

CONSOLIDATED
(Amended by: By-law No. 6842 & By-law No. 6867)

BY-LAW NO. 6703

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to Govern the Calling, Place and Proceedings
of the Meetings of Council and Committees.

Whereas Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that every municipality shall pass a by-law governing the calling, place and proceedings of meetings; and

Whereas by the adoption of Recommendation CCW-332-17, the Council of the County of Simcoe deems it expedient to enact a new Procedure By-law that reflects recent legislative amendments, to govern the calling, place and proceedings of the meetings of Council and Committees of the Corporation of the County of Simcoe;

Now therefore, the Council of the Corporation of the County of Simcoe hereby enacts as follows:

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1.0 DEFINITIONS

For the purpose of this By-law:

"Abstain" means to refrain from voting. Members who abstain from voting for reasons other than a declared conflict of interest, shall be deemed to have voted in opposition to the motion;

"Alternate member" means an elected member of a local municipality that has been appointed under section 268 of the Municipal Act to attend meetings of the upper-tier municipality on behalf of the local municipality's County Councillor when the County Councillor is unable to attend a meeting of the upper-tier council. Where appropriate, when reference to a "member" is cited, it may also be read to include "Alternate member" in the execution of their prescribed duties;

"Bill" means a draft or proposed form of by-law;

"Business Sections" means the divisions within a regular Committee of the Whole meeting each dedicated to specific subject matters within the scope and responsibility of Council;

"Business Section Chair" means the person appointed by Council to preside during their respective section at a regular Committee of the Whole meeting;

"Business Section Vice-Chair" means the person appointed by Council who would preside over the proceedings of their respective section at a regular Committee of the Whole meeting in the absence of the Chair;

"Chair" means the person appointed by a Committee or by Council to preside at a meeting;

"Chief Administrative Officer" means the Chief Administrative Officer of the Corporation of the County of Simcoe;

"Clerk" means the Clerk of the Corporation of the County of Simcoe or his or her designate;

"Closed Session" ("In Camera") means a meeting or a part of a meeting which is not open to the public in accordance with the Municipal Act;

"Committee" means any Committee of Council or similar body of which at least 50 per cent of the members are also members of one or more councils or local boards, and includes the Committee of the Whole, Special or Ad Hoc Committees, Advisory Committees or a Task Force of Council;

"Committee Item" means a report from staff to Committee;

"Committee of the Whole" means all members of Council present at a meeting, sitting as a Committee for the purpose of conducting business in a less formal manner in accordance this By-Law;

"Confirmatory By-law" means a by-law passed for the purpose of giving general effect to the decisions or proceedings of Council;

"Consent Items" means items placed in a section of the agenda that is used to adopt items with one motion as opposed to discussing and voting on each item individually. Consent items may be pulled from the list of Consent Items by any Member, for further discussion or debate;

"Council" means the Council of the Corporation of the County of Simcoe;

"Delegation" (Deputation) means an address to Council or a Committee at the request of a person or an organization wishing to speak;

"Deputy Warden" means the person elected by Council to fulfill the duties of Head of Council in the Warden's absence, and to support the Warden under his/her guidance and direction;

"Ex-officio member" means that he/she is a member by virtue of his/her office and would not otherwise be a member. He/she has all of the rights of a member unless otherwise stated;

"Head of Council" means the Warden for the County of Simcoe or any Member acting in the capacity of the Warden;

"Holiday" means any holiday as defined in the *Legislation Act, 2006, S.O. 2006, C. 21, Schedule F*, as amended from time to time (except Remembrance Day) and any other day as set out in any County By-law, Resolution or Policy;

"In-Camera" has the same meaning as "Closed Session";

"Majority vote" means an affirmative vote of more than one half of the Members present and eligible to vote;

"Meeting" means any regular, special, or other meeting of council, or of a local board or a committee of either of them where, a quorum is present and where 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;

"Member" means a Member of Council or Committee and includes the Head of Council. See also "Alternate member";

"Messenger" refers to the individual appointed to provide support and assistance to the Warden during Council proceedings;

"Motion" means a proposal duly moved and seconded by a Member and presented in a Meeting in accordance with the rules of procedure, to deal with a matter before Council or Committee;

"Presentation" means an address to Council or Committee that has the consent of the Warden or Chair and was arranged at the request of Council, Committee or staff, and may include the presenting of an award, certificate, cheque, etc.;

"Presiding officer" means any person who is presiding at a meeting;

"Quorum" means the number of Members required to be present at a meeting to validate the transaction of its business. That number being more than half of the members of the Council or Committee and who are eligible to vote;

"Recess" means a short intermission in a meeting's proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped;

"Recorded vote" means a written record of the name and vote of every Member present, voting on any matter or question. Where a member abstains, the recorded vote shall reflect that the Member voted in opposition or against the question, except where abstention is due to a declared pecuniary interest in which case the vote shall indicate that the member abstained from voting;

"Regular meeting" means a regularly scheduled meeting of Council held in accordance with Section 3 of this By-law;

"Resolution" means the decision of Council on any motion;

"Two-thirds majority vote" means an affirmative vote of at least two-thirds of the Members present and eligible to vote at a meeting. Weighted voting shall not apply to a two-thirds vote, unless a recorded vote has been called;

"Vice-Chair" means the person appointed by Committee or Council who would preside over the proceedings of a committee meeting in the absence of the Chair;

"Weighted voting" refers to the allocation of votes assigned to Members of Council as prescribed by County by-law. Weighted voting shall only occur in a meeting of Council and upon the request of a recorded vote.

2.0 INTERPRETATION

2.1 Short Title

This By-law shall be cited as the Procedure By-law.

2.2 Application

The rules of procedure contained in this By-law or any standing or special rules of order adopted by the Corporation of the County of Simcoe shall be observed in all proceedings of Council and, with necessary modifications, its Committees and Boards.

Failure to strictly adhere to the rules of procedure contained in this By-law shall not invalidate the action(s) of Council or a Committee acting in good faith.

2.3 Statutes Affecting By-law

Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

2.4 Robert's Rules of Order

Matters not specifically provided for in this By-law shall be decided by the Warden or Chair, in accordance with as far as practicable, parliamentary procedures as described in the current edition of "Robert's Rules of Order". The Clerk may be called upon to provide advice regarding procedural matters. Following receipt of any advice from the Clerk, the Warden or Chair shall announce his/her ruling.

2.5 Amendment

This By-law, or any part thereof, shall not be amended or repealed at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous meeting of Council. The requirement to give this notice shall not be waived.

2.6 Suspension of the Rules of this By-Law

Except for Statutory Provisions or unless otherwise provided for within this by-law, any provision of this by-law may be suspended in whole or in part by Council on obtaining not less than two-thirds majority vote.

Committees may not pass a motion to suspend the rules of this By-law.

2.7 Statutory Requirements

Notwithstanding anything in this by-law, 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 and the *Statutory Powers Procedure Act*, as applicable, shall govern the proceedings.

If there is found to be any conflict between this By-law and any statute or by-law, the provisions of the statute or by-law shall prevail.

2.8 Word Usage

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

2.9 Headings

The headings and sub-headings used in this By-law shall be for reference purposes only.

2.10 Schedules

Schedules 1 and 2 to this By-law shall form part of this By-law.

2.11 Severability

If any section or part of this By-law is found by any court of competent jurisdiction to be invalid, such section or part shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this By-law or the by-law as a whole.

3.0 MEETINGS OF COUNCIL

3.1 Location for Council Meetings

Meetings of Council shall be held at the Council Chambers in the County of Simcoe Administration Centre, 1110 Highway 26, Midhurst or other such location which may be designated by the Warden or Council from time to time, or published on the agenda.

3.2 Inaugural Meeting

Unless provided otherwise in a meeting notice, the Inaugural Meeting of Council shall take place at 1:00 p.m., on the second Tuesday in December in the first year of a Council term. The Mid-Term Inaugural Meeting shall take place at 1:00 p.m. on the second Tuesday in the third year of a Council term, if required.

3.2.1 Public Holiday

In the event that the regularly scheduled day for the Inaugural falls on a public holiday, the Inaugural Meeting shall be held at the same hour on the next day following that is not a public holiday.

3.2.2 Inclement Weather or Emergency

The Clerk, in consultation with the Chief Administrative Officer, may postpone the Inaugural Meeting if he/she is of the opinion that weather conditions and/or an emergency situation warrants such postponement for public safety or other similar reasons, and reschedule the meeting to the first suitable day following at the same hour.

3.2.3 Notification of Postponement

The Clerk shall inform the members elect prior to the scheduled time of postponed meeting and the alternate date of the meeting.

3.2.4 Agenda/Proceedings

The Clerk shall be responsible for the content of the agenda of the Inaugural Meeting. Inaugural meetings of Council shall be for the purpose of electing and declaring the appointments of Warden, Deputy Warden and Business Section Chairs and Vice-Chairs of Committee of the Whole. No other business other than what is stated on the Inaugural Agenda shall be conducted.

3.3 Regular Meetings

Unless provided otherwise in a meeting notice, all regular meetings of County Council shall be held at 9:00 a.m. on the second and fourth Tuesday of each month, in accordance with the schedule adopted annually by Council, except:

- a) as otherwise specified in this by-law;
- b) during the months of January, July, August and December;
- c) where amended, as per schedule approved by Council, to accommodate Member attendance at Conferences or to avoid conflicts with significant events such as Remembrance Day or Municipal Elections;
- d) as directed by resolution of Council.

3.4 Special Meetings

Special Meetings of Council may be called in accordance with the following provisions:

a) Special Meetings – Annual Schedule of Meetings

The annual schedule of Council meetings may include provisions to hold special meetings for such matters as budget deliberations, strategic planning or other matters which require time for special delegations, presentations or reports.

b) Special Meeting at Call of Warden

The Warden may at any time call a Special Meeting of Council. The Special Meeting shall be held on the date and time as designated for this purpose by the Warden.

c) Special Meeting by Petition of Majority

The Clerk shall call a Special Meeting upon receipt of a petition of the majority of members of Council for the purpose and on the date and at the time mentioned in the petition.

The only business that shall be dealt with at a Special Meeting of Council is that which is listed on the Notice and in the Agenda.

3.5 Cancellation of Meetings

3.5.1 Cancellation Due to Lack of Quorum

Where a quorum is not present within fifteen (15) minutes after the hour fixed for the meeting, the Clerk shall record the names of the members of Council present and the meeting shall be adjourned and in consultation with the Warden, make arrangements to reschedule the meeting to an alternate time, date and/or location.

3.5.2 Cancellation Due to Weather or Emergency

The Warden may cancel any meeting if he/she is of the opinion that weather conditions and/or an emergency situation warrants such cancellation for public safety or other similar reasons.

When the Warden has cancelled a meeting, the Clerk shall inform all members prior to the scheduled time of the cancelled meeting and the alternate date, time and/or location if the meeting has been rescheduled.

3.6 Meetings- Open to the Public

All regular and special meetings of Council shall be open to the public, unless permitted to be closed in accordance with the provisions of the *Municipal Act*, and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this By-law.

3.7 Meetings -Closed to the Public

Pursuant to the *Municipal Act*, a meeting may be conducted in closed session (In-Camera) if the subject matter being considered relates to:

- 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.

3.8 Closed Meeting – Other Criteria

- a) Meetings shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council or board 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).

3.9 Closed Meeting – Education and Training Purposes

Pursuant to the *Municipal Act*, a meeting of a council or local board or a committee of either of them may also be closed to the public if it is for:

- a) the education and training of Members; and
- b) provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

3.10 Closed Meeting- Resolution Required

Prior to Council resolving into a closed session under the *Municipal Act*, Council shall state by resolution;

- a) the fact of holding the closed session;

- b) the general nature of the subject matter to be considered;
- c) the specific provision under the Act which permits the closing of the meeting.

Where the purpose is for education or training, that the meeting be closed pursuant to Section 239(3.1) of the *Municipal Act*.

3.11 Closed Meeting- Taking of a Vote

Pursuant to the *Municipal Act*, a meeting shall not be closed to the public during the taking of a vote.

3.12 Closed Meeting Vote- Exception

Despite subsection 3.11 of this by-law, a meeting may be closed to the public during a vote if:

- a) Subsection 3.7 (above) permits or requires a meeting to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the municipality or committee of the County, or persons retained by or under contract with the County.

3.13 Public Meetings/Hearings

Public Meetings/Hearings (except those where authority for decision-making has been delegated to a Committee of Council) shall be held at meetings of Council, in accordance with applicable legislation.

Notice shall be provided in accordance with legislation or any County by-laws or policy.

Delegations shall be heard at such meetings as prescribed by the applicable legislation or any County by-laws or policy.

3.14 Meetings -Taping, Televising, Recording of Meetings

Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded provided that:

- a) approval is obtained from the Director of Corporate Communications or County Clerk to tape, televise, or record the proceedings in advance of the meeting; and
- b) the taping, televising or recording is carried out in a manner that does not interfere with the proceedings of the meeting.

3.15 Evening Meetings- Adjournment

Adjournment for any evening meetings shall be 11:00 p.m. The Council shall adjourn at that hour unless this rule is temporarily suspended by a majority vote of the members present.

3.16 Clerk Present at all Meetings

Pursuant to the *Municipal Act*, the Clerk (or their designate) shall be present at all meetings of Council, including closed (in-camera) meetings and Special Meetings of Council. This provision of the By-law may not be suspended.

3.17 Public Decorum

Members of the public present during Council proceedings shall maintain order and shall not address Council except with the permission of the Chair.

Members of the public who display signs, placards, posters, clothing or other advertising devices, whether political or otherwise, that demonstrate a lack of respect for the formal nature of Council meetings may be requested, by the Chair to leave or remove these items.

Members of the public shall abide by the provisions within this By-law regarding taping, televising, and recording of meetings.

No member of the public shall use flash photography in a manner that interferes with or is disruptive to the proceedings.

Members of the public present during Council proceedings shall refrain from engaging elected officials on the Chambers' floor before, during or after meetings and from entering the Members' Lounge (Miller Room).

No member of the public shall applaud participants in debate or engage in conversation or other behaviour which is disruptive to the proceedings of Council.

No member of the public shall bring into the Council Chambers, any cellular telephones or other electronic devices which emit a sound, which is disruptive to the proceedings of Council, unless such device is turned off.

No person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant governor or any Province, any Member of Council or any employee of the County.

Any person, who is not a Member of Council, who contravenes any provision this subsection, may be expelled from the meeting by the Chair or in accordance with the direction of Council.

3.18 Media- Decorum

Members of the media present during Council or Committee proceedings shall:

- a) refrain from engaging elected officials on the Chambers' floor before, during or after meetings;
- b) abide by the provisions within this by-law regarding taping, televising, recording of meetings;
- c) use flash photography in a manner that does not interfere with the proceedings;
- d) turn off or silence all cellular or smart phones or other electronics which emit sound;
- e) conduct their activities in a quiet manner;
- f) co-ordinate media interviews through the Corporate Communications Department;
- g) refrain from entering the Members' Lounge (Miller Room);
- h) be encouraged to use the media room dedicated to news staff.

4.0 NOTICE OF MEETINGS

4.1 Notice- Regular Meetings

Notice to Members, by way of posting of the agenda, for all regular meetings of Council, shall be provided by the Clerk to each Member not less than five (5) calendar days prior to the date set for the meeting.

4.2 Notice to the Public

The Clerk shall provide notice to the public of all regular and special meetings of Council, agendas, cancellations and rescheduling by:

- a) electronically publishing the schedule of meetings of Council;
- b) updating the schedule of meetings of Council within 24 hours of any changes being made to the schedule; or
- c) posting the agenda and agenda items for regular meetings of Council not less than five (5) calendar days in advance of the meeting date.

4.3 Notice – Content

Notice of meetings of Council shall include the date, time and location of the meeting. The agenda for the meeting may constitute notice of such meeting.

4.4 Notice - Minimum Requirements

The notice requirements set out in this By-law are minimum requirements only and the Clerk may give notice in an extended manner if in the opinion of the Clerk or Warden, such extended manner is reasonable, necessary and feasible.

The notice requirements set out in this By-law shall be subject to any specific requirements prescribed by legislation or as directed by Council.

4.5 Failure to Meet Notice Provisions

Notice which is substantively given but which is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a meeting or any action taken at a meeting.

4.6 Notice – Cancellation/Postponement

Should it be necessary to cancel or 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, at the contact address the Member has provided to the Clerk.

4.7 Notice- Special Meetings

Notice of Special Meetings 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 situation, notice may be waived.

4.8 Notice – Emergency

In the case where time is of the essence (ie. emergency) notice may also be provided to members by way of telephone or personal contact. In such case, best efforts would be made to provide as much notice as is reasonable under the circumstances.

5.0 DUTIES AND RESPONSIBILITIES OF COUNCIL

In accordance with the *Municipal Act*, it is the role of Council:

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

6.0 POWERS AND DUTIES OF WARDEN AS HEAD OF COUNCIL

The process for the election of Warden shall be in accordance with Schedule 1 to this By-law.

6.1 Statutory Duties

In accordance with the *Municipal Act*, it is the role of the Warden:

- a) to preside *over* meetings of County Council so that its business is carried out efficiently and effectively;
- b) to provide leadership to County Council;
- c) without limiting clause b), to provide information and recommendations to County Council with respect to the role of Council described in Section 5.0 d) and e) of this By-law;
- d) to represent the County at official functions; and
- e) to carry out the duties of the head of council under the *Municipal Act* or any other Act.

As Chief Executive Officer, pursuant to Section 226.1 of the *Municipal Act*, the Warden shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents."

6.2 Ex-Officio Member

The Warden shall be an ex-officio member of all Committees of Council by virtue of the office and when attending, shall have full voting privileges, subject to the laws of the Province of Ontario, and shall be counted for the purposes of quorum.

6.3 Official Representative of the County

The Warden will be expected at all times, to maintain positive public relations in carrying out his/her duties.

The Warden will be the official spokesperson for County Council and coordinate the presentation of the County's position to the public and to other external public bodies, agencies and organizations.

The Warden will be the official representative of County Council at all official functions to which the County may be invited. In the event that it becomes impossible for the Warden to attend a function the Warden may

appoint the Deputy Warden or another member of Council to act as a delegate as may be appropriate.

Regular reports regarding the Warden's activities shall be placed on the consent agenda for each meeting of Council.

6.4 Warden- Use of Vehicle

While on County business, the Warden shall have the use of a vehicle for which the County shall be responsible for all associated expenses.

6.5 Report Improper Conduct

It shall be the duty of the Warden to report to Council through the appropriate Committee, the name of any Member of any Committee or Board who does not appear to be properly performing their obligations to the committee or board on which they were appointed.

6.6 Council By-laws and Policies

It shall be the duty of the Warden to carry out other duties as assigned by Council under this or any other by-law or policy.

6.7 Delegation- Appointments to Committees and Boards

The Warden shall have the authority to delegate to a Member of County Council, his/her membership to Committees or Boards to which he/she was appointed by Council prior to being elected Warden. The delegation to a Member of Council named by the Warden:

- a) will remain in effect for the entire time that person holds the office of Warden. At such time as that person is, for any reason, no longer the Warden, the delegation shall be deemed terminated and Council's appointment shall be deemed reinstated;
- b) shall be made in writing; and
- c) will be reported to Council by way of an informational report at the time of delegation.

The Warden's representative as provided for in this subsection shall have full member status and the right to vote, subject to the laws of the Province of Ontario.

6.8 Substitution - Meetings

The Warden shall be authorized to request the Deputy Warden to act as his/her representative at meetings of Committees to which he/she is a member by virtue of being the Warden. While so attending the Deputy Warden shall have full voting privileges, subject to the laws of the Province of Ontario, and shall be counted for the purposes of quorum.

6.9 Vacancy- Office of the Warden

In the event the Office of the Warden should become vacant, within the meaning of the *Municipal Act*, 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 person appointed to fill the vacancy shall hold office for the remainder of the term of the person he/she replaced.

7.0 DUTIES AND RESPONSIBILITIES OF DEPUTY WARDEN

The process for the election of Deputy Warden shall be in accordance with Schedule 1 to this By-law.

7.1 Substitution- Absence of the Warden

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 pursuant to the *Municipal Act*.

7.2 Preside at Meetings- Absence of Warden

The Deputy Warden shall preside at Council meetings in the absence of, or at the direction of, the Warden.

7.3 Governance Committee

The Deputy Warden shall be the Chair of the Governance Committee and present the Reports of the Governance Committee to Council.

7.4 Official Functions

Where requested by the Warden, the Deputy Warden shall share the social responsibilities of the County Warden and act as his/her official representative at functions to which the Warden is invited.

Regular reports regarding the Deputy Warden's activities shall be placed on the consent agenda for each meeting of Council.

7.5 Member of Committees and Boards

The Deputy Warden shall be a member and have a vote on Committees and Boards to which he or she is appointed or is a member by virtue of being a member of Council, and an ex-officio vote only on other committees while acting in the absence of the Warden.

7.6 Assistance to Warden

It shall be the duty of the Deputy Warden to provide assistance to the Warden under his/her guidance and direction.

7.7 Vacancy- Office of the Deputy Warden

In the event the Office of the Deputy Warden should become vacant, within the meaning of the *Municipal Act*, Council may fill the vacancy in the Office of the Deputy Warden in the same manner as the Deputy Warden was originally appointed and in accordance with the election procedures set out in this by-law. The person appointed to fill the vacancy shall hold office for the remainder of the term of the person he or she replaced.

8.0 DUTIES OF THE COUNCIL CHAIR

8.1 Warden Presides at Meetings of Council

The Warden shall preside at all meetings of Council. In the absence of the Warden, the Deputy Warden shall preside.

8.2 Call the Meeting to Order

As soon as there is a quorum after the time set for the meeting, the Chair shall call the Members to order.

8.3 Duties as Chair

The Chair shall preside over the meetings of Council in a manner that provides for business to be carried out efficiently and effectively and shall:

- a) open the meeting of Council by taking the chair and calling the Members to order;
- b) announce the business before the Council in the order in which it is to be acted upon;
- c) maintain order and preserve decorum during the meeting;
- d) receive, submit to a vote and announce the results of the vote for all motions, resolutions and by-laws presented -that do not contravene the rules of procedure;
- e) decline to put to a vote, motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
- f) preserve order and rule on all procedural matters;
- g) expel or exclude from any meeting any person whom the Chair feels has exhibited improper conduct at the meeting;
- h) to authenticate by way of signature, as necessary, all direction, resolutions, by-laws, and proceedings of Council;

- i) adjourn or suspend the meeting, without any motion being put, if he/she considers it necessary because of grave disorder; and
- j) close the meeting when business has been concluded or recess the meeting as required.

8.4 Absence of Warden and Deputy Warden

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 presiding officer shall be chosen from amongst the Business Section Chairs (Committee of the Whole), as per the order below, and he/she shall preside until the arrival of the Warden or Deputy Warden. In the absence of the Warden and Deputy Warden:

- i. the Performance Management Business Section Chair shall preside; in their absence,
- ii. the Human Services Business Section Chair shall preside; in their absence;
- iii. the Corporate Services Business Section Chair shall preside.

8.5 Warden Vacating the Chair

The Warden may designate that the Deputy Warden, or another Member, preside over the meeting or any portion of a Council meeting, in accordance with the provisions of this By-law, when he/she leaves the Chair for any reason.

8.6 Substitution – Powers

Any Member appointed to preside over a meeting shall have and may exercise all the rights, power, authority and obligations of the Chair as it relates to the chairing of proceedings, and as provided for under this By-Law.

9.0 DUTIES AND RESPONSIBILITIES OF THE MESSENGER

9.1 Appointment

The elected Warden may appoint a messenger whose role it shall be, to carry out the duties as outlined within this Section.

9.2 Eligibility

The Messenger is to be a past Warden, who is no longer serving as a Member of current County Council. If there is no past Warden available or willing to assume this position, the Messenger appointed may be a former Member of County Council. Each Messenger appointed shall serve the same term as the Warden.

9.3 Responsibilities

The Messenger shall:

- a) attend all regular meetings of County Council and any additional meetings at the request of the Warden. Where the Messenger is unable to attend the meeting, the Warden may select a Member of County Council to perform the duties of Messenger for such meeting;
- b) assist with placing the ceremonial Gown and Chain of Office on the Warden;
- c) call the Members of Council to Order and usher the Warden to the dais to open the regular proceedings of Council;
- d) guide County Councillors on proper decorum during Council meetings;
- e) circulate written motions to Members for authorization and return executed motions to Warden for presentation;
- f) escort guests and delegates to the dais to address the Warden and Council;
- g) during closed session of Council, usher the public and press from the Chambers and ensure against entry during the closed session;
- h) carry out any other duties as requested by the Warden during Council meetings; and
- i) upon adjournment of the Council meeting, usher the Warden out of the Council Chambers and assist with removal of the Chain of Office and Gown.

10.0 CONDUCT OF MEMBERS

10.1 Respectful Conduct

Members in attendance at meetings shall conduct themselves with decorum in accordance with the provisions of this By-law and in a manner that demonstrates professionalism and fosters respect and recognition for the formal nature of such proceedings.

10.2 Right to Participate

Members shall have the right to full participation in the proceedings of Council unless prohibited by law or as otherwise prescribed in this By-law.

10.3 Restrictions

Unless otherwise prescribed in the Act, no Member shall:

- a) be absent from the meetings of Council for three successive months without authorization by way of resolution of Council;
- b) speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member municipality, any other Council Member or any official or employee of the County;

- c) use indecent, offensive or insulting language in or against Council or any Member;
- d) engage in private conversation while in a Council meeting or use electronic devices including cellular phones, portable devices and computers for the purposes of facilitating or engaging in private discussion with regard to any matter on the agenda and/or any matter under debate at a meeting, except for the purpose of communicating a proposed motion to the Clerk;
- e) use electronic devices including cellular phones, portable devices and computers in a manner which interrupts or is disruptive to the proceedings of the Council;
- f) leave his/her seat or make noise or disturbance while a vote is being taken and until the result of the vote is announced;
- g) where a matter has been discussed in a meeting or part of a meeting closed to the public ("closed session") and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed session; except to the extent that Council has previously released or disclosed the matter in public;
- h) criticize any decision of Council except for the purpose of moving a motion that the matter be reconsidered;
- i) disobey the rules of the Council or a decision of the Warden or Council on questions of order or practice or the interpretation of the rules of Council;
- j) absent themselves from and during any meeting without the consent of the Warden or Council.

10.4 Improper Conduct- Order to Vacate

A Member may be required to vacate the Council Chamber for a portion of, or for the balance of a meeting when, in opinion of the Chair, a Member is not conducting his or herself in a proper manner and/or persists in breaching the rules of procedure.

In such cases, the Chair, after three warnings, will order the Member to vacate the Council Chamber. Should the Member refuse to leave the Council Chamber, the Chair shall take the necessary action to expel the member.

Should the Member be requested to vacate the Council Chamber, he or she shall do so immediately and such Member forfeits his/her entitlement to compensation as provided under this By-law or the council compensation by-law/policies of the County.

10.5 Warden's Entry and Exit from Chambers

At the commencement and upon adjournment of meetings of Council, Members shall rise and maintain their position until the Warden has entered/exited the Council Chambers.

10.6 Compliance with Policies and Code of Conduct

All Members shall adhere to this by-law and any other requirements related to conduct as may be contained within any other County policies or by-laws adopted by Council.

11.0 QUORUM

11.1 Quorum is Majority

A majority of the Members of Council is necessary to form a quorum.

11.2 Quorum required to Call Meeting to Order

At the hour appointed for any meeting and following a lunch recess, the Clerk shall call the roll and record the names of the members of Council present. The Warden shall take the Chair and proceed with the business of the meeting if a quorum is present.

11.3 No Quorum

Refer to subsection 3.5.1 - "Cancellation of Meetings".

11.4 Loss of Quorum During Meeting

If a quorum is lost during a meeting of Council, then the meeting shall stand adjourned to the next appointed meeting time subject to the Special Meeting provisions of this By-law and the *Municipal Act*.

11.5 Number to Constitute Quorum- Conflict of Interest

Where the number of Members, who by reason of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).

12.0 COUNCIL AGENDAS

12.1 Order of Business

The business of Council shall, in all cases, be taken up in the order in which it appears on the Agenda, unless the Warden deems it prudent to adjust the Order of Business during the meeting.

12.2 Circulation to Public

As soon as the Agenda is published and distributed by the Clerk to Members and, subject to the County's policy respecting fees for reproduction, agenda information may be made available to the public

with the exception of information relating to matters to be considered in Closed Session (In Camera).

12.3 Revisions to the Agenda

Following the delivery and posting of the Agenda, additions or deletions to the Agenda shall not be allowed except with the approval of the Chair in consultation with the Chief Administrative Officer and the Clerk. Should additions, amendments or deletions be necessary, such changes shall be presented as an addendum or circulated at the commencement of the meeting and communicated to Members during the Approval of the Agenda portion of the meeting.

Any changes to the agenda, in accordance with this section, shall not be subject to the notice requirements set out in the Notice section of this By-law or any other notice provision policy of the County.

12.4 Hearing or Meeting

Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council by statute is required to hold a public meeting before the passing of a by-law, such meeting or hearing may be held during a regular Council meeting or at any Committee having jurisdiction over the subject matter of the by-law.

13.0 DISCLOSURES OF PECUNIARY INTEREST

13.1 Member to comply with Municipal Conflict of Interest Act

Every Member of Council as defined by the *Municipal Conflict of Interest Act* as may be amended from time to time, shall comply with the provisions of the Municipal Conflict of Interest Act including the written declaration of any pecuniary interest as prescribed by the Act.

13.2 Method of Disclosure

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall:

- a) at the beginning of each meeting and prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof; and
- b) not take part in the discussion of, or vote on any question in respect of the matter; and
- c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

13.3 Member may leave Open Meeting

Any Member declaring a pecuniary interest may, at his/her discretion, leave the meeting until Council has dealt with the matter in relation to which the interest has been declared.

13.4 Member shall leave Closed Session

Where a meeting is not open to the public, in addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member declaring the interest, shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

13.5 Member Absence – Disclosure at Next Meeting

Where the interest of a Member has not been disclosed due to the Member's absence from a particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of Council which the Member attends following the meeting where the matter was discussed.

13.6 Record of Disclosure

The Clerk (or their designate) shall record every declaration of interest and the general nature thereof made by a Member and this record shall appear in the Minutes of the meeting.

Declarations of interest made at a meeting or portion of a meeting, closed to the public, shall be recorded in the minutes or report of the meeting.

14.0 PRESENTATIONS

14.1 General

Presentations are defined as an address to Council or Committee that has the consent of the Warden and was arranged at the request of the Warden, Council, a County Board, Committee or staff. Such presentations shall be limited to:

- a) Council, Board or Committee business related to services provided by the County or supported by the County, and programs, policies and practices of the County;
- b) Presenting of an award, certificate, cheque, etc.
- c) County employee recognition type events; and
- d) Recognition of staff, County Councillors and/or County accomplishments.

Presentations shall be coordinated by the Clerk, with the consent of the Warden.

Scheduling of presentations shall be subject to the number of requests for presentations and volume of material on the agenda.

15.0 DELEGATIONS

15.1 General

Requests to appear as a delegation before Council, received by the Clerk, shall be first directed to the appropriate Committee Chair for consideration.

15.2 Delegations before Council

Delegations to address Council directly, without first appearing before the appropriate Committee, will be at the Warden's discretion and subject to the following considerations:

- a) the substance of the request relates to a matter which will be before Council;
- b) where the Warden deems the matter of sufficient importance and/or urgency and/or there is insufficient time to put it before Committee; or
- c) any statutory right to be heard (Public Meetings/Hearings)

15.3 Scheduling of Delegations

Delegations shall be scheduled at the discretion of the Warden (in the case of Council and Committee of the Whole), and in consultation with the appropriate Business Section Chair. In the case of all other Committees, delegations shall be scheduled at the discretion of respective Committee Chair. Scheduling is subject to: the number of requests received for that particular meeting and urgency of request or subject matter.

15.4 Restrictions- Time and Number of Speakers per Delegation

Subject to subsection 15.5, delegates shall be limited to ten (10) minutes of speaking time.

A delegation representing a group or organization shall be limited to two (2) speakers.

The ten (10) minute time limit shall apply regardless of whether there is more than one speaker in the group.

Notwithstanding the above, time involved in receiving and answering questions from Committee or Council Members shall not be deducted from the time limit for the delegation.

15.5 Extensions- Time Limits

The Warden/Chair shall have the discretion to extend the time limit where appropriate.

15.6 Restrictions — Other

Delegations concerning litigation or potential litigation including those matters before administrative tribunals, insurance matters or legal claims,

employee relations or union negotiations, or matters of an administrative nature wherein the delegate has not yet proceeded through the prescribed process will not be heard at any Committee or Council meeting, unless extenuating circumstances apply and the consent of the Chair is granted.

Delegations pertaining to a matter that was considered at a public meeting or will be the subject of an upcoming public meeting pursuant to the *Planning Act* shall not be permitted unless exceptional circumstances apply and the consent of the Warden/Chair is granted.

15.7 Process- Delegation Request

Each request for delegation, along with any supporting documentation, is to be made in writing to the Clerk no later than ten (10) calendar days in advance of the meeting date.

Requests for delegation are to include the complete name of the presenter(s), an outline of the nature and purpose of the delegation, material to be covered, the presenter(s) contact information, including mailing address and e-mail, along with the telephone number at which the individual or the contact person may be reached during normal business hours.

Any PowerPoint presentation or other material to be used or presented at the meeting is to be forwarded to the Clerk's Department no later than 24 hours in advance of the meeting.

Delegates shall address the Chair from the presenter's table on the Council Chamber floor or as designated by the Chair and shall state their name and who they are representing.

15.8 Delegate — Decorum

No delegate shall:

- a) speak disrespectfully of any person;
- b) use indecent, offensive or insulting language;
- c) speak on any subject other than the subject for which he/she has received approval to address Council or Committee on;
- d) disobey the Rules of Procedure or a decision of the Warden/Chair or Council/Committee.

The Warden/Chair may limit or terminate any delegation for disorder or any other breach of this By-law. Should the Warden/Chair rule that the delegation is concluded, the person(s) appearing shall immediately end the delegation and exit the Chamber floor.

15.9 Delegate- Other Restrictions

No person, except Members and authorized County staff shall:

- a) be permitted to approach individual Members or the Chair at the dais during a Council/Committee meeting without the permission of the Chair;
- b) directly address Council or Committee without permission of the Warden/Chair;
- c) bring food or beverages into the Council Chamber unless so authorized;
- d) engage in any activity or behaviour that would affect or interfere with the Council or Committee deliberations.

16.0 MINUTES

16.1 Record of Proceedings – Council Meetings

The Minutes of Council meetings shall record:

- a) the place, date and time of the meeting;
- b) the name of the Warden/Chair, along with the attendance of Members; and
- c) all resolutions, decisions, and other proceedings of Council without note or comment, with the exception of Public Meetings held in accordance with the *Municipal Act, Development Charges Act*, or any other Act.

16.2 Record of Proceedings – Closed Meetings

The Minutes of Council meetings closed to the public shall record:

- a) the general nature of the matter(s) discussed;
- b) the specific provision(s) under the Act that permitted the closing of the meeting;
- c) the Members in attendance;
- d) the starting and concluding times for the closed session;
- e) any direction, instructions or other proceedings.

16.3 Approval of Previous Minutes

The Minutes of each Council meeting shall be presented to Council for approval at their next regular meeting.

17.0 COMMUNICATIONS AND PETITIONS

17.1 Content

Communication, including petition, intended to be presented to Council must be legibly written or printed and must contain the name, signature and contact address of at least one person and preferably the addresses of all signatories. Such communication shall not contain any defamatory allegations, impertinent or inappropriate matter. For all communications submitted there shall be a designated contact person to whom the Clerk or staff can communicate on behalf of Council.

17.2 Communications-Public

Any communications submitted by the public to be considered or addressed by Council shall form part of the agenda for the appropriate meeting and shall be considered to be a public document and therefore, subject to disclosure.

17.3 Communications-Referral to Committee

Any communication within the jurisdiction of a Committee shall first be placed on the agenda for the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council.

17.4 Procedure

The Clerk, upon receiving communications, including a petition, designed to be presented to Council shall deal with them as follows:

- a) Where a communication or petition is received prior to preparation of agenda and such communication or petition is, in the opinion of the Clerk, within the jurisdiction of a Committee, such communication will be placed upon the agenda for the next regular meeting of the Committee.
- b) Where a communication or petition is received prior to preparation of agenda and such communication or petition contains, in the opinion of the Clerk, subject matter that does not fall within the jurisdiction of a Committee or where the subject matter is such that it will be discussed at a meeting of Council, the communication or petition may, at the discretion of the Warden, be placed on the agenda under "Consent Agenda" for the next regular meeting of Council.
- c) Notwithstanding subsection 17.4 a) and b), where a communication or petition, containing an action of Council is not covered by existing County policy, the communication or petition may first be referred to staff for a report.

18.0 RULES OF DEBATE

18.1 Recognition of Member

Members wishing to address Council shall make their request known to the Chair by raising their hand and upon recognition by the Chair shall direct all comments through the Chair. Members recognized to speak are to indicate whether they are in support or in opposition of the motion being discussed or have a question for clarification.

18.2 Remain Seated and Engage Microphone

Upon being recognized to speak, Members may remain seated and shall engage their microphone (except during closed sessions of meetings) and speak directly into the microphone when addressing the Chair and Council on any matter. Microphones shall not be used during meetings or portions of meetings which have been closed to the public.

18.3 Order of Speakers

When two or more Members indicate their desire to speak at the same time, the Warden/Chair shall designate the order of speakers.

18.4 Limitations – Speaking

Members shall:

- a) confine their comments to the motion.
- b) not speak more than twice to the same motion without Council's permission, except that a reply shall be permitted from a Member who has presented the motion.
- c) not speak to any motion or question for longer than five (5) minutes without an extension of the limit being granted by the Council.
- d) not speak more than once until every Member who desires to speak has spoken with the exception that one supplementary question may be permitted with each opportunity to speak.

The Chair shall have discretion to provide latitude where appropriate under this subsection, however, in applying such latitude, the Chair shall endeavour to ensure it is provided equitably.

18.5 Interruptions

When a Member is speaking, no other member shall pass between the Member and the Chair or interrupt the Member speaking except to raise a point of order, privilege or personal privilege.

18.6 Request to Read Motion

A Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.

18.7 Participation of Warden

The Warden as a Member of Council, Committee or other body has the same rights in debate as any other member. However, impartiality is to be exercised, as much as possible, while presiding over the proceedings of Council.

Should the Chair, while presiding, wish to vacate the chair in order to move a motion or fully engage in debate, the Chair shall designate the Deputy Warden or another Member to assume the chair in his/her place until the issue on the floor is resolved.

The Chair retains the right to call to the attention of the Members present any crucial factor relating to a matter under consideration if she/he believes such factor has been overlooked.

19.0 VOTING

19.1 Warden- Call for Vote

The Chair, after he/she considers a fair and reasonable debate has taken place, may call for the vote and announce the vote on all questions.

19.2 Members- One Vote

Every Member present at a meeting of Council where a question is put shall vote on the question except where prohibited to vote by statute and each member shall have one vote, with the exception of a recorded vote.

19.3 Weighted Votes

Weighted voting only applies while in Council and shall be applied in cases where a recorded vote has been requested by a Member or as otherwise prescribed by legislation or by-law.

19.4 Failure to Vote

Any Member present at a meeting at the time of a vote, who refrains from voting (abstain), shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.

19.5 Method of Voting

Members shall vote by raising their hand, except where a recorded vote has been requested or when a call for a standing vote (Division of the Council) has been requested. Votes taken by a "show of hands" or "standing vote" shall be counted as one vote per member.

In the case where the Chair is uncertain of the result of a vote that was taken by a "show of hands", she/he may request that the vote be re-taken again by way of a "standing vote" method.

19.6 Division of the Council- Standing Vote

Where any member reasonably doubts the result of a vote taken by a show of hands, the Member may, without rising, call for a Division of the Council, requiring that a standing vote be taken. In such case, the Member needs merely to call out "standing vote".

Such a request:

- a) may be made as soon as the question has been put, or after the vote has been taken and the results announced, but before another motion is presented;
- b) does not require a seconder;
- c) is in order even when another Member has the floor;
- d) is not debatable;
- e) does not require a motion or vote of the Council.

Upon such a request, the Chair takes the vote by requesting the members in the affirmative rise and once counted such members are to be seated; following this, members in the negative are asked to rise and once counted, such members are to be seated.

If such a request is made, where the vote is clear and there can be no reasonable doubt as to which side is in the majority, the Chair may rule that such a request for a standing vote is dilatory and, therefore, not in order.

19.7 Recorded Vote

Any Member present at the time of a vote on any question may, without rising or addressing the Warden, request a Recorded Vote. The Member needs merely to call out "recorded vote".

Such a request:

- a) may be made as soon as the question has been put, or after the vote has been taken and the vote announced, but before another motion is presented.
- b) does not require a seconder;
- c) is in order even when another Member has the floor;
- d) is not debatable;
- e) does not require a vote of the Council.

19.7.1 Clerk's responsibilities

In the event that a recorded vote is requested, the Clerk shall:

- a) give reasonable notification of the calling of the vote to all Members, as directed by the Chair, to allow Members reasonable time to take their seats;
- b) call the name of each Member present in alphabetical order by surname, beginning with the Member who requested the recorded vote, and ending with the Warden, with the exception of any Member who is disqualified from voting by any *Act*,
- c) at the conclusion of the vote, report the result of the vote to the Warden.
- d) note the response beside the Member's name in the Minutes of the meeting.

19.7.2 Council Members' responsibilities

In the event that a recorded vote is requested, the Members shall:

- a) return to their seats upon notification of the calling of the vote;
- b) unless disqualified from voting by any *Act*, announce their vote openly when called;
- c) remain seated until the result of the vote has been declared by the Warden; and
- d) shall not walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.

The Warden shall announce the result of the vote openly. Any failure to vote (abstain) by a Member who is not disqualified shall be deemed to be a negative vote.

19.8 Tie Vote

Unless otherwise prescribed, any motion on which there is an equality of votes shall be deemed to be lost.

19.9 Secunder May Vote in Opposition

A member who seconds a motion in order to initiate debate or discussion, may vote against the motion.

19.10 Voting- Warden

The Warden shall be eligible to vote on all issues before Council, subject to any legislation prohibiting he/she vote.

19.11 Majority Vote

All decisions of Council shall require a majority vote unless otherwise set out in this By-law or in any *Act*.

19.12 Decisions- Two-thirds Majority Vote

The following decisions of Council shall require a two-thirds majority vote:

- a) motion to consider a matter previously deferred indefinitely or deferred to a time or eventuality that has not been reached or occurred under Section 22 of this By-law;
- b) a motion to reconsider a question decided within the previous year under Section 23 of this By-law;
- c) a motion to waive notice in respect of a notice of motion;
- d) a motion to consider a substantive (new) matter not appearing on the Agenda for the meeting; and
- e) a motion to suspend the provisions of this By-law pursuant to Section 2 of this By-law.

19.13 Electronic Meetings, Meeting Participation, Quorum

19.13.1 Members and appointed citizens may participate in an open or closed electronic meeting of council, a local board, Committee of the Whole and a subcommittee or advisory committee, subject to the following circumstances and requirements:

19.13.1.1 Any period of time during which an emergency declaration exists in all or part of a municipality by the Head of Council or the Province of Ontario under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

19.13.1.2 When in the opinion of the Warden, in consultation with the County Clerk or Chief Administrative Officer (CAO), it's optimal to hold an electronic meeting; or that the holding of an in person physical meeting is not advisable or safe due to any declared emergency, weather event, attendance at conferences that may result in a quorum not being achieved; or where recommendations of the Province of Ontario or the Chief Medical Officer of Health of Ontario, or the Medical Officer of Health of Simcoe Muskoka District Health Unit (SMDHU), that physical distancing between persons is necessary; or by an applicable law enforcement agency, such as the Ontario Provincial Police, or roads authority, that travel should be limited.

19.13.1.3 Members and appointed citizens participating electronically shall be counted towards a quorum, and retain all rights under this procedure by-law.

19.13.1.4 Except for period where there are declared emergencies and circumstances cited herein, and in accordance with section 259(1)(c) of the Municipal Act, a member and appointed persons may not be physically absent from the meetings of council and its committees for three successive months without being authorized to do so by a resolution of council.

20.0 MOTIONS

20.1 Introduction of Motions

No Member shall present any matter/item to the Council for its consideration unless:

- a) the item relates to a matter on the agenda for that meeting; or
- b) the matter is of an urgent nature and waiving of the notice period is granted by Council by way of a two-thirds majority vote; or
- c) it is in accordance with the provisions of subsection 20.2 of this By-law.

Except as otherwise provided for in this By-law, all motions shall be in writing, signed by the mover and seconder prior to the Chair presenting the motion for debate.

Notwithstanding 20.1 a) above, no motion to rescind or that has the effect of being contrary or opposite to a motion entered upon the minutes shall be received or put, unless notice of intention to introduce such a motion is given in accordance with Reconsideration provisions within this By-law or included in a Report of a Committee.

20.2 Motions which may be introduced orally

The following motions may be introduced orally without written notice and without the permission of Council;

- a) a point of order, privilege or personal privilege;
- b) a motion to waive or suspend the rules of procedure;
- c) a motion to adjourn;
- d) a motion to recess;
- e) a motion to call the question;
- f) a 'friendly' amendment.

The Warden has discretion to request that a friendly amendment to a motion be in writing and signed by the mover and seconder.

20.3 Ultra Vires

A motion related to a matter that is beyond the scope of Council's powers (ultra vires), shall not be in order except where the matter is, in the opinion of the majority of Council (the question of opinion to be decided without debate) to do with the welfare of the citizens of Simcoe County generally and/or such motion is to request/seek involvement of the appropriate governing body.

20.4 Providing Wording for Motions/Amendment to Clerk in Advance

Where a Member intends to present an alternate motion or an amendment to a motion on the agenda, the proposed wording should be provided to the Clerk in advance of the meeting so that the Clerk can have ready the alternate wording for the proposed motion(s) or amendment(s).

21.0 NOTICES OF MOTION

21.1 Notice of Motion Provisions

Members are encouraged to provide Notices of motion in writing to the Clerk no later than 8 days in advance of the date of the regular meeting at which the Notice of the Motion is to be presented; or where it has not been possible to meet the agenda deadline, such notice shall be provided to the Clerk no later than noon on the last business day preceding the date of the regular meeting at which the Notice of Motion is to be introduced. The Clerk, upon receipt of a Notice of Motion delivered in this manner shall include the motion in full in the agenda under "Notices of Motion" for the next regular meeting of the Council.

Notices of Motion introduced during a meeting shall be presented to the Warden in writing

21.3 Disposal of Motion

A Notice of Motion shall not be discussed, considered or otherwise disposed of by Council at the regular meeting at which notice is first introduced but may be discussed, considered or otherwise disposed of at a subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting. The Notice of Motion will be provided to the members in the agenda for consideration under "Motions of Which Notice Has Been Given".

21.4 Deferral or Postponement of Motion

The Mover of a Motion may, when the Motion is called by the Chair for Council's consideration, request that the matter be deferred to the next regular meeting.

21.5 Motion Deemed Withdrawn

When a Motion has been on the Agenda for two successive Council meetings after which notice has been given and not proceeded with, it shall be deemed withdrawn unless otherwise directed by Council.

21.6 Dispensing With Requirement for Notice

A Motion may be introduced without notice if Council, without debate, dispenses with the requirement for notice on the affirmative vote of two-thirds majority vote.

22.0 MOTIONS WITH RANKING

22.1 Ranking of Motions

Motions relating to an item under consideration shall be voted on in the following order (each matter or motion takes precedence over those that fall below it in the list):

- i.a motion to adjourn;
- ii.a motion to recess;
- iii.a motion to call the question (call the vote);
- iv.a motion to defer (postpone);
- v.a motion to refer;
- vi.a motion to amend;
- vii.the main motion.

If one of the above motions is pending, any motion listed above it is in order. Those listed below it are not in order.

22.2 Motion- To Adjourn

A motion to adjourn is used to bring the proceedings to a close.

A motion to adjourn takes precedence over any other motion;

- requires a seconder;
- is not amendable;
- is not debatable;
- is always in order, except:
 - when another Member is in possession of the floor;
 - when a vote has been called;
 - when the Members are voting;
 - when a Member has indicated to the Chair his or her desire to speak
 - on the matter before Council.

When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until Council has conducted further proceedings.

22.3 Motion- To Recess

A 'Motion to Recess' is intended to provide for a short intermission in the meeting's proceedings which does not close the meeting; after

which business will be resumed at exactly the point where it was interrupted.

A motion to Recess:

- requires a seconder;
- is not in order when another Member is in possession of the floor;
- is not debatable;
- shall specify the length of the recess;
- may only be amended with respect to the length of the recess.

22.4 Motion- To Call the Question (Call the Vote)

A motion to call the question enables immediate closure of debate. Such motion shall not be put until all speakers who have indicated a desire to speak as listed by the Chair have spoken and the mover has had the opportunity to reply. A motion to call the question:

- does not require a seconder;
- is not in order when another Member is speaking;
- is not allowable in meetings of Committee;
- is not debatable, except to provide the reasons for moving the motion;
- is not amendable;
- cannot be made when there is an amendment to a main motion under consideration.

Upon receiving an affirmative vote on the motion to 'call the question', the main motion under debate is to be put forward without any further debate.

A Member who moves a motion to 'call the question' shall not be allowed to speak to the question again if the motion is decided in the negative.

22.5 Motion- To Defer (Postpone)

A motion to defer (or Postpone Definitely) is a motion by which action relating to a pending motion may be put off, within limits, to a definite day, meeting, or hour, or until after a certain event has occurred.

A motion to defer is always in order, except when a Member is speaking; during a vote; or immediately following the affirmative vote on a motion to call the vote on a question.

A motion to defer:

- requires a seconder;
- is not amendable;

- is not debatable;
- may be made while the main motion or an amendment is on the floor and takes precedence;
- shall specify a date or time period within which, consideration of the matter is to be deferred.

22.6 Motion-To Refer

A motion to refer is a motion by which a matter, action or a pending motion can be sent or directed to a committee, other body or official named in the motion, to report back to Council or Committee.

A motion to refer:

- requires a seconder;
- is not in order when another Member has possession of the floor;
- is debatable provided that comments are confined to the merits of referring and the instructions included; debate with regard to the main motion is not permitted;
- is amendable with respect to the Committee or other body to which the matter is to be referred and the instructions to that Committee or other body;
- shall take precedence over all amendments or debate of the original motion until it is decided.

A motion to refer a matter shall indicate the Committee, body or official to whom the matter is to be referred and may contain instructions as to the time period in which matter is to be brought back.

22.7 Motion-To Amend

A motion to amend the main question is intended to perfect the main motion. Amendments can be done in four ways (1) striking out words, (2) inserting words (3) striking out and inserting words, (4) substituting one main motion for another.

A motion to amend:

- requires a seconder;
- is not in order when another Member is in possession of the floor;
- is debatable;
- is amendable, however, an amendment to the amendment (secondary amendment) is not;
- must be relevant to the main motion;
- shall not be in order if it is contrary to or in direct opposition to the main motion.

Only one motion to amend a main motion (primary amendment) shall be on the floor at any one time.

Only one motion to amend an amendment (secondary amendment) shall be on the floor at any one time. A secondary amendment cannot be amended and must be relevant to the primary amendment.

Voting on a main motion which has been amended shall be conducted in the following order:

- vote on the secondary amendment (motion to amend amendment)
- vote on the primary amendment (motion that amends main motion)
- vote on main motion (as amended)

22.8 Main Motion

A main motion means a proposal that has been moved by a Member and seconded by a Member and presented in accordance with this By-law to deal with a matter before Council or Committee.

A main motion:

- requires a seconder;
- has the lowest rank;
- is amendable; and
- is debatable

22.9 Substantive Motion

An amendment shall be out of order if it is ruled by the Warden/Chair to be a substantive (new) motion and not an amendment.

23.0 MOTIONS WITHOUT RANKING

23.1 Motions – Incidental

Motions which are incidental to the business at hand do not have a ranking and may be introduced as provided for in this By-law. Incidental motions are as follows:

- a) Point of Order
- b) Appeal the Decision
- c) Divide the Question
- d) Withdrawal of Motion
- e) Suspension of the Rules

23.2 Motion - Point of Order

A Point of Order motion refers to a question raised by a Member with a view to calling to the attention of the Chair and the Members, a departure from this By-law or the rules, procedures and/or generally accepted practices of Council.

A Point of Order is to be raised immediately upon being noted by a Member. If the point is not brought up in a timely fashion, it may only be brought up if the breach of the rules persists.

A Point of Order motion;

- takes precedence over any pending question out of which it may arise;
- does not require a seconder;
- can be applied to any breach of the rules;
- is in order when another Member has the floor;

23.3 Point of Privilege or Personal Privilege

Points of Privilege or Personal Privilege refer to questions raised by a Member where they consider a statement by a Member to impugn the integrity of the Council (Privilege) or their own integrity (Personal Privilege). When a point of privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a point of privilege may be appealed to Council pursuant to subsection 23.5 of this By-law.

23.4 Chair's Ruling

The Chair has the authority to rule on the point of order, point of privilege or personal privilege. When a Member rises on a point of order, the Member shall ask permission of the Chair to raise the point of order and after permission is granted, the Member shall state the point of order to the Chair and then remain silent until the Chair has ruled upon the point.

No further business shall be conducted until the Chair has decided and stated the point of order.

The Chair's ruling is final unless appealed.

23.5 Appeal of the Ruling

Where any Member disagrees with the ruling of the Chair, the Member may appeal the ruling. In this instance, the Member would state, without being recognized by the Chair, that the decision of the Chair is appealed. The Chair may ask for discussion, with the Member putting forth the appeal having the right to speak first.

When discussion is complete, the Chair shall call a vote on the question of upholding the ruling of the Chair. The Chair shall have the opportunity to provide further explanation of the ruling prior to calling the vote.

The ruling of the Chair shall be upheld by a majority vote of the members present. Weighted vote shall not apply.

Council's decision is final in the case of an appeal.

23.6 Motion- To Divide the Question

A motion to divide the question pertains to a request that a motion be divided into parts, which are capable of standing alone, so they may be voted on separately.

When a motion under consideration contains distinct propositions that are capable of standing as a complete proposition if the others are removed, the parts can be separated to be considered and voted on as if they were distinct questions, upon the adoption of a motion to divide the question and provided that a recorded vote has not previously been called.

A motion to divide the question:

- requires a seconder;
- is in order when another Member has the floor;
- is not amendable; and
- is not debatable.

23.7 Withdrawal of Motions

After a Motion has been read or stated by the Warden, it shall be deemed to be in the possession of Council, but may, with the permission of Council, be withdrawn by the originator at any time before a decision or amendment. A motion successfully withdrawn is as though it had never been made and is not reflected in the record of the proceedings.

23.8 Motion -To Suspend the Rules

A motion to suspend the rules is used when Council wishes to do something during a meeting that would violate one or more of its regular rules. In such a case, a motion can be adopted to Suspend the Rules, provided that such suspension does not conflict with this or any other by-laws of the County, or any other statute prescribing rules of procedure applicable to County Council.

A motion to suspend the rules:

- requires a seconder
- is not amendable
- is not debatable
- requires a two (2/3) majority vote

23.9 Motion- To Reconsider

A motion for reconsideration is a motion which would provide for consideration of a question on which a vote of Council has previously been taken or has the effect of being contrary or opposite to a motion entered upon the minutes of Council.

23.10 Reconsideration - General Provisions

- a) A motion to reconsider a previous decision of Council shall only be introduced by a Member who voted with the majority on the original motion or who was not in attendance when the vote was called. Before accepting a motion to reconsider, the Chair may ask the Member to confirm that he/she voted with the majority on the original motion or confirm he/she was not in attendance when the vote was called.
- b) No question, after it has been decided by Council, shall be reconsidered within one (1) year following the date the decision of Council was made.
- c) No question, after it has been decided by Council, shall be reconsidered more than once during the term of Council.
- d) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- e) Actions of Council that cannot be reversed or suspended cannot be reconsidered.

23.11 Reconsideration – Notice of Intention

Notice of intention to reconsider a previous decision of Council shall be presented in accordance with Section 21 -"Notices of Motion".

23.12 Reconsideration — Restrictions

- a) When a motion for reconsideration is introduced, no discussion of the original motion or decided matter shall be allowed unless the motion for reconsideration is approved by at least two-thirds majority vote.
- b) Debate on a motion to reconsider shall be confined to reasons for or against reconsideration.
- c) If a Motion to reconsider is decided in the affirmative at a meeting of Council, then consideration of the original decided matter may become the next order of business or may be referred to a subsequent meeting.

- d) Should a motion to reconsider be defeated, the original motion or decision to be reconsidered shall not be debated or voted upon until eligible under this By-law.

24.0 BY-LAWS

24.1 Bill versus By-law

By-laws for the County shall be presented as Bills until the Bill has been adopted by Council. Upon adoption, the bill shall be deemed to be a By-law and the Clerk's Department shall assign the appropriate by-law number.

24.2 Readings

All Bills coming before Council shall be adopted upon a single reading, unless there is a requirement for more than one reading, pursuant to Provincial or Federal statute or regulation or at the discretion of Council.

24.3 Adoption of By-laws

The adoption of by-laws presented to Council, with the exception of the Confirmatory By-law, may be the subject of one motion.

At the request of any Member, any Bill(s) may be discussed or voted on individually.

No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been approved by Council.

No Bill or By-law may be defeated on the floor of Council without reconsideration of the original matter/motion which gave rise to the consideration of the Bill or By-law.

24.4 Confirming By-law

The proceedings at every meeting of Council shall be confirmed by by-law so that every decision of Council at that meeting and every resolution thereof 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.

24.5 Minor or Clerical Revisions

The Clerk is authorized to make such minor deletions, additions or other grammatical and clerical errors or changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law.

24.6 Amendments to By-laws

Amendments to by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be inserted by the Clerk.

24.7 Execution of By-laws

Every by-law enacted by Council shall be signed by the Warden or the Member who presided as Chair at the meeting, and the Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and retained in the Clerk's Office.

25.0 COMMITTEES

25.1 Committee of the Whole

25.1.1 Warden to Chair at Meetings of Committee of the Whole

Unless otherwise provided for within this By-law:

- a) the Warden shall Chair proceedings of Committee of the Whole.
- b) in case of the absence of the Warden, the Deputy Warden shall Chair the proceedings of Committee of the Whole.
- c) in the absence of the Warden and Deputy Warden:
 - i. the Performance Management Business Section Chair shall Chair; in their absence;
 - ii. the Human Services Business Section Chair shall Chair; in their absence;
 - iii. the Corporate Services Business Section Chair shall Chair.

25.1.2 Committee of the Whole- Regular Business

Unless otherwise provided for in this by-law or on an agenda, Council shall conduct its regular business using a Committee of the Whole system, meetings of which will be divided into areas of service delivery as detailed in Schedule 2 to this by-law.

1) Election of Business Section Chairs and Vice-Chairs

At the Inaugural meeting, following the election of Warden and Deputy Warden, an election shall be held to select the Business Section Chair and Vice-Chair of each area of service delivery in accordance with the procedures set out in Schedule 1 to this By-law. Should a Mid-term Inaugural meeting not be required as per Schedule 1 to this By-law, the election of Chairs and Vice-Chairs will take place at the end of the Council meeting in November.

2) Role of Business Section Chairs and Vice-Chairs

It shall be the duty of the Business Section Chairs, or in their absence, the Vice-Chairs, to preside during the portion of the meeting related to their respective area of service delivery.

Additionally, in support of and under the guidance of the Warden, it shall be the role of Business Section Chairs and Vice-Chairs to work with staff on issues management, communicate with other committee members, advocate with the province and engage with the member municipalities.

3) Location and Time of Meetings

Council shall meet in Committee of the Whole in accordance with the annual schedule approved by Council and generally on the second and fourth Tuesday of each month commencing at 9:30 a.m. or as soon thereafter as may be possible following the regular meeting of Council. The scheduled Meetings shall be held in the Council Chambers in the County of Simcoe Administration Centre, 1110 Highway 26, Midhurst or other such location which may be designated by Council from time to time.

4) Agendas

The Clerk shall prepare Committee of the Whole agendas.

5) Reports of Committee

All items considered by Committee of the Whole while convening in accordance with this section shall be forwarded to the next regular meeting of Council in the form of a Committee Report.

The Business Section Chair, or in their absence the Vice-Chair, shall present the recommendations for their respective sections to Council. Any member of Council may present the reports to Council when the Business Section Chair and Vice-Chair are absent.

25.1.3 Committee of the Whole – Held as Part of Council Meeting

Council may convene a session of Committee of the Whole at any time. Where Council convenes into Committee of the Whole at a session of Council, it shall do so upon resolution of Council.

The proceedings of the Committee of the Whole, when held as part of the proceedings at a Council Meeting, shall be reported as soon as the Committee of the Whole rises. Council may consider the adoption of the Committee of the Whole recommendations in one motion.

A motion to adjourn the meeting of Committee of the Whole is not allowed under this subsection.

25.2 Committees - Other

Council may from time to time establish other committees, including ad-hoc, sub-committees, advisory committees or task forces and shall determine the membership, mandates and reporting practices of such.

25.2.1 Location and Time of Meetings

Regular meetings of committees are to be held in accordance with the annual schedule approved by Council or in accordance with the Committee's Terms of Reference, or as published on the agenda. All meetings are to be held in the County of Simcoe Administration Centre, 1110 Highway 26, Midhurst, Ontario, or other such location that may be designated by Committee from time to time.

25.2.2 Election of Chair and Vice-Chair

The Chairs and Vice-Chairs of Other Committees will be elected in accordance with the provisions of each Committee's Terms of Reference.

The Clerk or designate shall preside at the meeting of each Committee during which the election of a Chair and Vice-Chair is required.

The following election procedures shall be followed:

- i. nominations need not be seconded;
- ii. nominees may withdraw their name prior to the vote being held;
- iii. neither the nominee nor their mover will be entitled to speak to the nomination;
- iv. election may be held by secret ballot;
- v. the nominee receiving the greatest number of votes will be elected to the position.
- vi. where an election is held by secret ballot, there shall be no announcement as to the number of votes cast for any or each candidate.
- vii. in the case of an equality of votes, the successful candidate shall be determined by placing the name of each candidate into a ballot box, and one name drawn by a person chosen randomly by the

Clerk. The name of the candidate drawn shall be declared elected.

25.2.3 Preside Over Meetings of Committee

The Chair, or in their absence, the Vice-Chair, shall preside at every meeting of Committee.

25.2.4 In the Absence of the Chair and/or Vice-Chair

In the event the Chair of a Committee is not in attendance at the Committee at which he or she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Committee Vice-Chair shall call the meeting to order and preside until the arrival of the Committee Chair.

Should the Committee Chair and Committee Vice-Chair not be in attendance at the meeting within fifteen (15) minutes after the time appointed for the commencement of the meeting, then those Members in attendance shall appoint, from amongst themselves, a Member to act in the place and stead of the Committee Chair and Committee Vice-Chair for that meeting. The Member appointed shall call the Members to order and shall preside until the arrival of the Committee Chair or the Committee Vice Chair.

25.2.5 Term of Office

The term of appointment of Members to Committees shall be concurrent with the term of Council or as prescribed in the terms of reference or other terms set out for such appointment.

25.2.6 Member Attendance at Meetings of Committee

Any Member of County Council may attend any meeting of Committee that they are not a member of but such Member shall only have the right to participate in the discussion at the invitation of the Chair and shall not have voting privileges. The non-appointed Member of Council shall attend at their own discretion and shall not be entitled to payment of any per diem nor are they eligible for mileage reimbursement.

25.3 Rules of Procedure

The rules governing the procedures of Council and the conduct of Members of Council shall be observed in all Committees, so far as they are applicable and, subject to the specific rules for Committees set out in this Section, including:

- a. the limit on the number of times a Member may speak on any question shall not apply; however, Members are encouraged to

- refrain from speaking more than once until every Member who desires to speak has spoken;
- b. a majority vote shall be required to decide any and all matters before Committee;
 - c. the rules relating to the introduction of new business shall be as set out in Sections 25.13, 25.14 and 25.15.

If there is found to be any conflict between the procedures prescribed for Council and those for Committees as provided for within this Section, the provisions within this Section shall prevail.

Committees may not pass motions to suspend the rules of this By-law.

25.4 Duties- Committee Chairs

The duties of the Committee Chairs shall be the same, so far as they are applicable, as the duties of Council Chair, and the decorum afforded the Council Chair, shall be afforded the Committee Chairs.

25.5 Record of Proceedings

All items considered by a Committee shall be forwarded to Council, or to whom they have been directed to report through, in the form of a Committee Report, and only motions/recommendations that carry shall be reported in the Committee Report.

The report of Committee and sub-committee meetings shall consist of:

- a) the place, date and time of the meeting
- b) the name of the Chair, along with the attendance of Members and staff;
- c) all recommendations to be considered by Council at the next regular meeting; and
- d) any resolutions arising by way of Council delegated or legislated authority.

25.6 Record of Proceedings – Closed Meetings

The Record of Proceedings closed to the public shall record:

- a) the general nature of the matter(s) discussed;
- b) the specific provision(s) under the Municipal Act that permitted the closing of the meeting;
- c) the Members in attendance;
- d) the starting and concluding times for the closed session;
- e) any direction, instructions or other proceedings.

25.7 Delegated Powers Deemed Council Approval

Any motions concerning matters within the delegated powers of a Committee shall be deemed to be the proceedings of Council and shall take force and effect upon the approval of Committee.

25.8 Recommendations to Council

Any motions concerning matters not within the delegated powers of a Committee shall take the form of a recommendation to Council and shall not take force and effect until approval by Council.

25.9 Clerk to be Present at all Meetings of Committee

The Clerk (or their designate) shall be present at all meetings of Committee, including any meetings or portion of meetings closed to the public.

25.10 Quorum

A quorum of a Committee of Council shall be established by the presence of a majority of the Members of such Committee.

Despite the above, a quorum for certain Boards or Committees shall be as defined in this by-law or in accordance with the Terms of Reference for the respective committee.

Where the number of Members, who by reason of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at the meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).

If no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Clerk shall record the names of those Members present and the meeting shall stand adjourned until the next meeting and all business shall be deferred until that meeting.

Should a Committee meeting be adjourned for lack of quorum and if there are matters of business that are deemed urgent by the Chair of the Committee or Clerk, these matters may be placed on the Council Agenda, by way of a County Officer's Report.

25.11 Voting

The method of voting in Council is applicable to voting in Committee meetings, save and except that recorded votes shall not be permitted and weighted voting shall not apply.

The Chair, Vice-Chair, or any Member acting in place of the Chair may vote on all motions/recommendations presented in Committee.

25.12 Consent Agenda Items

Items on the agenda for Committee meetings may be adopted in a single motion under the Consent Agenda portion of the meeting. At the request of any Member, any specific item(s) of business listed under the Consent Agenda portion of the agenda shall be subject to individual consideration. To bring a matter forward for consideration, a member needs only to request during the consent portion of the meeting that such item(s) be brought forward.

25.13 Items Not on the Agenda

A motion or recommendation, which is within a Committee's Terms of Reference or mandate but which is not on the Committee Agenda or does not relate to a matter on the Agenda shall be presented by way of a written Notice of Motion at a meeting of Committee. The motion for which notice is being given shall not be debated until the next regular meeting of Committee.

Notices of Motion are to be in writing, include the name of the mover, and be delivered to the Clerk;

- a) prior to 10:00 a.m., seven (7) days prior to the date of the meeting at which notice is to be given in order to be included on the Agenda for that meeting under the Other Matters for Consideration heading;
or
- b) not later than noon on the last business day preceding the date of the meeting at which notice is to be introduced.

Notices of motion introduced during a meeting shall be presented to the Chair in writing stating the action he/she proposes to have taken.

25.14 Dispensing With Notice

A motion may only be at a meeting of a Committee without notice if Committee, without debate, agrees to dispense with the notice requirements by way of an affirmative vote of the majority of Members present and eligible to vote.

25.15 Communications Received After Publication of Agenda

Any communication within the jurisdiction of a Committee, received prior to a meeting of that Committee but not in sufficient time for inclusion with its Agenda, shall be reviewed by the Committee Chair and/or Clerk, and;

- a) if the communication is deemed by the Committee Chair and/or Clerk to pertain to a matter listed on the Agenda, it may be submitted as an addendum or an "on desk" item for that meeting;
- b) if the communication is deemed by the Committee Chair and/or Clerk not to pertain to a matter listed on the Agenda, it shall be included on the agenda for a subsequent meeting, unless the Committee Chair is of the opinion that urgency requires the item be dealt with and directs that it be submitted as an addendum or an "on desk" item.
- c) if the communication is deemed by the Committee Chair and/or Clerk to require special study by the Committee, or a report thereon from any County official, it shall be placed on the Agenda for a subsequent meeting of the Committee.

25.16 Motions

Unless otherwise provided in this By-law, or at the request of the Chair, motions at Committee need not be in writing.

25.17 Reconsideration

A motion to rescind or that has the effect of being contrary or opposite to a motion entered upon the minutes of Council shall only be permitted at Council, with the exception of those instances when Committee is considering a Committee Item that recommends or provides an option that justifies reconsideration as a viable alternative.

25.18 Limited Authority

No Committee has the power to pledge the credit of the County, to commit the County to any particular action or to give specific direction to any staff member, unless specifically granted such power in the terms of reference, by-law or resolution governing such Committee.

26.0 APPOINTMENTS

26.1 Appointments by the Striking Committee

The Warden, Deputy Warden, and Business Section Chairs and Vice-Chairs, shall form the Striking Committee, whose duty it shall be to:

- a) Recommend to Council following the Inaugural meeting in the year of a municipal election, Council member appointments to various committees and boards, and to review applications and recommend members of the public for appointments to Council committees and boards;

- b) Recommend to Council appointments to fill vacancies on committees and boards as may be necessary from time-to-time.
- c) To recommend appointments to committees and boards as may be requested by Council from time-to-time.

The Warden or (in the absence of the Warden) the Deputy Warden, shall Chair the Striking Committee meetings.

Appointments recommended by the Striking Committee shall be for the term of Council unless otherwise directed by Council by by-law, resolution or in the terms of reference of a committee.

26.1.1 Exception

This subsection does not apply to appointments to committees and boards whose terms of reference require an alternate method to determine membership.

26.2 Appointments by the Warden

The Warden shall be authorized to make appointments to the following Committees in accordance with the Terms of Reference for each committee:

- a) Warden's Committee
- b) Governor Simcoe's Circle

26.3 Removal of Committee and Board Members

Should a Committee receive a report from the Warden as to the conduct of any Council appointed Committee or Board Member, the Committee may recommend to Council the removal of the member from the Committee or Board. If the recommendation is adopted by Council, the member shall no longer be a member of that Committee.

27.0 COMPENSATION

27.1 Remuneration - General

Members of Council shall be compensated in accordance with this By-law and any other by-laws, resolutions or policies of the County of Simcoe pertaining to remuneration or compensation for elected officials.

27.2 Per Diems and Mileage- Meetings

Members of Council shall be eligible to receive a per diem and mileage reimbursement at a rate established by Council from time-to-time, for the following:

- a) attendance at meetings of Council and Committee of the Whole,

- b) attendance at meetings of special Committees or Boards to which they have been appointed as Council's representative,

The following exception shall apply:

- a) the Warden and Deputy Warden are not eligible to receive a per diem for meetings attended.

Mileage amounts are to be computed using the shortest practicable route and shall be reimbursed only for such distances as the member actually drives to and attends the meeting or event for which mileage is being claimed.

27.3 Attendance- Council and Committee of the Whole Meetings

Meetings of Committee of the Whole when held on the same day as a meeting of Council shall be deemed one meeting for the purpose of a per diem payment.

Members of Council shall not be absent from any Council meeting or Committee of the Whole meeting or absent themselves during any proceedings without first obtaining consent of the Warden.

Subject to appointment by-laws, Alternate members may attend meetings on behalf of members.

Attendance shall be monitored throughout the course of the meeting and shall be confirmed by the calling of the roll at the commencement of the meeting, or by the calling of the roll at any other time throughout the meeting as determined by the Warden. The roll shall be called after a noon recess and those not present shall receive only one-half of their per diem payment.

Members who leave the meeting prior to the adjournment of the day's proceedings shall be subject to receipt of only one-half of the per diem allowance, unless otherwise approved by the Warden.

27.4 Attendance- Committee or Board Meetings

A Member of a Committee or Board of the County shall not absent themselves from or during any meeting without the consent of the Chair. Members not present following a noon recess shall receive only one-half of their per diem payment.

27.5 Member- Leave of Absence

A member of Council may be granted leave of absence from Council Meetings with pay, by the Warden or resolution of Council, only if he or she is absent because of their own illness or death in their immediate family ("immediate family" is defined as spouse, child, parent, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law,

grandparent or grandchild). This provision shall not apply to meetings of Committee or Boards.

Notwithstanding section 259(1)(c) of the Municipal Act, a member may take a pregnancy leave or parental leave without being authorized to do so by a resolution of council.

27.6 Remuneration- Delegated Responsibilities/Attendance

The Warden, at his or her discretion, shall authorize the payment of a per diem and/ or mileage for any extra meetings attended by a member of Council whom he /she delegates to represent him / her at special functions on occasions when he/she is unable to attend.

Members of Council delegated to attend conferences shall receive compensation in accordance with County Policy/by-law or as otherwise established by Council.

27.7 Remuneration- Chairs

The Business Section Chairs shall receive an amount in June of each year, pursuant to County Policy/By-law, or as otherwise established by Council, for extra duties and responsibilities.

27.8 Non-Elected Members

Non-elected Members of Committees shall be paid compensation as determined by Council from time-to-time.

27.9 Cities of Barrie and Orillia

Elected Officials of the Cities of Barrie and Orillia shall not be eligible to receive compensation from the County of Simcoe for their participation at meetings of County Committees.

27.10 Approval and Payment of Member Per Diems/Mileage

The Clerk shall submit all per diems claimed for attendance at Committee of the Whole/Council meetings to the Warden following each meeting.

The Warden shall be required to approve all per diem and mileage reimbursements for Members.

Such amounts shall be paid on the payroll date following submission of the approved payroll, being no later than the month following the date in which the per diem or expenses were incurred or as otherwise prescribed by County policy.

28.0 REPEAL

By-law No. 5236 and all amendments thereto are hereby repealed.

29.0 EFFECT

This by-law shall come into force and take effect immediately upon the approval of County Council.

By-law enacted this 28th day of November, 2017.

ORIGINAL SIGNED

Warden, County of Simcoe

ORIGINAL SIGNED

County Clerk, County of Simcoe

SCHEDULE 1 ELECTIONS

1.0 Part (1)- Eligibility and Term- Warden and Deputy Warden

1.1 No Restriction With Regard to Previous Appointment

Any Member of County Council shall be eligible for election to the Office of Warden or Deputy Warden, whether or not he/she has previously served in such capacity.

1.2 Term and Timing of Appointment

The County Warden and Deputy Warden shall hold office for a two year term and until such time as their successors are appointed.

The Members elect, being at least a majority of Council, shall, pursuant to the requirements of the Municipal Act, proceed to elect a Warden and Deputy Warden from amongst themselves in accordance with Part 4 of this Schedule.

2.0 Part (2) - Declarations of Interest for Office of Warden and Deputy Warden – Regular Municipal Election Year

2.1 Members Interested in Declaring Candidacy for Office of Warden/Deputy Warden

Members wishing to declare their interest in candidacy for the Office of Warden and Deputy Warden in a regular municipal election year, will be given an opportunity to address Council elect at the Council Orientation Session held prior to the Inaugural Meeting.

2.2 Order of Presentations

The order of presentation shall be determined by the Clerk drawing the names of members declaring their candidacy from a box. The order in which the names are drawn shall determine the order of speaking.

2.3 Chair-Presentations

During the Orientation Session where declarations of interest are being made pursuant to subsection 2.1, the Clerk or his/her designate, shall Chair that portion of the meeting.

2.4 Time Limit

Each member declaring his/her interest in candidacy for the Office of Warden and Deputy Warden shall be given 10 minutes to address Council elect at the Orientation Session held in accordance with

subsection 2.1. After each address, a ten (10) minute speaking allotment will be permitted to allow Members of Council elect to ask questions of the member declaring his/her interest.

3.0 Part (3)- Mid-Term Nominations for Office of Warden and Deputy Warden

3.1 Timing- Mid-Term Nomination Day- 4th Tuesday in October

Mid-Term nominations for members of Council seeking candidacy for the Office of Warden or Deputy Warden shall be received by County Council prior to adjournment of the regular Council meeting held on the fourth Tuesday in October (Mid-term Nomination Day) in the second year following a regular municipal election.

3.2 Chairing of Proceedings

The Clerk shall preside over the nomination proceedings for the Office of Warden and Deputy Warden on the fourth Tuesday in October (Mid-term Nomination Day).

3.3 Order of Nominations

Nominations for the Office of the Warden and Deputy Warden shall occur in the following order:

- a) Nominations of Warden
- b) Nominations of Deputy Warden

3.4 Nominations

Each nomination for the Office of the Warden and Deputy Warden shall be duly moved and seconded.

Upon calling for nominations a minimum of three times and where it appears by asking for further nominations and receiving no response, the Clerk shall call for a motion declaring the nominations to be closed.

After declaring the nominations closed, the Clerk shall confirm with all nominees whether they wish their nomination to stand or choose to decline.

3.5 Withdrawal of Nominations

Mid-Term nominations may be withdrawn up until the close of nominations on Nomination Day or prior to a vote being taken at the mid-term Inaugural Meeting.

3.6 Candidates May Address Council

Each mover and/or seconder of a nomination, and/or each candidate shall be entitled to address Council for not more than a combined total of five minutes.

3.7 Order of Speakers

Speakers shall be called upon to address Council in order of the nominations.

3.8 Where Only One Candidate – Incumbent Warden/Deputy Warden — No Inaugural Meeting to be Held

Where there is only one Council Member nominated for candidacy to the Office of Warden *and* he/she are the incumbent, that member shall be declared appointed and no Mid-Term Inaugural Meeting will be called in December, provided that the Office of the Deputy Warden is also acclaimed.

Where there is only one Council Member nominated for candidacy to the Office of Deputy Warden *and* he/she are the incumbent, that member shall be declared appointed and no Mid-Term Inaugural Meeting will be called in December, provided that the Office of the Warden is also acclaimed.

For greater certainty, where both the incumbent Warden and Deputy Warden are acclaimed on nomination day, no mid-term inaugural will be held.

The Oath of Office shall be administered by the Clerk and the member(s) appointed shall be given the opportunity to address Council.

3.9 Only One Candidate, Other Than the Incumbent- Mid-term Inaugural Meeting Shall be Held

Where there is only one Council Member nominated for candidacy for the Office of the Warden and/or Deputy Warden and he/she is someone other than the incumbent, the member shall be sworn in at the Mid-Term Inaugural Meeting to be called in December of the same year.

3.10 Two or More Nominees- Mid-term Inaugural Meeting

Where two or more Council members are nominated for candidacy for the Offices of either the Warden or Deputy Warden, an election shall be held at a mid-term Inaugural meeting to be held in December of the same year.

4.0 Part (4)- Inaugural Election Process- Warden and Deputy Warden

4.1 Chairing of Proceedings

The Clerk shall preside at the Inaugural Meeting until the election of Warden has been completed.

4.2 Order of Elections

Election of the Warden and Deputy Warden shall occur in the following order:

- a) Election of Warden
- b) Election of Deputy Warden

4.3 Nominations

4.3.1 Nominations- Municipal Election Year Inaugural

Upon calling for nominations a minimum of three times and where it appears by asking for further nominations and receiving no further response, the Clerk shall call for a motion declaring the nominations closed.

4.3.2 Nominations- Mid-Term Inaugural

The Clerk shall announce those nominations previously declared at the mid-term Nomination Day.

No new or additional nominations shall be permitted at the mid-term Inaugural Meeting.

4.4 Withdrawal of Nominations

Any Member nominated at the Inaugural Meeting in a municipal election year or at the mid-term Nomination Day may withdraw his/her nomination at any time prior to the vote being called at the Inaugural Meeting.

4.5 Candidates Address Council

Each mover and/or seconder of a nomination, and/or each candidate shall, prior to the vote being taken, be entitled to address Council for not more than a combined total of five minutes.

4.6 Order of Speakers

Speakers shall be called upon to address Council in order of the nominations.

4.7 Where Two or More Candidates

Where two or more members are nominated, a vote shall be held.

4.8 Method of Vote

Where there are two or more nominees, the election of Warden/Deputy Warden shall be by secret ballot. In accordance with the *Municipal Act*, each Member shall have one vote only.

There shall be no announcement as to the number of votes cast for any or each candidate.

4.9 Majority Vote Required

Where there is more than one eligible candidate, the vote of a majority of the Members present and entitled to vote is required in order to be elected Warden/Deputy Warden.

4.10 Ballot Vote Method

The Clerk shall provide each Member with a ballot on which each Member may identify or otherwise mark the name only of his/her preferred candidates.

4.11 Use of Scrutineers

Each candidate shall be eligible to appoint a Member of Council to oversee but not interfere with the ballot counting process.

4.12 Declaration of Elected- Majority Vote

If two or more candidates wish to stand, and if on the first vote, a candidate receives a majority of the votes cast by the Members present, he or she shall be declared elected.

4.13 No Majority

4.13.1 If, however, no candidate receives such a majority, the name of the candidate receiving the least number of votes shall be dropped, subject to subsection 4.13(2) below and a vote retaken continuously in the same manner until a candidate receives a majority of votes.

4.13.2 If two or more members are nominated and if no candidate receives a majority of the votes and two or more candidates are tied with the lowest number of votes, a special vote between these candidates will be held to determine which will be dropped in order to proceed with the election under subsection 4.13(1) above. The candidate with the least number of votes will be dropped from the ballot.

4.14 No Majority- Equality of Votes

In the case of an equality of votes, a subsequent ballot shall be undertaken. If a candidate receives a majority of the votes cast by the Members present on the subsequent ballot, he or she shall be declared elected.

If, however, the subsequent ballot results in an equality of votes, the successful candidate shall be determined by secret ballot whereby the name of each candidate will be placed on a ballot, placed in a ballot box, and one name drawn by a person chosen randomly by the Clerk. The name of the candidate drawn shall be declared elected.

4.15 Oath and Declaration of Office

Subject to Part 3 of this Schedule, the Warden and Deputy Warden shall take the Oath/Declaration of Office following the election process for their respective Office.

4.16 Destruction of Ballots

Once the Warden and Deputy Warden have taken the Oath/Declaration of Office, a motion shall be made to destroy all ballots.

5.0 Part (5) – Business Section Chairs and Vice Chairs

The process for election of the Committee of the Whole Business Section Chairs shall be carried out in the following order pursuant to the provisions contained in this part:

- 1) Performance Management Section-Business Section Chair
- 2) Human Services Section-Business Section Chair
- 3) Corporate Services Section-Business Section Chair
- 4) Performance Management Section-Business Section Vice-Chair
- 5) Human Services Section-Business Section Vice-Chair
- 6) Corporate Services Section-Business Section Vice-Chair

5.1 No Restriction With Regard to Previous Appointment

Any Member of County Council shall be eligible for election of Business Section Chair or Vice-Chair, whether or not he/she has previously served in such capacity.

5.2 Timing and Term of Appointment

An election, pursuant to the election provisions contained in this part, to elect the Business Section Chairs and Vice Chair of each of the Business Sections will be held either:-

- a) at the Inaugural Meeting held in a municipal election year; or
- b) where a Mid-Term Inaugural Meeting is held, following the election of the Warden and Deputy Warden; or
- c) where no Mid-Term Inaugural meeting is held, prior to adjournment of the regular Council meeting held on the 4th Tuesday in November in the 2nd year following a municipal election.

The Business Section Chairs and Vice-Chairs shall hold office for a two year term and until such time as their successors are appointed.

Notwithstanding the foregoing, Council may, by resolution, direct that the election of the Chairs and Vice-Chairs of the Business Sections be held on another day.

Elections shall be held in an open meeting of County Council.

5.3 No Restriction With Regard to Previous Appointment

Any member of County Council shall be eligible for election of Business Section Chair or Vice-Chair, whether or not he/she has previously served in such capacity.

5.4 Chairing of Election Proceedings

The Warden may appoint a member of Council to Chair the Committee of the Whole and vacate the Chair.

5.5 Nominations

Nominations need not be seconded.

Upon calling for nominations a minimum of three times and where it appears by asking for further nominations and receiving no response, that there are no further nominations, the Chair shall call for a motion declaring the nominations closed.

After declaring the nominations closed, the Chair shall confirm with the nominees whether they wish their nomination to stand or choose to decline.

5.6 Candidates Address Council

After nominations have been closed, each mover of a nomination and/or each candidate shall, prior to the vote being taken, be entitled to address Council for not more than a combined total of five (5) minutes.

5.7 Order of Speakers

Speakers shall be called upon to address Council in order of nomination.

5.8 Withdrawal of Nomination

A nominated Member may withdraw his/her nomination at any point prior to a vote being called.

5.9 Where Only One Nominee

If only one Member is nominated, he or she shall be declared appointed.

5.10 Where Two or More Nominees

If two or more members are nominated, a vote shall be held.

5.11 Method of Vote

Where more than one Member is nominated, the election shall be held by secret ballot.

There shall be no announcement as to the number of votes cast for any or each candidate.

5.12 Members-One Vote Only

Each Member shall have only one vote.

5.13 Ballot Vote Method

Clerk shall provide each Member present with a ballot on which each Member may identify or otherwise mark the name only of his/her preferred candidate(s)

5.14 Use of Scrutineers

Each candidate shall be eligible to appoint a Member of Council to oversee but not interfere with the process.

5.15 Majority Vote Required

Where there is more than one eligible candidate, the vote of a majority of the Members present and entitled to vote is required in order to be elected.

5.16 Declaration of Elected- Majority Vote

If two or more candidates wish to stand, and if on the first vote, a candidate receives a majority of the votes cast by the Members present, he or she shall be declared elected.

5.17 No Majority

- a) If, however, no candidate receives such a majority, the name of the candidate receiving the least number of votes shall be dropped, subject to Section 5.19 b) below and a vote retaken continuously in the same manner until a candidate receives a majority of votes.
- b) If two or more members are nominated and if no candidate receives a majority of the votes and two or more candidates are tied with the lowest number of votes, a special vote between these candidates will be held to determine which will be dropped in order to proceed with the election under Section 5.19 a) above. The candidate with the least number of votes will be dropped from the ballot.

5.18 No Majority- Equality of Votes

In the case of an equality of votes, a subsequent ballot shall be undertaken. If a candidate receives a majority of the votes cast by the Members present on the subsequent ballot, he or she shall be declared elected.

If, however, the subsequent ballot results in an equality of votes, the successful candidate, shall be determined by secret ballot whereby the names of each candidate will be placed on separate, equal sized pieces of paper, placed in a box, and one name drawn by a person chosen randomly by the Warden or member appointed to Chair the meeting. The name of the candidate drawn from the box shall be declared elected.

5.19 Destruction of Ballots

Once the Warden or member appointed to Chair the meeting as announced the successful candidate, a motion shall be made to destroy the ballots.

5.20 Post-Election Procedures

Following the election of the Business Section Chairs and Vice-Chairs, the Warden or member appointed to Chair the meeting will request a motion to confirm the appointments of the Business Section Chairs and Vice-Chairs.

SCHEDULE 2- COMMITTEE OF THE WHOLE- REGULAR MEETINGS

Council shall conduct its regular business using a Committee of the Whole system.

1.0 Areas of Service Delivery

Regular Committee of the Whole meetings shall be separated into the following areas of service delivery:

1.1 Performance Management

Performance Management shall be responsible for:

- a) Performance Management and Business Planning (Budgets)
- b) Strategic Planning and Reorganization Implementation
- c) Human Resources and Labour Relations
- d) Information Technology
- e) Chief Administrative Officer, Clerk and Communications
- f) Council Organization and Compensation
- g) Purchasing/Asset Management
- h) Archives
- i) Library
- j) Museum

1.2 Human Services

Human Services shall be responsible for:

- a) Ontario Works
- b) Social Housing
- c) Children's and Community Services
- d) Land Ambulance and Emergency Planning
- e) Long-Term Care
- f) Health Unit matters

1.3 Corporate Services

Corporate Services shall be responsible for:

- a) Roads and Engineering
- b) Solid Waste Management
- c) Planning
- d) Forestry
- e) Economic Development
- f) Tourism
- g) Risk Management
- h) Fleet Management

2.0 Agendas – Routine Order of Business

The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution, Committee of the Whole agendas.

3.0 External Representation

3.1 Human Services

The County of Simcoe delivers the following services on behalf of the Cities of Barrie and Orillia:

- Social Housing
- Children and Community Services
- Ontario Works
- Land Ambulance
- Long Term Care

Regular meetings of Committee of the Whole shall also include representation from the Cities of Barrie and Orillia as follows:

- a) For the purpose of Ontario Works, Social Housing and Children’s and Community Services

City of Barrie	4 Councillors
City of Orillia	3 Councillors

- b) For the purposes of Long Term Care:

City of Barrie	1 Councillor
City of Orillia	3 Councillors

3.2 Performance Management:

Regular meetings of Committee of the Whole shall also include representation as follows:

- a) For Library, Museum and Archives purposes:

- Two (2) non-elected residents of the County of Simcoe
- One (1) member of the Women’s Institute nominated by the Women’s Institute

- b) For Museum and Archives purposes only:

- City of Barrie 1 Councillor

3.2.1 Library Matters

County Council appointees shall be assigned voting privileges in accordance with the *Public Libraries Act* which states that the appointing Council shall not have more than a bare majority.

- 3.3 External representatives shall only participate in the portion of the meeting for the purpose to which they have been appointed.
- 3.4 During the taking of a *vote*, the external representatives shall be included for determining a majority *vote* and quorum only for those matters as prescribed.
- 3.5 City Councillors shall only participate in the Committee meetings provided the City is not in arrears of payment of any bill rendered for service provided by that Committee. Arrears of payment will mean in excess of 30 days.