

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW NO. 2003-48 AS AMENDED (includes amendments 2004-30, 2004-56, 2006-111, 2007-38, 2008-142)

### BEING A BY-LAW TO ADOPT RULES FOR PROCEDURES OF COUNCIL AND COMMITTEES THEREOF

WHEREAS, the Municipal Act, S.O. 2001, c.25, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN enacts as follows:

#### DEFINITIONS

In this Act,

- (a) **“Act”** means the *Municipal Act*, S.O. 2001, c.25, as amended.
- (b) **“Amendment”** means to alter or vary the terms of the main motion without materially changing its purpose.
- (c) **“By-law”** means a by-law in a form approved by the Council prepared or passed for the purpose of giving general effect to a previous decision or proceedings of the Council.
- (d) **“Chair”** means the member of Council presiding at any meeting of Council or Committee.
- (e) **“Clerk”** means the Clerk or his or her designate of the Corporation of the Township of West Lincoln.
- (f) **“Committee”** means any advisory or other committee, sub-committee or similar entity of which at least 50% of the members are also members of Council or as specified in approved Terms of Reference.
- (g) **“Council”** means Council of the Corporation of the Township of West Lincoln.
- (h) **“Inaugural Meeting”** means the first meeting of Council after a regular election.
- (i) **“Majority”** for the purpose of voting, means more than half of the total members present and not prohibited by statute from voting.
- (j) **“Mayor”** means the head of the Council of the Corporation of the Township of West Lincoln.
- (k) **“Meeting”** means any regular or special meeting of Council or Committee of Council and includes a sub-committee established by resolution of Council.
- (l) **“Member”** means a member of Council including Mayor.
- (m) **“Motion”** means a subject being presented for consideration of Council and duly seconded.
- (n) **“Point of Order”** means the right of a Member to bring to the attention of the Mayor or Chair, any deviation or departure from the rules of procedure.
- (o) **“Quorum”** means a Majority of the whole number of Members of Council or Committee respectively, or as otherwise determined by Council.

**GENERAL APPLICATION**

- 1.1 The rules of procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in Council and unless otherwise specifically provided, with necessary modifications, to all Committees thereof.
- 1.2 All Points of Order or procedure for which rules have not been provided in this By-law shall be decided as far as is reasonably practicable with the rules of parliamentary law as contained in Roberts Rules of Order.

**MEETINGS OF COUNCIL**

**2.1 Inaugural Meeting**

- (a) The Inaugural Meeting of Council shall be held not later than thirty-one (31) days after the term of the newly elected Council commences at a time and at a place as directed by the Mayor of the newly elected Council.
- (b) The first Meeting after a bi-election shall be held not later than 31 days after the term of the newly elected Member commences.

**2.2 Inaugural Meeting-Opening Ceremonies**

The opening ceremonies for the Inaugural Meeting of Council shall be as determined by the Mayor.

**(NEW section 2.3 as amended by By-law 2008-142)**

**2.3 Regular Meetings**

From and after the Inaugural Meeting, the Council shall meet at 7:00 p.m. on the fourth Monday of each month at 318 Canborough Street, unless otherwise directed by the Mayor with the concurrence of a majority of the Members of Council or by resolution of Committee/Council, with the following exception:

- (i) when a Monday falls on a public holiday or a civic holiday, the Council shall meet at the same hour and in the same place on the next business day.

**2.4 Special Meetings**

- (a) The Mayor may at any time summon a special Meeting of the Council.
- (b) The Mayor shall summon a special Meeting whenever requested in writing by a Majority of the other Members of Council to do so.
- (c) The Clerk shall summon a special Meeting of Council whenever requested by written petition of the Majority of the Members of Council, for the purpose and at such time mentioned in the petition.
- (d) Unless otherwise directed by the Mayor, a special Meeting shall be held at the place where the then last Meeting was held.

**2.5 Meetings Open to Public**

Except as specified in Section 2.8, all Meetings of Council and its Committees including sub-committees, shall be open to the public and no person shall be excluded therefrom except as specified in Section 5 of this By-law.

**2.6** Prior to holding any Meeting or part of a Meeting that is closed to the public, the Council or its committee shall state by resolution the fact that a closed Meeting is to be held and shall indicate the general nature of the matter to be considered at the closed Meeting in accordance with those items as listed in section 2.8.

**2.7** Closed Meetings of the Council shall be held in the Council Chamber or such other room within the Municipal Offices as may be designated by Council.

**2.8** A meeting of Council or its Committees or a part of a Meeting of Council or its Committees

may be closed to the public to consider one or any combination of the following matters:

- (a) The security of the property of the municipality or local board
- (b) Personnel matters about identifiable individuals including labour relations and/or employee negotiations.
- (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
- (g) A matter in respect of which a Council, board committee or other body may hold a closed Meeting under another Act
- (h) A matter relating to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if Council or one of its Committees designated as the head of the institution for the purposes of that Act.

**New Section 2.8(i) as Amended by By-law 2007-38**

- (i) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
  - 1. The meeting is held for the purpose of educating or training the members.
  - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**2.09 Duration of Meetings**

No regular Meeting of Council shall extend beyond eleven o'clock (11:00 p.m.) in the evening, without the consenting vote of not less than two-thirds (2/3) of the Members of Council.

**2.10 Cancellation of Meetings**

Subject to required public notice, and where circumstances warrant, the Mayor and/or Chair may cancel a meeting and will so advise all Members of Council or Committee.

**NOTICE OF MEETINGS**

**3.1 Clerk's Notice**

- (a) Written notice of each Inaugural and regular Meeting of Council shall be given through the Clerk's Office to each Member of Council, which notice shall set out those matters to be considered at the Meeting.
- (b) Notice of a special Meeting of Council shall be given through the Clerk's Office to each Member of the Council, not less than twenty-four (24) hours before the time of the Meeting.

**New Section 3.1(c) as Amended by By-law 2008-142**

**3.1 Clerk's Notice**

- (c) Lack of notice of a Council Meeting shall not affect the validity of such Meeting nor the validity of any action taken at the Meeting, provided that all Members of Council have been advised of, and a majority have given their consent to, the holding of such Meeting.

**New Section 3.1(d) as Amended by By-law 2007-38**

- (d) Notice of a regular, special or other meetings of a Council, of a local board or of a committee of either of them, shall be posted on the doors of the administration office and shall be posted on the Township of West Lincoln's web site not less than 24 hours before the meeting.

**CONDUCT OF MEETINGS OF COUNCIL**

**4.1 Mayor to Preside**

Subject to Sections 4.3 and 4.5 of this By-law, the Mayor shall preside at all Meetings of the Council.

**4.2 Acting Mayor**

- (a) The Council, may, appoint, from among its Members, an Acting Mayor who shall serve for such period of time as specified by the Council.
- (b) In the absence of the Mayor or if his/her office is vacant or if he/she refuses to act, the Acting Mayor shall have all the powers of the Mayor during such absence or vacancy or refusal to act.

**4.3 Presiding Officer**

In the absence of the Mayor, or if his/her office is vacant or if he/she refuses to act, and in the absence of an Acting Mayor, the Clerk shall call the Council to order and, if a Quorum be present, the Members thereof shall choose a presiding officer from amongst the Members present and such presiding officer, during such absence or vacancy or refusal to act, has all the powers of the Mayor for the purposes of conducting the meeting of the Council.

**4.4 Meeting Called to Order**

As soon after the time set for the calling of a regular or special Meeting of the Council, the Mayor shall take the Chair and call the Meeting to order.

**4.5 Mayor's Absence**

In the event of the Mayor not being present within fifteen minutes of the time appointed for the Meeting, the Acting Mayor, and in the absence of an Acting Mayor, the Presiding Officer, shall call the Council to order and shall preside during the Meeting or until the arrival of the Mayor.

**4.6 No Quorum**

If there be no Quorum within twenty minutes after the time set for the calling of a regular or special Meeting of the Council, the Clerk shall call the roll and take down the names of the Members then present and the Council shall stand adjourned until the next regular Meeting or until any special Meeting is called.

**4.7 Quorum**

A Majority of the whole number of Members of Council shall constitute a Quorum.

**4.8 Agenda**

Prior to each regular Meeting, the Clerk shall prepare an agenda or statement to be known as the "order of business" of all business to be brought before the Council at such Meeting. In order to enable the Clerk to do so, all documents intended to be submitted to the Council shall be placed in the hands of the Clerk by no later than 4:30 p.m. on the Wednesday preceding the day of a regular Council Meeting. Documents not submitted to the Clerk by 4:30 p.m. on the Wednesday preceding the day of the regular Council Meeting may not be included in the agenda package but may be presented separately to the Members of Council if received prior to 12:00 noon the Friday preceding the Council Meeting.

**4.9 Order of Agenda**

As soon as a Meeting is called to order by the Mayor, the business of the Meeting shall be dealt with in the order as set out in the agenda for the Meeting unless otherwise directed by Majority consent of the Members of Council.

**Section 4.10 Amended by By-law 2004-30**

**4.10 Conflict of Interest/Disclosure of Pecuniary Interest**

A "Conflict of Interest/Disclosure of Pecuniary Interest" section will be included at the beginning of each agenda to provide an opportunity for Members of Council to disclose any conflict(s) of interest/pecuniary interest(s) they may have.

**4.11 New Business - Special Meetings**

At a special Meeting of Council only such business shall be dealt with as is set out in the notice calling the Meeting except when consented to **by the Majority** of the Members of

**4.12 New Business - Regular Meetings**

At a regular Meeting of Council only such business shall be dealt with as is set out in the agenda for the Meeting with the exception of the following:

- (i) New items of business that require immediate attention and direction from Council may be introduced with the concurring votes of two-thirds of the Members of Council present. The Chair shall determine whether an item requires the immediate attention of Council or whether the item can be referred to the appropriate Committee for action.
- (ii) Items that are purely of an information nature may be brought forward by any Council Member without specific approval to introduce.
- (iii) All other items of new business are not to be debated and are to be referred directly to the appropriate Committee for subsequent consideration
- (iv) Members of Council shall keep Other Business discussion to a minimum and items should be referred to Committee or staff where possible.

**RULES OF ORDER**

**5.1 Mayor to Preserve Order**

It shall be the duty of the Mayor to preserve order and to decide all questions of procedure and, if called upon to do so, to state the rule applicable to any Point of Order, practice or procedure. The Mayor's ruling on a Point of Order shall be made without debate and shall be final subject only to an immediate appeal from such ruling by an individual Member of Council.

**5.2 Appeal from Mayor's Ruling**

In the case of an immediate appeal, by a Member of Council, from a decision of the Mayor on a Point of Order, practice or procedure, such Member shall state the grounds for the appeal and such appeal must be decided, without debate, by the concurring votes of a Majority of the Members of Council present.

**5.3 Mayor in Debate**

The Mayor may express an opinion on matters under debate; however, should the Mayor wish to take an active part in any matter under debate or to leave the Chair for any other reason, he/she shall call upon the Acting Mayor or, in the absence of an Acting Mayor, such other Council Member who may be willing to act as Chair until the Mayor resumes the Chair.

**5.4 Order of Debate**

- (a) Any Member who wishes to speak must raise his/her hand and be recognized by the Mayor.
- (b) When two or more Members raise their hands, the Mayor must designate the order in which they may speak.
- (c) When a Member is speaking no other Member may pass between that Member and the Mayor or interrupt that Member except to raise a Point of Order.
- (d) Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- (e) No Member may speak more than once on the same matter without the leave of the Chair except in explanation of a material part of that Member's remarks, which may have been misunderstood, but then that Member must not introduce any new matter. A reply must be allowed to a Member who has made a substantive Motion.

**5.5 Debate**

- (a) No Member, without leave of the Chair, may speak to the same question or in reply for any longer than ten (10) minutes.
  
- (b) No Member may at a Meeting:
  - (i) Speak disrespectfully of, or use offensive words against, any person or group;
  - (ii) Speak on any subject other than the subject under debate;
  - (iii) Criticize any decision of Council except in accordance with the provisions of these rules for reconsidering a matter previously decided; or
  - (iv) Speak in any manner that is discriminatory in nature based on an individual's race, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability
  - (v) Disobey the rules of Council or a decision of the Mayor or of Council on a question of order, practice, procedure or the interpretation of these rules, and if a Member persists in any such disobedience after having been called to order by the Mayor, the Mayor may forthwith put the question, despite the priorities of Motion specified elsewhere in these rules, no Amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting" which question requires the concurring votes of two-thirds of the Members of Council present for passage, but if the Member apologizes, Council, by the concurring votes of the Majority of the Members of Council present, may permit the Member to retake his/her seat.
  
- (c) No person present at a Meeting of the Council or Committee shall make comment unless first recognized by the Chair in accordance with the provisions as set out in this By-law or continue to make comment contrary to direction from the Chair. Any person who refuses to acknowledge direction from the Chair in accordance with this section may be ordered to leave the Council Chamber for the duration of the Meeting or until such time as otherwise directed by the Chair who may call an immediate recess to the Meeting pending compliance with this section.

**5.6 Seating Area**

No person other than a Member of the Council, a Member of the Committees of Council or officials of the Corporation shall be permitted within the Council seating area, unless by permission of the Head of the Council.

**5.7 Food & Beverages at Meetings**

Consumption of beverages other than water and the consumption of food shall not be permitted in the Council chambers during the sittings of the Council, without the permission of the Majority of the Council Members present. This section however does not preclude the serving of beverages other than water during Committee Meetings of the Council if so directed by the Committee.

**APPOINTMENTS AND PRESENTATIONS**

**6.1 Written presentations**

Written requests to make presentations to the Council shall be signed by at least one person and shall be addressed to "The Mayor and Members of Council" or to the "Clerk". All such requests shall be placed in the hands of the Clerk no later than 4:30 p.m. on the Wednesday preceding the regular Council Meeting at which the presentation is to occur.

**6.2 Verbal Presentations**

Upon application to the Clerk's Office, verbal requests to address Council may be accepted provided sufficient details of the matter to be discussed are given to the office of the Clerk no later than 4:30 p.m. on the Wednesday preceding the regular Council Meeting at which the address is to occur. The office of the Clerk shall determine what constitutes sufficient

**6.3 Referral of Requests to Address Council**

If in the opinion of the Clerk and/or the Mayor, the content of any individual or organizations request to address Council falls within the specific authority of a particular Committee of Council, such individual may be directed to approach the designated Committee of Council prior to addressing Council.

**6.4 Who Shall Speak**

Unless authorized by a Majority of the Members of Council, only one spokesperson shall be permitted to speak for each deputation present.

**6.5 Limits on Council/Committee Addresses**

Any person addressing Council or Committee shall not speak longer than ten minutes, without the consent of the Majority of the Members of Council present, unless in direct reply to questions from Members of Council.

**6.6 Comment During Appointments/Presentations**

All persons making presentations and appointments shall address the Chair at all times. Council Members may respond to presentations and appointments only when recognized by the Chair. Senior staff may respond to concerns raised by presentations and appointments only on specific direction from the Chair and such staff may reserve the right to respond, in writing, at a later date.

**6.7 Public Comment**

A brief ten (10) minute public comment period shall be provided at the beginning of the public portion of each Council Meeting to allow individuals who are present at the Meeting to make public comment on any matter of municipal concern; provided however, that all individuals making such comment do so within the time period specifically set by the Council and the Council shall be under no obligation to take any specific action in response to such comment or comments. No public comment shall be allowed beyond the public comment period unless by specific appointment in accordance with section 6.1 and 6.2 of this By-law.

**MOTIONS**

**7.1 Written Motions - Order of Presentation**

Except as specified in this By-law, all Motions shall be in writing and seconded. Written Motions shall be read by the Alderman moving the Motion or by the Chair and then, unless otherwise specified in this By-law, shall be debated prior to being put to a vote.

**7.2 Motions During Debate**

When a Motion is under debate, no other Motion shall be received except a Motion for the following purposes:

- (1) to amend
- (2) to refer to Committee
- (3) to move the previous question
- (4) to resolve into Committee of the Whole (**closed session**)
- (5) to lay on the table
- (6) to defer to a specific date
- (7) to adjourn

**7.3 Motion to Adjourn/To Resolve Into Committee of the Whole/Closed Session**

A Motion to adjourn the debate or to adjourn the Meeting or to resolve the Council into Committee of the Whole/Closed Session shall always be in order except:

- (1) when a Member is speaking;
- (2) when it has been decided that the previous question shall be put forthwith;
- (3) when a recorded vote has been called for;
- (4) when Members are voting;

and shall be put by the Mayor forthwith without debate.

**7.4 Unwritten Motions**

The following Motions may be moved by any Member of Council and duly seconded without the necessity of being put in writing by the Member of Council:

- (1) to amend
- (2) to refer to Committee
- (3) to move the previous question
- (4) to lay on the table
- (5) to defer to a specific date

provided, however, that all such Motions shall be recorded by the Clerk who shall, if requested by the Chair, read the said Motion to the Council prior to it being put to a vote or otherwise disposed of.

**7.5 Motion to Amend**

- (a) Amendments to a Motion shall be put in reverse order to that in which they are moved.
- (b) A Motion to amend shall be relevant and shall not be in direct opposition to the main question.
- (c) Only one Motion to amend an Amendment to the question shall be allowed.

**7.6 Motion to Table**

A Motion to table shall not be open to Amendment or debate and shall preclude all Amendments of the original Motion until it is decided. A Motion to table pending receipt of information or for a specific purpose, if passed by Council, shall remain tabled on the Council agenda until such time as the intent for tabling has been complied with.

**7.7 Motion to Defer**

A Motion to defer shall not be open to Amendment but shall be debatable. A Motion to defer shall be to a specific date at which time the matter will again be considered by the Council.

**7.8 Motion to Refer**

A Motion to refer to Committee shall not be open to Amendment and shall preclude all Amendments of the original Motion until it is decided. A Motion to refer is debatable by the Council prior to being put to a vote.

**7.9 Motion to Move the Previous Question**

- (a) A Motion to move the "previous question" shall be put in the following words:  
"That the question now be put" and shall preclude all further Amendments of the original Motion.
- (b) If the Motion to move the previous question is resolved in the affirmative, the original Motion and any Amendments properly made shall be put, forthwith, without amendment or debate.
- (c) If the Motion to move the previous question is resolved in the negative, then the original Motion and any Amendments made may be further debated and, if proper, amended.
- (d) No Amendment may be proposed to the Motion for the previous question.

**7.10 Minor Changes in Motions**

After a Motion is read from the Chair, it shall be deemed to be in the possession of the Chair but, with the permission of the Council, may be withdrawn at any time before decision or Amendment; provided however, that the Mayor may permit a minor change to a Motion that has been moved and seconded if in the opinion of the Chair such change in no way alters the original intent of the Motion and merely provides further clarification. In all such cases, the change shall be made by the Clerk and shall be consented to by the mover and seconder of the Motion before it is put to a vote.

**7.11 Withdrawal of a Motion**

Any Motion that has been moved and seconded and is before the Council for debate and which is not in the process of being voted on, may be withdrawn by the mover of the Motion with the consent of the seconder. Should the seconder not give consent to the withdrawing of the Motion, the mover may withdraw his/her name from the Motion form and the seconder may move the Motion and seek a subsequent seconder for such.

**7.12 Points of Order and Privilege**

Except as otherwise specified in this paragraph, only the Members of Council may raise Points of Order and privilege. A Point of Order or privilege may be raised, at any time, by a

Member of the Council without doing so in the form of a Motion. Upon receiving recognition from the Chair, the Member raising the Point of Order or privilege shall state such and await the ruling of the Chair on the Point of Order or privilege so raised. The Clerk of the Council may raise a Point of Order upon receipt of recognition from the Chair.

**7.13 Motion to Reconsider**

- (a) A Motion to reconsider must be given by a Member who voted with the Majority on the particular question and such Motion must be given at the same Council Meeting at which the decision on the matter was made or at the next regular Council Meeting.
- (b) No matter or question shall be reconsidered by Council until such time as a Motion to reconsider the matter or question has been voted on and passed by a Majority of the whole of Council.
- (c) No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

**7.14 Motion to Rescind**

- (a) A notice of motion to rescind action previously taken by Council on a particular matter or question must be introduced at the regular Council Meeting immediately preceding the regular Meeting of Council at which it is intended that the matter be rescinded.
- (b) No matter or question previously dealt with by Council can be rescinded unless by an affirmative vote of the Majority of all the Members of Council. Should a Motion to rescind be decided in the negative by a Majority vote of the Members of Council, a second Motion to rescind on the matter cannot be brought forward during the term of the Council during which the first Motion to rescind was considered.

**7.15 When Cannot Rescind**

Where some specific action has been undertaken as a result of a previous vote of Council on any matter or question, and such action cannot be undone or where an attempt to undo such action would have serious legal implications or would, in the opinion of the Majority of Council, be contrary to the public interest, such matter or question cannot be rescinded.

**7.16 Motion to go into Committee of the Whole or Closed Session**

All Motions to go into Committee of the Whole or Closed Session shall be in writing and shall be moved and seconded and shall state the general purpose of the item or items to be discussed in Committee of the Whole or Closed Session in accordance with section 2.8 of this By-law.

**7.17 Division of Motion**

Whenever a Motion under consideration consists of more than one distinct proposition, then, upon the request of any Member, the vote upon each separate proposition, matter or question shall be taken separately.

**7.18 Recorded Vote**

Any Member of Council may request that a recorded vote be taken on any question, Motion or matter. When a recorded vote has been requested the Clerk shall call for and record the names of those who voted for and those who voted against the question, Motion or matter.

**7.19 Mayor Rules on Motions**

When the Mayor is putting a question, no Member may walk across or out of the room, or make any noise or disturbance.

**Section 7.20 Amended by By-law 2004-30**

**7.20 Voting**

Except as otherwise provided, every member of a council shall have one vote.

**7.21 Equality of Votes**

On any question in which there is an equality of votes, after all Members who are entitled to vote have done so, the question or matter before the Council shall deem to be negative.

**7.22 Members Must Vote**

Every Member who is present in his/her seat in the Council Chamber when a question is put must vote thereon, unless excused by Council or prohibited by statute and in either case it must be recorded. Any failure to vote by a Member who is not disqualified is deemed to be a negative vote.

**7.23 Council Member Statement in Opposition**

When a recorded vote has not been taken on a question, Motion or matter or when a question, Motion or matter is being put to a vote in Committee, a Member may ask, if the question, Motion or matter is decided in the affirmative, that the Clerk record his/her opposition in the minutes of the Meeting.

**CLOSED MEETINGS AND CONFIDENTIALITY**

**8.1 Chair of Closed Meetings**

In Committee of the Whole or Closed Session, the Mayor, or in his/her absence the Acting Mayor or Presiding Officer shall be Chair.

**8.2 Public Attendance**

Meetings of the Committee of the Whole or Closed Session shall be for the purpose of dealing with those confidential matters as described in Section 2.8 of this By-law and therefore shall not be open to the public unless specifically directed otherwise by the Mayor and/or a Majority of the Council Members present.

**8.3 Rules**

The rules of the Council, so far as the same may be applicable, shall be observed in Committee of the Whole or Closed Session, except that no Motion shall be allowed, with the exception of the Motion to resume in regular Council session and Motions in direct relation to those items as listed in Section 2.8 of this By-law; provided such Motions are in relation to procedural matters or for the purpose of giving directions or instructions to officers of the corporation. No Member shall be limited in the number of times that he/she may speak to any proposition, matter or question being discussed by the Council in Committee of the Whole or Closed Session.

**8.4 Direction from Closed Meetings**

Any direction given in Committee of the Whole or Closed Session which requires ratification by Council in an open Meeting, shall be so ratified, in open Council, in the form of a written

Motion, moved and seconded, immediately following the Motion to resume in regular Council session except that no Motion shall be allowed, with the exception of the Motion to resume in regular Council session and Motions in direct relation to those items as listed in Section 2.8 of this By-law; provided such Motions are in relation to procedural matters or for the purpose of giving directions or instructions to officers of the corporation.

**8.5 Public Comment regarding Closed Meetings**

(a) Upon completion of closed Meetings of the Council, the decisions of the Council with respect to any of the matters discussed in closed session, and directions to

Township staff in accordance therewith, shall only be reported publicly as may be

required by applicable law.

- (b) Once a decision has been made to release any information about matters dealt with by Council at a closed Meeting, such release shall be carried out by the Mayor or his/her delegate only. Such delegate shall be the Acting Mayor, in the event that the Mayor is absent, or such other person as is chosen by Council.
- (c) Any individual Member of Council may express his/her own personal position on an item, which shall not refer to or discuss the specific position or opinions, whether written or verbal, of other Members of Council or of Township staff and that the Mayor be informed of such communications before they are made.
- (d) All items on the agenda, all correspondence and all other documentation received for consideration by Council at a closed Meeting shall not be released to the public in advance of the closed Meeting.
- (e) The response by Members of Council to inquiries about any matter dealt with by the Council at a closed Meeting, prior to it being reported publicly, shall be "No comment", or words to that effect.
- (f) Any violation by a Member of Council of the confidentiality procedures as outlined in Section 8 of this By-law, when involving a Member of Council, may result in the offending Member being excluded from future closed Meetings of the Council for such period as Council determines and the said Member no longer being provided with correspondence, materials or information proposed to be dealt with by the Council at a closed Meeting. Any documented violation by a Member of Township staff will be dealt with in accordance with established policy procedures.
- (g) Any decision to exclude a Member of Council in accordance with Paragraph 8.5 (f) of this By-law shall be made only after the matter has been discussed by Council at a closed Meeting. Once a decision has been made to exclude a Member, the results of Council's deliberations shall be reported publicly in the form of a resolution moved and seconded at an open Meeting of Council which resolution shall specify precisely the length of time that the offending Member of Council shall be excluded from closed session Meetings and from receiving confidential information and materials.
- (h) Any Member of Council purported to have violated Sections 8.5 (b) and/or 8.5 (c) shall not be permitted to vote on a Motion respecting his/her alleged violation and his/her subsequent exclusion from closed Meetings should such a resolution be put forward by the Council.

## **BY-LAWS**

### **9.1 First Reading**

Every By-law which requires first reading shall be introduced by a Motion for leave specifying the title of the By-law or By-laws and the Motion shall be in the following words: "That leave be granted to introduce the following By-laws, entitled, (here shall be listed the name(s) of the By-law or By-laws introduced for first reading) and that the same be now read a first time."

### **9.2 No Debate on First Reading**

A Motion to give first reading to any By-law shall be decided without Amendment or debate.

### **9.3 Second and Third Reading**

Every By-law proposed to be presented for a second and third reading shall be presented by a Motion specifying the number of the By-law or By-laws and the Motion shall be in the following words:

"That the following By-law or By-laws (here shall be listed the By-law(s) number or numbers) having been read a first time be now read a second and third time and

finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

**9.4 Second Reading Only**

Every By-law proposed to be presented for second reading only shall be presented by a Motion specifying the number of the By-law and the Motion shall be in the following words:

"That the following By-law (here list the number of the By-law) having been read a first time be now read a second time."

**9.5 Third Reading Only**

Every By-law proposed to be presented for third reading only shall be presented by a Motion specifying the number of the By-law and the Motion shall be in the following words:

"That the following By-law (here list the By-law number) having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

**9.6 By-Law Considered Separately**

Notwithstanding anything herein contained, upon the request of any Member of Council that a By-law be considered separately, it shall, without debate, be removed from the Motion and introduced by a separate Motion as the next item of business.

**9.7 Three Readings in One Meeting**

Every By-law shall receive three readings and all such readings may take place in the same Meeting of Council.

**9.8 Voting**

No By-law shall pass any reading unless by the affirmative vote of a Majority of Members of the Council present or the Majority required by law for that By-law.

**9.9 Clerk and Mayor to Sign**

Every By-law when passed shall forthwith be signed by the Mayor and Clerk and the seal of the Corporation pressed thereon.

**COMMITTEES OF COUNCIL**

**10.1 Appointment of Committees**

Council shall, at its Inaugural Meeting, and in addition, may from time to time, appoint such standing and/or special Committees as are necessary to carry out the functions of the municipality.

**10.2 Membership**

Each Committee shall consist of those Members as designated by Council and only such designated Members shall be entitled to vote at all Meetings thereof.

**10.3 Meeting Dates**

Each Committee shall meet regularly at times as determined by each Committee or by Council direction.

**10.4 All Council Can Attend Meetings**

All Members of the Council shall be notified of and may attend all Meetings of a Standing Committee.

**10.5 Chair**

The Chair, and if necessary, the Vice-Chair, for each Standing Committee shall be as designated by Council.

**Section 10.6 Amended by By-law 2004-56**

**10.6 When the Chair May Vote**

The Chair or Vice-Chair shall preside at every Meeting and shall have one vote. On any question in which there is an equality of votes, and where all Members of the Committee

who are qualified to vote on the question have done so, the question of matter before the Committee shall be deemed to be negative.

**10.7 Chair Signs Orders**

The designated Chair shall sign all documents/minutes legally adopted by the Committee.

**10.8 Special Meetings**

Special Meetings of a Standing Committee may be called by the Chair or by the Mayor in the absence of a permanent Chair. Special Meetings of a Standing Committee shall be called whenever requested by a Majority of the Members thereof.

**10.9 Committee Secretary**

The Clerk or other individuals as designated by the Clerk shall be assigned the duties of secretary to any Committee.

**10.10 Duties of the Secretary**

It shall be the duty of the secretary:

- (1) To give notice of all Meetings of Committees;
- (2) To attend all Meetings of the Committees and to report without note or comment the minutes, orders and directions of all such Meetings;
- (3) To notify all department heads of any orders made by the Committees which are to be acted on or reported upon.

**10.11 General Duties of Committee**

The general duties of all Committees of the Council, in addition to any specific duties as herein prescribed, or as may be set out in the constituting resolution, shall be as follows:

- (1) To report to Council, as often as desired by Council, on all matters connected with the duties imposed on them.
- (2) To **review subsequent to payment**, all accounts connected with the discharge of their duties or with the performance of any works, or the purchase of any material, equipment or services, under their supervision.
- (3) To consider and/or report on any or all matters referred to them by the Council or by the Mayor.
- (4) To adhere, in the transaction of all business, to the rules prescribed by By-laws.

**10.12 Notice of Meetings**

Notice of each regular and special Meeting of each Committee shall be given to each Member of the Committee by the Committee secretary in sufficient time that each Member shall be given the said notice on at least the day preceding the Meeting except in the case of an emergency Meeting when notice shall be as directed by the Chair of the Committee concerned or by the Mayor in the absence of a permanent Chair.

**10.13 Lack of Notice**

Lack of notice shall not affect the validity of a Meeting or of any action taken at such Meeting where all the Members are present or where any Member or Members who are absent consent to the holding of such Meeting, and so inform the Committee Secretary.

**10.14 General Rules**

The business of the respective Standing Committees and of any Special Committees of Council shall be conducted under the rules governing the procedure in Council as far as the same may be applicable, subject to the following regulations:

- (1) No Member shall be limited in the number of times he/she may speak to the question under consideration; provided however, that the Chair may limit debate if, in the opinion of the Chair, no new points of view are being brought to bear on the issue under debate.
- (2) Persons may address the Committee by giving notification in accordance with the notification procedures for Council as set out in Section 6 of this By-law. Persons may also address the Committee with regard to any item that is on the agenda for the Meeting at hand provided that such person notifies the Chair of his/her intent to do

so at the appropriate time as designated on the Committee agenda. The Chair shall determine at what point such persons may address the Committee. There shall be no provision to address the Committee other than as provided in this section.

- (3) There shall be no recorded vote taken on any proposition, matter or question under discussion; provided however, that a Member may have his/her opposition recorded in the minutes in accordance with Section 7.23 of this By-law.
- (4) Motions need not be in writing.
- (5) There shall be no limit on the discussion of items of other business by Committee Members at Committee meetings.

**10.15 Committee Direction**

Direction given by a Committee shall be in the form of a recommendation to Council.

**New Section 10.16 Amended by By-law 2004-56**

**10.16 Terms of Reference**

Terms of reference for standing and/or special Committees may be adopted by Council, however, should there be a conflict between the terms of reference adopted by Council and the terms of the procedural by-law for the Corporation of the Township of West Lincoln, then the terms of the procedural by-law shall prevail.

**GENERAL**

- 11.1** This By-law shall not be amended or appealed except by a Majority vote of all Members of Council and in accordance with the notice provisions provided in Appendix “B”.
- 11.2** General guidelines describing the respective roles and responsibilities of the Council, the Mayor and a Chair of a Committee are set out in Appendix A to this By-law.
- 11.3** Guidelines for complying with notice requirements are set out in Appendix B to this By-law.
- 11.4** This By-law comes into effect on April 28, 2003.
- 11.5** The short title of this By-law is the Township of West Lincoln Procedural By-law.

**REPEAL OF PREVIOUS BY-LAWS**

By-law numbers 97-9, 97-109, 99-09 and 2001-49 are hereby repealed.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
28<sup>th</sup> DAY OF APRIL, 2003.**

\_\_\_\_\_  
**MAYOR KATIE TROMBETTA**

\_\_\_\_\_  
**CAROLYN LANGLEY, DEPUTY CLERK**

## APPENDIX "A"

**STATEMENT OF ROLES AND RESPONSIBILITIES****PART I - OVERVIEW****A. Role of Council**

The members of Council have a representative role and a directorship role in setting the overall direction for the municipal corporation. These roles are confirmed in the Municipal Act, 2001(the Act) where it states that it is the role of Council:

**New role (a-f) as amended by By-law 2007-38**

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality 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;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

The reference in the Act is to Council and never, with the exception of the office of the Mayor, to any individual Member of Council. Therefore the power that the Act provides is with the Council as a decision making body and no power rests with the individual Member of Council unless specifically delegated by Council for those things where delegation is allowed under the Act.

In summary Council represents the public interest and provides guidance and direction to the municipal corporation.

**B. Role of the Mayor**

The Mayor is described in the Act as the head of Council. The primary roles of the Mayor are:

**New role (a-f) as amended by By-law 2007-38**

- (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 the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.
- (f) As chief executive officer of a municipality, the head of council shall,
  1. uphold and promote the purposes of the municipality;
  2. promote public involvement in the municipality's activities;
  3. act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
  4. participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

Other than having the same decision making authority as any other Council Member, it is clear that the Act defines the office of Mayor as the head of Council. The term CEO is not clear in view of the fact that the Act also gives Council the power to appoint a Chief Administrative Officer (CAO) who is responsible for exercising general control and management of the affairs of the municipality. It would appear that the use of CEO refers to the Mayor as the top elected representative in the municipality with specific powers assigned in the Act.

The CAO, Clerk and Treasurer have specific roles assigned in the Act. All officers and employees of the municipality have been given the role:

- to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions

It is the responsibility of Township Staff to deliver services and programs in accordance with the general policy guidelines as established by the Council. This means the Township Staff administrates the day to day operations of the municipality on behalf of the Council. In order to carry out these duties, it is essential that the Administrative Staff have the required expertise in the various areas of responsibility related to the services over which they have operational accountability.

Clearly the Act attempts to assign an administrative role to staff and a policy role to Council. The destination between these roles can however become blurred throughout the decision making process if there are not clear procedures on how responsibilities are exercised.

## **PART II – PROCEDURES ON ROLES AND RESPONSIBILITIES**

The following shall be accepted as the procedures to be followed by both Council and Township Staff in the performance of their respective roles and responsibilities:

1. The Township of West Lincoln uses a Standing Committee Structure to carry out its decision-making duties. The main purpose of Standing Committees is to oversee the operations of one or more municipal departments and to make reports and recommendations to Council on policy matters referred to or brought before them. Each standing Committee has an appointed Chair with responsibilities as later set out in these procedures.
2. Direction is given to Township Staff on the carrying out of Staff's administrative responsibilities through resolution, By-law, policy and established administrative procedures.
3. It is the responsibility of Township Staff to carry out Council's direction, when given, within Council's authority as a legally constituted legislative body.
4. As part of their representative role, on behalf of their constituents, it is an accepted practice that Council Members will convey concerns complaints and perceived deficiencies to staff. Such information shall be dealt with by staff in accordance with standard operating procedures and policies. If necessary, these matters may be referred to Committee/Council for direction.
5. Council concerns and issues as stipulated in item four shall be conveyed by the Council Member to the Chair of the appropriate Standing Committee (the Chair) or to the senior corporate officer or the Department Head directly responsible.
6. It is the role of the Chairs to:
  - (a) receive complaints/concerns, within their Committee's area of responsibility, from residents and Members of Council and to pass these complaints/concerns onto the department head or his/her designate for action
  - (b) when no response has been undertaken with respect to a particular concern or complaint within a reasonable period of time, to bring this issue to the attention of the senior corporate officer and/or the Mayor
  - (c) to consult with the department head as necessary and to review the draft agenda for Committee Meetings with the department head
  - (d) to chair all Meetings of the Committee and rule on any procedural matters or Points of Order that may arise.

- (e) It is the responsibility of the Chair to seek consultation/clarification on issues before the Committee and follow up on direction given by the Committee if perceived necessary by the Chair. It is not the role of the Chair to give direction to the department head on the day to day administration of the department or to direct that departmental recommendations to Committee be changed without the knowledge and consent of all of Council.
  - (f) Any information that may come to a Chair's attention which is of a confidential nature and/or has a significant impact on the department should be brought to the attention of the department head and the senior corporate officer immediately and prior to the matter being addressed at the Council level.
7. Any specific direction given by an individual Member of Council to a Member of Staff that is not the result of Council direction or is not within established policy and procedural guidelines should be referred by such Staff Member to the appropriate Standing Committee for direction. In the interim while awaiting direction from Committee, the Staff Member should advise the Council Member, in writing, that in accordance with Township policy no further action can be taken until a decision is made by Committee and Council.

## APPENDIX "B"

## GUIDELINE RE: NOTICE

OVERVIEW

Procedure for notice is a decision of Council unless notice provisions are:

- (a) prescribed by the Lieutenant Governor in Council with respect to toll highways under Section 40 of the *Municipal Act*, S.O. 2001, c.25;
- (b) prescribed by the Minister of Municipal Affairs with respect to annual reports under Section 300 of the *Municipal Act*, S.O. 2001, c.25;
- (c) specifically detailed in the Act; or
- (d) specifically detailed in the regulations.

Where notice is not in accordance with sections (a) through (d) above, the provisions of this schedule shall apply in determining adequate and reasonable notice.

PROCEDURE

For the purpose of this schedule, the following terms have the following corresponding meanings:

- (a) **"Act"** means the *Municipal Act*, S.O. 2001, c.25.
  - (b) **"Clerk"** means the Clerk of the Corporation of the Township of West Lincoln and shall include his or her designate.
  - (c) **"Newspaper and/or /Publication"** means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not more than one week, consisting in part of news of current events of general interest and circulated and/or sold to the public and to regular subscribers.
  - (d) **"Published"** means published in a daily or weekly newspaper/publication that, in the opinion of the Clerk, has circulation within the Township as to provide reasonable notice to those affected thereby.
1. Where notice of intention to pass a By-law or notice of a public Meeting is required to be given by the Act, except as otherwise provided in the Act, or other statute or applicable regulation, the Clerk shall cause such notice to be published in a newspaper/publication.
  2. Except as otherwise provided in the Act, as amended, other statute or applicable regulation, where notice of intention to pass a By-law or notice of a public Meeting is required to be given, the form of the notice shall include:
    - (a) the nature and purpose of the proposed By-law or public Meeting for which notice is being given;
    - (b) the date, time and place of the Meeting;
    - (c) where the purpose of the proposed By-law or public Meeting relates to specific lands within the Township, a description or key map showing the affected lands;
- Section 2(d) as Amended by By-law 2004-30**
- (d) the name and address of the person to whom written comments on the issue may be addressed and to which an application to be heard may be made, and the time limits within which the application must be received, if applicable.

**Section 3 as Amended by By-law 2004-30**

3. (a) **Notice of Intention to Pass a By-law**  
Persons wishing to be heard at the Meeting at which the proposed By-law is intended to be passed, shall apply in writing to the Clerk and such written application must be received by 4:30 p.m. on the Wednesday prior to the meeting or such other time as may be specified in the notice.
- (b) **Notice of Public Meeting**  
Persons may be heard at the Public Meeting or may supply their comments in writing to the Clerk, prior to the meeting or such other time as may be specified in the notice.
4. Except as otherwise provided in the Act, other statute or applicable regulation, notice shall be given as follows:
  - (a) notice shall be given at least once prior to the Meeting at which the proposed By-law is intended to be passed or the public Meeting will be held;
  - (b) (i) For matters dealing with the approval of the Township's annual budget, notice shall be given at least once prior to the Meeting of Council to consider the adoption of the annual budget;
  - (ii) For matters dealing with Amendments to the budget, notice of an Amendment shall be deemed sufficient, upon the printing of the report dealing with the Amendment on the Council and/or Committee agenda, with the notation "Amendment to Budget".
  - (iii) Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
  - (c) For any matter pertaining to a highway, including a name change, for which notice is required to be given, notice shall be published at least once a week for two successive weeks, the date of the last publication being at least seven days prior to the Council Meeting indicated in the notice.
- New Section 4(d) as Amended by By-law 2006-111**  
4(d) Notwithstanding Section 4(c), any matter pertaining to the naming of a highway and/or private road in a plan of subdivision or plan of condominium, for which notice is required to be given, notice shall be published at least once, the date of the publication being at least seven days prior to the Council Meeting indicated in the notice.
5. Where separate By-laws have been enacted in accordance with specific provisions contained in the Act or other statutes or regulations, the notice provisions set out in any such By-law shall prevail.
6. No notice shall be required under this By-law where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted under Section 2.8.
7. Notwithstanding the provisions of this schedule, Council for the Corporation of the Township of West Lincoln may from time to time direct different notice requirements for any particular matter, and such notice shall constitute reasonable notice under the provisions of the Act as amended.
8. Notice given in accordance with the provisions of this By-law shall be and is hereby considered by Council to be adequate and reasonable under the provisions of the Act.