

# VILLAGE OF POINT EDWARD

## By law Number 37 of 2021

### *Being a By-law to Regulate the Proceedings of the Council and Committees Of the Corporation of the Village of Point Edward.*

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**WHEREAS** the Municipal Act, 2001, S. O. 2001, c. 25 (“the Act”), section 238 provides that a municipality shall establish a procedure By-Law to govern meetings;

**AND WHEREAS** By-Law Number 3 of 2019 governs the calling, place and proceedings of all Council meetings of the Corporation of the Village of Point Edward (“Village of Point Edward”)

**AND WHEREAS** the Province of Ontario enacted the Municipal Emergency Act, 2020 to amend the Act to enact section 238 (3.3) and section (3.4) to allow meetings to be held electronically during an emergency declared by either the Province and/or the Village of Point Edward pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (“Provincial Emergency Act”);

**AND WHEREAS** The Council of the Village of Point Edward considers it desirable to hold meetings electronically during an emergency declared by either the Province of Ontario and/or the Village of Point Edward pursuant to the Provincial Emergency Act;

**NOW THEREFORE** The Council of the Corporation of the Village of Point Edward enacts as follows:

#### **DEFINITIONS**

**“EMERGENCY”** means any period of time during which an emergency has been declared to exist by the Mayor and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.01 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9.

**“ELECTRONIC MEETING”** means a meeting called by the Mayor or a Committee Chair, and held in full or in part through such electronic means selected by the Mayor or Committee Chair, in consultation with the Clerk, taking in to account the Village of Point Edward’s resources, which may include, but not be limited to audio telephone conference, video telephone conference, or online through the internet or otherwise via the internet, and with or without in person attendance.

**GENERAL**

1. In all proceedings at or taken in this Council, the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the Council, and in the committees thereof, and all rules existing and inconsistent with this by-law at the time of passing thereof are hereby repealed.

**CONVENING MEETINGS OF COUNCIL OR COMMITTEES**

2. The regular meetings of Council shall be held on the fourth Tuesday of each month in the Council Chambers except for the months of August and December. The meetings shall begin at 5:00 p.m. A regular meeting may be held on the second Tuesday of each month in the Council Chambers beginning at 5:00 p.m., if it is required.
3. The Mayor or presiding officer shall declare any Council meeting adjourned at the hour of 11:00 p.m. unless Council by resolution determines otherwise.
4. Council may by resolution extend any session of Council for one hour provided all the members of Council vote in favour thereof.
5. When a public holiday falls on a regular meeting day, the day following shall be considered the regular meeting day.
6. The regular Committee meetings shall be held on the second Tuesday of each month in the Council Chambers except for the months of August and December. A regular schedule for the times of the meetings will be posted and may be amended from time to time.
7. Except as otherwise provided by the Municipal Act or other statutes, Council may, by resolution, dispense with, alter the time, day or place of any meeting.

**ELECTRONIC MEETINGS** (in the event of a Declared Emergency)

8. Notwithstanding any other Part hereof, at the call of the Mayor a regular or special meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.

A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person.

9. An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.

A public notice of an Electronic Meeting shall include enough information as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.

10. Despite any other Part hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, Council at and/or during an Electronic Meeting, shall first give the requisite notice thereof to the Clerk and meet all other requirements of these Rules of Procedure, and provided such requirements have been met, shall only be permitted to make such presentation, request or present such correspondence in writing, provided further that such written presentation, request and/or correspondence is received by the Clerk as required in By-Law 12 of 2020.
11. The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part. In the event of any inconsistency and/or conflict between this Part and any other Part of these Rules of Procedure, this Part shall prevail to the extent of the inconsistency and/or conflict.

**ELECTRONIC MEETINGS** (outside of a Declared Emergency)

12. Notwithstanding a Declared Emergency, Sections 8-11 shall apply in their entirety for Electronic Meeting Participation in addition to the following:
  - a) Although members are generally expected to attend Council Meetings in person it is understood that, for various reasons, a Member (s) may not be capable of so attending. Member(s) may participate in any Meeting by Electronic Means for the following reasons: distance is a factor, emergency, work-related, vacation, conference, experiencing symptoms of a contagious infection/illness, or when they can otherwise not travel to the location of the meeting.
  - b) A Member(s), staff or the public may only participate in a Meeting via electronic application where the Meeting Place is equipped to facilitate such action.
  - c) The onus lies with the Members participating electronically, who shall notify the Clerk by no later than noon on the day of the meeting and by accessing the meeting through the electronic access particulars, such as conference call number and/or online link, provided by the Clerk to Council Members for such purposes. Members shall provide a reason in accordance with 12(a) to be recorded in the minutes. Exceptions will be made for emergencies where possible, provided the Member has contacted the Clerk.
  - d) Deputations, planning applicants, staff participation and the public (including media) will be permitted to attend meetings electronically by notifying the Clerk by no later than Wednesday at noon, the week before the meeting to access particulars, such as conference call number and/or online link, provided by the Clerk.
  - e) A public notice shall include sufficient information as to provide the public with the ability to reasonably access and/or otherwise observe, the open session of the Electronic Meeting;
  - f) Any Member participating remotely in an Electronic Meeting whose vote cannot be audibly heard, or visually seen due to service interruption or other, will not be

considered a negative vote; it will simply not count for or against.

- g) During an Electronic Meeting, regardless of physical attendance, or electronic participation, each Member attending counts towards quorum; there is no minimum or maximum requirement for physical attendance, nor electronic participation.
- h) In the event that the Chair is participating remotely in an Electronic Meeting and cannot be audibly heard, or visually seen due to service interruption or other, has the option to appoint an alternate Chair to act in his/her place for part of, or the entire meeting

### **NOTICE OF MEETING**

12.

- a) The Clerk shall give notice of each regular and special meeting of Council to the members of Council and of each Committee or Board to the Council or Board members appointed to the Committee (if applicable).
- b) The Notice shall be accompanied by the Agenda and any matter, so far as known, to be brought before such meeting.
- c) The Notice for regular meetings shall be placed in the Village shared drive not later than noon of the day before the meeting.
- d) The Notice for special meetings shall be placed in the Village shared drive as soon as is possible before the meeting.
- e) The Notice for Committee meetings shall be placed in the Village shared drive for the applicable Council members as soon as is possible before the meeting, preferably not later than the Friday before the day of the meeting. Copies of agenda items will also be provided to Committee members who do not have access to the Village's shared drive.
- f) Notice of regular or special meetings of council, a local board or a committee of either of them shall be posted on the web site and will be available on request in the municipal office prior to the meeting.

### **SPECIAL MEETINGS**

13.

- a) The Head of Council may, at any time, summon a special meeting.
- b) The Clerk shall summon a special meeting upon receipt of the petition of the majority of the Council members, for the purpose and at the time mentioned in the petition.
- c) In either case, notice must be given to all members of Council by the Clerk by telephone.

**IT SHALL BE THE DUTY OF THE CLERK:**

- 14.
- a) To prepare the Agenda of Council and Committees.
  - b) The Clerk shall accept items for the Agenda from the Mayor and members of Council.
  - c) The Clerk may also receive petitions and communications from the public and if in their opinion the item is of sufficient relevance then they shall place the petition or communication on the Agenda of the Council or Committee.
  - d) Copies of all correspondence and petitions or a short statement of its contents, as well as any required report, must be attached to all Council and Committee agenda or noted thereon and forwarded to all members of Council.
  - e) All items for the agendas shall be delivered in writing to the Clerk not later than noon the Thursday prior to Council and Committee meetings.

**THE CLERK SHALL HAVE PREPARED FOR THE USE OF THE MEMBERS AT REGULAR MEETINGS THE AGENDA AS FOLLOWS:**

- 15.
- a) Disclosures of Pecuniary Interest
  - b) Planning
  - c) Delegations
  - d) Public Meetings
  - e) Adoption of Minutes
  - f) Business Arising from the Minutes
  - g) Financial Reports
  - h) Committee Reports
  - i) Miscellaneous Reports
  - j) Communications (Council Action)
  - k) Communications (Receive and File)-Listed
  - l) New Business
  - m) By-laws
  - n) Resolution to adjourn to an "in-camera" session
  - o) Resolution to reconvene to regular Council session
  - p) Report of the closed session meeting of Council
  - q) Resolution to adopt the report of the closed session
  - r) Confirming By-Law
  - s) Adjournment

And all business shall be taken up on the order of routine in which it stands unless otherwise decided by Council.

**THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL:**

16. It shall be the duty of the Mayor:
- 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 of procedure;
- f) to restrain the members, when engaged in debate, within the rules of order;
- g) to enforce on all occasions the observance of order and decorum among the members;
- h) to call by name any member persisting in breach of the rules of order of the Council, thereby ordering them to vacate the Council Chamber;
- i) to receive all messages and other communications and announce them to the Council;
- j) to authenticate, by their signature, when necessary, all by-laws, resolutions, minutes of Council;
- k) to inform the Council, when necessary or when referred to for the purpose, in a point of order or usage;
- l) to select the members who are to serve on committees;
- m) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
- n) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;

### **DECORUM**

17. No member of Council shall:

- a) disturb another, or the Council itself, by any disorderly deportment disconcerting to any member speaking;
- b) resist the rules of Council or disobey the decisions of the Mayor or of the Council on questions of order or practice or upon the interpretations of the rules of order of the Council;
- c) be permitted to retake their seat at any meeting after being ordered by the Mayor to vacate after committing a breach of any rule of order of the Council, without making apology and the consent of Council expressed by a majority vote of the other members present, determined without debate;
- d) walk across or out of the Chamber or make any noise or disturbance when the Mayor is putting a question and shall occupy their seat while a vote is being taken and until the result thereof is declared.

### **RULES OF DEBATE**

18. In directing the course of debate, the Mayor shall:

- a) designate the member who has the floor when two or more members rise to speak;
- b) preserve order and decide questions of order;
- c) read all motions presented in writing and state all motions presented verbally, if requested, before permitting debate on the question, except when otherwise provided in this by-law.

**MEMBERS**

19. In addressing the Council, no member shall:

- a) speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
- b) use indecent, offensive or insulting language in or against the Council or any member thereof;
- c) speak more than once to the same question, except:
  - in explanation of a material part of their speech which may have been interpreted incorrectly, or
  - with leave of the Council, after all other members so desiring have spoken;
- d) interrupt the member who has the floor except to raise a point of order.

**GENERAL**

20.

- a) Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- b) Any member may appeal the decision of the Mayor on a point of order to the Council which shall decide the question without debate upon a majority vote of the members present.

**MOTIONS**

21. Notice of Motion

A member of Council may give notice that they will bring forward a motion under the "New Business" portion of the agenda. Such a motion shall be debated and acted upon on at a subsequent session. The notice of motion shall be presented to Council in writing.

The Council member shall bring the Notice of Motion forward under the "New Business" portion of the Agenda.

Where a Notice of Motion has been given at a previous meeting, the notice shall have priority under "New Business."

Notwithstanding the above requirement, if accepted by Council, a motion of a non-substantive nature, may be introduced without notice in which case it shall be set out in full in the minutes of the meeting of Council at which it is considered.

22. Must be Seconded

A motion must be formally seconded before the Mayor can put the question or be recorded in the minutes.

23. Withdrawal

After a motion is made or has been stated by the Mayor, it shall be deemed to be in the possession of the Council and can be withdrawn before decision or amendment only with permission of the Council expressed by resolution.



#### 24. Priority of Disposition

A motion properly before Council for decision must be decided upon before any other motion can be received except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit or on a matter of privilege.

#### 25. To Amend

A notice to amend:

- a) shall receive disposition of Council before a previous amendment or the question;
- b) only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main question;
- c) shall be relevant to the question to be received;
- d) shall not be received proposing a direct negative to the question;
- e) two separate distinct proposals of a question may be made;
- f) shall be put in the reverse order to that in which it is moved.

#### 26. To Adjourn

A motion to adjourn:

- a) the meeting shall always be in order except as provided in this paragraph and shall be put immediately without debate;
- b) when resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council;
- c) is not in order when a member is speaking, nor during the verification of a vote;
- d) cannot be amended.

#### 27. Repetition

A motion called in the order in which it stands upon the Agenda of the routine of business of a meeting and which is not decided by Council, shall be allowed to stand retaining their precedence upon the agenda of the routine of business of the next ordinary meeting of Council.

#### 28. “Ultra Vires”

A motion on a matter beyond the jurisdiction of the Council shall not be received by the Mayor.

#### 29. Reconsideration

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon with the majority and until decided by Council no further discussion of the question shall be allowed, but no such motion can be received which would require reconsideration of the same question more than once.

#### 30. To Commit

A motion to commit or recommit a question to a committee or committees with or without instructions may be amended but must receive disposition by Council before the question or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.



31. Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of rules of procedure, adjournment, postponement, for the previous question, or commitment may be made verbally.

32. Divided Motion

Any member of Council may ask for a division of a vote, and the Mayor shall put the question in parts to a vote of Council.

**VOTING ON MOTIONS**

33. Question Stated

Before putting the question to a vote, the Mayor may state a question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative, he shall state the question in the precise form in which it will be recorded in the minutes.

34. No Interruption After Question Stated

After a question is finally put by the Mayor, 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.

35. Division of Question

A separate vote shall be taken upon each proposal contained in a question divided.

36. Vote of Mayor

When the Mayor determines to vote on a question, their vote shall be spoken or signified and polled.

37. Abstention Recorded Affirmative

If any member of Council does not vote when a question is put and a recorded vote taken, they shall be deemed as voting in the affirmative except where they are prohibited from voting from statute.

38. Vote Not Allowed

A member not present before the result of a division on a question is declared, shall not be entitled to vote on that question.

39. Unrecorded Vote

The manner of determining the decision of Council on a motion shall be at the discretion of the Mayor and may be by voice, show of hands, standing or otherwise.

40. Recorded Vote

Upon the request of the Mayor or member and before a vote is taken on a motion, the Clerk shall record, in the minutes, the names of each Council member present and each member's vote in the affirmative or negative to the motion.

**GENERAL****41. Order of Business**

The Clerk shall have prepared a list of the items in order of the topics set out as the routine of business in paragraph 15 for the use of each member at an ordinary meeting.

**42. Minutes**

- a) The minutes shall record:
  - I. the place, date and time of meeting;
  - II. the names of the Mayor, and of the members present;
  - III. the presentation, correction and adoption of the minutes of prior meetings.

**43. Delegation**

Persons desiring to verbally present information on matters of fact or make a request of Council may be heard providing a written letter of request has been submitted no later than the Wednesday prior to the Council meeting. If an emergency situation arises where an immediate decision is required, a resolution of Council will be required to permit delegation status in extenuating circumstances. Each delegation shall be limited in speaking not more than ten minutes except that a delegation consisting of more than five persons shall be limited to two speakers each limited to speaking not more than ten minutes.

**44. Petitions**

A petition in regard to a matter within the jurisdiction of Council made over the signatures of the subscribers shall be presented by a member who knows the contents thereof and vouches for the propriety of the petition, and may be received on leave of Council, may be disposed forthwith, assigned some future time for consideration by Council or referred to a committee.

**45. Committee Reports and Recommendations**

- a) shall be received upon permission of Council;
- b) may be recommitted to the same or a different Committee;
- c) may be adopted, rejected or varied by Council.

**46. Unfinished Business**

The items listed on the Order of Business from business of prior meetings, which remain outstanding, shall be brought forward until Council decides the action to be taken.

**47. By-laws**

- a) Every proposed by-law shall:
  - I. be introduced by a member upon motion for leave specifying the title and decided without debate, or upon the report of a committee;
  - II. receive three separate readings;

- III. be endorsed by the Mayor and Clerk with the date of the readings thereof;
- IV. be the responsibility of the Clerk for correctness when amended;
- V. be finally passed by Council before signature by the Mayor or Acting Head of Council and the Clerk.

b) Every proposed by-law may be referred to a committee.

48. Suspension of Rules

Any procedure required by this by-law may be suspended with consent of a majority of the members present.

49. Points Not Provided For

All points of order or procedure not provided for in these rules shall be decided in accordance with Robert's Rules of Order.

**CLOSED MEETINGS**

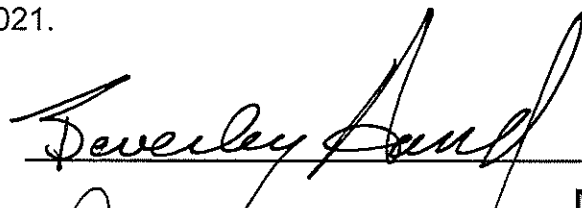
50. All meetings of Council, committees and boards shall be open to the public with a limited list of exceptions as follows:

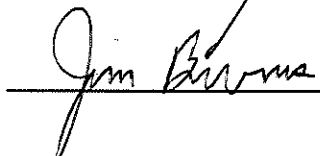
- a) The security of the property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal or local board employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- d) Labour relations or employee 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) If the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.
- i) If the meeting is held for the purposes of educating or training the members and 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.

51. Former By-laws Repealed

By-law 12 of 2020 is hereby repealed. Any other By-law inconsistent with this By-law is also hereby repealed.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 23rd day of November, 2021.

  
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 Mayor

  
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 Clerk