

**THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 4107 (2019)**

**Being a by-law to govern the proceedings of the Town of Pelham Council, its  
Committees, the conduct of its members and the calling of meetings and to  
repeal and replace By-law #3427(2013), as amended.**

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**Being a by-law to govern the proceedings of the Town of Pelham Council and Committees, the conduct of its members, and the calling of meetings, and to repeal and replace By-law #3427(2013), as amended.**

WHEREAS pursuant to Section 238(2) of the Municipal Act, S.O. 2001, Chapter 25, as amended, (the "Act") every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to set rules and regulations with regard to Council proceedings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

**1) DEFINITIONS:**

In this By-law:

- i. "Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time;
- ii. "Acting Mayor" means the Member who is appointed by Council to act from time to time in the place and stead of the Mayor or Deputy Mayor, and who shall exercise all of the rights, powers and authority of the Mayor while so acting;
- iii. "Ad Hoc Committee" means any committee established by Council, other than a Standing Committee, which has at least one (1) Member appointed from Council and has been established by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council. The member(s) appointed by Council to an Ad Hoc Committee may be Member(s), staff of the Town, and/or residents of the Town;
- iv. "Agenda" means a list of all items to be considered by the Council, or Committee of the Whole, or a Standing Committee at the Meeting for which the agenda was published;
- v. "Business Day" means every official working day of the week when the Town of Pelham municipal office is open for business, Monday to Friday and does not include public holidays or weekends.
- vi. "Chief Administrative Officer" means the acting Chief Administrative Officer of the Corporation of the Town of Pelham;

- vii. "Chair" means the person presiding at a Meeting of Council or a Committee of Council, and the person presiding at a meeting of an Ad Hoc Committee where less than fifty percent (50%) of the members of the Ad Hoc Committee are Members or members of a Local Board;
- viii. "Clerk" means the acting Clerk of the Corporation of the Town, including the Deputy Clerk and any other employee of the Town to whom the Clerk has delegated any of the Clerk's powers and duties under the Act, to the extent that they are authorized to perform any of the duties of the Clerk under this by-law;
- ix. "Closed Session" means a Meeting of the Council, or a Committee of Council held under the provisions of the Act, whereby such Meeting is closed to the public and municipal staff, save and except the Clerk, unless such other staff have been authorized by Council to attend;
- x. "Consent Agenda" means a list of items on the Agenda containing recommendations from the Clerk as to their disposition, all of which may be adopted by one motion of Council, but any of which may be transferred to the regular Agenda for consideration upon the request of a Member, and may include correspondence requiring action or staff reports requiring action;
- xi. "Committee of Council" means Committee of the Whole, Policies and Priorities Committee, and all Standing Committees, and any Ad Hoc Committee where at least fifty percent (50%) of the members of the Ad Hoc Committee are Members or members of a Local Board;
- xii. "Committee of the Whole" means a Standing Committee composed of all the Members of Council;
- xiii. "Council" means council of the Town;
- xiv. "Delegation" means a person or group of persons represented by a spokesperson or agent, who address Council, Committee of the Whole, or a Standing Committee for the purpose of making a presentation. Delegation does not include presentations, such as consultant reports or deputations, made at the request of Council;
- xv. "Deputy Mayor" means the Member who has been appointed by by-law as Deputy Mayor and who acts from time to time in place and stead of the Mayor when the Mayor is absent or refuses to act, and who shall exercise all of the rights, powers and authority of the Mayor while so acting;
- xvi. "Holiday" means those dates listed as holidays in the Legislation Act, 2006, S.O. 2006, c. 21, Sc. F , as amended; and any day as set out in a Town by-law to be a Holiday;
- xvii. "Local Board" shall be in accordance with local boards as described in The Act;
- xviii. "Mayor" means the Mayor of the Town;
- xix. "Mayor-Elect" means the successful candidate for the office of Mayor following an election, who has not yet been formally installed or invested with his or her office.

- xx. "Meeting" means any regular, special or emergency meeting of Council, or Committee of Council, or other meeting of Council or a Committee of Council, for which proper notice was provided in accordance with the requirements of the Act, and/or any pertinent by-laws or policies of the Town, where Quorum is present and Members discuss or otherwise deal with any matters within their jurisdiction so as to materially advance the business or decision-making of Council. For greater certainty, "meeting" means a Meeting and a meeting of an Ad Hoc Committee where less than fifty percent (50%) of the members of the Ad Hoc Committee are Members or members of a Local Board;
- xxi. "Member" means a member of Council and includes the Mayor, Deputy Mayor and Acting Mayor. For greater certainty, "member" means a member of a Committee of Council or Ad Hoc Committee where less than fifty percent (50%) of the members of the Ad Hoc Committee are Members or members of a Local Board;
- xxii. "Municipal Offices" means Town Hall, located at 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0;
- xxiii. "New Business" means any matter either not listed on the Agenda, which shall be introduced by motion, with or without notice, when the Chair calls for the adoption of the Agenda and shall be in accordance with the Rules of Procedure, or any matter listed on the Agenda at the request of a Member to the Clerk.
- xxiv. "Pecuniary Interest" means a direct or indirect pecuniary interest of a Member as defined in the Municipal Conflict of Interest Act, R.S.O. 1990,c. M.50, as amended;
- xxv. "Policy and Priorities Committee" means a Standing Committee composed of all of the Members of Council which reviews and determines the policies and priorities of the Town;
- xxvi. "Quorum" means the majority of the Members of Council for Meetings of Council, Committee of the Whole and Standing Committees, and a majority of the members for Ad Hoc Committees ;
- xxvii. "Recorded Vote" means the recording of the name and vote of every Member on a motion during a Meeting;
- xxviii. "Rules of Procedure" means the rules and procedures set out in this by-law for the calling, place, and proceedings of the meetings of Council and Committees of Council;
- xxix. "Special Meeting" means a Meeting other than a regularly scheduled Meeting, called pursuant to the Act or the provision of this by-law;
- xxx. "Standing Committee" means a committee established by Council, composed entirely of Members, to carry out duties on an ongoing basis, as specified by Council, and includes Committee of the Whole and Policies and Priorities Committee;
- xxxi. "Town" means the Corporation of the Town of Pelham;

- xxxii. "Unfinished Business" means matters listed on an Agenda which have not been dealt with by curfew or the adjournment of the Meeting, or a matter that has been deferred for further consideration.

## **2) GENERAL**

- i. In all proceedings of Council and Committees of Council unless otherwise provided for in a separate by-law, the Rules of Procedure contained in this by-law shall apply and be observed and shall be the rules and regulations for the order and dispatch of business.
- ii. If any section or part of this by-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- iii. This by-law is to be read with all changes in number or gender as required by context.
- iv. In all matters and under all circumstances the Members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, as amended;
- v. Following a regular or new municipal election, the Clerk shall provide each Member with a copy of this by-law, including amendments thereto.
- vi. Except as provided by law, a person who is not a Member shall not be allowed to address Council except upon approval of Council through the adoption of a resolution to suspend the rules. Any person desiring to be heard at a Meeting of Council shall submit a request in writing to the Clerk in accordance with section 18. A person who is not a Member or a member shall not be allowed to address a Committee of Council unless invited to do so by the Committee of Council.

## **3) ROLE OF COUNCIL AND RELATED PROVISIONS**

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

- ii. It is the Role of the Mayor,
  - a) to act as chief executive officer of the Town, as defined in the Act;
  - b) to preside over Council Meetings so that its business can be carried out efficiently and effectively;
  - c) to provide leadership to Council;
  - d) without limiting clause (3)(ii)(c), to provide information and recommendations to Council with respect to the role of Council as described in subsections 3(i)(d) and (e) of this by-law;
  - e) to represent the Town at official functions; and
  - f) to carry out the duties of the head of council under the Act or any other Act.
- iii. As chief executive officer of the Town, the Mayor shall:
  - a) uphold and promote the purposes of the Town;
  - b) promote public involvement in Town activities;
  - c) act as the representative of the Town both within and outside the Town, and promote the Town locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

#### **4) SUSPEND THE RULES**

In the absence of any statutory obligations, the Rules of Procedure may be temporarily suspended at such times and upon such conditions as may be deemed appropriate by Council, by an affirmative two-thirds (2/3) vote of the Members present.

#### **5) PARLIAMENTARY AUTHORITY**

All matters, points of order or questions of procedure arising and not provided for in this by-law with respect to the proceedings of Council, Committees of Council, and Ad Hoc Committees shall be determined, as near as may be, in accordance with "MEETING PROCEDURES, Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century", by James Lochrie, and in such cases the decision of the Mayor, shall be final and accepted without debate.

#### **6) AMENDMENT TO THIS BY-LAW**

No amendment, alteration or addition to this by-law shall be made unless due notice thereof, in writing, setting forth the proposed amendment(s), alteration(s) or addition(s), shall have been given at a previous Council Meeting to that Council Meeting at which the same comes up for consideration and a majority of all Members present at the latter Meeting vote therefor, in accordance with the Town's Notice Policy, as may be amended from time to time.

## **7) INAUGURAL MEETING OF COUNCIL**

- i. The inaugural Meeting of Council after a regular election, shall be held at 5:30 p.m. on the first Monday of the term for which Council is elected, except that when the first Monday is a Holiday, the new Council shall meet on the same hour on the first day thereafter that is not a Holiday, at a place to be decided by the Mayor-Elect and Clerk.
- ii. The Mayor-Elect and the Clerk shall determine the location, content and format of the Agenda and programme for the inaugural Meeting and for all arrangements for the inaugural proceedings, including any reception following the inaugural procedure which will be open to the public in attendance.

## **8) REGULAR MEETINGS OF COUNCIL**

- i. Regular Meetings of Council shall be held in the Council Chamber at the Municipal Offices on the first and third Monday of each month at 5:30 p.m. unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices, and on the Town's website, advising of the time and place.
- ii. When the day for a regular Meeting of Council is a Holiday, Council shall, unless Council decides otherwise, meet at the same hour on the next following day which is not a Holiday, or as otherwise determined by Council, by resolution.
- iii. In the case of the absence of the Mayor and Deputy Mayor through illness, refusal to act, or because the office is otherwise vacant, an Acting Mayor shall be appointed, by resolution, to act from time to time in the place of the Mayor and such Member has and may exercise all the rights, powers, and authority of the Mayor while so acting.
- iv. The Clerk shall prepare and mail, deliver personally or by electronic notification, or make available at the Municipal Offices or on the Town's website, to each Member an Agenda, along with supporting material, at least five (5) business days prior to the Meeting at which the same is to be considered provided always, however, that this by-law may be suspended in special cases by an affirmative vote of two-thirds (2/3) of the Members in attendance. The Agenda, together with supporting material, exclusive of matters to be considered in Closed Session, shall also be made available at the Municipal Offices and on the Town's website to:
  - a) All Town department heads
  - b) Media representatives
  - c) Other persons so designated by Council
  - d) Any committee or Local Board having an interest in an Agenda item
  - e) The public.

- v. Any Member, at any time prior to 4:30 p.m. eight (8) regular business days preceding a regular Meeting of Council, may file, in writing, an item for inclusion on the Agenda under New Business.
- vi. The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda, unless otherwise directed by Council.
- vii. An item of business not listed on the Council Agenda cannot be introduced at a Meeting of Council without the approval of Council expressed by motion to amend the Agenda.
- viii. A draft schedule for the Meetings of Council shall be published by December 1<sup>st</sup> in each year for the following year and shall include the summer schedule, pursuant to section 36.
- ix. Members are encouraged to be present in the Council Chamber a minimum of fifteen (15) minutes prior to the time set for the commencement of the Meeting.
- x. Members will advise the Clerk if they are unable to attend a Regular Meeting or a Special Meeting. If the Clerk becomes aware that a Quorum of the Members will not be available for a scheduled meeting, the Clerk shall notify the Mayor and make the necessary arrangements to cancel and/or reschedule the meeting to an alternate time, date and/or location.
- xi. The Mayor, in consultation with the Chief Administrative Officer and the Clerk, may postpone a regular or special meeting of Council, other than a meeting called by the Clerk on a petition under section 11(i), in the event of inclement weather, or may cancel a meeting for any other justifiable reason. Upon postponement or cancellation of a meeting, the Clerk shall attempt to notify the Members of the postponement as soon as possible and in the most expedient manner available, and the Clerk shall give Public Notice of a Cancelled Meeting including the date, time and location of the cancelled meeting and, if applicable, the date, time and location of the rescheduled meeting in the manner deemed appropriate by the Clerk.
- xii. No Meeting of Council, Committee of the Whole, Policy and Priorities Committee, or Public Meeting Under the Planning Act shall be held in the absence of the Clerk or his/her designate, including Closed Session meetings, in accordance with the requirements of the Act, as amended.

## **9) COMMITTEE OF THE WHOLE MEETINGS**

- i. Meetings of Committee of the Whole may be held in the Council Chamber at the Municipal Offices on the third Monday of each month after the regular Council Meeting, unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices, and on the Town's website, advising of the time and place of any Committee of the Whole meeting.



- ii. When the day for a regular Meeting of Council is a Holiday, Committee of the Whole shall, unless Council decides otherwise, meet after the regular Council Meeting as rescheduled pursuant to subsection 8(ii).
- iii. After adjournment of a regular Council Meeting, Council may, by resolution, reconvene as Committee of the Whole and the Mayor shall sit as Chair, but may appoint a Chair for the Committee of the Whole from among the Members present and shall immediately leave the Chair if another Chair has been appointed. The Chair shall preside at the Meeting and shall maintain order during the Meeting.
- iv. The Rules of Procedure contained in this by-law shall be observed in the Committee of the Whole, except that:
  - a) discussion may take place in absence of a motion;
  - b) permission for a Member to speak is not required, but the Member should be recognized by the Chair;
  - c) the number of times a Member may speak on any question shall not be limited, provided that any second and subsequent statements are responsive to issues raised by other Members or contain new information not contained in the Member's original statement;
  - d) there shall be no time limit with respect to the speeches of Members;
  - e) a motion to close debate is not permitted;
  - f) the Chair is permitted to participate in debate and discussion; there shall be no call for a recorded vote;
  - g) no Motion shall be required to be in writing or seconded;
  - h) Committee of the Whole shall only recommend items for approval to a Council Meeting; and
  - i) Committee of the Whole may, by majority vote, provide direction to staff, such direction stated so as to clearly define the actions required of staff and a date for completion wherever practical.
- v. The report of the Committee of the Whole shall be treated in the same manner as a report of a Committee of Council when being considered by Council.

## **10) POLICY AND PRIORITIES COMMITTEE MEETINGS**

- i. Meetings of the Policy and Priorities Committee may be held in the Council Chamber at the Municipal Offices on the first Monday of each month after the regular Council Meeting, unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices, and on the Town's website, advising of the time and place of any Policy and Priorities Committee meeting.
- ii. When the day for a regular Meeting of Council is a Holiday, Policy and Priorities Committee shall, unless Council decides otherwise, meet after the regular Council Meeting as rescheduled pursuant to subsection 8(ii).
- iii. After adjournment of a regular Council Meeting, Council may, by resolution, reconvene as the Policy and Priorities Committee and the Deputy Mayor shall

sit as Chair, but may appoint a Chair for the Policy and Priorities Committee from among the Members present and shall immediately leave the Chair if another Chair has been appointed. The Chair shall preside at the Meeting and shall maintain order during the Meeting.

- iv. The Rules of Procedure contained in this by-law shall be observed in the Policy and Priorities Committee, except that:
  - a) discussion may take place in absence of a motion;
  - b) permission for a Member to speak is not required, but the Member should be recognized by the Chair;
  - c) the number of times a Member may speak on any question shall not be limited, provided that any second and subsequent statements are responsive to issues raised by other Members or contain new information not contained in the Member's original statement;
  - d) there shall be no time limit with respect to the speeches of Members;
  - e) a motion to close debate is not permitted;
  - f) the Chair is permitted to participate in debate and discussion; there shall be no call for a recorded vote;
  - g) no Motion shall be required to be in writing or seconded;
  - h) the Policy and Priorities Committee shall only recommend items for approval to a Council Meeting; and
  - i) the Policy and Priorities Committee may, by majority vote, provide direction to staff, such direction stated so as to clearly define the actions required of staff and a date for completion wherever practical.
- v. The report of the Policy and Priorities Committee shall be treated in the same manner as a report of a Committee of Council when being considered by Council.

## **11) SPECIAL OR EMERGENCY MEETINGS**

- i. The Mayor may at any time summon a Special Meeting of Council on forty-eight (48) hours' notice to the Members, or upon receipt of a petition of the majority of the Members, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition. Forty-eight (48) hours' notice, in writing, of all Special Meetings of Council shall be given to all Members through the Clerk's Office by personal delivery, facsimile, e-mail or other electronic means, or by contacting the Member by telephone. Council waives the requirement of written notice for a Special Meeting.
- ii. The only business to be dealt with at a Special Meeting is that which is listed in the notice of the Meeting, and there can be no exceptions.
- iii. In addition to Special Meetings, the Mayor may, at any time, summon an emergency meeting of Council without the required forty-eight (48) hour notice where the Mayor is satisfied an extraordinary situation exists that poses an immediate danger to the health or safety of any person or property or that the matter is of a sufficiently urgent nature that it is not advisable to

delay, provided that an attempt has been made by the Clerk to notify Members about the Meeting as soon as possible, and in the most expedient manner available.

- iv. The only business that shall be dealt with at an emergency meeting shall be the business dealing directly with the emergency or extraordinary situation.
- v. The lack of receipt of a notice of, or an Agenda for, a Special Meeting or emergency meeting by any Member shall not affect the validity of the Special Meeting or emergency meeting or any action taken thereat, provided that an attempt has been made by the Clerk to notify Members about the Meeting as soon as possible and in the most expedient manner available.

## **12) CALLING OF MEETING TO ORDER**

As soon after the hour fixed for the holding of a Meeting of Council or a Committee of Council as a Quorum is present, the Mayor, or Deputy Mayor, as the case may be, shall take the Chair, declare that a Quorum is present, and call the Meeting to order.

## **13) QUORUM AND REMEDY**

- i. A Quorum of Council, a Committee of Council, or an Ad Hoc Committee must be present in order that legal business be conducted. It is the duty of the Chair and the obligation of each Member, member, and/or the Clerk to bring to the attention of the Chair any loss of a Quorum, other than as permitted in the Municipal Conflict of Interest Act, as amended.
- ii. If no Quorum is present one half (1/2) hour after the time appointed for a meeting of Council, Committee of Council, or Ad Hoc Committee, the Clerk or his/her designate shall record the names of the Members and members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.
- iii. Should loss of Quorum occur during a meeting, the meeting may recess for a period of fifteen (15) minutes to restore the Quorum, or the Clerk or his/her designate shall record the names of Members and members present and the meeting shall stand adjourned.
- iv. Where the number of Members and members who, by reason of the provisions of the Municipal Conflict of Interest Act, as amended, are disabled from participating in the meeting, is such that at the meeting the remaining Members and members are not of sufficient number to constitute a Quorum, then the remaining number of Members and members shall be deemed to constitute a Quorum, provided such number is not less than two (2).
- v. If the majority of the Members present in person at a Meeting of Council or a Committee of Council consent thereto for a specified time period or in respect of a particular Meeting, a Member may participate in any such Meeting by means of a communications facility, including Skype and other internet based video conferencing, provided the communications facility permits all Members participating in the Meeting to hear the Member participating through a

communications facility, and a Member participating in such a Meeting by such means is deemed to be present at the Meeting.

- vi. Attendance through such communications facility shall not be considered so as to constitute a quorum and shall not be permitted during a meeting held in closed session.
- vii. A request to attend a meeting by means of a communications facility shall be made to the Clerk, in writing, no fewer than five (5) business days prior to the meeting date, and shall be made in the prescribed form.
- viii. A maximum of one (1) Member may attend a meeting by means of a communications facility.

#### **14) ABSENCE OF THE MAYOR**

- i. In case the Mayor does not attend within fifteen (15) minutes after the time appointed for a Meeting of Council or Committee of the Whole, or in the absence of the Mayor from the Town or if he/she is absent through illness, or if he/she refuses to act or if the office is otherwise vacant, the Deputy Mayor for the purposes of this by-law shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.
- ii. In the event the Deputy Mayor is unable, for any reason, to act in the place and stead of the Mayor, the Clerk shall call the Members to order and an Acting Mayor shall be appointed, by resolution from among the Members present and shall preside until the arrival of the Mayor, and while so presiding the Acting Mayor appointed shall have all the powers of the Mayor while so acting.

#### **15) CURFEW**

No item of business may be dealt with at a Meeting of Council, a Committee of Council, or an Ad Hoc Committee after nine o'clock (9:00) p.m. unless approved by a two-thirds (2/3) majority of Members or members, as the case may be, present. Curfew shall only be extended by ½ an hour to deal only with the matter currently under discussion, or to complete the agenda or part thereof, at the discretion of Council or Committee by the 2/3 vote. When Council, a Committee of Council, or an Ad Hoc Committee is adjourned at curfew before the Agenda is completed, a time and date shall be established for a continued Meeting, or meeting, as the case may be, for consideration of the balance of the Agenda.

#### **16) THE CONDUCT OF PROCEEDINGS AT A MEETINGS**

- i. It shall be the duty of the Chair:
  - a) to open the meeting by taking the Chair, declaring that a Quorum is present, and calling the Members and members, to order,
  - b) to announce the business before Council, a Committee of Council, or an Ad Hoc Committee, in the order in which it is to be acted upon,

- c) to receive and submit, in the proper manner, all motions presented by the Members, or members,
  - d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
  - e) to decline to put to vote motions which infringe the Rules of Procedure or which are beyond the jurisdiction of Council, a Committee of Council, or an Ad Hoc Committee,
  - f) to restrain the Members, or members, within the Rules of Procedure, when engaged in debate,
  - g) to enforce on all occasions, the observance of order and decorum among the Members, or members, employees and the public,
  - h) to call by name any Member or member persisting in breach of the Rules of Procedure at a Meeting of Council, a Committee of Council, or Ad Hoc Committee thereby ordering him/her to vacate the Council Chamber, or other designated Meeting place, in accordance with subsection 30(iii),
  - i) to receive all messages and other communications and announce them to Council, a Committee of Council, or an Ad Hoc Committee,
  - j) to authenticate, by signature when necessary, all by-laws, resolutions and minutes of Council,
  - k) to inform Council, a Committee of Council, or an Ad Hoc Committee, when necessary or when referred to for the purpose, in a point of order or usage,
  - l) to enforce all time limits set out in this by-law unless a time extension in accordance with this by-law is approved by a two-thirds (2/3) majority of Members and members present,
  - m) to represent and support Council, declaring its will, and implicitly obeying its decisions in all things,
  - n) to ensure that the decisions of Council, a Committee of Council, or an Ad Hoc Committee, are in conformity with the laws and by-laws governing the activities of the Council,
  - o) to adjourn the meeting when the business is concluded,
  - p) to adjourn the meeting, without question put, in the case of grave disorder arising in the Council Chamber, or other designated meeting place.
- ii. The Mayor or Chair may take part in any debate without leaving the Chair. If the Mayor or Chair desires to introduce a motion or by-law, the Mayor or Chair shall vacate the Chair for that purpose and shall call on another Member to fill his/her place until he/she resumes the Chair.
  - iii. A motion to rise from a Committee of Council, or an Ad Hoc Committee, and report back to Council or a motion to rise without reporting may be made at any time and shall be put, forthwith, to the meeting by the Chair and decided without debate.

- iv. A proposition, matter or question in a report on any by-law or amendment thereto, which requires by law a vote of a stated number of Members or a fraction thereof shall be included in the report only if and when carried by such vote.
- v. Points of order arising in Policy and Priorities Committee shall be decided by the Chair, subject to an appeal to the Assembly.
- vi. After the report of Committee of the Whole has been received by Council, any by-law considered shall be open to debate and amendment before it is ordered to a second or third reading as the case may be.
- vii. A motion to the Committee of the Whole or Policy and Priorities Committee to rise without report shall always be in order and shall take precedence over any other motion, and on such motion, a debate shall be allowed, and on an affirmative vote the subject referred to the Committee of the Whole or Policy and Priorities Committee shall be considered as disposed of in the negative.

## 17) AGENDA

- i. **COUNCIL MEETINGS:** The Clerk shall have prepared and printed or made available electronically for the use of the Members at the regular Meetings of Council, an Agenda under the following headings:
  - a. Call to Order and Declaration of Quorum
  - b. Singing of National Anthem
  - c. Approval of the Agenda
  - d. Disclosure of Pecuniary Interest & General Nature Thereof
  - e. Hearing of Delegations and/or Presentations to Maximum of Three
  - f. Report of Regional Councillor\*
  - g. Adoption of Minutes
  - h. Business Arising from the Minutes
  - i. Request(s) to Lift Consent Agenda Items for Separate Consideration
  - j. Consent Agenda Items to be Considered in Block
  - k. Item(s) Lifted for Separate Consideration, if any
  - l. Correspondence Requiring Action\*\*
  - m. Members of Council Reports\*
  - n. Staff Reports Requiring Action\*\*
  - o. Unfinished Business
  - p. New Business
  - q. By-laws
  - r. Motions & Notices of Motion
  - s. Matters for Committee of the Whole or Policy and Priorities Committee
  - t. Matters Arising out of Committee of the Whole or Policy and Priorities Committee
  - u. Resolution to Move In Camera
  - v. Rise from In Camera
  - w. Confirming By-law

x. Adjournment

\*Reports from Members of Council and the Regional Councillor shall be provided to the Clerk by 12:00 noon eight days prior to the scheduled meeting and shall be included with the agenda package. The Regional Councillor will be encouraged to attend the Council meeting to respond to questions and/or highlight matters directly relating to the Town of Pelham.

\*\*Routine correspondence action items and routine staff reports requiring action may be included in the Consent Agenda for block consideration, as determined by the Clerk in consultation with the Chief Administrative Officer.

\*\*Resolutions received from Ontario Municipalities will be circulated to Members of Council through a List of Correspondence, for information purposes only. Should a Member of Council wish to endorse and support a resolution, the Member shall advise the Clerk who will place the correspondence item on the next available Council agenda, with a recommendation to endorse and support.

ii. **COMMITTEE OF THE WHOLE MEETINGS:** The Clerk shall have prepared and printed or made available electronically for the use of the Members at Meetings of Committee of the Whole, an Agenda under the following headings:

- a. Call to Order and Declaration of Quorum
- b. Adoption of Agenda
- c. Disclosure of Pecuniary Interest
- d. Department Reports
  - I. Community Planning and Development
  - II. Corporate Services
  - III. Fire and By-law Services
  - IV. Public Works and Utilities
  - V. Recreation, Culture and Wellness
  - VI. Administration
- e. Unfinished Business
- f. New Business
- g. Adjournment

iii. **POLICY AND PRIORITIES COMMITTEE MEETINGS:** The Clerk shall have prepared and printed or made available electronically for the use of the Members at Meetings of the Policy and Priorities Committee, an Agenda under the following headings:

- a. Call to Order and Declaration of Quorum
- b. Adoption of Agenda
- c. Disclosure of Pecuniary Interest
- d. New Business
- e. Old Business

f. Adjournment

iv. **PUBLIC MEETINGS AND PUBLIC HEARINGS:** The Clerk shall have prepared and printed or made available electronically for the use of the Members at a public Meeting or public hearing, an Agenda under the following headings:

- a. Call to Order
- b. Adoption of Agenda
- c. Disclosure of Pecuniary Interest
- d. Business of the public meeting or hearing;
- e. Proposed By-Law of Application:
  - I. Planning Report and Presentation
  - II. Applicant's Presentation
  - III. Public Input
  - IV. Committee Input
- f. Adjournment

## **18) DELEGATIONS AND PRESENTATIONS**

- i. Any person, group of persons, or organizations wishing to address Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.
- ii. Delegations:
  - a) May only address Council at a Meeting with respect to matters that are on the Agenda for that particular Meeting, or as provided in 18(i). On matters clearly beyond Council's jurisdiction Delegations will be directed by the Clerk to the most appropriate authority. Subsection 18(iv) shall apply regarding notice of a request to appear. Where there is no staff report dealing with the specific subject of the Delegation, the matter may be referred to a future Meeting of Council or a Standing Committee and a staff report may be requested for that meeting prior to having a position taken on the subject matter of the Delegation.
  - b) In the event that in the Clerk's opinion the matter is urgent in nature and requires a decision prior to the next Council Meeting, clause 18(iii)(a) shall not apply and the Delegation may be heard at the conclusion of all items of business on the Agenda, with a 2/3 vote of the Members present pursuant to a motion to suspend the rules.
  - c) Delegations appearing before Council who have previously appeared on the same subject matter shall be limited to providing only new or



requested information in their second and subsequent presentations. Failure to provide the new information in accordance with Subsection 18(i) will result in a denial of the request to appear by the Clerk, in consultation with the Mayor.

- d) The Clerk shall list on the Agenda, in the order in which they are received, a maximum of three (3) Delegations per Meeting. All other Delegations received will be held over until the next regular Meeting of Council.
- iii. Before appearing before Council, notice must be given in accordance with section 18(i) to the Clerk, or where notice has not been given before the Meeting, Council must give its consent by motion, after receiving from the Delegation the requirements of subsection 18(iv).
- iv. The notice shall be legibly printed or typewritten on paper and signed by at least one representative of the Delegation, and shall provide the following information:
  - a) The topic to be discussed;
  - b) The identity of the spokesperson or agent who will make the presentation;
  - c) A copy of any written material to be presented by the Delegation. If in the opinion of the Mayor and Clerk sufficient detail has not been provided in the request, the matter shall not be placed on the Agenda until further written clarification has been provided, to the satisfaction of the Mayor and Clerk. Where more than one (1) person wishes to speak, the consent of the Chair must be obtained;
  - d) A clear statement of the action or outcome sought by the Delegation.
- v. A presentation by Delegations shall be for a maximum of ten (10) minutes per Delegation (whether the Delegation consists of an individual or a group) unless the Chair gives permission for a longer presentation.
- vi. Questions directed towards Council in the form of a presentation or by a Delegation shall be submitted in writing and any subsequent response by Council shall be in a time and manner as deemed appropriate by Council.
- vii. A written response to the Delegation shall be submitted by Council as soon as possible after full consideration of the Delegation.
- viii. Persons addressing Council shall confine their remarks to the business stated in their written request to be heard, and such shall be presented in a respectful and temperate manner, and their conduct shall be governed by the provisions set out in clauses 30(i), (ii) and (iii) of this by-law.
- ix. Except on matters of order, Members, other than the Mayor or Chair, shall not interrupt a Delegation while the Delegation is addressing Council.
- x. Members may ask Delegations only questions of clarification and shall not express an opinion or enter into debate with the Delegations.
- xi. The Clerk, in collaboration with the Mayor and/or Chief Administrative Officer, may refuse to schedule a Delegation if it is deemed that the topic of the Delegation is beyond the jurisdiction of the municipality, contrary to Town

policies or contrary to the public interest, or if the matter has been previously considered and no new information is presented.

## **19) PUBLIC ACCESS TO MEETINGS**

- i. The meetings of the Council, Committees of Council, and Ad Hoc Committees shall be open to the public except where the Members present determine that certain matters on the Agenda shall not be open to the public. No person shall be excluded from a public meeting except for improper conduct as determined by the Chair.
- ii. Only Members, other members of a Committee of Council or Ad Hoc Committee, the Clerk, municipal officials and others invited by Council shall attend Closed Session meetings.
- iii. Matters to be considered in Closed Session shall be dealt with only as provided in the Municipal Act, S.O. 2001, c. 25, as amended, more particularly defined in Subsection 239(2), 239(3) and/or 239(3.1). The following matters may be dealt with in Closed Session, in accordance with provisions of the Act, as amended:
  - a) The security of 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.
- (3) Other criteria – A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
- a) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - b) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1).
- (3.1) Educational or training sessions – A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
1. The meeting is held for the purpose of educating or training the members.
  2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- iv. Before holding a Meeting or part of a Meeting that is to be closed to the public, there shall be a resolution stating:
    - a) the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting, and referencing any applicable file number; or
    - b) in the case of a meeting for educational or training purposes, the fact of the holding of the Closed Meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
  - v. Meeting shall not be closed to the public during the taking of a vote except as provided in the Municipal Act, Subsection 239(5) and (6).
  - vi. Council, Committees of Council, and other Ad Hoc Committees, shall record without note or comment all resolutions, decisions and other proceedings at a Meeting or meeting, whether it is closed to the public or not, and such record shall be made by the Clerk or his/her designate.
  - vii. The Rules of Procedure shall be observed in a Closed Session, except the rules respecting a Recorded Vote and the limit on the number of times of speaking. No motion for the previous question, for an adjournment or to refer shall be received. No motion shall be required to be in writing or seconded.
  - viii. A Member may at any time move that the Council, Committee of Council, or other Ad Hoc Committee rise to report progress, or to obtain the ruling of the Chair, with leave to sit again. A motion to rise and report shall be decided without debate.

## **20) MINUTES**

- i. The minutes of a meeting shall record:
  - a) the place, date and time of the meeting;
  - b) the names of the Chair and record of the attendance of the members;
  - c) the reading, and if requested, correction and adoption of the minutes of prior meetings;
  - d) all other proceedings of the meeting without note or comment;
  - e) disclosure of any Pecuniary Interest and the general nature thereof.
- ii. It shall be the duty of the Clerk or his/her designate to ensure that the minutes of the last regular Meeting of Council and of Committees of Council held more than five (5) days prior to a regular Meeting of Council, together with the Agenda prepared in accordance with section 17, and any reports of a Committee of Council, or Ad Hoc Committee received, are mailed, delivered personally or electronically, or made available for pick up at the Municipal Offices to each Member not less than five (5) business days before the hour appointed for the holding of such regular Meeting of Council.
- iii. Such minutes as referred to in subsection 20(ii) may be adopted by Council without having been read at the Meeting considering the question of their adoption, and in other cases, the minutes shall be read prior to consideration of adoption.

## **21) PETITIONS AND COMMUNICATIONS**

- i. Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper material or language and shall be signed by at least one (1) person and filed with the Clerk.
- ii. Every petition or communication shall be delivered to the Clerk before 12:00 noon no less than ten (10) business days prior to the regular Meeting of Council and shall be in the Form of Petition available from the Clerk.
- iii. The Clerk shall provide to Council and may read the substance thereof to Council but any Member may require the reading of part or all thereof.
- iv. All petitions or communications on any subject within the jurisdiction of a Committee of Council shall be formally received by resolution without debate, unless otherwise disposed of by Council, forthwith and be referred to the appropriate Committee of Council, or Town staff for subsequent report.

## **22) COMMITTEE REPORTS**

Reports of Committees of Council shall not be received by Council unless received by the Members in accordance with subsection 20(ii) and may be recommitted.

## **23) UNFINISHED BUSINESS**

The items listed in the order of the topics set out in the Agenda of prior Meetings which have not been disposed of by Council or a Committee of Council, and the date

of their first appearance on the Agenda shall be noted and repeated on each subsequent Agenda until disposed of by Council or a Committee of Council, unless removed from the Agenda by leave of the Council.

#### **24) READING OF BY-LAWS AND PROCEEDINGS THEREON**

- i. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- ii. Every by-law shall be introduced upon motion by a Member, specifying the title of the by-law.
- iii. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act and shall be complete with the exception of the number and date thereof.
- iv. Every by-law shall have three (3) readings prior to it being passed and all such readings may or may not take place in the same Meeting of Council, except when requested otherwise by motion of the majority of the Members, provided the majority of Council, or otherwise as required by law, are in favour of the by-law.
- v. Should separate readings be required, the first reading of a by-law shall be decided without amendment or debate and such motion shall specify the title of the by-law or by-laws and the by-laws shall be dealt with collectively. A Member may request that any by-law be considered separately and upon the request of the Member, the by-law shall, without debate, be removed from the motion and dealt with separately.
- vi. If the Council determines that the by-law is to be referred and considered in Committee of the Whole, it shall be so considered prior to the third reading thereof.
- vii. In proceedings in Committee of the Whole where by-laws are to be considered, each section shall be considered in its proper order, inclusive of the title and recitals.
- viii. If Council so determines, a by-law may be taken as read.
- ix. The Clerk shall set out on all by-laws enacted by Council, the date of the several readings thereof.
- x. All amendments made in Committee of the Whole shall be reported to Council which shall receive the same forthwith and after the report has been received a by-law shall be open to debate and amendment before it is ordered for the third reading.
- xi. When a by-law is reported without amendment, it shall be forthwith ordered to be read the third time at such time as may be appointed by Council.
- xii. Every by-law enacted by Council shall be numbered and dated and shall be signed by the Clerk and the Mayor and sealed with the seal of the Town and shall be deposited by the Clerk in the Municipal Offices for safekeeping.

- xiii. The proceedings at every regular, Special Meeting or emergency Meeting of Council shall 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 had been the subject matter of a separate by-law duly enacted. Confirming by-laws shall not be amendable or debatable.
- xiv. After the by-laws have been passed, the Clerk shall be responsible for their correctness should they be amended at the Council Meeting.
- xv. Pursuant to the provisions of the Act, as amended, the Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantic or descriptive nature or kind to the by-laws and schedules as may be necessary after the passage of the by-law.

## **25) MOTIONS**

- i. Notices of Motion - Notice of all new motions except motions listed in subsections 25(xiii) and (xiv) shall be given, in writing, delivered to the Clerk at least eight (8) business days preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the Agenda for that meeting and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk, in writing, over the signature of the mover and seconder and shall be complete and correct.
- ii. When a Member's, or member's, notice of motion has been called from the Chair at two (2) successive meetings and not proceeded with, it shall be dropped from the Agenda unless Council otherwise decides.
- iii. If at the third meeting such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.
- iv. Dispensing with Notice - Any motion may be introduced without notice if Council, a Committee of Council, or an Ad Hoc Committee, without debate, dispenses with notice, on the affirmative vote of a two-thirds (2/3) majority of the Members and members, present and voting and such motion must be presented in writing under the signature of the mover and seconder.
- v. Seconding - A motion must be formally seconded before the Chair can put the question or a motion be recorded in the minutes.
- vi. Presentation of Motion by the Chair - When a motion is presented to Council, a Committee of Council, or an Ad Hoc Committee in writing, it shall be read or, if it is a motion which may be presented orally, it shall be stated by the Chair before debate.
- vii. Ultra Vires - A motion in respect of a matter which is beyond the jurisdiction of the Council, a Committee of Council, or an Ad Hoc Committee shall not be in order.

- viii. Withdrawal - After a motion is read or stated by the Chair, it shall be deemed to be in possession of Council, a Committee of Council, or an Ad Hoc Committee, but may, with the permission of Council, a Committee of Council, or an Ad Hoc Committee, be withdrawn at any time before decision or amendment.
- ix. Priority of Disposition - A motion properly before Council, a Committee of Council, or an Ad Hoc Committee, for decision must receive disposition before any other motion can be received except motions in respect of matters listed in subsections 25(xii) or (xiii).
- x. Procedure Next Meeting - A motion called in the order in which it stands upon the Agenda of the routine of business of a meeting and which is not decided by Council, a Committee of Council, or an Ad Hoc Committee, shall be allowed to stand retaining its place upon the Agenda of the routine of business of the next regular meeting.
- xi. Reference to a Committee - A motion to refer a matter under discussion by the Council to a Committee of Council or an Ad Hoc Committee shall preclude all amendments of the main question until it is decided.
- xii. Amendments - A motion to amend:
  - a) shall be presented in writing;
  - b) shall receive disposition of Council, a Committee of Council, or an Ad Hoc Committee before a previous amendment or the question
  - c) shall not be further amended more than once provided that further amendment may be made to the main question;
  - d) shall be relevant to the question to be received;
  - e) shall not be received proposing a direct negative to the question if it would produce the same result as defeat of the main motion;
  - f) may propose a separate and distinct disposition of a question; and
  - g) shall be put in the reverse order to that in which it is moved
- xiii. The Previous Question - A motion for the previous question:
  - a) cannot be amended;
  - b) cannot be proposed when there is an amendment under consideration;
  - c) shall preclude all further amendments of the main question;
  - d) when resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
  - e) can only be moved in the following words, "That the question be now put"; and
  - f) may be voted against by the mover and seconder.
- xiv. Motion to Adjourn - A motion to adjourn:
  - a) shall always be in order except as provided by the Rules of Procedure;
  - b) when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council, the Committee of Council, or the Ad Hoc Committee which considered the motion;

- c) is not in order when a Member or member, is speaking or during the verification of a vote,
  - d) is not in order immediately following the affirmative resolution of a motion for the previous question.
- xv. Privilege - A motion on a matter of privilege shall receive disposition of Council, the Committee of Council, or the Ad Hoc Committee to which the motion was received forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.
  - xvi. Motion to Refer - A motion to refer back a question to a Committee of Council or Ad Hoc Committee with or without instructions may be amended but must receive disposition by Council before the question, or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.
  - xvii. Motion to Divide -When the question under consideration contains more than one (1) distinct part, upon the request of any Member or member, to divide, such request being made prior to the calling of the vote each part or combination of parts contained in the motion, shall be considered and voted on separately.

## **26) RECONSIDERATION**

- i. Any substantive motion may be reconsidered if, upon the putting of the substantive motion, the minority vote comprised not less than one-third (1/3) of the Members, and members, present and voting.
- ii. After a substantive motion has been decided, any Member or member who voted or is deemed to have voted thereon may at any time prior to adjournment of the Meeting at which such substantive motion was decided give notice, in writing, that he/she will move at the first meeting held thereafter for a reconsideration thereof.
- iii. Council, the Committee of Council, or the Ad Hoc Committee may immediately, upon such notice having been given, vote as to whether or not such notice or reconsideration be entertained.
- iv. After such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the motion to reconsider has been disposed of.
- v. If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion for reconsideration calls for a future definite date. Debate on the motion to be reconsidered may proceed as though the motion had never previously been decided.
- vi. A motion to reconsider may be introduced by a notice of motion. Neither the mover nor seconder is required to have voted with the majority of Council. This notice of motion shall appear on the Agenda of a subsequent meeting or



the meeting specified by the mover and seconder and shall be in writing under the signature of the mover and seconder.

- vii. Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the Council, Committee of Council or Ad Hoc Committee votes therefore.
- viii. No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider unless and until Council, the Committee of Council or Ad Hoc Committee shall have voted to reconsider the same, but the Member or member, who gives the notice may have the privilege of stating the reasons for doing so.
- ix. No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.
- x. The words "the first Meeting held thereafter" in subsection 26 (ii) shall mean the first regular meeting of Council, a Committee of Council, or Ad Hoc Committee or a meeting of Council, a Committee of Council or Ad Hoc Committee called specially to consider the accepted motion of reconsideration of which notice has been given.

## **27) VOTING ON MOTIONS**

- i. Declaration of Pecuniary Interest – Every Member or member present, when a question is put, shall vote therein unless he/she has any Pecuniary Interest, direct or indirect. When a Member or member, has a Pecuniary Interest in the question under debate, he/she shall so advise the Council, the Committee of Council, or Ad Hoc Committee, in accordance with the provisions of the Act and the Municipal Conflict of Interest Act, as amended. In instances where Council, or a Committee of Council is meeting in a Closed Session, the Member shall vacate his/her chair and the Meeting until the question is decided and the Clerk shall duly record the circumstances in the minutes.
- ii. Every Member or member present at a meeting of Council, Committee of Council, or Ad Hoc Committee shall vote when a question is put forth, unless prohibited by statute. Members must clearly distinguish their vote when voting on any matter or question. If any Member or member present persists in refusing to vote except for reasons disclosed pursuant to the Municipal Conflict of Interest Act, or any other applicable Act, as amended, such Member or member shall be deemed to have voted in the negative on the question before Council, Committee of Council, or Ad Hoc Committee.
- iii. Questions Stated - Immediately preceding the taking of the vote, the Chair may state the question in the form introduced and shall do so if required by a Member or member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.

- iv. No Interruption After Question - After a question is finally put by the Chair no Member or member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- v. Division of Question -A separate vote shall be taken upon each proposal contained in a question divided in accordance with procedures contained in subsection 25(xvii) of this by-law.
- vi. Vote Not Allowed - A Member or member not present before the result of the division on a question is declared, shall not be entitled to vote on that question.
- vii. Unrecorded Vote - The manner of determining the decision on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.
- viii. Recorded Vote - the conduct of a Recorded Vote at a Meeting of Council or Committee of Council shall be as follows:
  - a) Where a vote is taken for any purpose and a Member or member requests, before or immediately after the vote, that there be a Recorded Vote, each Member or member present, except a Member or member disqualified from voting by any Act, shall, in alphabetical order by surname unless otherwise determined by the Mayor or Chair, announce their vote openly when called upon to do so by the Clerk. The Mayor or Chair, except where disqualified to vote, shall vote on all questions and when so doing, shall vote last.
  - b) When a Recorded Vote is requested by a Member or member, or is otherwise required, the Clerk shall record the name and vote of every Member or member on any matter or question.
  - c) Any Member or member at a Meeting of Council when a question is put and a Recorded Vote taken, does not vote, shall be deemed as voting in the negative except where prohibited from voting by statute.
  - d) The Clerk shall record in the minutes the name of any Member or member who is not present in the Council chamber when such Recorded Vote is taken.
- ix. If a Member or member disagrees with the announcement of the Chair that any question is carried or lost he/she may, but only immediately after the declaration by the Chair, appeal the declaration and request that a Recorded Vote be taken.
- x. When the Chair calls for the vote on a question, each Member or member shall occupy a seat and shall remain in place until the result of the vote has been declared by the Chair, and during such time, no Member or member shall walk across the room to speak to any other Member or member, or make any noise or disturbance.
- xi. Secret Ballot -No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect, unless explicitly provided in legislation. The only voting that can take place during a Closed Meeting shall

be that as provided in subsection 19(v) of this by-law as provided for in the Act, as amended.

- xii. Tie Vote – In the event of a tie vote on any motion, it shall be deemed to have been decided in the negative, except where expressly provided in statute.

## **28) RULES OF DEBATE AT A MEETING OF COUNCIL**

- i. Every Member prior to speaking to any question or motion shall address the Chair. When two or more Members wish to speak, the Chair shall designate the Member who may speak first. 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. Every Member present at a Meeting of Council when a question is put, shall vote thereon unless prohibited by statute.
- ii. When a Member is speaking no other Member shall pass between him/her and the Chair or interrupt, except to raise a point of order.
- iii. 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.
- iv. No Member shall speak more than once to the same question without leave of Council, except that a reply shall be allowed to be made only by a Member who has presented the motion to Council, but not by any Member who has moved an amendment or a procedural motion, at the discretion of the Chair.
- v. No Member, without leave of Council, shall speak to the same question, or in reply, for longer than five (5) minutes.
- vi. A Member may ask a question, through the Chair, only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly and asked only of the previous speaker, the mover of the motion, or an employee of the Town.
- vii. Notwithstanding subsection (vi), when a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Chair or an employee of the Town on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak.
- viii. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided in this by-law:
  - a) a point of order or personal privilege;
  - b) presentation of petitions;
  - c) to lay on the table (to defer temporarily);
  - d) to postpone for a period not to exceed the end of the third month following the Meeting date, or to a specific day; and
  - e) to move the previous question (immediate vote on the main motion).

- ix. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
  - a) to refer;
  - b) to adjourn;
  - c) to amend; and
  - d) to suspend the rules of procedure (two-thirds (2/3) vote required)
- x. Except as provided by subsection 28(viii) above, all motions shall be in writing and signed by the mover and seconder.
- xi. In all unprovided cases in the proceedings of Council, or a Committee of Council, the matter shall be decided in accordance with section 5, and if still unprovided, by the Chair, subject to an appeal to Council upon a point of order.
- xii. It being recognized that the Municipal Conflict of Interest Act, as amended requires only that a Member leave the Meeting when involved in a Closed Session Meeting where the Member has a conflict, in order that there be no opportunity to influence the voting on the matter, whether before, during or after the Meeting, it shall be the practice that Members who have disclosed a Pecuniary Interest shall leave the Meeting room during the deliberations and voting on the matter regardless of the Meeting being held in open or Closed Session.

## **29) POINTS OF ORDER AND PRIVILEGE**

- i. The Chair shall preserve order and decide questions of order.
- ii. When a Member speaks to a point of order he/she shall ask leave of the Chair to raise a point of order and after leave is granted, shall state the point of order to the Chair and shall wait until the Chair shall have stated and decided the point of order.
- iii. Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to Council.
- iv. If no Member appeals, the decision of the Chair shall be final.
- v. Council, if appealed to, shall decide the question without debate and its decision shall be final.
- vi. Where a Member considers that his/her integrity or the integrity of Council as a whole has been impugned, he/she may, as a matter of personal privilege, speak at any time, with the consent of the Chair, for the purpose of drawing the attention of Council to the matter.
- vii. Where the Mayor or Chair considers that the integrity of any Town employee has been impugned or questioned, the Mayor or Chair may permit the Chief Administrative Officer or appropriate municipal employee to make a statement to Council.

### **30) CONDUCT OF MEMBERS OF COUNCIL AND/OR PERSONS ADDRESSING COUNCIL**

- i. No Member or person addressing Council, a Committee of Council, or an Ad Hoc Committee, shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario, or any person administering the Government of Canada, Province of Ontario, Regional Municipality of Niagara or the Council of the Town or any member thereof, or any member of the Town's staff.
- ii. No Member or person addressing Council, a Committee of Council, or an Ad Hoc Committee shall:
  - a) use offensive words or unparliamentarily language in or against Council, a Committee of Council, or an Ad Hoc Committee, or against any Member or member;
  - b) speak on any subject other than the subject in debate;
  - c) criticize any decision of Council except for the purpose of moving that the question be reconsidered;
  - d) disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the Rules of Procedure;
  - e) As provided in the Act, the Mayor or other Chair may expel any person for improper conduct at a Meeting.
- iii. In the event that a Member persists in a breach of the Rules of Procedure prescribed herein, after having been called to order by the Mayor or Chair, the Mayor or Chair shall name the Member and put the question "Shall the Member, (state first name/last name) be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.
- iv. If Council decides the question set out in subsection 30(iii) in the affirmative by a majority vote of the Members present, the Mayor or Chair shall order the Member to leave his/her seat for the duration of the Meeting.
- v. If the Member named under subsection 30(iii) apologizes, the Mayor or Chair, with the approval of Council by general consent, may permit him/her to resume his/her seat.
- vi. During a Meeting of Council, Committee of the Whole, or the Policy and Priorities Committee, no person except Members and officers of Council shall be permitted to proceed beyond the area set aside for members of the public or press without permission of the Chair or the Council upon reference. During a meeting of any other Standing Committee or Ad Hoc Committee, no person, except a member of such committee and officers of Council shall be permitted to proceed beyond the area set aside for members of the public or press without permission of the Chair.
- vii. When the Chair is putting the question no Member or member, shall leave or make a disturbance.

- viii. Every Member shall keep confidential any information or documents received by reason of being such a Member. All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential and shall be returned to the Clerk upon request, prior to meeting adjournment.
- ix. No Member shall release or make public any information considered at a Closed Session or discuss the content of such a Meeting with persons other than Members or relevant staff Members without the authorization of Council.
- x. Any Member who contravenes subsection (ix) shall be deemed not to be acting in the interest of, on behalf of, or with the authority of Council of the Town, and may be subject to such disciplinary action as may be determined by Council.
- xi. Members of Council shall abide by the Code of Conduct for the Town of Pelham, as established by Town policy, which may be amended from time to time.

### **31) PECUNIARY INTEREST**

- i. All Town of Pelham business shall be carried out by Member or Members under the terms and extent of the Municipal Conflict of Interest Act, and any amendments made thereto.
- ii. Members shall complete the required Written Statement of Disclosure of Pecuniary Interest which shall state the Member name, Council/Committee Date, Agenda Item Number and title, and state the general nature of the pecuniary interest. The Statement shall be dated and signed by the Member and submitted to the Clerk for retention in the public Conflicts Registry.
- iii. The Clerk, or designate, shall record the interest in the minutes of the meeting, through the electronic meeting management software, and shall make available publicly a register of pecuniary interests disclosed.
- iv. Wherein a Member must not influence the vote on a question where the Member has disclosed an interest, it shall be the practice of Members to vacate the meeting during deliberation and voting on the matter in which the Member has so disclosed.
- v. If a Member is absent from a meeting where a matter is considered for which the Member would have disclosed a pecuniary interest were the Member in attendance, the interest shall be disclosed in full at the next meeting at which the Member is present, and such disclosure shall be in the same manner as if the Member were present at the meeting.

### **32) COMMITTEES OF COUNCIL**

- i. The Council may appoint such Standing Committees and Ad Hoc Committees, as deemed necessary, by resolution and by-law.

- ii. A Committee of Council, and such other Ad Hoc Committees shall meet in accordance with the schedule of Meetings as adopted by Council and shall be guided by the Rules of Procedure.
- iii. The Clerk or designate shall give notice of all Meetings of every Committee of Council, and such other Ad Hoc Committees, together with the Agenda and support materials of all matters, so far as known, that are to be brought before the Committee of Council or Ad Hoc Committee at such meeting, to every Member or member of the Committee of Council or Ad Hoc Committee so that the Member or member will receive the same at least five (5) business days prior to the meeting of such Committee of Council or Ad Hoc Committee (i.e. by end of regular workday on the Monday preceding the scheduled Monday meeting).
- iv. A majority of the members of a Committee of Council or Ad Hoc Committee shall be a quorum.
- v. Unless there is a quorum present within thirty (30) minutes after the time appointed for any Meeting of a Committee of Council or Ad Hoc Committee, or when a Committee of Council or Ad Hoc Committee adjourns for want of a quorum, the Clerk shall then record the names of the members present, the time of adjournment and the Committee of Council shall stand adjourned.
- vi. All recommendations of a Committee of Council or other Ad Hoc Committee shall be reported to Council, in writing, and shall be subject to the approval of Council.

### **33) PRESS RELEASES**

No Member or municipal employee shall undertake to issue press releases or claim to speak on behalf of the Town without permission granted by motion in Council or municipal by-law. Communication with the media shall be in accordance with the Town's Communication Plan, as amended. Media interviews within the Council Chamber are prohibited during the formal portion of a Meeting. Any press release or media announcement scheduled solely for the purpose of informing the public of a particular matter shall not be deemed to fall within the definition of a "Meeting" as contained in this by-law, regardless if a majority of Members are present, and provided that deliberations on the subject matter will not take place. Prior to a press release being issued, Council shall be notified at a minimum of 12 hours in advance, except in an emergency situation.

### **34) TAPING AND/OR RECORDING OF MEETINGS**

- i. Meetings of Council or Committees of Council, which are not held in Closed Session under the provisions of section 19 of this by-law, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company, or by any freelance person provided that such taping, television or recording is carried out within the designated area and in such a manner as to not

- interfere with the proceedings of the Meeting. The designated area means the area where the audience is seated or at the rear of the meeting place;
- ii. Meetings of Council or Committees of Council, which are not held in Closed Session under the provisions of section 19 of this by-law, may be tape recorded by Town of Pelham staff and posted to the municipal website for viewing by the general public;
  - iii. Freelance individuals and/or representatives of companies wishing to tape, televise or record a Meeting of Council or Committees of Council are to advise Council or the Committee of Council, in writing, setting out the intended use of the tape, at the beginning of the Meeting if they have not so advised the Clerk prior to the Meeting, of their intention to record. Any telecommunications company wishing to tape a Meeting of Council or a Committee of Council is requested to advise the Clerk of its intention at least one business day prior to the commencement of the Meeting. The Clerk, in consultation with the Mayor and Chief Administrative Officer, has the authority to deny permission to any individual and/or representative the right to record the proceedings if it is determined that the use of the recording is inappropriate.
  - iv. If, in the opinion of the Chair, the use of such equipment or device is deemed to be disruptive to the conduct of the Meeting, or if prior notification was not provided in accordance with section 34(iii) of this by-law, the recording privileges will be withdrawn from any offending user. The ruling of the Chair shall be final unless a Member appeals the ruling to Council which shall then decide upon the question without debate.

### **35) USE OF CELLPHONES, PAGERS, RADIOS**

All cell phones, pagers, radios, tablets, and other devices with a radio transmitter shall be switched "off" or set to non-audible or muted upon entry to the Council Chamber. Only communications facilities utilized by a Member pursuant to subsection 13(v) shall be permitted to be switched "on" and audible.

### **36) SUMMER MEETING SCHEDULE**

During the months of July and August, subsection 8(i) shall not apply and regular Meetings of Council shall be held in the Council Chamber at the Municipal Offices on the third Monday of each month at 5:30 p.m. unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices advising of the time and place.

### **37) STAFF DIRECTIONS**

Staff directions shall be through a resolution of Council, or a direction of Committee of the Whole or Policy and Priorities Committee and shall be put in writing to the Clerk prior to the adjournment of the Meeting at which the direction was made, and such resolution shall include a specific delineation of the staff/department responsible to



undertake the direction and the expected date of receipt of a resolution report by Council, Committee of the Whole or Policy and Priorities Committee.

**38) PUBLIC NOTICE OF MEETINGS**

The Clerk shall provide public notice of all Meetings of Council, Committees of Council and Ad Hoc Committees, by posting a notice on the website of the Town which includes the place, date and time of the Meeting and the Meeting Agenda. Such published Agenda shall be considered as adequate notice of regular Meetings of Council and Committees of Council, except as otherwise provided for in this by-law. Posting to the website shall occur a minimum of three business days prior to the meeting.

**39) PUBLIC MEETINGS – PLANNING ACT**

- i. Public meetings held pursuant to the Planning Act, as amended, shall be held, whenever practical and in accordance with notice requirements, on the second (2<sup>nd</sup>) Monday of each month at 5:30 p.m., at a location to be determined by the Director of Planning Services and Clerk.
- ii. Any Planning matter referred back to Council by the Local Appeals Planning Tribunal shall not be considered as a reconsideration motion.

**40) REPEAL**

**THAT By-law #3427(2013) be and the same is hereby repealed upon the effective date as set out below**

**EFFECTIVE DATE**

THAT this by-law shall become effective

READ A FIRST AND SECOND TIME THIS  
21<sup>st</sup> DAY OF MAY, 2019 A.M.

READ A THIRD TIME AND FINALLY PASSED

THIS \_\_\_\_ DAY OF \_\_\_\_\_ , 2019 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO