

	THE CORPORATION OF THE TOWN OF COBOURG	
	BY-LAW NUMBER <u>00-2017</u>	

**A BY-LAW TO ESTABLISH RULES OF ORDER AND PROCEDURES
TO GOVERN THE PROCEEDINGS OF THE MUNICIPAL COUNCIL AND
COMMITTEE MEETINGS OF THE TOWN OF COBOURG**

WHEREAS pursuant to Section 238(2) of the *Municipal Act*, S.O. 2001, c. 25, provides that every Municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS The Council 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, Newly Revised, 11th Edition;

AND WHEREAS on May 30th, 2017 Bill 68, *Modernizing Ontario's Municipal Legislation Act* received Royal Assent, which includes a number of amendments to the Municipal Act, 2001 and its regulations;

AND WHEREAS the Cobourg Municipal Council deems it desirable that there be rules governing the order and procedures of the Council;

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

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1.0 DEFINITIONS

“Ad Hoc Committee” shall mean a committee established by Council for the purpose of dealing with a special project with a clear mandate, including a start and finish date.

“Agenda” shall mean the order of proceedings for a meeting setting out the business to be considered at the meeting.

“Chair” shall mean the Mayor, Deputy Mayor, Council Coordinator or Committee Chair while they are presiding at a meeting or such other person as may be authorized to preside in their absence.

“Chief Administrative Officer” shall mean the Council appointed Chief Administrative Officer for the Town of Cobourg who shall be responsible for exercising general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality.

“Clerk or Municipal Clerk” shall mean the Municipal Clerk of the Town of Cobourg or designate appointed by Council who shall have all the powers and duties of the Clerk under the *Municipal Act 2001*, *Municipal Elections Act 1996* and every other Act and to record and maintain Council resolutions, decisions, minutes, by-laws and proceedings of the Council.

“Committee” shall mean 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” shall mean a Presiding Officer of a Committee of the Whole, advisory or special committee of Council and shall have the same powers during a committee meeting as the Head of Council during Council meetings.

“Committee of the Whole” shall mean a meeting of Council in Committee format for discussion purposes.

“Conflict of Interest” shall mean a pecuniary (financial) interest as defined in the *Municipal Conflict of Interest Act*.

“Council” shall mean the elected and sworn in Members of the Municipal Council of the Corporation of the Town of Cobourg.

“Councillor” shall mean an elected and sworn in Member of the Council for the Town of Cobourg.

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

“Council Service Coordinator” shall mean a Member of Council appointed by Council working with municipal employees 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.

“Delegation” shall mean a ten (10) minute address to Council or a Committee at the written request on the prescribed form of a person or persons wishing to speak who are not Members of Council or Municipal employees.

“Deputy Mayor” shall mean 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” shall mean 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.

“In Camera” (Closed Session) means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain pursuant to the provisions of Section 239 of the *Municipal Act 2001* regulating Closed Session meetings.

“Local Board” shall mean 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, a school board, hospital board, or conservation authority.

“Meeting” shall mean any regular, special, committee or other meeting of Council of the Town of Cobourg, or of a local board or advisory committee but does not include the Cobourg Police Services Board, the Cobourg Public Library, a school board, hospital board, or conservation authority.

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

“Motion” shall mean a proposal for a specific action moved by a Member in Council or Committee and marks the beginning of consideration of a subject to deal with a matter before Council or a Committee.

“Point of Order” shall mean a question by a Member calling attention to the presiding officer and the Members that a rule has been broken or an error in procedure has been made and to ask that the rules be followed or the error corrected.

“Point of Personal Privilege” shall mean a question by a Member who is concerned and believes that another Member has spoken disrespectfully towards that Member, or who considers that the Member’s integrity has been impugned (discredited).

“Point of Privilege” shall mean 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” shall mean 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.

“Presentation” shall mean a ceremonial presentation to or from the Town of Cobourg, or an address or presentation to Council or a Committee at the request of Council, Committee or municipal employees.

“Presiding Officer” shall mean the Mayor or Acting Head of Council, or Chair of a Meeting.

“Quorum” shall mean the minimum number of voting members required to be present to legally conduct business in the name of the Council or Committee. In the Town of Cobourg, quorum shall mean a majority (more than half) of whole number of members of Council (7) if all in attendance; or a Committee except where a Member has, or Members have declared a pecuniary (financial) interest pursuant to the *Municipal Conflict of Interest Act*.

“Recorded Vote” shall mean the recording by the Clerk of the name and the vote of each Member present at a meeting on a motion during a meeting when requested by a Council Member.

“Resolution” shall mean the decision of Council on any motion.

“Secretary” shall mean 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 of the proceedings of Council or a Committee in accordance with the Town of Cobourg Advisory Committee and Local Board Policy and Procedures.

“Sub-Committee” shall mean a committee consisting of at least three (3) Members of a committee establishing the sub-committee, to consider one or more matters raised by the committee or local board and referred to the sub committee.

2.0 INAUGURAL MEETING

2.1 The Inaugural Meeting of Council shall be held after the regular Municipal Election pursuant to the *Municipal Act 2001* and shall be held in accordance with this ‘Procedural By-law’ and not later than 31 days after the term commences.

2.2 At the Inaugural Meeting the Elected Members shall organize as a Council, and the first order of business shall be the Declarations of Office and the Oaths of Allegiance in accordance with the *Municipal Act, 2001*.

Deemed Organized:

2.3 The new Council of the Town of Cobourg shall be deemed to be organized after a regular municipal election when the oaths of office have been taken and signed by a sufficient number of Members to form a quorum in pursuant to Section 232 (1) of the *Municipal Act 2001 2001*.

2.4 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 version of the form established by the Province of Ontario for that purpose.

2.5 A Striking Committee composed of the Mayor, the Deputy Mayor and the Councillor who received the greatest number of votes in the most recent election of the new Council shall prepare a report for presentation during the Inaugural meeting recommending the appointment of the Council Service Coordinators and their alternates.

2.6 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.

3.0 CONVENING OF COUNCIL AND COMMITTEE MEETINGS

- 3.1 All Meetings of Council and Committees shall be convened in the Council Chambers, Victoria Hall unless the notice of meeting stipulates the Meeting shall be held at another location, or unless otherwise decided by resolution of Council or **required due to an emergency event.**
- 3.2 When the day for a regular meeting of Council falls on a public, statutory or civic holiday, Council shall direct the regular meeting to be held on the business day immediately following the originally scheduled date for that meeting.
- 3.3 A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 11:00 p.m. local time.
- 3.4 All Council and Committee meetings and agendas will be published and communicated in accordance with the Town of Cobourg Public Notice Policy.
- 3.5 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.
- 3.6 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.
- 3.7 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 an as need basis.
- 3.8 The annual Regular Council and Committee of the Whole meeting schedules will be updated by the Municipal Clerk and will be posted on the Municipal Website and circulated by the Municipal Clerk annually in November.
- 3.9 The 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 in November.

Special Meetings:

- 3.10 The Head of Council or designate may, at any time, summon a Special meeting of Council; and upon receipt of a petition of the majority of the members of Council, the Municipal Clerk shall call a special meeting for the purpose and at the time mentioned in the petition in accordance with the Town of Cobourg Public Notice Policy.
- 3.11 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 Regular Council meeting.
- 3.12 The Municipal Clerk shall give notice in writing, by electronic mail, of the time, place and purpose of every Special meeting to all Members not less than forty-eight (48) hours prior to the time set for the Meeting in accordance with the Town of Cobourg Public Notice Policy.

- 3.13 The notice calling for a Special meeting of Council shall state only the business to be considered at the Special meeting and no other matters, business, or financial decisions shall be made to be included or added other than that those stated in the notice or agenda shall be considered at such Meeting, except with consent of a majority of the members present and voting.

Emergency Meetings:

- 3.14 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 impact the health, safety, well-being of the community or that need to be addressed due extraordinary circumstances.

Meetings – Open Session and Closed Session (In Camera):

- 3.15 All meetings of the Council and its Committees 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 within Section 239 (2) of the Municipal Act, 2001.

3.16 Pursuant to Section 238 (1) of the Municipal Act, 2001 A 'Meeting shall be 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) a quorum is present, and

(b) 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.

Exceptions:

- ~~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.~~

Section 239 (3) Other criteria

~~A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy and Protection Act* if the council, board or commission, or other body is the head of an institution for the purposes of that Act; and~~

Section 239 (3.1) Educational or training sessions for Members of Council.

4.0 NOTICE OF MEETINGS

- 4.1 The Municipal Clerk shall provide notice to the public respecting matters coming before Council for decision in the manner required by the Town of Cobourg's Public Notice Policy or as otherwise required by statute.
- 4.2 The Municipal Clerk shall send notice of each Regular Council, Committee of the Whole, Emergency and Special Meeting of Council accompanied by the Agenda to every Council Member by electronic mail and will ensure the meetings are posted on to the Municipal website for public information.
- 4.3 A Notice of Meeting may sent my electronic mail, or by telephone or be placed in the Council Mailboxes. Notice may also be provided in person in case of an emergency.
- 4.4 Written notice of all Special Meetings of Council or Committees, detailing the matters to be considered at the meeting, shall be delivered by electronic mail or in person to all Members not less than forty-eight (48) hours before the time set for the meeting. The Municipal Clerk shall provide notice to the public and media of all the meetings of Council or Committee, Agendas, Agenda items, cancellations and rescheduling through the following methods:
 - a) Publishing the annual schedule of meetings by posting it on the Municipal web site and by distributing copies upon request;
 - b) Updating the annual schedule of meetings posted on the Municipal web site within forty-eight (48) hours of any changes made to the schedule;
 - c) Posting a copy of meeting notices, main Agendas, and main Agenda items for review on the Victoria Hall Municipal notice boards and on the Town of Cobourg's Municipal website not less than forty-eight (48) hours in advance.

- 4.5 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 Municipal Clerk or designated Secretary's Office.
- 4.6 The Notice of meeting requirements as set out in this By-law are minimum requirements only and the Municipal Clerk or designated Secretary may give notice in an extended manner if, in the opinion of the Municipal Clerk or designated Secretary the extended manner is reasonable and necessary under the circumstances.
- 4.7 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*, the Town of Cobourg 'Procedural By-law' and 'Public Notice Policy', or as directed by Council.
- 4.8 Any meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Municipal 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.

5.0 GENERAL RULES IN CONDUCTING THE BUSINESS OF COUNCIL

Rules and Regulations Observed at all Times:

- 5.1 The rules and regulations set out herein shall be observed in all proceedings of Council and, with necessary modifications, the Committees of Council, and shall be the rules and regulations for the order and dispatch of business.
- 5.2 In any case for which provision is not made herein, the procedure to be followed for the proceedings of the Council or Committee meeting shall be as aligned as possible, to "*Roberts' Rules of Order*" as the rule for guidance on a specific parliamentary procedure.
- 5.3 The rules and regulations contained herein may be suspended by a two-thirds affirmative vote by the Members present and voting.
- 5.4 The rules of proceedings shall be observed in Regular Council, Committee of the Whole and Committee and Local Board meetings.

Chairing of Meetings:

- 5.5 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.
 - c) If both are absent, Council shall select an Acting Chair to serve as Head of Council.

Every Advisory Committee meeting shall be chaired by:

- a) The Chair, if present.
- b) The Vice Chair, if the Chair is absent.

- c) If both are absent, Committee shall select an Acting Chair to serve as Chair.

Selection of an Acting Chair:

- 5.6 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, other Members of Council shall be contacted in the following order: Deputy Mayor and the Councillors in accordance with their standing at the last municipal election, in order to arrange for a Member of Council to perform the responsibility or duty.
- 5.7 Council Service Coordinators/Council Members will Chair their respective Committee of the Whole Meetings, Budget, Hearings, Public Meetings and Special Meetings of Council.

Municipal Clerk's Attendance at Meetings:

- 5.8 The Municipal Clerk who is appointed by the Municipality shall be present at all meetings; however, the Municipal Clerk may delegate a municipal employee to act in his/her stead at the meetings of Council or Committees.

Record of Meetings:

- 5.9 Pursuant to Section 228 (1) (a) of the *Municipal Act 2001* 2001, as amended, the Municipal Clerk shall provide a written record of meetings, without note or comment, including all resolutions, decisions and other proceedings of the Council or Committees.

Upper-Tier Municipal Representation (Bill 68 Update):

- 5.10 The Mayor shall be the member appointed to the Upper-Tier Council (County of Northumberland) on behalf of the Town of Cobourg.
- 5.11 In the absence of the Mayor, the Deputy Mayor shall act as the alternate member to represent the Town of Cobourg on Upper Tier Council.

Use of Audio/Visual Technology:

- 5.12 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.

6.0 REGULAR MEETINGS OF COUNCIL

- 6.1 Regular Meetings of Council shall be held on Mondays at 4:00 p.m. ~~7:00 p.m.~~ in the Council Chambers, Victoria Hall, 55 King Street West, Cobourg in accordance with the annual Regular Council and Committee of the Whole meeting schedule prepared and published annually, except:
 - a) when otherwise directed by resolution of Council; or
 - b) when the Clerk advises otherwise upon a minimum of forty-eight (48) hours notice; or

- c) when special meetings are called by the Head of Council with forty-eight (48) hours notice; or
 - d) when emergency meetings are called by the Head of Council and no notice is required.
- 6.2 When the day for a Regular meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next following day which is not a public or civic holiday unless otherwise directed by resolution of Council, ~~with the exception of Family Day in February as no meeting is traditionally scheduled to follow this specific Statutory Holiday.~~
- 6.3 One Committee of the Whole and one Regular Council meeting will be held during the month of July and only one combined meeting will be held during the month of August due to the annual Association of Municipalities of Ontario (AMO) held in August. All summer meetings will be held at 4:00 p.m. Additional Council meetings may be held during this time period at the call of the Head of Council.

7.0 CALLING OF THE MEETING TO ORDER AND QUORUM

- 7.1 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 of the Council and once a quorum is present. If there is not a quorum present fifteen (15) minutes after the time appointed for the meeting, the Council or Committee shall stand adjourned until the next regular day of meeting unless a Special Meeting is called earlier.
- 7.2 A majority of the whole number of Members of Council is necessary to form a quorum. A quorum of this Council shall be a majority of the Members, seven (7) which is four (4) Members (in general), unless a two-thirds majority vote shall be required by statute or law.
- 7.3 A quorum of any of the Committees appointed by the Council shall be a majority of its Members (4/7).
- 7.4 If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within fifteen (15) minutes, 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.
- 7.5 For the purpose of calculating a vote of two-thirds of the Members present, any fraction shall be rounded to the next highest whole number. i.e. Two-thirds of seven (7) Members of Council shall be five (5).
- 7.6 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.
- 7.7 If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of Regular Council, Committee of the Whole, Committee or Local Board .

- 7.8 Despite any other provision in this section, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present, except submissions or information in respect of a hearing or public meeting required by statute.

Electronic Participation at Council Meetings (Bill 68 Addition)

- 7.9 **A member of Municipal Council who is unable to attend a Council Meeting shall not be permitted to participate by means of audio/visual or audio electronic communication devices.**

8.0 REGULAR COUNCIL MEETING AGENDA

- 8.1 The Municipal Clerk shall prepare Agendas for Regular Council meetings as assigned.

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'.

As soon as the Agenda is published and circulated electronically by the Municipal Clerk or designate to Council Members and, subject to the current Town of Cobourg Fees and Charges Schedule policy of Council respecting reproduction charges, the information will be made available to the media and public on the Municipal Website with the exception of information relating to matters to be considered in 'Closed Session'.

Agenda Headings – Definitions:

- 8.2 **The Municipal 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 meetings of Council to be as follows:**

<u>I</u>	<u>Moment of Reflection</u>
<u>II</u>	<u>Additions to the Agenda</u>
<u>III</u>	<u>Disclosure of Pecuniary (Financial) Interest</u>
<u>IV</u>	<u>Adoption of Minutes of the Previous Meeting</u>
<u>V</u>	<u>Presentations</u>
<u>VI</u>	<u>Delegations</u>
<u>VII</u>	<u>Delegation Actions</u>
<u>VIII</u>	<u>Reports</u>
<u>IX</u>	<u>Motions</u>
<u>X</u>	<u>By-laws</u>
<u>XI</u>	<u>Petitions</u>
<u>XII</u>	<u>Correspondence</u>
<u>XIII</u>	<u>Council/Coordinator Announcements</u>
<u>XIV</u>	<u>Unfinished Business</u>
<u>XV</u>	<u>New Business</u>
<u>XVI</u>	<u>Closed Session</u>
<u>XVII</u>	<u>Closed Session Action Item</u>
<u>XVIII</u>	<u>Adjournment</u>

Additions to the Agenda:

- 8.3 After delivery of the Council Agenda, the Municipal 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 Chief Administrative Officer. In this case, the Municipal Clerk shall endeavour to forward additional

Agenda material to the Members and public by posting same on the Municipal Website prior to the meeting. The Agenda additions may be presented at the Council meeting and are not subject to the notice requirements.

- 8.4 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 or addendum may only be introduced at a Council meeting with the approval of Council as expressed by Motion.

~~8.5 Persons desiring to present information verbally on matters of fact or to make a request of Council as a delegation shall give notice in writing of the general intent or purpose of their presentation on the prescribed form including any specific recommendations to the Municipal Clerk no later than 1:00 p.m. 4:00 p.m. on a Friday preceding the Council meeting.~~

~~8.6 The Mayor or Presiding Officer of the Council meeting shall determine if a request to address Council which has been received after 1:00 p.m. 4:00 p.m. on the Friday preceding a Council meeting shall be considered by Council.~~

9.0 DISCLOSURE OF PECUNIARY (FINANCIAL) INTEREST

- 9.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary (financial) interest direct or indirect, in any matter and is present at a meeting of the Council or 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 Municipal 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.

- 9.2 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.

- 9.3 The Municipal Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes, Notes or Report of that meeting.

Requirement to Establish Registry (New Bill 68 MCIA)

9.4 The Municipal Clerk shall establish and maintain a registry in which shall be kept;

- a) **a copy of each Declaration of Pecuniary Interest Form statement filed and signed by a Member;**
- b) **every declaration of interest and the general nature thereof made under Section 5 of the *Municipal Conflict of Interest Act*, shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the Municipal Clerk of the municipality or Secretary of the committee or local board, as the case may be.**

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

10.0 ADOPTION OF MINUTES OF THE PREVIOUS MEETING(S)

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

10.2 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;
- d) the correction of any amendments to and adoption of the Minutes of prior meetings. Any corrections made to the draft minutes at the meeting at which they are made 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.

~~10.3 It shall be the duty of the Municipal Clerk to ensure that the Minutes of the last Regular Council meeting, and all Committee of the Whole, Special and Emergency meetings held more than five (5) days prior to a Regular Council meeting, together with the Agenda prepared in accordance with this By-law are sent by electronic mail or delivered to each Member not less than seventy two (72) hours before the hour appointed for the holding of such Regular Council meetings.~~

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

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

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

- 10.7 Unless otherwise decided by Council, the Minutes of each meeting of Council shall be submitted for adoption or amendment to the Council at its next Regular Council meeting or as soon thereafter as is reasonably practicable.
- 10.8 Once the Minutes are adopted ~~approved~~ by Council, they shall be signed by the Mayor and Municipal Clerk, or their designate(s) if the Mayor and/or Municipal Clerk were absent from the meeting when the Minutes were taken.

11.0 PRESENTATIONS

~~11.1 Presentations at all Council meetings shall include awards, recognition or information provided by Municipal Consultants, Municipal Employees, individuals or organizations such as Police, Northumberland Hills Hospital, Ganaraska Region Conservation Authority etc. at the invitation or at the request of Council.~~

11.2 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.

11.3 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.

12.0 DELEGATIONS

~~12.1 Delegations shall include persons desiring to present information verbally on matters of fact or making a specific request of Council.~~

12.2 Persons can make a request to the Municipal Clerk if they wish to appear at Council as a delegation by making a written request on the prescribed **Delegation Request Form (Schedule "B").**

12.3 Every individual, organization or group wishing to address Council shall notify the Municipal Clerk in writing providing a brief outline of the nature of the Delegation and should include any specific requests or recommendations to Council on the prescribed **Delegation Request Form (Schedule "B") no later than 1:00 p.m. 4:00 p.m. on a Friday preceding a Council meeting.** The notice 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.

12.4 All persons attending Council meetings as a delegation should provide any correspondence, documentation or presentation materials electronically or otherwise to the Municipal Clerk **no later than 4:00 p.m. 1:00 p.m. on the Wednesday 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.**

- 12.5 Council may refuse to hear Delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Municipality; when the matter was referred to a Committee or Staff member for a report; or if the delegation is vexacious.
- 12.6 Persons seeking delegation status may be directed by the Municipal Clerk to the appropriate Committee except where the delegate wishes to address Council with respect to a matter which will be before Council or where the Mayor, Chief Administrative Officer and the Municipal Clerk determines that the matter is of an urgent nature and if due to the issue, topic, nature or reason for the delegation there is insufficient time to direct the delegate to a Committee.
- 12.7 All persons attending the meeting as a delegation shall address the Chair from the lectern in the public gallery in the Council Chamber or from the presenter's table in the Committee Room, as the case may be and shall state their name, or, if they are an agent the name and address of the client they represent.
- 12.8 No person, except Members of Council and appointed officials of the Town of Cobourg shall be permitted to come within or behind the bar during a Meeting of the Regular Council or Committee of the Whole without permission of the Mayor.**
- 12.9 When four (4) or less persons addressing Council as a Delegation shall be limited to speaking not more than ten (10) minutes.**
- 12.10 A Delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than fifteen (15) minutes.**
- 12.11 Council may limit or extend the time allowed for a Delegation by a majority vote by the members present.
- 12.12 An opportunity will be provided for Members to ask questions of clarity immediately following Delegations and Public Meetings and Members will be granted permission to ask questions, one (1) question at a time per Member 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 opportunity. 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.

13.0 DELEGATION ACTIONS

- 13.1 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.

14.0 REPORTS

- 14.1 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.

14.2 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.

14.3 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 Municipal Clerk and are to be prepared by the author and approved by the Manager, Department Director and Chief Administrative Officer as the case may be, and will include the following:

- 1.0 Strategic Plan Objective (if applicable);**
- 2.0 Recommendation;**
- 3.0 Public Engagement**
- 4.0 Origin;**
- 5.0 Background;**
- 6.0 Analysis;**
- 7.0 Financial Implications/Budget Impact;**
- 8.0 Conclusion;**
- 9.0 Attachments (if applicable);**
- 10.0 Authorization acknowledgement (Senior Management/CAO).**

14.4 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.

15.0 MOTIONS

15.1 No Member shall introduce any item to the 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.

15.2 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.

Note: only a mover and no seconder is required for Committee of the Whole or Advisory Committee meetings.

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

15.4 ~~Despite Section (15.2)~~ Motions respecting the following matters may be introduced orally without written notice and without leave:

- (1) Point of Order
- (2) Personal Privilege;
- (2) a Motion to refer decision on a question;
- (3) presentation of a Petition;
- (4) a Motion to refer a matter;

- (5) a Motion to withdraw a Motion before the Chair;
- (6) a Motion to recess;
- (7) a Motion to call the vote on a question;
- ~~(8) a Motion that Council move into Committee of the Whole, or that~~
~~Committee of the Whole rise and return to Council;~~
- (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 enact a by-law;
- (12) a Motion to continue a Council Meeting beyond 10:00 p.m.;
- (13) a Motion to move into, or out of, Closed Session;
- (14) a Motion to suspend or not to follow a rule of procedure;
- (15) a Motion to change the Order of Business;
- (16) a Motion to move in camera (Closed Session); or
- (17) a Motion to Adjourn.
- (18) Motions to postpone temporarily.
- (19) to lay on the table (tabling)

~~15.5 The following are deemed to be procedural Motions and shall be considered in the following order:~~

- ~~(1) to change the Order of Business;~~
- ~~(2) to adjourn or to fix the time to adjourn;~~
- ~~(3) that the vote be taken now;~~
- ~~(4) that Council resolve recess? Check out Roberts Rules itself into Committee of the Whole;~~
- ~~(4) Motions to refer~~
- ~~(5) Motions to postpone.~~

15.6 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.

15.7 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.

15.8 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.

15.9 After a Motion is moved at the Council meeting it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote before decision or amendment.

15.10 REQUIREMENT for DISPOSITION

A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:

- a) a motion on procedure has been made to amend, to defer decision on the question, 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.

- 15.11 DISPENSING with Notice - 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.
- 15.12 PRESENTATION of Motion – All Motions shall be presented in written form to Council and will be provided to the Municipal Clerk if not already printed in the Agenda for the meeting and shall be read by the Mover and shall be stated by the Presiding Officer before it is debated.
- 15.13 BEYOND JURISDICTION - A Motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.
- ~~15.14 PRIORITY of Disposition – A Motion properly before the Council for decision must receive disposition before any other Motion can be received with exceptions.~~
- ~~15.15 REFERENCE – A Motion to refer a matter under discussion by the Council shall preclude all amendments of the main question until it is decided.~~
- 15.16 A MOTION to Amend:
- should be presented in writing; ~~(at the discretion of the Chair);~~
 - shall receive disposition of Council before a previous amendment or the questions;
 - shall not be further amended more than once provided that further amendment may be made to the main question;
 - shall be relevant to the question to be received;
 - shall not be received proposing a direct negative to the question;
 - may propose a separate or distinct disposition of a question;
- 15.17 MOTION to Adjourn - A Motion to adjourn:
- shall always be in order except as provided by these rules;
 - when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council;
 - is not in order when a Member is speaking or during the verification of a vote;
 - is not in order immediately following the affirmative resolution of a Motion for the previous question;
 - Does not require a seconder.
- 15.18 Question of PRIVILEGE - 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.
- 15.19 MOTION to Refer - A Motion to refer a question or matter provides the opportunity for redrafting or further study of a motion to either amend properly or to obtain additional information. The motion 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.
- 15.20 MOTION to Divide - A Motion containing distinct proposals may be divided by leave of Council.

15.21 RECONSIDERATION – 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.

15.22 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.

15.23 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.

15.24 The Motion to Reconsider may be seconded by any member, no matter how the Member voted.

15.25 A Motion to reconsider is debatable.

~~No discussion on the matter being reconsidered shall be allowed until the Motion for reconsideration is carried.~~

15.26 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

~~No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the Motion to reconsider unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his reasons for doing so.~~

15.27 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.

~~The words “the first meeting held thereafter” shall mean the first Regular meeting of the Council or a meeting called specially to consider the accepted Motion or reconsideration of which notice has been given.~~

16.0 POINTS OF ORDER AND POINTS OF PRIVILEGE

16.1 The Presiding Officer shall preserve order and decide questions of order.

16.2 When a Member rises to a point of order he shall ask leave of the Presiding Officer to raise a point of order and after leave is granted they shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order.

16.3 Thereafter, a Member shall only address the Chair for the purpose of appealing the Presiding Officer’s decision of the Council.

- 16.4 If no Member appeals, the decision of the Presiding Officer shall be final.
- 16.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 16.6 Where a Member considers that their integrity or the integrity of the Council as a whole has been impugned, they may as a matter of personal privilege rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to the matter.

17.0 RECESS

- 17.1 A Motion to recess may be made at the call of the Mayor or Chair 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. This does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.**

18.0 RECONVENE

- 18.1 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.**

19.0 TABLING

- 19.1 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; and,**
- IV. cannot apply to any subsidiary Motion and cannot have any subsidiary Motion applied to it;**
- V. must be voted on;**

20.0 TAKE FROM THE TABLE

- 20.1 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.**

21.0 WITHDRAWAL

21.1 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.

21.2 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.

22.0 SUSPENSION OF RULES

22.1 Any procedure authorized by this by-law may be suspended with consent of a majority of the Members of Council present, save and except that any statutory requirement with respect to the proceedings may not be suspended by the Council. Statutory requirements are identified herein by reference to the applicable Act.

23.0 NOTICES OF MOTION

23.1 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 a written copy of the Motion, to the Municipal Clerk before the Regular Meeting or Committee of the Whole Meeting of Council at the Meeting which a notice of Motion is to be given.

23.2 Upon receipt of a notice of Motion request, the Municipal Clerk shall print the Motion in full in the agenda for the next Regular Meeting or Committee of the Whole Meeting of the Council.

23.3 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 regular Meeting of the Council.

24.0 PRECEDENCE OF MOTIONS

24.1 Privileged Motions

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;
- 3) Recess.

24.2 Subsidiary Motions

Subsidiary Motions assists with Municipal Council in treating or disposing of a main motion (and sometimes other motions.):

- 4) **Table;**
- 5) **Call the Question;**
- 6) **Limit or Extend Limits of Debate;**
- 7) **Motions to Postpone Temporarily;**
- 8) **Refer;**
- 9) **Amend;**
- 10) **Postpone Indefinitely;**
- 11) **Main Motion;**
- 12) **Take from the Table;**
- 13) **Reconsideration.**

24.3 Incidental Motions

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

- 14) **Appeal;**
- 15) **Pont of Order;**
- 16) **Withdrawal;**
- 17) **Suspension or Rules; and**
- 18) **Motion to Divide.**

25.0 RULES OF DEBATE

- 25.1 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 to address Council.**
- 25.2 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 Presiding Officer, was first to be acknowledged.**
- 25.3 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 or 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.**

- 25.4 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 reconsideration.
- 25.5 Any Member may require a Motion under discussion and debate to be read out by the Mayor or Committee Chair, or Municipal Clerk at any time during the debate but not so as to interrupt a Member while speaking.
- 25.6 No Member without leave of Council, shall speak to the same Motion, or in reply, for longer than five (5) minutes without leave by the Mayor or Presiding Officer.
- 25.7 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.
- 25.8 If the Mayor or Chair 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 the Chair, any other Member, who will preside over the Meeting or a specific section of the agenda.
- ~~25.9 The rules of conduct also apply to issues surrounding Council debate.~~
- 25.10 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.
- 25.11 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.
- 25.12 If a Member repeatedly questions the motives of other Members and mentions them by name, or persists in speaking on completely irrelevant matters in debate then the Mayor or Presiding Officer normally should first warn the Member; but with or without such warning the Mayor or Presiding Officer or any Member can call the Member to order by declaring the Member raise 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 to the assembly.
- 26.0 VOTING ON MOTIONS
- 26.1 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.

- 26.2** **No Member can be compelled to vote. As a result, every Member has the right to abstain. particularly whenever the Member has an interest in the outcome that directly affects them personally or monetarily in a manner not shared by the other Members unless there is a call for a 'Recorded Vote' in which case A decision to abstain from voting by a Member who is qualified to vote is considered to be a vote in the negative (no vote).**
- 26.3 Where a vote is taken for any purpose when required by law or if a Member requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote and the Municipal Clerk shall record each vote in alphabetical order.
- 26.4 When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and the names of those who voted against shall be noted in the Minutes. The Mayor or Presiding Officer shall announce the results.
- 26.5 If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately to require that the vote be taken again.
- 26.6 Unless provided otherwise, if there is a tied vote on any question, the vote shall be deemed to be lost.
- 26.7 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*.
- 26.8 ~~Recorded Vote - Where a vote is taken for any purpose when required by law or if a Member requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act, shall announce his 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.~~
~~When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and the names of those who voted against shall be noted in the Minutes. The Mayor or Presiding Officer shall announce the results.~~
- 26.9 ANY question having an equal number of votes shall be deemed to have been in the negative.
- 26.10 QUESTIONS Stated - Immediately preceding the taking of the vote, the 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 Presiding Officer or the Municipal Clerk shall state the question in the precise form in which it will be recorded in the Minutes.
- 26.11 NO Interruption After Question - After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the results have been declared.

- 26.12 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.
- 26.13 VOTE Not Allowed - A Member not present before the result of the division on a question is declared shall not be entitled to vote on that question.
- 26.14 ~~UNRECORDED Vote~~ - ~~The manner of determining the decision of the Council on a Motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.~~
- 26.15 The Mayor or Chair may vote with the other Members on all questions, except where otherwise expressly provided and except where they are prohibited from voting by statute.
- 26.16 ~~ABSTAINING From Vote:~~ - ~~No Member can be compelled to vote. As a result, every Member has the right to abstain particularly whenever the Member has an interest in the outcome that directly affects them personally or monetarily in a manner not shared by the other Members unless there is a call for a 'Recorded Vote' in which case a decision to abstain is considered a vote in the negative (no vote).~~

27.0 MATTERS AND MOTIONS - ORAL - NO WRITTEN NOTICE REQUIRED

27.1 The following matters and Motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- (i) a point of order or personal privilege;**
- (ii) presentations of petitions;**
- (iii) to lay on the table;**
- (iv) to postpone indefinitely or to a day certain;**
- (v) to move the previous question;**
- (vi) to adjourn;**
- (vii) to refer;**
- (viii) to amend;**
- (ix) to waiver or suspend the rules of procedure;**
- (x) a simple amendment;**
- (xi) a Motion to adopt a recommendation**

28.0 READING OF BY-LAWS AND BY-LAW PROCEEDINGS

28.1 No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Committee of the Whole Regular Council or unless the Mayor, Chief Administrative Officer and/or Municipal 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.

28.2 The Municipal Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law number and title.

28.3 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single Motion, duly moved and seconded.

28.4 The Clerk shall be responsible for their correctness should they be amended at the Council Meeting.

- 28.5 Every by-law shall be introduced by a Motion made by a Member of the Council, specifying the title of the by-law.
- 28.6 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.
- 28.7 The adoption of every by-law presented to Council may be the subject of one Motion.
- 28.8 Any by-law(s) may be discussed or voted on individually upon request by a Member.
- 28.9 All amendments to any 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 Municipal Clerk.
- 28.10 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.
- 28.11 Every by-law shall have three readings prior to it being passed.
- 28.12 The first reading of a by-law shall be decided without amendment or debate.
- 28.13 If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
- 28.14 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.
- 28.15 If Council so determines, a by-law may be taken as read.
- 28.16 The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
- 28.17 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 before it is ordered for the third reading.
- 28.18 When a by-law is recorded without amendment it shall be forthwith ordered to be read the third time at such time as may be appointed by the Council.
- 28.19 Every by-law enacted by Council shall be numbered, dated, signed by the Mayor or designate in the Mayor's absence, and by the Clerk or designate in the Clerk's absence. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and deposited by the Clerk for safekeeping.
- 29.0 CORRESPONDENCE

- 29.1 Every communication, designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person giving his/her address, or be received by email, by mail, or in person, including the address in order to identify the author and is to be filed with the Municipal Clerk.
- 29.2 Upon receipt of any letter, or other communication addressed to Council, the Municipal Clerk shall deal with it as follows:
- i) The Municipal Clerk shall place the matter on the next available Regular Council Meeting or Committee of the Whole Agenda.
- 29.3 Every communication intended to be presented to Council or Committee must be legibly written and must contain the signature and contact address of at least one person and preferably the addresses of all signatories. 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.
- 29.4 Any communication within the jurisdiction of a Council Service Co-ordinator or Committee shall first be referred by the Clerk to the appropriate Committee and Council Co-ordinator unless the communication relates to a subject or report scheduled to be considered by Council.
- 29.5 Communications/Correspondence items listed on the Agenda which contain a request for action on the part of Council shall not be acted upon without Council first receiving a report from municipal employees or the appropriate Committee unless the action is of routine or congratulatory nature.
- 29.6 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 Co-ordinator or to a Committee Agenda or be received for information and filed or be sent to the Association of Municipalities of Ontario.
- 29.7 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.
- 29.8 The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda unless otherwise decided by the Council.
- 29.9 The Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof.
- 29.10 For matters on the Agenda or additions to the Agenda the Council or Committee may decide by majority vote:
- a) to hear the Delegations, notwithstanding non-compliance with the requirements of other relevant sections in this by-law;
 - b) or postpone-hearing Delegations; or
 - c) to require as a condition of hearing a Delegation, the filing of a written outline with the Clerk.

30.0 PETITIONS

30.1 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.

30.2 The individual or group initiating the petition, or submitting the petition to the Municipal Clerk, must provide a key contact name, mailing address, and telephone contact information to the Municipal Clerk.

30.3 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.

31.0 COUNCIL/COORDINATOR ANNOUNCEMENTS

31.1 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. The Co-ordinator Announcement section of the Agenda does not allow 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 Presiding Officer

32.0 UNFINISHED BUSINESS

32.1 Any Agenda items not dealt with at a meeting will be carried over to the next meeting as Unfinished Business.

32.2 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.

~~33.0 NEW BUSINESS~~

~~33.1 Items of business which have not previously been considered by the Council may be raised as New Business.~~

~~33.2 Items of business which have not previously been considered by the Council may be raised as New Business. This will be consistent with the current practice of passing all business through Committee of the Whole and Regular Council. Any items of new business that must be dealt with urgently at a Regular Council Meeting should be forwarded to the Municipal Clerk as Additions to the Agenda and will be voted on for acceptance.~~

34.0 CLOSED SESSIONS

34.1 Meetings or a part of a meeting may be closed to the public by a Motion, if the subject matter being considered pursuant to Section 239 of the *Municipal Act, 2001*.

Exceptions:

- 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.
-
- ~~a) — The security of the property of the Municipality or Local Board which includes information whose disclosure could reasonably be expected to prejudice the economic interests or the competitive position of the Council;~~
 - ~~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) — The receiving of advice that is subject to solicitor client privilege, including communications necessary for that purpose;~~
 - ~~g) — A matter in respect of which a Council, board, Committee or other body may hold a Closed Session under another Act; or~~
 - ~~h) — If the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is designated as head of the institution for the purpose of that Act.~~

34.2 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*.

34.3 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*.

34.4 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.

34.5 A meeting shall not be closed to the public during the taking of a vote. Despite the preceding, a meeting may be closed to the public during a vote if:

- a) Section 239 (2) of the *Municipal Act 2001* 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.

34.6 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.

- 34.7 Confidential Documentation - All information, documentation or deliberations received, reviewed or taken in a Closed Session are confidential including notes and records.
- 34.8 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.
- 34.9 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.
- 34.10 Agendas, reports or any items from a Closed Session for consideration by Council shall not be released to the public or media.
- 34.11 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.

35.0 ADJOURNMENT

- 35.1 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.
- 35.2 A Motion to adjourn may not be amended.
- 35.3 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.
- 35.4 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.
- 35.5 On a Motion to adjourn no Member shall leave their seat until the Chair has declared the meeting adjourned.
- 35.6 No item of business may be dealt with at a Council meeting after 11:00 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 i.e. the meeting shall be extended to 11:00) p.m.**
- ~~35.7 Recess: A Motion to recess may be made at the call of the Presiding Officer when no question is pending, to provide for a short intermission in the Council or Committee proceedings, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.~~

36.0 COMMITTEE OF THE WHOLE

- 36.1 The Committee of the Whole may convene at each meeting of Council, shall report to Council and shall meet as required.
- 36.2 The Committee of the Whole will meet in the Council Chambers, Victoria Hall on weeks preceding the Regular Council meeting at 4:00 p.m. 7:00 p.m. on weeks preceding in accordance with the annual Committee of the Whole and Regular Council meeting Schedule.**
- 36.3 The Committee of the Whole meeting agendas will be prepared and circulated (10) ten 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 in advance of the meeting.
- 36.4 The Chair of the Committee of the Whole shall maintain order in Committee and report the proceedings to Council.
- 36.5 The Council/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.
- 36.6 Each Council/Coordinator will be assigned a backup Council Member as approved by resolution of Council to fill this role and assume responsibility in their absence.
- 36.7 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 Chair; and
 - e) no Motion to adjourn ~~conclude~~ the meeting shall be permitted.
- 36.8 The Committee of the Whole shall make its recommendations to Council with regard to each report that it considers.
- 36.9 Municipal employee 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 upcoming Regular Council meeting for final ratification/resolution.

36.10 Committee of the Whole Meeting Agenda:

- a) Agenda Additions
- b) Declarations of Interest
- c) Presentations
- d) Delegations
- e) Delegation Actions
- f) Co-ordinator and Staff Reports: (Order at the discretion of the Mayor and Council)
 - (i) Economic Development Services
 - (ii) General Government Services
 - (iii) Parks and Recreation Services
 - (iv) Public Works Services
 - (v) Protection Services
 - (vi) Planning and Development Services
 - (vii) Community Services
- g) Unfinished Business
- h) Closed Session Meeting Motion
- i) Adjournment

36.11 THERE shall be the following Council Service Coordinators:
(in no particular order)

- (i) Economic Development Services
- (ii) Community Services
- (iii) General Government Services
- (iv) Parks and Recreation Services
- (v) Planning and Development Services
- (vi) Protection Services
- (vii) Public Works Services

37.0 COMMITTEES – GENERAL (Advisory Committees and Local Boards)

37.1 Council shall determine by vote the appropriate number of Committees, their membership, mandates, purposed, terms of reference and reporting practices.

37.2 Council shall direct the Municipal 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.

37.3 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.

37.4 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 Chief Administrative Officer, 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.
- 37.5 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.
- 37.6 The Mayor shall be an ex-officio Member of each Committee, and shall be counted for quorum purposes and is entitled to vote at such meetings.
- 37.7 The Mayor shall not be eligible to be the Chair or Vice-Chair of a Standing or Advisory Committee.
- 37.8 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.
- 37.9 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.
- 37.10 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.
- 37.11 In the second, third and fourth year of the term of Council, each Standing or Advisory 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. 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.

- 37.12 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.
- 37.13 Committees shall not hold or schedule meetings while Council is in session.
- 37.14 The Municipal Clerk or designate (Committee Secretary) may cancel or reschedule a meeting in consultation with the Chair of a Committee and the Senior Manager or Chief Administrative Officer.
- 37.15 Committee meetings will 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. The change in venue 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 to avoid confusion.**
- 37.16 A Committee Chair may, after consultation with the Senior Manager or Chief Administrative Officer, 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~~.
- 37.17 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:
- a) Call to Order
 - b) Approval/Additions to Agenda
 - c) Adoption of Minutes
 - d) Declarations of Interest by Members
 - e) Presentations/Delegations
 - f) Communications/Correspondence
 - g) Reports
 - h) Unfinished Business
 - i) New Business
 - j) Adjournment
- 37.18 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.
- 37.19 Any communication to a Committee, received prior to a meeting of the Committee but not in sufficient time for inclusion with 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 for 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.
- 37.20 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* R.S.O. 2001 and with advice from the Municipal Clerk
- 37.21 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.
- 37.22 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.
- 37.23 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.
- 37.24 The Chair or Presiding Officer at a Committee has the right to expel or exclude any person from any meeting for improper conduct.
- 37.25 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 Municipal Clerk for inclusion the Council meeting agenda.
- 37.26 All Committee Minutes, when approved, are to be sent to the Municipal Clerk (or designate) for record keeping purposes.
- 37.27 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.
- 37.28 All Members shall receive all Notices and corresponding Agendas for all Committees within forty-eight (48) hours of meeting, where possible.

- 37.29 Should a meeting be adjourned for lack of quorum and if there are matters of business that are deemed urgent by the Chair or Chief Administrative Officer critical to be presented to the next meeting, these matters may be placed on the Council Agenda as a report by the Co-ordinator/Council Member 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.

38.0 SPECIAL COMMITTEES (Special and Task Forces)

- 38.1 Council may constitute a Special 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. The Mayor shall be an ex-officio Member of all Special Committees and shall have a vote at these Special Committees.
- 38.2 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 be dropped, such action may be proposed by means of a Notice of Motion to Discharge the Committee.
- 38.3 Each Special Committee shall be given a clear mandate and well defined Terms of Reference that shall include:
- a) the mandate;
 - b) the Membership;
 - c) the composition, including the applicable municipal employees;
 - d) the reporting relationships;
 - e) the municipal employees and other resources to be made available;
 - f) when the matters will be reported on;
 - g) a start and finish date;
 - h) consider any budget implications.
- 38.4 Special Committees for special projects may be established by Council when necessary upon a recommendation and with justification to the Committee of the Whole.
- 38.5 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.
- 38.6 Any Member of Council may attend and participate in meetings of Special Committees, but may not vote with the exception of the Mayor as an ex-officio Member.
- 38.7 The Mayor shall be an ex-officio Member of each Committee and shall be counted for quorum purposes and be entitled to vote at such meetings.
- 38.8 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.

- 38.9 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.
- 38.10 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.
- 38.11 The rules governing the procedure of the Special Committee, Committee of the Whole and the conduct of Members of Council shall be observed in these meetings insofar as they are applicable.
- 38.12 The Municipal 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.
- 38.13 A copy of the Minutes of each Special Committee meeting shall be forwarded to the Council.
- 38.14 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.

39.0 DISBANDING – AD HOC OR SUB-COMMITTEES

- 39.1 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.
- 39.2 Unless otherwise directed by the Council, a Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

40.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

- 40.1 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 its 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.

40.2 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.

40.3 The Presiding Officer shall maintain order in the Committee of the Whole and report the proceedings to the Council.

40.4 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.

40.5 The number of times of speaking on any question shall not be limited unless a Member moves that the vote be now taken with a two-thirds majority.

41.0 RULES OF CONDUCT FOR MEMBERS

41.1 A Member shall not:

- a) Speak disrespectfully of any Member of the Royal Family, the Governor General, the Lieutenant Governor, Member of Parliament, any member Municipality, 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.

- 41.2 The Council approved Town of Cobourg 'Code of Conduct for Council Members' also applies to Council and Committee meetings.
- 41.3 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.
- 41.4 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.
- 41.5 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.
- 41.6 **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.
- 41.7 **Disorderly Conduct - Apology:**
If the Member apologizes, the Chair may permit the Member to resume their seat.
- 41.8 **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.
- 41.9 **Failure to Leave Seat - Removal**
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.
- 41.10 **Powers to Expel Persons Other than Members of Council:**
The Head of Council or Chair may expel any person for improper conduct at a meeting.
- 41.11 **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.

41.12 Calling the Question:

- a) When the Chair is putting a question, no Member may walk out of the room;
- c) When a Member is speaking, no other Member shall hold discourse which may interrupt the speaker;
- d) 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

41.13 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.

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

42.1 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 off 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 the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any Member of Council or any Municipal Employee, Municipal Solicitor, Consultant or other person/party representing 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.

42.2 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;
- III. display or have in their possession picket signs or placards in the Council Chambers or Meeting Rooms.

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

42.4 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.

42.5 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.

42.6 When the Chair is putting the question no person shall leave or make a disturbance.

43.0 ORGANIZATIONAL STRUCTURE

43.1 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 Ananager/Director as established in the formal organizational structure of the Town of Cobourg.

43.2 No Committee shall have departmental jurisdiction.

44.0 AMENDMENT

44.1 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.

45.0 STATUTORY REQUIREMENTS

- 45.1 All provisions of this by-law which are statutory requirements under the *Municipal Act 2001 2001, R.S.O. 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.

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

- 46.1 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; and
- 46.2 The Municipal Clerk may delegate to any Employee in the Town of Cobourg, in consultation with the CAO and Division Directors, the Clerk's duties related to the giving of notice and the recording of The proceedings of meetings of Council and its Committees; and
- 46.3 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.

47.0 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.

48.0 GENDER / NUMBER

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

49.0 GENERAL PROVISIONS

- 49.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 49.2 No amendments or repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council.
- 49.3 The applicable 'Roberts Rules of Order' shall prevail in all circumstances not covered by this By-law or where there is a conflict between any two or more provisions of this By-law.
- 49.4 Any reference in this By-law to one or more sections of legislation of the Province of Ontario includes any successor section of legislation enacted from time to time.

- a) No suspension or amendment of any provision of this By-law shall be considered at any meeting of the Council, or a Committee of Council, unless notice of the proposed suspension or amendment is given at a previous regular meeting of the Council.
- (b) No repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed repeal is given at a previous Regular meeting of the Council.
- (c) Council, or a Committee of Council, shall not waive the notice requirement set out in subsections (1) and (2) of this Section.

49.5 This By-law may be referred to as the "Council Procedural By-law".

50.0 SEVERABILITY

50.1 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.

51.0 EFFECTIVE DATE

THIS by-law shall become effective on January 1, 2018.

52.0 REPEAL OF EXISTING BY-LAWS

That By-law No. 003-2016 ~~004-2015~~ is hereby repealed.

READ a first, second and third time and finally passed I Open Council
~~this 11th day of January, 2016.~~

MAYOR

MUNICIPAL CLERK