

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2013-58

(CONSOLIDATED as amended by By-laws 2013-111, 2013-119, 2015-03, 2015-76 & 2016-07, 2016-76, 2017-33, 2020-26, 2020-96, 2021-98)

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) **“Acting Mayor”** means a Member of Council, excluding the Mayor, who is appointed by resolution of Council and, when required, acts in the Mayor’s place and has all the powers of the Mayor.
- (c) **“Agenda”** means the order of business setting out the matters to be considered at a meeting.
- (d) **“Amendment”** means to alter or vary the terms of the main motion without materially changing its purpose.
- (e) **“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.
- (f) **“Chair”** means the member of Council presiding at any meeting of Council or Committee.
- (g) **“Clerk”** means the Clerk or his or her designate of the Corporation of the Township of West Lincoln.
- (h) **“Closed Meetings”** means meetings closed to the public in accordance with the provisions of Section 239 of the Municipal Act.
- (i) **“Committee”** means any advisory or other committee, sub-committee or similar entity, including Standing Committees, of which at least 50% of the members are also members of Council or as specified in approved Terms of Reference.
- (j) **“Council”** means Council of the Corporation of the Township of West Lincoln.
- (k) **“Electronic Meeting”** means municipal council and committee meetings called and held in full or in part via electronic means (including but not limited to audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance. (As Amended by By-law 2020-26)
- (l) **“Hybrid Meeting”** means a meeting that is conducted as both an in-person meeting and electronic Meeting, where some members participate in-person and some members participates electronically. (As Amended by By-law 2021-98)
- (m) **“Inaugural Meeting”** means the first meeting of Council after a regular election.
- (n) **“Livestream”** means the transmission of a live video and audio coverage, via the internet, with no more than a nominal delay. (As Amended by By-law 2021-98)
- (o) **“Majority”** for the purpose of voting, means more than half of the total members

present and not prohibited by statute from voting.

- (p) **“Mayor”** means the head of the Council of the Corporation of the Township of West Lincoln.
- (q) **“Meeting”** means any regular or special meeting of Council or Committee of Council and includes a sub-committee established by resolution of Council.
- (r) **“Member”** means a member of Council including Mayor.
- (s) **“Motion”** means a subject being presented for consideration of Council and duly seconded.
- (t) **“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.
- (u) **“Point of Privilege”** means a concern about the honour, dignity, character or rights of the Mayor, or of a member of the Council.
- (v) **“Quorum”** means a majority of the whole number of members of the Municipal Council.
- (w) **“Standing Committee”** means a committee comprised of all members of Council and considers matters of business presented from all corporate departments and/or advisory committees of Council, being:
 - Administration/Finance/Fire Committee
 - Public Works/Recreation/Arena Committee
 - Planning/Building/Environmental Committee

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.
- (c) Seating arrangements in the Council Chambers for Members of Council shall be established at the discretion of the Mayor.

2.2 Inaugural Meeting-Opening Ceremonies

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

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 Closed Meetings

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 Location of Closed Meetings

Closed Meetings of the Council shall be held in the Council Chamber or such other room/location as may be designated by Council.

2.8 Provisions to hold Closed Meetings (As amended by By-law 2016-07)

1. 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 and any other matters as may be provided from time to time, under Section 239 of the Municipal Act, 2001:
 - (a) The security of the property of the municipality or local board
 - (b) Personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board
 - (d) Labour relations or employee negotiations
 - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
 - (f) Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose
 - (g) A matter in respect of which a Council, board committee or other body may hold a closed Meeting under another Act
2. 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:
 - (a) The meeting is held for the purpose of educating or training the members.
 - (b) 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.
3. A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
 - (a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
 - (b) 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).

2.9 Duration of Meetings (As amended by By-law 2013-111)

1. No regular Meeting of Council shall extend beyond the hour of 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. Notwithstanding the provisions of Section 2.9(1), no regular Meeting of Council shall extend beyond the hour of midnight (12:00 a.m.) and any items not dealt with at the meeting as a result of the late hour, shall be included on the next appropriate agenda for consideration, unless otherwise directed by the 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.

2.11 Electronic and Hybrid Meetings (As amended by By-law 2020-96 & 2021-98)

- (i) Electronic Meeting – A regular meeting or special meeting may be conducted by Electronic Meeting, in accordance with this Section and the Electronic Meeting Protocol (Appendix C).
- (ii) Quorum and Voting for Electronic Meeting – Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- (iii) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with the provisions of the Municipal Act, S.O. 2001, c.25, as amended, specifically Sections 239(2) and (3).
- (iv) Appointment/Presentations – An Electronic Meeting shall permit appointments/presentations to attend an electronic meeting in accordance with rules and procedures outlined in Section 6 of the Township of West Lincoln Procedural By-law.
- (v) Public Attendance Request in Writing – An Electronic Meeting shall permit public attendance electronically that requests to attend a meeting be received in advance of the meeting, which shall be submitted to the Clerk via email or by phone prior to 4:30 p.m. of the day of the meeting and shall be provided to members at the meeting.
- (vi) Public Comments – An Electronic Meeting shall permit public comments in accordance with Section 6.7 (Council Meeting) or Section 10.13 (5) and (6) (Committees of Council) of the Township's Procedural By-law. Public Comments shall be submitted to the Clerk either by (1) email or by submitting in person at the Township Administration Office prior to 4:30 p.m. of the day of the meeting; or (2) by providing advanced notice to the Clerk by email or by phone prior to 4:30 p.m. of the day of the meeting advising they wish to attend the electronic meeting to provide public comments at which time information will be provided for the public member to attend the electronic meeting. Any written comments will be read into the record by the Clerk and shall be provided to members at the meeting.
- (vii) Meeting Attendance – Members may choose to participate in an Electronic Meeting or Hybrid Meeting either in-person or electronically, and shall notify the Clerk and Chair of their Choice a minimum of three (3) days prior to a meeting unless required earlier by the Clerk due to a holiday or office closure. **(Clause added By-law 2021-98)**

- viii) Minimum Attendance for Hybrid Meeting – A minimum of three (3) Members are required to participate in-person for a Meeting in order for the meeting to be conducted as a Hybrid Meeting. If an insufficient number of members confirm their in-person participation the Meeting shall be conducted wholly as an Electronic Meeting. *(Clause added By-law 2021-98)*
- ix) Livestreaming – The open session portion of all regular meetings shall be livestreamed and made available for the public to view with the livestream link being posted on the Township of West Lincoln's website (Council and Committee Meeting Schedule). *(Clause added By-law 2021-98)*
- x) Livestream Interruption – Upon being apprised that an Electronic Meeting has been interrupted and livestreaming cannot proceed due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes to try and resume the connection. *(Clause added By-law 2021-98)*
- xi) Electronic Meeting Resumed – If the livestreaming of a meeting cannot be resumed within 15 minutes, the meeting shall be allowed to continue as long as quorum has been maintained and the connection will be resumed as soon as possible. *(Clause added By-law 2021-98)*

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 by email and/or telephone and/or delivery of the agenda, 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 by email and/or telephone and/or delivery of the agenda, not less than twenty-four (24) hours before the time of the Meeting.
- (c) Lack of notice 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.
- (d) Notice of a regular, special or other meetings of a Council, of a local board or of a committee of either of them will be provided by way of posting the meeting calendar schedule on the doors of the administration office and 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

The Chair shall take the Chair and call the Meeting to order at the designated time unless there is no quorum, in which case, Section 4.6 shall apply.

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 thirty 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 will be placed in the hands of the Clerk by 4:30 p.m. on the Wednesday preceding the day of a regular 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.

4.10 Minutes

(a) Recording of Minutes:

The Clerk shall record without note or comment, the minutes, which includes all resolutions, decision and other proceedings at the meeting, whether it is closed to the public or not.

(b) The recording of absences of Members of Council at Council shall be recorded as follows:

1. Absent - No Notification Provided
2. Absent – With Regrets - Notification Provided

(c) Signing of Minutes:

The Mayor, or Acting Mayor, and the Clerk, or Deputy Clerk, shall sign all minutes legally adopted by the Council.

(d) Minor Clerical Corrections:

The Clerk has the authority to effect minor modifications or corrections to the minutes which are solely of an administrative, semantical, numerical, grammatical nature, in order to implement the intent of the Council.

4.11 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.

4.12 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. Notwithstanding the above, urgent, important and/or time sensitive matters may be introduced if absolutely necessary. The new items of business must require immediate attention/direction from Council and must

be introduced by motion to introduce a new item of business approved by a majority vote of the members present.

4.13 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 must be introduced by a motion to introduce a new item of business duly put and passed by a majority vote of the members present. New items must be introduced under the “New Item of Business” section on the agenda.
- (ii) Items that are purely of an information nature may be brought forward by any Council Member, under the “Other Business” section of the agenda under a new sub-section entitled “Council Remarks”. Raising of such items of business can be done without the requirement of a motion for a new item of business.
- (iii) Members of Council shall keep Other Business discussion to a minimum.

4.14 Staff Direction

Staff direction shall be authorized by a motion, shall supply sufficient detail relating to the request to provide proper instruction to the staff member and shall provide a timeline for completion, if applicable.

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) Notwithstanding section (a) above, the mover of a motion should be afforded the opportunity to speak first, if they raise their hand.
- (c) When two or more Members raise their hands, the Mayor must designate the order in which they may speak.
- (d) 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.
- (e) 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.

- (f) Every Member of Council shall have an opportunity to speak before a Member speaks a second time on a matter.

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, and when a motion is being put forward, no Member may walk across or out of the room, or make any noise or disturbance;
 - (ii) 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 Electronic Devices (as Amended by By-law 2016-76)

- (a) All cell phones, pagers, radios, etc. shall be either turned off, not-audible or muted, upon entry into the Council Chambers, or any alternate meeting locations.
- (b) The Township of West Lincoln will endeavor to audio/video record the open session portion of Council and Standing Committee meetings and make the recorded audio/video available on-line, post meeting.
- (c) Notwithstanding the provisions of Section 5.7(b), if for any reason, staff are unable to audio/video record or post the meeting on-line (ie. technical difficulties or otherwise), the audio/video recording will not be made available on-line and the provisions of Section 5.7(b) shall not apply.

- (d) The goal of the Township of West Lincoln will be to post, within two business days of the meeting, the audio/video recording of the meeting.
- (e) At the start of the meeting, the Chair shall advise those in attendance that the meeting is being audio/video recorded.
- (f) Any person shall be permitted to audio/video record any portion of the open session portion of a Council or Standing Committee meeting.
- (g) Notwithstanding the provisions of Section 5.7(e), permission to audio/video record the meeting may be withdrawn at any time by the Chair, or with the concurrence of Council, if it is determined to be disruptive to the meeting.

5.8 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 Requests for Appointments/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., 10 days** preceding the regular Council Meeting at which the presentation is to occur. **(As amended by By-law 2013-119)**

6.2 Verbal Requests for Appointments/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., 10 days** preceding the regular Council Meeting at which the address is to occur. The office of the Clerk shall determine what constitutes sufficient detail. **(As amended by By-law 2013-119)**

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 Scheduled Appointments and/or Presentations

- (a) The Clerk shall not accept more than four (4) separate appointments or presentations on any one agenda without approval from the Chair.
- (b) Requests for appointments shall be made in writing, and the request shall be submitted to the Clerk at least **10 days** prior to the scheduled meeting.
- (c) Each scheduled appointment or presentation shall be allocated a maximum of ten minutes, exclusive of the time required to answer questions from Members of Council.
- (d) An extension of the ten (10) minute time allocation per appointment/presentation will only be permitted with the consent of the Majority of the Members of Council present.
- (e) Delegates who have previously appeared on the same subject matter shall be limited to providing only new information in their second and subsequent presentations.

- (f) **EXCEPTION:** Notwithstanding Subsection (b) and (d) of Section 6.5, persons and/or consultants who are invited by the Council and/or Committee, to present their findings regarding a specific issue/study/report, shall be permitted to speak more than ten minutes and may appear more than once on the same subject matter and Members of Council and/or Committee, will have the opportunity to question the presenter and debate the issue(s).

6.6 Comment During Appointments/Presentations

All persons with scheduled appointments/making presentations shall address the Chair at all times. Council Members may respond to persons with appointments and/or presentations only when recognized by the Chair and shall not engage in back and forth debate with the presenter. 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. Once all questions asked by Council Members have been answered, debate can occur among Members of Council.

6.7 Public Comment at Council: (as amended by By-law 2015-03 – subsequently by 2017-33)

(1) There shall be no comments from the public permitted at Council unless:

- (a) a specific appointment has been scheduled; or,
- (b) an item is included under the “Other Business” or “Communications”, or “appointments” section of the agenda and relates to a matter which would normally be dealt with at Committee. (as amended by By-law 2016-76)

(Added by amendment - By-law 2017-33)

(2) Where comments are permitted as per Section 1(b) above, each individual person shall only be provided with five (5) minutes to address their issue; however, where a person wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

MOTIONS

7.1 Written Motions - Order of Presentation (as amended by By-law 2016-76)

Except as specified in this By-law, all Motions shall be in writing and seconded. Written Motions shall be read by the Councillor, (as amended by By-law 2016-76) 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 closed session
- (5) to lay on the table
- (6) to defer to a specific date
- (7) to adjourn

7.3 Motion to Adjourn the meeting or Adjourn the Debate or to Resolve Into Closed Session

A Motion to adjourn the debate or to adjourn the Meeting or to resolve the Council into 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" is not debatable and shall not be put until all members have had an opportunity to make submission and 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 Points of Privilege

Except as otherwise specified in this paragraph, only the Members of Council may raise Points of Order and/or Points of Privilege. A Point of Order or a Point of Privilege may be raised, at any time, by a Member of the Council without doing so in the form of a Motion and must be dealt with immediately. Upon receiving recognition from the Chair, the Member raising the Point of Order or Point of Privilege shall state such and await the ruling of the Chair on the Point of Order or Point of 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) Notwithstanding Section 7.13(a), a motion to reconsider a matter or question can be put forward again after twelve (12) months have elapsed from the last date that the matter or question was dealt with.
- (d) When dealing with reconsideration of a matter or question as outlined under Section 7.13(c), a motion to reconsider a previous reconsideration motion is not required. **(as Amended by By-law 2015-76)**

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 Closed Session

All Motions to go into 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 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 Voting

- (a) Except as otherwise provided, every member of a council shall have one vote.
- (b) No member shall be permitted to cast any vote by proxy.
- (c) The vote on a motion will be taken by the Chair who will call the questions by asking "those in favour" and then by asking "those opposed".

7.20 Equality of Votes

On any motion before the Council, in which there is an equality of votes, the motion shall be deemed to be lost.

7.21 (a) 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 they declare a conflict or are prohibited by statute or by Section 7.21(b) below, and in any of these cases, the reason must be recorded. Any failure to vote by a Member who is not disqualified is deemed to be a negative vote.

(b) Where a Council Member is not present at a statutory public meeting

If a Council member is not present at a statutory public meeting, or any part thereof, conducted under the mandatory provisions of Provincial legislation, the Council member shall not vote on any motion that is dealt with directly at a Council Meeting, which emanated from, or related to, the public meeting or to the matter which was the subject of the public meeting.

7.22 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.

7.23 Motion to Adjourn

Once all matters listed on the agenda have been dealt with, the Chair may declare the meeting adjourned without the requirement of a motion and vote.

CLOSED MEETINGS AND CONFIDENTIALITY**8.1 Chair of Closed Meetings**

In Closed Session, the Chair, or in his/her absence the Vice-Chair or Presiding Officer shall be Chair.

8.2 Public Attendance

Meetings held in 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 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 and provided that 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 Closed Session.

8.4 Direction from Closed Meetings

Any direction given in 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 Subject to the provisions of any statute or regulation of the Province of Ontario which require otherwise, the procedure for considering and passing by-laws shall be as follows:

- (a) By-law numbers and a brief description shall be included in the agenda and the by-laws shall be introduced in a motion listing by-law numbers only and the by-laws shall be considered to have been read a first, second and third time and passed by the reading of one motion, and will be passed by a majority vote.
- (b) Notwithstanding Section 9(a) above, a By-Law may be considered separately, upon the request of any Member of Council, and it shall be separated without debate, removed from the Motion and introduced by a separate Motion as the next item of business. **(as Amended by By-law 2015-76)**

9.2 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.

9.3 Clerk and Mayor to Sign

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

9.4 Minor Corrections to By-laws

The Clerk is authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to by-laws or their schedules as such may be determined to be necessary after the passage of the by-law, in order to implement the intent of the Council. Such changes shall be approved by the CAO.

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 and the Chair or Vice-Chair shall preside at every Meeting.

10.6 (a) Committee Members Must Vote

Every Committee Member who is present in his/her seat in the Council Chamber when a question is put must vote thereon, unless they declare a conflict or are prohibited by statute or by Section 10.6(b) below, and in any of these cases, the reason must be recorded. Any failure to vote by a Committee Member who is not disqualified is deemed to be a negative vote.

(b) Where a Committee Member is not present at a statutory public meeting

If a Committee member is not present at a statutory public meeting, or any part thereof, conducted under the mandatory provisions of Provincial legislation, the Committee member shall not vote on any motion at the committee meeting, which emanated from, or related to, the public meeting or to the matter which was the subject of the public meeting.

10.7 Chair Signs Minutes

The designated Chair or Vice 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 record without note or comment, the minutes, which includes all recommendations/decisions, directions and other proceedings at the meeting, whether it is closed to the public or not.
- (3) To notify all department heads of any recommendations and/or directions 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 consider and/or report on any or all matters referred to them by the Council or by the Mayor.
- (3) 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 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) Motions need not be in writing.
- (4) There shall be no limit on the discussion of items of other business by

Committee Members at Committee meetings.

- (5) There shall be a “**COMMENTS FROM THE PUBLIC**” section included on Committee agendas in order to provide members of the public an opportunity to address the Committee on any items on the agenda. One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with five (5) minutes to address their issue. A response may not be provided and the matter may be referred to staff.
- (6) Notwithstanding the provision in Section 10.13(5), specifically with respect to the provision that each individual person shall only be provided with five (5) minutes to address their issue, a person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes. **(As added by amendment by By-law 2017-33)**

10.14 Committee Direction

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

10.15 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.

10.16 Electronic and Hybrid Meetings (As amended by By-law 2020-96 & 2021-98)

- (i) Electronic Meeting – A regular meeting or special meeting may be conducted by Electronic Meeting, in accordance with this Section and the Electronic Meeting Protocol (Appendix C).
- (ii) Quorum and Voting for Electronic Meeting – Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- (iii) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with the provisions of the Municipal Act, S.O. 2001, c.25, as amended, specifically Sections 239(2) and (3).
- (iv) Appointment/Presentations – An Electronic Meeting shall permit appointments/presentations to attend an electronic meeting in accordance with rules and procedures outlined in Section 6 of the Township of West Lincoln Procedural By-law.
- (v) Public Attendance Request in Writing – An Electronic Meeting shall permit public attendance electronically that requests to attend a meeting be received in advance of the meeting, which shall be submitted to the Clerk via email or by phone prior to 4:30 p.m. of the day of the meeting and shall be provided to members at the meeting.
- (vi) Public Comments – An Electronic Meeting shall permit public comments in accordance with Section 6.7 (Council Meeting) or Section 10.13 (5) and (6) (Committees of Council) of the Township’s Procedural By-law. Public Comments shall be submitted to the Clerk either by (1) email or by submitting in person at the Township Administration Office prior to 4:30 p.m. of the day of the meeting; or (2) by providing advanced notice to the Clerk by email or by phone prior to 4:30 p.m. of the day of the meeting advising they wish to attend the electronic meeting to provide public comments at which time information will be provided for the public member to attend the electronic meeting. Any written comments will be read into the record by the Clerk and shall be provided to members at the meeting.
- vii) Meeting Attendance – Members may choose to participate in an Electronic Meeting or Hybrid Meeting either in-person or electronically,

and shall notify the Clerk and Chair of their Choice a minimum of three (3) days prior to a meeting unless required earlier by the Clerk due to a holiday or office closure. *(Clause added By-law 2021-98)*

- viii) Minimum Attendance for Hybrid Meeting – A minimum of three (3) Members are required to participate in-person for a Meeting in order for the meeting to be conducted as a Hybrid Meeting. If an insufficient number of members confirm their in-person participation the Meeting shall be conducted wholly as an Electronic Meeting. *(Clause added By-law 2021-98)*
- ix) Livestreaming – The open session portion of all regular meetings shall be livestreamed and made available for the public to view with the livestream link being posted on the Township of West Lincoln’s website (Council and Committee Meeting Schedule). *(Clause added By-law 2021-98)*
- x) Livestream Interruption – Upon being apprised that an Electronic Meeting has been interrupted and livestreaming cannot proceed due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes to try and resume the connection. *(Clause added By-law 2021-98)*
- xi) Electronic Meeting Resumed – If the livestreaming of a meeting cannot be resumed within 15 minutes, the meeting shall be allowed to continue as long as quorum has been maintained and the connection will be resumed as soon as possible. *(Clause added By-law 2021-98)*

GENERAL

- 11.1 This By-law shall not be amended or repealed except by a Majority vote of all Members of Council.
- 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 shall become effective upon adoption.
- 11.5 The short title of this By-law is the Township of West Lincoln Procedural By-law.
- 11.6 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

REPEAL OF PREVIOUS BY-LAWS

By-law number 2003-48, as amended, is hereby repealed. (includes By-laws # 2004-30, 2004-56, 2006-111, 2007-38, 2008-142, 2009-108 and 2010-87)

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27th DAY OF MAY, 2013.**

CONSOLIDATED VERSION – ORIGINAL SIGNED

MAYOR DOUGLAS JOYNER

CONSOLIDATED VERSION – ORIGINAL SIGNED

CAROLYN LANGLEY, 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:

- (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:

- (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) of the Municipal Act;
- (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.

C. Role of Staff

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;
 - (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.

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, 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 last publication being at least seven days prior to the Council Meeting indicated in the notice.
 - (d) Notwithstanding Section 4(c), any matters pertaining to the temporary closing of a highway for emergencies or otherwise, shall be published on the Township's web site, when possible. **(as Amended by By-law 2015-76)**
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.

APPENDIX “C”
to By-law 2013-58 (As amended by By-law 2020-96)
ELECTRONIC MEETING PROTOCOL

The Township of West Lincoln Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of Council and committee members, known as Members, to accommodate an effective and efficient meeting, so long as any such amendments are consistent with the intent of the Procedural By-law and do not directly conflict with the Procedural By-law or are contrary to prevailing Provincial legislation or orders.

General:

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor or Acting Mayor, or by the majority vote of Council, based on advice and resources available from the Township’s Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Acting Mayor and Committee Chair or Vice Chair, or designate, shall lead the meeting and be present from a designated meeting location supported by the Clerk, or designate, where possible.
- Members shall follow meeting leadership of the Chair being the Mayor or Acting Mayor, Committee Chair or Vice Chair or his/her designate.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.

Request to Speak and Speaker’s List:

- Any Member participating in-person or electronically shall indicate to the Chair or Clerk a request to speak by putting up their hand either electronically or by raising their hand towards the screen;
- Chair or Clerk are to maintain a speaker’s list, based on the Chair’s discretion, to ensure all members are able to participate in debate in keeping with meeting rules;
- Chair will call out the name of the Member assigned to speak.

Member Speaking:

- Time allotment may be used to speak, ask questions of staff and/or introduce a motion/amendment;
- Members to speak through the Chair.

Voting:

- A Member shall vote by one of the following methods:
 - (i) Through the Township’s electronic meeting management system (eScribe) upon opening of the vote by the Clerk.
 - (ii) By raising their hand to the screen on their computer (must be in video mode) when the Chair calls for the vote.
 - (iii) Verbally when the Chair calls for the vote, if the video mode is unavailable.
 - (iv) Through a recorded vote, when a recorded vote is requested by a Member.
- When a recorded vote is requested by a Member, at the direction of the Chair the Clerk shall call the name of each Member deemed present;
- If Member is present in person or electronically and no response to indicate vote is provided, Clerk will ask one more time and if no indication of vote, the vote is recorded in the negative;
- The Clerk will announce the results to the Chair with respect to the voting done through the Township’s electronic meeting management system (eScribe) or by recorded vote.

Member Conduct:

- Each Member shall remain silent and attentive to the proceeding when not assigned as the speaker;
- Each Member to listen for their name to be assigned as speaker or to vote;
- Each Member to take direction from the Chair in order to facilitate an effective, efficient and orderly Electronic Meeting.