

The Corporation of the Town of Tillsonburg By-Law 4173 Procedural By-Law

(Last updated: Consolidated By-Law 2020-077: August 5, 2020
Consolidated By-Law 2020-030: March 20, 2020)



By-Law 4173 Consolidated

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**The Corporation of the Town of Tillsonburg
By-law 4173**

A By-Law to Provide Rules Governing the Calling, Place and Proceedings of Meetings of Council, Local Boards and Committees and the Conduct of its Members.

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

NOW THEREFORE, the Council of The Corporation of the Town Tillsonburg hereby enacts as follows:

PART 1 – INTERPRETATION

1.1. Definitions

Where a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this section. Where a word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (1) “**Chief Administrative Officer**” means the Chief Administrative Officer of the Town of Tillsonburg, as referred to in Section 229 of the *Municipal Act*.
- (2) “**Town Clerk**” means the Municipal Town Clerk of the Town of Tillsonburg as appointed pursuant to Section 228 of the *Municipal Act*.
- (3) “**Committee**” means any standing, advisory or other committee, subcommittee or similar entity established by Council.
- (4) “**Council**” means the Municipal Council of the Town of Tillsonburg.
- (5) “**Electronic Participation**” means that a member of council, a local board or committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law.
- (6) “**Electronic Device**” means computers, cellular telephones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders; cameras; two-way radios or any other similar device;
- (7) “**Local Board**” means any board established by Council but does not include the Police Services Board.
- (8) “**Mayor**” means the Mayor of the Town of Tillsonburg.
- (9) “**Meeting**” means any regular, special or other meetings of council, of a local board or of a committee of either of them, where a quorum is present and 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.
- (10) “**Member**” means any member of Council, a Local Board or a Committee of the Town of Tillsonburg.
- (11) “**Newspaper**” means a printed publication in sheet form, intended for general circulation in the Town of Tillsonburg, published regularly at intervals of no longer

than one week, consisting in great part of news of current events of general interest.

- (12) **“Official” or “Staff”** means any employee or officer employed by the Town of Tillsonburg and any person appointed, elected or an agent of the Town of Tillsonburg including a person presiding over a company's board of directors, a committee, a debate, or an administrative department.
- (13) **“Presiding Officer”** means the Mayor of the Town of Tillsonburg or in the Mayor’s absence the Deputy Mayor or any member appointed to act as Chair for the meeting.
- (14) **“Recorded Vote”** means the recording by the Town Clerk in the minutes, the name and vote of every Member on any matter or question.
- (15) **“Rules”** means the rules of procedure and order as set out in this By-law.
- (16) **“Substantive Motion”** means any motion, except a motion to:
- a. recess;
 - b. postpone;
 - c. refer;
 - d. extend the meeting;
 - e. close debate;
 - f. rise and report;
 - g. change the order of business;
 - h. adjourn; or
 - i. any other procedural rule incidental to the proceedings of the meetings at that time.
- (17) **“Town”** means The Corporation of the Town of Tillsonburg or its geographic boundaries as the situation requires.

1.2. Number and Gender

Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances. References to items in the plural include the singular, as applicable.

1.3. Headings

Headings are inserted for ease of reference only and are not to be used as interpretation aids.

1.4. Legislation

Specific references to law in this By-law are printed in *Italic font* and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

1.5. General Meeting Procedure

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied to the procedure followed in Robert’s Rules of Order, 11th Edition.

1.6. Short Title

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

PART 2 – EFFECT

2.1. Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all Meetings of Council and by its Members, and shall constitute the rules for the order and dispatch of business by Council and its Members.

PART 3 – ROLE OF COUNCIL AND MAYOR

3.1. Role of Council

(1) It is the role of Council to:

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

3.2. Role of Mayor

(1) It is the role of the Mayor to:

- a. act as chief executive officer of the Town;
- b. preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. provide leadership to Council;
- d. without limiting clause (c), provide information and recommendations to Council with respect to the role of Council described in the *Municipal Act*, clauses 224 (d) and (d.1);
- e. represent the Town at official functions;
- f. carry out the duties of the Mayor under this By-law, the *Municipal Act* and any other Act; and
- g. represent the Town at County of Oxford Council meetings. Council may appoint one of its members as an alternate member of the upper-tier council, to act in place of the Mayor who is a member of the council of the local municipality and its upper-tier municipality, when the Mayor is unable to attend a meeting of the upper-tier council for any reason.

(2) As chief executive officer, the Mayor shall:

- a. uphold and promote the purposes of the Town;
 - b. promote public involvement in the Town's activities;
 - c. act as representative of the Town both within and outside the Town, and promote the Town locally, nationally and internationally; and
 - d. participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.
- (3) The Mayor may assign or delegate any of the duties of the Mayor to the Deputy Mayor, if elected or any Councillor from time to time, according to such terms and conditions as the Mayor may define, and the Councillor shall carry out such duties with care and diligence.

3.3. Duty of Members

- (1) It shall be the duty of Members to:
- a. attend all Council Meetings;
 - b. prepare for meetings, including reviewing meeting agendas and background information prior to the meeting to allow for discussion and determination of action at the meeting. Members are encouraged to make inquiries of staff regarding the materials supplied in advance of the meeting;
 - c. speak to only the subject under debate;
 - d. vote on all motions before Council unless prohibited from voting by law;
 - e. observe the Rules at all meetings;
 - f. speak through the Presiding Officer at all meetings;
 - g. support Council and not criticize any decision of the Council except for the purpose of moving that the question be reconsidered or repealed;
 - h. attend all meetings of committees and local boards to which the Member has been appointed by Council;
 - i. carry out the duties set out in the Municipal Act and all other applicable Acts;
 - j. act in accordance with their Declaration of Office;
 - k. shall not direct or interfere with the performance of any work for the municipality; and
 - l. adhere to the Council Code of Conduct at all times.
- (2) No Member shall divulge to any person any information that pertains to any aspect of any discussion or direction of Council that was given or provided at a closed Meeting of Council.
- (3) Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.
- (4) Members shall abide by the Code of Conduct, By-Law 3979, or current version thereof, at all times.

PART 4 – COUNCIL MEETINGS

4.1. Meeting Place

- (1) Council Meetings shall be held in the Council Chambers adopted and used by the Council from time to time for such purpose or any other locations identified by Council. Despite the foregoing, the Mayor may authorize a special Council Meeting to be held at a location other than the Council Chambers currently adopted.
- (2) Where the Council Chambers currently adopted are not available for a meeting due to an unforeseen circumstance or due to renovation or similar impediment, the Mayor shall designate another location that is accessible to the public for purposes of holding Council Meetings.

4.2. Inaugural Meeting of Council

- (1) The Inaugural Meeting of Council shall be held commencing at 6:00 p.m. on the first Monday in December of an election year unless such Monday is not practicable, in which case the Inaugural Meeting shall be held at a time and date set by the Town Clerk in consultation with the incoming Council but not later than the second Monday in December.
- (2) With respect to the 2018 regular election, the term of office shall begin on December 1, 2018 and end on November 14, 2022. For subsequent terms of office, the Inaugural Meeting of Council shall be held on the first Monday following the commencement of the term at 6:00 p.m. unless such a day is not practicable, in which case the Inaugural Meeting shall be held at a time and date set by the Town Clerk in consultation with the incoming Council.
- (3) At the Inaugural Meeting, Members shall take the Declaration of Office.

4.3. Regular Council Meetings

- (1) Regular Council Meetings shall be held on the 2nd and the 4th Mondays of each month, except in the month of July, August and December or as otherwise set by Council from time to time.
- (2) Regular Council Meetings shall commence at 6:00 p.m. except as otherwise set by Council from time to time.
- (3) A member of Council shall not be permitted to participate electronically in a meeting
- (4) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Town Clerk in consultation with the Mayor may cancel the Council Meeting or reschedule the meeting to a different date or time of commencement provided that

adequate notice of the change is posted pursuant to the notice of meeting provisions.

4.4. Special Council Meetings

- (1) Special Council Meetings may be held from time to time and may be initiated by:
 - a. the Mayor;
 - b. a petition or a vote of the majority of the Council Members; or
 - c. the Town Clerk, in consultation with the Chief Administrative Officer.
- (2) The date, time, and location of a Special Council Meeting shall be set by the Town Clerk in consultation with the Mayor or by petition or vote of the majority of the Members.
- (3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.

4.5. Closed Council Meetings

- (1) A Closed Council Meeting is a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of this By-law and the Municipal Act.
- (2) A member of Council shall not be permitted to participate electronically in a meeting which is closed to the public.
- (3) Closed Council Meetings may be initiated by:
 - a. the Mayor;
 - b. petition or vote of the majority of the Members; or
 - c. the Town Clerk, in consultation with the Chief Administrative Officer.
- (4) The date, time, and location of a Closed Council Meeting shall be set by the Town Clerk in consultation with the Mayor or by petition or vote of the majority of the Members.
- (5) Prior to holding a Closed Meeting, Council shall state by way of resolution the fact that a closed meeting will be held and the general nature of the matter to be considered at the closed meeting.
- (6) A Closed Council Meeting may be held if the subject matter being considered relates to:
 - a. the security of the property of the Town;
 - b. personal matters about an identifiable individual, including Town employees;
 - c. a proposed or pending acquisition or disposition of land by the Town;
 - d. labour relations or employee negotiations;
 - e. litigation or potential litigation, including matters before administrative tribunals, affecting the Town;

- f. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g. a matter in respect of which Council may hold a closed meeting under another Act;
- h. consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act. This applies if the council, board, commission or other body is the head of an institution for the purposes of that Act;
- i. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act;
- j. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- k. 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;
- l. 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
- m. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or
- n. education or training of the Members, and 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;

(7) No matter except the matters so identified in the motion authorizing the Closed Council Meeting shall be transacted at that meeting.

(8) No decisions shall be made in closed Council Meetings.

(9) Council may provide staff direction.

4.6. Meeting Agendas

- (1) The Town Clerk shall make available to each Member a meeting agenda for each Council Meeting. An electronic copy of the agenda shall be sent by the Town Clerk, or designate, to each Member of Council:
 - a. in the case of Regular Council Meeting, no less than 4 days before the date appointed for the holding of such meeting; and
 - b. in the case of Special and Closed Council Meetings, no less than 48 hours before the hour appointed for the holding of such meeting.

- (2) In preparing a meeting agenda, the Town Clerk shall consult with the Mayor and the Chief Administrative Officer, and shall reflect the direction of the Mayor and the Chief Administrative Officer in finalizing the meeting agenda.
- (3) At the direction of the Mayor, the Town Clerk may provide a meeting agenda for a Special Council Meeting or a Closed Council Meeting at the meeting where time constraints do not allow the meeting agenda to be provided to the Members at least 48 hours before the hour appointed for the holding of such meeting.
- (4) As soon as possible after a meeting agenda has been provided to Members, with the exception of agendas for Closed Council Meetings, the Town Clerk shall make the meeting agenda available to the public, and shall:
 - a. maintain copies of the meeting agenda in the Town Clerk's office for use by the public;
 - b. post the meeting agenda on the Town's website; and
 - c. ensure that the meeting agenda is available to any of the local news media or members of the public who have requested a copy of the same.

4.7. Meeting Minutes

- (1) The Town Clerk shall prepare and maintain minutes of all Council Meetings, to include:
 - a. the date, time and place of the Council Meeting;
 - b. the names of Presiding Officer or Officers and record of attendance of the Members;
 - c. the names of the staff members and consultants present at any meeting;
 - d. the names of members of the public who spoke or presented at a statutory public meeting as required by any Act and the names of members of the public who spoke or appeared as Delegations or in Open Forum, if applicable;
 - e. the reading, if requested, correction and adoption of the minutes of prior Council Meetings; and
 - f. without note or comment, all resolutions, decisions and other proceedings of the Council Meeting, whether the Meeting is closed to the public or not.
- (2) The Town Clerk shall maintain a record of all minutes of Council Meetings in the Town Clerk's office and upon approval of the same by Council which, with the exception of minutes of Closed Council Meetings, shall be available for public viewing and shall be posted on the Town's website.

PART 5 – GENERAL MEETING PROCEDURES

5.1. Open Meetings

Except as authorized under any Act, all Council Meetings shall be open to the public.

5.2. Quorum

- (1) A majority of the whole number of the Members required to constitute Council is necessary to form a quorum, except as may otherwise be authorized pursuant to the provisions of the Municipal Conflict of Interest Act.
- (2) If no quorum is present within fifteen (15) minutes after the time appointed for a Council Meeting, the Town Clerk shall record the names of the Members present and the meeting shall stand adjourned.

5.3. Electronic Participation

- (1) Electronic meetings for both open and closed meetings will be permitted in the following circumstances: during a pandemic and in certain emergency situations.
- (2) Members of Council who participate electronically will count towards quorum.
- (3) All members of Council may participate electronically or some members may participate electronically while other members may be present in the Council Chambers or an alternative Council meeting space.
- (4) The Meeting method or technology shall be determined by the Clerk and such meeting technology should allow for accessible meetings to the public.

5.4. Presiding at Meeting

- (1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings.
- (2) In the case of the absence of the Mayor, or if he is absent through illness, or he refuses to act or his office is vacant, or declares a conflict of interest (any of the foregoing hereinafter referred to as "absent"), the Deputy Mayor shall act in the place and stead of the Mayor, save that should the Mayor and the Deputy Mayor be absent, then in alphabetical order by surname, a Member of Council shall assume the position of Presiding Officer.
- (3) The Deputy Mayor or any Council Member acting in the place and stead of the Mayor shall have all the rights, powers and privileges of the Presiding Officer.

PART 6 – ORDER OF PROCEDURE FOR REGULAR AND SPECIAL COUNCIL MEETINGS

6.1. Order of Business

- (1) The Town Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that conforms to the following order of business:
 1. Call to Order
 2. Closed session (if necessary) Motion to go into closed

3. Adoption of Agenda
4. Moment of Silence (if necessary)
5. Disclosure of Pecuniary Interest and the General Nature Thereof
6. Adoption of Minutes of Previous Meeting
7. Public Meetings
8. Planning Applications
9. Presentations
10. Delegations
11. Deputation(s) on Committee Reports
12. Information Items
13. Staff Reports
14. New Business
15. Consideration of Committee Minutes
16. Motions/Notice of Motions
17. Resolutions/Resolutions Resulting from Closed Session
18. By-laws
19. Confirm Proceedings By-law
20. Items of Public Interest
21. Adjourn

(2) Council may, at any point within a Council Meeting, adopt a motion to go into closed session to consider matters in accordance with the provisions of Part 4.5(6) of this By-law.

(3) Council shall dispense with the business of Council in the order by which it is presented in the meeting agenda, except Council may, by consent, change the order of business.

(4) For Special Council Meetings, the Town Clerk may dispense with any one or more agenda items 2 and 6 through 17 inclusive as set out in Part 6.1(1) of this By-law.

6.2. Opening Procedure

(1) As soon after the appointed time of the Council Meeting as there shall be a quorum present, the Mayor or such other Presiding Officer appointed as set out in Part 5.4 of this By-law shall take the Chair and call the Members to order.

6.3. Adoption of Agenda

(1) Where an item is not on the agenda but due to its urgent nature requires Council consideration at the Council Meeting, Council may add the item to the agenda by resolution.

(2) Items added to the agenda by resolution shall be placed under New Business for consideration.

6.4. Disclosure of Pecuniary Interest

- (1) Where a Member has a pecuniary interest pertaining to any item listed on a meeting agenda, the Member shall so disclose the pecuniary interest and the general nature thereof, in writing, and the Town Clerk shall record the declaration in the minutes. A member is prohibited from partaking in the discussion of or vote on any question of the matter or attempt in any way before, during or after the meeting to influence the voting on any such question. The exception to this rule applies 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. In this case, 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 a member is not permitted to vote on any question in respect of the matter.
- (2) Members shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a Closed Council Meeting or at a previous Council Meeting at which the Member was absent, and shall provide such declaration in writing to the Town Clerk, and the Town Clerk shall record the declaration in the minutes.
- (3) During a Council Meeting, should a matter be raised that is not listed on the meeting agenda for which a Member has a pecuniary interest, the Member shall so declare such interest and the general nature thereof at that time, and the Town Clerk shall record the declaration in the minutes.
- (4) A member is required to file a written statement with the Town Clerk after the member discloses a pecuniary interest. Addendum "A". The statement shall include the item(s) on the Agenda to which a pecuniary interest applies; the reason(s) for the pecuniary interest; the date & time; and signature of the member.
- (5) The Town Clerk shall maintain a public registry of the pecuniary interests declared and file the written statements received in accordance with the Town's record's management policy. A copy of the registry shall be made available for public inspection on the Town website and through the Town Clerk's Office.

6.5. Public Meetings

- (1) Where Council is required by law to hold a public meeting, or otherwise has resolved to hold a public meeting, such a meeting may be conducted at a Regular or Special Council Meeting.
- (2) The Town Clerk shall ensure that public meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.

- (3) During a public meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to Delegations appearing before Council under this By-law, except that:
 - a. prior notice of one's desire to speak shall not be required; and
 - b. a motion need not be considered by Council following each presentation.

6.6. Deputations/Delegations

- (1) Persons desiring to present information verbally on matters of fact shall make a request in writing to the Town Clerk no later than 4:30 p.m. on the Wednesday preceding the date of the next Regular Council Meeting. A Delegation Request Form is available on the Town's website for submission to the Town Clerk. The request shall include a brief with sufficient details to reveal the nature of presentation and decision or action being requested of Council.
- (2) Persons wishing to appear as a Deputation and who are not listed on the agenda may submit a written request, including the item on the agenda they wish to speak to, to the Town Clerk no later than 12:00 p.m. on the day of the Council Meeting. The Town Clerk shall add the name to the Council Deputation Register which shall be circulated to Council prior to the commencement of the meeting.
- (3) Persons appearing as a Deputation shall be limited to a maximum of fifteen (15) minutes speaking time which shall include questions from Council. Council shall not debate requests from Delegations until staff information has been provided at a subsequent meeting.
- (4) Any person or deputation wishing to show an electronic presentation for Council at a public meeting shall be required to furnish same to the Town Clerk by no later than 2:00 p.m. on the Friday prior to the Council meeting.
- (5) Council may refuse to hear Delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Town of Tillsonburg, the subject matter or content of the presentation is deemed frivolous, vexatious, offensive, threatening in nature or relates to litigation or potential litigation. No person will be permitted to address Council with respect to labour/management disputes, nor will a brief respecting such disputes be listed on a Council agenda, although a written submission by any person with respect to labour negotiations or labour management disputes may be distributed to the Members for information purposes.
- (6) Persons expressing different points of view on any matter shall be permitted but in order to avoid repetition, Council may decline to hear a repetition of a point of view already expressed.

- (7) No person shall be allowed to appear before Council a second or subsequent time to address the same subject matter unless; the person is providing new information.
- (8) No person or delegation shall be permitted to address Council with respect to a subject matter that Council, in accordance with subsections 239 (2), (3) and (3.1) of the Municipal Act determines should be considered in a Council meeting that is closed to the public.
- (9) During or following a Deputation, Members may ask specific questions relating to the presentation for the purpose of clarification without statement or comment. Members shall not engage in debate with delegates.
- (10) Following a Deputation, Council shall adopt a motion:
 - a. to receive the Deputation as information;
 - b. to refer the information received to another item listed on the meeting agenda;
 - c. to refer the information received to a Committee, Local Board or Town staff for a report; or
 - d. to refer the information received to New Business for consideration.

6.7. Information Items/Correspondence

- (1) Items of correspondence or other forms of written communication intended to be presented to Council on the meeting agenda, including petitions:
 - a. shall be legibly written or printed;
 - b. shall not contain any obscene or improper language; and
 - c. shall contain the signature of at least one person.
- (2) To be eligible to appear on a meeting agenda, items of correspondence shall be received by the Town Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting. Notwithstanding the foregoing, items of correspondence received after this time may be added to the meeting agenda by addendum where such item of correspondence is germane to a matter of business that is on the Meeting agenda or is of a time-sensitive nature.
- (3) Upon consideration of any item of correspondence, Council may adopt a motion to:
 - a. receive the item of correspondence as information;
 - b. refer the item of correspondence to another item listed on the meeting agenda;
 - c. refer the item of correspondence to a Committee, Local Board or Town staff for a report; or
 - d. may consider a substantive(applicable) motion with respect to the same.
- (4) The meeting agenda shall include under the Correspondence for Information items, matters that are principally for the information of Council and that do not by necessity require action or response from Council. Council may receive

information items by one motion, but prior to consideration of such motion, Members may request that specific items be removed from consideration under such motion and Council shall consider such items individually.

- (5) Items of correspondence shall be directed to Council and added to an agenda by Town Staff as requested by individual Councillors.

6.8. Staff Reports or Requests for Staff Reports

Any Member may request Staff to prepare a report pertaining to any issue. Council by resolution shall direct staff as requested and shall provide direction as to when the report is required to be presented.

6.9. Consideration of Committee Minutes and Recommendations

The Town Clerk shall ensure that minutes of all Local Boards and Committees are placed on a Regular Council Meeting agenda as soon as practicable. Council shall receive the minutes by resolution. All recommendations contained within those minutes requiring Council action will be presented by the Committee Chair or his/her designate under Delegations on Committee Reports and/or by way of a Staff report.

6.10. Motions/Notice of Motions

- (1) The Town Clerk shall ensure that proposed motions, for which Notice of Motion has been given, are included in full in the meeting agenda.
- (2) Any Member may provide notice of his/her intent to introduce a motion for the consideration of Council at the next Regular Council Meeting by:
 - a. filing with the Town Clerk in writing, no later than 4:30 p.m. on the Tuesday preceding the date of a Regular Council Meeting, a motion that the Member intends to put forward for consideration at the Council Meeting, and such motion shall be included in full on the meeting agenda; or
 - b. giving notice to Council during Notice of Motions that the Member intends at the next Regular Council Meeting to introduce a motion with respect to a matter so declared.
- (3) Any motion may be introduced without providing notice of motion if Council dispenses with notice by a two-thirds vote.

6.11. By-laws

- (1) Under By-laws, the meeting agenda shall list all proposed by-laws to be placed before Council for consideration.
- (2) No By-laws except a by-law to confirm the proceedings of council shall be presented to Council unless the subject matter thereof has been previously considered and recommended to Council, unless such by-law is of an administrative nature and/or authorized by the Chief Administrative Officer or designate.

- (3) All proposed by-laws shall be in typewritten form, numbered, and shall contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- (4) The procedure for consideration and enactment of by-laws shall be as follows:
 - a. every proposed by-law listed on the agenda shall be considered by Council for enactment by one main motion, unless a by-law is to be received for first and second reading only, in which case such a by-law will be considered separately. Additionally, any Member may request that a proposed by-law be considered separately from other by-laws under consideration, and without debate or right of appeal. The Presiding Officer shall remove the proposed by-law from the motion to enable the said by-law to be considered for enactment separately;
 - b. following voting on the main motion, Members may discuss any by-law removed from the main motion and Council may entertain motions to amend any provision of any proposed by-law, and where a motion is adopted to amend a by-law that was removed from the main motion, the proposed by-law shall be amended accordingly before being placed before Council for enactment; and
 - c. In accordance with Town policy, a by-law may be given three readings, unless two readings are required to accommodate notice provisions and returned for third and final reading at an upcoming meeting of council.

6.12. Items of Public Interest

- (1) Under Items of Public Interest, Members may verbally introduce information respecting special events, meetings, notices, or declarations that are considered to be of general interest to the community.
- (2) Any person or organization wishing to have the Mayor or any Member make an announcement respecting a special event, meeting, notice, declaration or proclamation shall forward such request to the office of the Mayor no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting, and such request shall:
 - a. be legibly written or printed;
 - b. clearly specify the nature of the requested announcement; and
 - c. contain the signature of at least one person who is making the request;but the Mayor shall be under no obligation to make any announcement so requested.
- (3) No business or new business shall be considered by Council during Items of Public Interest.

6.13. Confirm Proceedings By-law

Council shall adopt a by-law to confirm the proceedings respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council

at a Council Meeting, and such by-law may be enacted by one motion that is not amendable or debatable.

6.14. Adjourn

Council Meetings shall adjourn no later than the hour of 10:30 p.m. If in session at that time, a two-thirds vote of the Members present shall be required in order for the meeting to continue past the hour of 10:30 p.m.

PART 7 – ORDER OF PROCEDURE FOR CLOSED COUNCIL MEETINGS

7.1. Meeting Agenda for Closed Council Meetings

(1) The Town Clerk shall prepare for the use of the Members at Closed Council Meetings an agenda that conforms to the following order of business:

1. Call to Order
2. Disclosure of Pecuniary Interest and the General Nature Thereof
3. Approval of Closed Minutes of previous meeting (if necessary)
4. Items for Consideration
5. Adjournment

(2) Where Council elects to go into a closed session in the midst of a Regular or Special Council Meeting, the Call to Order is not necessary and the Adjournment will be a motion to return to Regular Session. The motion will include the time at which the Closed session adjourned.

7.2. Opening Procedure for Closed Council Meetings

(1) As soon after the appointed time of the Meeting as there shall be a quorum present, the Mayor or such other Presiding Officer appointed as set out in Part 5.4 of this By-law shall take the Chair and:

- a. call the Members to Order; and
- b. request that Council consider a motion to go into closed session.

(2) The opening procedure shall be conducted in open session.

(3) Prior to going into closed session, Council shall adopt a resolution stating the fact of holding a closed meeting and setting out the general nature of the matter or matters to be considered at the closed meeting.

7.3. Disclosure of Pecuniary Interest at Closed Council Meetings

(1) Any Member, prior to any consideration of any matter at a Closed Council Meeting, shall disclose any pecuniary interest and the general nature thereof with respect to any item on the meeting agenda, and shall provide such declaration, in writing, to the Town Clerk, and the Town Clerk shall record the declaration in the minutes.

- (2) Any Member shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a previous Closed Council Meeting at which the Member was absent, and shall provide such declaration to the Town Clerk, and the Town Clerk shall record the declaration in the minutes.
- (3) Any Member declaring a pecuniary interest in any matter under consideration in a Closed Council Meeting shall leave the meeting room during the time Council considers the matter. The exception to this rule applies 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. In this case, the member may attend the meeting or part of the meeting during which the matter is under consideration.

7.4. Procedures for Closed Council Meetings

- (1) The Rules governing the procedure of Council and the conduct of Members shall be observed in Closed Meetings, with the necessary modifications.
- (2) No matter shall be discussed at a Closed Council Meeting that is not consistent with the motion to go into closed session adopted during the opening procedure.
- (3) If a matter arises in a Closed Meeting that a Member feels is not appropriate to consider in closed session, the Member shall be provided the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an open Council Meeting.

Where, following such endeavour the majority of Council believes the matter is to be considered in closed session, the Member may withdraw from the meeting room during consideration of the matter, and the Town Clerk shall so note in the minutes.

PART 8 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

8.1. Duties of the Presiding Officer

- (1) It shall be the duty of the Presiding Officer to:
 - a. open the meeting by taking the Chair and calling the Members to order;
 - b. announce the business before Council in the order in which it is to be acted upon;
 - c. allow debate on all matters prior to the motion being placed on the floor;
 - d. receive and submit, in the proper manner, all motions presented by the Members;
 - e. put to a vote all questions which are duly moved, or arise in the course of proceedings, and to announce the result;
 - f. decline to put to a vote all questions that infringe upon the Rules;
 - g. restrain the Members, within the Rules, when engaged in debate;

- h. enforce on all occasions the observance of order and decorum among the Members;
- i. order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
- j. may expel any person present at a meeting who speaks or makes a noise or behaves in a disorderly or improper manner or otherwise disturbs or interrupts the proceedings of the meeting; authenticate, by signature when necessary, all by-laws and resolutions;
- k. inform Council, when necessary or when referred to for that purpose, of a ruling on a point of order, a point of personal privilege, or of a breach of the assembly's privileges;
- l. represent and support Council declaring its will, and implicitly obeying its decisions in all things;
- m. ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- n. recess the meeting where necessary in accordance with the Rules;
- o. call for adjournment of the meeting when the business is concluded; and
- p. adjourn the meeting without question in the case of a grave disorder.

8.2. Rules of Decorum

(1) No Member shall:

- a. speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- b. use offensive words or un-parliamentary language in or against any Member or staff, or to speak disrespectfully of any Member or staff;
- c. engage in a private conversation during the Council Meeting which disrupts the proceedings of council;
- d. speak on any subject other than the subject in debate;
- e. criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- f. disobey the Rules;
- g. disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules except for the purpose of appealing the decision in accordance with the Rules.

(2) No Member shall speak until recognized by the Presiding Officer. All Members shall speak directly into their microphone to ensure all those in attendance can hear the Member's comments.

(3) No person except Members and Officials shall be allowed to come within the horseshoe during a Council Meeting without permission of the Presiding Officer or the Council upon reference.

(4) No person, other than a Member or an Official, shall, before or during a Council Meeting, place on the desks of Members or otherwise distribute any material

whatsoever unless such person is so acting with the approval of the Mayor or the Presiding Officer as applicable.

- (5) When the Presiding Officer is putting a question to a vote, no Member shall leave or make a disturbance.
- (6) If any Member of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure and the time thereof shall be recorded in the minutes.
- (7) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Town Clerk shall declare the Meeting adjourned.
- (8) Where any person not being a Member or an Official desires to address Council, other than as a Deputation listed on the meeting agenda, the person shall be permitted to do so only with leave of a majority of the Members present, but such approval shall not be required where a person has a statutory right to be heard by Council or Council is holding a public meeting for the purpose of receiving comments from the public.
- (9) Once Council has dispensed with an item by vote, the same matter may not be reopened for further discussion or consideration, except in accordance with rules of procedure respecting reconsideration as set out in Part 8.4 of this By-law.
- (10) The Presiding Officer may declare a recess at any point during a Council Meeting with the consensus of Council without the necessity of a motion, to enable any unusual circumstance or condition that has arisen to be addressed.
- (11) No member shall use an electronic device as a recording device during any Meeting.
- (12) No member shall use an electronic device to broadcast or otherwise publish or post audio, video or photographs of any Meeting.
- (13) Members of council and Town employees, shall turn off or place on non-audible mode all electronic devices during a Meeting. On call/on duty medical or emergency services personnel (Council or employees) are exempt from these requirements. Such personnel shall advise the Chair, and place their electronic devices on the audible setting in order to be notified and upon notification, will leave the room to respond.
- (14) Members shall not use electronic communication devices to review or access information regarding matters not under consideration before Council during a meeting.

- (15) Members shall refrain from sending or receiving text messages, emails or other electronic messaging of a personal nature or concerning any matter pending before Council during a Meeting with the exception of urgent/emergency family or business communications.

8.3. Rules Respecting the use of Electronic Devices by the Public

- (1) Members of the public shall turn off or place on vibrate all electronic devices when in attendance in Council Chambers during the entire meeting.
- (2) Members of the public are required to exit Council Chambers if they wish to make or receive a telephone call.
- (3) The Town of Tillsonburg reserves the right to tape, televise or otherwise electronically record any open meeting of Council with permission of the Presiding Officer and in a manner as to not interfere with the proceedings of the meeting.

8.4. Rules of Procedure Respecting Motions

- (1) Motions, to be considered, shall be clearly stated and shall not contain disjointed thoughts or directions that in the opinion of the Presiding Officer are excessively difficult to interpret.
- (2) Where the Presiding Officer believes a motion is complex, or not clearly stated, or contains disjointed thoughts or directions, the Presiding Officer may:
 - a. require the Member to put forward the motion in written form; and/or
 - b. rule that such motion is out of order due to its uncertainty and not place the question before Council for consideration.
- (3) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- (4) When a motion is presented in writing, it shall be read by the Mover or the Presiding Officer, before debate.
- (5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
 - a. A motion can only be withdrawn by the mover with the consent of Council.
 - b. Withdrawal of a motion shall be in order at any time during debate.
 - c. If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn.
 - d. If a Member objects to the withdrawal of a motion, a withdrawal motion shall be entertained, and if such motion receives a seconder, it shall be decided prior to consideration of any other motion.
 - e. If a motion is withdrawn the effect is the same as if it had never been made.

- (6) A motion containing two or more distinct proposals may be divided by leave of Council, and Council shall consider each part separately.
- (7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely:
 - a. to recess;
 - b. to adjourn;
 - c. to postpone the motion under consideration to a definite date;
 - d. to postpone the motion under consideration indefinitely;
 - e. to refer the motion under consideration to a Committee or staff for a report;
 - f. to amend the motion under consideration; and
 - g. to close debate (to end debate on the motion under consideration).
- (8) A motion to recess:
 - a. is permissible when there is business before Council for consideration;
 - b. shall specify the length of time of the recess;
 - c. is not debatable except with regard to the length of the recess; and
 - d. shall be amendable with respect to the length of the recess.
- (9) A motion to adjourn:
 - a. is not amendable;
 - b. is not debatable;
 - c. is not in order when a Member is speaking or during a vote; and
 - d. when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
- (10) A motion to postpone:
 - a. may or may not state a definite time or date as to when the matter shall be further considered;
 - b. shall apply to the main motion and to any motions to amend the main motion that are pending;
 - c. is not debatable except as to date or time; and
 - d. shall not be amendable except as to date or time.

Where a motion to postpone is adopted without a definite time or date as to when the matter shall be further considered, Council shall not consider the matter until such time as Council, by resolution, brings back the matter for consideration.

- (11) A motion to refer:
 - a. shall be open to debate;
 - b. may be amended;
 - c. shall include the terms of referral including the time or conditions under which the matter is to be returned to Council for consideration; and
 - d. may include the reasons for the referral.

(12) A motion to amend:

- a. shall be relevant to the main motion;
- b. shall not be directly contrary to or propose a direct negative to the main motion;
- c. shall be debatable; and
- d. shall not itself be amended more than once; and
- e. motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.

Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects.

(13) A motion to close debate:

- a. is not permissible until every Member present has had the opportunity to speak to the question at least once;
- b. is not amendable;
- c. is not debatable; and
- d. requires a two-thirds vote of the Members present; and
- e. upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.

(14) A motion to suspend the rules:

- a. is permissible;
- b. is not debatable;
- c. is not amendable;
- d. shall include a statement as to the purpose of the suspension;
- e. requires a two-thirds vote of the Members present; and
- f. is not permissible with regard to any statutory requirements that apply to the proceedings of Council.

(15) A motion to change the order of business as presented in the meeting agenda shall not be amendable or debatable.

(16) Dilatory motion, which shall include:

- a. any motion made subsequent to a motion that was defeated that is substantially the same as the defeated motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate Council; and
- b. any motion made that is absurd or frivolous, or that cannot be effected; shall not be entertained by the Presiding Officer.

- (17) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted by Council shall employ the reconsideration procedures as set out in Part 8.4 of this By-law.

8.5. Rules of Procedure Respecting Reconsideration

- (1) A motion to reconsider is in order at any time, even when another Member has the floor, or while Council is voting on the motion to adjourn.
- (2) A motion to reconsider can be made at the Meeting in which the vote on the original motion to be reconsidered was taken, or at a subsequent Regular Council Meeting. It must be made by a Member who voted with the prevailing side. Any Member may second the motion to reconsider the vote.
- (3) The effect of making this motion is to suspend all action the original motion would have required until the reconsideration.
- (4) If the motion to reconsider is defeated it cannot be repeated except by general consent. No question can be twice reconsidered unless it was materially amended after its first reconsideration. A reconsideration requires only a majority vote, regardless of the vote necessary to adopt the motion reconsidered.
- (5) If the motion to reconsider is adopted, the next order of business is the original motion that is to be reconsidered.

8.6. Voting on Motions

- (1) No vote shall be taken in a Council Meeting by ballot or by any other method of secret voting, unless authorized under the Municipal Act.
- (2) Every member who is present in the Council Chambers when a question is put shall vote, unless prohibited from voting by the provisions of the Municipal Conflict of Interest Act.
- (3) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Town Clerk to read the motion in the form introduced and shall do so if required by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- (4) After a motion is put to a vote by the Presiding Officer, 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.
- (5) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.
- (6) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the

show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is defeated, as appropriate.

The Presiding Officer may consider a motion to be carried where the Presiding Officer is of the opinion that the motion has the general support and consensus of Council, subject to the right of any Member to request a show of hands, which must be complied with by the Presiding Officer.

- (7) Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- (8) Any motion on which there is a tie vote shall be deemed to be defeated and nothing in the Rules shall apply to prevent the Presiding Officer from voting to create a tie.
- (9) If any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request that a Recorded Vote be taken, whereupon the Town Clerk shall poll the Council.
- (10) When a Member requests a Recorded Vote on a motion, all Members present shall vote when polled by the Town Clerk by verbally indicating yes or no, and the Town Clerk shall record the results of the vote in the minutes.

The Town Clerk shall conduct the recording of votes of all Members alphabetically, from the member who requested the recorded vote. The Mayor/Presiding Officer will be polled last.

Failure to vote by any member who is present and qualified to vote at the time of the Recorded Vote shall be deemed to be in the negative.

A Member may request a Recorded Vote immediately prior to or subsequent to the taking of a vote on a motion.

8.7. Rules of Debate

- (1) Every Member, prior to speaking to any question or motion, shall so indicate to the Presiding Officer through the raising of a hand of his/her desire to speak, and no Member shall speak until recognized by the Presiding Officer as having the floor.

When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who

shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.

- (2) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions through the Presiding Officer.
- (3) When a Member is speaking, no other Member shall interrupt except to rise on a point of order, a point of personal privilege, or a point of privilege affecting the assembly.
- (4) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.
- (5) No Member shall speak more than once to the same motion until every Member who desire to speak has spoken, except that the Member who made the motion shall be entitled to a reply immediately prior to the calling of a vote by the Presiding Officer.
- (6) No Member, without consensus of Council, shall speak to the same motion more than twice, or in reply, for longer than three (3) minutes, excluding staff response time without consent of the Presiding Officer.
- (7) During debate, a Member may ask a question of another Member only for the purpose of obtaining information or clarification relating to the matter under discussion, and such question shall be stated briefly and clearly, and the Member to whom the question was directed shall respond briefly and clearly to the question, but shall not introduce any new information other than was posed in the question.
- (8) When a Member has been recognized by the Presiding Officer as having the floor, immediately before speaking, such Member may ask a question of the Presiding Officer or an Official on the matter under discussion, but only for the purpose of obtaining information or clarification, following which the Member shall speak.
- (9) The Presiding Officer shall appoint another Member to act as Chair:
 - a. while temporarily being absent from the meeting;
 - b. while speaking to or debating a question; or
 - c. if he/she wishes to put forward a motion.
- (10) The Presiding Officer may, at any time, declare a recess in order to consult Officials with respect to matters of procedure and interpretation of the Rules or to provide members with a personal break.

- (11) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided in the Rules:
- a. Point of order;
 - b. Point of personal privilege;
 - c. Point of privilege affecting the assembly;
 - d. Presentation of petitions;
 - e. Motion to refer;
 - f. Motion to postpone;
 - g. Motion to amend;
 - h. Motion to close debate (end debate);
 - i. Motion to recess;
 - j. Motion to adjourn;
 - k. Motions pursuant to Correspondence and New Business.
- (12) When the Presiding Officer calls for the vote on a motion, each Member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- (13) In all proceedings of a Council Meeting, the Presiding Officer shall decide and rule upon all matters pertaining to the Rules, subject to an appeal in which case the matter shall be decided by the Council.
- (14) When a Member wishes to appeal the ruling of the Presiding Officer, except as prohibited by the Rules, the Member shall introduce the following motion with a view to having same considered by Council:

"That the ruling of the Chair be appealed and set aside."

8.6. Point of Order

- (1) (A Member may raise a point of order at any time, including interrupting another Member who has the floor, to bring Council's attention to:
- a. any breach of the Rules;
 - b. a deviation from the matter under consideration noting that the current discussion is not within the scope of the motion on the table;
 - c. any other informality or irregularity in the proceedings of Council.
- (2) When a Member rises on a point of order, the Member shall ask leave of the Presiding Officer to raise the point of order and the Presiding Officer shall grant such leave, following which the Member shall state the point of order, and the Presiding Officer shall decide on the point of order and state his/her ruling on the matter.
- (3) Upon the raising of a point of order, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of order.

- (4) Upon hearing the point of order, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling to Council.
- (5) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (6) If a Member appeals the Presiding Officer's ruling on the point of order to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

"That the decision of the Chair be sustained/overruled."

without further debate, and the decision of Council shall be final.

8.7. Point of Personal Privilege

- (1) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity, or the integrity of the Council, or the integrity of a Committee, or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- (2) When a Member rises on a point of personal privilege, the Member shall ask leave of the Presiding Officer to raise the point of personal privilege and the Presiding Officer shall grant such leave, following which the Member shall state the point of personal privilege, and the Presiding Officer shall decide on the point of personal privilege and state his/her ruling on the matter.
- (3) Upon the raising of a point of personal privilege, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of personal privilege.
- (4) Where the Presiding Officer rules that a breach of privilege has taken place, he/she shall demand that the offending Member or individual apologize and failing such apology shall require the Member or individual to vacate the meeting room for the duration of the meeting as provided for in Part 8.9 of this By-law.
- (5) With the exception of providing an apology, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of a breach of privilege to Council.
- (6) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (7) If a Member appeals the Presiding Officer's ruling on the point of personal privilege to Council, the Member shall have the right to give reasons for the

appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

“That the decision of the Chair be sustained/overruled.”
without further debate, and the decision of Council shall be final.

8.8. Expulsion for Improper Conduct

- (1) The Presiding Officer, where a warning or ruling has not been heeded, may expel any Member or person from the meeting place for improper conduct at the meeting, which for purposes of this Section shall include:
 - a. violation of the Rules;
 - b. interruption of the proceedings of Council;
 - c. making of disruptive noise or visible gestures;
 - d. campaigning for any political cause or outcome; or
 - e. any other activity that impedes the conduct of the meeting.
- (2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.
- (3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer’s ruling of expulsion.
- (4) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (5) If a Member appeals the Presiding Officer’s ruling on expulsion to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

“That the decision of the Chair be sustained/overruled.”
without further debate, and the decision of Council shall be final.

8.9. Suspension of the Rules

- (1) During a Council meeting, any Member may introduce a motion that Council temporarily suspend the rules established by this By-law in order to introduce a motion with respect to an item that is not listed on the meeting agenda, stating the subject matter for which the suspension of the rules is being sought.
- (2) A motion to suspend the rules shall require a two-thirds vote of the Members present at the meeting.
- (3) Upon adoption of a motion to suspend the rules, the Member so making the motion to suspend the rules may introduce a motion respecting the matter for which the suspension of the rules was granted.

PART 9 – NOTICE

9.1. Purpose

This By-law shall not apply so as to require the giving of any notice in circumstances where there is no requirement in any applicable by-law, policy, Act, or regulation that notice is given in respect of any proposed municipal action.

9.2. Notice of Council Meetings

- (1) Notice of a Regular Council Meeting shall be provided through:
 - a. notifying Members by email/calendar invite as soon as a meeting date has been set;
 - b. publishing the time and date of the Meeting in a Newspaper and posting of the time and date of the Meeting on the Town's website at least fourteen (14) days before the Council Meeting, if possible; and
 - c. publishing of a meeting agenda by the Town Clerk in accordance with Part 4.6.

- (2) Notice of a Special or Closed Council Meeting shall be provided through:
 - a. notifying Members by email/calendar invite as soon as a meeting date has been set;
 - b. publishing the time and date of the Meeting on the Town's website at least 48 hours before the Council Meeting, if possible; and
 - c. release of a meeting agenda by the Town Clerk in accordance with Part 4.6.

- (3) Notwithstanding any other provision of this By-law to the contrary, a Council Meeting may be held to deal with an emergency with less than the requisite notice, provided the Town Clerk has endeavoured to notify the Members about the meeting in the most expedient manner, provided that no business except business dealing directly with the emergency shall be transacted by Council.

- (4) Where a meeting agenda will not be released prior to a Council Meeting, or in the instance of a Closed Council Meeting, in lieu of the release of a meeting agenda, the Town Clerk shall endeavour to provide notice by telephone call, email, and/or written notice to the local news media and those who have requested a copy of meeting agendas.

- (5) Lack of receipt of a notice of or meeting agenda for a Council Meeting by any person or Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

9.3. Notice of Proposed Municipal Action

Where any Act or regulation requires that notice be given to the public of any proposed municipal action, such notice shall be given in the manner specified in the Act or regulation, or within any other Town by-law which specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type.

9.4. Notice – General

- (1) A notice given under this Part is sufficient even if there are times during the period when the Town's website is not fully accessible.
- (2) If the same matter is considered at a subsequent Committee or Council Meeting no additional notice is required, except where the Municipal Act provides otherwise.
- (3) The notice requirements of this Part are minimum requirements, and the Town Clerk is authorized to give notice to the public in an extended manner, if in the opinion of the Town Clerk or under the direction of council, the extended manner is considered and necessary in the circumstances.
- (4) At least once per year, the Town Clerk shall cause a notice of Council Meetings to be published in the local newspaper setting out information on how to access the Town's website to locate public notices and Council agendas and minutes.
- (5) No notice of a meeting shall be required under this By-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session in accordance with Part 4.5(4).

PART 10 – PROCESS TO FILL A VACANT SEAT ON COUNCIL

10.1. Process to Fill a Vacant Seat on Council

- (1) In the event that there is a vacancy declared on Council, the process set out in this Part for filling the vacancy shall be followed.
- (2) When the position of Mayor is declared vacant by Council pursuant to the provisions of subsection 262 (1) of the Act, the Clerk shall prepare the necessary by-law for passage at the Council meeting following the vacancy declaration to require the Clerk to proceed with a by-election to fill the vacancy in accordance with the Municipal Elections Act, 1996.
- (3) If the position of Mayor is declared vacant on or after the first day of January during the year of a regular election, the Council member in the position of Deputy Mayor will be automatically appointed to the position of Mayor.
- (4) When the position of Councillor is declared vacant by Council pursuant to the provisions of subsection 262 (1) of the Act, the vacancy shall be filled in the manner set out in Section 10(5) through Section 10(12), inclusive.
- (5) The vacant position will be offered to the candidate that finished in the runner-up position in the last regular municipal election for the position of Town Councillor.

- (6) For that candidate to qualify, that individual's total number of votes must be greater than 50 percent of the number of votes achieved by the candidate that finished directly before them. If the individual is unable to fill the position, proceed to the next step.
- (7) The Clerk will place advertisements asking individuals to apply in writing to fill the vacant Councillor seat within fourteen calendar days. The letter shall indicate their willingness to fill the position if selected. Individuals may also submit additional paperwork outlining the reasons they believe they are qualified to become a member of Town Council or Councillor whichever is applicable.
- (8) The names and addresses of the individuals will be made public after the closing date of applications.
- (9) The list of applicants will then be reviewed in a closed session of Council. Redirecting eligible candidates if there are a large number of submissions, members of Council may reduce the list to between three and six names.
- (10) The remaining three to six applicants will then be notified to appear at the next regular meeting of Council. Each applicant shall make a verbal presentation of up to seven minutes. There will not be a question and answer session between candidates and Councillors.
- (11) Prior to the next regular meeting of Council, Councillors will meet in a closed session to select the replacement for the vacancy. The selected individual's name will be announced by the Town Clerk prior to the next Council meeting. The successful individual will be sworn in at the first opportunity available after the by-law to appoint has been passed by Council in an open council session.
- (12) If step Section 10.7 fails to draw any applications, the Council will notify the Town Clerk that the position of Councillor will require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996.

PART 11 – PROCESS TO APPOINT AN ALTERNATE MEMBER

11.1. Upper-Tier Alternate Member

- (1) Council may appoint one of its members as an alternate member of Oxford County Council, to act in place of a person who is a member of Tillsonburg Town Council and Oxford County Council, when the person is unable to attend a meeting of Oxford County Council for any reason.
- (2) If the seat of the member who has been appointed as an alternate member becomes vacant, the Council may appoint another of its members as an alternate member for the remainder of the Council term. The election will follow the same election process as outlined herein.

- (3) The Upper-Tier Alternate Member shall be elected by open vote during the election meeting. Each member shall have one vote. The Town Clerk will preside over the election.
- (4) Before accepting any nominations, the Clerk shall select a person other than a member of Council, in attendance at the election meeting, and announce such person's name who, when required shall draw a name from a ballot box in accordance with the Tied vote section below.
- (5) Each nomination shall be in writing, signed by both the nominator and a seconder, both of whom must be members of Council, and submitted to the Clerk immediately after the announcement by the Clerk of the name who, when required shall draw a name from a ballot box in accordance with the Tied vote section below.
- (6) Where more than one member of Council has been nominated, an open vote shall take place in accordance with Sections 11(9) to 11(12), inclusive.
- (7) Each nominee must indicate his or her willingness to stand for election but may withdraw his or her name for election after any vote.
- (8) When a nominee receives a majority of votes cast, that nominee shall be declared to be the Alternate Member of the Upper-Tier and there shall be no further ballots.
- (9) In conducting the vote, the Clerk shall call the names of the members of Council, in alphabetical order according to their surnames, and each such member shall, after their name is called, verbally indicate the nominee of their choice unless they choose to abstain in which case they shall indicate this. The Clerk shall keep count of the votes received for each nominee. The Clerk shall announce the results after each vote.
- (10) If there are more than two nominees who agree to stand and, if after votes are cast, no nominee receives the majority of votes cast, the nominee receiving the least number of votes shall be eliminated. Council shall proceed to vote again until a nominee receives the majority of votes cast, at which time such nominee shall be declared the Alternate Member of the Upper-Tier.
- (11) If the nominees with the least number of votes receive an equal number of votes, the Clerk shall place the names of these nominees, on equal size pieces of paper, in a ballot box and one name shall be drawn by the person selected in accordance with Section 11(4). The name drawn shall be eliminated. Council shall proceed to vote again choosing from the remaining nominees until a nominee receives the majority of votes cast.

- (12) If there are only two nominees left and they each receive the same number of votes, the Clerk shall place the names of the two nominees, on equal size pieces of paper, in a ballot box and one name shall be drawn by the person selected in accordance with Section 11(4). The nominee whose name is drawn shall be declared the Alternate Member of the Upper-Tier.

PART 12 – PROCESS TO APPOINT A DEPUTY MAYOR

12.1 Deputy Mayor Position

- (1) Council may appoint one of its members as a Deputy Mayor of Council, to act in place of the Mayor, when the Mayor is unable to attend a meeting or event for any reason.
- (2) The Deputy Mayor shall be elected by open vote during the election meeting. Each member shall have one vote. The Town Clerk will preside over the election.
- (3) The Deputy Mayor position shall be for the term of Council unless Council determines otherwise.
- (4) Where more than one member of Council has been nominated, an open vote shall take place in accordance with Sections 11(9) to 11(12), above.
- (5) Where only one member of Council has been nominated a resolution shall be passed and a by-law brought forward for Council's consideration.

PART 13 - GENERAL PROVISIONS

13.1. Conflict with other Acts

Where there is conflict between any parts of this By-law and any Act or regulation, the Act or regulation shall take precedence.

13.2. Severability

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered severed from the remainder of this By-law, which shall continue to be in full force and effect.

13.3. Amendment

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous meeting of Council. The waiving of this notice by Council is prohibited.

13.4. Repeal

By-law 3511(Procedural By-Law) passed on September 12, 2011 by The Corporation of the Town of Tillsonburg is hereby repealed.

13.5. Force and Effect

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

READ A FIRST AND SECOND TIME THIS 1st day of March, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 26th day of March, 2018.

original signed
Mayor – Stephen Molnar

original signed
Town Clerk – Donna Wilson

Addendum “A”