenda. Council may vote on the recommendations collectively or may vote on each resolution separately if it is capable of standing on its own.

5.3 General Information for Committees and Local Boards

- 5.3.1 The Mayor is Ex-officio of all Committees of Council.
- 5.3.2 Where a Committee or Sub-Committee is established with a specified number of Members that does not provide for the membership of the Mayor as an Ex-Officio Member, such number of committee members will be automatically increased by one, except where prohibited by law. The Mayor, as an Ex-Officio Member, may vote and otherwise participate in such Committee or Sub-Committee on the same basis as any other Member.
- 5.3.3 The term of the Committee, Sub-Committee or Local Board shall be for four (4) years and generally ends at the conclusion of Council's term.
- 5.3.4 The Clerk will advertise for interested citizens to make application to serve on Committees, Sub-Committees and Local Boards prior to the conclusion of the current Council's term of office. Once applications have been received, they will be reviewed by the Clerk and Council Members elected to the new term of Council.
- 5.3.5 The election of public Committee, Sub-Committee and Local Board members to the various Committees, Sub-Committee and Local Board will be done via a roll call.
- 5.3.6 Vacancies on Committees, Sub-Committees and Local Boards that occur during the term will be filled as soon as practicable.
- 5.3.7 Council shall establish Ad Hoc Committees or Task Forces, as required and shall provide a mandate for each Ad Hoc Committee or Task Force.
- 5.3.8 Committee, Sub-Committee and Local Board members will be provided with a copy of the Town of Essex Local Boards/Committees Procedures and Best Practices Manual adopted by Council, as amended from time to time, and will be required to adhere to the procedures and best practices outlined in the manual.

Read a first and a second time and provisionally adopted on March 20, 2017.

Mayor

Clerk

Read a third time and finally passed on April 3, 2017.

Mayor

Clerk

Schedule "A" to By-Law Number 1592

Agenda - Order of Business, Deadlines and Notice

(Revised March 6, 2017)

A.1 Order of Business for Regular Meetings

A.1.1 The order of business for Regular Meetings shall be as follows:

1. Call to Order
2. Closed Meeting Report
3. Declarations of Conflict of Interest
4. Adoption of Published Agenda
5. Adoption of Minutes
6. Public Presentations
7. Unfinished Business
8. Reports from Administration
9. Reports from Youth Members
10. County Council Update
11. Correspondence
12. Committee Meeting Minutes
13. Financial
14. New Business
15. Notices of Motion
16. Reports from Council Members
17. Announcements
18. By-Laws
19. Adjournment

A.2 Deadline for Material Included in Regular Meeting Agenda

A.2.1 The deadline for receipt of material by the Clerk to be included on the Agenda for Regular Meetings shall be 2:00 PM on the Tuesday preceding the Regular Meeting.

A.3 Notice of Meetings

A.3.1 Regular Meeting

A.3.1.1 The Agenda for a Regular Meetings shall be posted on the Town of Essex website and electronically delivered in accordance with Section 3.6.1 of this By-Law, by no later than ninety-six (96) hours before the hour appointed for the holding of the Regular Meeting.

A.3.2 Special Meeting

A.3.2.1 The Agenda for a Special Meeting shall be posted on the Town of Essex website and electronically delivered in accordance with Section 3.6.2 of this By-Law by no later than 24 hours before the hour appointed for the holding of the Special Meeting.

A.3.3 Closed Meeting

A.3.3.1 Notice for a Closed Meeting shall be posted on the Town's website no later than twenty-four (24) hours before the hour appointed for the holding of the Closed Meeting. The Agenda for the Closed Meeting shall be electronically delivered in accordance with Section 3.6.3 of this By-Law.

A.3.4 Emergency Meeting

A.3.4.1 Notice for an Emergency Meeting shall be posted on the Town of Essex website no less than two (2) hours before the hour appointed for the holding of the Emergency Meeting.

Schedule "B" to By-Law Number 1592

Motions

B.1 Point of Order

- B.1.1 When a Member desires to call attention to a departure from or a violation of the rules of procedure, including a breach of the rules of procedure related to Delegations and members of the public, he or she shall ask leave of the Chair to raise a Point of Order promptly and at the time that the breach occurs.
- B.1.2 After leave is granted, he or she shall briefly state the reasons for a Point of Order and the Chair shall then decide upon the Point of Order and advise the Members of his or her decision.
- B.1.3 The Mayor or Chair has the ability to refer the Point of Order to the rest of Council for debate when in doubt as how to rule on an important point.
- B.1.4 Points of Order shall be noted in the Minutes by the Clerk and shall include any rulings made by the Chair or the Members.
- B.1.5 Unless a Member immediately appeals the Chair's decision to the Council, the decision of the Chair shall be final.
- B.1.6 When the Chair calls a Member to order, that Member shall immediately refrain from speaking until the Point of Order is dealt with. The Member shall not speak again to the matter under discussion without the permission of the Chair.

B.2 Appeal the Decision of the Chair

- B.2.1 Any two Members have the right to Appeal the decision of the Chair on a Point of Order by one Member making the Appeal and another seconding it.
- B.2.2 An appeal has the effect of taking the question from the Chair and vesting it with the Members for a final decision.
- B.2.3 If any debate or business has intervened since the Chair made the decision on a Point of Order, it is too late to appeal.

B.3 Motion to Divide the Question

- B.3.1 Where a series of resolutions related to a single subject exist, a Member may request one or more of the resolutions be considered separately by making a Motion to Divide the Question, which is adopted by a majority vote.

B.3.2 Where a series of resolutions relate to completely different subjects and a Motion to Divide is adopted, any resolutions in the series must be voted on separately.

B.4 Motion to Withdraw

B.4.1 If a Motion has not been received by the Chair, it is the property of its mover, who can withdraw it or modify it without asking the consent of anyone.

B.4.2 After a Motion is received by the Chair, it is deemed to be in possession of Council, a Committee, Sub-Committee or Local Board, but may, at the request of the mover and with the permission of Members, be withdrawn at any time before decision or amendment.

B.5 Motion to Adjourn

B.5.1 A Motion to Adjourn is made for the purpose of closing a Meeting and, once adopted, has the effect of closing the meeting immediately.

B.5.2 All Regular Council Meetings shall stand adjourned when Council, a Committee, Sub-Committee or Local Board has completed the business as listed on the Agenda, or upon the arrival of 11:00 PM.

B.6 Motion to Recess (while business is pending)

B.6.1 Members may make a motion to recess while another question is pending for the purpose of securing information relevant to the pending question or to allow for informal consultation on the pending question.

B.6.2 A Motion to Recess while business is pending provides for an immediate intermission which does not close the meeting. A Motion to Recess can only be amended as to the length of the recess.

B.6.3 Following the recess, the meeting immediately resumes at the exact point where it was interrupted.

B.6.4 When a Motion to Recess has been adopted for the purpose of informal discussion on the pending question, all Members shall be present at the discussion.

B.7 Motion to Recess (while no business is pending)

B.7.1 Members may make a Motion to Recess while no business is pending, with the recess either beginning immediately or at a future time.

B.8 Question of Privilege

- B.8.1 Raising a Question of Privilege permits a Member to make a request relating to the rights and privileges of the Members as a whole or any one Member.
- B.8.2 A Question of Privilege with respect to the Members as a whole may be related to the comfort of the Members (for example, heating, ventilation, lighting, noise, etcetera), the conduct of employees or visitors, the accuracy of published reports, etcetera.
- B.8.3 A Question of Privilege with respect to a Member, may relate to an incorrect record of a Member's participation in a meeting contained in minutes adopted in that Member's absence, a factual error relating to a Member that arises during debate or discussion, or to charges against a Member's character.
- B.8.4 A Question of Privilege shall take precedence over all other matters.
- B.8.5 If a Question of Privilege related to the Members as a Whole and a Question of Privilege related to any one Member are raised consecutively, the Question of Privilege relating to the privileges of the Members as a whole takes precedence over the Question of Privilege relating to an individual Member.
- B.8.6 In raising a Question of Privilege, a Member addresses the Chair who will ask the Member to state the Question of Privilege at which time the Member will either describe the situation briefly and ask that it be remedied, or if the Member believes that the matter will require formal action by Council, make a Motion covering the Question of Privilege.
- B.8.7 When the Question of Privilege has been disposed of, the business of the Meeting is resumed at the point at which it was interrupted.
- B.8.8 Questions of Privilege shall be noted in the Minutes, including any rulings by the Chair or Motions.
- B.8.9 A Member may appeal a decision by the Chair immediately after the Chair has rendered a decision, at which time the Chair will turn the appeal over to the Members as a whole.

B.9 Motion to Table

- B.9.1 A Motion to Table a particular matter removes the subject from consideration until Members vote to take it from the table. A matter can be tabled for a specific period of time or tabled indefinitely.

B.9.2 A Motion to Table applies to the main Motion and any amendments to it under debate at the time the Motion to Table was made. A Motion to Table shall not include additional statements.

B.9.3 A Motion to Take from the Table is required to bring the matter back before the Members for consideration.

B.10 Motion to Postpone (or Defer) to a Certain Time

B.10.1 A Motion to Postpone or Defer to a Certain Time is a motion requesting that a pending question be delayed to a definite day, Meeting, or hour, or until after a certain event.

B.10.2 A Motion to Postpone or Defer to a Certain Time is debatable as to its merits only, with no discussion of the main question and is amendable only to change the length of the postponement.

B.10.3 A Motion to Postpone or Defer to a Certain Time shall include a fixed date for the question to come back before consideration, must be made while the main Motion or an amendment is on the floor and takes precedence over that motion or amendment.

B.11 Motion to Refer

B.11.1 A Motion to Refer is a Motion to request that a pending Motion be referred to Administration, a Committee, Sub-Committee, a Local Board, or elsewhere to be investigated before bringing the matter back to the Members for consideration.

B.11.1 A Motion to Refer should include:

- 1) the name of the Department, Committee, Sub-Committee, Local Board or other body to whom the request is to be referred; and
- 2) instructions or directions respecting the information requested.

B.12 Motion to Amend

B.12.1 A Motion to Amend is a Motion to modify the wording of a pending Motion before the pending motion is acted upon.

B.12.2 A Motion to Amend is debatable if the Motion to be amended is debatable.

B.12.3 A Motion to Amend shall:

- 1) be made only to a previous Motion or to amend an amendment to the Motion;

- 2) be relevant to the question to be decided; and
- 3) take precedence over the Motion to which it is applied, even if that Motion ranks higher than Motion to Amend in the regular order of precedence of Motions.

B.13 Motion to Reconsider

- B.13.1 A Motion to Reconsider is a Motion requesting to bring back, for further consideration, a Motion that has already been decided on by Council, a Committee, Sub-Committee or Local Board.
- B.13.2 If the action approved in the original Motion cannot be reversed, the Motion cannot be reconsidered.
- B.13.3 A Motion may be reconsidered at the same Meeting or any Meeting following the Meeting when the Motion was considered provided that a Member who voted with the majority on the original Motion moves for reconsideration of the original Motion.
- B.13.4 Each Member shall be responsible for making a determination on how the Member voted on a specific matter.
- B.13.5 A Motion to reconsider a decided matter shall only be moved and seconded by two members who voted with the majority on the original Motion.
- B.13.6 A Motion to Reconsider suspends action on the Motion to which it applies until it has been decided.
- B.13.7 No discussion of the main question which is proposed for reconsideration shall be allowed until the Motion to reconsider is carried.
- B.13.8 No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.
- B.13.9 When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- B.13.10 The following motions cannot be reconsidered:
- 1) Motion to Adjourn;
 - 2) Motion to Recess;
 - 3) Motion to Suspend the Rules; and
 - 4) Motion to Reconsider.

B.13.11 A Motion to Reconsider a decided matter shall require the approval of two-thirds support of the whole of Council, a Committee, Sub-Committee or Local Board.

B.14 Motion to Rescind

B.14.1 A Motion to Rescind is a motion requesting that a previous action or resolution be cancelled or reversed. Motions cannot be rescinded when something has been done as a result of the vote on the main Motion that is impossible to undo.

B.15 Motion to Extend

B.15.1 In the event that the business before Council has not been completed by 11:00 PM, then Council, by majority vote of the Members present, may approve an extension of the Meeting in thirty (30) minute increments.

B.15.2 If other business on the Agenda is not completed after an extension or extensions, the Meeting shall reconvene at 6:00 PM on the subsequent day or on another day and time as agreed upon by Council by a majority vote.

Rules Relating to Motions

(Based on Robert's Rules of Order)

Order of Preference	In Order when Member has Floor	Must be Seconded	Is Amendable	Is Debatable	Vote Required for Adoption
<u>No Ranking</u>					
Point of Order	Yes	No ¹	No	No	No Vote (Ruled on by Chair)
Appeal the Decision	No	Yes	No	Yes	50% vote sustains the Chair
Divide the Question	No	Yes	Yes	No	Majority
Withdraw	Yes/No ²	Yes/No ²	No	No	Majority
<u>Ranked</u>					
Adjourn	No	Yes	No	No	Majority
Recess (while business is pending)	No	Yes	Yes	No	Majority
Recess (while no business is pending)	No	Yes	Yes	Yes	Majority
Question of Privilege	Yes	No/Yes ³	No	No	No Vote (Chair decides)
Table	No	Yes	No	No	Majority
Postpone Definitely	No	Yes	Yes	Yes	Majority
Refer to Committee	No	Yes	Yes	Yes	Majority
Amend	No	Yes	Yes	Yes (motion to be amended is)	Majority
Postpone Indefinitely	No	Yes	No	Yes	Majority
Main Motion	No	Yes	Yes	Yes	Majority

¹Chair can permit full explanation and can submit question to Members.

²If not granted by unanimous consent, can be moved by person requesting permission, or by another while the former has the floor. Motion must be seconded if

motion is made by person requesting permission, but does not need to be seconded if it is made by another Member.

³Does not need to be seconded unless the Question of Privilege raised is in the form of a Motion, in which case the Motion must be seconded.

The order of precedence of the motions in the chart above is **top to bottom**. A motion higher in precedence (rank) is higher in the chart. If a motion is pending, any motion listed above it is in order. Those listed below it are not in order.

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¹ The Table of Contents is provided for reference purposes only.