



The Corporation of Norfolk County

By-Law 2017-83

Being a By-Law to Govern the Procedures of The Council of The Corporation of Norfolk County and All of Its Committees, the Calling of Meetings and the Conduct of Its Members.

WHEREAS Section 238 of the *Municipal Act, 2001*, 2001, S.O. 2001, c.25, as amended, provides that every Council shall adopt a procedure for governing the calling, place and proceedings of meetings;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

PART 1: SHORT TITLE

1.1 This By-Law shall be known as "The Procedural By-Law" for The Corporation of Norfolk County.

PART 2: DEFINITIONS

- 2.1 **"Abstain"** shall mean a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases an abstention shall be deemed as a negative vote.
- 2.2 **"Advisory Committee"** means a committee constituted by Council from time to time to act in an advisory capacity to Council and provide input on a discretionary basis on a particular matter or undertake special projects as assigned and in accordance with their terms of reference.
- 2.3 **"Amendment to a Motion"** means a motion to change the words of a pending motion. Amendments are debateable if the original motion is debateable. The amendment shall be germane (relevant) and not contrary to the main motion.
- 2.4 **"By-Law"** shall mean this By-Law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-Law are considered integral parts of it.
- 2.5 **"County Manager"** shall mean the County Manager of the Corporation of Norfolk County.

- 2.6 **“Chair”** shall mean the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except when disqualified) shall vote on all questions.
- 2.7 **“Clerk”** shall mean the Clerk of The Corporation of Norfolk County.
- 2.8 **“Closed Session”** shall mean a Meeting or part of a Meeting of Council, Council-In-Committee, a Committee or Committee-of-the Whole, not open to the public to discuss subject matters in accordance with the *Municipal Act, 2001*, 2001, S.O. 2001, Chapter 25, as amended.
- 2.9 **“Committee”** shall mean a Committee established by the Council.
- 2.10 **“Committee-of-the-Whole”** shall mean a Committee composed of all of the members of Council.
- 2.11 **“Communication Device”** includes a cellular phone, pager, smart phone, computer with a link to the Internet, or any other similar piece of technological equipment used for communications purposes.
- 2.12 **“Council”** shall mean the Council of The Corporation of Norfolk County.
- 2.13 **“Council-In-Committee”** shall mean all members of Council sitting as a Committee-of- the-Whole to deal with business matters and make recommendations to Council.
- 2.14 **“Debate”** shall mean discussion on the merits of a question/motion and whether the proposed action should or should not be taken. A main motion must be introduced and if required seconded before debate begins.
- 2.15 **“Deputation”** shall mean a person/group making a verbal presentation to Council.
- 2.16 **“Deputy Mayor”** shall mean a Member of Council who is appointed, by By-Law, to act from time to time in the place of the Mayor when the Mayor is absent from the municipality or absent through illness, or when the office is vacant and, while so acting, such Member has and may exercise all the rights, powers and authority of the Head of Council.
- 2.17 **“Division of the Question”** shall mean a request by a Member to have a motion divided into parts which are capable of standing alone, so that these parts may be considered separately.
- 2.18 **“Emergency Meeting”** shall mean a Meeting of the Council called without written notice to address circumstances of emergency.
- 2.19 **“Inaugural Meeting”** shall mean the first meeting of a new Council after a municipal election where the declarations of office are made.

- 2.20 **“Improper Conduct”** shall mean conduct that obstructs in any way the deliberations and/or proper action of Committee or Council.
- 2.21 **“Mayor”** shall mean the Head of Council and C.E.O. of the municipality and the Mayor of Norfolk County.
- 2.22 **“Meeting”** shall mean any regular, special, Committee or other meeting of Council and its Committees.
- 2.23 **“Meeting Schedule”** shall be deemed to be the Council/Committee meeting schedule containing the dates of the Council and Council-In-Committee meetings, including other reserved dates confirmed by Council resolution.
- 2.24 **“Member”** shall mean a member of the Council and shall include the Mayor.
- 2.25 **“Minutes”** shall mean a record of the proceedings of a meeting, and shall be made by the Clerk without note or comment.
- 2.26 **“Motion”** shall mean a Resolution of Council or a Recommendation of a Committee that is under debate by Council or a Committee.
- 2.27 **“Municipal Act, 2001”** is the *Municipal Act, 2001* 2001, S.O. 2001, c. 25 as amended from time to time.
- 2.28 **“Municipal Election”** shall mean a general, County-wide Municipal election or a by election.
- 2.29 **“Notice”** shall mean notice provided to Members and to the public which advises the recipient of the time and place of a Meeting.
- 2.30 **“Order of Business”** shall mean the sequence of business under consideration at a meeting that has been duly called and constituted.
- 2.31 **“Pecuniary Interest”** includes a direct or indirect pecuniary interest of a member in accordance with the Municipal Conflict of Interest Act.
- 2.32 A **“Point of Order”** shall mean an issue or concern regarding conformity to this By-Law and/or to the rules of order of Council, questions of privilege, difficulty in continuation of a Meeting, improper, offensive or abusive language, notice that discussion is outside the scope of the motion or Notice of Motion, or irregularities in the proceedings.
- 2.33 **“Point of privilege”** means a question by a member with respect to the rights of a member individually or Council or a Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely;

- 2.34 **“Presentation”** shall mean either a:
- a) Ceremonial presentation to or from the Corporation of Norfolk County; or a
 - b) Presentation made by Consultants or other Agents retained or requested by the Corporation of Norfolk County; or a
 - c) Presentation made by Agents of another level of government.
- 2.35 **“Provisional Governance Committee”** meets only when an emergency has been officially declared and a quorum of Council cannot be convened.
- 2.36 **“Public Hearing”** for the purpose of this By-Law shall mean a Public Meeting of Council held for the consideration of Applications for Road Closures, Assessment, Reductions and Tax Write Offs, Planning Applications, Retail Business Holiday Act Exemptions, Drainage Applications, Development Charges By-Laws and any other matter that is required to hold a Public Meeting as per legislation.
- 2.37 **“Quorum”** shall mean a majority of the whole number of Members required to constitute a Council.
- 2.38 **“Recorded Vote”** shall mean the recording of the name and vote of every member voting on any matter or question during a Council meeting.
- 2.39 **“Reports”** shall mean a written document by a municipal employee, consultant, solicitor or other person for the purpose of providing advice, alternatives/recommendations on various matters.
- 2.40 **“Resolution”** shall mean a motion that has been passed by Council.
- 2.41 **“Rules of Procedure”** shall mean the rules and regulations provided in this By-Law.
- 2.42 **“Suspend the Rules”** shall mean to suspend any of the rules in this By-Law with the consent of two-thirds majority of the Council present. It cannot have an effect beyond adjournment. A motion to suspend the rules is not debatable or amendable, nor can any subsidiary motion be applied to it.

PART 3: GENERAL RULES

- 3.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and its Committees and shall be the rules and regulations for the order and dispatch of business in the Council.
- 3.2 The rules contained in the By-Law shall be observed with the necessary modifications, in every Committee, where applicable.

- 3.3 Those proceedings of the Council, or the Committees thereof not specifically governed by the provisions of this By-Law shall be regulated in accordance with Robert's Rules of Order.
- 3.4 Any part or parts of this By-Law may be suspended, at such times and upon such conditions as may be deemed appropriate, except for those rules or regulations that are set out by Legislation, with the consent of two-thirds majority of the Council present for a single occasion. Council is not permitted to suspend any statutory requirement with respect to its proceedings.
- 3.5 In the absence of the Mayor from the Municipality, or if he/she is absent through illness or refuses to act, or if the Office is vacant, the Deputy Mayor for the purposes of this By-Law shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.
- 3.6 No person shall be allowed to enter the bar of Council during meetings without the leave of the Mayor, except members, employees and servants of the Corporation of Norfolk County.

PART 4: MEETINGS

4.1 Location:

All Meetings of Council shall be held at the County Administration Building located in Governor Simcoe Square in the Council Chambers and/or Committee Room A at 50 Colborne Street South, Simcoe, unless otherwise decided by Resolution of Council and are open to the public.

4.2 Inaugural Meeting:

Inaugural Meetings shall be held on the first Tuesday in December following a Regular Municipal Election at 3:00 p.m.

4.3 Regular Meetings:

- a) All regular meetings of Council shall convene at 3:00 p.m. in the Council Chambers and/or Committee Room A on the second (2nd) and fourth (4th) Tuesdays of every month.
- b) A regular meeting of Council may be convened earlier if deemed necessary with the approval of the Mayor with public notice given in accordance with Sections 5.1 and 5.2.
- c) Where such Tuesday may be a holiday, the Council shall meet on the business day next following the regular day of the meeting and at the same time as specified in Section 4.3(a) above, or on another date as may be deemed practicable.

4.4 Special Meetings:

- a) The Mayor may, at any time, call a Special Meeting of Council.
- b) The Clerk shall, upon receipt of a petition signed, or emailed by a majority of the Members of Council, summon a Special Meeting of Council for the purpose and at the time set out in the petition.
- c) The Office of the Clerk shall provide all Members with at least forty-eight (48) hours notice of a Special Meeting summoned by the Mayor or a valid petition of the Members of Council.
- d) Minimum notice shall consist of a telephone message or email to all Members followed by a written agenda.
- e) The only business to be dealt with at a Special Meeting is that which is identified on the agenda for the Meeting.
- f) The lack of receipt of a notice or of an agenda for a Special Meeting by any Member shall not affect the validity of the Meeting or any action taken thereat.

4.5 Emergency Meetings:

- a) Notwithstanding any other provisions of this By-Law, an Emergency Meeting may be held without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- b) Only business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- c) Lack of receipt of a Notice or of an Agenda for an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting or any action taken thereat.

4.6 Provisional Governance Committee:

- a) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 3 members of Council attending a properly scheduled meeting of Council, that at least 4 members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or his or her designate in accordance with the County's Emergency Plan.
- b) The Provisional Governance Committee shall be comprised of five Members of Council, and shall elect its own Chair from amongst the attending Members.

- c) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:
 - i) The delegation shall be effective only during the times specified; and
 - ii) The Committee shall conduct its meetings in accordance with this By-Law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 3 Members of Council.

4.7 **Alter Time, Day or Place:**

Council may, by Resolution, alter the time, day or place of any Council and/or Committee Meeting.

4.8 **Postponement of Meetings:**

Any regular meetings of the Council may be postponed to a day named in:

- a) A notice by the Mayor or the Deputy Mayor given through the Clerk's Office forty-eight (48) hours in advance of the regular meeting; or
- b) A resolution of Council passed by the majority of members at a regular Council Meeting.
- c) The Mayor may, when emergency situations arise, postpone a meeting for no more than 7 days to such date determined by the Mayor in consultation with the Clerk. The Clerk shall then give notice of a Special Meeting to deal with the postponed matters in accordance with section 4.4 of this By-Law.

4.9 **Commencement of Meetings:**

- a) A quorum shall be a majority of the members constituting the Council.
- b) As soon after the hour fixed for a Meeting as a Quorum is present, the Meeting shall be called to order by the Mayor or Presiding Officer.
- c) If there is no quorum present within fifteen minutes after the time appointed for the Meeting, the Council shall stand adjourned until the date and time of the next Regular or Special Meeting and the Clerk shall record the names of the members present upon such adjournment.
- d) If during the course of a Council Meeting, a quorum is lost, the Mayor shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.

- e) If members are not going to be in attendance or are going to be late for a Meeting, they shall contact the office of the Clerk in advance of the meeting in order to ensure that a quorum will be present prior to the meeting.
- f) In the case where a quorum is present, the Mayor shall preside at all Council meetings.
- g) In the absence of the Mayor, the Deputy Mayor shall preside during the Meeting or until the arrival of the Mayor.
- h) In the absence of the Mayor and the Deputy Mayor, the Clerk shall call the Meeting to order fifteen minutes after the hour appointed for the Meeting, and the members shall elect a Member to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.

4.10 **Adjournment:**

The Council shall adjourn at the hour of 9:00 p.m., if in session at that hour, unless otherwise determined by a resolution of Council passed by a two-thirds majority vote of the members.

PART 5: PUBLIC NOTICE OF MEETINGS/AGENDAS

- 5.1 The published Agenda shall be considered as adequate notice of Regular Meetings of Council and its Committees, except for meetings held on a day or at a time other than as provided for by this By-Law.
- 5.2 The Agenda for Regular Meetings shall be delivered to the Mayor and members not later than forty-eight (48) hours prior to the meeting.
- 5.3 Notice and Agendas of Special Meetings called in accordance with Section 4.4 of this By-Law shall be delivered prior to the meeting not later than forty-eight (48) hours before the hour appointed for the special meeting.
- 5.4 No business except the business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- 5.5 Notwithstanding any other provision of this By-Law, an Emergency Meeting may be held without written Notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the Meeting as soon as possible and in the most expedient manner available.
- 5.6 No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

- 5.7 Lack of receipt of a Notice or of the Agenda by the members shall not affect the validity of the Meeting or any action taken thereat.
- 5.8 A complete copy of the published Agenda and Council Information Packages shall be posted on the County's website for members of the news media and the public 48 hours preceding the scheduled meeting except in cases where a Special or Emergency meeting has been called in which case notice will be published as soon as possible.
- 5.9 Any item of business which is not listed on an Agenda may be raised under "Other Business" during a Council or Council-In-Committee meeting. However, when action is required, the matter shall be referred to a future Meeting Agenda in order to ensure adequate public notice is provided. Should immediate action be required, Council or Council-In-Committee may, by a two-thirds majority vote of Council, waive the notification requirements of this By-Law to deal with the matter at that time.
- 5.10 "Other Business" shall be used to bring forward matters that are general information in nature. Matters requiring action shall be brought forward through the Notice of Motion process.
- 5.11 The Annual Meeting Schedule of Council and Council-In-Committee, shall be published on the County's website.

PART 6: PUBLIC ACCESS TO MEETINGS**Open Meetings:**

- 6.1 Except as provided in this Section, all meetings shall be open to the public.

Closed Meetings:

- 6.2 A Meeting or a part of a Meeting may be closed to the public if the subject matter being considered is:
- a) The security of the property of the municipality or local board;
 - b) Personal matters about an identifiable individual, including municipal employees or local board members;
 - 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 the Council, Board or Committee may hold a closed meeting under the authority of another Act;
 - h) The education and training of Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council; or
 - i) Related to the consideration of a request under the Municipal Freedom of Information and Protection of Personal Privacy Act if the Council is designated as head of the institution for the purposes of that Act.
 - j) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.
- 6.3 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council shall state by Resolution:
- a) The fact of the holding of the Closed Meeting;
 - b) The general nature of the matter to be considered at the Closed Meeting;
 - c) In the case of a meeting for the purpose of educating and training of Members, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed for that purpose.
- 6.4 A Meeting shall not be closed to the public during the taking of a vote except where:
- a) The provisions of this By-Law 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 Corporation of Norfolk County, or persons retained by or under contract with the municipality or local board.
- 6.5 Whenever a majority of the Members present decide that the Council should resolve into a Closed Session, the Mayor as Presiding Officer shall maintain order during the Meeting and shall report the proceedings thereof to the Council.
- 6.6 The rules governing the procedure of Council and the conduct of its Members shall be observed in the Closed Session with necessary modifications except that;
- a) Voting shall only be permitted for providing direction to staff;
 - b) The number of times of speaking on any question shall not be limited.

- 6.7 All deliberations while in Closed Session shall remain confidential unless otherwise approved in Open Session.
- 6.8 The Record of all Confidential Closed Session Minutes shall be circulated to Members of Council and/or Council-In-Committee for their review. Council-In-Committee Minutes shall be approved by resolution of Council. Council Minutes shall be reviewed for errors or omissions and if none are noted declared adopted by the Chair. All Closed Session Minutes shall remain confidential unless a motion to release is approved by Council, or by order of a Court of competent jurisdiction.
- 6.9 Despite the provisions of public notification a Closed Session item may be presented as a Change to the Agenda, if the matter is deemed to be time sensitive. The Clerk shall attempt to give as much notice as possible to Councillors, the media and the public in this instance.

PART 7: DEPUTATIONS/PRESENTATIONS/APPLICATIONS

Deputations

- 7.1 Any person(s), group(s), or organization(s) that wishes to address Council-In-Committee for an item listed on the agenda shall provide written notice to the Clerk no later than 12 noon Thursday prior to the meeting. Deputation Requests respecting matters that are listed on an agenda will be accepted until 4:00 p.m. the day prior to the meeting and presented to Members as Changes to the Agenda.
- 7.2 All deputations shall be considered at Council-In-Committee Meetings. No deputations shall be permitted on a Council Agenda unless the matter is time sensitive and related to business on the subject agenda. All deputations requesting to appear at a Council meeting must be received by the Clerk's office by 12 noon the Thursday prior to the meeting.
- 7.3 A Request for Deputation Form (Form FO-91), shall be completed for all deputations and filed with the Clerk and shall clearly state the nature of the business to be discussed.
- 7.4 Deputation Requests which do not meet the regular agenda print shall be presented at the beginning of Council-in-Committee as Changes to the Agenda for consideration of adoption.
- 7.5 Upon receipt of a deputation request, that meets the requirements of the Procedural By-Law, the Clerk shall list the deputation on the next appropriate agenda.

- 7.6 The deadline for Requests for Deputations is subject to change at the discretion of the Clerk around Statutory Holidays and office closures and instances where meeting start times are advanced significantly.
- 7.7 Deputations shall only present significantly new information. Repetitive deputations by any person(s), group(s), or organization(s) will not be considered by Council.
- 7.8 Only one deputation shall be permitted on an agenda per person, per group or per organization.
- 7.9 The total time allotted to each deputation shall be set at (10) ten minutes and no time extensions shall be granted.
- 7.10 The Chair shall notify all deputations when they have one minute remaining.
- 7.11 In the case of extenuating circumstances, Council may, by a two-thirds majority vote, permit a person to appear as a deputation who does not appear on the agenda.
- 7.12 Any related written briefs, outlining the subject matter of the deputations, shall be provided to the Clerk and shall form part of the Official Record of the proceedings, and therefore shall be considered to be a public document.
- 7.13 Council-In-Committee shall refuse to hear Deputations when, in the opinion of Committee, the subject of the presentation is beyond the jurisdiction of the municipality.
- 7.14 No person shall be permitted to address Council-in-Committee with respect to any labour/management disputes, labour relations, union negotiations and employee relations nor shall a brief respecting such matters be listed on a Council or Committee Agenda.
- 7.15 No person shall be permitted to address Committee relating to any litigation or potential litigation matters with respect to the Corporation of Norfolk County.
- 7.16 No deputation shall be permitted for the sole purpose of publicity or promotion.
- 7.17 No deputation shall be permitted to request a reconsideration of a decided matter within one year of the original decision.
- 7.18 No deputation shall be permitted from a bidder or potential bidder on a tender that is currently open or being presented to Committee for approval.
- 7.19 Members shall not engage in any debate with the deputation. Members of Council-In-Committee shall only ask questions for clarification and obtaining additional relevant information after the deputation has finished their formal address.

7.20 Deputations shall not:

- Speak disrespectfully to any person;
- Use offensive language;
- Speak on any subject other than the subject for which he/she has received approval to address Council-In-Committee;
- Disobey the rules of procedure or a decision of the Mayor or Presiding Officer

Presentations:

7.21 Ceremonial presentations of awards and recognition to or from the Corporation shall be scheduled directly on Council Agendas.

7.22 All other presentations may be scheduled at Council or Council-In-Committee Meetings.

7.23 Presentations shall be limited in speaking to not more than ten (10) minutes in total.

7.24 Extensions to presentations may be granted by a majority vote of members in attendance.

7.25 Any related written briefs, outlining the subject matter of the presentations, shall be provided to the Clerk and shall form part of the Official Record of the proceedings, and therefore shall be considered to be a public document.

Applications:

7.26 Interested parties appearing before Council during an official Public Hearing, such as a proposed Zoning or Official Plan Amendment, are not limited to time constraints or notification requirements.

PART 8: COMMUNICATIONS AND PETITIONS

8.1 Every communication or petition intended for presentation to Council or to a Committee shall be legibly written or printed and shall be signed by at least one person with their appropriate contact information.

8.2 The deadline for receipt of communications or petitions by the Clerk for inclusion on the Agenda shall be noon, on the Thursday prior to the Regular Meeting of Council. If time sensitive or related to an agenda item being considered these communications or petitions can also be listed on the Changes to the Agenda if received before 4:00 p.m. the day prior to the meeting.

8.3 Communications and petitions addressed to the Mayor and Council shall be listed on the Agenda if action is required by Council or included in a Council Information Package for information purposes only.

- 8.4 All Resolutions received from other municipalities shall be distributed, for information purposes, to the members of Council in the Council Information Package.
- 8.5 Any member of Council shall make a request through the Clerk to place any communication, petition or resolution that is included in the Council Information Package on the next Agenda of Council.
- 8.6 Communications or petitions containing obscene or defamatory language or submitted anonymously shall not be listed on the Agenda.

PART 9: ORDER OF PROCEEDINGS, AGENDAS & MINUTES**Agendas:**

- 9.1. The Clerk or his/her designate shall prepare the Agenda for all Regular Council Meetings consisting of the following Order of Business:
 1. Ceremonial Activities
 2. Disclosures of Pecuniary Interest & The General Nature Thereof
 3. Approval of Agenda/Changes to the Agenda
 4. Closed Session (If early session required)
 5. Consent
 6. Public Meeting/Public Hearings
 7. Presentations & Deputations
 8. Approval/Correction of the Public Meeting and Regular Council Meeting Minutes
 9. Communications
 10. Reports of Committees
 11. Staff Reports/Discussion Items
 12. Reports of Council Members
 13. By-Laws
 14. Motions
 15. Notices of Motion
 16. Other Business
 17. Closed Session
 18. Confirming By-Law
 19. Adjournment
- 9.2 The Clerk or Clerk-designate may alter the order of business from that described above for the purpose of facilitating Public/Meetings/Public Hearings and Deputations to be heard at 5:00 p.m.
- 9.3 The Minutes of all Council meetings shall, unless otherwise decided by the Council, be submitted for review and adoption at a subsequent Council meeting.
- 9.4 All Changes to the Agenda order and new items shall be presented under 'Approval of the Agenda/Changes to the Agenda' section for approval before adoption.
- 9.5 The business of each Meeting shall be taken up in the order in which it stands in the Agenda, unless otherwise decided by a majority vote of the members present.

- 9.6 A motion changing the order of business shall not be amendable or debatable.
- 9.7 All Public Hearings shall be held during Council proceedings and officially closed by a verbal motion before Council proceeds to deliberate the matter.
- 9.8 All Council members desiring to pull an item from the Council –In-Committee Minutes for discussion at Council are required to notify the Clerk a minimum of 24 hours in advance of the meeting commencement. The Clerk shall notify all Council members of the item being pulled for discussion.

Minutes

- 9.9 Minutes of the Council or its Committee, whether in Closed or Open Session, shall record:
 - 1) The date of the meeting;
 - 2) The record of the attendance of the members;
 - 3) All resolutions, decisions and other proceedings of the meeting without note or comment.

PART 10: ROLE OF THE MAYOR

- 10.1 In accordance with the *Municipal Act, 2001*, it is the role of the Mayor as the Head of Council:
 - a) To Act as Chief Executive Officer of the municipality;
 - b) To preside over Council meetings so that its business can be carried out efficiently and effectively;
 - c) To provide leadership to Council;
 - d) To represent the municipality at official functions
 - e) To carry out the duties of the Head of Council under the *Municipal Act, 2001* and any other Act; and
 - f) To provide information and recommendations to Council with respect to the role of Council described in the *Municipal Act, 2001*.
- 10.2 As Chief Executive Officer of the County, the Head of Council shall:
 - a) Uphold and promote the purposes of the municipality;
 - b) Promote public involvement in the County's activities;
 - c) Act as the representative of the County both within and outside the municipality and promote the County locally, nationally and internationally; and

- d) Participate in and foster activities that enhance the economic, social and environmental well-being of the County and its residents.

PART 11: ROLE OF COUNCIL

11.1 In accordance with the *Municipal Act, 2001*, it is the role of Council:

- a) To represent the public and consider the well-being and interests of the County;
- b) To develop and evaluate the policies and programs of the County;
- c) To determine which services the County provides;
- d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) To ensure the accountability and transparency of the operations of the County, including the activities of the senior management of the County;
- f) To maintain the financial integrity of the County; and
- g) To carry out the duties of Council under the *Municipal Act, 2001* and any other Act.

PART 12: DISCLOSURE OF PECUNIARY INTEREST

- 12.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O 1990, c.M.50* in any item or matter before Council, Committee or Local Board and the general nature thereof.
- 12.2 If a Member has any pecuniary interest, direct or indirect, in any matter in which the Council or Committee is concerned and if he/she is present at a Meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and the general nature thereof and leave the room and shall not take part in the consideration or the discussion of the matter nor vote on any motion in regard to the matter.
- 12.3 If a Member is not present and has any pecuniary interest, he/she shall disclose his/her interest at the next meeting in attendance.
- 12.4 Notwithstanding the quorum requirements of this By-Law, when a majority of the members has disclosed an interest in accordance with Section 12.2 of this By-Law and the *Municipal Conflict of Interest Act*, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

- 12.5 Where a meeting is not open to the public, in addition to complying with the requirements for disclosure in open session, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 12.6 The Clerk shall record the nature of any disclosure of pecuniary interest made by Members, as the case may be, and any such record shall appear in the minutes of that particular meeting, as the case may be.

PART 13: RULES OF CONDUCT

- 13.1 No Member shall:
- a) Speak disrespectfully of the reigning sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant Governor, or any person administering the government of the Dominion of Canada, the Province of Ontario or of The Corporation of Norfolk County.
 - b) Use offensive words, inappropriate actions or insulting language in or against any Member of Council or any Staff member or any member of the public.
 - c) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability.
 - d) Engage in private conversation while in the Council Meeting or use electronic devices including cellular phones, personal digital assistance, media players etc. for personal use.
 - e) Speak on any subject matter other than the subject in debate.
 - f) Disturb the Council by any disorderly conduct.
 - g) Where a matter has been discussed in Closed Session, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a Closed Session, except to the extent that Council has previously released or disclosed the matter in public;
- 13.2 A Member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.
- 13.3 A Member should not leave his/her seat or make any noise or disturbance during the meeting and while a vote is being taken or until the vote is declared.
- 13.4 A Member shall not interrupt a Member who is speaking, except to raise a point of order or a question of privilege.

- 13.5 In the event that a Member persists in a breach of the Rules of this By-Law, after having been called to order by the Mayor, the Mayor shall 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.
- 13.6 If the Council decides the questions set out in Section 13.5 of this By-Law in the affirmative by a majority vote of the members present, the Mayor shall order the member to leave his/her seat for the duration of the Meeting.
- 13.7 If the Member apologizes, the Mayor, with the approval of the Council, may permit the Member to resume his/her seat.
- 13.8 No member of the public shall:
- Disturb the meeting by shouting, clapping or any other form of disorderly conduct, or
 - Use indecent, insulting or offensive language neither verbally or on signs or other visual displays
- 13.9 If a member of the public is in violation of the rules of this By-Law and fails to cease such activity upon direction of the Mayor or Chair, the Mayor or Chair has the discretion to either adjourn or recess the meeting.

PART 14: RULES OF DEBATE

- 14.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 14.2 The Mayor shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council.
- 14.3 The Mayor may answer questions and comments in a general way without leaving the chair, but if he/she wishes to make a motion or to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the chair.
- 14.4 If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor will sit in his/her place until he/she resumes the chair.
- 14.5 Before a Member may speak to any matter, he/she shall first be recognized by the Mayor.
- 14.6 When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the Member who is to speak first.

- 14.7 When a Member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.
- 14.8 When a Member is speaking, no other Member shall interrupt that Member, except to raise a point of order or raise a question of privilege.
- 14.9 A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.
- 14.10 After a motion is voted upon the Chair will call upon the next Member listed on the speaking list at the time the motion was placed.
- 14.11 When a motion is under debate, a Member may ask a concisely worded question of another Member or a Staff member through the Mayor prior to the motion being put to a vote by the Mayor.
- 14.12 A Member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member who is speaking.
- 14.13 If a Member disagrees with the announcement of the Chair that a question is Carried or Lost, he or she may immediately after the declaration by the Chair, object to the Chair's declaration and request the vote to be retaken, for purposes of clarification.
- 14.14 Unless a Member immediately appeals the Chair's decision, the decision and its result shall be final.

PART 15: QUESTIONS OF PRIVILEGE & ORDER

- 15.1 If a Member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.
- 15.2 When the Mayor considers that the integrity of the County Manager or a Member of the County Administration has been impugned or questioned, the Mayor may permit the County Manager or a Senior Manager to make a statement to the Council.
- 15.3 When a Member desires to call attention to a violation of the Rules of Procedure, he/she shall ask leave of the Mayor to raise a point of order and after leave is granted, he/she shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the members of his/her decision.
- 15.4 Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.

- 15.5 If the decision of the Mayor is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.
- 15.6 When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Mayor unless to appeal the ruling of the Mayor.

PART 16: NOTICES OF MOTION

- 16.1 Any member of Council may give a Notice of Motion indicating intent that the Member will introduce a motion at the next or a subsequent meeting. The giving of a Notice of Motion requires no Secunder and is not at that time debatable.
- 16.2 All Notices of Motion shall be in writing and filed with the Clerk.
- 16.3 Notices of Motion filed with the Clerk at a Council Meeting shall be placed on the Council Agenda under "Motions" at the next Regular Council Meeting unless otherwise noted, Notices of Motion filed with the Clerk at Council-In-Committee meetings shall be placed on the Agenda under "Motions" at the next Regular Council-In-Committee Meeting unless otherwise noted.
- 16.4 Any motion may be introduced without notice if the Council without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.

PART 17: MOTIONS

- 17.1 Motions shall be moved and seconded before being debated or put to a vote.
- 17.2 Every motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Mayor, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.
- 17.3 When a motion is under debate, no other motion shall be in order except a motion:
 - a) to adjourn;
 - b) to proceed beyond the hour of 9:00 p.m.;
 - c) to defer;
 - d) to call the question (close the debate);
 - e) to amend;
 - f) to refer.

- 17.4 A motion to adjourn shall:
- a) not be amended;
 - b) not be debated;
 - c) not include qualifications or additional statements; and
 - d) always be in order except when a Member is speaking or the members are voting or when made in a Closed Session.
- 17.5 When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.
- 17.6 A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate.
- 17.7 The Council shall always adjourn when there is no business before them or at 9:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds majority vote in Open Session of the members present at the Meeting to go beyond that hour.
- 17.8 A motion to proceed beyond the hour of 9:00 p.m. shall:
- a) not be amended;
 - b) not be debated; and
 - c) shall always be in order, except when a Member is speaking or the members are voting; and
 - d) require a two-thirds majority.
- 17.9 A motion to defer a matter under consideration shall:
- a) not be amended;
 - b) not be debated;
 - c) c) always be in order and take precedence, except when a Member is speaking or the Members are voting; and
 - d) where possible, indicate a future date during which the matter will be further considered.
- 17.10 A motion to call the question (close the debate) shall:
- a) not be amended;
 - b) not be debated;
 - c) apply to the motion or amendment under debate at the time when the motion to put the question is made;
 - d) not be received in any Committee;

- e) be moved using the words "That the question now be called."
- 17.11 If a motion to call the question is decided in the affirmative by a majority vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.
- 17.12 A motion to refer means a motion to request that a pending motion be referred to Administration, a Committee, a Local Board, or elsewhere to obtain further information to be provided for consideration.
- 17.13 A motion to refer a matter under consideration to a Committee or elsewhere shall:
- a) be open to debate;
 - b) be amendable; and
 - c) preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.
- 17.14 A motion to refer shall include:
- a) the name of the administrative department or Committee to whom the request is to be referred; and
 - b) instructions or directions respecting the information required.
- 17.15 A motion to amend shall:
- a) be open to debate;
 - b) not propose a direct negative to the main motion;
 - c) be relevant to the main motion; and
 - d) not be further amended more than once.
- 17.16 Voting on the main motion and amending motions shall be conducted in the following order:
- a) a motion to amend a motion to amend the main motion;
 - b) a motion (as amended or not) to amend the main motion; and
 - c) the main motion (as amended or not).
- 17.17 When a motion under consideration contains distinct and separate propositions,
- a) Member may request a division of the question, provided a Recorded Vote has not previously been called for. Such request is not debateable or amendable.

- b) The Mayor shall divide the question and the vote upon each proposition shall be taken separately.

PART 18: VOTING PROCEDURES

- 18.1 A motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the motion have spoken in accordance with the rules of debate outlined in Section 14.9 of this By-Law.
- 18.2 After a motion is put to a vote by the Mayor, no Member shall speak on that motion, with the exception of the Mayor who may speak after the result of the vote is announced. No other motion shall be made until after the result of the vote is announced.
- 18.3 Every Member of Council including the Mayor or other Presiding Officer present at a Council Meeting when a question is put shall vote thereon, except where he/she is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chamber when the question is put.
- 18.4 Every Member of Council who is not disqualified from voting by reasons of a declared pecuniary interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.
- 18.5 All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.
- 18.6 The Mayor shall announce the result of every vote. Upon the taking of any vote, if all of the members present when the vote is taken vote unanimously, the Mayor may direct the Clerk to record the vote accordingly.
- 18.7 If a Member disagrees with the number of votes for and against a motion as announced by the Mayor, he/she may object immediately to the Mayor's declaration and, with the consent of the Council, the vote shall be re-taken.
- 18.8 When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.
- 18.9 A Member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote.
- 18.10 When a Recorded Vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the Minutes.

- 18.11 In any vote required of the Whole Council, the number of members constituting the Council shall be determined by excluding:
- a) The number of members who are present at the Meeting but who are excluded from voting by reasons of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M50 as amended;
 - b) The number of seats that are vacant on the Council by reasons of Section 259 of the *Municipal Act, 2001* 2001, S.O. 2001, c.M25 as amended.

PART 19: RECONSIDERATION

- 19.1 A “Motion to Reconsider” means a motion requesting to bring back, for further consideration, a motion which has already been voted on by Council.
- 19.2 Within one year after a matter has been decided by Council, and within that term of office, a member who voted in the majority may, present a Notice of Motion to reconsider that matter. Such Notice of Motion to Reconsider shall be referred to the next available Meeting of Council and shall be included on the Agenda under “Motions”
- 19.3 Actions of Council that have already been acted upon and cannot be reversed or suspended cannot be reconsidered.
- 19.4 Before accepting a Notice of Motion to Reconsider, the Mayor may ask the Member to confirm that he or she voted with the majority on the issue in question.
- 19.5 A Motion to Reconsider a decided matter shall require the approval of at least two-thirds majority vote of the Members present.
- 19.6 No Motion to Reconsider any decided matter shall be permitted more than once during a period of twelve months following the date on which the question was decided.
- 19.7 During this time frame, a request for the consideration of a decided matter by a member of the public will be included in the Council Information Package.
- 19.8 No Motion to Reconsider may, itself, be the subject of a Motion to Reconsider.
- 19.9 No debate on a Motion to Reconsider a decided matter shall be permitted; however, the mover of a Motion to Reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- 19.10 If a Motion to Reconsider is decided in the affirmative at a Meeting, then consideration of the original motion 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.

PART 20: ENACTMENT OF BY-LAWS

- 20.1 Every By-Law coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.
- 20.2 All By-Laws coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.
- 20.3 Every By-law shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any By-law.
- 20.4 No By-Law may be defeated on the floor without reconsideration of the original motion which gave rise to consideration of the By-law.
- 20.5 Every By-Law enacted by the Council shall be dated and signed by the Mayor and the Clerk, sealed with the seal of The Corporation.

PART 21: EDITORIAL AND OTHER CHANGES

- 21.1 The Clerk may make the following changes to By-Laws or resolutions to:
 - (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - (c) Correct errors in the numbering of provisions or other portions of a By-Law and make any changes in cross-references that are required as a result.
 - (d) Make a correction, if it is patent both that an error has been made and what the correction should be.
- 21.2 The Clerk may provide notice of the changes made under paragraphs (a) to (d) in the manner that he or she considers appropriate.
- 21.3 No legal significance shall be inferred from the timing of the exercise of a power under this section.
- 21.4 Regardless of when a change is made to a By-Law under this section, the change may be read into the By-Law as of the date it was enacted if it is appropriate to do so.

PART 22: COUNCIL-IN-COMMITTEE**22.1 Composition:**

All members of the Council shall constitute and fully participate in business meetings (termed "Council-In-Committee") at which all substantive matters of concern of the municipality requiring a policy decision shall be considered for recommendation to the Council.

22.2 Chair and Vice-Chair:

The Chair and Vice-Chair of Council-In-Committee shall be appointed every four months by the members of the Committee.

22.3 Regular Meetings:

- a) All regular meetings of Council-In-Committee shall be take place on the first (1st) and third (3rd) Tuesdays of the month and shall convene in the Council Chambers and/or Committee Room A at 3:00 p.m.
- b) A Council-In-Committee may be convened earlier, if deemed necessary with the approval of the Mayor with public notice given in accordance with Sections 5.1 and 5.2.
- c) Where such Tuesday may be a holiday, the Council-In-Committee shall meet on the business day next following the regular day of the meeting or on another date as is deemed practicable.

22.4 Order of Business/Agendas:

The Clerk or his/her designate shall prepare the Agenda for all Regular Council-In-Committee Meetings consisting of the below Order of Business. The Clerk or Clerk-designate may amend the Order of Business to facilitate Deputations or Presentations being heard at 5:00p.m.

- a) Disclosures of Pecuniary Interest
- b) Approval of the Agenda/Changes to the Agenda
- c) Closed Session (If early session required) Consent
- d) Presentations/Deputations & Related Reports
- e) Staff Reports/Discussion Items
- f) Communications
- g) Motions
- h) Notices of Motion
- i) Other Business
- j) Closed Session
- k) Adjournment

22.5 Minutes

- a) Minutes of the Council-In-Committee, whether it is closed to the public or not, shall record all of the recommendations, decisions and other proceedings of the meeting without note or comment.
- b) b)The Minutes of the Council-In-Committee meetings shall be circulated to the next subsequent Council meeting for Council’s approval which enacts the resolutions contained therein.
- c) Minutes of all Closed Sessions shall remain confidential and shall be circulated to Members of Council. Closed Session Minutes of Council-In-Committee shall be approved through resolution of Council. Closed Session Minutes of Council shall be reviewed for errors or omissions and declared adopted by Council.

22.6 Rules of Procedure

- a) The rules governing the procedures of the Council and the conduct of its Members shall be observed in Council-In-Committee Meetings with necessary modifications.

PART 23: COMMITTEES

23.1 Procedure:

Committees shall conform to the rules governing the protocol and procedure of Council and its Committees as set out in this By-Law except as otherwise provided for in this Section.

23.2 Establishment – Appointment:

Council establishes various Boards and Committees to help support their work. Generally, Boards and Committees are ongoing or a task force. These Boards and Committees provide recommendations, advice, and information to Council on an ongoing basis on specific municipally related matters. Some are discretionary and others are mandatory as required by legislation. The process for the establishment, review and recruitment shall be in accordance with the Policy for Boards & Committees of Council (EBS-39)

23.3 Mayor – Ex-officio:

The Mayor shall be an ex-officio member of every committee. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this Section.

The Mayor shall vote and otherwise participate without any restriction in the business of the committee on the same basis and afforded the same rights as any other Committee Member.

23.4 Terms of Reference:

Subject to the provision of any general or special Act, the Council, in establishing any Boards or Committees, shall establish a Terms of Reference and such other provisions as the Council deems proper.

23.5 Quorum:

A quorum for a Committee is as defined under Section 4.9 (a) of this By-Law. The Mayor is a member to be included in determining the quorum.

23.6 Committee Chair:

Annually, each Committee at its first meeting will appoint a Committee Chair and Committee Vice-Chair from among its members. Each Committee shall have the authority to alter the time of its meetings and to hold special meetings so that where possible it will not conflict with meetings of Council and advise the Clerk accordingly.

23.7 Minutes:

The Minutes of all Committees shall be forwarded to Council to be received as information. Any matter or issue of a Committee that requires specific approval of Council shall be brought forward in a written report of a Staff Liaison of the Committee for Council's consideration.

PART 24: CONFIRMING BY-LAW

24.1 The proceedings at every Regular and Special Meeting shall be confirmed by By-Law so that every decision of the Council at that Meeting and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject of a separate By-Law duly enacted.

PART 25: REPEAL

25.1 Norfolk County By-Law 2015-25 and any amendments thereto are hereby repealed in their entirety.

PART 26: ENACTMENT

26.1 The effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 11th day of July, 2017.

Original By-Law Signed by:

Mayor C. H. Luke and Clerk/Manager of Council Services Andrew Grozelle

E.B.S. 17-43