

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #7208

A BY-LAW to provide Rules and Procedure for the meetings of the Council of The Corporation of the County of Middlesex and Committees of Council.

WHEREAS

- A. Section 238 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced (the “***Municipal Act, 2001***”) provides that every Municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.
- B. On January 17, 2023, Council adopted a recommendation to introduce a by-law to adopt new Rules of Procedure to govern the calling, place and proceedings of the meetings of Council and Committees of the Corporation of the County to Middlesex.

**NOW THEREFORE** the Council of The Corporation of the County of Middlesex enacts as follows:

- 1. That the Rules of Procedure attached hereto as Schedule A, be hereby approved.
- 2. That By-law #5968, as amended, is hereby repealed.

PASSED IN COUNCIL this 17<sup>th</sup> day of January, 2023.

---

Cathy Burghardt-Jesson, Warden

---

Marcia Ivanic, County Clerk

## RULES OF PROCEDURE

### DEFINITIONS

In this By-law the following terms have the following meanings:

- 1.0 **“Action Items”** are Reports that recommend action be taken by Council in relation to the subject matter of the report.
- 1.1 **“Adjourn”** means to end a Council or Committee meeting.
- 1.2 **“Agenda”** means listing of the business of Council for a duly called meeting.
- 1.3 **“Chair”** means the person presiding at the meeting whether it be the Warden, Deputy Warden, a Member of Council, or a duly appointed member of a committee.
- 1.4 **“Chief Administrative Officer”** or **“CAO”** means the Chief Administrative Officer of the Corporation of the County of Middlesex or his/her designate, as appointed by Council.
- 1.5 **“Clerk”** means the Clerk or his/her designate, who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and every other Act, as appointed by Council.
- 1.6 **“Closed Session”** means a meeting, or a portion thereof, closed to the public in accordance with Section 239 of the *Municipal Act, 2001*.
- 1.7 **“Committee”** means any standing, advisory, special, ad hoc or other committee, subcommittee or similar entity established by Council.
- 1.8 **“Committee of the Whole”** means all Members of Council sitting in committee.
- 1.9 **“Conflict of Interest”** means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended or replaced (the *“Municipal Conflict of Interest Act”*).
- 1.10 **“Consultant”** means any person or corporation retained by the County to give advice to the County or perform services for or on behalf of the County.
- 1.11 **“Correspondence and Information Item”** means a letter, memorandum, report, notice, email, facsimile, petition, etc. addressed to or intended to be received for information by Council.
- 1.12 **“Council”** means the elected officials of the Corporation of the County of Middlesex.

- 1.13 **“Delegation”** means a person, or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 1.14 **“Electronic Meeting”** means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance.
- 1.15 **“Electronic Hearing”** means a hearing called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance.
- 1.16 **“Electronic Public Meeting”** means a public meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance.
- 1.17 **“Emergency”** means situations or the threat of impending situations caused by forces of nature, accidents or an intentional act that constitutes a danger of major proportions to life and property that affects public safety; meaning health, welfare and property as well as the environment and economic health of the municipality, as defined in the municipality’s emergency response plan, and includes but is not limited to any period of time during which an emergency has been declared to exist in all or part of a municipality by the Warden or the Province of Ontario under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, 1990, c. E.9, as amended or replaced (the **“EMCPA”**).
- 1.18 **“Employee(s)”** means a person employed by the Corporation of the County of Middlesex whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students).
- 1.19 **“Fixing Long-Term Care Act, 2021”** means the *Fixing Long-Term Care Act, 2021*, SO 2021, c 39, sch 1., as amended or replaced.
- 1.20 **“Hearing”** means a hearing convened by Council or a Committee as required by statute or by-law.

- 1.21 **“Inaugural Meeting”** means the first meeting of the term of Council held after a municipal election in a regular election year or the first meeting in each year of Council’s term or both, as the context requires.
- 1.22 **“Inquiry”** means a question filed by a Member at a Council or Committee meeting, where staff has been asked to provide additional information about an existing by-law, program, policy, service, legislation or operational matter within the jurisdiction of Council or the respective committee.
- 1.23 **“Improper Conduct”** means the conduct of any person which obstructs the proceedings of Council.
- 1.24 **“Local Board”** does not include police services boards or public library boards.
- 1.25 **“Majority”** means more than half of the votes cast by those members present at the meeting.
- 1.26 **“Meeting”** means any regular, special or other meeting of Council, of a Local Board or of a Committee of either of them where:
- (a) a quorum is present, and
  - (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- 1.27 **“Member”** means a member of Council, a member of Committee or both as the context requires.
- 1.28 **“Minutes”** means a written record without note or comment of all resolutions, decisions and other proceedings of all Meetings whether closed to the public or not in accordance with subsection 239(7) of the *Municipal Act, 2001*.
- 1.29 **“Motion”** means a proposal by a member for the consideration of Council or Committee that is moved by a member and seconded by another member.
- 1.30 **“Motion to Amend”** means a motion to modify the wording and, within certain limits, the meaning of a main motion.
- 1.31 **“Motion to Defer”** means a motion to put off the vote on a main motion for a specified period of time.
- 1.32 **“Motion to Postpone Indefinitely”** means a motion whereby, if supported by a majority vote, Council declines to take a position on the main motion.

- 1.33 **“Motion to Refer”** means a motion to send a main motion to staff or a Committee for further information.
- 1.34 **“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c.25 as amended from time to time.
- 1.35 **“Notice of Motion”** means a written notice, including the names of the mover and seconder, advising Council that the motion described therein will be brought at a subsequent meeting.
- 1.36 **“Open Meeting”** means a meeting open to the public to attend and observe but not participate in the discussions or debate unless given permission by the Warden.
- 1.37 **“Pecuniary Interest”** shall mean an interest that has a direct or indirect financial impact or as defined under the *Municipal Conflict of Interest Act*, including:
- (a) Any matter in which the Elected Official has a financial interest;
  - (b) Any matter in which the Elected Official is a shareholder in, or a director or senior Elected Official of a corporation that does not offer its securities to the public and such corporation has a financial interest in the matter;
  - (c) Any matter in which the Elected Official has a controlling interest in, or is a director or senior Elected Official of, a corporation that offers its securities to the public and such corporation has a financial interest in the matter.
  - (d) Any matter in which the Elected Official is a member of a body and such body has a financial interest in the matter.
  - (e) Any matter in which a parent, spouse, same sex partner or any child of the Elected Official has a financial interest, if known to them.
- 1.44 **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced.
- 1.45 **“Planning Applications”** means planning applications for which the County is the approval authority pursuant to the *Planning Act*, including a plan of subdivision, a plan of condominium and a local Official Plan Amendment, but does not include the enactment of or an amendment to the County’s Official Plan.

- 1.46 **“Point of Order”** means a motion raised by a Member drawing attention to an infraction of these Rules of Procedure.
- 1.47 **“Point of Privilege”** means a motion concerning the health, safety, rights or integrity of the Member, the Council, a Committee or anyone present at a meeting.
- 1.48 **“Presiding Officer”** means:
- (a) the Warden, or in the absence of the Warden, the Deputy Warden, at a regular or special meeting of Council;
  - (b) the Member of Council appointed as the Chair of a Committee; or
  - (c) a Member of Council appointed in accordance with subsection 238(4) and (5) of the *Municipal Act, 2001*.
- 1.49 **“Public Meeting”** means a meeting open to the public, where the public may participate in the discussion without prior registration with the Clerk.
- 1.50 **“Recorded Vote”** means a vote recorded by the Clerk where a Member who is present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded. Each Member present, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.
- 1.51 **“Registry of Pecuniary Interest”** means a document kept by the Clerk of any and all pecuniary interests declared, in writing, by Members. This document will be available for viewing by the public upon request.
- 1.52 **“Report”** means a written document prepared by County employees, consultants, solicitors or individuals appointed by Council for the purpose of providing advice, alternatives and/or recommendations on various matters.
- 1.53 **“Resolution”** means a formal motion duly voted on by Council.
- 1.54 **“Warden”** means the Head of Council as elected in accordance with section 6.0 of this by-law.
- 1.55 **“Weighted Vote”** means a vote that is recorded by the Clerk and weighted in accordance with Middlesex County By-law #5469, as amended or replaced. A weighted vote may only be requested prior to the taking of the vote by a Member who is present at a meeting at the time of a vote.

## **RULES OF PROCEDURE ADOPTED/SUSPENDED**

- 2.0 The proceedings of Council and its Committees, the conduct of Members and the calling of meetings will be governed by the provisions of the *Municipal Act, 2001*, and the rules and regulations contained in this By-law, and, except as provided, the rules of parliamentary procedure contained in the most recent version of Robert's Rules of Order, will be followed for governing the proceedings of Council and Committees of Council and the conduct of its members.
- 2.1 Notwithstanding Section 2.0, the rules and regulations contained in this By-law may be suspended by a vote of two-thirds of Members present at a meeting.
- 2.2 In cases where the Rules of Procedure conflict with the *Municipal Act, 2001*, the *Municipal Act, 2001* shall prevail.

## **NOTICE OF MEETING**

- 3.0 Notice of a meeting shall be deemed to be given by making the Agenda available on the County website on the Wednesday of the week prior to the meeting, unless otherwise provided herein or prescribed by statute or by-law.
- 3.1 The Agenda shall indicate the date, time and place of the meeting, and the contact information for the Clerk.
- 3.2 Agendas, agenda items, and any other information required to be provided to Members in advance of a meeting, shall be provided by the Clerk to each Member in advance of the meeting in the manner agreed upon between the Clerk and the Member.
- 3.3 Notice which is substantively given but is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

## **INAUGURAL MEETING**

- 4.0 The Inaugural Meeting of Council shall be held no later than the third Tuesday in December and the meeting shall be held at 4:00pm in the afternoon. In the case of the Inaugural Meeting of a new Council, such meeting shall be held no later than 31 days after the commencement of the term.

- 4.1 The date of the Inaugural Meeting of Council shall be established by Council by the October Session preceding such Inaugural Meeting.
- 4.2 The Inaugural Meeting shall be held in Council Chambers in the Middlesex County Building. In the event that it is not convenient or feasible to hold a meeting in Council Chambers, the Head of Council or the Clerk may specify a location within the County or an adjacent municipality to meet. In the case of an Emergency, the County may hold a meeting at any convenient location within or outside the County, as specified by the Head of Council or the Clerk.
- 4.3 The Council shall ensure that meeting locations are accessible to persons with disabilities.

#### **PROCEEDINGS AT INAUGURAL MEETING**

- 5.0 A person elected or appointed in a regular municipal election shall not take a seat on Middlesex County Council until the Clerk of the County has received the certificate from the Clerk of the lower-tier municipality certifying the name of each person elected or appointed.
- 5.1 No business shall be conducted at the first meeting of Council until after the declarations of office have been made by all Members who present themselves for the purpose.
- 5.2 The Clerk shall preside, or in the absence of the Clerk, the Members present shall select a Member to preside, and the person so elected may vote as a Member.

#### **ELECTION OF WARDEN AT INAUGURAL MEETING**

- 6.0 Council shall, in each year of its term, appoint the Head of Council at its Inaugural Meeting.
- 6.1 Notwithstanding section 6.0, Council may, by by-law, passed at least six months prior to the end of its term, provide that the term of office for Head of Council shall be the term of office of the Council of the County, and a by-law passed under this section shall not be repealed once a Head of Council has been appointed, until the succeeding Council of the County is deemed to be organized.



- 6.2 Where a by-law has been passed pursuant to section 6.1, Council shall, appoint the Head of Council for the remainder of the term at the Inaugural Meeting in the first year of Council's term.
- 6.3 The Warden as the Head of the Council shall be appointed pursuant to the procedure as follows:
- (a) A Councillor seeking nomination for Head of Council shall announce his/her intention to let his/her name stand for the position of Warden on or prior to the second Tuesday of November, or by such other time as may be specified by the Clerk.
  - (b) Where only one Councillor allows his or her name stand, Council may declare the Head of Council for the upcoming term at the Inaugural meeting with the Clerk presiding.
  - (c) The Clerk shall be the Presiding Officer.
  - (d) By motion(s) a Past Warden will be appointed as Chair and two (2) Past Wardens will be appointed as scrutineers.
  - (e) The Chair and the scrutineers will be called to the dias.
  - (f) The Clerk will exit the dias.
  - (g) Voting will be by secret ballot.
  - (h) A nomination ballot will be circulated to each Councillor to nominate a candidate(s).
  - (i) The Chair will announce the names of the nominees in alphabetical order.
  - (j) Each nominee, in alphabetical order, will be given the opportunity to address Members of Council.
  - (k) A majority of the total votes of Councillors will be required to appoint a candidate for the position of Warden. The exception will be in subparagraph (n) where a successful candidate will be picked having only 50% of the votes.
  - (l) Each member of Council who is present will have one vote.
  - (m) If there are more than two candidates and if, following a vote, the candidate with the most votes does not have a majority then the

candidate with the least number of votes is eliminated. A subsequent vote(s) will be taken until one candidate has a majority of votes.

- (n) If there are more than two candidates and no candidate has a majority of the votes, but there is a tie between candidates with the least number of votes, there will be a vote including only the candidates with the least number of votes, to eliminate one of them. In the event that this vote results in a tie, the Chair will by lot pick a candidate to be eliminated.
- (o) If there are three or more candidates and the result of the vote is a tie, there will be another vote, and if the result remains a tie, the Chair will by lot pick a candidate to be eliminated.
- (p) If there are two candidates and the result of the vote is a two-way tie, there will be another vote, and if the result remains a two-way tie, the Chair will by lot pick the candidate for the position of Warden.
- (q) A candidate may voluntarily withdraw his/her name at any time during the process.
- (r) By motion, the ballots will be destroyed.
- (s) The successful candidate shall be appointed the Warden as the Head of Council for the Corporation of the County of Middlesex pursuant to Section 6.4.
- (t) The chair and scrutineers will exit the dias.
- (u) The Clerk assumes the Chair, and is the Presiding Officer.

6.4 With the Clerk presiding the successful candidate, as determined in section 6.3, shall be appointed as the Head of Council of the Corporation of the County of Middlesex, by resolution of Council.

## **REGULAR MEETINGS OF COUNCIL**

7.0 The Clerk shall, by September 30th of each calendar year, submit a schedule of the upcoming meetings for the following Council year for consideration and adoption by Council.

7.1 Unless otherwise decided by Council, regular meetings of Council shall be held:

- (a) on the second and fourth Tuesday of each month at the hour of 1:00pm, except in the months of January, February, July and August when Council will meet only once per month; and
  - (b) in accordance with the approved annual calendar noted in section 7.0, above.
- 7.2 Despite section 7.1, the time and date of individual regular meetings may be varied by the Warden.
- 7.3 All meetings of Council shall be held in the Council Chamber at the Middlesex County Building or at such other place as specified in the Agenda.

### **SPECIAL MEETINGS OF COUNCIL**

- 8.0 The Head of Council may, at any time, summon a special meeting of Council, including but not limited to during an Emergency.
- 8.1 Upon receipt of a petition of the majority of Members, the Clerk shall, under the direction of the Head of Council and insofar as practicable, summon a special meeting for the purpose and at the time and date mentioned in the petition.
- 8.2 Only with an affirmative vote by two-thirds of Council, will items not listed in the petition be considered at a Special Meeting called under section 8.0 or 8.1.
- 8.3 If there is no by-law or petition fixing the place of a special meeting, that meeting shall be held at the place where the last regular meeting was held.
- 8.4 Notice of a Special Meeting shall provide for a minimum of twenty (24) hours' notice to Members, staff and public by way of posting of the Agenda to the County website. In an Emergency, notice may be waived.

### **PUBLIC MEETINGS**

- 9.0 Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council is by statute required to hold a public meeting before the passing of a by-law, the Clerk shall call a Public Meeting.
- 9.1 The Clerk may call a Public Meeting at any time where so directed by the Head of Council for the purpose of soliciting feedback from the public on issues of importance to Council.

- 9.2 Notice of a Public Meeting shall meet the notice requirements of the statute under which the Public Meeting is required. If the Public Meeting is not required by statute, notice shall be provided in accordance with section 3.0 of this By-law.
- 9.3 Delegations at a Public Meeting are not required to provide written submissions to the Clerk in advance of the meeting, unless otherwise prescribed by legislation. However, Delegations are encouraged to provide written submissions to the Clerk in order to facilitate the efficient conduct of the meeting.
- 9.4 The procedures set out in this By-law shall continue to apply to a Public Meeting held pursuant to this section, except that this section and the statute or by-law under which the Public Meeting is required, shall prevail to the extent of any conflict.

## **HEARINGS**

- 10.0 Where Council or a Committee convenes for the purpose of holding a hearing as required by any statute or by-law, the provisions of the statute or by-law, and, as applicable, the *Statutory Powers and Procedures Act*, R.S.O 1990, c. S.22, as amended or replaced, shall prevail to the extent of any conflict with this By-law.

## **ELECTRONIC MEETINGS**

- 11.0 Notwithstanding any other provision of this By-law, a meeting of Council or Committee may be conducted by Electronic Meeting where deemed appropriate by the Head of Council.
- 11.1 The procedures set out in this By-law for an inaugural, regular or special meeting shall continue to apply to an Electronic Meeting, except that this section shall prevail to the extent of any conflict.
- 11.2 Where an Electronic Meeting is held, such meeting will be chaired physically from a location within the municipality or an adjacent municipality as specified by the Head of Council, as is necessary in accordance with section 236(1) of the *Municipal Act, 2001*. In the case of an Emergency, an Electronic Meeting may be held at any convenient location within or outside the Municipality.
- 11.3 An Electronic Meeting may be held without physical attendance by the public.

- 11.4 Members in attendance at an Electronic Meeting shall be counted for purposes of quorum at the commencement of the meeting and at any point in time during the meeting, and shall be entitled to vote as if the Member were attending the meeting in person.
- 11.5 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 11.6 The notice of Electronic Meeting shall include sufficient information to provide the public with a means to electronically access the open session of an Electronic Meeting.
- 11.7 Delegations may be received at an Electronic Meeting by electronic means.

#### **ELECTRONIC PUBLIC MEETINGS AND HEARINGS**

- 12.0 Notwithstanding any other provision of this By-law, a Public Meeting or Hearing may be conducted electronically where deemed appropriate by the Head of Council, including but not limited to during periods of Emergency.
- 12.1 The procedures set out in this by-law shall continue to apply to an Electronic Public Meeting or Electronic Hearing held pursuant to this section, except that this section, the applicable statute or by-law, shall prevail to the extent of any conflict.
- 12.2 Where an Electronic Public Meeting or Electronic Hearing is held, such meeting will be chaired physically from a location within the municipality or an adjacent municipality as specified by the Head of Council as is necessary in accordance with section 236(1) of the *Municipal Act, 2001*. In the case of an Emergency, an Electronic Meeting may be held at any convenient location within or outside the County.
- 12.3 Where necessary, an Electronic Public Meeting or Electronic Hearing may be held without physical attendance by the public.
- 12.4 Members in attendance at an Electronic Public Meeting or Electronic Hearing shall be counted for purposes of quorum at the commencement of the meeting and at any point in time during the meeting, and shall be entitled to vote as if the Member were attending the meeting in person.

- 12.5 The notice of Electronic Public Meeting shall meet the requirements of the applicable statute and shall include sufficient information to provide the public with a means to electronically access and participate in the Electronic Public Meeting.
- 12.6 The notice of Electronic Hearing shall meet the requirements of the applicable statute or by-law and shall include sufficient information to provide participants with a means to electronically access and participate in the Electronic Hearing.

### **POSTPONEMENT OR CANCELLATION OF MEETING**

- 13.0 Where, in the opinion of the Head of Council, it is necessary to postpone a meeting of Council, the Head of Council may postpone such meeting to a date and time determined by the Head of Council in consultation with the Clerk.
- 13.1 Should it be necessary to postpone a regular meeting of Council, the Clerk shall set out, by way of written notice, the day, time and place of the rescheduled meeting and circulate such notice at least 48 hours prior to the rescheduled meeting, to each Member, and on the County's website.
- 13.2 The Warden may cancel one or more regular meetings of the Council in the event of an Emergency or if, in the Warden's opinion, such meetings are not necessary for the proper conduct of the business of the County.

### **OPEN MEETINGS AND CLOSED SESSIONS**

- 14.0 Section 239 of the *Municipal Act, 2001*, requires that meetings of council, committees and local boards are to be open to the public, except for certain, specified exceptions.
- 14.1 Subsection 239(2) sets out specific exceptions to the requirement to hold an open public meeting if the subject matter of the meeting or part of the meeting deals with:
- (a) the security of the property of the municipality or local board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
  - (d) labour relations or employee negotiations;

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.2 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 the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1).

- 14.3 A meeting of Council may be closed to the public if the meeting is held for the purpose of educating or training Members and no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council in accordance with section 239(3.1) of the *Municipal Act, 2001*.
- 14.4 Before all or any part of a meeting is closed to the public, Council shall state by resolution:
- (a) the time of the opening of the closed meeting;
  - (b) the fact of the holding of the closed meeting;
  - (c) the general nature of the matter considered at the closed meeting;  
and
  - (d) the section of the *Municipal Act, 2001* under which the meeting is to be closed.
- 14.5 A meeting shall not be closed to the public during the taking of a vote.
- 14.6 Despite Subsection 14.5, a meeting may be closed to the public during a vote if subsection 14.1, 14.2 or 14.3 permits or requires a meeting to be closed to the public and, the vote is for a procedural matter or for giving direction or instructions to employees or agents of the County or persons retained by or under contract with the County.
- 14.7 Meetings which are closed to the public may be referred to as Closed Session.
- 14.8 The minutes of a Closed Session shall record:
- (a) the place, date, start times, and time of adjournment of the meeting;
  - (b) the name of the members attending, the presiding officer and delegations; and
  - (c) all other proceedings of the meeting without note or comment.
- 14.9 Minutes during a Closed Session will be approved at the next meeting of Council.
- 14.10 Closed Session minutes will not be made available to the public.

## **QUORUM**

- 15.0 A majority of all Members of Council is necessary to form a quorum.
- 15.1 If no quorum is present one half hour after the time appointed for a Council meeting, the Clerk shall record the names of the members present and the meeting



shall stand adjourned until the date of the next regular meeting or such other time as determined by the Head of Council.

- 15.2 If a quorum is lost during a meeting of Council then the Presiding Officer shall, upon determining that a quorum is not present, request the Clerk to call for a recess for a period of fifteen minutes, or until a quorum is present, whichever is sooner.
- 15.3 If there is still no quorum of Council after fifteen minutes, the meeting shall stand adjourned and the Clerk shall record the names of the Members present. In this case, the confirmation By-law will reflect all business validly conducted by the Council before quorum was lost. All unfinished business shall be carried forward to the next meeting of Council.

#### **DUTIES OF THE HEAD OF COUNCIL**

- 16.0 It shall be the duty of the Warden to carry out the responsibilities set forth in Sections 225 and 226.1 of the *Municipal Act, 2001* and to:
- (a) open the meeting by taking the chair and calling the members to order;
  - (b) announce business in accordance with the Agenda;
  - (c) make such remarks as is fitting for the information or assistance of the Members;
  - (d) receive and submit, in the proper manner, all motions presented by Members;
  - (e) put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and announce the result;
  - (f) decline to put to vote motions which infringe the rules of procedure;
  - (g) enforce, on all occasions, the observance of order and decorum among the members;
  - (h) authenticate, by their signature, when necessary, all by-laws, resolutions, and minutes of Council;
  - (i) inform Members, when necessary, or when referred to for the purpose, on a point of order or usage;

- (j) represent and support Council, declaring its will and implicitly obeying its decisions in all things;
- (k) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (l) adjourn the meeting, when the business is concluded;
- (m) adjourn the meeting, without question, in the case of grave disorder arising at a meeting.

- 16.2 The Head of Council may expel from a meeting anyone who engages in Improper Conduct.
- 16.3 The Head of Council may vote with the other Members on all questions, except where disqualified by reason of pecuniary interest or otherwise.
- 16.4 If the Head of Council desires to leave the chair for the purpose of taking part in the debate or otherwise, they shall call on the Deputy Warden, or in his or her absence, another Member, to fill their place until they resume the chair.

#### **DEPUTY WARDEN**

- 17.0 The Deputy Warden will be the most immediate Past Warden who is a member of Council.
- 17.1 The Deputy Warden shall act in the place of the Head of Council when the Head of Council is absent or refuses or is unable to act and while so acting, the Deputy Warden shall have the power and duties of the Head of Council.
- 17.2 It shall be the duty of the Deputy Warden to provide assistance to the Warden. The Warden shall be solely responsible for determining which of their powers and duties the Deputy Warden will assist with and may adjust such allocation from time to time at his or her discretion.
- 17.3 In the event that there is no immediate Past Warden on Council, the Deputy Warden may be appointed at the inaugural meeting of Council in accordance with the procedures to appoint the Warden set out section 6.3 of this by-law.

#### **VACANCY OF OFFICE OF THE WARDEN**

- 18.0 In the event the Office of the Warden should become vacant, within the meaning of section 263 of the *Municipal Act, 2001*, Council shall fill the vacancy in the Office

of the Warden in the same manner as the Warden was originally appointed and in accordance with the election procedures set out in this by-law. The Deputy Warden shall act in the place of the Head of Council until such time as the vacant seat is otherwise filled. The person appointed to fill the vacancy shall hold office for the remainder of the term of the person he/she replaced.

## **PRESIDING OFFICER**

- 19.0 The Head of Council shall preside at all meetings of Council and Committee of the Whole.
- 19.1 The Deputy Warden shall preside in the absence of the Head of Council.
- 19.2 Should the Warden and Deputy Warden not be in attendance at the Council meeting within fifteen (15) minutes of the time a quorum is present after the scheduled commencement time for a meeting of Council, or after resumption of the meeting after a recess, the Clerk shall call the Members to order and a member shall be chosen to preside over the meeting in accordance with subsections 238(4) and (5) of the *Municipal Act, 2001*.

## **AGENDA**

- 20.0 The Clerk shall prepare agendas for meetings of Council and Committee of the Whole.
- 20.1 Insofar as practicable, Agendas, along with supporting material, shall be prepared and made available on the County's website on the Wednesday of the week prior to a regular meeting. Exemptions under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended or replaced (MFIPPA), will be marked as such and will not be posted online.
- 20.2 The Agenda for a regular meeting shall be generally formatted as follows, but modifications to the matters included or to the order of business may be effected by the Clerk, and/or Head of Council without requiring amendments to the by-law:
  - (a) Call to Order and Warden's Remarks;
  - (b) Provision for Disclosure of Pecuniary Interest and General Nature;
  - (c) Approval of the Agenda;

- (d) Adoption of Minutes and Recommendations of the Committee of the Whole;
- (e) New Business;
- (f) Inquiries;
- (g) Notices of Motion;
- (h) Councillor Comments and Other Business;
- (i) Committee of the Whole
  - 20.2.i.1 Delegations;
  - 20.2.i.2 Reports from County Officers;
  - 20.2.i.3 Action Items;
  - 20.2.i.4 Correspondence and Information Items;
  - 20.2.i.5 Closed Session
  - 20.2.i.6 Rise and Report from Closed Session
- (j) By-laws;
- (k) Announcements;
- (l) Adjournment.

20.3 Business shall be taken up in the order as listed on the Agenda unless otherwise decided by the Presiding Officer and as agreed to by a majority of Council.

20.4 The deadline for receipt of material by the Clerk to be included in the regular Council Agenda shall be 12:00 pm on the Monday of the week prior to the meeting.

20.5 Written materials received after the Agenda has been prepared may be added to the Agenda up until 12:00pm on the Friday preceding the meeting, at the discretion of the CAO, unless otherwise provided herein. Items received after this time may only be added by a resolution passed by a majority of Council, as urgent matter(s) requiring immediate action or attention and may include time sensitive material.

## **DISCLOSURE OF PECUNIARY INTEREST**

21.0 If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if they are present at a meeting at which the said matter is the subject of consideration, then they shall disclose their interest at the meeting and they shall recuse themselves and not take part in the consideration

or discussion of the said matter nor shall they vote on any motion in regard to the said matter.

- 21.1 Members must also provide the Clerk with the signed declaration of pecuniary interest in accordance with the County's Code of Conduct and the Clerk shall maintain a Registry of Pecuniary Interest which shall be available for public inspection.
- 21.2 The failure of one or more members to comply with section 21.0 of this by-law shall not affect the validity of the meeting in regard to the said matter.
- 21.3 Notwithstanding the provisions of section 15.0 of this by-law, when a majority of the Members have disclosed an interest in accordance with section 21.0 of this by-law and the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended or replaced, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

## **INQUIRIES**

- 22.0 The Warden and Members of Council may make inquiries to the CAO or appropriate Department Head, relating to any by-law, motion or other matter connected with the business of the Council under the Inquiries section of the Agenda.
- 22.1 Any Inquiry made at a meeting of Council should be submitted to the Clerk in writing at least 24 hours in advance of the meeting at which it is to be made.
- 22.2 A Council member shall not debate a matter with a staff member.
- 22.3 Unless otherwise decided by a vote of two-thirds of Members present at the meeting, a member who wishes to make a motion as a result of an Inquiry may make such motion in accordance with section 34.0, or provide a Notice of Motion if required in accordance with section 23.0, at the next regular meeting following the meeting at which the Inquiry was made.

## **NOTICE OF MOTION**

- 23.0 A Notice of Motion at a previous meeting of Council is required to:
  - a) amend, repeal, or alter a by-law, or

- b) introduce any measure or change in the Council's established policy or organization
- 23.1 A Notice of Motion must be provided in writing to the Clerk at least twenty-four hours prior to the meeting at which the notice is to be given and must be signed by a mover and seconder.
- 23.2 All Notices of Motion received by the Clerk may be read out by the mover or the Warden during the Notices of Motion segment of the Agenda and shall be placed on the Agenda for the next regular meeting.

### **COUNCILLOR COMMENTS AND OTHER BUSINESS**

- 24.0 The Warden and Members of Council may inform the Council of any matter, which they feel would be of interest or benefit to the Council, or the municipality under the Councillor Comments and Other Business section of the Agenda.

### **COMMITTEE OF THE WHOLE**

- 25.0 Council may, by resolution, go into a Committee of the Whole during any meeting of Council.
- 25.1 Unless otherwise provided for in this by-law or on an agenda, Council shall receive Delegations, Reports, Action Items, Correspondence and Information Items and consider Closed Session matters in Committee of the Whole.
- 25.2 All recommendations made by the Committee of the Whole while convening in accordance with this section shall be forwarded to the next regular meeting of Council for consideration, unless otherwise decided by Council.
- 25.3 The procedures set out in this By-law for Council meetings shall apply to meetings of the Committee of the Whole insofar as practicable, except that this section, shall prevail to the extent of any conflict.
- 25.4 The number of times speaking on any question shall not be limited and a member shall have the privilege of having his or her name recorded as voting against the motions, if requested by that member.
- 25.5 It shall not be necessary to have a motion before the Chair, when considering business in Committee of the Whole.

- 25.6 Questions of order arising in Committee of the Whole shall be decided by the Chair, subject to an appeal to the Committee.
- 25.7 On motion in Committee of the Whole to rise as Council and report, the question shall be decided without debate.
- 25.8 A motion in Committee of the Whole to rise as Council without reporting, shall always be in order, and shall take precedence over any other motion. On such motion, debate shall take precedence over any other motion. On such motion, debate shall be allowed, but no member shall speak more than once. On an affirmative vote to rise, the subject previously before the Committee of the Whole shall be the next order of business called by the Presiding Officer, upon a return to Committee of the Whole.

#### **PERMISSION TO ENTER THE COUNCIL BAR**

- 26.0 No person except Members and Officers of the Council shall be allowed to come within the Council bar during sittings of Council, without the permission of the Head of Council.

#### **DELEGATIONS**

- 27.0 No person shall be permitted to address Council or Committee on a subject not on the Agenda, unless by permission is granted by a two-thirds majority vote.
- 27.1 Any person may be placed on the Agenda as a delegation provided such person has registered with the Clerk in accordance with section 27.3 by 12:00pm on the Monday of the week prior to the meeting, unless:
- (a) the Clerk is of the opinion that the purpose of the delegation is not an appropriate subject matter for that meeting; or
  - (b) the subject matter is beyond the jurisdiction of Council.
- 27.2 Delegations shall be received by the Committee of the Whole, unless the Warden deems the matter of sufficient importance and/or urgency and/or there is insufficient time to put it before Committee, in which case the delegation may be received by Council under the New Business section of the Agenda.
- 27.3 Delegates shall provide the Clerk with a written submission detailing the purpose of the requested appearance. Such written submission shall include any written

information/supporting material that the person intends to present and the email or telephone number at which the individual, organization or group may be contacted during normal business hours.

- 27.4 All delegations addressing Council, shall be limited to a maximum of ten minutes, regardless of the number of speakers, unless given special permission by the Presiding Officer. When more than one person is addressing Council, on the same subject, such persons following the first person shall not repeat that which was covered by the preceding speaker(s).
- 27.5 Only members of Council may ask questions of delegations, and shall not enter into debate. With the permission of the Presiding Officer, the CAO may ask questions of delegations. All questions to delegations shall be addressed through the Presiding Officer.
- 27.6 When the subject matter of a delegation is such that direction of Council is required, appropriate resolutions shall be presented for consideration, after all the delegations have been heard.
- 27.7 No petition for a grant of money for any purpose shall be received by Council unless permitted by Council by majority vote.

#### **MATTERS BEFORE COURT**

- 28.0 No Members of Council and no delegation shall be permitted to address the Council during an open session of Council, on any matter that is before any Court for decision.

#### **REPORTS AND ACTION ITEMS**

- 29.0 If deemed appropriate by the CAO, County employees, consultants, solicitors or individuals appointed by Council for the purpose of providing advice, alternatives and/or recommendations on various matters, may report at any meeting under the Reports or Action Items section of the Agenda, depending on the nature of the recommendation contained in the Report.
- 29.1 Reports and Action Items shall be received by the Committee of the Whole, unless the Warden deems the matter of sufficient urgency and/or there is



insufficient time to put it before Committee, in which case the Report or Action Item may be received by Council under the New Business section of the Agenda.

## **BY-LAWS**

- 30.0 The Clerk shall introduce by-laws to Council.
- 30.1 By-laws, upon request of a member of Council and consensus of Council, shall be read.
- 30.2 By-laws will be adopted by motion as follows:
  - (a) Taken as read for a first and second reading;
  - (b) Taken as read for a third and final reading.
- 30.3 Every by-law which has passed the Council shall:
  - (a) Be under the seal of the Corporation, and shall be signed by the Head of the Council and the Clerk;
  - (b) By typewritten and indexed, and
  - (c) Be stored in safe keeping.

## **MINUTES**

- 31.0 The Clerk or his or her designate shall take minutes at all meetings.
- 31.1 The minutes shall record:
  - (a) the place, date, start times, and time of adjournment of the meeting;
  - (b) the name of the members attending, the presiding officer and delegations;
  - (c) the reading, if requested, correction and adoption of the minutes of the prior meetings;
  - (d) all resolutions and by-laws;
  - (e) all other proceedings of the meeting without note or comment.
- 31.2 Immediately after the Head of Council has taken his or her seat and any Pecuniary Interest recorded, the Minutes of the previous meetings not yet adopted shall be presented by the Clerk for confirmation.
- 31.3 It shall not be necessary to have the Minutes read where copies thereof have been furnished to members of Council prior to the meeting.

- 31.4 When the Minutes have been confirmed, they shall be signed by the Warden and the Clerk and posted to the County's website.

## **RULE OF CONDUCT AND DEBATE**

- 32.0 Every member desiring to speak must be recognized by the Chair.
- 32.1 Every member, on being recognized by the Chair to speak, shall address the Chair. The Chair will permit the member to speak when it is appropriate, so as not to interrupt a matter before the Chair.
- 32.2 A member called to order from the Chair shall immediately stop speaking but with permission of the Chair, may explain and appeal to the Council. The Council, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be final.
- 32.3 No member shall speak disrespectfully of the reigning Sovereign or any member of the Royal Family or of the Governor-General, Lieutenant-Governor, or person administering the Government of Canada; or, of this Province. No member shall use offensive words, in or against the Council, or, against any member thereof, no shall the member speak beside the question in debate. No member shall reflect upon any vote of the Council, except for the purpose of moving that such vote be reschedule. Any member may ask that a vote be recounted and a vote will be recounted once only.
- 32.4 No member shall resist the rules of the Council, or disobey the decision of the Chair, or of the Council on questions of order or practice, or upon the interpretation of the rules of the Council. In case any member shall so resist, or disobey, the member may be ordered by the Presiding Officer to leave their seat for that meeting, and in case of the member refusing to do so, may, on the order of the Head of the Council, be removed there from by the police, but in case of ample apology being made by the offender, may, by vote of the Council, be permitted forthwith to take their seat.
- 32.5 When the Chair is putting the question, no member shall walk across or out of the room, or make any noise or disturbance, nor when a member is speaking shall any other member pass between the member and the Chair, or interrupt the member speaking, except to raise a point of order.

- 32.6 When the question under discussion does not appear on the Agenda or has not been printed and distributed, any member may require it to be read, at any time of the debate, but not so as to interrupt a member while speaking.
- 32.7 No member shall speak more than twice to a question, except in explanation of a material part of their speech in which the member may have been misconceived, but then the member may not introduce a new matter.
- 32.8 A member must not, in debate, deviate from the question before Council. In all such cases, the Chair shall inform the Council that the reply of the mover of the original motion closes the debate at whatever time they are of the opinion that a clear understanding of the question has been provided.
- 32.9 No member, without leave of the Council, shall speak to the same question or in reply, for longer than ten minutes.
- 32.10 The Members of the Council shall not leave their places, on adjournment, until the Presiding Officer leaves the Chair.

## **MOTIONS**

- 33.0 Motions that have been signed by a mover and a seconder and delivered to the Clerk no later than noon on the Monday prior to a meeting shall be placed on the Agenda, unless such motion requires a Notice of Motion in accordance with section 23.0 of this by-law, in which case, that section shall govern.
- 33.1 The following matters and motions may be introduced without notice and without leave, and shall be decided without debate:
- (a) A point of order;
  - (b) A point of privilege;
  - (c) A motion to adjourn;
  - (d) A motion to refer;
  - (e) A motion to defer;
  - (f) A motion to suspend the Rules of Procedure;
  - (g) A motion to table the question;
  - (h) A motion to vote on the question;
  - (i) A motion to divide;

- (j) A motion to enter Closed Session or to rise from Closed Session and proceed into open meeting;
- (k) A motion to postpone indefinitely or to a specific day motion to present a petition;
- (l) A motion to recess.

33.2 The following motions may be introduced without notice and without leave, but shall be subject to debate:

- (a) A motion to amend;
- (b) A motion to table the question with direction or instructions;
- (c) A motion to refer with directions or instructions;
- (d) A motion to defer with directions or instructions.

33.3 After a motion is read by the Chair, it shall be deemed to be in possession of the Council, but may, with permission of the Council, be withdrawn, before decision or amendment.

33.4 Precedence of motions and rules governing such motions shall be in accordance with **Appendix "A"** to this by-law.

### **MOTION TO RECONSIDER**

34.0 After a motion has been voted on by County Council, no motion for a reconsideration thereof shall be introduced, unless it is moved and seconded by two members from among those who voted with the majority, and such motion may only be passed by a two-thirds vote of the entire Council.

34.1 Notwithstanding section 35.0, if notice to introduce a motion for a reconsideration was given by a Member at a previous meeting, and such Notice of Motion appears on the Agenda of the meeting, such motion may be passed by a majority vote of the entire Council.

34.2 No question shall be reconsidered more than once during a 12 month period, unless such period is truncated by the end of the Council term.

### **POINT OF ORDER & POINT OF PRIVILEGE**

35.0 A Member shall seek leave of the Presiding Officer to raise a point of privilege or point of order. After leave is granted, the Member shall state the point to the

Presiding Officer and then remain silent until the Presiding Officer has ruled on the point. There is no debate on a point of order or privilege.

- 35.1 The Presiding Officer's decision on a point of privilege is final.
- 35.2 The Presiding Officer's decision on a point of order is final, unless appealed to Council.
- 35.3 If a Member appeals to Council on a point of order, Council shall hear the reason for appeal from the appellant and the reason for the decision from the Presiding Officer.
- 35.4 The Council, if appealed to, shall decide the question without debate and its decision shall be final.

### **VOTING ON MOTIONS**

- 36.0 When the question under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition will be taken separately.
- 36.1 After the question is finally put by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared, and the decision of the presiding officer, as to whether the question has finally been put, shall be conclusive.
- 36.2 Where a vote is taken, and a Member abstains from voting, the Member will be deemed to have voted in the negative.
- 36.3 Where a vote is taken in Council resulting in a tie vote, the question shall be deemed to be lost.
- 36.4 A member may request a Recorded Vote immediately prior or immediately subsequent to the taking of any vote. Each member present, except a member who is disqualified from voting by any Act, shall announce their vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- 36.5 When a recorded vote is requested, the Clerk shall record each vote as it is called. A recorded vote may be called in alphabetical sequence determined by the member's surname, or in an order determined by the Council from time to time.
- 36.6 A Member may request a Weighted Vote immediately prior to the taking of any vote. Each member present, except a member who is disqualified from voting by

any Act, shall announce their vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote. The Clerk shall record each vote and announce the results of the Weighted Vote.

## **COMMITTEES OF COUNCIL**

- 37.0 Council shall determine the appropriate number of Committees, their membership, mandates, powers and reporting practices.
- 37.1 Unless otherwise provided herein and subject to the provisions of any statute, Council, in establishing any Committee, shall set forth Terms of Reference of the Committee outlining the items listed in section 38.0 and such other provisions as the Council shall deem proper.

## **COMMITTEE APPOINTMENTS**

- 38.0 At the first regular meeting of a new term of Council, the Warden and Deputy Warden shall select the members who are to serve on Committees of Council, the Middlesex County Library Board and any Third Party Committees, Boards or Associations for which a representative from the County has been requested for the term of Council or such other time as may be prescribed. Such selection shall include any citizen appointments to Committees of Council as required by the applicable Terms of Reference.
- 38.1 The Warden and Deputy Warden's selection shall be confirmed by a majority vote of Council and appointed by by-law.
- 38.2 Should an appointment be required throughout the term, the Warden and Deputy Warden shall make a recommendation to Council and such selection shall be confirmed by a majority vote of council and appointed by by-law.
- 38.3 Any member of the Council may be placed on a Committee notwithstanding the absence of such member at the time of their being named on such Committee
- 38.4 Should any member appointed to a Committee, Board or Association neglect or refuse to attend the properly summoned meetings of their Committee, Board or Association, such neglect or refusal shall be reported to Council, and Council may remove the said member or members from the Committee, Board or Association

and, upon the recommendation of the Warden and Deputy Warden, appoint another member in his or her place.

- 38.5 Council may, on the recommendation of the Warden and Deputy Warden, appoint a member thereof to act on any Committee, Board or Association in lieu and during the absence of any member thereof, who is absent from the municipality, or unable from illness to attend the meetings of such Committee, Board or Association, and the member so appointed shall be deemed a member of the Committee, Board or Association and entitled to act thereon, only during such absence or illness.

#### **PROCEDURES FOR COMMITTEES OF COUNCIL**

- 39.0 The procedures set out in this By-law for Council meetings shall apply to meetings of Committees of Council insofar as practicable, except that this section and the provisions of the Committee's Terms of Reference and/or any applicable statute, shall prevail to the extent of any conflict.
- 40.0 A quorum for any of the Committees appointed by Council shall be a majority of its members.
- 40.1 The Clerk or his or her designate shall call the first meeting of each Committee following the Inaugural Meeting of Council and shall preside over said meeting for the purpose of electing a Chair of the Committee.
- 40.2 The Clerk or his or her designate shall act as Secretary for all Committees.
- 40.3 After its first meeting, a meeting of any Committee may be called by the Chair thereof whenever a meeting is considered necessary and it shall be his duty to call a meeting whenever requested in writing to do so by at least a majority of the members of such Committee.
- 40.4 Special meetings of any Committee may be called by the Chair whenever he or she considers it necessary to do so and it shall be the duty of the Chair or in the case of his illness or absence from the County, of the Clerk to summon a special meeting of the Committee whenever requested in writing to do so by a majority of the members composing it.
- 40.5 The Chair shall preside at every meeting and may vote on all questions submitted, except where disqualified to vote by reason or interest or otherwise.

- 40.6 The Chair shall sign all Minutes, which the Committee may adopt by majority vote.
- 40.7 In the absence of the Chair, one of the other members shall be elected to preside, who shall discharge the duties of the Chair during the meeting, or until the arrival of the Chair.
- 40.8 No order or authority to do any matter or thing shall be recognized as emanating from any committee, unless it is in writing and signed by the Chair or Secretary thereof, and refers to the Minutes of the Committee under which it is issued.
- 40.9 The Minutes of every Committee shall be recorded and shall be circulated for confirmation or correction to the Committee members and shall be signed by the Chair and Secretary as being an accurate account of the proceeding of the Committee.
- 40.10 Where a vote takes place on any question, and a member requests that the vote be recorded, all the members of the Committee present, including the Chair, shall vote unless disqualified from voting. In the event a member refuses to vote their vote shall be counted in the negative. Each member of a Committee shall have one vote at Committee meetings.
- 40.11 A member may request immediately prior or immediately subsequent to the taking of any vote, that the vote be recorded.
- 40.12 When a recorded vote is not requested and a member present abstains from voting the member will be deemed to have voted in the negative.
- 40.13 A tie vote on any question in Committee is deemed to be lost.
- 40.14 Delegations will be permitted to make presentations to Committees of Council. The same rules that apply to Delegations to Council will apply at Committees as practically possible.
- 40.15 Members of Council not on a particular Committee may attend the meetings of said Committee, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the Committee.



- 40.16 Should the Chair neglect or refuse to call a meeting with the appropriate frequency, such neglect or refusal shall be reported to Council, and Council may remove the Chair from the position of Chair and appoint another member in his or her place.
- 40.17 Should any Committee neglect or refuse to give due attention to all business or matters before them, Council may be resolution discharge such Committee and appoint another in its stead.

#### **STRATHMERE LODGE COMMITTEE OF MANAGEMENT**

- 41.0 Council shall be deemed to be, and all Members of Council are hereby appointed as Members of the Strathmere Lodge Committee of Management pursuant to section 135 of the *Fixing Long-Term Care Act, 2021*.
- 42.0 The Committee of Management shall have all of the powers and duties set out in the *Fixing Long-Term Care Act, 2021*.
- 43.0 The Rules of Procedure for committees contained in this by-law apply to the Committee of Management, except where any provision of this by-law conflicts with the *Fixing Long-Term Care Act, 2021*, in which casw the *Fixing Long-Term Care Act, 2021* shall prevail.

**APPENDIX “A”**  
**PRINCIPAL RULES GOVERNING MOTIONS**

**PRIVILEGED MOTIONS** (dealing with special matters of immediate and overriding importance)

Order of Precedence	Can interrupt speaker?	Requires a second?	Debatable?	Amendable?	Vote required?	Can be renewed same meeting?
1. Adjourn	No	Yes	No	No	Majority	Yes
2. Recess	No	Yes	No	Yes	Majority	Yes
3. Question of Privilege	No	No	No	No	No vote	Yes

**SUBSIDIARY MOTIONS** (apply to other motions and assist the Council/Committee in dealing with a main motion)

Order of Precedence	Can interrupt speaker?	Requires a second?	Debatable?	Amendable?	Vote required?	Can be renewed same meeting?
4. Postpone Temporarily (lay on the table)	No	Yes	No	No	Majority	Yes
5. Previous Question	No	Yes	No	No	Two-thirds	Yes
6. Limit Debate	No	Yes	No	Yes	Two-thirds	Yes
7. Defer to a Certain Time	No	Yes	Yes	Yes	Majority	Yes
8. Refer to Committee	No	Yes	Yes	Yes	Majority	Yes
9. Amend	No	Yes	Yes	Yes	Majority	No
10. Defer	No	Yes	Yes	No	Majority	No

**MAIN MOTIONS** (bring business before Council)

<b>Order of Precedence</b>	<b>Can interrupt speaker?</b>	<b>Requires a second?</b>	<b>Debatable?</b>	<b>Amendable?</b>	<b>Vote required?</b>	<b>Can be renewed same meeting?</b>
<b>11. A General Main Motion</b>	No	Yes	Yes	Yes	Majority	No
<b>12. Specific Main Motion Reconsider</b>	Yes	Yes	Yes	Yes	2/3 without notice, majority with notice	No
<b>13. Rescind</b>	No	Yes	Yes	No	Majority	No
<b>14. Resume Consideration</b>	No	Yes	No	No	Majority	Yes

**APPENDIX “A (Continued)**  
**PRINCIPAL RULES GOVERNING MOTIONS**

**INCIDENTAL MOTIONS** (usually arise while the main motion is open to debate)

<b>Order of Precedence</b>	<b>Can interrupt speaker?</b>	<b>Requires a second?</b>	<b>Debatable?</b>	<b>Amendable?</b>	<b>Vote required?</b>	<b>Can be renewed same meeting?</b>
<b>15. Appeal</b>	Yes	Yes	Yes	No	Tie or Majority	No
<b>16. Point of Order</b>	Yes	No	No	No	No vote	No
<b>17. Division of a Question</b>	No	No	No	No	Majority	No
<b>18. Recorded Vote</b>	Yes	No	No	No	No vote	No