



**Corporation of the Town of Ingersoll
By-Law 18-4979**

A by-law to govern the proceedings of the Council of the Corporation of the Town of Ingersoll and the appointed Committee thereof and repeal By-law No. 15-4803

WHEREAS Section 238 of the Municipal Act, 2001, S.O. c. 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

WHEREAS Council of the Corporation of the Town of Ingersoll is desirous of changing Procedural By-law No. 15-4803 to reflect the changes to the Municipal Act as updated by Bill 68;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. c. 25, as amended, provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows:

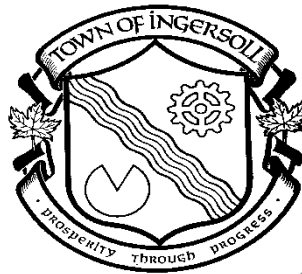
1. That the proceedings of the Council and its Committees, the conduct of the members and the calling of meetings shall be governed by the provisions and regulations contained in this By-law and as attached as Schedule 'A'.
2. Schedule 'A' attached hereto shall form part of this By-law. This By-law may be cited and referred to as "The Procedure By-law".
3. That By-law No. 15-4803, as amended, is hereby repealed.
4. That this By-law shall come into force and be effective on the date of the third and final reading thereof.

READ a first and second time in Open Council this 8th day of January, 2018.

READ a third time and finally passed in Open Council this 8th day of January, 2018.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk



The Procedure By-Law
By-Law No. 18-4979

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1.0 Definitions

- 1.1 **'Act'** means the *Municipal Act, 2001 S.O. 2001 c. 25*, as amended from time to time.
- 1.2 **'Ad Hoc Committee'** means a committee established by Council for a specified purpose.
- 1.3 **'Advisory Committee'** means a committee established by Council with an on-going mandate or purpose.
- 1.4 **'Chair'** means the position of the person appointed to preside, or presiding at, a meeting, whether that person is the regular presiding officer or not.
- 1.5 **'Clerk'** means the position of the person appointed, by By-law pursuant to Section 228 of the Act, as the Clerk of the Corporation of the Town of Ingersoll.
- 1.6 **'Closed Meeting'** means a meeting of the Council or Committee that is not open to the public, pursuant to Section 239 of the Municipal Act, 2001 (the Act).
- 1.7 **'Committee'** means any advisory, ad-hoc or other committee, subcommittee or Special Committee of Council of which all members shall be appointed by by-law.
- 1.8 **'Committee of the Whole'** means all members present sitting in Council. The purpose of this committee is to enable the Council to give detailed consideration to a matter under conditions of freedom approximating that of a committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of the Council, but have the status of recommendations which the Council is given the opportunity to consider further and which it votes on finally under its regular rules.
- 1.9 **'Council'** means the elected members of the Town when they sit in deliberative assembly.
- 1.10 **'Defer', 'Deferred' or 'Deferral'**, when used in connection with matter or item before the Council or a committee, means that the said matter or item is to be dealt with at the next or specified meeting of the same body.
- 1.11 **'Deputy Mayor'** means the member of Council elected to act in the place of the head of Council (Mayor) when the head of Council is absent or refuses to

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act or, when the office of the head of Council is vacant, and while so acting such member has all the power and duties of the head of Council.

- 1.12 **'Local Board'** includes any person performing any public function prescribed by regulation but does not include a police services board.
- 1.13 **'Mayor'** means the Mayor or, in absence of the Mayor, the Deputy Mayor, or Acting Mayor and may be referred to as the Head of Council.
- 1.14 **'Meeting'** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
- (a) a quorum of members is present, and
 - (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council.
- 1.15 **'Member'** means a member of Council or a committee.
- 1.16 **'Motion'** means a proposal by a member to resolve and effect a decision.
- 1.17 **'Motion for Division of the Assembly'** means a motion made after the Chair has stated the *Question*, requiring a vote, either about to be taken on a *Question*, or any other motion under consideration, or a vote previously taken and the results announced by the Chair, to be taken again by rising of each member present, and does not include a vote by show of hands.
- 1.18 **'Open Meeting'** means all meetings of Council or committee excluding "Closed Meetings" as defined in this section.
- 1.19 **'Personal Privilege'** means a motion to *Raise a Question of Privilege*, of an urgent nature that affects a right of privilege of the council, Committee or of an individual member.
- 1.20 **'Point of Order'** means a statement made by a member during a meeting, drawing to the attention of the Chair a breach of the rules of procedure.
- 1.21 **'Presiding Officer'** means the Mayor or Chair while presiding at a meeting or such other person as may be authorized to do so in his/her absence.
- 1.22 **'Privileged Motion'** means a motion that does not relate to pending business, but that does relate to special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. a Privileged Motion involves one of the five following motions, listed in ascending order of precedence: *Call for the*

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Orders of the Day, Raise a Question of Privilege, Recess, Adjourn, and Fix the Time to Which to Adjourn.

- 1.23 **'Question'** means a motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and 'on the floor' can a motion be debated and put to a question of the members for proper resolution (*Question On the Floor*).
- 1.24 **'Quorum'** means a majority of the members of a municipal council or committee.
- 1.25 **'Refer', 'Referred' or 'Referral'**, when used in connection with a matter or item before the Council or committee, means that the said matter or item is referred to the body or person named in the motion specified for further consideration or action, prior to reporting back to Council or committee.
- 1.26 **'Resolution'** means a decision of Council on any motion or committee recommendation.
- 1.27 **'Rules of Procedure'** means the rules and regulations provided in this by-law and, where necessary, *Robert's Rules of Order* (Newly Revised).
- 1.28 **'Recorded Vote'** means that if a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. Section 246 (2) specifically notes that a failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- 1.29 **'Substantive Motion'** means any original main motion that introduces a substantive question as a new subject for the consideration of the Council, except one of the following:
- i) to refer;
 - ii) to amend
 - iii) to lay on the table
 - iv) to postpone indefinitely or to another day certain; or,
 - v) to adjourn.
- 1.30 **'Statutory Committee'** means a committee required by legislation to be established by Council with an on-going mandate or purpose.
- 1.31 **'Town'** means the Corporation of the Town of Ingersoll

2.0 General Provisions

Rules of Procedure

- 2.1 The short title of this By-law is the 'Procedure By-law'.
- 2.2 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees appointed by Council.
- 2.3 In respect to questions or concerns regarding these rules and regulations, the decision of the Chair presiding shall be final, subject to only an appeal to the Council. In the case of a conflict concerning the application of these rules, 'Robert's Rules of Order (Newly Revised)' may be consulted as an interpretative aid.
- 2.4 All meetings of the Council of the Town of Ingersoll and all meetings of the Committees of Council shall be open for attendance by the public, except in the case of a Closed Session, as noted in Section 19.1.
- 2.5 This by-law shall not apply to boards and statutory committees that are incorporated and have their own by-laws or procedural by-law.
- 2.6 Except where it is provided otherwise, any one or more of these rules may be temporarily suspended on a two-thirds (2/3) majority vote of the members of Council, except where such suspension may be contrary to the *Municipal Act, 2001*.

3.0 Meetings

3.1 Place

- 3.1.1 The meetings of the Council of the Town of Ingersoll shall be held at the Council Chambers, the Town Centre, 130 Oxford St. in Ingersoll or at such other place as Council may approve except as otherwise provided by this by-law.
- 3.1.2 The Clerk may provide for a meeting to be held at such other place where the Council Chambers may not be able to accommodate the number of anticipated participants.
- 3.1.3 When a Closed Meeting matter is listed on a Council Agenda, Council may open a meeting in the JC Herbert Room for the purpose of convening into a Closed Meeting or may reconvene for a Closed Meeting when the Closed Meeting is listed on the agenda.

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3.1.4 A Council education and training session, held in accordance with the *Municipal Act*, 2001, may be held at other facilities in the Town.

3.1.5 In the case of an emergency, Council may hold its meetings and keep its public offices at any convenient location within or outside the municipality pursuant to Section 236 (1) of the *Act*.

3.2 Inaugural or First Council Meeting

3.2.1 The Inaugural or First Meeting of the Council of the Corporation of the Town of Ingersoll, being the meeting after a regular election held pursuant to Sections 3, 4 and 5 of the *Municipal Elections Act*, S. O. 1996 c. 32, as amended, shall be held on the first Monday of December at 7:00 o'clock in the evening. The Inaugural Meeting will be only for the Declarations of Office and Oaths of Allegiance.

3.3 Regular Council Meetings

3.3.1 After the Inaugural meeting, the regular meetings of Council shall be held on the second Monday of each month at 6:00 p.m. local time, unless otherwise approved through a resolution of the Council or at the direction of the Mayor and upon two-thirds (2/3) majority support through a phone or e-mail polling of Council.

3.3.2 Notwithstanding any other provisions of this by-law the scheduling of Council meetings may be altered by Council or the Clerk when deemed necessary to provide for public participation with respect to a specific issue of public interest.

3.3.3 Council shall approve at or before the Regular Meeting in November of each year, the schedule of Council meetings for the following calendar year.

3.4 Special Council Meetings

3.4.1 In addition to Regular Meetings, Special Meetings of the Council shall be held upon a petition of Council or upon direction of the Mayor at any time. The purpose of the special meeting can be to inquire or report on any matter considered of interest to the Council.

3.4.2 Upon receipt of a written petition of the majority of the members of Council or direction of the Mayor, the Clerk shall summon a Special Meeting for the purpose and at the time set out in the petition. Notice shall be given through the Clerk and the notice shall set out the date, time, place and the item(s) to be considered at the Special Meeting.

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- 3.4.3 A minimum of forty-eight (48) hours' notice must be given prior to the holding of a Special Meeting.
- 3.4.4 Notwithstanding any other provisions this by-law, a Special Council Meeting called to deal with an emergency or a matter that impacts on the welfare, health and well-being of the residents or of staff, the notice of provision may be waived by the Mayor.
- 3.4.5 No business other than that stated in the notice shall be considered at such Special Meeting, except with the unanimous vote of the members present.

4.0 Calling a Meeting to Order

- 4.1 As soon after the hour fixed for the holding of the meeting of Council or Committee as a quorum is present, the Mayor or Chair shall call the meeting to order.
- 4.2 If no quorum is present ten (10) minutes after the time appointed for a meeting of the Council or Committee, the Clerk or Chair shall record the names of the members present and the meeting shall stand adjourned until the date of the next Regular Meeting.
- 4.3 If a member is unable to attend a meeting, they are to inform the Clerk or Chair as to the nature of the absence in order that it is recorded as personal business, other municipal business or illness.
- 4.4 In the event that the Mayor or Chair does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council or committee, the Acting Mayor or Vice-Chair shall preside until the arrival of the Mayor or Chair, and while presiding, shall have all the powers of the Mayor or Chair.
- 4.5 In the case the Mayor or Deputy Mayor is unable to attend the meeting, the members will, by resolution duly motioned and seconded, appoint a Chair. While so presiding, the Chair shall have all the powers of the head of Council.
- 4.6 Should the Mayor or Deputy Mayor, as the case may be, arrive after the meeting has been called to order, the presiding officer shall relinquish the position of the Chair to the Mayor or Deputy Mayor, as the case may be, immediately after the current item of business on the Council Orders of the Day is considered or otherwise disposed.
- 4.7 The seat of a member of Council shall be declared vacant if the member is absent from a meeting of Council for three (3) consecutive months without being authorized so to do by a resolution of council pursuant to Section 259 (1) of the *Act*.

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- 4.8 Except where unavoidable due to circumstances of extreme emergency, no member shall absent himself/herself from any regular meeting of Council without having provided reasonable notice of such absence to the Head of Council or the Clerk prior to the commencement of the meeting from which the member shall be absent.

5.0 Duties of the Presiding Officer

5.1 Roles and Responsibilities

- 5.1.1 It shall be the duty of the Mayor or other duly appointed presiding officer at a meeting to:

- a) open the meeting by taking the chair and calling the members to order;
- b) announce the business in the order in which it is to be acted upon;
- c) receive, in the proper manner, all motions presented by the members of Council and to submit these motions as questions for proper debate;
- d) put to a vote all questions which are duly moved and seconded, when necessary or motions that arise in the course of proceedings and to announce the results;
- e) decline to put to a vote motions which infringe upon the Rules of Procedure;
- f) restrain the members, within the Rules of Procedure, when engaged in debate;
- g) enforce on all occasions the observance of order and decorum among the members;
- h) call by name any member persisting in breach of the Rules of Procedure, thereby ordering the member to vacate the member place;
- i) do all matters to permit the meetings to proceed in an orderly and efficient manner;
- j) authenticate by his or her signature, when necessary, all by-laws and Minutes of Council;
- o) inform the member of the Council, when necessary or when referred to for the purpose, on any point of order;

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- p) represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
 - q) ensure that the decisions of the Council are in conformity with the laws and by-laws governing the activities of the Council;
 - r) receive all messages of goodwill and other similar communications and announce them;
 - s) adjourn the meeting without question in the case of grave disorder arising during the meeting, or suspend the sitting of Council, until a time to be named by the Mayor, and,
 - t) adjourn the meeting when the business of Council is concluded.
- 5.1.2 The Mayor may, without leaving the Chair, speak to any question under consideration and prior to the question being disposed of by Council.
- 5.1.3 When the Mayor is called upon to decide a point of order or procedure, the Mayor shall state the rule or authority applicable to the case, and make a ruling, if necessary in consultation with the Clerk; and, if an objection is made to the ruling by at least two members, the Mayor shall submit said ruling to a vote of council, without debate, in the following words:
- “SHALL THE RULING OF THE CHAIR BE SUSTAINED?”
- and the decision of the Council shall be final.
- 5.1.4 When two or more members concurrently request to speak on an issue, the Mayor shall name the member who is first to be heard and the other member(s) shall have the privilege of speaking thereafter in the order named by the Mayor.
- 5.1.5 The Mayor, except when disqualified to vote by reason of pecuniary interest or any other Statute of the Province, may vote on consideration of a motion for Division of the Assembly, and may vote with the other members on all questions.
- 5.1.6 When the Mayor sees fit to exercise the right to vote on any question before the Council, the Mayor may explain the vote.

5.2 Deputy Mayor or Acting Mayor

- 5.2.1 When the Mayor is unable to carry out his duties through illness or otherwise, when the Mayor is absent from the office in the course of their duties or on vacation or an approved leave or refuses to act or his office is vacant, the Deputy Mayor or Acting Mayor shall have all of the powers and duties of the Mayor and shall chair all meetings, but can only be exercised, pursuant to the Act or any other Statute of the Province.
- 5.2.2 The duties of the Deputy Mayor may include other duties as defined by Council.

6.0 Public Notice

- 6.1 The Clerk shall provide the public with notice of the Council meeting schedule by annually posting a calendar of the meetings on the Town of Ingersoll website. Any amendments to or cancellations of the meeting dates shall be posted as required.
- 6.2 The meeting agenda shall constitute notice of each meeting. The agenda shall include the time, location of the meeting and all relevant material on a matter to be considered by Council.
- 6.3 Notice shall be provided as per the Public Notice By-law and policy.
- 6.4 Posting of the Regular Council Meeting agenda will occur, unless due to unforeseen circumstances, at the latest by 5 p.m. on the Friday prior to the Council meeting and subsequent to the agenda being forwarded to the members of Council, the Chief Administrative Officer and to the Department Heads.
- 6.5 Notice of a Special Meeting of Council shall be provided by posting the agenda on the Town's website a minimum of 48 hours before the commencement of the meeting. and subsequent to the agenda being forwarded to the members of Council, the Chief Administrative Officer and to the Department Heads.

7.0 Council Meeting Agenda

7.1 Order of Business

- 7.1.1 The order of business for the regular meetings of Council shall be as follows:
1. Call to Order

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2. Disclosures of Pecuniary Interest
 3. Adoption of Meeting Minutes
 - (a) Regular Council
 - (b) Special Council
 - (c) Committees of Council
 - (d) Other
 4. Correspondence – Note and File
 5. Consideration of Accounts
 6. Consideration of Staff Monthly Reports
 7. Consideration of Staff Special Reports
 8. Consideration of Correspondence & Resolutions
 9. Public Meetings
 10. Consideration of Petitions, Delegations & Presentations
 11. Consideration of By-laws
 12. Notice of Motions
 13. Upcoming Council Meeting
 14. Closed Meeting
 15. Consideration of Matters Arising from Closed Session
 16. Adjournment
- 7.1.1 An agenda for a Special Meeting, Council workshop or committee meeting is not required to include all agenda headings listed above.
- 7.1.2 Business shall be considered in the order set forth on the agenda, unless otherwise determined by Council or the committee.
- 7.1.3 A change in the order of items listed on the agenda for the consideration of the regular business items may be permitted on a majority approval of the members.
- 7.1.4 The items on the agenda not dealt with before the meeting is adjourned shall be noted and repeated on the next agenda. This includes items of business not tabled due to lack of time.
- 7.1.5 Any person, member of Council, or member of staff, at any time prior to the preparation of the agenda, may file in writing with the Clerk, an item for inclusion on the Council agenda. Agenda preparation takes place on the Wednesday preceding a Regular Meeting of Council.
- 7.1.6 Not less than forty-eight (48) hours, including weekends and holidays, before the time appointed for the holding of a Regular Meeting of Council, the Clerk shall deliver to each member an agenda and all related materials.
- 7.1.7 An agenda for a Special Council Meeting shall be provided prior to at the Special Meeting. If materials are available, it will be the intent of the Clerk to

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deliver, an agenda and all related materials for a Special Council Meeting, forty-eight (48) hours prior to the time of the Special Council Meeting.

- 7.1.8 It shall be the duty of the Clerk to ensure that the minutes of the last Regular Meeting and any and all special and committee meetings held more than seven (7) days prior to a Regular Meeting are included on the next Regular Meeting agenda for approval.

7.2 Disclosure of Pecuniary Interest

- 7.2.1 Any member having a pecuniary interest shall disclose the interest and the general nature thereof prior to any consideration of the matter at the Meeting in accordance with the *Conflict of Interest Act*.

7.3 Monthly and Special Staff Reports

- 7.3.1 Staff Reports shall be considered by the Council sitting in Committee by resolution.
- 7.3.2 Staff Reports shall be reviewed by Council and appropriate questions directed to the staff person through the Presiding Officer or Chair.
- 7.3.3 Staff Reports shall be accepted in Open Council by resolution.

8.0 Minutes

- 8.1 The Clerk shall prepare minutes for all Council, Committee of the Whole and Closed Meetings and shall receive minutes from all other committees.
- 8.2 The minutes of a meeting shall record, without note or comment, all resolutions, decisions and other proceedings of the council which shall include the place, date and time of the meeting.
- 8.3 Such minutes as referred to in 8.1 may be received or received and adopted by Council without having been read at the meeting considering the question of their adoption.
- 8.4 The Clerk may audio record, to supplement the handwritten notes of the Clerk, the open meeting proceedings of Council or a Council workshop by audio tape, digital recording or other means of recording.
- 8.5 The audio taped or digital recording of proceedings are not intended to, and do not, replace the written minutes of the proceedings of Council as adopted by resolution by Council.

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- 8.6 Any recording of the proceedings will be destroyed upon adoption of the written minutes of the proceedings of Council.
- 8.7 When the minutes have been adopted by Council they shall be signed by the Mayor and the Clerk. All minutes shall be bound in suitable volumes and indexed and filed in accordance with the Record Retention By-law.

9.0 Correspondence and Petitions

- 9.1 All petitions shall be on a form supplied by the Town and/or submitted in accordance with the Town's policy on petitions.
- 9.2 All correspondence or every petition to be presented to the Council shall be legibly written or printed, dated and contain a brief description of the subject matter and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
- 9.3 If, in the opinion of the Mayor or presiding officer, the correspondence or petition contains any obscene or improper matter or language, the Mayor or presiding officer shall decide whether it should be included in the agenda for a Council meeting.
- 9.4 To be placed on the upcoming Regular Meeting agenda, any correspondence or petition must be submitted to the Clerk no later than 4:00 p.m. on the Wednesday of the week preceding the Regular Council Meeting.
- 9.5 Upon the decision of the Mayor or presiding officer, subject to the provisions of this by-law, the Clerk shall provide a copy of the correspondence or petition to Council, but may be required to read part or all thereof by any member during the meeting.

10.0 Delegations and Presentations

10.1 Delegations

- 10.1.1 Persons desiring to appear before Council as a delegation or to present a petition or make a presentation shall submit a request, in writing, to the Clerk no later than 4:00 p.m. on the Wednesday preceding the day of the Council meeting, stating the person's complete name, address, telephone number, reasons for their appearance and if applicable, the name, address, and telephone number of any person, corporation or organization which they are representing. Persons addressing Council shall confine their remarks to the stated business.

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- 10.1.2 If a staff report is required to provide further information as a result of a delegation, the matter shall be referred to the appropriate department to report back to Council at the next appropriate meeting.
- 10.1.3 Any person or persons, not being members of Council, desiring to address the Council, shall be permitted to do so on a motion to that effect being carried by a majority vote of the members present.
- 10.1.4 A delegation shall be permitted to speak for a maximum of ten (10) minutes and possibly another ten (10) minutes for any questions of clarification.
- 10.1.5 Notwithstanding 10.1.4, a delegation consisting of two or more persons, shall be permitted to have two speakers only with each speaker being limited to speaking for a maximum of ten (10) minutes and ten (10) minutes for any questions of clarification.
- 10.1.6 Persons who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, request to be heard and apply in writing to the Clerk may be heard upon majority approval of Council at the time of discussion, if it is considered either (a) urgent business; or, (b) matters listed on the agenda.
- 10.1.7 The priority in which delegations are heard shall be in accordance with the following:
- a) Known and listed delegations;
 - b) Delegations who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, apply in writing to the Clerk by 12:00 p.m. the date of the meeting, to be heard on a particular matter, if the matter is scheduled agenda business or if the matter is as defined under urgent business; and,
 - c) Delegations that are heard in accordance with the application of the section regarding the suspension of the rules.
- 10.1.8 No person(s) shall be permitted to have delegation status to speak to the same subject more than one time unless otherwise requested by Council.

10.2 Presentations

10.2.1 Members of staff, consultants or agencies may be asked to present an oral or written briefing report at the appropriate time during the meeting dealing with a specific item of business. Such information is not classified as a delegation.

10.2.2 Notwithstanding 10.1.4, the Clerk may schedule presentations by staff, staff retained consultants and other government bodies or agencies for the purpose of presenting information to Council which exceed the maximum time limit of ten (10) minutes.

11.0 Committee of the Whole

11.1 Council may, by motion, move into Committee of the Whole, at any time.

11.2 The rules governing the procedure of Council and the conduct of members, shall be observed in Committee of the Whole, so far as they are applicable except that:

(a) Motions may be moved orally;

(b) Motions do not require a seconder;

(c) More discussion may be allowed, as determined by the committee;

(d) Committee of the Whole proceedings shall be ratified by Council prior to action being taken as a result of the proceedings.

11.3 Chairs of the Committee of the Whole, as listed on Regular Meeting agendas, are alternated through the members of Council on a monthly basis.

11.4 A member may by motion to move into the Committee of the Whole to consider Staff Reports.

11.5 The proceedings of the Committee of the Whole shall not be entered into the minutes.

11.6 A motion to "rise and report" shall be decided without debate.

12.0 Committees

12.1 A committee may be established by Council at any time as is deemed necessary for consideration of matters within its jurisdiction.

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- 12.2 The Mayor shall be an ex-officio member of all committees and shall be entitled to all the rights of membership in a committee.
- 12.3 Membership on a sub-committee shall be from among the members of the committee to which the sub-committee shall report.
- 12.4 Membership on a committee may be extended to non-members from Council.
- 12.5 The Clerk or an employee of the corporation as recognized as a staff liaison shall provide support to a committee.
- 12.6 No committee shall meet while Council is in session.

12.7 *Advisory and Ad Hoc Committees*

- 12.7.1 Advisory and Ad Hoc Committees of Council shall be governed by the rules of this by-law as they are applicable.
- 12.7.2 Advisory and Ad Hoc Committees shall be appointed by by-law and such appointment shall be for the term of Council.
- 12.7.3 Advisory and Ad Hoc Committees shall consist of a number of members as set out in their Terms of Reference.
- 12.7.4 Ad Hoc Committees may be appointed for some special purpose, on a motion of a member, duly seconded and carried by the majority of the Council.
- 12.7.5 When an Ad Hoc Committee has completed its mandate with a final report to Council, it dissolves automatically.
- 12.7.6 Unless otherwise named by a motion of Council, a Committee shall, at its first meeting, appoint a Chairperson of such Committee from among the members.
- 12.7.8 A majority of all members of a Committee shall constitute a quorum.
- 12.7.9 Members of Council may attend meetings of any Advisory or Ad Hoc Committees to which they are not appointed members. They shall not be allowed to vote nor take part in discussion or debate, except by the permission of the majority of the members of the committee.
- 12.7.10 No order or authority to do any matter or thing shall be recognized as emanating from any Committee, unless it is in writing to the Council and approved by Council resolution.

13.0 Rules of Conduct of Members and Other Attendees

13.1 A member or other attendees shall not:

1. Speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any member of the Senate, of any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario;
2. Speak on any subject other than the subject under debate;
3. Criticize any decision of the Council or Committee, except for the purpose of moving in accordance with the provision of the applicable section requesting reconsideration of that question;
4. Disturb the Council or Committee by any disorderly deportment or conduct;
5. Use profane or offensive words or insulting expressions;
6. Disobey the rules of the Council or Committee or a decision of the Chair or the Council or Committee on points of order or on the interpretation of the Rules of Procedures;
7. Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.

13.2 A member shall:

1. Obtain the permission of the Chair to speak, prior to speaking to a question or motion;
2. Have the right to speak first in debate, if he or she is the author of the Question on the Floor or other motion under consideration;
3. When intending to introduce a motion, do so immediately, but may preface the motion with a few words of explanation, of which such words must not become a speech;
4. When more than one member addresses the Chair at the same time, allow the Chair to name the member entitled to speak first, but may make a motion to change the priority of the speakers;

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5. When they are called to order by the Chair, immediately cease speaking unless allowed to explain;
6. Obey the ruling of the Chair, subject to appeal to the Council or Committee in accordance with Section 5.1.3.

13.3 If the Chair desires to leave the position of the presiding officer before adjournment and fail to call some member to the position of the presiding officer, the Council or Committee may appoint a member to preside over the meeting until the business of the meeting is finished.

14.0 Rules of Conduct of Staff

14.1 All staff will act in accordance with the Staff Code of Conduct.

14.2 Clerk

- 14.2.1 The Clerk shall, in addition to those duties prescribed by law, or by any by-law or resolution of the Council, perform the following duties:
- a) Supply all information relative to his/her office as the Council may require;
 - b) Conform with all directions of the Council consistent with the by-laws of the Town and perform those duties prescribed elsewhere in this by-law;
 - c) Notify the members of a committee of any meeting of the committee, when notified by the Head of Council or the Chair of a Committee, a minimum of forty-eight (48) hours in advance of the meeting;
 - d) Attend or have a designate attend all meetings of Council and to record the minutes, orders, and requests of all such meetings as required by the Act; and,
 - e) Provide, at the request of the chair, points of clarification arising from the interpretation of this by-law.

14.3 Staff Members

- 14.3.1 Each staff member shall act in accordance with all statutory duties and shall act in a professional and respectful manner when addressing Council.

15.0 Rules of the Debate in Council

- 15.1 Every member previous to speaking to any question or motion, shall address the Chair.
- 15.2 Every member present at a meeting of the Council when a question is put to vote (*Putting the Question*), shall vote thereon unless prohibited by any Statute of the Province, in which case the Clerk shall so record in the minutes.
- 15.3 If any member present at a meeting of the Council when a question is put to a vote and a recorded vote is taken, does not vote, he or she shall be deemed as voting in the negative except where he or she is prohibited from voting by any Statute of the Province, pursuant to Section 246(2) of the *Act*.
- 15.4 If a member disagrees with the announcement of the Chair that a question is carried or lost the member may, but only immediately after the declaration of the result by the Chair, object to the Chair's declaration and request a recorded vote to be taken or make a motion for *Division of the Assembly*.
- 15.5 When a recorded vote is requested, either before or after the vote but before proceeding with the next item of business, the Clerk shall call the names of each member starting with the name of the member so requesting, then proceed to the member sitting on the immediate right of the requesting Council Member then continue to move clockwise until each member of Council has voted and the Clerk shall record the name and vote of every member on any matter or question.
- 15.6 When the Chair calls for the vote on a question, each member shall occupy his or her seat and shall remain in his or her seat and shall remain in his or her place until the result of the vote has been declared by the Chair, and during such time no member shall speak to any other member or make any noise or disturbance.
- 15.7 When a member is speaking no other member shall pass between the speaker and the Chair, or interrupt the speaker except to raise a point of order.

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- 15.8 Any member may require the *Question on the Floor* motion under discussion to be read at any time during the debate but no so as to interrupt a member while speaking.
- 15.9 No member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by a member who has presented the motion to the Council, but not by any member who has moved an amendment or a procedural motion.
- 15.10 No member shall speak to the same question, or in reply, for longer than four (4) minutes, without the leave of Council.
- 15.11 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only through the Chair.
- 15.12 Notwithstanding the applicable section, when a member has been recognized as the next speaker, then immediately before speaking, such member may ask a question of or through the Chair on the *Question on the Floor* or matter under discussion but only for the purpose of obtaining information, following which the member may speak.
- 15.13 The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provide by these Rules of Procedure:
1. a point of order;
 2. a privileged question;
 3. presentation of a petition;
 4. to adjourn;
 5. to lay on the table;
 6. to put the *Question on the Floor* to a vote.
- 15.14 The following matters and motions with respect thereto may be introduced without notice and without leave, but such motions shall be in writing signed by the mover and seconder, except as otherwise provided by these Rules of Procedure:
1. to amend;
 2. to suspend the Rules of Procedure;
 3. to postpone indefinitely;
 4. to postpone to a certain time;
 5. to go into the Committee of the Whole.

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- 15.15 During the proceedings of the Council or in the Committee of the Whole, the matter or motion shall be decided by the Chair who may, if necessary, consult with the Clerk, subject to an appeal to the Council upon a point or order, in accordance with Section 5.1.3.

16.0 Motions and Amendments

16.1 Notice(s) of Motion

- 16.1.1 Notice of all new motions, except motions listed in Sections 15.13 and 15.14, shall be given in writing and duly signed at a meeting of Council or Committee, but shall not be debated until the next regular meeting of Council or Committee unless if such motion is delivered to the Clerk at least six (6) full business days preceding the date of the meeting at which such motion is to be introduced; and such motion shall be printed in full in the Agenda for that meeting of the Council or Committee and each succeeding meeting until the motion is considered or otherwise disposed.
- 16.1.2 When a member's *Notice of Motion* has been called from the Chair for two (2) successive meetings and not duly considered or otherwise disposed, it shall be dropped from the Agenda unless the Council or Committee otherwise decides.
- 16.1.3 If, at the third meeting, such notice of motion is put to a question by the Chair and not considered or otherwise disposed, it shall be deemed to have been withdrawn.
- 16.1.4 Any motion may be introduced without notice if the Council, without debate, dispenses with the notice requirements of Section 16.1.1, on the affirmative vote of at least two-thirds of the members present and voting.

16.2 Motion to be Seconded

- 16.2.1 A motion must be formally seconded before the Chair *States the Question* and can put the *Question* to a vote, or before the Clerk can record the motion and its result in the minutes.

16.3 Stating the Question

- 16.3.1 When a motion is presented in Council in writing, it shall be read aloud by the Chair.
- 16.3.2 When a motion is presented in Council orally, it shall be stated by the Chair and recorded by the Clerk before debate can occur.

16.4 Motion Ultra Vires

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

16.5 Question on the Floor

16.5.1. After a motion is stated by the Chair it shall be deemed to be in the possession of the Council or Committee but the motion may, with the permission of the Council, be withdrawn by the mover and seconder at any time before the Question is put or any amendment(s) made thereto.

16.5.2 A *Question on the Floor* for a decision must duly be considered or otherwise disposed before any other motion can be received, except other matters as listed in the applicable section.

16.5.3 A motion to refer a *Question on the Floor* to Committee of the Whole, a Committee of Council or an Advisory Body shall preclude all amendments of the main question until the motion to refer is duly considered or otherwise disposed.

16.6 Previous Question

16.6.1 A motion for the *Previous Question* is the motion used to bring the Council to an immediate vote on one or more pending *Questions*. It has the effect of closing debate and preventing any further amendment of the *Question On the Floor*. It does not prevent the making of any *Privileged Question*, nor does it prevent a special order set for a particular hour from interrupting the pending business.

16.6.2 A motion for the *Previous Question* only can be moved using the following words: "THAT THE QUESTION NOW BE PUT."

16.6.3 A motion for the *Previous Question* cannot be proposed when an amendment, pursuant to Section 16.7, is under consideration.

16.6.4 A motion for the *Previous Question* is not allowed in Committees.

16.7 Amendments

16.7.1 A motion to *Amend* shall adhere to the following rules:

1. be presented in writing (*Primary Amendment*) and duly seconded;

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2. be relevant or germane to the *Question On the Floor*;
3. not be used to amend something previously adopted;
4. not be worded such as to propose a direct negative of the *Question On the Floor*;
5. be duly considered or otherwise disposed of by Council or Committee before a previous amendment of the same question;
6. be amended only once (Secondary Amendment), and any further amendment must be to the main question;
7. be put to a vote in the reverse order to that in which it is so moved; and,
8. may be used to separate and dispose of distinct parts of a question.

16.8 Privileged Motion

16.8.1 A *Privileged Motion* shall receive the immediate consideration of the Chair and when resolved the *Question On the Floor*, so interrupted, shall be resumed at the point where it was suspended.

16.9 Motion to Adjourn

16.9.1 A *Motion to Adjourn* shall always be in order, except as provided in Section 16.9.2.

16.9.2 A *Motion to Adjourn* is not in order when:

1. a member is speaking to the *Question on the Floor*;
2. a member has already indicated to the Chair that he or she desires to speak to the *Question on the Floor*;
3. proposed during a vote or during the verification of a vote; or,
4. proposed immediately following the affirmative resolution for the *Previous Question*.

16.9.3 A *Motion to Adjourn* a meeting of Council shall be duly seconded, without debate and put to vote.

16.9.4 A *Motion to Adjourn* the final regular meeting of Council's term, wherein unfinished business remains at the time of adjournment, has the effect of

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causing said unfinished business to fall to the ground. Such business may be introduced at the next session of Council, however, the same as if it had never been brought up.

16.9.5 A *Motion to Adjourn*, when resolved in the negative, cannot be made again until after some intermediate proceedings have been considered and disposed of by Council.

16.9.6 Immediately after a *Motion to Adjourn* has been put to a vote, and resolved in the affirmative, the Chair will declare the meeting adjourned, but not before allowing the members the time to motion for *Division of the Assembly*.

16.10 Reconsideration

16.10.1 The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.

16.10.2 No discussion of a main question, once resolved, shall be allowed unless reconsidered.

16.10.3 After any question has been resolved, except a motion not subject to debate or one of indefinite postponement, any member who voted in the majority may, at the same or the subsequent meeting, make a motion for *Reconsideration* thereof.

16.10.4 A motion for Reconsideration shall include a statement by the mover of at least one valid reason why the main Question, so previously decided, must be reconsidered by Council.

16.10.5 No motion for Reconsideration shall be introduced, unless it is moved and seconded by two members from among those who voted with the majority that carried the main motion or Report.

16.10.6 No motion shall be reconsidered more than once.

17.0 Voting on Motions

17.1 Immediately preceding the taking of the vote, the Chair shall state the *Question On the Floor* in the form introduced, in the precise form in which it will be recorded in the minutes.

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- 17.2 After a *Question On the Floor* is stated by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 17.3 Only members present when the Question On the Floor is stated by the Chair shall be entitled to vote on the question.
- 17.4 The manner of determining the decision of the Council or Committee on a Question On the Floor shall be decided prior to the vote being taken and at the discretion of the Chair, unless otherwise decided by Council
- 17.5 Whenever the vote regarding the Question On the Floor results in a tie, the questions shall be deemed to have been resolved in the negative.

18.0 By-Laws

- 18.1 Every By-law, previous to its being adopted by council, shall receive three readings.
- 18.2 Following approval by resolution of the introduction of the by-law(s) and the first and second reading, the by-law(s) shall be referred to the Committee of the Whole by resolution for discussion and amendment.
- 18.3 On the first and second reading following introduction, amendment or debate shall not be permitted. All amendments and debate on the context of the by-law(s) shall be restricted to Committee of the Whole.
- 18.4 The Committee shall rise, by written resolution, to report the by-law(s) passed in Committee with or without amendments. A vote to defeat the by-law(s) shall be taken at this stage.
- 18.5 By resolution, the by-law(s) shall be read a third time as presented or amended.
- 18.6 Every by-law passed by the Council shall:
 - (a) be numbered and dated on which the three readings were given and shall be entered thereupon by the Clerk; and,
 - (b) be under the seal of the Corporation and shall be signed by the Mayor and by the Clerk.

19.0 Closed Meeting

- 19.1 Except as provided in the *Municipal Act* s. 239 (2) and (3) all meetings shall be open to the public.
- 19.2 Meetings closed to the public must be closed by a motion to “Proceed into a *Closed Meeting*” with the said motion, duly seconded and passed, stating the general nature of the matter(s) to be considered at the *Closed Meeting*.
- 19.3 Where the public is excluded from a meeting, or portion thereof, no vote may be taken except a vote on a procedural matter or for the giving of directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- 19.4 A meeting held for the purpose of educating or training the members of Council, local board or a committee may be closed to the public, provided that no member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the Council, local board or committee.
- 19.5 For an education or training session, the resolution must state the reason it is to be closed under Section 239, subsection 3.1 of the *Municipal Act*, 2001.
- 19.6 The number of times a member may speak to any question shall not be limited during a *Closed Meeting*, provided that no member shall speak more than once until every member who desires to do so shall have spoken.
- 19.7 A member present at a *Closed Meeting* shall, prior to consideration of any matter, declare any pecuniary interest, direct or indirect, and the general nature thereof; and said member shall leave the *Closed Meeting*, or part thereof, during which the matter is under consideration. Said declaration shall be recorded in the minutes.
- 19.8 Any matter raised by a member, while in a *Closed Meeting* that was not listed on the resolution to “Proceed into “*Closed Meeting*”, shall not be considered.
- 19.9 A motion to adjourn a *Closed Meeting* shall always be in order and be decided without debate, except when a member is in possession of the floor.
- 19.10 A copy of any report or document circulated as part of an agenda regarding a confidential matter shall be returned to the Clerk at the end of the meeting for destruction.

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- 19.11 On reconvening in public session, the Chair shall accept a motion to resolve the matter publicly, or alternatively advise that direction had been given to staff during the closed meeting in accordance with the Municipal Act, 2001.

20.0 Adjournment

- 20.1 The Council may adjourn its meeting from time to time.
- 20.2 The Council shall adjourn at the hour of 11:00 p.m. local time, if in session at that hour, unless a motion to continue receives at least two-thirds (2/3) vote of the majority of members present.
- 20.3 A Regular Council Meeting shall not be adjourned until a by-law confirming the proceedings of that meeting to the time of adjournment has been presented to and dealt with by the Council.

21.0 Use of Mobile Devices

- 21.1 With the exception of the Fire Chief, all other cell phones, pagers, radios, etc. shall be switched to "off", silent or non-audible mode upon entry to the Council Chamber or meeting room.

22.0 Press Releases

- 22.1 No individual member of Council or staff shall undertake to issue press releases or claim to speak on behalf of the Council without permission granted by motion in Council or municipal by-law or other direction of Council or the CAO.

23.0 Taping and/or Recording of Meetings (by other than the Clerk)

- 23.1 Council or committee meetings, not held in closed, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company or by any other media at the back of the Council Chambers or meeting room and in such a manner as not to interfere with the proceedings of the meeting.
- 23.2 Should the recording interfere with the proceedings of the meeting, the recording privileges may be withdrawn. The ruling of the Presiding Officer or Chair shall be final unless by appeal to the Council which shall decide upon the question without debate.
- 23.2 All media are to advise the Clerk at the beginning of the meeting of their intention to record.

24.0 Public Meetings under the *Planning Act*

- 24.1 Public meetings held pursuant to the *Planning Act* shall be held, whenever practical and in accordance with Notice Requirements, at 7:00 pm on the second Monday of every month during a Regular Council Meeting.

25.0 Repeal or Amendment of This By-Law

- 25.1 This By-law is not to be amended or repealed except by a majority of all members of Council present.
- 25.2 No amendment or repeal of this By-law is to be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council.

26.0 Miscellaneous

- 26.1 For the purposes of this By-law, words used in the present tense include the future tense; words in singular number include the plural and words in the plural include the singular number; and the word "shall" is mandatory.