

THE CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW NUMBER 2011-23

**A By-law to provide for the rules of order of the
Council and its Committees, to provide rules for
Members' conduct.**

REPEALED

WHEREAS section 238(2), of the *Municipal Act, 2011* requires that every Council and Local board adopt 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:

1. DEFINITIONS

In this by-law:

- 1.1 "Abstain" means a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter.
- 1.2 "Adjourned Meeting" means the continuation of a regular or special meeting, which deals with unfinished business of the regular or special meeting.
- 1.3 "Board in this by-law means a local authority established for the purpose of the municipality.
- 1.4 "Chair" means the person presiding over a meeting of a Committee or Council.
- 1.5 "Civic or Public Holiday" means those dates listed as holidays in the *Interpretation Act, R.S.O. 1990, c.1.11 Section 29*, as amended from time to time, with the exception of Easter Monday and Remembrance Day.
- 1.6 "Clerk" means the Clerk of the Corporation of the Township of Pelee and/or designate.
- 1.7 "Committee" means a Committee of Council (Standing and/or Advisory).
- 1.8 "Correspondence" includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper article, etc.
- 1.9 "Council" means the Council of the Corporation of the Township of Pelee.
- 1.10 "Deputy Mayor" means a title held.
- 1.11 "Division of Question" means a request by a Member to have a motion containing separate questions, recommendations or amendments, voted on in sections or parts.

- 1.12 “Head of Council” means the Mayor of the Corporation of the Township of Pelee.
- 1.13 “Improper Conduct” means conduct that obstructs in any way the deliberations and/or proper action of Committee or Council.
- 1.14 “In Camera” means a meeting, or portion thereof, closed to the public in accordance to the *Municipal Act, 2001*.
- 1.15 “Majority” means more than half of the votes cast by Members entitled to vote.
- 1.16 “Member” means a member of the Council or Committee of the Corporation of the Township of Pelee.
- 1.17 “Notice of Motion” means an advance notice to members of a matter on which Council will be asked to take a position.
- 1.18 “Order of Business” means the sequence of activities and/or discussions and decisions to be introduced and considered.
- 1.19 “Pecuniary Interest” means a direct or indirect Pecuniary Interest within the meaning of the *Municipal Conflict of Interest Act, R.S. O. 1990*, chapter M.50, as amended.
- 1.20 “Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 1.21 “Point of Personal Privilege” means a matter that a Member considers to question their integrity and/or the integrity of the Council.
- 1.22 “Quorum” means the majority of the whole number of Members required to constitute Council, or a Standing committee.
- 1.23 “Recorded Vote” means documenting in the minutes of a Council meeting the name of each Member and their vote on a matter or question, in favour, opposed, abstained or absent.
- 1.24 “Regular Meeting” means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 1.25 “Rules of Procedure” means the applicable regulations contained in this by-law.
- 1.26 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.27 “Special Purpose Committee” means a Committee established by Council to consider a specific matter and disbanded once they have reported to Council.
- 1.28 “Standing Committee” means any Committee outlined in the Procedural By-law and having an ongoing mandate or purpose.

1.29 “Substantive Motion” means a proposal that expresses a separate and distinct idea or suggestion rather than an amendment to an existing motion. It is also known as a main motion.

1.30 “Unfinished Business” means matters listed in the Meeting Agenda which have not been dealt with by the adjournment hour.

In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral.

2. APPLICATION

2.1 The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and Committees.

2.2 Except as provided elsewhere in this by-law, in Council or Committee, any one or more of the rules contained in this paragraph may be temporarily suspended by Council by a vote of two-thirds of members present:

- Rules about a change to the order of proceedings in the agenda and content.
- Rules about delegation status.
- Rules about the increase or decrease of delegation speaking time and debate limitations.
- Rules to introduce a motion without standard notice.
- In Standing Committee, any one or more of the rules contained in 2.2 may be temporarily suspended by a vote of two-thirds of the members of the Committee present.

2.3 All points of order or procedure for which rules have not been provided in this by-law and its appendices shall be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert’s Rules of Order.

2.4 All boards, citizen committees or citizen advisory committees of the Township that may be described as Local Boards under the *Municipal Act, 2001*, shall be encouraged to adopt relevant provisions such as public access to meetings similar to this by-law.

2.5 All groups, agencies, firms or corporations that receive money from Council and/or the Township of Pelee shall adopt provisions related to access of public meetings similar to this by-law where such meetings are related to the purpose of the Township’s funding.

2.6 ROLE OF COUNCIL

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 practices and procedures are in place to implement the decisions of Council.
- e) To maintain the financial integrity of the municipality.
- f) To carry out the duties of Council under the *Municipal Act, 2001* or any other Act.

2.7 COUNCIL CHAIR

The Mayor shall chair Council meetings, unless the Mayor is unavailable, in which case the Deputy Mayor will chair the Council meeting.

3. DUTIES OF THE MAYOR

It is the role of the head of Council to:

- (a) Preside over Council meetings.
- (b) Provide leadership to Council.
- (c) Represent the municipality at official functions.
- (d) Carry out the duties of the head of council under the Municipal Act or any other Act.

The Mayor may designate one member of Council to act in the place of the head of Council for the purposes of the Township of Pelee Emergency Plan. If the Mayor does not so designate and/or when the Mayor and the designate are both unavailable, the Deputy Mayor duties will be in effect.

4. DUTIES OF THE DEPUTY MAYOR

4.1 Except as outlined in section 3, when the Mayor gives notice to the Clerk that he will be absent from the Township, or is absent through illness, or his office is vacant, then the Deputy Mayor shall act in the place and stead of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council.

4.2 The function of the Deputy Mayor is for corporate/administrative purposes.

5. DUTIES OF THE CHAIR

5.1 The Chair 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 meetings; subject to an appeal by any Member to the Committee or Council of any ruling of the Chair.

5.2 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they shall call on the Vice Chair, or in the absence of the Vice Chair or another Member, to fill their place until resuming the Chair.

5.3 When two or more Members wish to speak, the Chair shall name the Member who in her opinion, should speak first.

6. APPOINTMENTS OF MEMBERS TO BOARDS AND COMMITTEES

- 6.1 As much as possible, only one Member of Council shall be appointed to each board and/or citizen advisory committee.
- 6.2 The Member of Council appointed as a liaison for each citizen advisory committee is required to attend meetings. Their role is to be available as a liaison to the citizen advisory committee. The Council Representative is not counted when considering quorum and does not have a vote at citizen committee meetings.

7. INAUGURAL MEETING OF COUNCIL

- 7.1 The inaugural meeting of Council shall be held at 8:00 p.m. on the first Monday in December following a regular municipal election, except when the day is a public holiday in which case the meeting shall be held on the following business day. The Mayor-elect may designate officiating clergy to open the proceedings with a special prayer and a judge to administer the oath and declaration of office for all Members of Council.
- 7.2 The Clerk shall have prepared for the Members of Council at the inaugural meeting an "Order of Business" as follows, to also include other ceremonial proceedings as deemed necessary and/or desirable:
 - (a) Call to Order
 - (b) National Anthem
 - (c) Regrets
 - (d) Filing of certificates and declarations of office
 - (e) Report of Municipal Officers
 - (f) Signing of declarations of elected office and oaths of office
 - (g) Correspondence
 - (h) Presentations
 - (i) Motion to Receive and File Correspondence (if required)
 - (j) Adjournment

8.0 REGULAR MEETINGS OF COUNCIL

8.1 Time and Place

The regular meetings of Council shall be held in the Royal Canadian Legion, 1169 West Shore Road, commencing at 8:00 p.m. on Mondays from April to December and 7:00 p.m. January, February and March according to the schedule set annually and approved by Council. If the said Monday is a civic holiday, the meeting shall be held on the following business day.

8.2 Council may by resolution alter the time, day, and place of any meeting previously approved under section 10.1.

9.0 SPECIAL MEETINGS OF COUNCIL AND/OR COMMITTEES

9.1 The Mayor may at any time call a special meeting of Council or upon receipt of a petition of the majority of Members of Council, the Clerk shall call a special meeting of Council for the purpose and at the time mentioned in the petition.

9.2 The Chair and/or Clerk may at any time summon a special meeting of Committee or upon receipt of the written petition of the majority of Members of the Council, the Clerk shall summon a special meeting of Committee for the purpose and at the time mentioned in the petition.

9.3 No business may be transacted at a special meeting of Council or of a Committee other than that specified in the notice or Agenda.

9.4 A joint meeting of two or more Committees may be called at the request of the Chair, the Chairs of the participating Committees, or at the request of a majority of the members of each Committee.

10. THE CALLING OF MEETINGS TO ORDER AND QUORUM

10.1 The Chair shall call the members to order as soon after the hour of meeting as there shall be a quorum present.

10.2 If a quorum for a regular/special Council meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Clerk or designate shall indicate that no quorum is present and the meeting shall stand adjourned until the next meeting of Council called in accordance with the provisions of this by-law.

10.3 If a quorum for the regular or special Standing Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Standing Committee may proceed without a quorum, provided that at least three Members are present. The report of the Committee meeting shall clearly indicate what parts of the meeting were conducted without a quorum present.

10.4 Where the number of Members who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act, R.S. O. 1990, c.M. 50*, such that at that meeting the remaining members are insufficient to constitute quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two.

10.5 If during the course of a Council meeting, a quorum is lost, the chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.

11. COUNCIL AGENDA

11.1 The Clerk shall have prepared for the Members of Council at the regular meetings the "Order of Business" as follows;

- (a) Call to Order
- (b) Regrets
- (c) Proclamations

- (d) Confirmation of Minutes
- (e) Declarations of Interest
- (f) Delegations
- (g) Correspondence
- (h) Reports of Municipal Officers
- (i) Motions of which Notice has previously been given
- (j) Notices of Motion
- (k) Motion to Receive and File Correspondence (if required)
- (l) Motions
- (m) Consideration of By-Laws
- (n) Confirmation By-Law
- (o) Statements by Members (non-debatable)
- (p) Adjournment

12. INFORMATION PACKAGE

The Clerk shall have prepared bi-weekly, or as frequently as may be required, an Information Package for Members of Council. If any Member of Council prefers to have an item of correspondence contained therein dealt with by a standing committee, he/she shall contact the Clerk and it shall be placed on the appropriate committee agenda.

Items within the Information Package shall include, but not be limited to: notice of development applications (i.e. site plan applications, rezoning applications), information reports, and correspondence from other levels of government.

13. SPECIAL COUNCIL MEETING AGENDA

The Clerk, when it is reasonably possible, shall cause an agenda to be prepared, in the following order, for the use of members at special meetings of Council:

- (a) Declarations of Interest
- (b) Delegations
- (c) Items to be considered at the Special Meeting
- (d) Consideration of By-laws
- (e) Confirmation By-Law
- (f) Statement by Members (non-debatable)
- (g) Adjournment

15. DISCLOSURE OF PECUNIARY INTEREST

15.1 Where a Member, either on his own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Standing Committee at which the matter is the subject of consideration, the member shall:

- (a) Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
- (b) Not take part in the discussion of, or vote on, any questions with respect to the matter.
- (c) Not attempt in any way before, during and/or after the meeting to influence the voting on any such questions.

15.2 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

15.3 Where the interest of a Member has not been disclosed by reason of his absence from the particular meeting, the Member shall disclose his interest and otherwise comply at the first meeting of Council, as the case may be, attended by him after the particular meeting.

15.4 The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of Council or Committees, as the case may be, and any such record shall appear in the minutes of that particular meeting.

15.5 Where the number of members disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

16. COMMUNICATIONS TO COMMITTEE AND/OR COUNCIL

16.1 Every item of correspondence intended to be presented to Committee and/or Council must be legible, signed by the author(s), include their address and must not contain any defamatory allegations, impertinent or improper matter.

16.2 Where the item of correspondence is provided to the Clerk in advance of any meeting or for the preparation of an agenda, it shall be the responsibility of the Clerk to ensure that said correspondence is in compliance with Section 16.1. Where the Clerk is required to alter the correspondence to ensure compliance with Section 16.1, the Clerk shall make such notation either on the correspondence or provide an explanation of the alteration(s) in a separate document affixed to the altered item of correspondence.

16.3 Where only one copy of the item of correspondence is received, the Clerk shall, upon the request of any Member, read the item of correspondence in whole or in part (if altered in accordance with Section 16.2) for the benefit of the Committee and/or Council.

16.4 Correspondence intended for Committee and/or Council is generally received as public information. The Clerk shall be advised of any confidential items, the general nature of the confidentiality and will determine whether the item meets identified criteria for confidential correspondence and whether it will be circulated within the public agenda, circulated under separate cover or printed in the confidential section of the agenda.

17. DELEGATIONS

17.1 Any person, group of persons or organization not being a member of the Council or Committee or an appointed official of the Township of Pelee, wishing to address Committee or Council, as the case may be, may be heard by leave of Council or Committee concerned, provided that such person(s) shall advise the Clerk outlining the particulars of the matter(s) on which they wish to address Council or Committee. Delegations shall focus their remarks to the stated business.

17.2 The Clerk shall not register a delegation on the Order of Business of Committee or Council unless there is a specific item listed on the Order of Business on which the delegate wishes to speak.

17.3 Delegations will be permitted from the floor without prior registration only during a public hearing under the provisions of the *Planning Act R.S.O. 1990 c. P.13*.

17.4 Specific types of audio visual equipment may be used to assist in presentations to Committee/Council, provided that permission for use of such equipment has been obtained from the Clerk at the time the delegation contacted the Clerk to register for the meeting. PowerPoint presentations must be provided on disc to the Clerk by 4:00 p.m. on the date of the meeting.

17.5 The Chair may curtail any delegation, any questions of a delegation and/or debate during a delegation for disorder or any other breach of this by-law and, if the chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

17.6 Only Members of Council, the CAO or his/her designate, the Clerk and/or his/her designate, shall be allowed to proceed beyond the speaker's podium during the Committee/Council meetings.

17.7 The Chair of the Committee/Council meeting may grant a person permission to proceed beyond the speaker's podium during the Committee/Council meeting.

17.8 No delegation shall:

- i) Speak disrespectfully of any person.
- ii) Use offensive words or unparliamentary language.
- iii) Speak on any subject other than the subject for which they have received approval to address Committee/Council.
- iv) Disobey the rules of procedure or a decision of the Chair of Committee or Council.

17.9 Upon the completion of comments to Committee or Council by a delegation, any discourse between members of Council and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Members of Council shall not enter into debate with the delegation respecting their comments.

18. **BY-LAWS**

18.1 The business, by-laws and resolutions of the Township of Pelee will be conducted and maintained in English.

18.2 Every by-law shall, without amendment or debate, be introduced by motion, and shall be entitled and numbered and considered.

18.3 The by-laws considered shall be open to amendment and debate.

18.4 Upon conclusion of the debate, the Head of Council will report all amendments and recommendations.

- (a) The Clerk shall endorse on all by-laws read in Council the date of the passing thereof and shall be responsible for the correctness of such by-laws should they be amended.
- (b) Every by-law which has been passed by Council shall be sealed with the seal of the Corporation, signed by the Mayor or by the Head of Council of the meeting at which the by-law was passed, and by the Clerk, and deposited with the Clerk for record-keeping/to become part of the official record.
- (c) All by-laws adopted by Council must be printed, pages numbered and bound in a separate volume, with an index for the year in which they are passed.

19. RULES OF PROCEDURE

19.1 The rules governing the procedure of Council shall be observed in the Standing of special purpose committees, except that:

- (a) Motions shall not be required to have a seconder.
- (b) Recommendations which are lost shall not be recorded in the Committee minutes.

19.2 Appendix "B" forms part of this by-law and shall describe the differences between Committee and Council.

20. CONDUCT OF MEMBERS AND SPEAKING

20.1 Conduct of Members

Members of Council shall:

- (a) Act in accordance with their Oath of Allegiance and Oath of Elected/Appointed Office.
- (b) Discharge with integrity all responsibilities to Council, the Township of Pelee, and the public, in keeping with approved corporate policies.
- (c) Serve their constituents in a conscientious and diligent manner.
- (d) Encourage public respect for, and try to improve the administration of, the by-laws of the Township.
- (e) Not speak disrespectfully of the Reigning Sovereign, any member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario.
- (f) Treat the Chair, other Members, staff, and the delegates from the public with courtesy, respect and good faith.

- (g) Hold in strict confidence all information concerning matters dealt with in camera. The Member shall not release, make public or in any way divulge any such confidential information or any aspect of the in camera deliberations, unless expressly authorized or required by law.
- (h) Be respectful of the tradition that staff are expected to make recommendations to Committee and Council that reflect professional and corporate management, judgement, and opinions which are not unduly influenced by any single Member of Council.
- (i) Not leave his seat or make noise or disturbance while a vote is being taken and until the result is declared;
- (j) Not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration.
- (k) Not disobey the Rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the Rules of the Council.
- (l) Not consume food in the Council Chambers.

20.2 If a Member disregards the Rules of Procedure or a decision of the Chair or Council on questions of order, practice and/or interpretation of the Rules, and persists in such conduct, after having been called to order by the Chair, the Chair shall forthwith put the question with no amendment or debate-

“That such Member be ordered to leave his seat for the duration of the meeting”. If following such vote by the Council, the Member apologizes, Council may, by a further vote of those present, permit the Member to retake his seat.

20.3 If the Member called out of order does not apologize or will not leave his seat, the Chair shall adjourn the meeting until a time or date to be named by the Chair.

20.4 Speaking

20.4.1 A Member shall not speak until they have been recognized by the Chair. In order to be recognized, the Member shall raise their hand and wait to be recognized by the Chair.

20.4.2 When a Member has been recognized by the Chair as having the floor, the Member shall direct his question or comment to the Chair and speak to the matter under consideration/debate.

20.4.3 When a Member is speaking, no other Member shall interrupt, except to raise a Point of Personal Privilege or Point of Order.

20.4.4 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.

20.4.5 A Member shall not speak more than once on the question without leave of the Chair, except for the purpose of providing an explanation of a material part of his speech which may have been misunderstood and in doing so he is not to introduce new matters.

20.4.6 A Member shall not speak to the same question, or in reply, for longer than fifteen minutes, without leave of Council.

20.4.7 A member shall be restricted to asking questions related directly to the matter under discussion.

21. MOTIONS

21.1 In Council, the following matters, and motions with respect thereto, may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:

- (a) A point of order or personal privilege.
- (b) To close debate.
- (c) To adjourn.

21.2 Except as provided in Section 21.1 all motions shall be in writing and signed by the mover and seconder.

21.3 In Council, the following motions may be introduced without notice and without leave, except as otherwise provided by this by-law:

- (a) To suspend the rules of procedure.
- (b) To table.
- (c) To postpone definitely (deferral motion with a specified date/meeting).
- (d) To refer.
- (e) To amend.
- (f) To postpone indefinitely (deferral motion without specifying a date/meeting).
- (g) Any other procedural motion.

21.4 The mover and seconder may withdraw a motion or a notice of motion at any time prior to its being read by the Chair. If withdrawn prior to being read, the motion is not included in the minutes of the meeting.

21.5 After a motion has been read or stated by the Chair, it shall be deemed to be in the possession of Council, but may be withdrawn by the originator at any time before a decision or amendment, provided Council does not object.

21.6 A motion regarding a matter which is beyond the jurisdiction of the Council shall not be in order except a matter which, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.

21.7 Appendix "C" forms part of this by-law and shall describe the form and standard descriptive characteristics of motions commonly used in Committee and Council.

22. NOTICE OF MOTION

22.1 Except as otherwise provided in this by-law, a notice of motion to be made in Council shall be given in writing and shall be delivered to the Clerk so that it can be included in the agenda for the Council at which the motion is to be introduced.

22.2 The Clerk shall include such notice of motion in full in the Order of Business for the meeting concerned.

22.3 Reports of Committees included in the Council agenda shall constitute notice of motion with respect to any matter contained in such reports and recommended by any such Committee for adoption by Council.

22.4 Staff reports in the Council agenda, listed as Reports of Municipal Officers, not having been considered by any Committee for adoption by Council, shall constitute notice of motion for the purposes of any relevant motion brought at Council.

22.5 Notwithstanding the foregoing, any motion or other business may be introduced for consideration of Council provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Committee would not be in the best interest of the Township of Pelee and that the introduction of the motion or other business shall be upon an affirmative vote of two-thirds of the members of Council present.

23. VOTING

23.1 The manner of determining the decision of the Council or Committee, as the case may be, on a motion where no recorded vote is called for shall be at the discretion of the Chair or Committee Chair, as the case may be, and may be by a show of hands or by standing, but not be secret vote or ballot, as both are prohibited in provisions of the *Municipal Act, 2001*.

23.2 Each Member is qualified to vote at all meetings, and shall have one vote, except when such Member has declared a pecuniary interest.

23.3 Except as provided elsewhere in this by-law, a motion shall be deemed to have been carried when a majority of the members present and voting have expressed agreement with the question. Consequently, on a tie vote, a motion is lost.

23.4 (a) Any member, in Council, immediately before or after a vote is taken, may require a recorded vote to be taken on the question concerned. Recorded votes shall not be permitted in Committee Meetings.

(b) When a recorded vote is permitted and required, the Chair shall pose the question and the Clerk will call for those members in favour to rise, at which time the Clerk shall record the name of each Member standing and his vote in favour, and upon completion of the recording, the Clerk will call for those members opposed to rise, at which time the Clerk shall record the name of each Member standing and his vote in

opposition. On the appropriate form, the Clerk will also record the number of Members absent and/or abstained.

- (c) On a recorded vote, a failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.

24. "IN CAMERA" SESSIONS

24.1 Council meetings, or portions thereof may be held "In Camera" only in accordance with the *Municipal Act, 2001*. The Clerk in conjunction with the CAO and committee Chair or Vice-Chair will place the "In Camera" session, if required, at either the beginning or end of the meeting wherever deemed appropriate. The only matters to be considered "In Camera" are as follows:

- (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) Labor relations or employee negotiations.
- (e) Litigation or potential litigation, including matters before administrative tribunals.
- (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 has authorized a meeting to be closed under another Act.
- (h) A matter regarding consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council is designated as the "Head" for the purpose of that Act.

24.2 Prior to moving "In Camera" for one of the reasons listed in Section 24.1, Committee/Council shall pass a motion stating:

- (a) The fact that the Committee/Council is convening into closed session, and
- (b) The general nature of the matter to be considered.

24.3 A meeting may be closed to the public during the taking of a vote if Section 24.1 permits it, or requires that the meeting be closed to the public; and the vote is for a procedural matter or for giving direction or instructions to officers, employees, and/or agents of the municipality and/or local board or persons retained by, or under contract to, the municipality or local board.

24.4 A municipality of local board or a committee of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body whether it is closed to the public or not.

25. MEETING RECESS

Committee/Council may, after two consecutive hours of deliberation, recess for a period deemed appropriate by the Chair.

26. ADJOURNMENT HOUR

Committee and Council meetings shall stand adjourned at 11:00 p.m. if in session at that hour, unless a resolution is passed by two-thirds vote of the Members present to proceed beyond the hour of 11:00 p.m. to continue any unfinished business.

Unfinished business of a Regular Committee meeting shall be adjourned to the Wednesday following the Regular Committee Meeting. When the Monday of the Regular Committee week is a statutory holiday, the unfinished business shall be adjourned to the Wednesday.

27. DUTIES OF THE CLERK

It shall be the duty of the Clerk:

- (a) To attend or cause a designate to attend all meetings of the Council, Committees and special purpose committees of Council; a special committee of Council, where the CAO acts as Clerk.
- (b) To record, without note or comment, all resolutions, decisions, and other proceedings of the Council meetings and of the meetings of the Committees of Council.
- (c) To forward a copy of all resolutions, enactments and orders of the Council and Committees to those concerned in order to provide notice.
- (d) To forward all reports of Committees so that they may be considered by the Council at the next regular meeting.
- (e) If required by any member present at a vote, to record the name and vote of every member voting on any matter or question.
- (f) To keep the official records of the Township including the minutes of the proceedings of Council.
- (g) To keep in her/his office or in the place appointed for that purpose, the originals or copies of all by-laws and of all minutes of the proceedings of Council.
- (h) To make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council.

- (i) Where a video or audio recording of a regular/special Council meeting is made, to retain the video tapes for a period of three years from the date of the actual meeting.
- (j) To forward, by way of delegated authority, housekeeping or consolidation by-laws directly to Council for consideration.
- (k) To present annually a meeting calendar for consideration by Committee and Council outlining the proposed regular Committee and Council meeting schedule for the next year.
- (l) To provide to each member of Council a copy of this by-law when the Member of Council makes a declaration of office and is sworn into office and upon request thereafter.
- (m) To perform such other duties as are prescribed by law or by direction of Council.
- (n) To be a Municipal Officer for the Corporation of the Township of Pelee.

28. That by-law 1614 dated September 20th, 2004 is hereby repealed.

ENACTED AND PASSED this 4th day of May, 2011, to come into force on

MAYOR:

CLERK:

APPENDIX B: COUNCIL/COMMITTEE DIFFERENCES

ISSUE	IN COUNCIL	IN STANDING COMMITTEE
Delegations	5 minute limit	10 minute limit
Motions - making	Motions must be in writing other than those specified in Section 2.5	Motions may be verbal or in writing
Motions- seconding	All motions must be seconded	Seconding not required
Motion to close debate	Allowed	Not allowed
Notice of Motion	Required	Not required
Recorded Vote	Allowed	Not allowed

APPENDIX C: COMMON MOTIONS

1. MOTION TO ADJOURN

1.1 A Motion to adjourn:

- (a) Is always in order except as provided by this by-law.
- (b) Is not debatable.
- (c) Is not amendable.
- (d) Is not in order when a member is speaking or during the verification of the vote.
- (e) Is not in order immediately following the affirmative resolution of a motion to close debate; and
- (f) When resulting in the negative, cannot be made again until after some proceedings have been completed by Council.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of Council to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of Council to continue at such time.

2. POINT OF PERSONAL PRIVILEGE

2.1 When a Member considers that his integrity or the integrity of Council or Committee has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chair, draw the attention of Council or Committee, as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a point of privilege may be appealed to Council.

3. MOTION TO TABLE

3.1 A motion to table;

- (a) Is not debatable.
- (b) Is not amendable.

3.2 A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.

3.3 The matter tabled shall not be considered again by Council until a motion has been made to take up the tabled matter at the same or subsequent meeting of Council.

3.4 A motion to take up a tabled matter is not subject to debate or amendment.

3.5 A motion that has been tabled at a previous meeting of Council cannot be lifted off the table unless notice thereof is given in accordance with Section 23 of this by-law.

3.6 A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

4. MOTION TO CLOSE DEBATE (PREVIOUS QUESTION)

4.1 Motion to close debate:

- (a) Is not debatable.
- (b) Is not amendable
- (c) Cannot be moved with respect to the main motion when there is an amendment under consideration.
- (d) Should be moved by a member who has not already debated the question.
- (e) Requires a two-thirds(2/3) majority vote of members present for passage; and
- (f) When resolved in the affirmative, the question is to be put forward without debate or amendment.
- (g) Is not permitted in Committee.

5. MOTION TO POSTPONE DEFINITELY

5.1 A motion to postpone definitely (to a fixed time or date):

- (a) Is debatable, but only as to whether a matter should be postponed and to what time.
- (b) Is amendable as to time and/or date.
- (c) Requires a majority vote of members present to pass.
- (d) Shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

6. MOTION TO REFER (TO COMMITTEE OR STAFF)

6.1 A motion to refer:

- (a) Is debatable.
- (b) Is amendable.
- (c) Shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

7. MOTION TO AMEND

7.1 A motion to amend:

- (a) Is debatable.
- (b) Is amendable.
- (c) Shall be relevant and not contrary to the principle of the report or motion under consideration.
- (d) May propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.

7.2 Only one motion to amend an amendment to the question shall be allowed at one time and further amendment must be to the main question.

7.3 Notwithstanding anything herein to the contrary, no motion to amend the motion to adopt any report of the Committee of the Whole shall be permitted.

8. MOTION TO POSTPONE INDEFINITELY

8.1 A motion to postpone indefinitely:

- (a) Is debatable, and debate may go into the merits of the main question, which effectively stops a motion and avoids a direct vote on the question.
- (b) Is not amendable.
- (c) Requires a majority vote.

9. POINT OF ORDER

9.1 The Chair shall decide all points of order. When a Member wishes to raise a Point of Order the Member shall ask leave of the Chair and after leave is granted, the Member shall state the point of order to the Chair/Committee Chair, after which the Chair shall decide on the point of order. Thereafter, the Member shall only address the Chair for the purpose of appealing the decision to Council or Committee, as the case may be. If the Member does not appeal, the decision of the Chair shall be final. If the Member appeals to Council or Committee as the case may be, Council/Committee shall decide the question without debate and the decision shall be final.

10.0 MOTION TO SUSPEND THE RULES (WAIVE THE RULES)

10.1 A motion to suspend the rules:

- (a) Is not debatable.
- (b) Is not amendable.
- (c) Requires a two-thirds majority vote to carry.
- (d) Takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

11. MOTION TO RECONSIDER

11.1 A motion to reconsider:

- (a) Is debatable.
- (b) Is not amendable.
- (c) Requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.

11.2 After any question, except one of indefinite postponement, has been decided by Council, any Member who was present and who voted in the majority may, at a subsequent meeting of Council, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

11.3 No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

11.4 If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed.

Presentations

A presentation is noted in agendas as unique from delegations because:

- (a) An item is being given to Committee or Council in recognition of a corporate achievement and/or
- (b) Speaking on a particular topic is seen to be of broad interest and/or importance to the community by the meeting Chair and by the Clerk.
- (c) The Committee or Council has approved a motion to welcome dignitaries from beyond Pelee in a formal way.

As noted in 13.1, Presentations are included on the Order of Business at Council meetings. Presentations during committee meetings are only open to Township and associated Boards and Committees as required, subject to the approval of the Chair. Council's expressed preference is that information sharing be completed through delegations to Committee and Council, rather than through presentations.

Criteria

- (a) Meet the requirements of a presentation as described above;
- (b) Meet the timelines and requirements outlined in the process described below;
- (c) Must be delivered by the official representatives of a non-profit organization recognized by the Township.
- (d) Must be delivered by a maximum of two speakers within a maximum of fifteen (15) minutes;
- (e) The Clerk is able to schedule the presentation to be manageable with the anticipated agenda for the meeting date.

Process for Presentations at Council:

1. Presentations must be requested through the Clerks Department in writing, prior to printing of the Council agenda for the Council meeting at which the presentation is requested (electronic correspondence welcome). Note that any requests for presentations received from members of Council will be forwarded directly to the Mayor for follow-up.
2. Clerks staff will review the presentation to ensure that it meets the criteria noted above. If not, the request will be kept on file in the Clerks Department in keeping with Corporate Records policies and procedures and the request will be acknowledged by phone or email.
3. The Mayor (or designate) will review the inclusion of the presentation on the Council agenda and notify the Township Clerk.
4. The Clerks Department will include approved presentations within the Council agenda, indicating the time allocated for the presentation, and will notify anyone requesting a presentation of the outcome. Clerks will also book ITS equipment and staff as required for the presentation.
5. Upon the Mayor's approval, Clerks staff will consult with the presenter about suitable meeting dates, need for ITS and technological support and will forward the request to the Mayor for decision. Note that delegations will not be permitted to use overhead projectors and video presentations during their delegation. Those wishing PowerPoint presentations must provide the Clerk with a disc of the presentation by 4:00 p.m. the evening of the meeting.