

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW 14 of 2017

A By-law to Provide for the Rules of Order and Procedure
for the Council of the Municipality of Lambton Shores

WHEREAS Section 238(2) of *the Municipal Act, 2001, SO 2001, C 25* as amended, states that every Council and local board shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

The Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

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Part 1 Definitions

“Chair” shall mean the Mayor or Deputy Mayor of any Meeting of Council or the Chair or Acting Chair of any Meeting of a Committee.

“Clerk” shall mean the Clerk of the Corporation of the Municipality of Lambton Shores..

“Closed Meeting” shall mean a closed session of Council, or Committee that is not open to the public.

“Committee” shall mean a committee established by Council.

“Council” shall mean the Council of the Corporation of the Municipality of Lambton Shores.

“Ex Officio” member shall mean a member who has all of the rights and privileges of membership, including the right to vote and, when in attendance, is counted as a member when determining if a quorum is present.

“Head of Council” shall mean the Mayor who shall preside at all meetings of the Council, and who is responsible for conducting the business of the meeting of Council. In the absence of the Mayor, the Deputy Mayor shall act as Head of Council.

“Mayor” is the Mayor of the Municipality of Lambton Shores

“Meeting” shall mean any regular or special meeting of Council, or a Committee of Council.

“Member” shall mean a member of the Council or when referring to a Committee, a member of a Committee appointed by Council.

“Point of Order” shall mean a concern regarding a rule of parliamentary procedure raised by a member.

“Point of personal privilege” shall mean when a member feels his or her personal reputation has been unduly injured by the words or behavior of another member.

“Presiding Officer” shall mean the Mayor of Council or if in reference to a Committee, shall mean the Chair of the Committee.

“Quorum” shall mean the majority of the members.

“Recorded Vote” shall mean the recording of the name and vote of every member on a motion made.

Part 2 General

- 2.1 The rules contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business by the Council. The rules contained in this by-law shall be observed, with the necessary modifications, in every committee.
- 2.2 Those proceedings of the Council or the Committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with Robert’s Rules of Order, 11th edition.
- 2.3 Any rules or regulations contained in this by-law may be suspended with the

consent of the majority of the members.

- 2.4 In the absence of the Mayor from the Municipality, or if he/she is absent through illness or if he/she refuses to act or if the office is vacant, the Deputy Mayor for the purposes of this by-law shall act in the place of the Mayor.
- 2.5 In the event that the Deputy Mayor is unable, for any reason, to act in the place of the Mayor, a member shall be appointed pursuant to subsection 226 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, to act from time to time as the head of Council.
- 2.6 The office of a Member of Council becomes vacant if the Member has been absent from meetings of the Council for three successive months without being authorized to do so by a resolution of the Council and recorded in the minutes

Part 3 Schedule of Meetings

- 3.1 Prior to December each year, the Clerk shall prepare and submit a schedule of Council meeting dates for the next year for consideration by Council. Once approved, the schedule shall be posted on the municipal website.
- 3.2 The inaugural meeting of the Council after a regular election shall be held on the first Tuesday in December, or on such day or time in December prior to the first Tuesday, as may be fixed by resolution of the exiting Council.
- 3.3 Issues that require additional time for a public hearing, such as Planning Applications, Drainage Considerations and Courts of Revision, and Property Standards matters may be heard at a special meeting called for that purpose. The rules of notice and order for these meetings will follow the statutory requirements for the specific type of public meeting.
- 3.4 The Mayor at any time may summon a special meeting of Council, subject only to 24 hours notice being provided to all members.
- 3.5 In addition, the Clerk shall summon a special meeting of Council upon receipt of a petition of the majority of the members of Council, for the purpose and at the time mentioned in the petition, provided that at least 24 hours notice of the meeting is given to all members.
- 3.6 As soon as practical after notifying members under Section 3.4 and 3.5, notice of the meeting shall be posted on the Municipal Website and provided to the media.
- 3.7 Notice of any change in meeting schedule or cancellation of meeting will be posted on the municipal website.
- 3.8 For workshops or Information sessions, the C.A.O. will provide members with notice for any Information Session/Workshop which shall set out the time, place,

format and content; and it is understood that no decision shall be made at these sessions, nor direction be given to staff; and that any decision to be made as a result of information shared at the workshop will be made through a staff report and considered at an open Council meeting.

- 3.9 An Emergency Governance Committee shall be formed to carry out the duties and responsibilities of the Council, only under the following circumstances:
for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the Municipal Emergency Plan; and at such times during which at least five members of Council are not able, for valid reasons, to attend a properly scheduled meeting of Council
- 3.10 Meetings shall be held at such place within the Municipality of Lambton Shores designated for such purpose by the Council and shall be held in accordance with the schedule of meetings of council and the committees prepared by the Clerk.

Part 4 Closed Meetings

- 4.1 All meetings shall be open to the public. A meeting, or part of a meeting, may be closed to the public if the subject matter being considered is:
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
 - (f) advice that it is subject to solicitor-client privilege, including communication necessary for that purpose;
 - (g) a matter in respect of which a Council, Committee or other body may hold a closed meeting under another Act.
- 4.2 In addition, a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56* if the Council is the head of an institution for the purposes of that Act.
- 4.3 A meeting of Council or Committee may be closed to the public if the following conditions are both satisfied:
- 1. The meeting is held for the purpose of educating or training the members.
 - 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, local board or committee.
- 4.4 Before holding a meeting or part of a meeting that is to be closed to the public, a Municipality or Committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - (b) in the case of a meeting under subsection 4.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection
- 4.5 Subject to subsection 4.6, a meeting shall not be closed to the public during the taking of a vote.
- 4.6 A meeting may be closed to the public during a vote if,
 - (a) subsection 4.1, 4.2 or 4.3 permits or requires the meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under a contract with the municipality or local board.
- 4.7 The rules of the Council shall be observed in closed meetings so far as may be applicable.
- 4.8 After consideration of a matter in the closed session, and the report from the closed session is in the possession of the Council, any resulting action of the Council by way of resolution or by-law of the Corporation shall be debated and voted upon in a public session, unless the subject matter under consideration must remain confidential as it pertains to issues noted in Section 4.1. 4.2 and 4.3.
- 4.9 No member or other person attending a closed session shall without the authorization of the Council, release confidential reports or information considered at a closed meeting, or discuss the content of such reports or information with persons other than members of the Council or appropriate Municipal staff members and/or agents of the Council concerned with the reports or information
- 4.10 Issues proposed for consideration during the “closed” session of Council shall be noted on the meeting’s agenda. Background information or reports will be delivered to Council members only, and will, if possible, be delivered at the same time as the regular agenda is posted on line.

Part 5 Meeting Agenda

The order of the business of the Council will be:

Call to Order

Closed Session

Open Session

Report of Closed session (if necessary)

Declaration of Pecuniary Interest

Approval of the Agenda

Adoption of Minutes of Previous Council Meeting

Councillor Reports

Statutory Public Meetings

Presentations

Delegations

Consideration of Correspondence, Petitions, Committee Minutes and Staff Reports

Notice of Motion

Emergent Issues

By-Laws and Resolutions

Adjournment

- 5.2 Other than request for presentations covered in Part 11, information for the agenda from members or municipal staff shall be submitted to the Clerk 7 days prior to the meeting.
- 5.3 Councillors may file a “Notice of Motion” to the Clerk 7 days prior to the meeting. If this matter is to reconsider a previously decided matter will be dealt with as outlined in Section 10 of this by-law.

A Notice of Motion pertaining to a matter that had not been dealt with previously would be received by Council at the next meeting. If the majority of the members supported the issue/proposal, the matter would be referred to a specified future meeting of Council, together with a Staff report with supporting or background information. A notice of motion shall not be considered or otherwise disposed of by the council unless the mover of the motion is in attendance at the meeting.

- 5.4 The order of business on the agenda may be re-ordered with leave of Council.
- 5.5 The agenda will be available to the members and the public by end of day the Thursday of the week prior to the scheduled meeting at which time it will be posted on the municipal website.

Part 6 Commencement of Meeting

- 6.1 A majority of the voting members shall constitute a quorum.
- 6.2 As soon after the hour fixed for the meeting if a quorum is present, the meeting shall be called to order by the Chair.
- 6.3 If there is no quorum present within one half hour after the time appointed for the

meeting, the Council shall stand adjourned until the date and time of the next regular or special meeting, and the Clerk shall record the name of the members present upon such adjournment.

- 6.4 In the absence of the Chair, the Clerk shall call the meeting to order 15 minutes after the hour appointed for the meeting and the members shall elect a member to preside during the meeting or until the arrival of the Chair.

Part 7 Rules of Debate and Conduct

- 7.1 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.
- 7.2 If the Chair desires to take part in the debate or for any other reason, he/she shall designate another member to serve in the place of the Chair until he/she resumes the Chairmanship of the meeting, and shall pass the gavel to the designate.
- 7.3 Before a member may speak to any matter, he/she shall first be recognized by the Chair.
- 7.4 A member shall not speak more than twice to any motion for a total of 5 minutes, unless otherwise decided by a majority vote of the members present, and the member who has made a motion shall be allowed to speak last.
- 7.5 A member may ask a concisely worded question of another member, or of the C.A.O. through the Chair prior to the motion being put to a vote by the Chair in accordance with the section of this by-law pertaining to voting.
- 7.6 A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.
- 7.7 Only one motion to amend the main motion shall be allowed at one time.
- 7.8 If a main motion is amended more than once, the mover and seconder shall withdraw the original motion and a new motion will be presented based on the outcome of the discussion.
- 7.9 An amendment to a motion, and/or an amendment to the amendment shall not change the integral intent of the original motion.
- 7.10 A member shall not use profane or offensive words or insulting expressions.
- 7.11 A member shall not disobey the rules of the meeting or a decision of the Chair or of the members on points of order or on the interpretation of the rules of procedure..
- 7.12 A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

- 7.13 A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.
- 7.14 A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Chair.
- 7.15 In accordance with the *Municipal Act, 2001, SO 2001, c25* requirements, the Chair shall preside over meetings so that its business can be carried out efficiently and effectively; and may eject a member or a member of the audience for improper conduct;
- 7.16 If the person apologizes, the Chair with the approval of the members may permit him/her to resume his/her seat.
- 7.17 At any time during a discussion, a member may raise a “Point of Order” to call to the attention of the Chair a breach of the Procedural By-law. The Chair shall rule on the point of order before business continues.
- 7.18 When a member feels “his” or “her” personal reputation has been unduly injured by the words or behavior of another member, he/she may call a point of personal privilege, which will take precedence over all other business (except for motions to adjourn).
- 7.19 After all members have had an opportunity to speak to the issue as permitted in Section 7.4, the Chair shall call the vote.
- 7.20 Electronic Devices
- I. In deference to the public meeting at hand, members should make every effort to refrain from sending or receiving electronic communication of a personal nature during meetings.
- II. Members are permitted and encouraged to use electronic devices provided by the Municipality of Lambton Shores to access electronic versions of the meeting agenda and related documents.
- III. Members shall not use electronic communication devices to review or access information regarding matters not under consideration during a meeting.
- IV. Members shall not send or receive electronic communications concerning any matter before the members during a meeting.
- V. Members shall not access the internet concerning any matter before the members during a meeting except to access agenda package information
- VI. No electronic devices shall be allowed in closed session meetings except those electronic devices provided by the Municipality of Lambton Shores to access electronic version of the confidential closed meeting agendas and related documents.

Part 8 Motions and Amendments

- 8.1 Prior to the consideration of Correspondence, Petitions, Committee Minutes and Staff Reports, the members shall determine which such items require separate consideration. All items not requiring separate consideration shall be disposed of by one motion prior to consideration of individual separated items.
- 8.2 Motions shall be seconded before being debated or put to a vote.
- 8.3 Motions that fail to receive a seconder are not recorded in the minutes.
- 8.4 Every motion shall be deemed to be in the possession of the members for debate after it is moved and seconded, and accepted by the Chair, but may, with the permission of the members, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.
- 8.5 Any motion proposed to amend an agenda item recommendation or arising from the discussion shall be presented in writing to the Chair at the meeting if possible.
- 8.6 Requests for staff reports or other substantive reports will be made by motion, and include the expected delivery date.
- 8.7 When a motion is under debate, no other motion shall be in order except a motion:
- (a) to adjourn;
 - (b) to proceed beyond the hour of 9:00 p.m.;
 - (c) to table;
 - (d) to put the question (to close the debate);
 - (e) to postpone;
 - (f) to refer; or
 - (g) to amend.
- 8.8 A motion to adjourn shall:
- (a) not be amended;
 - (b) not be debated;
 - (c) not include qualifications or additional statements; and
 - (d) always be in order, except when a member is speaking or the members are voting
- 8.9 When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.
- 8.10 The meeting shall always adjourn at 9:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present at a meeting to extend the meeting by one hour.
- 8.11 A motion to proceed beyond the hour of 9:00 p.m. shall:

- (a) not be amended;
 - (b) not be debated; and
 - (c) always be in order, except when a member is speaking or the members are voting.
- 8.12 A motion to proceed beyond the hour of 10:00 p.m. must be approved unanimously.
- 8.13 A motion to table shall:
- (a) not be amended;
 - (b) not be debated;
 - (c) apply to the main motion and any amendments thereto under debate at the time when the motion to table was made;
 - (d) not include qualifications or additional statements;
 - (e) shall include the date at which the motion will be brought forward.
- 8.14 A motion to close the debate and call the vote shall:
- (a) not be amended;
 - (b) not be debated;
 - (c) not be introduced by a member who has already spoken to the motion or amendment under debate;
 - (d) apply to the motion or amendment under debate at the time when the motion to put the question is made;
 - (e) be moved using the words "that the question now be put" and the mover and the seconder shall not be permitted to speak to the motion to put the question.
- 8.15 A motion to postpone a matter to a certain time or date shall:
- (a) be open to debate;
 - (b) be amendable; and
 - (c) preclude amendment and debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.
- 8.16 A motion to refer a matter under consideration to a committee, to the Administration or elsewhere shall:
- (a) be open to debate;
 - (b) be amendable; and
 - (c) preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.
- 8.17 A motion to amend shall:
- (a) be open to debate;
 - (b) not propose a direct negative to the main motion; and
 - (c) be relevant to the main motion.

- 8.18 A recess will be convened either by motion or at the discretion of the Chair. A motion to recess when other business is before the meeting shall specify the length of the time of the recess.

Part 9 Voting

- 9.1 Voting on the main motion and amending motions shall be conducted in the following order:
(a) a motion to amend the main motion; and
(b) the main motion (as amended or not).
- 9.2 When the motion under consideration contains distinct propositions, upon the request of any member and provided a recorded vote has not been called for, the vote on each proposition shall be taken separately.
- 9.3 A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with section 7.4 of this by-law.
- 9.4 After a motion is put to a vote by the Chair, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.
- 9.5 Every member present shall vote on every motion unless the member indicates a conflict of interest.
- 9.6 Every member who is not disqualified from voting by reason of a declared conflict of interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.
- 9.7 The manner of determining the decision of the members on a motion shall not be by secret ballot or by any other method of secret voting, except where authorized by the *Municipal Act, 2001, SO 2001, c25* as amended.
- 9.8 When putting the question to vote, the Chair shall first ask for those in favour of its adoption to raise their hands, then ask for those opposed to its adoption to raise their hands.
- 9.9 The Chair shall announce the result of every vote other than a recorded vote.
- 9.10 When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.
- 9.11 A recorded vote shall be taken when called for by any member or when required by law.
- 9.12 A member may only call for a recorded vote immediately prior to or immediately after the taking of the vote only. The names of the members voting for or against a motion will not be recorded, except in accordance with this section.
- 9.13 The Chair and all members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a declared

conflict of interest.

9.14 In any vote required of all the members, the number of members constituting the membership shall be determined by excluding:

(a) 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*,

(b) the number of seats that are vacant on the Council by reason of section 259(1) of the *Municipal Act, 2001, SO 2001c.25*, as amended.

9.15 Upon the request for a recorded vote, the Clerk shall ask each member individually to announce their vote openly and shall record such vote and declare the results.

9.16 When a recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

Part 10 Reconsideration

10.1 No motion for the reconsideration of any decided matter shall be permitted more than once during a 12 month period nor shall a motion to reconsider be reconsidered.

10.2 A motion to reconsider a decided matter shall be introduced at the “Emergent Issue” section of the agenda when it is made at the same meeting when the original motion was decided. .

10.3 A member may submit a notice of motion to reconsider a decided matter to the Clerk within the deadline prescribed in this by-law for inclusion in the next regular meeting.

10.4 A notice of motion to reconsider a decided matter filed with the Clerk shall not stop or delay any administrative action on the decided matter at any time before the notice of motion has been dealt with by the members

10.5 A notice of motion will not be considered if the required action in the motion has already occurred.

10.6 A motion to reconsider a decided matter shall require the approval of a quorum of the members.

10.7 If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

10.8 No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

Part 11 Public Presentations and Delegations

Presentations

- 11.1 Persons or groups wanting to make a presentation shall advise the Clerk no later than 11:00 a.m., 11 calendar days prior to the meeting and shall submit the information in accordance with the Municipal presentation policy. A determination may be made not later than 7 days before the meeting whether or not to defer the presentation to a subsequent meeting.
- 11.2 Public presentations are for information only.
- 11.3 Public presentations at a meeting shall be limited to a maximum of 10 minutes and shall be heard at the beginning of a Council or Committee meeting.
- 11.4 Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion.
- 11.5 A maximum number of three presentations will be heard at a meeting and times will be assigned not later than 7 days before the meeting..
- 11.6 Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda as per timelines outlined in Section 11.1.

Delegations

- 11.7 Persons wanting to make a delegation on an item on an agenda shall advise the Clerk no later than 12:00 noon the day preceding the meeting and shall submit the information in accordance with the Municipal delegation policy.
- 11.8 A delegate may only address Council or Committee with respect to an item on the agenda.
- 11.9 No delegation shall be made to Council or Committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- 11.10 No delegation shall speak on a matter that is not within the jurisdiction of the Council or Committee.
- 11.11 No delegations shall be made to notices of motion on a Council or Committee agenda. Delegates will have an opportunity to speak at a subsequent meeting where that item will be discussed.
- 11.12 Delegations shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.

- 11.13 Delegations will be recognized by the Chair, and will be required to clearly state his/her name, address and group affiliation if appropriate.
- 11.14 Delegations will be limited to speaking for a maximum duration of 3 minutes; with the exception of a public meeting held under the *Planning Act, R.S.O. 1990, c.P. 13* or the *Drainage Act, R.S.O. 1990, C.D.17* at which the applicant will be provided an opportunity to address the members, which may exceed the 3 minutes limit

Part 12 Communications and Petitions

- 12.1 Every communication which deals with a matter on the agenda shall be delivered to the Clerk before 11:00 a.m., 11 days prior to the meeting will be included in that meeting's agenda.
- 12.2 Any other correspondence, addressed to the Mayor and Council, will be forwarded to the Council members by the Clerk by electronic mail delivery and will not be placed on the Council or Committee agenda. If a member wishes Council to address an item of correspondence, this matter shall be brought forward to the Clerk by the member within the timelines outlined in 12.1 and will be placed under Communications and Petitions.
- 12.3 Correspondence, presentation and delegation requests or petitions intended for inclusion in a Council or Committee agenda, or otherwise considered by Council, shall be legibly written or printed, shall be signed by at least one person giving his/her name, address and telephone number, and shall not contain any defamatory statements, allegations, inferences, impertinent, disrespectful or improper matter.
- 12.4 Correspondence, presentation and delegation requests or petitions deemed by the Clerk not to comply with section 12.3 will be returned to sender (if known) with an explanation as to why the material cannot be included in the Council or Committee agenda.

Part 13 Emergent Issues

- 13.1 New business shall not be considered by the members unless it is emergent.
- 13.2 A motion moved as an emergent issue, shall:
- a) identify the nature of the motion, as an emergent, congratulatory or condolatory matter, and
 - b) in the case of an emergent matter, identify the nature of the urgency and the reason for not referring the item to the next regularly scheduled Committee or Council meeting;

- 13.3 A motion dealing with an item of emergent issue shall require the approval of the members.

Part 14 Record of Meeting – Minutes

- 14.1 The Clerk or recording secretary of a committee shall record without note or comment, all resolutions, decisions and other proceedings of the council, whether it is closed to the public or not.
- 14.2 The record required by 14.1 shall be made by,
- (a) the clerk, or designate, in the case of a meeting of council; or
 - (b) the *appropriate* employee, in the case of a committee meeting.
- 14.3 The minutes are the official corporate record of the proceedings, and shall consist of a record of the place and time of the meeting, the name of the Presiding Officer if other than the Mayor, a record of all members present, and the names of those absent, together with all resolutions, decisions, and other proceedings of the members.
- 14.4 At the next regularly scheduled meeting, the minutes of the previous meeting shall be considered so that any errors may be corrected and once approved, signed by the Chair and Clerk.
- 14.5 Personal statements shall only be made during Councillor Reports unless it is a statement made by the chair regarding the efficiency or effectiveness of conducting the meeting or on a members point of personal privilege. Written statements prepared by members will not be included in the minutes.
- 14.6 Only approved minutes will be posted on the website.

Part 15 Rules of Conduct – Council Meetings and Public Meetings

- 15.1 The Chair shall preside over the conduct at all meetings and public participation meetings, including the order and decorum, enforcing the provisions in the Procedural By-law, ruling on point of order and deciding all questions relating to the orderly procedure of the meeting;
- 15.2 Participants will be recognized by the Chair, and will be required to clearly state his/her name, address and group affiliation if appropriate;
- 15.3 A participant will be limited to speaking for a maximum duration of 3 minutes; with the exception of a public meeting held under the *Planning Act, R.S.O. 1990, c.P. 13* or the *Drainage Act, R.S.O. 1990, c.D.17* at which the applicant will be provided an opportunity to address Council, which may exceed the 3 minute limit;
- 15.4 All questions and statements will be addressed to the Chair
- 15.5 There will be no response to questions or comments made during the public

meetings, or discussion period except for the purpose of clarification, with the exception of a public meeting under the *Drainage Act, R.S.O. 1990, c.D.17, Planning Act, R.S.O. 1990, c..P.13 Development Charges Act, 1997, S.O. 1997, c.27* or similar Act, during which the municipal consultant may provide a response to a question raised;

- 15.6 No participant may speak more than once until all wishing to speak have had an opportunity;
- 15.7 Placards or other displays that may disrupt the meeting will not be permitted in the public meeting place;
- 15.8 The Chair shall:
 - a) interrupt, warn, or terminate a person's statement when the statement is too lengthy, personally directed, abusive, repetitive, or irrelevant;
 - b) request any individual to leave the meeting when that person does not observe reasonable decorum;
 - c) request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 - e) call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
- 15.9 In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the members may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting, until all others wishing to speak have had an opportunity.
- 15.10 Decisions will not be made at a public meeting.
- 15.11 Other than meetings held in conjunction with a regularly scheduled Council meeting, or a special Council meeting held for that purpose, a public meeting will not dissolve into a Council meeting.
- 15.12 The minutes of the public participation meeting will include a synopsis of the topic of the meeting, and list the names and addresses of all persons who made oral submissions at the meeting, and a synopsis of the issue(s) raised.
- 15.13 Members of the public who constitute the audience at a meeting, shall not:
 - address Council or Committee without permission;
 - engage in any activity or behavior that would affect the Council or Committee deliberations.
 - make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Chair, Members of Council or Committee.

Part 16 Enactment of By-Laws

- 16.1 By-laws shall be printed and distributed with the Agenda for the meeting at which they are to be read.
- 16.2 Every by-law shall receive 3 readings before being enacted by the Council.
- 16.3 Unless otherwise provided by law, a by-law may receive all 3 readings at the same meeting, and as part of one motion.
- 16.4 Motions for the first and third readings of by-laws shall not be amendable or debatable.
- 16.5 Amendments and debate on the content of by-laws shall be in order after a motion for the second reading of the by-laws has been duly made and seconded.
- 16.6 During the debate on the motion for the second reading of by-laws, by-laws may, by a majority vote of the members present, be referred to staff, or a committee of Council.
- 16.7. Every by-law enacted by the Council 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 the Council.

Part 17 Standing Committees

- 17.1 The Mayor shall be an ex officio member of all committees of the Council.
- 17.2 The standing committees shall meet at the Call of the Chair.
- 17.3 Council members shall be appointed to serve on the standing committees for a two year term. The Chair of the Committee shall be elected by the members at the first meeting.
- 17.4 Any standing committee meeting, or any part thereof, may be held in closed session if the committee so decides by a majority vote of the members present to consider matters in accordance with sections 4.1, 4.2 and 4.3 of this by-law.
- 17.5 The rules governing the procedure of the Council and the conduct of its members shall be observed in standing committee meetings, with the necessary modifications.
- 17.6 Minutes of the proceedings of standing committee meetings shall be kept, and presented to the Council for adoption.
- 17.7 The Recording Secretary shall give notice of regular standing committee meetings on the municipal website, with the posting of the agenda.
- 17.8 Lack of receipt of the agenda by the members shall not affect the validity of the

standing committee meeting or any action taken.

17.9 The deadline for material to be included on the agenda of each standing committee shall be 12:00 p.m. noon on the day one week prior to the standing committee meeting.

17.10 The Clerk may assign a person to prepare the minutes of a committee meeting.

Part 18 Ad Hoc Committees

18.1 The Council may by resolution establish “Ad Hoc” committees which shall advise the Council on matters assigned or referred to them by the Council.

18.2 The Council shall determine the “Terms of Reference” for each committee established.

18.3 The Council shall appoint the members of Council and the citizens who shall serve on each committee and Council shall determine the term of the appointment of each member.

18.4 The Mayor of the Council shall be an ex officio member of all ad hoc committees.

18.5 Each committee at its first meeting shall elect a Committee Chair from amongst its members.

18.6 A quorum for a committee shall be the majority of those appointed to the committee by the Council.

18.7 The rules governing the procedure for the Council shall be observed in all committees insofar as applicable.

18.8 A committee which refuses or neglects to give due consideration to any matter assigned to it or before it, may by Council resolution be discharged of such responsibility.

18.9 Each committee is subject to the control and direction of the Council.

18.10 Each committee shall submit, through staff, minutes or reports with recommendations to the Council on all matters connected with their duties or matters referred to them by the Council.

18.11 The Clerk may assign a person to prepare the minutes of a committee meeting.

Part 19 Disclosure of Interest

19.1 Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in

any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 19.2 If the meeting referred to in 19.1 is not open to the public, in addition to complying with the requirements of that section, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- 19.3 Where the interest of a member has not been disclosed as required by section 19.1 by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with section 1 at the first meeting of the council or local board, as the case may be, attended by the member after the meeting.
- 19.4 Every declaration of interest and the general nature thereof made under 19.1 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.
- 19.5 Every declaration of interest made under 19.2 but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.
- 19.6 The failure of one or more members to comply with section 19.1 of this by-law shall not affect the validity of the meeting in regard to the said matter.
- 19.7 Notwithstanding the provisions of section 6.1 of this by-law, when a majority of members have disclosed an interest in accordance with section 19.1 of this by-law and the *Municipal Conflict of Interest Act*, as may be amended from time to time, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Part 20 Confirming By-law

- 20.1 The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision of the Council at that meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
- 20.2 Notwithstanding the provisions of section 17.6 of this by-law, confirming by-laws shall not be amendable or debatable.

Part 21 Repeal of Previous By-laws

21.1 By-Law 41-2014 is hereby repealed in its entirety.

Part 22: Electronic Meetings during Declared Emergency

22.1 For the purposes of this Part 22, the following terms shall have the following meaning and all other terms shall have the meaning given to them in Part 2 hereof:

"Emergency" means any period of time during which an emergency has been declared to exist by the Mayor and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

"Electronic Meeting" means a meeting called by the Mayor and held in full or in part through such electronic means selected by the Mayor, in consultation with the Clerk, taking into account the Municipality of Lambton Shore's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online through the Internet or otherwise via the Internet and with or without in person attendance.

22.2 Notwithstanding any other Part hereof, at the call of the Mayor a regular or special meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.

22.3 The Electronic Meeting may be held at any place designated by the Mayor.

22.4 A Member 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.

22.5 An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded and in accordance with this Part.

22.6 The order of business during an Electronic Meeting may be amended to accommodate the electronic meeting format.

22.7 Any delegation or presentation that is permitted shall first meet all requirements in Part 11 of this By-Law.

22.8 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.

22.9 The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part 22. In the event of any inconsistency and/or conflict between this Part 22 and any other Part of these Rules of Procedure, this Part 22 shall prevail to the extent of the inconsistency and/or conflict.

This by-law shall come into force and effect upon final passing thereof.

Read a first and second time this 28th day of March, 2017

READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF MARCH, 2017

MAYOR – Bill Weber

CLERK – Nancy Wright-Laking