



THE CORPORATION OF THE  
*Township Of Pelee*

**By-Law 2019-12**

**A By-Law to provide for the Rules of Order and Procedure for Council & Committees of The Corporation  
of the Township of Pelee.**

***Short Title: "Procedural By-Law"***

Repeal of Previous By-law 2017-12

**THE CORPORATION OF THE TOWNSHIP OF PELEE**

**BY-LAW NUMBER 2019-12**

**A By-Law to provide for the Rules of Order and Procedure for the Council & Committees of The Corporation of the Township of Pelee.**

**WHEREAS** section 238(2), of the *Municipal Act, 2001*, requires that every municipality and local board 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 PELEE HEREBY ENACTS AS FOLLOWS:**

**Part 1  
Definitions**

In this by-law,

**“Acting Mayor”** shall mean a member of Council who is deemed as Acting Mayor and who shall act in the place and stead of the Mayor, when the Mayor is absent or refuses to act or the office is vacant, for the period of time for which they are appointed and shall have all the powers and duties of the Mayor, while so acting.

**“Address”** shall mean primary domicile.

**“Amend”** shall mean to alter or vary the terms of a main motion without materially changing its purpose, and amendment shall have a corresponding meaning.

**“Chair”** shall mean the person presiding at a Council or a committee meeting.

**“Clerk”** shall mean the Municipal Clerk Administrator of the Corporation of the Township of Pelee or his/her designate.

**“Closed Session”** shall mean a closed meeting of a committee or Council that is not open to the public, held in accordance with section 239 of the *Municipal Act, 2001*.

**“Committee”** shall mean a Committee created by Council to provide recommendations, advice and information and report directly to Council on a specific matter.

**“Council”** means the Corporation of the Township of Pelee’s elected representatives, comprised of the Mayor, Deputy Mayor and 3 Councillors.

**“Defer”** shall mean to delay consideration of a matter by Council or a committee.

**“Deputy Mayor”** shall mean the elected official for the office of Councillor who receives the most votes, to assist the Mayor in carrying out his/her powers and duties and/or act in the place of the Head of Council or a committee in the Mayor’s stead.

**“Meeting”** shall mean a meeting of Council or a committee where a quorum is present.

**“Motion”** shall mean a proposal by a Member for the consideration of Council or committee that is moved by a Member and seconded by another Member.

**“Notice of Motion”** shall mean a notice of motion provided to the Clerk, in writing, by a member requesting the inclusion of a motion on a future Agenda of a meeting of Council or committee.

**“Point of Order”** shall mean a question by a member or Council or committee with respect to any rules or practices.

**“Point of Personal Privilege”** means a matter that a Member considers to question their integrity and/or the integrity of the Council.

**“Recorded Vote”** shall mean the recording of the name and vote of every member on a motion during a meeting, by either electronic or manual means.

**“Quorum”** means a majority of Council (3 members) or committee.

## **Part 2 General**

### **2.1 Rules**

The rules and regulations contained in the by-law shall be observed in all proceedings of Council and committees. The by-law shall be used to guide the order and dispatch of business of Council and committees. These rules shall be observed by Council and every committee.

### **2.2 Parliamentary procedure**

Those proceedings of Council and committees not specifically governed by the provisions of this by-law shall be regulated in accordance with generally accepted parliamentary procedures.

### **2.3 Suspension of Rules**

Any rules or regulations contained in this by-law may be suspended, except for those rules or regulations that are set out by legislation, with the consent of the majority of Council present. The suspension shall only apply to the specific procedure or rule for the stated purpose and only during the meeting in which such motion is introduced.

### **2.4 Absence-Mayor**

In the absence of the Mayor, or if he/she refuses to act or if the office is vacant, the Deputy Mayor shall carry out his/her duties and/or act in place of the head of Council and shall have all the rights, powers and authority of the head of Council.

## **2.5 Absence-Deputy Mayor**

In the event that the Deputy Mayor is unable to act in the place and stead of the Mayor, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the head of Council.

## **2.6 Meeting Location-Pelee Island**

All meetings of Council and committees shall be held at the Royal Canadian Legion 403, 1169 West Shore Road, Pelee Island Ontario. In regards of committee meetings that are not able to convene at the Legion, the replacement venue shall be a location, within the boundaries of Pelee Island, subject to the provision of public notice, accessible to the public and satisfactory to the Clerk.

## **2.7 Meeting Location-committee meetings-adjacent municipality**

Notwithstanding section 2.6 of this by-law, when access to the Township via marine ferry is not available, committee meetings may take place in the adjacent municipalities of Kingsville or Leamington, but only when the majority of committee members do not have a Township address. Meetings in adjacent municipalities shall adhere to this by-law. Arrangements for meeting space shall be made by the Clerk or her/his designate.

### **Part 3 Meetings**

#### **3.1 Annual Schedule of Meetings**

The Clerk shall, by November 30<sup>th</sup> of each calendar year, submit a schedule of the upcoming meetings for each Council year (January 1<sup>st</sup>-December 30<sup>th</sup>) for consideration and adoption by Council.

#### **3.2 Meeting qualifications**

- (a) When setting the annual schedule of meetings the first meeting after an election shall be held no later than the first Monday in December.
- (b) Unless otherwise determined by Council, regular meetings of Council shall be held:
  - i. Twice monthly, on Mondays, commencing at 6:00 pm while air service is available, and at 8:00 pm while marine service is available; and,
  - ii. In accordance with the approved annual calendar noted in section 3.1, above.
- (c) Provision shall be made for meetings to accommodate budget, capital, and drainage

considerations.

### **3.3 Special meeting-emergency**

The Mayor may, at any time, call a special or emergency meeting.

### **3.4 Special meeting-called by Clerk-petitioned**

Upon receipt of a petition signed by a majority of Members, the Clerk shall call a special meeting for the purpose and at the date and time mentioned in the petition.

## **Part 4 Notice of Meetings**

### **4.1 Agenda-deemed notice**

The Agenda shall be considered as adequate notice of regular meetings.

### **4.2 Agenda-delivery**

The Agenda for regular meetings shall available electronically by 4:30 on the Friday before Monday meetings. The Agenda will be available on pelee.org at least 72 hours prior to regular scheduled meetings.

### **4.3 Agenda-special meetings-delivery**

Notice of special meetings called in accordance with section 3.3 of this by-law shall be electronically so as to be received by Council no later than 24 hours prior to the hour of the special meeting. The Agenda will be available on pelee.org 24 hours prior to special meetings.

### **4.4 Special Meetings-business specified**

No business except the business specifically designated to be addressed shall be discussed at any special meeting.

### **4.5 Emergency Meeting-notice not required**

Notwithstanding any other provisions of this by-law, an emergency meeting may be called and conducted without any written notice. All effort must be made to notify Council of the meeting and content as soon as possible by whatever means necessary and appropriate.

### **4.6 Emergency Meeting-business specified**

No business except the business directly related to the emergency situation shall be transacted at the emergency meeting.

### **4.7 Agenda-notice not received**

Lack of receipt of a notice or Agenda by a Councillor or the public shall not affect the validity of the meeting or any action taken as a result of said meeting.

#### **4.8 Postponement-meeting-emergency-up to 7 days**

The Mayor may, when an emergency situation arise, postpone a meeting for not more than 7 days to such date determined by the Mayor in consultation with the Clerk. The Clerk shall then:

- a) give notice of a special meeting to deal with the postponed matters in accordance with section 4.4 or this by-law; or
- b) give notice that postponed matters will be addressed at the next scheduled regular meeting.

### **Part 5 Meetings**

#### **5.1 Meetings-open to the public**

Except as otherwise provided by section 239 of the *Municipal Act, 2001* all meetings shall be open to the public.

#### **5.2 Meetings-closed to the public**

Council or a committee may hold all or part of a meeting in closed session if the subject matter being considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal 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;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a

province or territory or a Crown agency of any of them;

- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

### **5.3 Meetings-closed-education or training**

A meeting 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

### **5.4 Meetings-required to be closed**

A meeting shall be closed to the public if the subject matter relates to:

- (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).

### **5.5 Meetings-closed-resolution**

Before holding a meeting or part of a meeting that is to be closed to the public, Council or committee that is holding that meeting shall state by resolution:

- (a) The fact that there will be a closed meeting, and
- (b) The citation from section 239 of the *Municipal Act, 2001* stating the applicable exception to open meeting rule

### **5.6 Meeting-not closed during vote**

Except as provided in sections 5.2 and 5.4 of this by-law, Council or committees meeting shall not be closed

to the public during the taking of a vote.

**5.7 Meetings-closed voting-exception**

A meeting may be closed to the public during a vote if:

- (a) section 5.2 or 5.4 permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving direction or instruction to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

**Part 6  
Committee Agenda**

**6.1 Composition-committee agenda**

The Clerk or her/his designate shall prepare Agendas for committees consisting of the following parts:

Part I	Disclosure of Pecuniary Interest
Part II	Consent Items
Part III	Scheduled Items
Part IV	Items for Direction
Part V	Deferred Matters/Additional Business
Part VI	Closed Meeting
Part VII	Adjournment

**6.2 Closed Meeting-items**

The Clerk shall include in the Agenda a description of the general nature of matters to be considered in a closed meeting under Part VI of the Agenda.

**6.3 Consent Items-definition**

Consent items include but are not limited to the following types of matters:

- (a) delegation or public participation;
- (b) items where little debate is anticipated;
- (c) staff reports that contain clear “take action, give approval or receive information” recommendations;
- (d) committee reports without recommendations; and
- (e) routine matters



#### **6.4 Consent Items-procedure**

All items listed in Part II shall be subject of one motion and that motion shall be neither debatable nor amendable. However, any member can request that part of all of a motion can be moved from Part II to Part IV for direction.

#### **6.5 Items for Direction-definition**

Items for direction include all other items of business:

- (a) not listed in Part II;
- (b) items listed under Part III, and
- (c) items not consented to under section 6.4 of this by-law

### **Part 7 Council Agenda**

#### **7.1 Composition-Council agenda**

The Clerk shall prepare the Council Agenda for all regular meetings consisting of the following:

- I Closed Session
- II Confirmation of Previous Meeting Minutes
- III Disclosure of Pecuniary Interest
- IV Delegations
- V Reports
- VI Recognitions
- VII Communications and Petitions
- VIII Scheduled Motions
- IX Deferred Matters
- X Enquires
- XI Emergent Matters
- XII By-Laws
- XIII Adjournment

#### **7.2 Deadline-item inclusion**

The deadline for receipt of items by the Clerk for inclusion in the regular Council Agenda shall be 12:00 pm on the Thursday prior to the meeting.

#### **7.3 Deadline-added materials**

The deadline for receipt of added materials by the Clerk for addition to the regular Council Agenda shall be

9:00 am on the Friday prior to the meeting.

### **7.3 Order of Business**

The business of each meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by a majority of the Members present.

### **7.4 Motion to Change Order**

A motion to change the order of business shall not be amendable or debatable.

## **Part 8 Commencement of Meetings**

### **8.1 Quorum**

A quorum shall be a majority of the Members constituting the Council or committee.

### **8.2 Call to Order**

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to order by the Chair.

### **8.3 Adjournment**

If there is no quorum present within a quarter of an hour after the time appointed for the meeting, the Council or committee shall stand adjourned until the date and time of the next regular or special meeting, and the Clerk shall record the names of the members present upon adjournment.

### **8.4 Mayor-to preside**

The Mayor, if present, shall preside at all Council meetings.

### **8.5 Mayor-absent**

In the absence of the Mayor, the Deputy Mayor shall call the meeting to order a quarter of an hour after the time appointed for the meeting and the Deputy Mayor shall preside over the meeting or until the arrival of the Mayor.

### **8.6 Mayor and Deputy Mayor-absent**

In the absence of the Mayor and the Deputy Mayor the Clerk shall call the meeting to order a quarter of an hour after the time appointed for the meeting and the Deputy Mayor selected by members present shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

**Part 9**  
**Rules of Debate and Conduct**

**9.1 Order-decorum**

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to Council.

**9.2 Speaking-recognition of Chair**

Before a member may speak to any matter, he/she shall first be recognized by the Chair.

**9.3 Speaking-order**

When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.

**9.4 Speaking-limitation**

When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of 5 minutes, unless otherwise decided by a majority vote of the members present.

**9.5 Motion-under debate**

A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

**9.6 Disruption**

A member shall not disturb Council by any disorderly behavior, including conduct contrary to the *Code of Conduct* established by Council.

**9.7 Offensive Language/Insults**

A member shall not use profane or offensive words or insulting expressions.

**9.8 Disobedience**

A member shall not disobey the rules of Council or a decision of the Chair or of Council on points of order or on the interpretation of the rules of procedure of Council.

**9.9 Leaving Seat-disturbance during vote**

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

#### **9.10 Interruption**

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

#### **9.11 Exit Meeting**

A member shall not leave the meeting when he/she does not intend to return without first advising the Chair.

#### **9.12 Disorderly conduct-member to be removed**

In the event that a member persists in a breach of the rules prescribed in sections 9.6 to 9.11 of this by-law, after having been called to order by the Chair, the Chair shall put the question, "shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.

#### **9.13 Disorderly conduct-member to leave seat**

If Council decides the question set out in section 9.12 of this by-law in the affirmative by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.

#### **9.14 Apology-member to resume seat with permission**

If the member apologizes, the Chair, with the approval of Council, may permit him/her to resume his/her seat.

#### **9.15 Failure to leave seat-removal**

If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with section 9.13 of this by-law and if the member does not apologize in accordance with section 9.14 of this by-law, then the Chair shall seek the appropriate assistance in the removal of the member.

### **Part 10 Questions of Privilege & Points of Order**

#### **10.1 Rights-privileges-integrity**

If a member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Chair to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.

## **10.2 Administration-integrity questioned-procedure**

When a member considers that the integrity of a member of the Municipal Administration has been impugned or questioned, the Chair shall, if she/he choose to do so, permit the Clerk or Department Manager or his/her designate to make a statement to Council.

## **10.3 Rule of Procedure-violation**

When a member desires to call attention to a violation of the rules or practices of procedure, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, he/she shall state the point of order to the Chair succinctly and the Chair shall then decide upon the point of order and advise the members of his/her decision.

## **10.4 Appeal-Chair's decision**

Unless a member immediately appeals the Chair's decision to the Council, the decision of the Chair shall be final.

## **10.5 Appeal-appealed**

If the decision of the Chair is appealed to Council, the question, "shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.

## **10.6 Call to Order**

When the Chair calls a member to order, that member shall immediately cease discussion until the point of order is dealt with and that member shall not speak again to the matter under discussion without the permission of the Chair, unless to appeal the ruling of the Chair.

## **Part 11 Motions**

### **11.1 Notice of Motion-filed with Clerk**

Notice of motions filed with the Clerk shall be included in the Agenda of the next regular Council meeting.

### **11.2 Question-urgent-included in Agenda**

Notwithstanding the provisions of section 11.1 of this by-law, when a member, submitting a notice of motion to the Clerk within the deadline prescribed in section 7.2 of this by-law indicates in writing to the Clerk that the notice of motion is a question of urgency, the Clerk shall include the notice of motion in the Agenda at Stage VIII as identified in section 7.1 of this by-law.

### **11.3 Emergent Motion-consideration**

Motions in the Agenda under Stage XI, shall only be considered by the Council when a majority of the members present have given leave for the introduction of such a motion.

**11.4 Motion Under Debate-other motions permitted**

When a motion is under debate, no other motion shall be in order except a motion:

- (a) To adjourn;
- (b) To proceed beyond 3 hours;
- (c) To close debate (put to question);
- (d) To postpone;
- (e) To refer; or
- (f) To amend.

**11.5 Motion to Adjourn**

A motion to adjourn shall:

- (a) Not be amended;
- (b) Not be debated
- (c) Not include qualifications or additional statements; and
- (d) Always be in order, except when in a closed session.

**11.6 Adjournment-extension**

The Council shall always adjourn at 11:00 pm if in session at that hour, unless otherwise decided before that hour by a majority vote of the Members present at the meeting.

**11.7 Motion to Proceed Beyond 3 Hours**

A motion to proceed beyond 3 hours shall:

- (a) Not be amended;
- (b) Not be debated; and
- (c) Always be in order, except when a member is speaking or the members are voting.

**11.8 Motion to defer-qualifications**

A motion to table shall:

- (a) Not be amended;
- (b) Not be debated;
- (c) Apply to the main motion and any amendments thereto under debate at the time when the motion to table was made; and
- (d) Not include qualifications or additional statements.

**11.9 Motion to defer-accepted-procedure**

Notwithstanding the provisions of section 11.1 and 11.2 of this by-law, if a motion to defer is decided in the affirmative by a majority vote of the Members present, then the main motion and any amendments

thereto shall be removed from Council's consideration until the next regular meeting and is included in the Agenda at Stage IX, as identified in section 7.1 of this by-law.

#### **11.10 Motion to put the Question-qualifications**

A motion to put the question (to close the debate) shall:

- (a) Not be amended;
- (b) Not be debated
- (c) Apply to the motion or amendment under debate at the time when the motion to put the question is made;
- (d) Not be received in any committee; and
- (e) Be moved using the words "that the question now be put".

#### **11.11 Motion to put the question-accepted**

If a motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding motion or amendment shall be voted on immediately without further debate of comment.

#### **11.12 Motion to Refer**

A motion to refer a matter under consideration to a committee, Administration or elsewhere shall:

- (a) Be open to debate;
- (b) Be amendable; and
- (c) Preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

#### **11.13 Motion to Amend**

A motion to amend shall:

- (a) Be open to debate;
- (b) Not propose a direct negative to the main motion; and
- (c) Be relevant to the main motion

#### **11.14 Motion to Amend-main motion**

Only one motion to amend the main motion shall be allowed at one time.

#### **11.15 Motion to Amend-amendment**

Only one motion to amend a motion to amend the main motion shall be allowed at one time.

#### **11.16 Zoning by-laws-public notice**

When Council amends a proposed zoning or rezoning by-law after holding of a public meeting as required by the *Planning Act*, Council shall immediately vote on the question of whether or not any further notice is

to be given in respect of the proposed by-law, as amended.

#### **11.17 Public Notice-debatable**

The question of whether or not any further notice is to be given shall be amendable and debatable.

#### **11.18 Zoning By-Law-notice determination**

The proposed zoning or rezoning by-law, as amended, shall not be introduced and enacted until the question of whether or not any further notice is to be given has been resolved.

### **Part 12 Voting**

#### **12.1 Amendment-voted on first**

A motion to amend an amendment to a motion shall be voted on first.

#### **12.2 Voting-order**

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) A motion to amend a motion to amend a main motion;
- (b) A motion (as amended or not) to amend the main motion; and
- (c) The main motion (as amended or not).

#### **12.3 Proposition-divided**

When the motion under consideration contains distinct propositions, upon the request of any member and provided a recorded vote has not been called for, the vote on each proposition shall be taken separately.

#### **12.4 Motion to Vote**

A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken.

#### **12.5 Speaking-after motion/before vote**

After a motion is put to a vote by the Chair, no Member shall speak on that motion nor shall any other motion be made until after the results of the vote is announced by the Chair.

#### **12.6 Mandatory Vote**

Every Member present shall vote on every motion unless the Member indicates a conflict of interest, in which case the member shall recuse themselves from the vote.



### **12.7 No Vote-deemed negative**

Notwithstanding the provisions of section 12.6 of this by-law, every member who is not recused from voting by reason of a declared conflict of interest, shall be deemed to be voting against the motion if she/he declines or abstains from voting.

### **12.8 Secret voting-prohibited**

The manner of determining the decision of Council on a motion shall not be by secret ballot or by any other method of secret voting.

### **12.9 Putting the question to vote-qualifications**

When putting the question to vote, the Chair shall first ask for those in favour of its adoption to raise their hands and then ask for those opposed to its adoption to raise their hands.

### **12.10 Results-announced by Chair**

The Chair shall announce the result of every vote.

### **12.11 Results-disagreement**

If a member disagrees with the number of votes for and against a motion as announced by the Chair, she/he may object immediately to the Chair's declaration and, with the consent of Council, the vote shall be retaken.

### **12.12 Tie Vote**

When there is a tie vote on any motion the motion shall be deemed to be have failed.

### **12.13 Recorded vote-required**

A recorded vote shall be taken when called for by any member or when required by law.

### **12.14 Recorded vote-called for**

A member may call for a recorded vote immediately after the taking of the vote.

### **12.15 Recorded Vote-enter in minutes**

When recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

### **12.16 Voting-number of Members**

In any vote required, the number of Members constituting the Council shall be determined by excluding:

- (a) The number of members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*; and
- (b) The number of seats that are vacant on the Council by reason of section 259(1) of the *Municipal Act, 2001*.

## **Part 13 Reconsideration**

### **13.1 Reconsideration-legally binding commitment**

No motion to reconsider a decided matter shall be in order when the motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.

### **13.2 Reconsideration-any time**

A motion to reconsider a decided matter may be introduced at any time when it is made at the same Council or committee meeting at which the original motion was decided.

### **13.3 Reconsideration-introduction-same meeting**

A motion to reconsider a decided matter at the same Council or committee meeting at which the original motion was decided must be made by a member who voted with the majority on the original motion.

### **13.4 Reconsideration-only once-same meeting**

No motion to reconsider a decided matter at the same Council or committee meeting at which the original motion was decided shall not be permitted more than once.

### **13.5 Reconsideration-majority vote-same meeting**

A motion to recommend the reconsideration of a decided matter at the same Council or committee meeting at which the original motion was decided shall require the approval of the majority of the members present at that meeting.

### **13.6 Reconsideration-decided matter of Council-same meeting**

A motion to reconsider a decided matter of Council at the same meeting at which the original motion was decided shall be introduced at Stage XI of the Agenda, unless the Chair determines there was a clear misunderstanding of the question that was put, in which case a motion for reconsideration shall be introduced immediately after the original vote was taken.

### **13.7 Reconsideration-decided matter of Council-subsequent meeting**

A motion to reconsider a decided matter of Council at a meeting subsequent to the meeting at which the

original motion was decided shall require a notice of motion submitted in accordance with section 7.2 of this by-law, and shall be introduced at Stage VIII of the Agenda

**13.8 Reconsideration-decided matter of Council-introduction**

A motion to reconsider a decided matter of Council must be made by a Member who voted with the majority on the original motion.

**13.9 Reconsideration-decided matter of Council-only once**

No motion to reconsider a decided matter of Council shall be made more than once in the 12 month period from the date the matter was decided, unless a regular election has occurred following the decision.

**13.10 Reconsideration-decided matter of Council-majority vote-whole Council**

A motion to reconsider a decided matter of Council shall require the approval of the majority of the whole Council.

**13.11 Affirmative vote-original matter-next business**

If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

**13.12 Debate-prohibited-statement of reason-permitted**

No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.

**Part 14  
Delegations**

**1.1 Written Request-to Clerk-Council or Committee**

Any person desiring to be heard by Council or committee shall submit a written request to the Clerk in accordance with the established submission deadlines as set out in section 7.2 for Council meeting or 21.16 and 21.17 for committee meetings of this by-law. In the case of a committee, the Clerk shall then direct the request to the appropriate committee Chair.

**1.2 Business-stated**

Persons appearing before Council or committee shall confine their remarks to the business stated in their request.

**1.3 Speaking-limited**

No delegation shall speak on a matter longer than a 5 minute period, without leave of a majority of the

members present at a meeting except as otherwise prescribed by applicable legislation.

#### **1.4 Repetition-prevented**

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, Council or committee may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

#### **1.5 Appearance-new information**

Except as required by law, any person appearing before Council or committee who has previously appeared before the same Council or committee on the same subject matter shall be limited to providing only new information in their second and subsequent appearance.

#### **1.6 Appearance-limited to self**

No delegation shall appoint another person as a delegation in addition to or in replacement of their request to appear before Council or committee.

### **Part 15 Communications & Petitions**

#### **15.1 Presentation-information**

Every communication or petition intended for presentation to Council or committee shall be legibly written or printed and shall be signed by at least one person giving his/her address.

#### **15.2 Listed-with similar matters**

The Clerk shall list in the Agenda only those communications and petitions which pertain to matters contained in reports and other communications listed in the Agenda.

#### **15.3 Matters-not pertinent**

Every communication or petition which does not pertain to matters in the Agenda shall be directed by the Clerk to the appropriate department.

#### **15.4 Language-prohibited**

Notwithstanding the provisions of section 15.2 and 15.3 of this by-law, communications or petitions containing obscene or defamatory language shall not be listed in the Agenda or be directed to other departments or committees.

### **Part 16 Public Conduct at Meetings**

#### **16.1 Public-Proper Decorum**

Members of the public in attendance at Council or committee meetings shall conduct themselves with proper decorum at all times, in order to ensure a safe and respectful meeting environment.

**16.2 Public-electronic devices**

Members of the public in attendance at Council and committee meetings shall ensure that all electronic devices are set to silent mode.

**16.3 Public-disorderly conduct**

Any person who is not conducting him/herself in a manner as set out in section 16.1 or 16.2 of this by-law shall be asked by the Chair to do so. If that person continues to conduct themselves in a manner contrary to section 16.1 or 16.2 of this by-law, then the person shall be removed from the meeting.

**16.4 Public-immediate removal**

Notwithstanding section 16.3 of this by-law, in event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.

**16.5 Suspension of Meeting-order restored**

The Chair may unilaterally suspend the meeting until order is restored in the meeting.

**Part 17  
Enquires**

**17.1 Corporation-business-procedure**

Enquires relating to any matter connected with the business of the Township may be made by members to the Chair or, through him/her, to another member or to the Clerk at Stage X as identified in section 7.1 of this by-law.

**17.2 Argument-opinions-debate-prohibited**

When an enquiry is made in accordance with section 17.1 of this by-law, no argument, opinion or facts shall be stated, except so far as may be necessary to explain the enquiry, and no debate shall be permitted with respect to the enquiry.

**17.3 Answer-response-debate-prohibited**

When a Member answers a question in response to an enquiry, she/he shall not debate the matter to which the enquiry refers.

**Part 18**  
**Committee Reports**

**18.1 Reports-adopted-confirmed-by motion**

The reports of committee meetings may be adopted and confirmed by Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the recommendations contained in the report, except for those recommendations dealt with or voted on separately.

**18.2 Recommendation-separate vote-upon request**

A member may request, prior to the adoption of committee report, that a specific recommendation be voted on separately, and such a request shall not require the introduction of a motion.

**18.3 Debate-prohibited-report without recommendation**

There shall be no debate by the Members on a matter that is reported to Council without a recommendation by the committee; however, such a matter may be discussed only for the purpose of explaining the matter.

**18.4 Debate-discussion-permitted-conditions**

Notwithstanding the provisions of section 18.3 of this by-law, debate or discussion by the Members on a matter that is reported to the Council without a recommendation by the committee shall be permitted if a majority of the members present give leave for discussion or debate of a report matter.

**18.5 Debate-discussion-motions-no amendments-debate**

Motions to give leave for discussion or debate on a reported matter pursuant to section 18.4 of this by-law shall not be amendable or debatable.

**18.6 No majority decision-report without recommendations**

When a committee is unable to reach a majority decision on any matter, such matters shall be reported to the Council without a recommendation, in which case such matters shall not be subject to the provisions of sections 18.3 and 18.4 of this by-law, but shall be deemed to be in the possession of the Council for its disposition.

**18.7 Chair-committee-presentation**

The Chair of a committee shall present the report of the committee to Council on behalf of the committee.

**18.8 Chair-absent-presentation by member**

Notwithstanding the provision of section 18.7 of this by-law, another member may present the report of the committee, or part thereof, to the Council in the absence of or at the request of the Chair.

### **18.9 Support of recommendations-by presentation**

When the presenter of a committee report does not support one or more recommendations contained therein, then the presenter shall ask a member of the respective committee who is supportive of such recommendation to present them to Council on behalf of the committee.

## **Part 19 Emergent Matters**

### **19.1 Emergent-congratulatory/condolatory matters**

Matters not part of the Agenda shall not be considered by Council unless it is of an emergent, congratulatory or condolatory nature.

### **19.2 Introduction- majority vote-required**

Members shall introduce matters described in section 19.1 of this by-law at Stage XI, as identified in section 7.1 of this by-law, but in order for such matters to be introduced a majority of the Members present shall give leave for the introduction of such matters.

### **19.3 Motion to introduce-not amendable-debatable**

Motions to give leave for the introduction of such matters shall not be amendable or debatable.

## **Part 20 Unfinished Business**

### **20.1 Repeated-until disposed of**

Items in the Agenda which have not been disposed of by Council shall be repeated in each subsequent Agenda until disposed of by Council.

## **Part 21 Enactment of By-Laws**

### **21.1 Published-distributed-with Agenda**

By-laws shall be published with the Agenda for the meeting at which they are to be read.

### **21.2 Readings-3-required-before enactment**

Every by-law shall receive 3 separate readings before being enacted by Council.

### **21.3 Readings-3-at same meeting-permitted**

Unless otherwise provided by law, every by-law may receive all 3 readings at the same meeting.

#### **21.4 Signed-seal affixed-dates shown**

Every by-law enacted by Council shall be signed by the Mayor and the Clerk, sealed with the seal of the Township and shall show the dates of the three readings by Council.

### **Part 22 Committee Meetings**

#### **22.1 Committees/Board-composition**

The following shall be committees of Council:

- (a) Tourism/Hunt & Fishing/Economic Development Committee, which shall be composed of two members of Council and eight members of the public;
- (b) Environmental Advisory Committee, which shall be composed of one member of Council and four members of the public;
- (c) Committee of Adjustments, which shall be composed of one member of Council and four members of the public;
- (d) Transportation Committee, which shall be composed of one member of Council and four members of the public;
- (e) Drainage Committee, which shall be composed of one member of Council and four member of the public; and
- (f) Pelee Island Public Library Board, which shall be composed of 5 members whose eligibility is in accordance with the *Public Libraries Act*, two of which may be members of Council.

#### **22.2 Appointments-council members**

Council shall volunteer for appointment to committee of choice, and when necessary, appointments may be decided by a majority vote of Members present.

#### **22.3 Appointments-applicants-members of public**

Council shall appoint members of the public as committee members by majority consensus based on applications provided by applicants to the Clerk.

#### **22.4 Mayor-member-ex officio-all committees**

The Mayor, shall be, an ex officio member of all committees, except for committees to which the Mayor is an appointed member and shall, when attending a meeting in his/her ex officio capacity, have full voting



privileges and be counted for the purpose of the committee's quorum. The Mayor is not however counted for the purposed of committee quorum when he/she is not in attendance at the committee meeting.

**22.5 Mayor-member-ex officio-Library Board-prohibited**

Ex officio status of the Mayor shall not be extended to the Pelee Island Library Board.

**22.6 Committee Matters-Schedule A**

Committees shall make recommendations and report to Council on those matters outlined in Schedule 'A' of this by-law.

**22.7 Meetings-schedule**

Committees shall meet in accordance with the frequency outline in Schedule 'A' of this by-law. Scheduling of dates and times based on frequency shall be determined by majority of members present at the first meeting scheduled and called by the committee Chair.

**22.8 Meetings-special-call by Chair**

Special meetings of any committee may be called by the committee Chair, in consultation with the Clerk, whenever he/she considers it necessary in order to deal with a time sensitive matter.

**22.9 Meetings-special-called on request**

It shall be the duty of the committee Chair, or in the case of his/her neglect or failure, the duty of the Clerk, to call a special meeting of a committee whenever such a special meeting has been requested in writing by a majority of the member of the committee.

**22.10 Meeting-in closed session**

Any committee meeting, or any part thereof, may be held in closed session if the committee so decides by a majority vote of the members present to consider matters in accordance with sections 5 of this by-law. Closed session notes, reports and agendas shall be collected from members when the session opens, and provided to the Clerk for retention in a matter consistent with Council's closed session minutes and agendas.

**22.11 Procedure-modification**

The rules governing the procedure of Council and the conduct of its members shall be observed in committee meetings.

**22.12 Motions-seconded**

Each committee shall require motions made at its meetings to be seconded.

**22.13 Minutes-not kept-report to Council**

Minutes of proceedings of committee meetings shall not be kept, but the proceedings shall be recorded in the form of a report and shall be presented to the Council in accordance with section 18 of this by-law.

**22.14 Agenda-distributed-deemed notice**

The Clerk shall not be required to give notice of a regular committee meetings but the publishing and distribution of the Agenda for the meeting shall constitute notice thereof.

**22.15 Agenda-not received-validity-not affected**

Lack of receipt of the Agenda by the members shall not affect the validity of the committee meeting or any action taken thereat.

**22.16 Agenda-preparation-deadline**

The deadline for materials to be included on the Agenda of each committee shall be 9:00 am on the morning 3 days prior to the committee meeting.

**22.17 Added Materials-deadline**

The deadline for receipt of added materials by the Clerk, or his/her designate, for addition to a committee Agenda shall be 9:00 am one business day prior to the committee meeting.

**22.18 Added Material-qualifications**

Communications of an emergent nature and/or those communications and petitions which pertain to matters contained in the reports and other communications listed in the committee Agenda, that are legibly written or printed and signed by at least one person giving his/her address and do not contain obscene or defamatory language shall be added to the committee Agenda.

**Part 23**

**Disclosure of Pecuniary Interest**

**23.1 Pecuniary Interest-disclosure-requirements**

If a member has any pecuniary interest, direct or indirect, in any matter in which Council or a committee is concerned and if he/she is present at a meeting at which the said matter is the subject of consideration, then he/she shall disclose his/her interest, at Stage III as identified in 7.1 of this by-law or Part I as identified in section 6.1 of this by-law, of a Council or committee meeting respectively. She/he shall recuse his/her self and not take part in the consideration or discussion of the said matter nor shall she/he vote on any motion in regard to the said manner.

### **23.2 Pecuniary Interest-vacate seat**

A member declaring a pecuniary interest is only required to vacate their seat when the matter is discussed within a closed session.

### **23.3 Pecuniary Interest-notice provided**

In a meeting at which a member discloses a pecuniary interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or the Chair of the committee or local board, as the case may be.

### **23.4 Non-compliance-by member-validity not affected**

The failure of one or more members to comply with section 23.1 of this by-law shall not affect the validity of the meeting in regard to the said manner.

### **23.5 Disclosure-by majority-quorum-requirement**

Notwithstanding the provisions of section 8.1 of this by-law, when a majority of the Members have disclosed an interest in accordance with 23.1 of this by-law and the *Municipal Conflict of Interest Act*, as may be amended from time to time, the remaining number of Members shall be deemed to constitute a quorum, providing such number is not less than two.

## **Part 24 Confirming By-Law**

### **24.1 Proceedings-all matters**

The proceedings at every regular and special meeting may be confirmed by by-law so that every decision of Council at that meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them has been the subject matter of a separate by-law duly enacted.

### **24.2 Non-amendable-non-debatable**

Confirming by-laws shall not be amendable or debatable.

## **Part 25 Repeal-Enactment-Amendment**

### **25.1 By-law-previous**

By-law 2017-12, as passed on March 20, 2017, and all of its amendments are hereby repealed.

### **25.2 Effective date**

The by-law shall come into force and take effect on March 14, 2019.

