 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	STAFF REPORT
TO:	Mayor and Council
FROM: TITLE:	Brent Larmer Municipal Clerk/Manager of Legislative Services Robyn Bonneau Records and Committee Coordinator
DATE OF MEETING:	January 7, 2019
TITLE / SUBJECT:	Amendments to the Council Procedural By-law No. 079-2017
REPORT DATE:	December 28, 2018

1.0 STRATEGIC PLAN

Objective #5 – Improving efficiencies and effectiveness in municipal operations and to ensure citizens are well informed about the activities of Council and the Town of Cobourg.

2.0 PUBLIC ENGAGEMENT

Pending the approval of Council, a Notice of Public Council Procedural By-law Meeting for January 28, 2018, will be posted in the local newspaper and Municipal website.

3.0 RECOMMENDATION

THAT Council receive the draft amended Council Procedural By-law from the Municipal Clerk/Manager of Legislative Services for information purposes; and

FURTHER THAT Council, in accordance with the Public Notice Policy, direct the Municipal Clerk to prepare a Notice to be published in the local newspaper and on the Municipal Website to advise citizens of a Public Meeting to be held on Monday, January 28, 2018, to present the amendments to the procedural by-law and to allow for the public to comment on the draft procedural by-law.

4.0 ORIGIN/BACKGROUND

In accordance with Section 238(2) of the Municipal Act, 2001, every Ontario

municipality and local board is required to adopt a procedural by-law to govern the calling, location and proceedings of meetings. A well-constructed Procedural By-law facilitates the business of the Town Council and its Committees and Boards.

The Municipal Procedural By-law was last revised and approved in Regular Council on October 30, 2017, through By-law No. 079-2017. The goal of the proposed amendments is to update the current by-law provisions to provide greater clarity of procedural rules and by-law definitions.

5.0 ANALYSIS

The Legislative Services Department conducted a best practice research on municipal meeting management which included the review of Procedural By-laws of other Ontario municipalities.

The results of such findings have been included in the proposed revised Procedural By-law which is attached hereto as Appendix 'A'. Proposed amendments to the Procedural By-law are also based on feedback from the General Government Services, Robert's Rules of Order and provincial legislation. New or substantively revised provisions have been highlighted in red.

The following is a list of the recommended changes for the amended Procedural By-law as underlined and within the attached draft by-law, including but not limited to:

- Several definitions were amendments for greater clarity, including: Chair (Page 2) Motion (Page 4), Point of Personal Privilege (Page 4), and Meeting (Page 4).
- A number of new definitions were added to the By-law, including: Advisory Committee (Page 2) Victoria Hall Meeting Rooms (Pages 2 and 3), Civic Web (Page 2), Communications (Page 3), Confirmatory By-law (Page 3), Public Meeting (Page 5) Quarterly Open Forum (Page 5), and a list of definitions related to Motions (Page 6).
- Administrative amendments to the general provisions of Council and Committee meetings (Page 8) to require a motion to be passed by majority of the members to continue a meeting past 8:00 p.m., rather than 11:00 p.m. as provided in the former by-law.
- Administrative amendments to the order of business in the Committee of the Whole meetings related to the Coordinator and Staff Reports, and the addition to Notice of Motions.

- Administrative amendments to the order of business in the Regular Council meetings to include Notice of Motions, Committee/Board Minutes and Confirmatory By-laws (Page 16).

The addition of the Committee/Board Minutes will allow the Municipal Council to be kept better informed of the activities of its Committees and Boards.

The Confirmatory By-law will provide for better enforcement of Resolutions and other actions taken that were passed at Regular Council Meetings so that every decision of Council shall have the same force and effect as if each and every one of them had been the subject matter of a separately enacted by-law.

- Administrative amendments to the Disclosure of Pecuniary Interest for Council, Committee and Board Members. The new provisions (Pages 17-18), provides for better clarification on the requirements for members to disclose their pecuniary interest in the event they did not attend the meeting or discovered after participating in a meeting, that they had a pecuniary interest.

New amendments to the Registry (Page 18) now requires a copy of each Declaration recorded in the Minutes, Notes, or Reports of the applicable meetings.

- Administrative amendments to the Correspondence section (Page 35) which now provides the authority to the Municipal Clerk to not respond or place on an Agenda any correspondence which is anonymous, vexatious, illegible or that contains any disrespectful or offensive language.
- Administrative amendments to the Unfinished Business section (Page 37) to provide a new term of Council the opportunity and provisional power to accept or to dispose of the unfinished business items of the previous term of Council.
- Substantive amendments to the Delegation section (Pages 19-21) now provides for greater ability and scope for the Municipal Clerk to schedule Delegation to Council or Committee meetings according to the subject matter of the delegation and the number of delegations already on the Agenda for the requested meeting.

The deadline to submit presentation material for Delegates has been changed to the Friday preceding the meeting, to avoid the potential conflict of delegation deadlines as provided in the previous by-law, regarding the delegation request and the material deadlines.

A new provision disallows Delegates who have appeared before the Committee of the Whole to make the same Delegation, with no new substantial information, to the following Regular Council Meeting.

- Substantive amendments to Motions (Pages 22-34) which now include greater clarity on the types of motions and what they entail. Notices of Motion will now require Members to deliver a written copy of the Motion prior to the Agenda being published at which the notice of motion is to be given.
- A new section on Council Statutory Planning Meetings (Pages 41-42) has been included to provide provisions and guidance on the procedure of statutory planning meetings.
- A new section on Quarterly Open Forum (Page 43) has been included to allow any individual to address Council to make informal inquiries or to comment on matters of municipal business.

6.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

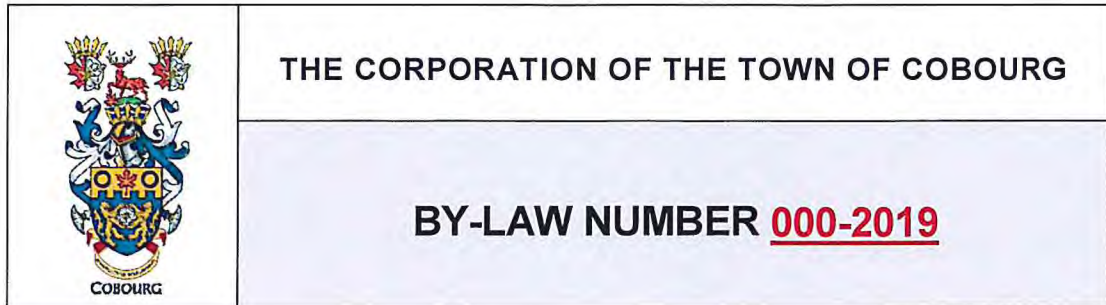
No financial impacts.

7.0 CONCLUSION

The objective of the revised Procedural By-law is to assist Members of Council, including its Committees and Boards, in carrying out the business of Council in an efficient, consistent and effective manner. The amendments listed in the Procedural By-law help to provide clarification which is positive for elected officials, Municipal Staff, and the residents of the Town of Cobourg.

8.0 ATTACHMENTS

Draft Procedural By-law (Appendix 'A')



A BY-LAW TO ESTABLISH THE RULES OF ORDER AND PROCEDURES FOR MUNICIPAL COUNCIL AND COMMITTEE MEETINGS OF THE CORPORATION OF THE TOWN OF COBOURG

WHEREAS parliamentary procedures are rooted in principles designed to ensure the fair and efficient disposition of business before a deliberative body;

AND WHEREAS Section 238(2) of the Municipal Act, 2001, provides that every Municipality shall pass a procedural by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS Council and its Committees shall also follow the regulations as set out within the Municipal Conflict of Interest Act, and the parliamentary authority of Robert's Rules of Order;

AND WHEREAS Council finds it appropriate to repeal and replace by-law 079-2017, as amended;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

(TABLE OF CONTENTS WILL BE PLACED HERE)

1.0 SHORT TITLE

1.1 This by-law may be referred to as the "Procedural by-law" or the "Rules of Procedure".

2.0 DEFINITIONS

2.1 In this by-law,

"Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended

“Ad Hoc Committee” means a Committee established by Council with a defined ending, to report directly to Council on a specific matter

“Advisory Committee” means a Committee established by Council, to address on-going administrative matters within the scope and responsibility of Council and will provide periodic reports to Council presenting advice and recommendations on matters under consideration

“Agenda” means the list of business items and order of proceedings for a meeting

“Annual Report” means the report that is provided to Council annually regarding the review of all Advisory Committees

“Board Room” means the Board Room on the 3rd floor of Victoria Hall, 55 King Street West, Cobourg

“CAO” means the Chief Administrative Officer of the Town or his/her designate

“Civic Web” means the Town of Cobourg Civic Web, accessed at <https://cobourg.civicweb.net>, which allows citizens to access information regarding Committees and Council meetings through agendas, minutes and reports, in addition to Town Policies, Procedures and By-laws

“Chair” means the Presiding Officer at a meeting or such other person as may be authorized to preside in their absence

“Clerk” means the Municipal Clerk of the Town of Cobourg or designate appointed by Council

“Closed Session” or **“In-Camera Meeting”** means a meeting, or part of a meeting, which is closed to the public, other than those persons specifically invited by Council or Committee to remain as permitted by the Act and this procedural by-law

“Communications” means communication items received by Council which includes but is not limited to letters, memorandums, reports, notices, electronic mail, facsimile, petitions, brochures, media release and newspaper/magazine articles

“Committee” means a committee of Council, an Advisory Committee or an Ad Hoc committee established by Council from time to time but does not include Committee of the Whole

“Committee Chair” means a Presiding Officer of a Committee of the Whole, Advisory or Special Committee and shall have the same powers during a committee meeting as the Head of Council during Council meetings

“Committee Room” means the Committee Room on the 3rd floor of Victoria Hall, 55 King Street West, Cobourg

“Committee of the Whole” means a Committee comprised of all Members of Council

“Conference Room” means the Conference room on the 1st floor of Victoria Hall, 55 King Street West, Cobourg

“Confirmatory By-law” means a by-law passed at the conclusion of Regular Council Meetings, confirming the actions of Council taken at that Meeting and any previous Meetings which did not have a Confirmatory By-law, in respect of each Resolution and other actions taken, so that every decision of Council at that Meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separately enacted by-law

“Conflict of Interest” means a pecuniary (financial) interest as defined in the Municipal Conflict of Interest Act

“Council” means the elected and sworn-in members of the Municipal Council of the Town of Cobourg

“Council Chambers” means the Council Chambers on the 3rd floor of Victoria Hall, 55 King Street West, Cobourg

“Council Floor” means the part of the Council Chambers between the podium and the seats of the Mayor and Members of Council that is separated from the public gallery and press areas

“Council Service Coordinator” is a Member of Council appointed to assume responsibility for a specific municipal service area such as Economic Development, General Government, Planning and Development, Public Works, Community Services, Parks and Recreation, and Protection Services

“Council Service Coordinator Alternate” means the alternate Council member that is appointed by Council to temporarily assume the role and responsibility of another Council Service Coordinator who, by reason of absence, illness, or other such circumstances, is not able to perform their duties as that Council Service Coordinator

“Delegation” means, as the context may require, a person who addresses or seeks to address Council or a Committee

“Deputy Mayor” means the Member of Council elected to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or when the Office of Mayor is vacant

“Head of Council” means the Mayor who shall preside at all meetings of the Council (unless absent or refuses to act); and the Head of Council is also the Chief Executive Officer of the Municipality

“Local Board” means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include the Cobourg Police Services Board, the Cobourg Public Library Board, a school board, hospital board, or conservation authority

“Majority Vote” means an affirmative vote of more than one half of the Members present and voting

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

“Member” means a member of Council and/or an appointed or elected member of a municipal Committee or Local Board

“Motion” means a proposal by a Member to adopt, amend, or otherwise deal with a matter before Council or a Committee

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

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

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

“Point of Order” means a Motion raised by a Member drawing attention to an infraction of this By-law

“Point of Personal Privilege” means a Motion concerning the health, safety, rights, or integrity of the Member, the Council, a Committee or anyone present at a Meeting

“Point of Privilege” means a question by a Member to the Presiding Officer and the Members that a privilege affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives is being affected adversely and to request that action be taken to rectify the situation

“Point of Procedure” means a question by a Member to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand require clarification in order to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion

“Presiding Officer” means the Mayor or Acting Head of Council, or Chair of a Meeting

“Public Meeting” means a Meeting held to hear public input, as may be prescribed by legislation or where public input is sought on a matter

“Quarterly Open Forum” means the time period that is one (1) hour following the scheduled Committee of the Whole Meeting, during which any individual may address Council to make informal inquiries or to comment on matters of municipal business

“Quasi-Judicial Committee” means a Committee created by Council to exercise a legislative or quasi-judicial power under the Planning Act, Municipal Act, or any other Act as prescribed, and includes a Property Standards Committee required under the Building Code Act

“Quorum” means the number of Members required for the legal conduct of the business of Council or a Committee

“Recorded Vote” means the making of a written record of the name and the vote of each Member who votes on a Motion

“Resolution” means a formal determination made by Council or a Committee on the basis of a motion, duly placed before a regularly constituted meeting of Council or a Committee for debate and decision, and is duly passed

“Robert’s Rules of Order” means the most current edition of Robert’s Rules of Order

“Secretary” means the recording secretary for a Council, Committee of the Whole or other Committee or Local Board meeting being the Municipal Clerk or designated Committee Secretary responsible for preparing Agendas and taking Minutes

“Special Meeting” means a meeting other than a Regular scheduled meeting called pursuant to the Act or the provisions of this by-law

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

“Sub-Committee” means a Council approved committee consisting of at least three (3) Members of a committee establishing the sub-committee, to consider one or more matters

“To Adjourn” means to end a Meeting

“To Recess” means to suspend a Meeting for a specified length of time

“To Table” means to postpone without setting a definite date as to when the matter will be discussed

“Town/Municipality” means the Corporation of the Town of Cobourg

“Town Website” means the Town of Cobourg official website at <http://www.cobourg.ca>

“Two-Thirds Majority Vote” means an affirmative vote of at least two-thirds of the Members present and voting, or

- i. 2/3 of 7: 5
- ii. 2/3 of 6: 4
- iii. 2/3 of 5: 4

“Unfinished Business” means business which has been raised at the same, or previous meeting, and which has not been completed

3.0 APPLICATION

- 3.1 The rules and regulations set out herein shall be observed in all proceedings of Council and, with necessary modifications, to Committees established by Council and Local Boards, and shall be the rules for the order and dispatch of business.
- 3.2 Notwithstanding anything in this by-law, where Council or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the Statutory Powers Procedure Act, as applicable, shall govern the proceedings.
- 3.3 In the event of a conflict between this by-law and legislation, the provisions of the legislation will prevail to the extent of the conflict.
- 3.4 In the event of a conflict between this by-law and any other by-law of the Town respecting meeting procedure, this by-law will prevail to the extent of the conflict.
- 3.5 If there is a conflict between two or more rules established by this by-law, or if there is no specific rule on a matter, the Chair will determine a rule. In making a ruling pursuant to this by-law, the Chair may consult the Clerk and with such others as the Clerk may recommend, rely on previous rulings and practices, and refer to Robert's Rules of Order as the rule for guidance on a specific parliamentary procedure.
- 3.6 This by-law shall not be amended, suspended or repealed except by an affirmative vote of two-thirds (2/3) of the Members present and pursuant to the Motion to suspend the Rules of Procedure as set out in this By-law.
- 3.7 Any definition of a word or phrase used in this by-law and not defined in this by-law has the meaning as defined in the Act.

4.0 INAUGURAL MEETING

- 4.1 Pursuant to the Municipal Act, 2001, the Inaugural Meeting of Council shall be held after the regular municipal election in accordance with this by-law and no later than thirty-one (31) days after the term commences.

- 4.2 The first order of business at the Inaugural Meeting shall be the Declarations of Office. A person elected or appointed to Council shall not take a seat on the Council of the Municipality until said elected or appointed official takes and signs the Declaration of Office in the English or French version of the form established by the Province of Ontario for that purpose.
- 4.3 The new Council shall be deemed to be organized after the Declarations of Office have been taken and signed by a sufficient number of Council Members to form a quorum.
- 4.4 A Striking Committee composed of the Mayor and Deputy Mayor shall prepare a report for presentation during the Inaugural Meeting recommending the appointment of the Council Service Coordinators and their alternates.
- 4.5 The appointment of Council Service Coordinators and appointments of Members of Council to various Local Boards and Committees shall be reviewed by the Mayor and Deputy Mayor mid-way through the four year term of Council.

5.0 COUNCIL AND COMMITTEE MEETINGS – GENERAL

- 5.1 Meetings of Council shall be held on Mondays at 4:00 p.m. in the Council Chambers, in accordance with the annual Regular Council and Committee of the Whole meeting schedule prepared and published annually, except when:
- a) otherwise directed by resolution of Council;
 - b) the Clerk advises otherwise upon a minimum of forty-eight (48) hours of advance notice;
 - c) a Special Meeting is called by the Head of Council, with forty-eight (48) hours' notice given; or
 - d) an Emergency Meeting is called by the Head of Council in which no notice is required.
- 5.2 All meetings of Committees established by Council shall be convened in the Committee Room, unless a decision is made by **the Mayor and Municipal Clerk**, in consultation with the Chair and with approval of the Committee Members if applicable, or decided otherwise by resolution of Council or required due to an emergency event.
- 5.3 When the day for a Committee of the Whole or Regular Council meeting falls on a public, statutory or civic holiday, Council shall direct the meeting

to be held on the business day immediately following the originally scheduled date for that meeting.

- 5.4 A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 8:00 p.m. local time.
- 5.5 In general, formal Public Meetings will be held in the Council Chambers at 6:00 p.m. and will be communicated in accordance with the Town of Cobourg Public Notice Policy.
- 5.6 Other Public Information Sessions, Workshops or Forums can be held in various locations and at varied times providing they are communicated in accordance with the Town of Cobourg Public Notice Policy.
- 5.7 Advisory Committee and Local Board meetings will be held once per month in general, with the exception of Committees dealing with issues requiring action on a more frequent basis or on as needed basis.
- 5.8 For the months of July and August, there will be a combined Committee of the Whole and Regular Council meeting for each month. Additional Council meetings may be held during this time period at the call of the Head of Council.

USE OF AUDIO/VISUAL TECHNOLOGY

- 5.9 At meetings of Council the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras or any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public may be permitted, subject to the approval and/or direction of the Chair unless otherwise decided by Council.
- 5.10 A member of **Municipal Council or an Advisory Committee or Local Board** who is unable to attend a Council Meeting shall not be permitted to participate by means of audio/visual or audio electronic communication devices.

SPECIAL MEETINGS

- 5.11 The purpose of summoning a Special Meeting is to take care of business that requires the urgent attention of Council and cannot wait until the next scheduled Regular Council meeting.

- 5.12 The Head of Council or designate may, at any time, summon a Special Meeting of Council. Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition and in accordance with the Public Notice Policy.
- 5.13 The Clerk shall give notice in writing or by electronic mail, on the time, place and purpose of every Special Meeting to all Members of Council not less than forty-eight (48) hours prior to the time set for the Meeting.
- 5.14 The notice calling for a Special Meeting of Council shall state only the business to be considered at the meeting. No other matters, business, or financial decisions shall be considered at such meeting, other than those stated in the notice or agenda, and except with consent of a majority of the members present and voting.

EMERGENCY MEETING:

- 5.15 The Head of Council may summon an Emergency Meeting of the Council to deal with matters deemed to be of an urgent/emergency nature, that may impact the health, safety, well-being of the community or that need to be addressed due extraordinary circumstances.

OPEN AND CLOSED SESSION (IN-CAMERA):

- 5.16 All Council and Committee meetings shall be open to the public except as provided for pursuant to Section 239(2) of the Municipal Act, 2001, regarding a meeting or part of a meeting that may be closed to the public if the subject matter being considered falls under a section as outlined in Section 239(2) of the Act.
- 5.17 Pursuant to Section 238(1) of the Act, a Meeting is defined as any Regular, Special, or other meeting of a Council, of a Local Board or of a Committee of either of them, where a quorum is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- 5.18 For the purpose of ensuring accountability and transparency, any Committee established by Council that does not meet the composition requirement for a Committee described in section 238(1) of the Municipal Act, 2001, shall still be considered a Committee of Council that is subject to the same requirements as Council as provided in Section 239 of the Municipal Act, 2001, unless stated otherwise by Council through resolution.

6.0 NOTICE OF MEETINGS

- 6.1 All Council and Committee meetings and agendas will be published and communicated in accordance with the Town of Cobourg Public Notice Policy.
- 6.2 The annual Regular Council and Committee of the Whole meeting schedules will be updated and posted by the Clerk on the Municipal Website and circulated annually prior to the commencement of the upcoming year. Any changes to the annual schedule will be posted on the Municipal Website within forty-eight (48) hours prior to the change(s) occurring.
- 6.3 The annual Advisory Committee and Local Board meeting schedules will be updated and posted on the Municipal Website and will be circulated to Council and Committee Secretaries annually prior to the commencement of the upcoming year.
- 6.4 The Clerk shall send notice for each Regular Council, Committee of the Whole, Emergency and Special Meeting of Council, accompanied by its Agenda, to every Council Member and will ensure the meetings and Agendas are posted publicly on to the Municipal Website.
- 6.5 A Notice of Meeting to Councillors may be sent by electronic mail, telephone, placed in the Council Mailboxes, or provided in person in the case of an emergency.
- 6.6 Every Notice of a meeting of Council or Committee shall indicate the day, month, year, place and time of commencement of the meeting and the contact information of the Clerk or designated Secretary's Office.
- 6.7 The Notice of meeting requirements as set out in this by-law are minimum requirements only and the Clerk or designated Secretary may give notice in an extended manner if, in the opinion of the Clerk or designated Secretary the extended manner is reasonable and necessary under the circumstances.
- 6.8 The Notice of meeting requirements set out in this by-law shall be subject to any specific requirements for the publishing of notice as prescribed by legislation such as the Planning Act, Statutory of Powers and Procedures Act, Municipal Act 2001, and the Town of Cobourg Public Notice Policy, or as directed by Council.

- 6.9 Any meeting may be cancelled and/or rescheduled to a day, time and place set out in a written notice from the Clerk, sent to each Member by electronic mail or a method acceptable to the Member at least forty-eight (48) hours before the scheduled date of the meeting.

7.0 GENERAL RULES IN CONDUCTING THE BUSINESS OF COUNCIL

- 7.1 Every Regular Council and Committee of the Whole meeting shall be chaired by:

- a) The Mayor, if present;
- b) The Deputy Mayor, if the Mayor is absent; or
- c) If both are absent, Council shall select an Acting Chair to serve as Head of Council.

- 7.2 Every Public Meeting of Council shall be chaired by:

- a) The Council Service Coordinator who called the Public Meeting, if present;
- b) Their alternate, if the Council Service Coordinator who called the Public Meeting is absent; or
- c) If both are absent, Council shall select an Acting Chair to serve as Chair.

- 7.3 Every Committee meeting shall be chaired by:

- a) The Chair, if present;
- b) The Vice Chair, if the Chair is absent; or
- c) If both are absent, the Committee shall select an Acting Chair to serve as Chair.

- 7.4 If, at any time, the attendance of a Member of the Cobourg Municipal Council is required to perform any corporate responsibility or duty and the Mayor/Head of Council is not available to perform the responsibility, the Deputy Mayor shall be contacted to perform the specific responsibility or duty as required. In the event that both the Mayor/Head of Council and the Deputy Mayor are not available, the Clerk in consultation with the CAO, will select a member of the Cobourg Municipal Council to perform the specific responsibility or duty as required.

- 7.5 Council Members in their capacity as Council Service Coordinators, will be responsible to Chair their respective Working Group, Hearings, Public Meetings and Special Meetings of Council.

- 7.6 The Clerk who is appointed by the Municipality shall be present at all meetings; however, the Clerk may delegate a municipal employee to act in their stead at the meetings of Council or Committees.
- 7.7 Pursuant to Section 228(1)(a) of the Municipal Act, 2001, the Clerk shall provide a written record of all resolutions, decisions and other proceedings of Council, without note or comment.
- 7.8 The Mayor shall be the member appointed to the Upper-Tier Council (County of Northumberland) on behalf of the Town of Cobourg. In the absence of the Mayor, the Deputy Mayor shall act as the alternate member to represent the Town of Cobourg on the Upper-Tier Council.
- 8.0 CALLING OF THE MEETING TO ORDER AND QUORUM**
- 8.1 The Mayor or Presiding Officer shall take the Chair and call the meeting to order as soon after the hour fixed for the holding of the meeting and once a quorum is present.
- 8.2 For Regular Council or Committee of the Whole Meetings, if there is not a quorum present fifteen (15) minutes after the time appointed for the meeting, Council shall stand adjourned until the next scheduled meeting date, unless a Special Meeting is called prior to that date. A majority of the whole number of Members of Council is necessary to form a quorum, unless a two-thirds majority vote is required by statute or law.
- 8.3 Where the Mayor does not attend within fifteen (15) minutes after the time appointed for the meeting, the Deputy Mayor shall call the members to order and, if a quorum is present, preside during the meeting until the arrival of the Mayor at that meeting.
- 8.4 For Committees established by Council, a majority of the total amount of Committee members is necessary to form a quorum. If the Committee is comprised of an equal number, the quorum is one-half of the members of the Committee.
- 8.5 Non-quorum meetings for Committees established by Council shall not be permitted.
- 8.6 For Committees established by Council, if there is not a quorum present within thirty (30) minutes after the time appointed for the meeting, the Secretary shall write the names of the members present and the Committee shall stand adjourned until the next scheduled meeting date.

- 8.7 For the purpose of calculating a vote of two-thirds of the Members present in a Council or Committee meeting, any fraction shall be rounded to the next highest whole number.
- 8.8 If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned and shall only reconvene if a quorum is regained within fifteen (15) minutes.
- 8.9 If a quorum is not present within fifteen (15) minutes from the time the quorum is lost, the Clerk or designate will record the names of the members present and the meeting shall be adjourned and the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of the Council or Committee.
- 8.10 Despite any other provision in this section and except for submissions or information in respect of a hearing or public meeting required by statute, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present and the Clerk or designate shall record notes of the submission and report them back to the next scheduled meeting of the Council or Committee.
- 8.11 The Clerk, or his/her designate, shall for every meeting of Council or Committee note the Members that were present, absent and absent with regret to be recorded in the Minutes of that meeting.

9.0 COMMITTEE OF THE WHOLE MEETINGS

- 9.1 The Committee of the Whole will meet on weeks preceding the Regular Council meeting, in accordance with the annual Council meeting Schedule.
- 9.2 The Committee of the Whole meeting agendas will be prepared and circulated **seven (7) days** in advance of the meeting to provide ample time for Council Members to review the items and to ask questions of various Council Coordinators and Municipal Staff.
- 9.3 The Chair of the Committee of the Whole shall maintain order in Committee and report the proceedings to Council.
- 9.4 The Council Service Coordinator will assume the role of Chair for the portion of the Committee of the Whole meeting pertaining to their respective service area and will be responsible for announcements, presenting the items individually as listed in the agenda, for asking municipal staff to explain the

reports, for reading out the motion, for facilitating the discussion, for dealing with amendments, for calling the vote and for announcing the status of the motion being carried, defeated or amended. Each Council Service Coordinator will be assigned a backup Council Member as approved by resolution of Council to fill this role and assume responsibility in their absence.

- 9.5 The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole so far as they are applicable, provided that:
- a) A Motion shall not be required to be seconded;
 - b) No vote shall be recorded unless requested;
 - c) The number of times of speaking shall not be limited unless a Member moves to call the question;
 - d) No Member shall speak more than once until every Member who desires to speak has spoken, unless approved by the Chair; and
 - e) No Motion to adjourn the meeting shall be permitted.
- 9.6 The Committee of the Whole shall make its recommendations to Council with regard to each report that it considers.
- 9.7 Municipal staff reports are presented to the Committee of the Whole for discussion and recommendations if approved by Council will be included as a motion in the next available Regular Council meeting for final ratification/resolution.
- 9.8 COMMITTEE OF THE WHOLE MEETING AGENDA:
- i. Call to Order
 - ii. Approval/Agenda Additions
 - iii. Declarations of Interest
 - iv. Presentations
 - v. Delegations
 - vi. Delegation Actions
 - vii. Notice of Motion
 - viii. Co-ordinator and Staff Reports (order at the discretion of the Mayor and Council):
 - 1. Economic Development Services
 - 2. General Government Services
 - 3. Planning and Development Services
 - 4. Public Works Services

- 5. Parks and Recreation Services
- 6. Protection Services
- 7. Community Services
- ix. Unfinished Business
- x. Closed Session Meeting Motion
- xi. Adjournment

10.0 REGULAR COUNCIL MEETING AGENDA

- 10.1 The Clerk, or their designate, shall prepare the Agenda for Regular Council meetings as assigned.
- 10.2 The business of Council shall, in all cases, be taken up in the order in which it appears on the Agenda, unless otherwise directed by Council. Any matter on the Agenda not disposed of by Council shall be placed on the Agenda of the next Regular meeting of Council as 'Unfinished Business'.
- 10.3 As soon as the Agenda is published and circulated electronically to Council Members by the Clerk or his/her designate, the Agenda will be made available to the public on the Municipal Website with the exception of information relating to matters to be considered in Closed Session.
- 10.4 The Clerk, subject to changes as may be appropriate in the circumstances, shall prepare for distribution a Council Agenda with the routine order of business for Regular Council meetings as follows:
 - I. Call to Order
 - II. Moment of Reflection
 - III. Additions to the Agenda
 - IV. Disclosure of Pecuniary (Financial) Interest
 - V. Adoption of Minutes of the Previous Meeting
 - VI. Presentations
 - VII. Delegations
 - VIII. Delegation Actions
 - IX. Reports
 - X. Motions
 - XI. By-laws
 - XII. Petitions
 - XIII. Committee/Board Minutes
 - XIV. Notice of Motion
 - XV. Correspondence
 - XVI. Council/Coordinator Announcements
 - XVII. Unfinished Business

- XVIII. Closed Session
- XIX. Closed Session Action Item
- XX. Confirmatory By-laws
- XXI. Adjournment

11.0 ADDITIONS TO THE AGENDA

- 11.1 After delivery of the Council Agenda, the Clerk may amend the Agenda by way of an addendum to add or delete matters from the prepared Agenda in consultation with the Mayor and the CAO. In this case, the Clerk shall endeavour to forward additional Agenda material to Council Members and the public by posting same on the Municipal Website prior to the meeting.
- 11.2 The Agenda additions may be presented at the Council meeting and are not subject to the notice requirements.
- 11.3 The addition of addendum items to be added to Council Agendas shall be restricted to time sensitive and emergency matters. All addendum items and items of business not listed on a Council Agenda may only be introduced at a Council meeting with the approval of Council as expressed by Motion.

12.0 DISCLOSURE OF PECUNIARY (FINANCIAL) INTEREST

- 12.1 In the matter of Declarations of Interest, the onus is on the Member to determine whether he/she has a conflict of interest, and may seek legal advice on a specific situations of potential conflict.
- 12.2 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, Local Board or Committee at which the matter is the subject of consideration, the Member, in accordance with the Municipal Conflict of Interest Act, shall:
 - a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - b) record the conflict of interest on the prescribed 'Declaration of Pecuniary Interest Form' (Schedule 'A') and provide it to the Clerk;
 - c) shall not take part in the discussion of or vote on any question in respect of the matter;
 - d) shall not attempt in any way either before, during or after the meeting to influence voting on any such question; and

- e) may ask to be excused from the portion of the meeting the pecuniary matter is to be discussed.
- 12.3 Where the meeting is not open to the public, in addition to complying with the requirements of the Municipal Conflict of Interest Act, the Member shall forthwith leave the Meeting or the part of the Meeting during which the matter is under consideration.
- 12.4 Where the interest of a Member has not been disclosed by reason of the Member's absence from a Council or Committee Meeting, the Member shall disclose the interest and comply with the requirements listed in Section 12 of this by-law, at the next available meeting at which the matter was considered.
- 12.5 In the event that a Member discovers after the meeting that he/she had a direct or indirect pecuniary interest in the matter, he/she shall declare the interest at the next available meeting and it shall be recorded in the Minutes.
- 12.6 Despite any lack of applicability, the legislated requirements as set out in the Municipal Conflict of Interest Act shall also apply to all Members of Committees established by Council pursuant to the authority of this Procedural By-law.
- 12.7 Every declaration of interest and the general nature thereof shall, where the meeting is open to the public, be recorded in the Minutes, Notes or Report of that Meeting by the Clerk or his/her designate.
- 12.8 Every declaration of interest, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the Minutes, Notes or Report of the next Meeting that is open to the public by the Clerk or his/her designate.

REGISTRY

- 12.9 The Municipal Clerk shall establish and maintain a registry in which shall be kept;
 - a) a copy of each Declaration of Pecuniary Interest Form filed and signed by a Member; and
 - b) a copy of each Declaration recorded in the Minutes, Notes or Reports of the applicable Meeting.

12.10 The registry shall be available for public inspection upon request to the Clerk.

13.0 ADOPTION OF MINUTES OF THE PREVIOUS MEETING(S)

13.1 Minutes of the previous Regular or Special Meetings of Council will be presented for adoption by the Council.

13.2 Minutes shall record:

- a) the place, date and time of meeting;
- b) the name of the Chair or Presiding Officer and attendance of Council Members and Senior Municipal Employees;
- c) the correction of any amendments to, and adoption of, the Minutes of prior meetings. Any corrections made to the draft minutes should merely indicate that the minutes were approved "as corrected" without specifying the corrections;
- d) each item considered by Council and the decisions of the meeting without note or comment.

13.3 The Minutes are a legal record of action that was taken and may be amended to correct errors and omissions. No debate is permitted.

13.4 Such Minutes as referred to above may be adopted by Council without having been read at the meeting. However, if requested by a Council Member and approved by the Mayor or Presiding Officer, the Minutes or a portion of the Minutes may be read out prior to adoption.

13.5 Minutes of all previous Council Meetings shall be adopted by resolution including any amendments as may be noted at the meeting.

13.6 Unless otherwise decided by Council, the Minutes of each Regular Council meeting shall be submitted for adoption or amendment to Council at its next Regular Council meeting or as soon thereafter as is reasonably practicable.

13.7 Once the Minutes are adopted by Council, they shall be signed by the Mayor and Clerk, or their designate(s).

14.0 PRESENTATIONS

14.1 Presentations at all Council Meetings may include:

- a) presentations by organizations providing information at the request of Council;
 - b) presentations to or from Council recognizing achievements; and
 - c) presentations by Municipal Staff or Town Consultants.
- 14.2 In general, Council will provide fifteen (15) minutes for each presentation with a question and answer period by Council to follow. Any additional time exceeding fifteen (15) minutes shall be granted by the Mayor or Presiding Officer.

15.0 DELEGATIONS

- 15.1 With the exception of Public Meeting matters, persons wishing to present information or make a request of Council or a Committee in person as a Delegation must provide a written request to the Clerk on the prescribed Delegation Request Form (Schedule "B") no later than 1:00 p.m. on the Friday preceding the Council or Committee meeting.
- 15.2 All persons attending Council or a Committee meeting as a Delegation should provide any correspondence, documentation or presentation materials electronically or otherwise to the Clerk no later than **1:00 p.m. on the Friday preceding the Council or Committee meeting** in order to have the information included in the Agenda package for distribution to Council in advance of the meeting.
- 15.3 The request by a delegate to the Clerk must provide a detailed synopsis of the request to appear before Council or a Committee, outlining the reasons and the desired resolution.
- 15.4 The request shall be signed, shall include the mailing address and telephone number or email by which the individual or the organization or group may be contacted.
- 15.5 **The Clerk may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation and the number of delegations already on the Agenda for that meeting.**
- 15.6 **The Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise to the requester the earliest possible date when his/her Delegation may be accommodated. A limit of four (4) Delegations will be considered at a Meeting of Committee of the**

Whole, and four (4) Delegations will be considered at a Regular Meeting of Council.

- 15.7 The Clerk may refuse to place a delegation on the Agenda, a decision which the delegation may appeal to the Mayor or Presiding Officer, if the matter is:
- a) Not considered to fall within the jurisdiction of the Municipal Council;
 - b) Considered operational or administrative in nature;
 - c) Considered as previously dealt with or closed by Council; or
 - d) Considered vexatious, spurious, or frivolous.
- 15.8 For Delegations on the Agenda or Delegation additions to the Agenda the Council or Committee may decide by majority vote to:
- a) Hear the Delegation, notwithstanding non-compliance with the requirements of other relevant sections in this by-law;
 - b) Postpone hearing a Delegation;
 - c) Require as a condition of hearing a Delegation, the filing of a written outline with the Clerk; or
 - d) Not hear the delegation.
- 15.9 Delegation shall be limited to speaking not more than ten (10) minutes when addressing Council, however a Delegation consisting of more than five (5) persons shall be limited to two (2) speakers and limited to speaking not more than fifteen (15) minutes in total when addressing Council.
- 15.10 Council may limit or extend the time allowed for a Delegation by the Chair or by a majority vote by the members present.
- 15.11 An opportunity will be provided for Members to ask questions of clarity immediately following a Delegation. Council Members will be granted permission to ask one (1) question at a time as directed through the Mayor or Presiding Officer, on a rotating basis to ensure that anyone who wishes to ask a question is given the fair opportunity to do so. The question period is a method of seeking clarification on matters presented and is not intended nor shall be entered into as a forum for debate. Questions shall only be directed to the Delegate and not to Municipal Staff.
- 15.12 Delegates who appear before the Committee of the Whole are not permitted to make a Delegation in relation to the same item, with no new substantial information, at the following Regular Council Meeting, but may submit written material to Members of Council through the Municipal Clerk's Office.

16.0 DELEGATION ACTIONS

- 16.1 Following a Delegation, Council may, by resolution, agree on a specific action in response to the Delegation, such as 'refer to staff for a report', 'receive for information', 'staff response,' refer to the matter to an advisory committee or local board or decide on a direction or action to be taken in response to a request to Council.

17.0 REPORTS

- 17.1 Reports of Committee of the Whole Meetings and verbal or written reports from Members of Council, Co-ordinators and Municipal Employees shall be presented, received and action taken as directed by Council and be expressed by Motion and passed by resolution.
- 17.2 The reports contain recommendations provided by municipal staff including background information and may request authorization for a stated course of action by Council. The reports should succinctly layout the reasons for the request or recommendation and may summarize pertinent report sections including the origin, background, analysis or conclusion where this information assists in clarifying or justifying the staff recommendation.
- 17.3 All Municipal Staff Reports to be included in the Council Agenda package shall be prepared using a consistent and prescribed format and headers as provided by the Clerk and are to be prepared by the author and approved by the Manager, Department Director and CAO as the case may be, and will include the following:
- 1.0 Corporate Strategic Plan Objective
 - 2.0 Recommendation;
 - 3.0 Public Engagement
 - 4.0 Origin and Legislation;
 - 5.0 Background;
 - 6.0 Analysis;
 - 7.0 Financial Implications/**Staffing**/Budget Impact;
 - 8.0 Conclusion;
 - 9.0 Policies Affecting the Proposal**
 - 10.0 Communication Results**
 - 11.0 Attachments (if applicable);
 - 12.0 Authorization acknowledgement (Senior Management/CAO).
- 17.4 The recommendations of a Committee or Municipal Staff embodied in a Report to Council are:

1. the main Motion(s) when the clause is called; and
2. deemed to have been adopted by Council without any amendments unless Council decides otherwise.

18.0 MOTIONS – GENERAL

18.1 No Member shall introduce any item to Council for its consideration unless:

- a) the item relates to a matter on the Agenda for that meeting, or
- b) the matter is of an urgent nature and leave is granted on a two-thirds majority vote.

18.2 In Regular Council, a Motion shall be moved and seconded before a Member speaks to the Motion and before the Chair shall put the question and the Motion is recorded in the Minutes of the meeting. Every Motion at a Committee of the Whole or Advisory Committee Meeting requires a mover, but not a seconder.

18.3 Except as noted above, all Motions shall be in writing in a form the Clerk approves and signed by the mover and seconder (except in Committee of the Whole or other Advisory Committees where no seconder is required).

18.4 Motions respecting the following matters may be introduced orally without written notice and without leave:

- (1) Point of Order
- (2) Personal Privilege;
- (3) a Motion to refer decision on a question;
- (4) presentation of a Petition;
- (5) a Motion to refer a matter;
- (6) a Motion to withdraw a Motion before the Chair;
- (7) a Motion to recess;
- (8) a Motion to call the vote on a question;
- (9) a Motion to divide the question;
- (10) a Motion to request short reading of a Motion which is provided to Council in written format;
- (11) a Motion to continue a Council Meeting beyond 8:00 p.m.;
- (12) a Motion to move into, or out of, Closed Session;
- (13) a Motion to suspend or not to follow a rule of procedure;
- (14) a Motion to change the Order of Business;
- (15) a Motion to Adjourn.
- (16) Motions to postpone temporarily; or

(17) to lay on the table (tabling)

- 18.5 No Member shall present a Motion on any matter to Council for its consideration unless:
1. The Motion is relevant to a matter that appears on the Agenda for that meeting of the Council; or
 2. Leave is granted to deal with a matter not on the agenda; or
 3. The Motion relates to a matter which for reasons of emergency health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
- 18.6 After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn with the leave of Council and only prior to a decision or amendment on such Motion has been rendered by Council.
- 18.7 A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may vote against the Motion.

REQUIREMENT FOR DISPOSITION

- 18.8 A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where a motion on procedure has been made to amend, to refer the matter, to call the vote on the question, or to extend the hour of closing proceedings; or meeting has failed for lack of a quorum.

DISPENSING WITH NOTICE

- 18.9 Any Motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.

PRESENTATION OF MOTION

- 18.10 All Motions shall be presented in written form to Council and will be provided to the Clerk if not already printed in the Agenda for the meeting and shall be read by the Mover and shall be stated by the Mayor or Presiding Officer before it is debated.

BEYOND JURISDICTION

- 18.11 A Motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.

19.0 TYPES OF MOTIONS

MOTION TO ADJORN

- 19.1 A Motion to adjourn:

- i. shall always be in order except as provided by these rules;
- ii. when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council;
- iii. is not in order when a Member is speaking or during the verification of a vote;
- iv. is not in order immediately following the affirmative resolution of a Motion for the previous question;
- v. Does not require a seconder.

A MOTION TO AMEND

- 19.2 A Motion to amend, amends a Motion but cannot directly contradict or negate the effect of the Motion.

- 19.3 A Motion to Amend should be presented in writing and shall:

- i. receive disposition of Council before a previous amendment or the questions;
- ii. shall not be further amended more than once provided that further amendment may be made to the main question;
- iii. shall be relevant to the question to be received;
- iv. shall not be received proposing a direct negative to the question;
- v. may propose a separate or distinct disposition of a question.

MOTION TO REFER

- 19.4 A Motion to refer that carries, directs a matter under discussion by Council or a Committee to staff, another Committee or other body for further examination, review or to obtain additional information.

- 19.5 A Motion to refer requires a majority vote, but must receive disposition by Council before the questions, or an amendment to the question, and when made prior thereto, before decision on a Motion for the previous question or postponement. The motion can be made with or without instructions to the staff or a committee, such as when to report back, or to propose an amendment written to accomplish a particular purpose.

MOTION TO DIVIDE

- 19.6 A Motion containing distinct proposals may be divided by leave of Council.

MOTION TO RECONSIDER

- 19.7 Any substantive Motion may be reconsidered. If a motion has been either adopted or defeated during a meeting, at least one member who voted on the winning side may make the motion to reconsider.
- 19.8 After a substantive Motion has been decided, any Member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such substantive Motion was decided give notice in writing for reconsideration of the motion. The Member making the motion to reconsider must declare to the Mayor or Presiding Officer the way they voted so that it is clear that the member is entitled to make the motion to reconsider, and the Member who gives the notice may have the privilege of stating the Members reasons for doing so.
- 19.9 Alternatively if the Motion was decided by Council after the adjournment of the meeting where the motion was voted on by Members, it shall only be reconsidered within six (6) months following the decision of Council based on new information and if Council decides to do so by a two-thirds vote, unless a regular election has occurred following the decision.
- 19.10 The Motion to Reconsider may be seconded by any member, no matter how the Member voted.
- 19.11 A Motion to reconsider is debatable.
- 19.12 If the Motion to Reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

- 19.13 No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.
- 19.14 A Resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the Resolution resulting in legally binding commitments that are in place on the date the Motion to Reconsider is considered by Council.
- 19.15 If Council passes a Resolution and adopts the same matter by By-law, only the Resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the By-law will be amended or repealed accordingly.
- 19.16 A Motion to Reconsider shall be introduced by way of a Notice of Motion to Council and considered as a Special Resolution at a subsequent regular Meeting of Council pursuant to Sections 17.18
- i. No delegations shall be permitted to speak on a notice of Motion to Reconsider.

POINT OF ORDER

- 19.17 A Motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.
- 19.18 The Mayor or Presiding Officer shall preserve order and decide points of order and points of privilege.
- 19.19 When a Member rises to a point of order he/she shall ask leave of the Mayor or Presiding Officer to raise a point of order and after leave is granted, the Member shall state the point of order and sit down and remain seated until the Mayor or Presiding Officer has decided and stated the point of order.
- 19.20 Thereafter, a Member shall only address the Mayor or Presiding Officer for the purpose of appealing the Mayor or Presiding Officer's decision to the Council.
- 19.21 If a Member appeals to Council on a point of order, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the question without debate.

19.22 The decision of Council under section 19.21 is final.

19.23 If no Member appeals, the decision of the Mayor or Presiding Officer shall be final.

POINT OF PERSONAL PRIVILEGE

19.24 A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights or integrity of the Member's own person, of another Members or of anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.

19.25 Upon hearing such Point of Personal Privilege, the Mayor or Presiding Officer will decide and state, without debate or appeal, the ruling on the matter.

19.26 The decision of the Mayor or Presiding Officer is s. 19.25 is final.

RECESS

19.27 A Motion to recess may be made at the call of the Mayor or Presiding Officer to suspend a Meeting for a specific length of time, or as a Point of Privilege by a Member when no question is pending, in order to provide for an intermission in the Council or Committee proceedings. A Motion to recess does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

19.28 A Motion to recess:

- i. shall specify the length of time of the recess;
- ii. is debatable only as to the length or timing of the recess; and
- iii. can only be amended with respect to the duration of the recess.

RECONVENE

19.29 The motion to reconvene is made after the Member(s) have had a short recess of the Municipal Council's proceedings. Once reconvened, business resumes at exactly the point where it was recessed. Time of reconvening shall be noted in the Minutes of the Meeting.

TABLING

19.30 A Motion to table that carries, postpones a matter without setting a definite date for future discussion for the matter.

19.31 A Motion to lay on the table,

- i. may be applied to main Motions, to appeals, to reconsideration and to Motions that arise out of questions of privilege;
- ii. is in order when a Motion to close debate is pending or has been carried;
- iii. cannot be debated or amended;
- iv. cannot apply to any subsidiary Motion and cannot have any subsidiary Motion applied to it; and
- v. must be voted on.

19.32 If the Motion to table carries, the matter may not be discussed until a vote to lift the matter from the table is taken. A vote to lift a matter from the table is not amendable or debatable.

TAKE FROM THE TABLE

19.33 A Motion to take from the table,

- i. Shall not be in order when another Motion is before the Meeting;
- ii. Shall not be debatable or amendable;
- iii. When resolved in the negative, shall not be presented again until after some intermediate proceedings have been completed by the Council; and
- iv. When resolved in the affirmative, the Motion shall become immediately pending.

WITHDRAWAL

19.34 A request to withdraw a Motion,

- i. Shall only be made by the mover of the Motion;
- ii. May be made without the consent of the seconder of the Motion; and
- iii. Shall be in order up until the vote on the Motion is taken.

- 19.35 If a Member objects to withdrawal of a Motion, a withdrawal Motion may be entertained and becomes a main Motion, requires a seconder and a Majority Vote to adopt. If no Member objects to the withdrawal of the Motion, the Motion shall be considered withdrawn without the necessity of a seconder and that a vote be taken.

SUSPENSION OF RULES

- 19.36 The Rules of Procedure in this by-law may be suspended by a two-thirds majority vote (2/3) of the Members of Council present and eligible to vote.
- 19.37 Upon suspension, the new procedure to be followed shall be determined by a majority vote of the Members present.
- 19.38 A suspension shall only apply for the stated purpose and only during the meeting in which such motion was introduced.
- 19.39 The following rules shall not be suspended:
- i. Majority of the whole of Members required for Quorum;
 - ii. Contractual Agreements binding the Town; and
 - iii. Any statutory requirements with respect to proceedings.

20.0 NOTICE OF MOTION

- 20.1 A Member desiring to introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by the Council at such Meeting, shall deliver to the Clerk, a written copy of the Motion prior to the Agenda being published for the regular meeting at which the notice of Motion is to be given.
- 20.2 Upon receipt of a notice of Motion request, the Clerk shall print the Motion in full in the agenda for the next regular meeting of Council or for each succeeding regular meeting until the motion is considered or otherwise disposed of.
- 20.3 A Motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to Committee of the Whole.
- 20.4 A notice of Motion shall be otherwise considered or disposed of by the Council at the Regular Meeting or Committee of the Whole Meeting at which it is first introduced, unless a Member objects by a vote to its consideration,

in which case it shall be considered at the next Committee of the Whole Meeting of the Council.

- 20.5 In introducing a Notice of Motion to Council, a Member shall be permitted the opportunity of providing material and information in support of the Resolution.
- 20.6 No delegations shall be permitted to speak on a Notice of Motion.
- 20.7 Motions for which notice has been given and appeared on the Committee of the Whole Meeting shall be listed on the next Regular Council agenda as a Motion for Council consideration.

21.0 PRECEDENCE OF MOTIONS

PRIVILEGED MOTIONS

- 21.1 Privileged Motions do not relate to the pending business of Council, but have to do with special matters of immediate and overriding importance which shall not be debated and shall interrupt the consideration of anything else:
 - 1. Question of Privilege;
 - 2. Adjourn; and
 - 3. Recess.

SUBSIDIARY MOTIONS

- 21.2 Subsidiary Motions assists with Municipal Council in treating or disposing of a main motion (and sometimes other motions):
 - 1. Table;
 - 2. Call the Question;
 - 3. Limit or Extend Limits of Debate;
 - 4. Motions to Postpone Temporarily;
 - 5. Refer;
 - 6. Amend;
 - 7. Postpone Indefinitely;
 - 8. Main Motion;
 - 9. Take from the Table; and
 - 10. Reconsideration.

INCIDENTAL MOTIONS

21.3 Incidental Motions relate, in different ways, to the pending business of Council or to business otherwise at hand:

1. Appeal;
2. Point of Order;
3. Withdrawal;
4. Suspension or Rules; and
5. Motion to Divide.

22.0 RULES OF DEBATE

22.1 Every Member prior to speaking to any question or Motion shall raise their hand and must be recognized first by the Mayor or the Presiding Officer before addressing Council.

22.2 When two or more Members raise their hand at the same time, the Mayor or Presiding Officer shall designate the Member who in the opinion of the Mayor or Presiding Officer, was first to be acknowledged.

22.3 When the Mayor or Presiding Officer calls for the vote on a Motion, each Member shall be seated and shall remain seated until the result of the vote has been declared by the Mayor or Presiding Officer, and during such time no Member shall walk across the room to speak to any Member or make any noise or disturb the meeting in any manner or cause a disturbance and no Members shall speak to the Motion nor shall any other motion be made until after the vote is taken and the result has been announced.

22.4 When a Member is speaking, no other Member shall pass between the Member and the Mayor or Presiding Officer, or interrupt the Member except to raise a question of privilege, appeal from the decision of the Mayor or Presiding Officer, raise a point of order, lay on the table, or move for reconsideration.

22.5 Any Member may require a Motion under discussion and debate to be read out by the Mayor or Presiding Officer, or Clerk at any time during the debate but not so as to interrupt a Member while speaking.

22.6 No Member shall speak to the same Motion, or in reply, for longer than five (5) minutes without leave by the Mayor or Presiding Officer.

- 22.7 A Member may ask a question solely for the purpose of obtaining information relating to the Motion under discussion and such question must be stated concisely and be asked through the Mayor or Presiding Officer.
- 22.8 If the Mayor or Presiding Officer desires a Member to preside over a portion of the Meeting for the purpose of taking part in the debate or otherwise, the Mayor or Presiding Officer shall designate the Deputy Mayor or the Vice-Chair, if present, or in the case the Deputy Mayor or the Vice-Chair is not present, any other Member who will preside over the meeting or a specific section of the agenda.
- 22.9 When a Member is called to order the Member shall cease speaking unless the Mayor or Presiding Officer grants permission for the Member to explain, and the ruling of the Mayor or Presiding Officer shall be obeyed, subject to appeal to the Council, but without debate.
- 22.10 If a Member commits a slight breach of order such as addressing another Member instead of the Mayor or Presiding Officer in debate, or, in a single instance, fail to confine remarks to the merits of the pending question, the Mayor or Presiding Officer simply raps lightly, points out the fault, and advises the Member to correct the action. The Member can then continue speaking if he commits no further breaches of order.
- 22.11 If a Member repeatedly questions the motives of other Members and mentions them by first name, or persists in speaking on irrelevant matters in debate, the Mayor or Presiding Officer should first, if desirable to do so, warn the Member. With or without such warning the Mayor or Presiding Officer, or any Member, can call the Member to order by declaring a Point of Order. The Mayor or Presiding Officer should clearly state the breach involved and put the question as to whether the Member should be allowed to continue speaking.

23.0 VOTING ON MOTIONS

- 23.1 The manner of determining the decision of the Municipal Council on a Motion shall be by show of hands unless a recorded vote is requested. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect, unless stated by a provision of the Municipal Act, 2001.
- 23.2 No Member can be compelled to vote. As a result, every Member has the right to abstain. If the vote required is a majority or two thirds of the members present, an abstention will have the same effect as a "no" vote.

- 23.3 Where a vote is required to be recorded, by law or by request of a Member immediately prior or subsequent to the taking of a vote, each Member that is both present and qualified to vote, shall announce his/her vote openly, and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote in alphabetical order.
- 23.4 When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise provided by statute. The names of those who voted for and the names of those who voted against shall be noted in the Minutes of the applicable meeting. The Mayor or Presiding Officer shall announce the results.
- 23.5 If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately following the announced results of the vote to require that the vote be taken again.
- 23.6 Unless provided otherwise, any question having an equal number of votes shall be deemed to be lost.
- 23.7 Every Member of the Council has the right to vote on all questions, unless such Member has declared a conflict of interest in writing pursuant to the Municipal Conflict of Interest Act.

23.8 QUESTIONS STATED

Immediately preceding the taking of the vote, the Mayor or Presiding Officer may state or require the Clerk to state the question in the form introduced and shall do so if required by a Member except when a Motion for the previous question has been resolved in the affirmative. The Mayor or Presiding Officer or the Municipal Clerk shall state the question in the precise form in which it will be recorded in the Minutes.

23.9 NO INTERRUPTION AFTER QUESTION

After a question is finally put by the Mayor or Presiding Officer no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the results have been declared.

23.10 DIVISION OF QUESTION

When a question has been divided with leave of Council, debate shall be restricted to each proposal in its turn. A separate vote shall be taken upon each proposal contained in a question divided with leave of the Council.

23.11 VOTE NOT ALLOWED

A Member not present before the result of the division on a question shall not be entitled to vote on that question.

The Mayor or Presiding Officer may vote with the other Members on all questions, except where otherwise expressly provided and except where they are prohibited from voting by statute.

24.0 BY-LAWS

- 24.1 Every by-law enacted by Council shall be numbered, dated and signed by the Mayor and Clerk, or their designate. The corporate seal shall be affixed to the by-law and deposited by the Clerk for safekeeping.
- 24.2 No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by the Committee of the Whole or unless the Mayor, CAO and/or Clerk determines that the matter is of sufficient urgency, needs to be dealt with in the best interests of the Municipality, or is of a routine nature.
- 24.3 The Clerk shall submit to Council a summary of all by-laws proposed for adoption, including the by-law number and title.
- 24.4 Unless otherwise requested or separated, all by-laws proposed for adoption shall be passed in one single Motion, duly moved and seconded.
- 24.5 The Clerk shall be responsible for their correctness should they require to be amended at the Council Meeting.
- 24.6 Every by-law, when introduced, shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act and shall be complete with the exception of the number and date thereof.
- 24.7 Any by-law(s) may be discussed or voted on individually upon request by a Council Member.

- 24.8 Amendments to by-laws being approved by Council shall be deemed to be incorporated into the by-law. If the by-law is enacted by Council, the amendments shall be inserted by the Clerk.
- 24.9 A by-law shall be deemed to have been read at the time that the title or heading thereof has been read or taken as read unless a Member of Council requires the by-law or any portion thereof to be read in full.
- 24.10 In proceedings of the Committee of the Whole, when dealing with by-laws, each section must be considered in its proper order, inclusive of the title and recitals.
- 24.11 All amendments made in Committee of the Whole shall be reported by the Chair to the Council which shall receive the same forthwith. After the report has been received, presented or debated a by-law shall be open to debate and amendment.

25.0 CORRESPONDENCE

- 25.1 Every communication that is intended to be presented to Council or a Committee must include the author's full name and current contact information including, at a minimum, the author's residence address and telephone number or e-mail address. For all communication items submitted there shall be a designated contact person to whom the Clerk can communicate on behalf of Council or a Committee.
- 25.2 The Clerk will neither respond to nor place on an agenda any correspondence which, in the Clerk's determination, is anonymous, vexatious, illegible or that contains any disrespectful or offensive language nor will such correspondence be considered by Council or a Committee.
- 25.3 Any communication within the jurisdiction of a Council Service Co-ordinator or Committee shall first be referred by the Clerk to the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council at a Regular meeting.
- 25.4 **CORRESPONDENCE – REQUIRING ACTION/RELATED TO AN ITEM OF BUSINESS**
- 25.5 Subject to correspondence submitted conforming to section 30 of this by-law and the Clerk's agenda publishing deadlines, the Clerk will place correspondence requiring action by Council or Committee or related to an item of business before Council or Committee on the agenda that the Clerk

determines is appropriate in relation to the subject matter of the correspondence.

- 25.6 Correspondence related to an item of business before Council or Committee received after the Clerk's agenda publishing deadlines, may at the Clerk's discretion, be distributed as an additional agenda item.
- 25.7 Correspondence unrelated to an item of business before Council or Committee received after the Clerk's agenda publishing deadlines may, at the Clerk's discretion, be included in a subsequent Meeting agenda.
- 25.8 Communications/correspondence items listed on the Agenda that contain a request for action on the part of Council shall not be acted upon without Council first receiving a report from municipal staff or the appropriate Committee unless the action is of a routine or congratulatory nature.
- 25.9 All communications received from other Municipalities requesting endorsement or consideration of their resolution shall be forwarded to General Government Services for consideration, and may be added to the appropriate Council Agenda by the Coordinator or to a Committee Agenda or be received for information purposes or be sent to the Association of Municipalities of Ontario.
- 25.10 Any Member of Council, at any time prior to the preparation of the Agenda, may file in writing an item for inclusion in the Agenda.
- 25.11 During a meeting of Council, the Clerk shall read the substance of the correspondence thereof and any Member may request the reading of part of all the correspondence to read to Council.
- 25.12 For correspondence on the Agenda, or correspondence additions to the Agenda, the Council or Committee may decide by majority vote:
 - a) Hear the correspondence, notwithstanding non-compliance with the requirements of other relevant sections in this by-law; or
 - b) Postpone hearing the correspondence.

26.0 PETITIONS

- 26.1 Petitions shall include a statement or position that the signatories are supporting, and include legible names and shall not contain any obscene, incorrect, vexatious or improper matter or language.

- 26.2 The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information to the Clerk.
- 26.3 The signatory's names and personal information will be redacted from the information published in the agenda. Council or Committee Members will be advised of the number of signatories only.
- 26.4 The Town is not accountable for the accuracy or reliability of Petitions that are submitted.

27.0 COUNCIL COORDINATOR ANNOUNCEMENTS

- 27.1 Council/Coordinator Announcements are added to the Agenda for the sole purpose of informing other Members of Council and the general public on items of interest in each Council Member/Coordinator's respective portfolio. It also provides Council an opportunity to ask questions of clarification only relating to items in a Council Member/Coordinator's portfolio.
- 27.2 The Coordinator Announcement section in the Agenda does not allow for debate and, therefore, issues that have been previously considered by Council should not be brought forward under Co-ordinator Reports and no notes will be taken by the Clerk under this section unless directed by the Mayor or Presiding Officer to do so.

28.0 UNFINISHED BUSINESS

- 28.1 Any Agenda items not dealt with at a meeting will be carried over to the next meeting as Unfinished Business.
- 28.2 Items which have been considered by Council and referred to municipal employees or Advisory Committees for a report under Unfinished Business will be listed with the date of their first appearance noted and repeated on each subsequent Agenda until disposed of by Council or unless removed from the Agenda by leave of Council.
- 28.3 Every new term of Council will have the opportunity to review unfinished business items from the previous term of Council through a written report from the Clerk, and will reserve the decision, through a successful majority vote, to accept or dispose the unfinished business items.

29.0 CLOSED SESSIONS

29.1 Meetings or a part of a meeting may be closed to the public by a Motion, **and with at least forty-eight (48) hours of advance notice**, if the subject matter being considered falls under an exemption listed in Section 239 of the Municipal Act, 2001:

- a) The security of the property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal or local board 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 or local board;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- g) A matter in respect of which a Council, board or committee, or other body may hold a closed meeting under another Act;
- h) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

29.2 A meeting of the Regular Council or of a 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; and

2. At the meeting, no Member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the Council, board or Committee, in accordance with the Municipal Act, 2001.

29.3 Public Statement Required for Closed Sessions:

Prior to holding a meeting or part of a meeting that is to be closed to the public the Head of Council or Presiding Officer shall state by resolution:

- a) The fact of the holding of the Closed Session;
- b) The general nature of the matter to be considered at the Closed Session
- c) The specific provision of the Municipal Act, 2001 under which meeting in Closed Session is permitted; and
- d) Where the purpose is for education or training that the meeting is to be held in private session, in accordance with the Municipal Act, 2001.

29.4 Whenever it shall be moved and carried that the Council or Committee of the Whole convenes in Closed Session, the Chair shall preside over the meeting.

29.5 A meeting shall not be closed to the public during the taking of a vote, however, a meeting may be closed to the public during a vote if:

- a) Section 239(2) of the Municipal Act, 2001 permits or requires a meeting to be closed to the public; and
- b) The vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the Municipality or persons retained under contract by the Municipality.

29.6 The Clerk shall prepare a record of each Closed Session held in Council or Committee, indicating:

- a) the matter discussed;
- b) the specific provision of the Act under which the meeting in Closed Session is held;
- c) the Members in attendance;
- d) the disposition of the matter;
- e) the starting and concluding times for the Closed Session; and
- f) any other proceedings.

- 29.7 All information, documentation or deliberations received, reviewed or taken in a Closed Session are confidential including notes and records. Agendas, reports or any items from a Closed Session for consideration by Council shall not be released to the public or media.
- 29.8 No Member or Administration shall release or make public any information considered at a Closed Session or discuss the content of such a meeting with persons other than Members of Council, Committee or relevant municipal employees.
- 29.9 All information, or documentation or deliberation received, reviewed, presented or discussed in a legitimate Closed Session of Council and its Committee's is confidential and if disclosed, the person or person's disclosing the information may be disciplined in accordance with the Town of Cobourg Code of Conduct for Council Members and the Code of Conduct for Municipal Staff Policies.
- 29.10 Subject to the provision of Section 239 of the Municipal Act, 2001, an in-camera item that requires a final decision shall be done by Council resolution or by-law at a future public meeting of Council. However, discussion that took place during a closed session, shall remain confidential.

30.0 CONFIRMATORY BY-LAW

- 30.1 The Confirmatory By-Law is presented at each Regular Council Meeting to confirm the proceedings of Council at that meeting in respect of each motion, resolution and other action taken.
- 30.2 The proceedings of every meeting of Council shall be confirmed by by-law so that every decision of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
- 30.3 Notwithstanding the above, the motion for the Confirmatory By-Law shall be read a first, second, third and final time, without debate or question.
- 30.4 With the adoption of the Confirmatory By-Law, the Mayor and the proper officers of the Town are hereby authorized and directed to do all things necessary to give effect to said actions or to obtain approvals where required, and except where otherwise provided, the Clerk and Mayor are

authorized and directed to execute all documents necessary and to affix the corporate seal of the Town to all such documents.

- 30.5 Passage of a Confirmatory By-law does not in any way remove, and is not a substitute for, the requirement of a specific by-law authorizing the execution of any agreements.

31.0 ADJOURNMENT

- 31.1 A Motion to adjourn may be made by a Member who has the floor, requires no seconder and need not be in writing. However, no Motion to adjourn may be made during the taking of a vote on any Motion.
- 31.2 A Motion to adjourn may not be amended.
- 31.3 Where a Motion to adjourn and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law may be considered at the appropriate place in the order of procedure at the next meeting.
- 31.4 Where a Motion to adjourn is lost no second Motion to the same effect may be made until the matter under consideration is disposed of.
- 31.5 On a Motion to adjourn, no Member shall leave their seat until the Chair, Mayor or Presiding Officer has declared the meeting adjourned.
- 31.6 No item of business may be dealt with at a Council meeting after 8:00 p.m unless the time for adjournment is extended by resolution of Council passed by unanimous vote. In such case, the extension shall provide for an additional thirty (30) minutes to deal with the business of Council.

32.0 COUNCIL STATUTORY PLANNING MEETINGS

- 32.1 The rules and procedures contained within this by-law shall apply with necessary changes. Council Planning shall consider matters where a public Meeting is required to hear applications under the Planning Act.
- 32.2 Municipal staff shall give legislated notice of items on any agenda in accordance with the applicable legislation.
- 32.3 Council Planning Meetings shall meet in the Council Chambers of Victoria Hall, unless with adequate public notice, as required, the Council selects an alternate Meeting location, date, or time. In the event a Regular Meeting

date falls on a public holiday, the Council or Committee shall meet at the same hour on the next available business day not being a public holiday.

32.4 Council Planning Meetings shall be held at 6:00 p.m.

32.5 The Clerk, in consultation with the Mayor and Planning Staff, shall have discretion to prepare for the use of Members, an agenda containing the following:

- I. Call to order
- II. Introduction
- III. Declaration of Pecuniary Interest
- IV. Notification Procedure
- V. Explanation
- VI. Advisory Committee Comments/Motions
- VII. Public Submissions
- VIII. Future Notice
- IX. Adjournment

32.6 The time limitation for Presentations, Delegations and Public Submissions at a public Meeting to hear applications under the Planning Act, shall not exceed ten (10) minutes. Council may extend the ten (10) minute time period by a Majority vote of the Council Members present without debate.

32.7 Council may ask questions of staff after a staff presentation and prior to Delegates addressing Council.

32.8 Once all registered presentations by Staff and Applicants have spoken, the Mayor or Chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak without advance notice pursuant the Planning Act and as per Section 6.4 (a).

33.0 **QUARTERLY OPEN FORUM**

33.1 Open Forum shall occur quarterly, for one (1) hour following a scheduled Committee of the Whole Meeting, to allow any individual to address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are required to sign the Open Forum Register held by the Clerk prior to being permitted to address Council, and shall be limited to a maximum of ten (10) minutes each.

33.2 Open Forum will not be included in the Meeting minutes, however it will be a part of the live streaming of the Meeting.

- 33.3 Only Members of Council and the Clerk shall be required to be in attendance at the Open Forum meeting.
- 33.4 Speakers at Open Forum are required to follow the Rules of Conduct for Members as outlined in section 38.0 of this by-law.
- 34.0 COMMITTEES – GENERAL (ADVISORY COMMITTEES AND LOCAL BOARDS)**
- 34.1 Council shall determine by vote the appropriate number of Committees, their membership, mandates, purposes, terms of reference and reporting practices.
- 34.2 Council shall direct the Clerk to advertise for Committee applications after each election, to fill any vacancies, or expired terms of office on an annual basis, or as vacancies occur throughout the term of Council.
- 34.3 Applicants interested in applying for Committees or Boards in which the Clerk advertises for may apply through the prescribed 'Advisory Committee and Local Board Application Form' (Schedule C) prior to the allocated deadline that the Clerk determines is appropriate.
- 34.4 References used in the 'Advisory Committee and Local Board Application Form' cannot be current members of Council.
- 34.5 Council Service Coordinators will review the applications under their assigned respective service area of responsibility and will make recommendations for prospective Committee Members from applications received in closed session for appointment by motion at a Regular Council Meeting for their areas of responsibility after each municipal election for any vacancies or expired terms of office or on an as needed basis.
- 34.6 The role of Committees shall generally be to:
- a) Make recommendations to Council on matters which are in their area of jurisdiction that are referred to the Committee by Council or that are in accordance with the Committee mandate, purpose and terms of reference;
 - b) Guide and request municipal employees, through the CAO, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and

- c) Receive public delegations and establish mechanisms to receive further input on vital public policy matters related to their Committee's specific terms of reference.
- 34.7 The rules governing the procedure of Council and the conduct of Members at Council shall be observed in all Committees so far as they are applicable, and, subject to the specific rules for Committees set out in this section, including:
- a) A Motion shall not be required to be seconded;
 - b) No recorded votes shall be taken;
 - c) The number of times of speaking on any question shall not be limited;
 - d) No Members shall speak more than once until every Member who desires to speak has spoken, unless approved by Chair;
 - e) A majority shall be required to decide any matter before the Committee;
 - f) The Committee Chair or Acting Chair may vote on all Motions; and
 - g) The rules relating to the introduction of new business shall be the same as those of Council.
- 34.8 The Mayor shall be an ex-officio Member of each Committee, shall be counted for quorum purposes and is entitled to vote at such meetings.
- 34.9 The Mayor shall not be eligible to be the Chair or Vice-Chair of a Advisory Committee.
- 34.10 In the absence of a decision by the Council to the contrary or to terminate an appointment, Members shall be appointed to Committees and local board by Council for the term of Council or for the term set out in such appointment, and, until their successors are appointed, unless otherwise provided by by-law.
- 34.11 Council Members who are not Members of a specific Committee may attend meetings of that Committee and may, with the consent of the Chair of the Committee, take part in the discussion, but shall not be counted in the quorum or be entitled to make Motions or to vote at these meetings.
- 34.12 Each Committee shall, at the first meeting of the Committee in the first term of Council, choose from its Members a Committee Chair and Vice-Chair to serve in those positions for the calendar year or until their successors are appointed.

- 34.13 In the second, third and fourth year of the term of Council, each Committee shall choose from its number a Committee Chair and a Committee Vice-Chair to serve in those positions for that calendar year or until their successors are appointed.
- 34.14 A Member of the Committee, who has served as Committee Chair or Committee Vice-Chair in the first, second and/or third annual term of the Committee during the term of Council, is not prohibited from serving in the same position during the annual term in the second, third and/or fourth years of the term of the Council.
- 34.15 In the event that the Chair of a Committee does not attend the Committee meeting at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Vice-Chair shall call the meeting to order and preside until the arrival of the Committee Chair. Should the Committee Vice-Chair not be in attendance at the meeting, then those Members in attendance shall appoint one of the Members to act in the place and stead of the Committee Chair and Committee Vice-Chair for the meeting. Such Members shall then call the Members to order and shall preside until the arrival of the Committee Chair or Vice-Chair.
- 34.16 Committees shall not hold or schedule meetings while Council is in session.
- 34.17 The Clerk or designate may cancel or reschedule a meeting in consultation with the Chair of a Committee and the Senior Manager or CAO.
- 34.18 Committee meetings shall be held in a consistent location, date and time unless a decision is made by the Senior Manager or CAO in consultation with the Chair and with approval of the Committee Members. Any change in venue, date or time will be published in advance to ensure all Members, Staff and the **general public** are advised. This should only be done under special or emergency circumstances.
- 34.19 A Committee Chair may, after consultation with the Senior Manager or CAO, at any time summon a Special Meeting of the Committee by providing written direction to the Secretary to issue a Notice of Special Meeting. Upon receipt of a petition of the majority of Members of a Committee, the Clerk or Committee Secretary shall summon a Special Meeting for the purpose and at the time noted in the petition.

- 34.20 The Clerk, or designate, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution, Committee Agendas with the order of business for regular meetings of Committees as follows:
- i. Call to Order
 - ii. Approval/Additions to Agenda
 - iii. Adoption of Minutes
 - iv. Declarations of Interest
 - v. Presentations/Delegations
 - vi. Communications/Correspondence
 - vii. Reports
 - viii. New Business
 - ix. Unfinished Business
 - x. Adjournment
- 34.21 Any matter which is within the Committee's Terms of Reference and which is not on the Committee Agenda or does not relate to a matter on the Agenda may be considered by the Committee if it agrees to consider it by a majority vote.
- 34.22 Any communication to a Committee, received prior to a meeting but not in sufficient time to be included in its Agenda, shall be reviewed by the Committee Chair, Senior Staff advisor and Committee Secretary, and;
- a) If the communication is deemed by the Committee to pertain to a matter listed on the Agenda, it shall be submitted as a supplementary item for that meeting.
 - b) If the communication is deemed by the Committee Chair or Secretary not to pertain to a matter listed on the Agenda or their Committee's mandate, purpose or terms of reference, it shall be not be included on the Agenda or, if it does relate to their Committee, it may be referred to a subsequent meeting, unless the Committee Chair directs that it be submitted as an additional item at the meeting for which it was submitted, in which case, the Committee shall determine whether or not it will be considered at that meeting or be postponed or referred to a subsequent meeting.
 - c) If the communication is deemed by the Committee Chair or Secretary to require a special study by the Committee, or one or more reports from any Municipal official, it shall be placed on the Agenda for a subsequent regular meeting of the Committee, unless the Committee Chair is of the opinion that urgency requires that the communication be dealt with at the meeting for which it was submitted as an additional item.

- 34.23 No meeting of a Committee shall be held in Closed Session except under specific circumstances and in accordance with Section 239 of the Municipal Act, 2001 and this procedural by-law, and with advice from the Clerk.
- 34.24 A quorum shall be calculated on the basis of a majority of Members of the Committee unless the Committee is comprised of an equal number, in which case the quorum is one-half of the Members of the Committee.
- 34.25 If no quorum is present fifteen (15) minutes after the time appointed for the meeting, the Secretary shall record the names of the Members present, the meeting shall stand adjourned until the next meeting and all business will be postponed until that meeting.
- 34.26 Notwithstanding the lack of a quorum, a Committee may receive submissions or information from the public or municipal employees on a matter when a quorum is not present as long as they are not with regard to a public hearing or meeting required by statute.
- 34.27 The Chair of a Committee has the right to expel or exclude any person from any meeting for improper conduct.
- 34.28 All items considered by a Committee and requiring Council approval shall be forwarded to the Council in the form of a Committee Report, and only Motions that have been carried shall be reported in the Committee recommendations. The Secretary will prepare a separate memo for each individual motion passed by the Committee as a recommendation to Council and forward it to the Clerk for inclusion the Council meeting agenda.
- 34.29 All Committee Minutes, when approved, are to be sent to the Clerk for record keeping purposes and to be included in the next scheduled Regular Council meeting for information purposes.
- 34.30 Members shall be appointed to Committees of Council for the term of Council or for the term set out in such appointment and until their successors are appointed.
- 34.31 All Members shall receive all notices and corresponding Agendas for Committees within forty-eight (48) hours of the meeting where possible.
- 34.32 Should a meeting be adjourned for lack of quorum and there are matters of business that are deemed urgent by the Chair or CAO, these matters may be placed on the Council Agenda as a report by the Council Service Coordinator representative or by the Committee acting without a quorum.

A report of a Committee acting without a quorum shall not contain any recommendations by the Committee. Otherwise, the items of business will be scheduled to be considered at the next meeting of the Committee.

35.0 AD HOC COMMITTEES (SPECIAL AND TASK FORCES)

- 35.1 Council may constitute an Ad Hoc Committee, which, at the option of Council may be termed a Special Committee, to consider and report on a specific subject, project or undertaking. When a Special Committee has been appointed by Council, the Members will be appointed by resolution or Council by-law. When a Special Committee has completed its work and made its final report to Council, the Special Committee shall be deemed to be discharged.
- 35.2 The Mayor shall be an ex-officio Member of all Special Committees and shall be eligible to vote at these Special Committees.
- 35.3 Where a question has been referred or a task assigned to a Special Committee and the Special Committee has not yet made its final report to Council and a Member desires to take the matter out of the Committee's hands, either to permit Council itself to consider or act on the matter or so that the matter may no longer be considered, such action may be proposed by means of a Notice of Motion to Discharge the Committee.
- 35.4 Each Special Committee shall be given a clear mandate and well defined Terms of Reference that shall include:
- a) the mandate;
 - b) the composition, including the applicable municipal employees;
 - c) the reporting relationships;
 - d) the municipal employees and other resources to be made available;
 - e) when the matters will be reported on;
 - f) a start and finish date; and
 - g) consider any budget implications.
- 35.5 Special Committees for special projects may be established by Council when necessary upon a recommendation and with justification to the Committee of the Whole.
- 35.6 Prior to the establishment of a Special Committee which Council has determined will include members of the public, the Clerk shall be directed to place an advertisement in a local newspaper and on the Municipal

Website inviting members of the public to apply to be a member of the Committee.

- 35.7 Council Members who are not Members of a specific Committee may attend meetings of that Committee and may, with consent of the Chair of that Committee, take part in the discussion but shall not be counted in the quorum or be entitled to vote at these meetings.
- 35.8 A Special Committee may be appointed by the Council to investigate and report on matters provided that:
- a) The Special Committee, in all cases, reports directly to the Council, and;
 - b) The established Special Committee does not have the power to appoint sub-Committees, nor shall it add to its Membership without permission from the Council.
- 35.9 The Clerk shall be the Secretary of all Special Committees of Council but may assign their duties as Secretary of any Committee to an alternate municipal employee.
- 35.10 A copy of the Minutes of each Special Committee meeting shall be forwarded to the Council.
- 35.11 It shall be the duty of the Secretary to give notice of each meeting of the Special Committee together with an Agenda of the matter to be considered so that such notice and Agenda will reach the Members at their addresses as recorded in the Municipal records not later than forty-eight (48) hours preceding the day of the meeting where possible.
- 35.12 The procedural rules of governing meetings of Council as set out in this by-law shall apply with necessary modification to any meeting of a Special Committee insofar as they are applicable.

36.0 DISBANDING – AD HOC OR SUB-COMMITTEES

- 36.1 Unless otherwise directed by the Council, an Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.
- 36.2 Unless otherwise directed by the Council, a Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

37.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

37.1 It shall be the duty of the Head of Council, Chair, or other Presiding Officer to preside over the conduct of the meeting, including 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.

The Head or Council, Chair or Presiding Officer's duties are:

- a) To open the meeting of Council by taking the Chair and calling the Members to order;
- b) To ask Members to make a declaration of any interest of either a potential conflict or pecuniary interest;
- c) To announce the business before the Council in the order in which it is to be acted upon;
- d) To receive and submit, in the proper manner, all Motions presented by the Members of Council;
- e) To put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results of the vote on any Motions presented for a vote;
- f) To decline to put to vote Motions which infringe the rules of procedure;
- g) To restrain the Members, within the rules of order, when engaged in debate;
- h) To maintain order and preserve the decorum of the meeting;
- i) To call by name any Member persisting in breach of the rules of order of the Council, thereby ordering them to vacate the Council Chamber;
- j) To receive all messages and other communications and announce them to the Council;
- k) To authenticate, by his/her signature when necessary, all by-laws, and Minutes of the Council;
- l) To inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- m) To represent and support the Council, declaring it will, and implicitly obeying its decisions in all things;
- n) To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;

- o) Close the meeting when business is concluded or recess the meeting as required;
 - p) To adjourn the meeting without the question put in the case of grave disorder arising in the Council Chamber;
 - q) Rule on all procedural matters without debate or comment;
 - r) Receive and submit to a vote all Motions presented by the Members that do not contravene the rules of procedure;
 - s) Decline to put to a vote Motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
 - t) Expel or exclude from the meeting any person whom the Municipality feels has exhibited improper conduct at the meeting.
- 37.2 The Presiding Officer may appoint another Member of the Committee to act as Committee Chair while they are speaking to a question or while they are temporarily absent from the meeting.
- 37.3 The Presiding Officer shall maintain order in the Committee of the Whole and report the proceedings to the Council.
- 37.4 The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Committee of the Whole so far as they are applicable, except that:
- i. Motions may be moved orally except where the Presiding Officer requests that the Motion be in written form; and
 - ii. A seconder shall not be required on Motions.

38.0 RULES OF CONDUCT FOR MEMBERS

38.1 A Member shall not:

- a) Speak disrespectfully of any Member of the Royal Family, the Governor General, the Lieutenant Governor, Member of Parliament, any other Council Member or any official or employee of the Municipality;
- b) Disturb the Council by a disorderly deportment;
- c) Use profane or offensive words or insulting expressions or unparliamentary language;
- d) Disobey the rules of the Council or a decision of the Mayor or the Council on points of order or on the interpretation of the rules of procedure of Council;

- e) Leave his/her seat or make any noise or disturbance while a vote is being taken or until the results are declared;
- f) Interrupt a Member who is speaking, except to raise a point of order or question of privilege;
- g) Speak on any subject other than the subject in debate. Remarks and arguments must be relevant to the question being considered. The Chair is the judge of relevancy and can interrupt the speaker who is deviating unduly from the main thread of the discussion. Otherwise, a speaker has the right to be heard without interruption, unless committing a breach of order or contravening the rules of the meeting. In this case, any Member may interject and the speaker must cease until the matter has been dealt with and subject to a ruling by the Chair;
- h) Criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- i) Disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith order the Member to leave his/her seat for the duration of the meeting of Council; or
- j) Engage in private conversation while in the Council meeting or use electronic devices including cellular phones, pagers and computers, in a manner which interrupts the proceedings of the Council.

38.2 The Council approved Town of Cobourg 'Code of Conduct for Council Members' also applies to Council and Committee meetings.

38.3 All matters not covered by this by-law shall be decided by the Chair who may call upon the Municipal Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Chair shall announce his/her ruling.

38.4 If a Member disagrees with the ruling of the Chair the Member may appeal the ruling. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to the calling of the vote.

38.5 Should an appeal of the Chair's decision be put, the Chair shall immediately put the question, no amendment, adjournment or debate being allowed. A Motion is required and shall state "that such Member be allowed to retain his/her seat for the duration of the meeting of Council". A two-thirds vote of

the Members of Council present and voting is required to overturn the Chair's Ruling that the Member be expelled.

38.6 DISORDERLY CONDUCT – PROGRESSIVE STEPS

The Chair, after three warnings, shall call by name any Member persisting in breaching the rules of procedure and, subject to a majority vote of the Members present, order the Member to vacate their seat and leave the meeting.

38.7 DISORDERLY CONDUCT – APOLOGY

If the Member apologizes, the Chair may permit the Member to resume their seat.

38.8 DISORDERLY CONDUCT – MEMBER TO BE REMOVED

- i. In the event that a Member persists in a breach of the rules after having been called to order by the Chair, the Chair may put the question: "Shall the Member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable. If the Council decides the question of removing a Member in the affirmative, by a two-thirds vote of the Members present, the Chair shall order the Member to leave his/her seat for the duration of the meeting.
- ii. If the Member apologizes, the Chair, with the approval of a simple majority of the Council, may permit him/her to resume his/her seat.

38.9 FAILURE TO LEAVE SEAT

If a Member does not leave his/her seat after being ordered to do so by the Chair in accordance with this by-law and if the Member does not apologize in accordance with the above section, then the Chair shall seek the appropriate assistance.

38.10 POWERS TO EXPEL PERSONS OTHER THAN MEMBERS OF COUNCIL

38.11 The Head of Council or Chair may expel any person for improper conduct at a meeting.

38.12 SPEAKING TO THE SUBJECT

When any Member is about to speak in debate, or on any subject in Council he/she may rise in his/her place and respectfully address the Chair and shall confine himself/herself to the question under consideration; he/she shall strictly avoid all personalities and shall sit down as soon as he/she has concluded.

38.13 CALLING THE QUESTION

- a) When the Chair is putting a question, no Member may walk out of the room;
- b) When a Member is speaking, no other Member shall hold discourse which may interrupt the speaker;
- c) If any Member is speaking or otherwise transgressing the rules of Council, the Chair shall call such Member to order, in which case the Member so called to order shall immediately comply with the call to order, unless permitted to explain and the Council, if appealed to, shall decide on the Member's appeal but without debate. A simple majority is required; and
- d) 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.

38.14 LEAVING SEAT WITHOUT CONSENT OF THE CHAIR

- a) The Members of Council shall not leave their places without permission of the Chair and on adjournment until the Chair leaves the Chair; and
- b) A Member shall not leave the meeting when he/she does not intend to return without first advising the Chair and/or the Municipal Clerk.

39.0 RULES OF CONDUCT FOR MEMBERS OF THE PUBLIC ATTENDING COUNCIL AND COMMITTEE MEETINGS

- 39.1 Members of the public present during a Council or Committee meeting shall maintain order and quiet and shall not address Council or the Committee except with the permission of Chair or presiding Officer.
 - i. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee.
 - ii. No person shall bring into the Council Chamber or Committee meeting room food or drinks, or cellular telephones, pagers or other

electronic devices which emit a sound unless such devices are turned off or silenced.

- iii. When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of any Member of the Royal Family, the Governor General, the Lieutenant Governor, Member of Parliament, any other Council Member or any official or employee of the Municipality;
- iv. Persons invited to address the Council or Committee shall only speak on the subject in debate and shall not speak on any other subject, unless otherwise granted by the Chair or Council.
- v. Any person, not being a member of Council, who contravenes any provision of this section, may be expelled from the Meeting by the Chair.

39.2 Persons attending Council and/or Committee meetings as observers and who are in the audience in the Council Chamber during a Council Meeting will maintain order and quiet and may not:

- i. address Council without the permission of the Council;
- ii. interrupt any speech or action of the Members of Council or any other person addressing Council; or
- iii. display or have in their possession picket signs or placards in the Council Chambers or Meeting Rooms.

39.3 All persons attending a Council meeting shall observe the rules of Council with respect to decorum and conduct.

39.4 No person except Members and Officers of the Council shall be allowed to come within the dais during the sittings of Council without permission of the Presiding Officer or the Council upon reference.

39.5 No person shall:

- i. Use offensive words or unparliamentarily language in or against the Council or against any Member of Council or municipal employee;
- ii. Speak on any subject other than the subject in debate;
- iii. Criticize any decision of the Council except for the purpose of moving that the question be reconsidered;

- iv. Disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council and in the case a person persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such person be ordered to leave his seat for the duration of the meeting of the Council" but if the person apologizes he may, by vote of the Council, be permitted to retake his seat.
- v. When the Chair is putting the question no person shall leave or make a disturbance.

40.0 ORGANIZATIONAL STRUCTURE

- 40.1 No Member of Council or Committee Member shall have the authority to direct or interfere with the performance of any work for the Town; and the officer in charge shall be subject only to the persons Manager/Director as established in the formal organizational structure of the Town of Cobourg.
- 40.2 No Committee shall have departmental jurisdiction.

41.0 AMENDMENT

- 41.1 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council in accordance with the Town's Public Notice Policy.

42.0 STATUTORY REQUIREMENTS

- 42.1 All provisions of this by-law which are statutory requirements under the Municipal Act, 2001, are so noted with reference to the relevant section of the Act. Amendments made to these statutory provisions by the Province of Ontario shall take precedence over the provisions contained herein and this by-law shall be deemed to be so amended to conform to the same.

43.0 MUNICIPAL CLERK'S DUTIES - DELEGATION OF CLERK'S DUTIES

- 43.1 The Municipal Clerk shall be the Secretary of all Committees of the Council and may delegate any such duties as Secretary of any Committee to a Municipal Employee in the Town of Cobourg in consultation with the CAO and Division Directors.

43.2 The Municipal Clerk may delegate to any employee in the Town of Cobourg, the Clerk's duties related to the giving of notice and the recording of the proceedings of meetings of Council and its Committees.

43.3 Every by-law, upon enactment, shall be signed by the Mayor or the Acting Mayor, and, the Clerk or Deputy Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the Town of Cobourg affixed thereto.

44.0 MUNICIPAL SOLICITOR

- a) The Municipal Solicitor is authorized to commence or to defend any proceeding appeal, or other form of action in a court or before an administrative tribunal to meet statutory or regulatory time limits and to seek costs where appropriate in accordance with the rules of the Court or Tribunal.
- b) The Municipal Solicitor shall report to Council at the first available opportunity on such any action taken, and Council shall determine whether the matter should be continued or discontinued.

45.0 GENDER/NUMBER

45.1 This by-law shall be read with all changes of gender or number as are required by the context or the circumstances.

47.0 SEVERABILITY

47.1 If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to operate in full force.

48.0 EFFECTIVE DATE

THIS by-law shall become effective on **January ##, 2019.**

49.0 REPEAL OF EXISTING BY-LAWS

That By-law No. 079-2017 is hereby repealed.

READ a first, second and third time and finally passed in Open Council this **## day of January 2019.**

MAYOR

MUNICIPAL CLERK