



## By-law Number 2023-043

### A by-law to govern the proceedings of the Council and Committees of the Corporation of the County of Bruce

WHEREAS Section 238 (2) of the Municipal Act, 2001, S.O. 2001, c.25 requires every municipality to pass a procedure by-law governing the calling, place and proceedings of meetings:

AND WHEREAS Section 238 (2.1) of the Municipal Act, 2001, S.O. 2001, c.25 requires that the procedure by-law shall provide for public notice of meetings:

The Council for the Corporation of the County of Bruce enacts By-law 2023-043 as follows:

#### 1. Definitions

“Act” means the Municipal Act, 2001, as amended from time to time.

“Chair” means the person presiding at a meeting whether it be the Head of Council, Acting Head of Council or Chairperson of any Committee.

“Chief Administrative Officer” means the Chief Administrative Officer (CAO) or designate of The Corporation of the County of Bruce, appointed by by-law.

“Clerk” means the Clerk or designate of The Corporation of the County of Bruce, appointed by by-law.

“Closed Meeting” means a meeting, or portion thereof, closed to the public in accordance with Section 239 of the Municipal Act, 2001.

“Committee” means any subcommittee, advisory committee, ad-hoc committee, special committee or task force established by Council.

“Council” means the elected members of The Corporation of the County of Bruce.

“County” means The Corporation of the County of Bruce.

“Deputy Warden” means the County Councillor appointed by by-law, to act in the place of the Head of Council (Warden) when the Head of Council is absent or refuses to Act, or when the office of the Head of Council is vacant, and while so acting, such member has all the powers and duties of the Head of Council.

“Electronic Means” means telephone, video or audio conferencing whereby members, staff and the public are able to hear the person(s) participating by electronic means and the person(s) participating by electronic means are able to hear members, staff and the public.

“Electronic Participation” means the participation in a meeting of a member who is not physically present in the room but through electronic means such as audio only communication or audiovisual communication.

**“Ex-Officio”** means the Warden who by virtue of the office shall be a Member of all Committees and shall have the same duties, rights and privileges as other Members of the respective Committees.

**“Head of Council”** means the Warden (or Acting Warden) and who shall preside at all meetings of the Council.

**“Hybrid”** means a meeting which is held both in-person and through electronic participation where members and staff may choose to attend through either method while the meeting is being livestreamed.

**“Lower-tier Municipality”** means the eight (8) lower-tier municipalities located within the County of Bruce as follows:

- a) Municipality of Arran-Elderslie
- b) Municipality of Brockton
- c) Municipality of Kincardine
- d) Municipality of Northern Bruce Peninsula
- e) Municipality of South Bruce
- f) Town of South Bruce Peninsula
- g) Town of Saugeen Shores
- h) Township of Huron-Kinloss

**“Majority”** means more than half of the votes cast by members entitled to vote.

**“Meeting”** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**“Member”** means a Member of Council or a Committee as defined in this by-law.

**“Minutes”** means a record of the proceedings of Council or Committee, which includes the place, date, time, name of Chair, list of members in attendance, evidence of quorum. Minutes will record the actions taken and decisions made by members at the meeting without note or comment in accordance with Section 239(7) of the Municipal Act.

**“Pecuniary Interest”** includes a direct or indirect financial interest of a member and a financial interest deemed to be that of a member, in accordance with Sections 2 and 3 of the Municipal Conflict of Interest Act.

**“Quorum”** means a majority (more than half) of the total number of voting Members on Council or Committee.

**“Recorded Vote”** means the recording of the name and vote of every Member of Council or a Committee who is present when the vote is called on any matter of question.

**“Resolution”** means a formal state of opinion or intention adopted by Council in accordance with these rules.

**“Standing Committee”** means a committee appointed by Council that has a continuing existence from one term of Council to another.

**“Warden”** means the Head of Council and the Chief Executive Officer of the County of Bruce, pursuant to Section 225 of the Municipal Act, 2001.

“**Weighted Vote**” means the weight given to each Members vote pursuant to Section 21 of the Minister’s Restructuring Order made under The Municipal Act, R.S.O. 1990, c.M.45 effective January 1, 1999.

Section 21(3) of the Minister’s Order; “Each member of County Council shall have one vote for every 3,500 qualified electors under the Municipal Elections Act, 1996 of each of the new municipalities”.

Section 21(4) of the Minister’s Order; “Despite subsection (3), for the purposes of electing the warden, each member of County council shall have one vote.”

The number of qualified electors is provided by the lower-tier municipalities immediately following each municipal election.

## **2. General Provisions**

### **2.1 Short Title**

This By-law may be referred to as the “Procedural By-law”.

### **2.2 Rules for Council and Committees**

The Rules of Procedure contained in this By-law will be observed in all proceedings of Council and will be the rules for the order and dispatch of business in Council and, with the necessary modifications in Committees.

### **2.3 Suspension of the Rules**

No provision of this by-law shall be suspended except by an affirmative vote of at least two-thirds of the Members of Council present and voting for each incidence of suspension of the rules. The suspension shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.

The following procedure(s) cannot be suspended:

- a) No other business in special meetings; and
- b) Majority of members for quorum.

### **2.4 Roberts Rules of Order**

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

### **2.5 Severability**

If any provision or provisions of this By-law shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

### **2.6 Minor Corrections**

The Clerk is hereby authorized to affect any minor modifications or corrections solely of an administrative, numerical, grammatical, or descriptive nature or kind to this or any by-law, motion, resolution and/or minutes as may be determined to be necessary for the purpose of ensuring correct and complete implementation of the actions of Council.

### **2.7 Appointment to County Council**

Prior to taking a seat on County Council, every lower-tier municipality shall first provide the Clerk with a Certificate of Election duly signed and sealed by

the respective Clerk of the lower-tier municipality from which the Member was elected.

### **3. Meetings**

#### **3.1 Inaugural Meeting - Municipal Election Year**

The Inaugural Meeting of County Council after a municipal election shall be held the first Thursday of December at 9:30 a.m. in the Council Chambers. In the event, the first Thursday of December is deemed unsuitable, the Inaugural Meeting shall be held no later than 31 days after the term of council has commenced. The purpose of the meeting is to swear in Council-elect, for conducting the elections for Warden and Deputy Warden for a one (1) year term.

#### **3.2 Inaugural Meeting Agenda - Order of Proceedings**

The content of the agenda of the Inaugural Meeting and its proceedings shall be as follows:

- a) Call to Order by Clerk
- b) Oath of Office from Members of County Council
- c) Welcoming Remarks from CAO
- d) Procedure for Nomination of Warden
- e) Procedure for the Election/Acclamation of Warden
- f) Warden Election Results
- g) Oath of Office of newly elected/acclaimed Warden
- h) Warden's Address
- i) Procedure for Nomination of Deputy Warden
- j) Procedure for the Election/Acclamation of Deputy Warden
- k) Deputy Warden Election Results
- l) Confirmatory By-law
- m) Adjournment

#### **3.3 First Meeting (Elect Warden) - Non-Election Years**

In the years following a municipal election, the Inaugural Session shall be held on the first Thursday in December at 9:30 a.m. in the Council Chambers. The purpose of the meeting is to conduct the election of Warden for a one (1) year term and to invite nominations for the position of Deputy Warden.

- a) Call to Order by Clerk
- b) Procedure for Nomination of Warden
- c) Procedure for the Election/Acclamation of Warden
- d) Warden Election Results
- e) Oath of Office of newly elected/acclaimed Warden
- f) Warden's Address
- g) Procedure for Nomination of Deputy Warden
- h) Procedure for the Election/Acclamation of Deputy Warden
- i) Deputy Warden Election Results
- j) Confirmatory By-law
- k) Adjournment

#### **3.4 Regular Council Meetings**

Regular meetings of Council shall be held on the first and third Thursdays of every month at 9:30 a.m. in the Council Chambers at the County Administration Centre or at such other time or location within the County as may be determined by Council.

**3.5 Exceptions to Regular Meeting Schedule**

a) January - the Regular Meeting scheduled for the first meeting in January will be held on the second Thursday at 9:30 a.m.

b) July- the Regular Meeting scheduled for the third Thursday in July shall be cancelled; resulting in one meeting being held on the 1<sup>st</sup> Thursday of July.

**3.6 Cancellation of Meeting**

The Clerk, with the approval of the Warden, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.

**3.7 Location and Livestream Convenience**

Meetings of Council will be held in-person at the Council Chambers located at 30 Park Street, Walkerton or by electronic participation or by a combination of in-person and Electronic Participation.

When meetings are physically open to the public in the Council Chambers, livestreaming of the meeting is offered as a convenience to provide increased access for the public; the meeting shall not be required to pause or end if issues with the livestream arise.

**3.8 Notice of Regular Council Meeting**

No notice shall be given of any Regular Council meeting unless the day of the meeting is other than provided for in Section 3 or as adopted by Council. The Agenda shall be considered as adequate notice of regular, special or emergency meetings.

**3.9 Special Meeting - Calling**

The Warden may at any time summon a special meeting of Council and it shall be their duty to summon a special meeting whenever requested in writing by a majority of the members of Council.

**3.10 Special Meeting - Summoned by Council**

In case of the absence of the Warden, or if the office is vacant, or if the Warden refuses to act, a special meeting may be summoned by the County Clerk upon a request signed by a majority of the members of Council.

**3.11 Notice of Special Meeting**

The Clerk shall give all Members notice of a Special Meeting of Council at least forty-eight (48) hours before the time appointed for such meeting. The written or verbal notice shall indicate the nature of the business to be considered at the special meeting and the date, time and place.

**3.12 Posting of Public Notice for Special Meeting**

Posting of public notice will be accomplished by posting on the County's official website with a minimum of twenty-four (24) hours' notice.

**3.13 Special Meeting - No New Business**

At special meetings of Council, the Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting.

**3.14 Special Meeting - Emergency**

Notwithstanding subsections 3.11, 3.12 or 3.13, the Warden may call a special Council meeting without notice to consider and deal with an emergency or other extraordinary matter and such meeting shall be deemed to have been properly constituted if at least two thirds of all members of Council are present at the meeting.

### **3.15 Open Meetings**

Except as authorized under this By-law, all meetings shall be open to the public except for matters that qualify for consideration at a closed meeting as provided in Section 3.16, 3.17 and 3.18.

### **3.16 Closed Meetings - Exceptions**

A meeting or part of a meeting may be closed to the public if the subject matter being considered 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 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 a 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 or 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.

### **3.17 Closed Meetings - Exceptions - Other Criteria**

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b) an ongoing investigation respecting the municipality, a local board of a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection

223.13 (1) of this Act, or the investigator referred to in subsection 239.2(1).

**3.18 Closed Meetings - Educational or Training Sessions**

A meeting of a Council or Local Board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:

- a) The meeting is held for the purpose of educating or training the members;
- b) 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.

**3.19 Closed Meetings - Resolution**

Before holding a meeting or part of a meeting that is to be closed to the public, a Municipality or Local Board or Committee of either of them shall state by resolution:

- a) The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, or;
- b) In the case of a meeting that is an educational or training session, the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed as an educational or training session.

**3.20 Closed Meeting - Taking of Votes**

As provided in Section 239 (5) of the Act, a meeting shall not be closed to the public during the taking of a vote.

**3.21 Closed Meeting - Taking of Votes - Exceptions**

As provided in Section 239 (6) of the Act, a meeting may be closed to the public during a vote if,

- a) subsection (2) or (3) of the Act permits or requires the meeting to be closed to the public; and,
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board, or committee of either of them or persons retained by or under a contract with the municipality or local board.

**3.22 Closed Meeting - Reporting from**

Upon resuming open session, the Chair shall state:

- a) the matters which were considered and;
- b) confirmation that no motions were carried in closed other than procedural motions or directions to staff.

**3.23 Closed Meeting - Investigation**

Section 239.1 of the Municipal Act, S.O. 2001, c.25 permits a person to request an investigation of whether Council has complied with the requirements of the Municipal Act or this Procedure By-law governing a meeting or part of a meeting that was closed to the public.

**3.24 Closed Meeting - Procedures**

The Closed Meeting Procedures as adopted by County Council are attached as Appendix "A".

#### **4. Roles and Duties**

##### **4.1 Preparation by Members**

Members of Council shall make every effort to come prepared to Council meetings by having reviewed all material supplied, including agendas and reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Members shall make appropriate inquiries to administration staff when seeking clarification of material provided.

##### **4.2 Individual Authority- not provided**

No Member shall have the authority to direct or interfere with the performance of any work by the administration of the County.

##### **4.3 Established Policies- Members- Respect**

Members of Council shall respect and adhere to the Policies set by the Council and will under no circumstances take it upon themselves, individually to circumvent established Policies.

##### **4.4 Council - Liaison -with CAO**

Council Members will liaise primarily with the Chief Administrative Officer and Senior Managers as required.

##### **4.5 Information - by Staff- Members of Council**

Council Members may request information from members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information of standard operating procedures.

#### **5. Duties of the Warden or Chair and Deputy Warden**

##### **5.1 It shall be the duty of the Warden, or Chair:**

- a) To open the meeting of Council by taking the Chair and calling the members to order;
- b) To announce the business before the Council in the order of which it is to be acted upon;
- c) To receive and submit, in the proper manner, all motions presented by the members of Council;
- d) To put to vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings, and to announce the result;
- e) To decline to put to vote motions which infringe the rules or procedure;
- f) To authenticate, by signature, when necessary, all by-laws, resolutions and minutes of the Council;
- g) To inform the Council when necessary or when referred to for the purpose, a point of order or its usage;
- h) To represent and support the Council, declaring it's will and implicitly obeying its decisions in all things, to restrain the members when engaged in debate within the rules or order;



- i) To enforce on all occasions, the observance of order and decorum among the members;
- j) To call by name any member persisting in breach of the rules of order in the Council thereby ordering the member to vacate the Council Chambers.
- k) Where it is not possible to maintain order, the Warden may without any motion being put, adjourn the meeting to a time to be named by the Warden.

**5.2 Chair may expel for improper conduct**

The Chair may expel any person for improper conduct at a meeting.

**5.3 Council decides appeals to Chair's decision**

The Chair shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council; and when called upon to decide a point of order or practice shall state the rule or authority applicable to the case, without argument or comment. If objection be taken to the Chair's ruling the Chair shall submit it to a vote of the Council without debate. The following wording is suggested: "Shall the ruling of the Chair be sustained?" and the decision of the Council shall be final.

**5.4 Warden's Duties - assigned from time to time**

In addition to the duties imposed upon the Warden by the Municipal Act, or any other Act, the Warden shall also perform such duties as are defined in this by-law or as may be determined from time to time by by-law or resolution of Council.

**5.5 Warden - Consult with Solicitor**

The Warden is hereby authorized to consult with the Solicitor when the necessity arises, and any instructions the Warden may give to the Solicitor on behalf of the County in special cases shall be in writing.

**5.6 Voting Rights for the Warden**

The Warden may vote with the other members on all questions, except where disqualified to vote by reason of pecuniary interest or otherwise.

**5.7 Warden/Committee Chair - Motion and Debate**

The Warden or Committee Chair may speak and/or vote on any question, but if they wish to make a motion, they shall call upon one of the Councillors to fill their place and leave the Chair prior to making the motion. The Councillor shall serve as Chair until such time as the motion(s) and any amending motion to the main question has been decided upon; after which the Warden shall resume the Chair.

**5.8 Duties of the Deputy Warden**

The Deputy Warden will fulfill the responsibilities of the Warden in their absence as outlined in this By-law including presiding over a meeting, or parts thereof, and having all powers vested in them as given by this By-law including:

- Chairing of meetings
- Representation of Warden at Warden's request
- Signing of documents in Warden's absence if time sensitive.

## **6. Rules of Conduct and Debate**

### **6.1 Speaker - Recognized by the Chair**

Every member desiring to speak must be recognized by the Chair.

### **6.2 Speak - on the subject matter**

Members shall only speak on the subject in debate.

### **6.3 No interruptions of Speaker**

No member shall interrupt a member who has the floor except to raise a point of order.

### **6.4 Speak - once to the question**

No member shall speak more than once to a question, except in explanation of a material part of his or her speech in which the member may have been misconceived, but then the member may not introduce a new matter.

### **6.5 Order of Speakers**

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

### **6.6 No use of offensive language**

No member shall use indecent, offensive or insulting language in or against the Council or any Councillors, staff, public or any other person.

### **6.7 Out of Order**

A member called to order by the Chair shall immediately cease speaking, after which the Chair shall give the reason for calling the member to order, and the Council, if appealed to, shall decide on the case, if there is no appeal, the decision of the Chair shall be final and binding.

### **6.8 Public Access within Chambers**

No person other than Council members, representatives or employees of the County and representatives of the news media shall be allowed to enter the lower circle, or proceed past the speaker's podium, without permission of the Chair, or Clerk.

### **6.9 Breach - persistent - seat vacated - unless apology**

Members shall refrain from harmful conduct to the Corporation or its purposes. No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council; and in the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave his/her seat for the duration of the meeting of the Council; but if the Member apologizes he/she shall be permitted to retake his/her seat.

### **6.10 Disorder of Meeting**

It shall be the duty of the Chair to adjourn the meeting without the question being put or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.

## **7. Quorum**

### **7.1 Call to Order - Quorum Present**

The Chair shall call the Meeting to order as soon after the hour fixed for holding the meeting and quorum is present.

**7.2 Quorum - Majority**

Quorum is achieved when a majority of the Members are present. Five (5) Members will constitute a Quorum of Council.

**7.3 Quorum - not present - stand adjourned**

If a quorum is not present at a scheduled meeting thirty (30) minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the members present.

**7.4 Permitted Motions without Quorum**

Should there be no quorum at a duly called meeting, **one** of the following three motion can be called:

a) **Motion to Adjourn** - By calling this motion, all matters listed on the agenda shall be brought forward at the next regularly scheduled meeting.

b) **Motion to Recess** - The Chair may call for a recess and request that the Members missing be called to inquire as to their attendance.

c) **Motion to Set the time** to which to re-adjourn the meeting - The Chair may request to re-set the meeting to another date and time set before the next regular meeting to deal with matters listed on the Agenda.

No other motion that would advance the business of the Council or Committee is permitted.

**7.5 Quorum - lost during meeting**

If during the course of a meeting a quorum is lost the Chair shall declare that the meeting shall stand adjourned, and all unfinished business shall be carried forward to the next meeting.

**7.6 Remedy for Lack of Quorum -Municipal Conflict of Interest Act**

Where the number of members, who by reason of the provisions 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).

**8. Absence and Vacancies**

**8.1 Warden Temporary Absent**

Where the Warden has not previously advised of an absence or lateness, and in the case of the Warden not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Deputy Warden shall take the Chair and call the meeting to order; and shall preside until the arrival of the Warden. The Deputy Warden shall have the same authority as the Warden while presiding the meeting.

**8.2 Deputy Warden Also Absent**

In the absence of the Warden and Deputy Warden, and if a quorum is present, the Clerk shall call the meeting to order and shall call on the immediate Past Warden, who is a Member of County Council and who shall preside until the arrival of the Warden or Deputy Warden; or

If there are no Past Wardens serving on County Council, the Members shall appoint a Chairperson from amongst themselves to Preside until the arrival of the Warden or Deputy Warden. The selected Chairperson shall have the same authority as the Warden while presiding the meeting.

**8.3 Absence of Warden - Permanent Vacancy**

In the case of the death of the Warden, or a vacancy in the Warden's Office under circumstances, which by law render the Warden's seat on the Council vacant, the members shall without delay at their first meeting thereafter proceed in the manner directed by law to elect a successor for the remainder of the Warden's term.

**8.4. Members Absent - 3 months - vacant**

Where a Member is absent from the meetings of Council for three successive months without being authorized to do so by resolution of Council, the office of that member shall be declared to become vacant.

In accordance with the Municipal Act, this section does not apply to a member of council who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by a member.

**8.5 Alternate Member on County Council - In the Absence of Mayor**

In the absence of a Mayor of a lower-tier municipality, the Deputy Mayor of that lower-tier municipality who is duly appointed pursuant to the Municipal Act is authorized to act on behalf of the Head of Council at meetings and are given the same authority as the Head of Council.

**8.6 Alternate Council Member - Oath of Office**

Before taking a seat at a Council Meeting, the Deputy Head of the local municipality shall take the Oath of Office as an Alternate Member of County Council.

**8.7 Alternate Council Member - Rules, Procedures and Code of Conduct**

An Alternate Council Member is subject to, and shall comply with all rules, procedures, legislation and Code of Conduct as applicable to a Member of County Council.

**9. Voting**

**9.1 Every Member Vote**

Every member present at a Council meeting shall vote when a question is put, unless the member has declared a pecuniary interest in that matter and the member's declaration shall be recorded.

**9.2 Tie Vote - Negative**

Any question that receives an equal number of votes shall be declared to be negative.

**9.3 Failure to Vote - Negative**

Failure to vote by a Member present at the meeting at the time of the vote and who is not disqualified to vote shall be deemed to be a negative vote.

**9.4 During Voting**

When the Warden is putting the question, no member shall walk across or out of the room, or make any noise or disturbance, nor when a member is speaking, shall any other member pass between the member and the Chair.

**9.5 Majority Vote Required**

All decisions of Council shall require a majority vote except as otherwise set out in this by-law.

**9.6 Recorded Vote by Request**

When called for by a member or when required by law, a recorded vote shall be taken, and the results declared by the Clerk. A member may call for a recorded vote immediately prior to or immediately after the taking of a vote. On taking a vote the names shall be called in alphabetical order, or in reverse order, at the pleasure of the Warden if requested by any member.

**9.7 Weighted Vote**

When called for by a member, a weighted vote shall be taken, and the results declared by the Clerk. During a weighted vote each Member receives 1 vote for every 3500 electors of the Council Members' local municipality. A member may call for a weighted vote immediately prior to the taking of a vote.

**10. Electronic Participation**

**10.1 Members permitted - electronic participation**

Members will be permitted to participate in both open and closed meetings. Members participating electronically will be counted towards quorum. Members may participate in debate, draft motions and vote. Members participating electronically shall do so using telephone or video conferencing (i.e. Microsoft Teams).

**10.2 Electronic - voting**

Members attending electronically shall vote using Vote Manager in eScribe, or verbally announce their vote, or clearly raise their hand. The Clerk or designate shall announce the results of the vote at that time so that all members are clear on the result.

**10.3 Electronic - decorum**

Committee members should dress (if video conference) and act as though in attendance in person. They are also responsible for ensuring there is no background noise at their location that would interfere with the meeting.

**10.4 Electronic participation - procedure**

In-person participation shall remain the primary method of participation by members. Members of Council wishing to participate by electronic means must notify the Clerk or Deputy Clerk prior to the meeting that they wish to attend electronically.

a) Each member participating in a meeting by electronic means shall connect at least 15 minutes before the beginning of the meeting.

b) Each member participating in a meeting electronically must use both video and audio unless connectivity or technical issues prevent it.

c) Each member participating by electronic means shall mute his or her electronic device when he or she is not speaking.

d) Each member participating by electronic means for a closed meeting shall participate in an enclosed space and ensure that no other person is present.

e) Each member participating by electronic means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.

f) Where a loss of connection, or any connection issue impedes the ability of a member(s) to participate in the meeting in real time, and the loss of connection does not affect quorum, the meeting will continue in the absence of the member(s).

g) Where a loss of connection, or any connection issue impedes the ability of a member(s) to participate in the meeting in real time, and the loss of connection affects quorum, the Chair shall recess the meeting for fifteen (15) minutes to provide time for the connection to be regained. Where a connection that satisfies quorum cannot be regained, the meeting shall be adjourned, and the remaining business addressed at a subsequent meeting.

## **11. Order of Business**

11.1 The Clerk shall prepare a Council agenda with the routine order of business for regular meetings of Council under the following headings:

1. Call to Order
2. Additions, Deletions, Amendments to the Agenda
3. Declaration of Pecuniary Interest
4. Public Notice
5. Announcements
6. Adoption of Minutes
7. Public Meeting
8. Delegations
9. Reports - for Information
10. Reports - for Direction
11. Motions and Notice of Motions
12. By-laws
13. Communication (including Minutes of Boards & Committees)
14. Closed Session
15. Report from Closed Session
16. Confirmation of Proceedings
17. Adjournment

### **11.2 Agenda - modification by the Clerk**

Modifications to the order of business may be made by the Clerk without amendment to this By-law.

### **11.3 Delivery of the Agenda**

The agenda shall be delivered electronically to each Member of Council by Legislative Services no later than seven (7) calendar days prior to the scheduled Regular Meeting and will be posted on the County website.

## **12. Declaration of Pecuniary Interest**

### **12.1 Disclosing Pecuniary Interests**

All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclose of interest they may have in accordance with the *Municipal Conflict of Interest Act*. It is further the responsibility of all Members to identify and publicly disclose any interest and the general nature thereof.

## **12.2 No Influence**

Members shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part (with the exceptions as noted under Section 5.2(1) of the Municipal Conflict of Interest Act) in the discussion of or vote on any question in respect to the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

## **12.3 Closed meeting - pecuniary interest**

Where a meeting is not open to the public, the member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the Municipal Act, 2001:

- a) the member may take part in the discussion of the matter, including making submissions to Council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
- b) In the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

## **12.4 When absent from meeting at which matter considered**

Where the interest of a member has not been disclosed by reason of the member's absence from a particular meeting, the member shall disclose the member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the member after the particular meeting.

## **12.5 Written Statement re disclosure**

At a meeting at which a member disclosed an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the committee or local board, as the case may be.

## **12.6 Exception**

However, if the County delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the Municipal Act, 2001 to a person or body, and the person or body is considering exercising that power with respect to a member, subsection 18.5 does not prevent the member from attempting to influence any decision of recommendation of the person or body that results from consideration of the matter.

## **12.7 Disclosure to be recorded in minutes**

The Clerk shall record every declaration of interest and the general nature thereof, where the meeting is open to the public, in the minutes of the meeting.

Every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.

## **13. Minutes**

### **13.1 Minutes - Taken by the Clerk, or designate**

The Clerk shall prepare and cause the minutes to be taken of each meeting of Council and which shall include:

- a) The place, date and time of the meeting;
- b) The name of the presiding officer or officers and the record of the attendance of the Members;
- c) Members who enter after the commencement of the meeting or leave prior to adjournment, the time shall be so noted in the minutes;
- d) To record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- e) To record all publicly declared pecuniary interests made by the Members and identify that the Member has recused themselves from discussion or vote on the declared matter, when the subject matter is brought up for debate;
- f) If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question.

### **13.2 Minutes - Approved Next Meeting**

The minutes of each Council meeting shall be presented to Council for approval at the next regular meeting.

### **13.3 Minutes - Council Minutes - Signed**

After the Council minutes have been approved by Council they shall be signed by the Warden and Clerk.

### **13.4 Minutes - Committee Minutes - Signed**

After the Committee minutes have been approved, they shall be signed by the Committee Chair.

## **14. Delegations and Presentations**

### **14.1 Deadline - requesting Delegation**

Delegations wishing to address Council must notify the Clerk seven (7) business days prior to the regular Council or Committee meeting.

### **14.2 Deadline - written delegation**

Any person or group who is scheduled to appear as a delegation before Council or a Committee is requested to submit to the Clerk written or electronic documentation concerning the presentation by 12:00 noon five (5) business days prior to regular Council or Committee meeting.

### **14.3 Delegations - Time Limit**

Each delegation shall be limited in speaking to not more than ten (10) minutes, regardless of the number of people making the delegation.

Extensions to this time limit will be at the discretion of the Warden.

### **14.4 Presentations - Time Limit**

Presentations requested by the municipality; such as but not limited to, presentations made by the Municipal Auditor, a local Board, Agency or Consultant retained by the municipality are not subject to the above mentioned time limit but shall be limited to twenty (20) minutes.



**14.5 Delegation - Previously Heard**

Individuals addressing Council for subsequent times on the same topic, must only present new information during subsequent delegations. New information is deemed to be information that Council has not previously heard.

The Clerk and Warden shall decide the order of the Delegations, with preference being given to individuals who have not previously presented to Council.

**14.6 Delegation - Restrictions**

No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding:

- a) A tender or request for proposal which is either proposed, pending, or actually before Council or a Committee of Council for its consideration;
- b) Labour relations;
- c) Legal issues including the enforcement of By-laws, litigation and potential litigation, and a matter currently before the Integrity Commissioner, courts or administrative tribunal;
- d) Insurance claims; or
- e) Contract negotiations; or
- f) An application for development or amendment to the Planning Act for which a public meeting has already been held, pursuant to the provisions of the Planning Act, as amended from time to time.
- g) A subject that is beyond the jurisdiction of the municipality.

**14.7 Majority Vote - hear any person**

Delegations not listed on the Agenda may be heard provided a majority of the members' present vote to hear the delegation.

**14.8 Delegation - statements - unsubstantiated**

Whenever a delegation in its presentation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member, may be recognized by the Chair on a Point of Order whereby a Member or municipal employee so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

**14.9 Delegation - deemed - inappropriate for Council**

When it is deemed inappropriate that a delegation address Council, the Clerk may refuse the request. The refusal by the Clerk of a request to appear as a delegation may be appealed to the Warden. The ruling of the Warden shall be final. Council shall be advised by email when such rulings are made.

**14.10 Delegation - Decorum**

Delegations shall conduct themselves with decorum and shall treat all meeting participants with respect and courtesy. Delegations shall refrain from using indecent or insulting language, resorting to name calling, personal attacks, or condemning the motives of others.

**15. Notice of Motion**

**15.1 Notice of Motion - Prior to a Meeting**

- a) Notice of Motion provided before a Meeting shall:

- i) be in writing;
  - ii) include the Mover and Seconder; and
  - iii) be filed with the Clerk by noon of the Thursday prior to the Council Meeting.
- b) The Motion shall be added to the agenda for consideration at that meeting.

## **15.2 Notice of Motion - At the Meeting**

- a) Notice of Motion provided at a Council meeting shall:
- i) be in writing; and
  - ii) include the name of the Mover.
- b) All Notices of Motion received during the meeting may be read out loud but cannot be debated. Consideration of a Notice of Motion provided at a meeting will take place at the next, or subsequent, meeting.
- c) Prior to being placed on an agenda for consideration, the Notice of Motion shall include the name of the Mover and Seconder.
- d) Prior to Council's consideration of a Motion of which notice has been given previously, a revised Motion on the same subject, approved by both the mover and seconder, may be substituted for the original one contained in the Notice of Motion by noon on the Thursday before the meeting it is to be considered.

## **16. By-laws**

### **16.1 By-law & Description on the Agenda**

Every by-law shall be listed on the Agenda and will include a brief description of the intent of the by-law.

### **16.2 By-law may be voted on individually**

By request of any member any by-law(s) may be discussed or voted on individually.

### **16.3 Debate and Amendment**

A by-law may be debated or amended before final adoption by Council and is subject amendments or referred for future consideration.

### **16.4 Signed and Sealed**

Every by-law passed by Council shall be dated, sealed and duly signed by the Warden and Clerk.

### **16.5 Confirmatory By-law**

The proceedings of 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.

## **17. Petitions and Communications**

### **17.1 Written- legible-signed**

Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall be signed by at least one person and filed with the Clerk. Correspondence containing obscene or defamatory language shall not be presented to the Council.

**17.2 Deadline - material submitted - to Clerk**

Every petition or communication shall be delivered to the Clerk's Office by noon on seven (7) business days prior to the meeting.

**18. Point of Order/Privilege**

**18.1 Procedure to Raise Point of Order**

A member raising a point of order may interrupt the proceedings, including interrupting a member speaking. The Chair will ask the member to state the point of order. After the point of order is stated, the Chair shall decide the point of order.

The decision of the Chair is final, unless a member appeals the ruling of the Chair, and another member seconds the appeal.

If a Member appeals to Council on a point of order and another member seconds the appeal, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair. The Council shall decide the question, "Shall the ruling of the chair be sustained," without further debate.

The decision of Council is final.

**18.2 Procedure to Raise a Point of Privilege**

Where a Member considers that the integrity of any member or the integrity of the Council as a whole has been impugned, the member may interrupt the proceedings or interrupt a member speaking to raise a point of privilege. With the Chair's consent the member will explain the privilege being tainted or damaged to Council.

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 is final.

**19. Motions**

**19.1 Processing a Motion**

a) A Member wishing to move or speak to a motion must seek recognition from the Chair before speaking.

b) A motion, requiring a seconder, shall be formally seconded before the Chair states the motion.

c) The Chair shall state the motion, which places the motion under the authority of Council or the Committee, who will decide the disposition of the motion.

d) The Member moving the motion has the first right to speak to the motion. The other members will in turn be recognized by the Chair to speak to the motion.

e) When the debate is completed, the Chair will take the vote, and announce the result.

**19.2 Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

### **19.3 Specific Rules Related to Motions**

#### **19.3.1 Main Motion** - Introduces a substantive matter to the assembly for decision.

May only be made when no other motion is pending. Requires a seconder, is amendable, is fully debatable, requires a majority vote to adopt, and may be reconsidered.

#### **19.3.2 Amend** - Used to change the wording of a main motion. Requires a seconder, is amendable (an amendment to the amendment), is debatable, requires a majority vote to adopt, and may not interrupt. Amend is used to, i) insert new wording, ii) strike out wording, iii) strike out and insert other wording, iv) substitute one main motion with another main motion provide the substitute is on the same subject matter. An amendment must be germane (relevant) to the subject matter under discussion.

#### **19.3.3 Refer** - Used to send an item of business to a committee or staff where the item will receive additional, in-depth consideration. Requires a seconder, is amendable, is debatable as to sending it to a committee or staff and requires a majority vote to adopt. Council may provide instructions to the committee or staff, including when it is expected to report back to Council. If the referral is to a new ad hoc committee, it can, in addition to providing instructions, provide the structure of the committee, including number of members, how they are appointed, how the chair is appointed, or who will specifically chair the ad hoc committee.

#### **19.3.4 Postpone to a Certain Time** - Used to delay the consideration of a main motion and to fix a definite date or time (within the current meeting or to the next regular meeting) for consideration. This requires a second, is amendable, debate is restricted as to the merits of postponing and to the time to which to postpone and requires a majority vote to adopt.

#### **19.3.5 Postpone Temporarily (Table)** - Used to set an item of business (a main motion) aside temporarily, when something more urgent has arisen or members may need some other information on the main motion which is not currently or readily available. Requires a second, is not amendable, is not debatable, and requires a majority vote to adopt, but the motion laid on the table may be “taken from the table” by majority vote, without debate. The main motion if not taken from the table by the end of the current meeting is terminated. The item of business can be introduced through regular processes at a future meeting.

#### **19.3.6 Limit or Extend Debate** - Extend debate is used to permit members to speak more times or for a longer time. Limit debate is used to restrict the number of times members may speak or to reduce the length of speaking. May only be applied to debatable motions. Requires a second, is amendable, is debatable (to the form of limitation or extension of debate) and requires a two-thirds vote to adopt.

#### **19.3.7 Close Debate and Vote Immediately** - Used to close debate on an immediately pending motion or on a series of consecutive pending motions. Requires a second, is not amendable, is not debatable, and requires a two-thirds vote to adopt. When adopted, the Chair should immediately take the vote on the affected motion or motions. When adopted, the making of amendments on the affected motions stops.

- 19.3.8 **Recess** - Used to take a break in the meeting and to set a time for continuing the meeting. The motion requires a seconder is amendable (restricted), is debatable only as to taking a break and the time to return and requires a majority vote to adopt. The motion can be used to continue the meeting to another day.
- 19.3.9 **Adjourn** - Used to conclude the meeting. The motion requires a seconder, is debatable when moved with business pending, otherwise it is not debatable, can be amended, and requires a majority vote to adopt. It is the duty of the Chair to ensure no important business has been overlooked that should be taken care of before adjournment. In addition, the motion should not be allowed if a member has already indicated the wish to speak on the pending matter, or if a member is currently speaking or if a vote has begun, or the motion to close debate has been adopted. Upon the vote being taken, the meeting is not concluded until the Chair announces the adjournment. The motion to adjourn may be amended to set the time for a continued meeting. If the amendment is adopted and adjournment is adopted, the meeting which takes place in the future is the same legal meeting, and simply continues the agenda. It is in essence a recess.
- 19.3.10 **Withdraw** - A member may request that their motion be withdrawn and, on hearing no objection the Chair will announce that the motion is withdrawn. If a single member objects to the withdrawal of the motion or the Chair disallows the withdrawal, the motion to withdraw can be moved formally by any member and shall be voted on by Council, without debate, as follows, “Shall the Member’s motion be withdrawn?” It does not require a second, is not debatable and a majority vote adopts the motion to Withdraw.
- If a motion has not been stated by the Chair, the member who moved the motion may withdraw the motion without permission from the Chair or Council.
- 19.3.11 **Division of a Question** - A main motion that is composed of two or more independent parts may be split into two or more individual motions and discussed and voted on separately. The member should indicate how the main motion is to be divided and if the Chair agrees, they will be dealt with separately. If the Chair disagrees that the main motion can be divided the member may move a motion to divide, and the assembly will decide by majority vote. This motion requires a second, is not amendable and is not debatable.
- 19.3.12 **Suspend the Rules** - Allows the members to set aside temporarily the rules of procedure contained in this By-law or in the Standard Code of Parliamentary Procedure to take some action contrary to the rules. It cannot be used to suspend rules in higher documents of authority, including the law, unless the rule in the higher document of authority permits it to be suspended. When stating the motion, the member need not specify the rule being suspended, only the action he wishes to be taken. When the actions have been taken, the Council will return to its regular rules of order.
- Only rules of order may be suspended, such matters as voting requirements, quorum rules, rules specifying notice requirements, and fundamental rights of a member cannot be set aside or suspended.

The motion to suspend cannot interrupt a speaker, requires a second, is not debatable, cannot be amended, and requires a two-thirds (2/3) vote of the members present and voting.

**19.3.13 Reconsider a Vote** - Used in a meeting to bring back an adopted or defeated main motion for additional discussion and a new vote. Any proposal to reconsider, amend or rescind a previous decision of Council made within the current term of Council shall require a motion to reconsider.

A motion to reconsider a previous decision of Council made earlier in a meeting:

- a) may be presented at any time prior to the Meeting by any member who voted in the majority when the decision was made; and
- b) requires an affirmative vote of the majority of the members present.

A motion to reconsider a previous decision of Council at a subsequent meeting:

- a) may only be introduced by a member who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
- b) will be introduced as a Notice of Motion in accordance with the Notice of Motion section for consideration; and
- c) requires an affirmative vote of two-thirds vote of the member present.

The Mover of the motion to reconsider will specify whether the reconsideration will address the entire original decision of Council or part of the original decision.

When the motion to reconsider the vote on the main motion is pending, it requires a seconder, it is not amendable and discussion can only go into the merits of whether or not to bring back the main motion for discussion and a new vote, and it requires a majority vote to adopt. If the motion to reconsider is adopted, it will bring back to Council the main motion as it was when it was originally voted on. The original vote is nullified.

**19.3.14 Rescind a Vote** - Used to cancel, nullify or void a main motion adopted at a previous meeting. The rescission affects the present and future only, it is not retroactive. It can only be moved when no business is pending, requires a second, is debatable, is not amendable, requires the same vote to rescind as was required to adopt the main motion in the first place. Notice is required to rescind if notice was required for the adoption of the main motion. A motion to rescind a defeated main motion is not in order.

## **20. Committees**

### **20.1 Committee - create - mandate**

Council may create Committees. Each Committee shall be given a clear mandate and well defined terms of reference, approved by Council, which will include among other things, the composition, reporting relationship, resources available to the committee.

**20.2 Committee - Procedures**

All Committees created by Council, shall conduct their meetings in accordance with the procedures set forth herein, unless separate Rules of Procedure has been approved by the Clerk.

**20.3 Committee - Meeting Dates**

Committees shall establish regular meeting dates, times and locations at the beginning of each term. Meetings will generally be held in the County Administration Centre but may be moved to alternate locations on the recommendation of the Chair.

**20.4 Committee - Role**

The role of the Committees shall generally be to:

- a) Make recommendations to Council on matters which are in their jurisdiction;
- b) Guide and request staff to provide reports on the direction and nature of policy development, fact finding, analysis and generation of public policy matters;
- c) Receive public deputations and establish mechanisms to receive further public input on vital public policy matters.

**20.5 Committee - Appoint Chair**

Unless otherwise provided by enabling legislation, appointed committees and boards shall, at their first meeting of each year, name or rename a Chair who shall preside at all meetings of such Committee and shall preserve order and decorum, subject to the rules of procedures setout herein.

**20.6 Warden as Committee Member**

The Warden shall be a member ex-officio of all Committees and may vote on all questions before the Committee.

**20.7 Committee Chair Voting**

The Chair of any Committee may vote on any question submitted for consideration and any case on which there is an equality of votes shall be declared to be negative.

**20.8 Reporting Procedure**

Each Committee shall report to the Council on every matter referred to it. No report shall be presented to or be received by the Council as the report of a Committee which shall not have been approved at a meeting of the Committee or a majority of its members, nor shall a report of a Committee be final, or anything done by virtue thereof until such report is approved by the Council unless where such Committee has been expressly authorized by the Council to deal with the questions.

**20.9 Committee Minutes**

All minutes of Committee meetings shall be deposited with the Clerk and shall be placed on the Council Agenda under Communications for information.

**20.10 Striking Committee**

The Striking Committee of Council shall be comprised of the Warden, the Deputy Warden and one member of Council appointed by the Warden. The Striking Committee shall have a Terms of Reference, including a mandate and defined responsibilities approved by Council. In addition to other

responsibilities, the Striking Committee shall be responsible for recommending appointments to Boards, Committees, and external organizations.

## 21. Boards

### 21.1 Grey Bruce Board of Health

Public Health programs and services promote healthy living, protect the health of populations and prevent illness and disease. The Ontario Public Health Standards and the Health Protection and Promotion Act establish requirements and provide for the organization and delivery of fundamental public health programs and services. The Board of Health is responsible for the assessment, planning, delivery, management and evaluation of these programs and services.

The Health Protection and Promotion Act and R.R.O. 1990, Regulation 559: Designation of Municipal Members of Boards of Health, outline the requirements for the composition of Boards of Health.

~~Remove: The Warden and two members of Bruce County Council are appointed for a two-year term to the Grey Bruce Board of Health.~~

**Add: Three members of Bruce County Council are appointed for a two-year term to the Grey Bruce Board of Health.**

### 21.2 Bruce County Public Library Board

The Bruce County Public Library Board performs such duties as are prescribed by the Statutes and County by-laws.

Where non-elected individuals are appointed to the Library Board, the appointments shall reflect the requirements of the Library Act whereby the appointment term will coincide with the term of Council.

Where elected members are appointed to the Library Board, appointments shall reflect the term of Council.

The term of office for the Chair of the Bruce County Public Library Board shall be for the term of the Library Board. The Bruce County Library Board shall be comprised of seven members as follows:

**Remove:**

~~a) Warden~~

~~b) Three elected members. Preference may be given to appointing one member from each of the following areas: Coastline (Huron-Kinloss, Kincardine, Saugeen Shores); Inland (Arran-Elderslie, Brockton, South Bruce); North (North Bruce Peninsula, South Bruce Peninsula)~~

**Add:**

**a) Four members of council. Preference may be given to appointing members from each of the following areas: Coastline (Huron-Kinloss, Kincardine, Saugeen Shores); Inland (Arran-Elderslie, Brockton, South Bruce); North (Northern Bruce Peninsula, South Bruce Peninsula).**

b) Three non-elected members. Preference may be given to appointing one member representing from each of the following areas: Coastline (Huron-Kinloss, Kincardine, Saugeen Shores); Inland (Arran-Elderslie,



Brockton, South Bruce); North (Northern Bruce Peninsula, South Bruce Peninsula).

## **22. Term of Office and Nominations**

### **22.1 Warden & Deputy Warden - One-Year Term**

The term of office of the Warden and Deputy Warden shall be one year; however, this does not preclude the current Warden from serving multiple years if they choose to stand for re-election.

### **22.2 Inaugural Meeting - elect Warden and Deputy Warden**

At each Inaugural Meeting, the first order of business after the meeting is called to order, Council shall proceed to elect a Warden followed by the election of Deputy Warden.

Add:

### **22.3 Nomination Period**

Nominations will be received in writing by the Clerk until noon eight (8) days prior to the Inaugural Session. The Nominations must include the mover, seconder, candidate's name and position seeking nomination.

A Member may be nominated for more than one position. A Member may withdraw their nomination in writing prior to the Inaugural Meeting. A candidate must confirm their desire to let their stand for the position immediately prior to the vote being held.

(The remaining paragraphs will be renumbered.)

### **22.3 Election - conducted by Clerk**

The election of the Warden shall be conducted by the Clerk or in their absence, the Deputy Clerk shall preside.

### **22.4 Election - Secret Ballot**

The election of the Warden and Deputy Warden shall be by secret ballot under the authority and direction of the Clerk.

### **22.5 Election - each Member one vote**

Pursuant to the provisions of the Municipal Act and amendments thereto, for the purposes of the election of the Warden and Deputy Warden, each member of County Council shall have one vote.

### **22.6 Separate Election for Warden and Deputy Warden**

The Clerk shall hold an election of Warden using the established procedures. Upon completing the election of Warden, the Clerk shall hold an election for the Deputy Warden position using the same procedures.

### **22.7 Nominations**

The Clerk shall call for the nominations of Warden, or Deputy Warden as applicable. Where it appears to the Clerk, by asking for further nominations and receiving no response, that there are no further nominations, the Clerk shall call for a motion declaring nominations closed.

### **22.8 Candidate - three minutes to speak**

Each candidate for is permitted to speak a maximum of three minutes prior to the election of the Warden or Deputy Warden.

**22.9 Paper Ballot - alphabetical order**

The names of all those nominated shall be submitted to the Council at the same time on equal size pieces of paper listing those nominated in alphabetical order.

**22.10 Equal Number of Votes**

Where there is an equality of votes the Clerk will conduct two additional ballots to determine the successful candidate. If equality exists after two additional ballots, the successful candidate shall be determined by the Clerk by placing the names of the candidates on equal sized pieces of paper in a box and one name being drawn by the Clerk. The name of the candidate drawn shall be declared elected Warden.

**22.11 Fewest Number of Votes - eliminated**

If more than two candidates are seeking the office of Warden, or Deputy Warden as the case may be, the candidate receiving the fewest number of votes shall be eliminated after the first ballot.

**22.12 Majority of Votes**

When a candidate has received a majority vote of Council, five (5), there will be no further ballots.

**22.13 Equal Votes - additional votes - draw**

Where there is an equality of votes between the second and third or more candidates, the Clerk will conduct an additional ballot to determine which candidate will remain on the ballot for Warden. If equality exists after two additional ballots, the Clerk will conduct a draw as previously described and the name drawn would be eliminated. Once this has been decided, all the remaining candidates would be placed on the next ballot.

**22.14 Successful candidate reported to Council**

The Clerk will report the successful candidate to Council.

**22.15 Returning Officer**

**Remove:**

~~The Returning Officer for the election is to be an active Senior Partner of the County's Solicitor's firm.~~

**Add:**

**The Clerk, or designate, shall serve as the Returning Officer for the election.**

**22.16 Scrutineers**

**Remove:**

~~The Clerk and the Chief Administrative Officer are the scrutineers and are to be bound to secrecy regarding the number of votes received by the candidates.~~

**Add:**

**The Chief Administrative Officer and the Deputy Chief Administrative Officer, or designate, shall serve as scrutineers and are to be bound to secrecy regarding the number of votes received by the candidates.**

**Should a secret electronic poll be used, no scrutineers shall be used.**

**22.17 Candidate - Withdraw**

A candidate may voluntarily withdraw their name at any time during the process.

### **22.18 Motion to Destroy Ballots**

The Warden will call for a motion to destroy the ballots.

### **22.19 Electronic Ballot**

Notwithstanding Section 22.9, the Clerk shall determine if it is appropriate to conduct the voting electronically. An electronic ballot listing those nominated in alphabetical order may be created in the agenda management software program, provided all voting Members have received training in using the system prior to the vote taking place.

All other provisions of the voting process are applicable, where practicable.

## **23. Notice Provisions**

### **23.1 Provide Notice**

The form, manner and times when notice will be provided to the public regarding specific by-laws and the holding of certain meetings is outlined in the County's Notice Policy.

### **23.2 Publish on Website**

The published Agenda on the County's website shall be considered as adequate notice of Regular and Special Council and Committee meetings.

## **24. Taping or Recording of Meetings**

**24.1** Council or Committee meetings, not held in closed, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by another licensed telecommunications company, or by any other media at the back of the Council Chambers or meeting room and in such a manner as not to interfere with the proceedings of the meeting with advance notification to the Clerk, Head of Council or Chair of the Committee as the case may be.

**24.2** Members of the public will be permitted to make recordings of proceedings provided that the action of recording does not interfere with the conduct of the meeting with advance notification to the Clerk or Chair of the Committee. Meetings which take place during closed session will not be recorded.

**24.3** Should the recording interfere with the proceedings of the Council or Committee meeting; the recording privileges may be withdrawn. The ruling of the Presiding Officer or Chair shall be final unless by appeal to the Council which shall decide upon the question without debate.

**24.4** When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the meeting, whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a complete record of the meeting

## **25. Conflict**

In the event of conflict between the provisions of this by-law and the Act, or any other legislation, the provisions of the legislation shall prevail.

## **26. Repeal and Enactment**

### **26.1 Repeal**

By-law No. 2022-043 is hereby repealed.

### **26.2 Effective Date**

This by-law shall come into force and effect on the date it is passed.

Passed this 2nd day of November, 2023.

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**Chris Peabody**  
Warden

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**Linda White**  
Clerk



## Appendix “A” to By-law 2023-043

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### Closed Meeting Procedures

Effective Date: March 1, 2016

Revision Date: March 1, 2019

Reviewed by Staff: February, 2019

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#### 1. Coverage

This procedure applies to Council, Committees, Sub-Committees and Local Boards of the County of Bruce.

#### 2. Purpose

This procedure defines the process on when closed meetings are to be held and the processes to be followed. The County of Bruce supports the principles of open and accountable governance. There are circumstances, however, where it is necessary to hold a closed meeting.

#### 3. Procedure

##### 3.1 Agenda

Agendas shall include closed meeting items, when required, including information surrounding the nature of the closed meeting item. The Agenda will also include confidential reports for discussion and Minutes for approval.

##### 3.2 Confidential Reports

Whenever possible, written closed meeting reports are preferred over verbal reports as the former provides for a more detailed account of the confidential record. Whenever possible, written reports are to be distributed in advance in order to ensure that Council or Committee is prepared for any decisions they may need to consider in relation to a closed meeting discussion.

Staff who are considering labelling a report “confidential”, and therefore to be considered a closed meeting matter, should, if necessary, seek advice from the Chief Administrative Officer or Clerk to ensure that the subject matter meets the criteria for a closed meeting discussion.

##### 3.3 Resolution to go into a Closed Meeting

A resolution to go into a closed meeting should voluntarily disclose as much information as possible about the subject matter to be discussed to provide transparency and accountability to the public. The reason must meet the criteria as set out in Section 239 of the Municipal Act, 2001.

If Council or a Committee is going into a closed meeting under Section 239 then the resolution must also include the following:

- Notation that the meeting is going into closed session under Section 239 of the Municipal Act
- A description of the subject matter to be discussed and the fact that the meeting is being closed under the specific subsection.

### **3.4 Discussion and Voting**

Voting during closed meetings is restricted to procedural matters or for giving directions or instructions to officers, employees or agents of the municipality or committee of either of them or persons retained by or under a contract with the municipality.

It is recommended that where voting is permitted that formal motions be utilized for voting.

The Warden or Chair shall prohibit discussion of any matter that was not disclosed in the resolution authorizing the closed meeting.

### **3.5 Minutes**

The Clerk or delegate takes minutes of the closed meeting. In the event the Clerk or delegate are excused from the closed portion of the meeting, the C.A.O. will document the proceedings. The C.A.O. has been delegated the authority to record closed proceedings, by the Clerk.

Once back in the open meeting the Warden or Chair shall confirm that the Council or Committee discussed only those matters identified in the resolution to go into a closed meeting and recorded in the minutes.

### **3.6 Approval of Closed Meeting Minutes**

Closed meeting minutes shall be approved at the next closed meeting.

### **3.7 Circulation of Closed Meeting Minutes and Confidential Reports**

Closed meeting minutes and confidential reports shall be published through eScribe and notification sent to the members.

Recipients shall not copy, forward or in any way share the confidential information.

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