

## **By-law Number 141-2022**

### **Of the Corporation of the Municipality of Chatham-Kent**

A Procedure By-law Governing Council, Committees and Local Boards of the Municipality of Chatham-Kent and the Conduct of Its Members

Passed the 25<sup>th</sup> day of July, 2022.

Whereas the *Municipal Act, 2001, S.O., c.25 as amended*, Section 238(2) requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas it is deemed expedient to adopt, by by-law, rules governing the order and procedure of the Council of The Corporation of the Municipality of Chatham-Kent;

Therefore, the Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

#### **Part 1 – Interpretation / Definitions**

1. In this By-law:

- a) “**Abstain**” means to refrain from voting. Should a member abstain from voting, their vote is counted in the negative unless the member is not participating in the vote due to a declared conflict on a matter before the Council;
- b) “**Agenda**” means the specific items in the Order of Business;
- c) “**Budget Committee**” means a committee established to review the Corporation’s current and capital budget and to make recommendations to Council with regard to annual revenues, expenditures, allocations, and related policies and procedures, and whose membership shall include all members of Council;
- d) “**Chair**” means the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair shall vote on all questions except where the Chair has declared a conflict of interest or chooses not to vote;
- e) “**Clerk**” means the Clerk of the Corporation of the Municipality of Chatham-Kent or their deputy or designate;
- f) “**Closed Meeting or Closed Session**” means a Council, Committee or Local Board meeting or portion thereof, which is closed to the public in accordance with the Municipal Act;
- g) “**Combined Meeting**” means a regular meeting of Council in which the agenda includes planning applications as prescribed by the Planning Act;
- h) “**Committee**” means a Committee of Council or Special Purpose Committee established by Council to address matters which Council has deemed appropriate for the committee to consider;
  - i. Advisory Committees of Council will address on-going matters within the scope and responsibility of Council and will be expected to provide periodic reports to Council presenting advice and/or recommendations on matters under consideration. Advisory Committees of Council will have the right to make recommendations and provide advice directly to Council. Advisory Committees will not have any delegated authority to make decisions on behalf of Council;
  - ii. Authoritative Committees of Council, Local Boards or Commissions will either have delegated authority or statutory authority to make decisions either on behalf of Council or on their own authority, per the terms of their delegated authority or as defined by statute. Authoritative Committees of Council will additionally have the right to make recommendations and provide advice directly to Council;

- i) “**Communication Items**” includes, but is not limited to, various notices of development applications, liquor licence applications, status reports or general information which do not require any action, communication items from citizens on matters of general municipal interest, and correspondence items from other levels of government, crown corporations, agencies, boards and provincial and federal associations engaged in municipal matters. Also referred to as Information Package;
- j) “**Consent Agenda**” means the portion of the agenda which has not been removed for individual voting by the Clerk or a Member, to be voted upon in a single vote, except for Planning Act matters;
- k) “**Council**” means the Council of the Corporation of the Municipality of Chatham-Kent;
- l) “**Councillor**” is the term consistent with the *Municipal Act* and is the title assigned to a Member elected to represent electors of a specific Ward;
- m) “**Deputation**” means an address delivered to Council by any person(s), group(s), corporation(s) or organization(s), who wishes to address Council, Committee or Local Board regarding municipal business;
- n) “**Electronic Meeting**” means any regular, combined, planning, closed or special meeting of Council that utilizes remote electronic access for the Members;
- o) “**Emergencies**” or “**Emergency**” means a declared state of emergency by the federal, provincial or municipal government, urgent or extraordinary matter or inclement weather as determined by the Chief Administrative Officer and Clerk;
- p) “**Emergency Meeting**” means a meeting without written notice to deal with an Emergency;
- q) “**Friendly Amendment**” means an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion's adoption;
- r) “**Head of Council**” means the Mayor of the Corporation of the Municipality of Chatham-Kent;
- s) “**Local Board**” shall mean a local board as defined in the *Municipal Act, 2001*, and shall include the Public Utilities Commission, Police Services Board, Health Services Board and Public Library Board;
- t) “**Majority**” means more than half of the votes cast by Members entitled to vote;
- u) “**Mayor**” is the Head of Council elected by general vote;
- v) “**Meeting**” means any regular, special or other meeting of a council, of a local board or of a committee of either of them where;
  - i. A quorum of members is present, and
  - ii. 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;
- w) “**Member**” means a person duly elected or appointed to serve on the Council, a Committee or a Local Board for the Corporation of the Municipality of Chatham-Kent;
- x) “**Municipal Act**” is the Municipal Act, 2001 S.O. 2001, c. 25 as amended from time to time;
- y) “**Municipality**” shall mean the Corporation of the Municipality of Chatham-Kent.
- z) “**Non-Agenda Business Items**” means any items of business that requires Council’s immediate action or acknowledgement;

- aa) **“Notice of Motion”** means an advance notice to members regarding a matter on which Council will be asked to take a position;
- bb) **“Order of Business”** means the sequence of business under consideration at a meeting that has been duly called and constituted;
- cc) **“Pecuniary Interest”** means a direct or indirect interest as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended;
- dd) **“Planning Meeting”** means a scheduled meeting held to deal specifically with land use planning matters in accordance with the *Ontario Planning Act, R.S.O. 1990, c.P.13*, but for clarification Council is not limited in the matters which it may deal with during a Planning Meeting;
- ee) **“Point of Order”** means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of the meeting;
- ff) **“Point of Privilege”** means a matter that a Member considers to impugn their integrity or the integrity of the meeting;
- gg) **“Presentation”** means an address delivered to Council regarding municipal business by an employee or official of the Municipality, Local Board or subsidiary corporation;
- hh) **“Quorum”** means a majority of the whole number of Council, Committee, or Local Board members present for the meeting in the manner permitted by this By-law;
- ii) **“Regular Meeting”** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings;
- jj) **“Rules of Procedure”** means the applicable procedural rules and rules of conduct contained in this by-law;
- kk) **“Special Meeting”** means a previously unscheduled meeting called for a specific time and for a specific purpose.

## **Part 2 – General Application of the By-law**

2.

- a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business by Council and, unless specifically provided, with the necessary modifications shall apply to all meetings of Committees or Local Boards.
- b) The Clerk shall appoint a Committee Clerk for each Committee. Local Boards shall, in consultation with the Clerk, appoint their own Local Board Clerk. Committee and Local Board Clerks shall exercise all the authority of the Clerk for their respective Committee and Local Board. Committee and Local Board Clerks shall attend annual training organized and provided by the Clerk and shall take direction from the Clerk on how to exercise their duties.
- c) Suspend the Rules  

Except as provided elsewhere in this by-law, Council, Committees or Local Boards may temporarily suspend or waive the following rules, for the purposes of a particular meeting or issue, by a two-thirds vote of the whole number of members present;

  - Amending the Order of Business
  - Adding or removing deputations
  - Amending the rules for debate (adding or decreasing time for debate)
  - Introducing a Motion without the standard notice
- d) All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance, as far as is reasonably practical, with the rules of parliamentary law as contained in ROBERT’S Rules of Order.
- e) Unless a contrary intention appears in this By-law, words in the singular include

- the plural and words importing masculine gender include the feminine.
- f) All Members, except the Mayor, are to be addressed as: "Councillor (surname inserted)".
  - g) The Mayor shall be addressed as: "Mayor (surname inserted)" or "Mr. Mayor" or "Madam Mayor" (as the case may be) or alternatively as "Your Worship"
  - h) The Chair of the Council, Committees or Local Boards shall be addressed either as "Mr. Chair" or "Madam Chair" (as the case may be), except for the Mayor who shall always be addressed as described above.

### **Part 3 - Meetings**

#### **3.1 Inaugural Meetings**

- a) The first meeting in a new term of Council shall be held on November 15<sup>th</sup> of an election year.
- b) The location of the inaugural meeting shall be in the Council Chambers of the Municipality of Chatham-Kent or at such other place within the Municipality as the Clerk may determine.
- c) The Inaugural Agenda shall include:
  - Ceremonial Address by Special guest(s)
  - Filing of Declaration of Office in accordance with the provisions of the Municipal Act.
  - Address by the Mayor

#### **3.2 Regular Meetings**

##### **Location of Meetings**

- a) All regular meetings of the Council shall be held in the Council Chambers of the Municipality of Chatham-Kent, 315 King Street West, Chatham (2nd Floor), or at such other place within the Municipality as Council may from time to time determine. Meetings may be held virtually during Emergencies, as determined by the Chief Administrative Officer and Clerk.

##### **Date and Time of Regular Meetings**

- b) Regular Council meetings shall be held in accordance with the Council Meeting Schedule. A proposed calendar will be presented by the Clerk's Office to Council for approval by December of each year, detailing the dates for all Regular Council meetings in the subsequent year.
- c) The Clerk, in consultation with the Chair and the Chief Administrative Officer, has the authority to cancel any regular meeting if it is determined there is not sufficient business to be conducted. The Council, public and media will be advised forthwith after the decision to cancel has been made.
- d) All scheduled meetings of Council shall commence at 6:00 p.m. and shall be open to the public. Emergency Meetings may commence at a different time if necessary.

##### **Notice of Meeting**

- e) The Clerk shall send by electronic media or a supplied paper copy, as determined by each member of Council, to all members of Council a notice/agenda, for each regular meeting of Council. The notice/agenda of the regular meeting shall be provided not later than noon on the Thursday prior to the scheduled Monday meeting. At the same time, the Clerk shall also distribute a copy of the notice/agenda to the Chief Administrative Officer and the Executive Management Team.
- f) Agendas for regular Council meetings shall be made available to the media and the public not later than by 12:00 noon the Thursday prior to the scheduled Monday meeting. For the ease of the public and media, the agenda with all

attachments, will be available on the Municipality's website.

### **3.3 Special Meetings**

- a) The time, place and purpose of the meeting must be included in the notice sent to all members.
- b) In addition to regular meetings, the Chair may, at any time, summon a Special Meeting by providing direction to the Clerk stating the date, time and purpose for the Special Meeting.
- c) In addition, a majority of Members may, at any time, petition the Clerk to call a Special Meeting by providing the written petition to the Clerk stating the date, time and purpose for the Special Meeting.
- d) The Clerk shall give notice to the Members of all Special Meetings, whenever required, and such notice shall be delivered to each Member and the media by any of the following means (personal delivery, facsimile transmission, electronic mail, posting to the municipal website) at least twenty-four hours before the time fixed for the Special Meeting.
- e) Only business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- f) These provisions shall apply to Committees and Local Boards with modifications.

### **3.4 Emergency Meetings**

- a) Notwithstanding any other provision of this By-law, an Emergency Meeting may be called by the Chair or Clerk without written notice to deal with an emergency or extraordinary situation. The Clerk will attempt to notify the Members, Chief Administrative Officer and Executive Management Team about the meeting as soon as possible and in the most expedient manner available.
- b) Immediately following the conclusion of the Emergency Meeting, the Clerk shall notify all Members, Chief Administrative Officer and Executive Management Team and the media that an Emergency Meeting has occurred.
- c) Only business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- d) Lack or receipt of a Notice by the Members shall not affect the validity of the Emergency Meeting or any action taken thereat.
- e) Quorum is still required.
- f) These provisions shall apply to Committees and Local Boards with modifications.

### **3.5 Meetings Closed to the Public ("Closed Session")**

- a) Meetings, or portions thereof, may be closed to the public (hereafter "Closed Session") only in accordance with the Municipal Act.
- b) The Clerk and Director, Legal Services shall be consulted to advise Council, Chief Administrative Officer and Executive Management Team, on whether agenda matters may be discussed in Closed Session. Written reports, handouts and PowerPoint presentations must be reviewed in advance by the Clerk and Director, Legal Services for the purpose of determining of whether a matter may be discussed in Closed Session.
- c) A meeting may be held in Closed Session if the subject matter to be discussed is:
  - a) the security of the property of the Municipality or local board;
  - b) personal matters about an identifiable individual, including municipal or local board employees;
  - c) a proposed or pending acquisition or disposition of land by the municipal 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 is 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.
  - 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.
- d) A meeting must be held in Closed Session if the subject matter is:
- i. In respect of the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council is designated as the head for the purpose of that Act, or
  - ii. An ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman.
- e) A meeting of council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- i. The meeting is held for the purpose of educating or training the members; and
  - ii. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- f) Prior to moving to Closed Session for one of the reasons listed in the above section, Council, Committee, or Local Board shall pass a motion in public session stating:
- i. the fact of the holding of the closed meeting and that the Council, Committee or Local Board is convening into Closed Session, and
  - ii. the general nature of the matters to be considered at the closed meeting.
- g) Voting may take place in Closed Session only if the vote is for (i) a procedural matter or (ii) for giving direction or instruction to officers, employees, or agents of the Municipality, Committee or Local Board. Votes conducted in Closed Session are not recorded.
- h) The Clerk's Office shall have the Closed Session agenda and minutes prepared for Closed Session Council meetings, identifying the reason under which each matter is permitted to be considered in Closed Session. The Closed Session agenda shall be distributed to all Members of Council, the Executive Management Team and the Clerk in accordance with the same Notice requirements as open session of Council.
- i) Directions and general actions resulting from Closed Session discussions shall be received in open session without disclosing more than the general nature of the closed session business.
- j) Closed Session meetings of Council, Committee, or Local Board shall not be recorded by any audio or video recording device.
- k) A mover and seconder are required for all motions in Closed Session.
- l) The rules, as outlined in the Procedural By-law, shall apply during Closed Session.

### **3.6 Adjournment Hour/All Meetings**

- a) All regular meetings shall stand adjourned when the Council has completed all business as listed on the Order of Business or at 10:00 p.m.
- b) In the event the business before Council has not been completed by 10:00 p.m., Council, by majority vote of all the members present, may approve an extension of the meeting. The meeting cannot be conducted longer than 11:00 p.m. through extensions. The unfinished business shall be postponed to the next regular meeting of Council unless a resolution of Council to re-convene the Council Meeting to another day and time prior to the next regular meeting of Council is adopted by majority vote.

### **3.7 Quorum/Call to Order**

- a) As soon as a quorum of Members and the Clerk are present after the time set for the start of the meeting, the Chair shall call the meeting to order.
- b) In the event that a quorum of Members and the Clerk are not present after the designated start time of the meeting, the Clerk or Chair shall record the names of the members present and determine if the meeting shall stand adjourned.
- c) In the case where a quorum of Members and the Clerk are present and the Chair has not attended, the Clerk shall call the members to order, and the Member who is appointed as the Acting Mayor shall assume the Chair during the meeting for as long as the Chair is absent. In the event the Member designated as Acting Mayor is also absent, the Clerk shall call the Members to order, and the Members shall nominate and elect a Chair among the Members present who shall preside during the meeting for as long as the Chair is absent.
- d) In the case of the absence of the Chair during a Closed Session, the Acting Mayor shall assume the Chair. Should the Acting Mayor also be absent, the Mayor shall assume the Chair.
- e) Members are encouraged to notify the Clerk when the Member is aware that they will be absent from any meeting.
- f) The Clerk shall record, in the minutes and on the Municipal website, those Members who were present and those Members absent from any meeting.

### **3.8 Electronic Participation of Committees of Council**

- a) All Committees and Local Boards may conduct meetings electronically (wholly or partially), subject to the restrictions contained in this by-law and in accordance with policies and procedures established by the Clerk from time to time.
- b) Electronic participation may be either telephone, Voice over Internet Protocol, video, or any other technology that allows for audio and/or video electronic means of access by Members through the internet or other technology;
- c) Any problems, technical or others, arising from the electronic access for Members which prevents a Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum is lost at the time of the vote;
- d) Members participating electronically during an Electronic Meeting shall be counted for the purpose of quorum.
- e) Members participating electronically shall be entitled to vote either through an electronic voting method, or by verbally stating their vote to the Clerk.

### **3.9 Electronic Meetings of Council Members**

- a) An Electronic Meeting may utilize either telephone, Voice over Internet Protocol, video, or any other technology that allows for audio and/or video electronic means of access by Members through the internet or other technology;
- b) An Electronic Meeting of Council is only permitted during Emergencies and will be conducted wholly by electronic access for all Members.

- c) Any problems, technical or others, arising from the electronic access for Members which prevents a Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum is lost at the time of the vote;
- d) Members participating electronically during an Electronic Meeting shall be counted for the purpose of quorum.
- e) Members participating electronically shall be entitled to vote either through an electronic voting method, or by verbally stating their vote to the Clerk.

#### **Part 4 – Order of Business / Agenda**

- 4.1 The Clerk shall prepare, for the use of Members at Regular Meetings an "Agenda" (also known as the Order of Business) in a form that best allows for the most efficient conduct of business.
- 4.2 The Clerk may, under the direction of the Chief Administrative Officer, prepare a supplementary Agenda in order to deal with urgent or priority matters that cannot wait until the next meeting of Council .
- 4.3 **Consent Agenda**
  - a) The consent agenda shall consist of all items, excluding:
    - i. Presentation of New Notices of Motion
    - ii. Closed Session Reports
    - iii. Approval of Communication Items
    - iv. Non Agenda Business
    - v. Reading of the By-laws
  - b) The following items shall be automatically placed aside for discussion and/or voting:
    - i. *Reports that include a presentation;*
    - ii. *Where a Member has declared a pecuniary interest in which case any such matter shall be introduced and voted upon separately.*
  - c) Council Members shall identify any items on the consent agenda which they wish to speak to, through notification to the Clerk before the meeting or to the Chair at any time before voting on the consent agenda occurs. Where a Member provides such notification, the matter shall be removed from the consent agenda to be dealt with separately.
  - d) The balance of items on the consent agenda, which have not been removed, shall be voted on in one motion.
- 4.4 **Non-Agenda Business Items**
  - a) Any items of business that requires Council's immediate action prior to the next Council meeting shall be brought forward by Council under the Non-Agenda Business items of the agenda and dealt with immediately. Any items of business that does not require immediate action prior to the Council meeting shall be handled during the Notice of Motion section of the agenda.

#### **Part 5 – Disclosures of Conflict of Interest**

- 5.1 A Member must identify and disclose any pecuniary interest on any item or matter before Council, Committee or Local Board and the general nature thereof, pursuant to the *Municipal Conflict of Interest Act*. The member must file a written statement of the interest and its general nature with the Clerk of the municipality or the secretary of the committee or local board, as the case may be. See attached Form 1 of this by-law – Conflict of Interest Form.
- 5.2 Despite not being required to do so pursuant to the *Municipal Conflict of Interest Act*, Members may declare a conflict of interest on any item or matter before Council, Committee or Local Board. This may arise from a rule pursuant to the Member's Code of Conduct Bylaw or for any other reason.



- 5.3 During Closed meeting Members that have declared a conflict of interest must leave the meeting room. During open session, the Member may remain in the room, however the Member shall not vote on the matter.

### **Part 6 – Communication Items**

- 6.1 The Clerk shall prepare a package for the regular meeting of Communication Items for Members.
- 6.2 Every item of correspondence intended to be presented shall be legible and not contain any defamatory allegations and shall be signed by the author(s). The Clerk shall not include any correspondence that does not meet the above requirements.
- 6.3 Administration shall attach to each communication package a list of items referred to Administration from the previous meeting, detailing the nature of the instructions, the status of the issue, the date it was assigned and the department responsible for the issue.
- 6.4 Council may direct the Clerk, or other members of the administration, to take additional action on a resolution, where, in the opinion of Council, the circumstances warrant a local initiative or support for the resolution.
- 6.5 Members will be governed by the following rules respecting questions relative to communications:
- a) Members are strongly encouraged to contact the appropriate General Manager or Director prior to the meeting to raise questions or clarify issues relevant to the matter and to secure additional information as may be required.
  - b) General Managers and Directors may provide a verbal response to the matters raised and will make every reasonable effort to provide the information to the Member within a reasonable time. When possible, the General Managers and Directors will provide Council with an approximate date when the information will be provided to Council.
  - c) A motion may be made by any Member directing Administration to undertake certain action with respect to any item from Communication, provided it is moved, seconded and carried.
  - d) A motion to adopt the Communication Items will be in order.
  - e) Any issues of jurisdiction on any matter of Communication shall be determined by the Chair. The decision of the Chair shall be final, without recourse to a challenge.

### **Part 7 - Deputations**

- 7.1 Any person(s), group(s), corporation(s) or organization(s) that wishes to address Council, Committee or Local Board pursuant to a matter on the current agenda, may be heard by Council, Committee or Local Board, provided they advise the Clerk in writing of the particulars of the matter to which the deputation wishes to address Council, Committee or Local Board and follow the prescribed rules regarding Deputations as set out by the Clerk. Persons speaking shall address their remarks to the stated business. Deputations will be limited to speaking only once. Rebuttal or cross debate with other deputations shall not be permitted.
- 7.2 Deputations are not permitted by:
- i. a member of the Council, Committee or Local Board that is being addressed; or
  - ii. an appointed official or employee of the Municipality of Chatham-Kent; or
  - iii. a candidate nominated for an upcoming election; or
  - iv. a bidder in a competitive purchasing process in respect of the award of the relevant purchase.

In addition, no deputations will be received on communication items or Integrity Commissioner reports.

- 7.3 Committees of Council wishing to make comment on administration reports relating to committee matters shall be done under deputations before the report is put on the floor.
- 7.4 Deputations will be permitted from the gallery, without prior registration, only during a public hearing portion of a meeting under the provisions of the applicable legislation and shall be limited to 5 minutes. Sections 7.9 and 7.10 of this by-law do not apply to a public hearing portion of a meeting.
- 7.5 The Chair may curtail any deputation, any questions of a deputation or debate during a deputation, for disorder or any other breach of this by-law and, if the Chair rules that the deputation is not in compliance with section 7 of this by-law, the person or persons appearing shall withdraw from the deputation table, and the decision of the Chair shall not be subject to challenge.
- 7.6 Deputations shall not:
- i. speak disrespectfully of any person;
  - ii. use offensive words;
  - iii. speak on any subject other than the subject for which they have received approval to address Council, Committee or Local Board;
  - iv. disobey a decision of the Chair;
  - v. enter into cross debate with other deputations, administration, Members or the Chair; and
  - vi. appear for the purpose of publicly announcing a local event unless authorized by the Chief Administrative Officer.
- 7.7 Upon the completion of a presentation to Council, Committee or Local Board by a deputation, any discourse between Members and the deputation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the deputation respecting the presentation.
- 7.8 No person shall bring into the Council Chambers posters, signage, and literature stating their opinions or comments regarding Council business.
- 7.9 Deputation – Item on Current Agenda
- a) Any person who wishes to appear before Council regarding an item on the current agenda shall make written application to the Clerk, by 3:00 p.m., the day of the meeting, (unless a video in which it must be submitted by noon) to be placed on the Agenda to appear before Council at the meeting at which it will be dealing with the item of interest to the deputation. Presentation material must be submitted with the request to appear and shall be copied and distributed as “Deputation” submissions to Members.
  - b) The Clerk shall review the presentation material to determine if the subject matter and nature of the deputation’s request falls within the jurisdiction of Council.
  - c) The Clerk, in consultation with the Chief Administrative Officer, may refuse a deputation when there has been or will be at least one (1) public meeting held at which the public was provided the opportunity to make formal presentations on that subject matter.
  - d) A maximum of five minutes shall be allotted for each deputation to present their position of support or opposition to the relevant item on the Agenda. Where there are numerous deputations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Deputations are encouraged not to repeat information presented by an earlier deputation. The five-minute timeline shall be strictly enforced. The Chair shall, at the conclusion of the five minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. Only upon a verbal motion to extend the five-minute limit, adopted by a majority of Members, shall the five-minute limit be extended. In the case where there are 10 or more deputations on the same issue, the time limit may be reduced to two minutes per speaker.
  - e) The number of deputations to address an item on the current agenda will be unlimited, but subject to the discretion of Members, can be limited in order to allow for efficient and effective operation of the meeting proceedings.
  - f) Deputations will be accepted in the following formats:

- a. In written format read by the Clerk during the meeting; or
- b. In written format read by the person during the meeting; or
- c. Submitted in video format and played by Clerk during the meeting. The video must be submitted by noon on the day of the Council meeting and must be accompanied by a written submission in case of technical difficulties.

7.10 Deputation – Item not on Current Agenda

- a) When a request is received for a deputation wishing to be heard on an item which is not listed on the agenda, the person shall submit in writing, the nature of the presentation to the Clerk. Once approved, the Clerk will determine an available meeting date.
- b) The Clerk shall review the presentation material and in consultation with the Chief Administrative Officer, determine if the subject matter and nature of the deputation's request falls within the jurisdiction of Council.
- c) The Clerk, in consultation with the Chief Administrative Officer, may refuse a deputation when there has been at least one (1) public meeting held at which the public was provided the opportunity to make formal presentations on that subject matter.
- d) Once it has been concluded that the presentation/request does fall within the jurisdiction of Council, the Clerk shall forward a copy of the written submission to the Chief Administrative Officer to determine if an administrative report should accompany the submission on the next or subsequent agenda. The Chief Administrative Officer shall determine which General Manager shall report on the issue and the timing of that report. The Clerk shall advise the deputation accordingly.
- e) Where the matter falls outside of the scope and responsibility of Council, the Clerk shall notify the person(s) that the presentation should be properly referred to the most appropriate Committee, Local Board, Commission, Agency or Provincial or Federal Government Ministry for consideration.
- f) A maximum of ten minutes shall be allotted for each deputation to present their position. The ten-minute time line shall be strictly enforced. The Chair shall, at the conclusion of the ten minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. Only upon a verbal motion to extend the ten-minute limit, adopted by a majority of Members, shall the ten-minute limit be extended.
- g) No more than a combination of four planned deputations or presentations shall be allowed at any meeting. Deputations will be selected as determined by the Clerk and may be postponed at the Clerk's discretion.

7.11 Members of the public attending a Council, Committee or Local Board meeting shall respect the decorum of the meeting and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting. The Chair may request that a member or members of the public vacate the meeting if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting until order is restored in the Council Chambers.

7.12 The Clerk may refuse deputations under the following circumstances:

- i. The request is not submitted within the time required in section 7.9 and section 7.10.
- ii. No written submission together with handouts or materials is provided with the request to appear.
- iii. The subject matter is deemed to be beyond the jurisdiction of Council.
- iv. The issue is specific to a labour/managerial dispute, or subject matter is subject to solicitor-client privilege or in litigation or potential litigation.
- v. The issue has been or is to be considered by the Committee of Adjustment.
- vi. Council has previously made a decision on the issue.
- vii. Personnel matters about identifiable individuals

- 7.13 In the event a deputation request is refused, the Clerk's Office shall provide to the person(s) in writing the reasons for the refusal.

### **Part 8 – Rules of Debate in Council, Committee or Local Board**

- 8.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 8.2 No Member shall speak to a question or motion until the Member has been recognized by the Chair.
- 8.3 When a Member is speaking, no other Member shall interrupt that Member, except to Raise a Point of Privilege.
- 8.4 When a Member is speaking to a Motion, he/she shall confine their remarks to the Motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the Members present.
- 8.5 A Member shall not speak more than once to any Motion unless otherwise decided by the Chair, except the Member who has made a Motion shall be allowed to reply for a maximum of five (5) minutes.
- 8.6 If a Member disagrees with the announcement of the Chair that a question is Carried or Lost, he or she may immediately after the declaration by the Chair, object to the Chair's declaration and request the vote be retaken, for purposes of clarification.
- 8.7 Prior to the taking of a vote, a Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.
- 8.8 Prior to the vote, a Member may request for a motion to be divided into parts which are capable of standing alone, so that these parts may be considered separately.
- 8.9 If a Member considers that their integrity or the integrity of Council, Committee or Local Board has been impugned, the Member may, as a matter of Privilege and with leave of the Chair, draw the attention of Council, Committee or Local Board as the case may be, to the matter by way of a Point of 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, Committee or Local Board, as the case may be.
- 8.10 When a Member desires to call attention to a violation of the Rules of Procedure, they shall ask leave of the Chair to raise a Point of Order and after leave is granted, they shall state the Point of Order to the Chair succinctly and the Chair shall then decide upon the Point of Order and advise the Members of their decision.
- 8.11 Unless a Member immediately appeals the Chair's decision, the decision and its result shall be final.
- 8.12 If the decision of the Chair is appealed, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately to the Members without debate and the result of the vote shall be final. Should a tie vote occur, the decision of the Chair is sustained.
- 8.13 When the Chair calls a member to order, that Member shall cease speaking until the Point of Order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.

### **Part 9 – Voting Procedures**

- 9.1 Every Member (including the Mayor) present at a meeting, when a question is put, shall vote unless prohibited by statute. If prohibited, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting.
- 9.2 The motion is lost if the result is a tie vote.

- 9.3 If any Member does not vote when a question is put, they shall be deemed to have voted in the negative except where the Member has abstained from the vote as a result of declaring a conflict of interest in the matter or question.
- 9.4 When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.
- 9.5 After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 9.6 The Chair shall, upon request of a Member, divide the question, and the vote upon each part shall be taken separately.
- 9.7 A Friendly Amendment may be made providing there is consent from the mover and the seconder.
- 9.8 Council shall use the electronic voting system on all motions, including all reports from the Integrity Commissioner, and the Clerk shall record all votes on motions in the minutes, with the exception of the following:
- i. Vote on Recess to Closed Session;
  - ii. Vote on adding Supplementary Agenda items to the agenda;
  - iii. Vote on receiving a deputation for information;
  - iv. Vote on receiving a presentation for information;
  - v. Vote on receiving the closed session report;
  - vi. Vote on first and second reading of the by-laws;
  - vii. Vote on the third and final reading of the by-laws;
  - viii. Vote on receiving the communication items for information;
  - ix. Vote on the adjournment of the meeting; and
  - x. Any motions during Closed Session
- 9.9 Should a Member have voted in error and wishes to change the record of the vote in the minutes, the Member must bring it to the Chair's attention immediately before the next item on the agenda is announced.
- 9.10 **Notice of Motion**
- a) Notice of all new motions shall be given in writing (Form 2 of this by-law) during a regular, planning, or combined meeting and shall include the name of the mover and advise that the motion described therein will be added to the next regular or combined meeting agenda unless otherwise specified.
  - b) A Notice of Motion shall not be debated until the next regular or combined meeting.
- 9.11 **Motion to Suspend Notice Requirements**
- a) In accordance with section 2 (c), Council, Committee or Local Board, by a two-thirds vote of the whole number of Members present, may temporarily suspend or waive, for the purpose of that particular meeting or issue, the notice requirements, as set out in section 9.10 and deal with the motion immediately. This should only be done for urgent items when waiting until the next Council meeting is not possible.
- 9.12 **Motion to Withdraw**
- a) After a motion is received by the Chair, it shall be deemed to be in possession of Council, Committee or Local Board, but may, at the request of the mover and with the permission of Members, be withdrawn at any time before decision or amendment.
- 9.13 **Motion to Amend**
- a) A "Motion to Amend" means a motion to modify the wording of a pending motion before the pending motion is acted upon.
  - b) A Motion to Amend:
    - i. Is not in order when another Member has the floor;

- ii. Must be seconded;
- iii. Is debatable if the motion to be amended is debatable;
- iv. Is amendable;
- v. Requires a majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Amend shall:

- i. be made only to a previous motion or to amend an amendment to the motion;
- ii. be relevant to the question to be decided;
- iii. be put in the reverse order to that which it is moved; and
- iv. not be in order if it constitutes a rejection of the main question.

#### 9.14 **Motion to Refer**

a) A “Motion to Refer” means a motion to request that a pending motion be referred to Administration, a Committee, a Local Board, or elsewhere to obtain further information to be provided for consideration.

b) A Motion to Refer:

- i. Is not in order when another has the floor;
- ii. Must be seconded;
- iii. Debate on the motion must be confined to its merits only and cannot discuss the main question;
- iv. Is amendable;
- v. Requires majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Refer should include:

- i. the name of the administrative department or Committee to whom the request is to be referred; and
- ii. instructions or directions respecting the information required.

#### 9.15 **Motion to Postpone to a Certain Time**

a) A “Motion to Postpone to a Certain Time” means a motion requesting that a pending question be delayed to a definite day, meeting, or hour, or until after a certain event.

b) A Motion to Postpone to a Certain Time:

- i. Is not in order when another has the floor;
- ii. Must be seconded;
- iii. Debate on a Motion to Postpone to a Certain Time must be confined to its merits only and cannot go into main question;
- iv. Is amendable only to change the length of the postponement;
- v. Requires majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Postpone to a Certain Time shall:

- i. include a fixed date for the question to come back before consideration; and
- ii. be made while the main motion or an amendment is on the floor and takes precedence over that motion or amendment.

#### 9.16 **Motion to Reconsider**

a) A “Motion to Reconsider” means a motion which proposes to amend or cancel a previous decision of Council, a Committee or Local Board.

b) A Committee or Local Board has lost all jurisdiction over a matter once it goes to Council.

c) A Motion to Reconsider:

- i. Is not in order when another has the floor;
- ii. Must be seconded;

- iii. Debate must be confined to reasons for or against reconsideration;
  - iv. Is not amendable;
  - v. Requires two-thirds or majority vote for adoption; and
  - vi. Cannot be reconsidered.
- d) If the action approved in the original motion cannot be reversed, the motion cannot be reconsidered.
- e) Reconsideration at the Same Meeting  
When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was dealt with, the motion for reconsideration shall be resolved at that meeting and shall require the support of a majority of the Member's present. Once achieved, the motion is brought back to the floor.
- f) Reconsideration at Subsequent meeting  
Where a motion for reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was dealt with, the motion for reconsideration shall be initiated by a notice of motion given and shall require the support of two-thirds of the members present in order for the motion to reconsider to be carried. Once achieved, the motion is brought back to the floor.
- g) A motion may be reconsidered provided that a Member who voted with the majority on the original motion moves for reconsideration of the original motion. A member that was absent for the original vote cannot bring a motion to reconsider.
- h) A Motion to Reconsider suspends action on the motion to which it applies until it has been decided.
- i) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- j) A motion can be reconsidered only once during a period of twelve months following the date on which the last question was decided.
- k) When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- l) The following motions cannot be reconsidered:
- i. To adjourn;
  - ii. To recess;
  - iii. To suspend the rules; and
  - iv. To reconsider.
- m) During a Budget Committee meeting, a motion to reconsider shall not be required in order to amend or cancel a decision made by the Committee.

#### **9.17 Motion to Call the Question**

- a) A "Motion to Call the Question", or end the debate, shall always be in order, except:
- i. when a Member is speaking; or
  - ii. when a Member has already indicated to the Chair, that he or she desires to speak on the question
- b) A Motion to Call the Question when resolved in the negative cannot be made again until Council has conducted further proceedings.

#### **9.18 Motion to Adjourn**

- a) A "Motion to Adjourn" means to close the meeting.
- b) A Motion to Adjourn is not debateable.
- c) A Motion to Adjourn the meeting shall always be in order, except:
- i. when a Member is speaking;
  - ii. during the taking of a vote; or
  - iii. when a Member has already indicated to the Chair, that he or she desires to speak on the question.

- d) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

### **9.19 Non-Debatable Motions**

- a) The following motions are not subject to debate:
  - i. to adjourn;
  - ii. to close, limit or extend debate;
  - iii. questions of privilege; and
  - iv. to suspend the rules.

### **9.20 Motions Proposing Actions Beyond Jurisdiction of Council**

- a) A motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council shall not be in order.

### **Part 10 – Conduct of Members – Business of Council**

#### 10.1 Members of Council shall:

- a) act in accordance with their Declaration of Office and the Code of Conduct for Members of Council;
- b) speak only to the subject under debate; and
- c) not disobey the rules of the Council or a decision of the Chair/Presiding Officer, or Council, on a Question of order, or upon the interpretation of the Rules of Council.

10.2 A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.

10.3 The Member will be permitted to retake their seat provided the Member has apologized to Council.

### **Part 11 – Role of Mayor/Chair**

11.1 The Mayor/Chair may state relevant facts and position on any matter before the Council without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Mayor/Chair to move a motion or debate a question without first leaving the chair.

11.2 From time to time, the Mayor/Chair may be absent from the Municipality of Chatham-Kent or may be absent from office through illness. In such instances, it is desirable to have an alternate designated to act in the place of the Mayor. The Clerk shall prepare a schedule by the first regular meeting of Council, listing a monthly rotation of the Members of Council to act in the absence of the Mayor for the duration of the term of Council.

### **Part 12 – By-laws**

12.1 The proposed by-law title and reference shall be listed on the Council Agenda.

12.2 A motion, duly moved and seconded, is required to introduce the by-laws for first and second reading and consideration by Council.

12.3 A Member may request that the Clerk read a by-law or by-laws for clarification or benefit of the public including any amendments previously stated during the meeting. If reading is not required, all by-laws will be considered to have been read.

12.4 A motion duly moved and seconded for third and final reading, shall be in order.

12.5 Once the by-laws have been adopted, the by-laws shall be signed by the Chair/Acting Chair and the Clerk/Acting Clerk, and the corporate seal shall be affixed to every by-law duly passed.



- 12.6 Notwithstanding the foregoing, when the requirements of any Provincial legislation requires that notification be given of Council's intention to enact a by-law, the Chair shall notify persons who are present at the meeting that they may make representation on the proposed by-law during Council's hearing of Deputations.

**Part 13 – Petitions**

- 13.1 Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the Municipality of Chatham-Kent, may be introduced by a member of Council.
- 13.2 A motion directing receipt of the petition or a report on the action requested, along with a timeline for completion of the report, shall be in order.
- 13.3 Petitions to Council may be submitted by residents and included either under Communication Items, or as part of a Departmental Report. Any such petition must be submitted to the Clerk, in accordance with this by-law.

**Part 14 – Confirmation By-law**

14. The proceedings at every Council meeting shall be confirmed by by-law so that every decision of the Council at the meeting, and every resolution passed there at, shall have the same force and effect as if each and every one of them had been the subject matter of a specific matter of a separate by-law duly enacted.

**Part 15 - Enactment**

15. Any amendment to this by-law shall require an affirmative vote of two-thirds of the Council.

**Part 16 – Effective Date**

16. This by-law shall come into full force and take effect upon passing.

The By-law # 109-2018 and 113-2020 are hereby repealed.

Read a First, Second, and Third Time, this 25<sup>th</sup> day of July, 2022

Original signed by:

\_\_\_\_\_  
Mayor – Darrin Canniff

Original signed by:

\_\_\_\_\_  
Clerk - Judy Smith