Consolidated

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 49/2015

Being a By-law to govern the proceedings of the Council of the Municipality of Port Hope and of its Committees

WHEREAS Section 238 of the Municipal Act, 2001, S.O., 2001, c.25 as amended requires every Municipality to pass a Procedure By-law for governing the calling, place and proceedings at meetings;

AND WHEREAS the Accessibility for Ontarians with Disabilities Act, Ontario Regulation 429/07, and the Municipality's Customer Service Standard Policy and Procedures provides for procedures governing the provisions of its goods or services to persons with disabilities;

AND WHEREAS the Council Procedure By-law sets out the regulations for scheduling and notification of Regular and Special Meetings and Public Hearings; outlines the designation of a Member of Council to act in the place of the Mayor; the procedures for the public to follow at Council meetings; the rules of procedure (agenda preparation, quorum, voting, points of order, conduct and debate, motions, etc.);

AND WHEREAS Council at their June 2, 2015 In Camera meeting directed that the Procedural By-law be updated to reflect changes in Council portfolios as a result of internal restructuring and changes relevant to Advisory Committees to address Council's vision and realignment of goals and objectives;

AND WHEREAS the Council Procedure By-law sets out the regulations of minutes, By-laws, resolutions, and Council committees;

NOW THEREFORE IT IS ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE AS FOLLOWS:

1. SHORT TITLE:

1.1 This By-law may be cited for all purposes as the Procedural By-law.

2. DEFINITIONS:

In this By-law:

2.1 "Abstain" means to refrain from voting.

2.2 "Acting Chair" means such person who is a Member of the Committee and who has been appointed by the Committee to act in the place and stead of the Committee Chair when such Chair is absent from a meeting of the Committee for any cause and who shall exercise all the rights, powers and authorities of the Chair while so acting.

2.3 "Acting Head of Council" means the Deputy Mayor when the Mayor is absent or refuses to act or the office of the Mayor is vacant or, when the Mayor and Deputy Mayor are absent or refuse to act or the offices of Mayor and Deputy Mayor are vacant, the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor and who shall exercise all of the rights, powers and authority of the Head of Council while so acting.

2.4 "Ad Hoc Committee" means an advisory committee of specified duration, established by Council to undertake the review of a special issue or short term project. Such a Committee shall be governed by clear terms of reference including a clause indicating when the Committee will cease to exist.

2.5 "Advisory Committee" means any board, commission or committee established to render advice to Council, other than a Standing Committee, which has at least one (1) Member appointed from Council. The Member or Members appointed by Council may be Member(s) of Council, staff of the municipality, and/or Member(s) of the public, and listed as on Schedule "A" attached to and forming part of this By-law.

2.6 "By-law" means a law or regulation in a form approved by the Council for the purposes of giving general effect to a decision or proceeding of the Council.

2.7 "Chair" in the case of Council means the Mayor, Deputy Mayor, or the Member of Council appointed to act as Chair during the absence of the Mayor and Deputy Mayor from a meeting or a portion of a meeting. While acting as Chair, the Member shall exercise all of the powers and responsibilities of the Mayor under this Procedural By-law. In the case of an Advisory Committees/local Board, "Chair" means the Chair of the Advisory Committee or Board appointed in accordance with the terms of reference for the Advisory Committee or Board who is charged with deciding questions and points of order or practice, preserving order and maintaining decorum in the proceeding.

2.8 'Chief Administrative Officer" means the Chief Administrative Officer of The Corporation of the Municipality of Port Hope and shall include any person designated as "Acting CAO" in the Chief Administrative Officer's absence.

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2.9 "Clerk" means the Clerk of The Corporation of the Municipality of Port Hope and shall include any person designated as "Acting Clerk" in the Clerk's absence, by Statute or by By-law.

2.10 "Closed Session" means an In-Camera meeting or a part of a meeting of Council, a Committee or the Committee of the Whole, which is not open to the public in accordance with the provisions of *the Municipal Act* or any other Act or Regulations.

2.11 "Code of Conduct" means a set of conventional principles and expectations that are considered binding on any person who is a Member of Council, or Senior Staff or Advisory Committee of Council or local board identified in Schedule "A", forming part of this By-law.

2.12 "Committee" means such Committee or Committees including Standing Committees, Ad Hoc Committees, Advisory Committees, Board of Management and quasi-judicial bodies/Committee, which may be appointed by Council from time to time as identified in Schedule "A", forming part of this By-law.

2.13 "Committee of the Whole" means a committee composed of all Members of Council for the purposes of discussion and debate of the details of reports and main motions.

2.14 “Confirmatory Bylaw” means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council.
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2.15 “Consent Agenda” means matters that do not need to be discussed or are in the less important and less urgent categories are moved to a consent agenda and may include, but be limited to information items, procedural items, approval of minutes, previously approved decisions, routine matters, correspondence requiring no action, and information reports.

2.16 "Corporation" means the Corporation of the Municipality of Port Hope.

2.17 "Council" means the Municipal Council of the Municipality of Port Hope and is interchangeable with the Committee of the Whole.

2.18 "Councillor" means a person elected or appointed as a Member of Council.

2.19 “Declaration of Interest” means that where a Member, either on his or her own behalf or while acting for, by, with or through another, has a pecuniary interest, direct or indirect, in any matter and is present at the meeting of the Council, Committee or local board at which the matter is the subject of consideration the Member shall comply with all of the requirements of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.5O, as amended (hereinafter referred to as “*the Municipal Conflict of Interest Act*”) and without limiting the generality of the foregoing shall disclose the interest and the general nature thereof and shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

~~2.20 "Deputy Mayor" means the Member of Council who has been elected by the other Members of Council as Deputy Mayor at the inaugural Council meeting.~~
By-law 06/2023 – Jan 24/23

2.20 “Deputy Mayor” means the Member of Council appointed from amongst the Members of Council to act in the absence of the Mayor in accordance with the Deputy Mayor appointment schedule.
By-law 06/2023 – Jan 24/23

2.21 “Electronic Meeting” means a meeting called and held in full or in part via electronic means (including but not limited to audio teleconference, video conferences or via the internet) and with or without in person attendance.
By-law 16/2020 – Apr 2/20

2.22 “Electronic Participation” includes telephone, video, audio or audio-visual conferencing, or any other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.
By-law 16/2020 – Apr 2/20

~~2.23 "Executive Director" means the Executive Director of The Corporation of the Municipality of Port Hope and shall include any person designated as “Acting Executive Director” in the Executive Director’s absence.~~

2.24 "Ex Officio Member" means a Member of a Board or Committee that holds that position by virtue of his/her office whom shall act in an advisory capacity and shall be a non-voting member, unless otherwise specified.

2.25 “Frivolous” means material or requests characterized by lack of seriousness or sense and unworthy of serious attention and may be deemed trivial in nature and lacking in any arguable basis or merit in law or fact.

2.26 "Head of Council" means the Mayor who shall preside at all meetings of Council.

2.27 "Inaugural Meeting" means the first meeting of a new council after a regular election or by-election held in accordance with the Elections Act and this Procedure By-law.

2.28 “Local Board” shall have the same meaning as the term “local Board” as defined in *the Municipal Act.*

2.29 "Member" means a member of the Council, or a member of a Committee or local Board.

2.30 "Member of Council" means a person duly elected or appointed to the Council.

2.31 “Meeting” means any gathering to which all Members of Council are invited to discuss matters within their jurisdiction, that materially advances a decision of Council or the business of the Municipality; and the meeting is convened in person and is not convened electronically or using video feed.

2.32 “Minor Amendment" means altering or varying the terms of a motion or By-law without materially changing its purpose.

2.33 "Motion" means a question to be considered by Council duly moved and seconded. When a motion is adopted, it becomes a resolution.

2.34 “Municipal Act" means the *Municipal Act, 2001, S.O., c.25,* as amended from time to time.

2.35 "Pecuniary Interest" means a direct or indirect pecuniary interest of a Member of Council within the meaning of the Municipal Conflict of Interest Act.

2.36 "Point of Order" means a statement made by a Member during a meeting, drawing to the attention of the Chair a potential breach of a Rule of Procedure.

2.37 "Point of Privilege" means the raising of a question to obtain immediate action upon a matter that concerns a Member of Council, or all of the Members of Council, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been challenged; or in the event the Member feels “his/her” personal comfort has been unduly injured by the words or behavior of another Member, and /or personal comfort as it pertains to noise, temperature etc., and may interrupt proceeding only if necessary.

2.38 "Presiding Member" means the Member appointed to act as Chair pursuant to the provisions of this Procedural By-law.

2.39 “Question Period” means a period of regularly scheduled time in the meeting during which Members of the public and media may direct questions to Council sitting as either Committee of the Whole or Regular Council. Questions shall not be restricted to matters on the current agenda. While Council will endeavor to satisfy questions posed, Council reserves the option to refer the question to Staff for timely follow up subsequent to the meeting. Members of the public and the media are encouraged to participate in Question period however, civility, respect and decorum is expected.

2.40 "Quorum" means the minimum number of required Members (fifty percent plus one of the Membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simple majority.

2.41 "Recorded Vote" means a Member present at a meeting before the taking of the vote requests that the vote be recorded and 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.

2.42 “Rules of Procedure" means the Rules and Regulations of the Council of the Corporation of the Municipality of Port Hope as provided in this By-law.

2.43 "Standing Committee" means the six committees which meet in Committee of the Whole, namely General Government and Finance Committee, Development Committee, Planning Committee, Parks, Recreation and Culture Committee, Works and Engineering Committee and Fire and Emergency Services Committee.

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3. GENERAL PROVISIONS:

3.1 The provisions of this By-law govern the proceedings of Council and all standing, select and other Committees of Council, as applicable.

3.2 In cases not provided for under this By-law, Council may determine the appropriate rules of procedure, or shall follow The Robert’s Rules of Order, 2nd edition, 1998, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this By-law or *the Municipal Act*.

3.3 Any enactment referred to herein is a reference to an enactment of the Council of the Municipality of Port Hope, as amended, revised, consolidated, or replaced from time to time.

3.4 The headings used in this By-law are for convenience of reference only. They do not form part of this By-law and are not to be used in the interpretation of this By-law.

3.5 If any section, paragraph or phrase of this By-law is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the By-law.

4. RULES OF PROCEDURE:

4.1 Rules and Procedures:
The rules and procedures contained in this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in Council, its Committees and its local Boards.

4.2 Rules Not Governed:
Rules of Procedure not specifically governed by this By-law shall be dealt with in accordance with, as far as reasonably practical, **Robert's Rules of Order** and in such cases the decision of the Head of Council shall be final.

4.3 Rules Suspended:
The Rules and Regulations contained herein may be temporarily suspended by the vote of two-thirds of the Members of the Council present and voting.

5. APPOINTMENT OF DEPUTY MAYOR AND COUNCIL SEATING:

~~5.1 Appointment of Deputy Mayor:~~

~~Council shall from among Members of Council elect a Deputy Mayor, who shall be appointed by By-law at the inaugural meeting and who shall hold office as Deputy Mayor for the balance of the term of Council.~~

By-law 70/2022 – Sept 20/22

~~Council shall from among Members of Council elect a Deputy Mayor who shall be appointed by By-law at a meeting within the first 3 months of the new term and who shall hold office as Deputy Mayor for the balance of the term of Council.”~~

By-law 06/2023 – Jan 24/23

5.1 Appointment of Deputy Mayor

Every Member of Council, with the exception of the Mayor, shall be the Deputy Mayor a period of approximately 8 months consecutively during the 4 year term of Council on a rotating basis.

5.2 The appointment schedule will be determined alphabetically by the last name of the Member of Council and will be presented for Council consideration at the first Regular Meeting of Council following an election in the form of a by-law.

5.3 The Clerk will ensure the appointment schedule of the rotating Deputy Mayor is available on the Municipal website and changes are communicated to the public as the Deputy Mayor position rotates throughout the term of Council.

5.4 That should the appointed Deputy Mayor either before or during the term of their appointment as Deputy Mayor notify the Clerk in writing that they, for any reason, can no longer assume the duties of the Deputy Mayor, the Clerk shall:

5.4.1 Bring forth to a Regular Meeting of Council a report and recommendation that Council identify and appoint a Member of Council to serve as Deputy Mayor for the identified term or remaining portion of the identified term.

5.4.2 Adjust the appointment schedule as required.

5.5 An appointment made under section 5.4 does not interrupt the regular appointment schedule as identified in section 5.1 and 5.2.

5.6 In the event the head of Council's seat becomes vacant, as defined in section 259 of the Municipal Act, 2001, that vacancy shall be filled in accordance with the options identified in section 263 of the Municipal Act, 2001, with the appointed Deputy Mayor at that time acting in the place of the Head of Council until such time as the vacant seat is otherwise filled by Council.

5.6.1 That in the scenario described in Section 5.6, there is no presumption that the Deputy Mayor at the time of vacancy of the Head of Council is to be automatically appointed as permanent Head of Council.
By-law 06/2023 – Jan 24/23

5.7 Arrangement of Council Seating:

The arrangement of the seating of the Council table shall be determined by the Mayor / Mayor elect with the Deputy Mayor to the Mayor's right; and the Ward 2 Members shall be seated on alternate sides of the Mayor.

That for greater clarity, and subject to Section 5 of the Procedural By-law 49/2015, as amended during the 2022-2026 Term of Council the appointed Deputy Mayor shall be:

Councillor:	***Appointment Term:***
Les Andrews	***January 24, 2023 – September 15, 2023***
Todd Attridge	***September 16, 2023 – April 30, 2024***
Chris Collins	***May 1, 2024 – December 15, 2024***
Claire Holloway Wadhwani	***December 16, 2024 – July 31, 2025***
Vicki Mink	***August 1, 2025 – March 15, 2026***
Adam Pearson	***March 16, 2026 – November 15, 2026***

6. MEETINGS:

6.1 Location and Time:

6.1.1 Meetings of Council shall be held in the Council Chambers in the Municipal Town Hall or any other venue determined by the Head of Council or by Council and advertised in advance of the meeting.

6.1.2 Unless otherwise provided by Resolution of Council, all Council, Committee of the Whole and Statutory Public Meetings shall commence at **6:30 p.m.**

6.1.3 Special meetings may be called at the discretion of Council.

6.1.4 Statutory Public Meetings shall be scheduled for the first or third Wednesdays of the month.

6.1.5 Change of Meeting Date, Time or Place:

6.1.5.1 Where Council by Resolution directs a change in date, time or location for a meeting, notice shall be posted in the Municipal Offices and on the Municipality's website advising of the date, time and place; and the

Clerk shall cause notice to be announced in the local media, except in the circumstances pertaining to Special meetings.

6.1.5.2 Public or Civic Holiday - where the regularly scheduled Council or Committee of the Whole meeting falls on a public or civic holiday, Council shall meet on the following day which is not a public or civic holiday or as determined by Resolution of Council.

6.2 Electronic Meetings & Electronic Participation

~~The Municipal Act does not permit meetings or voting or polling of members of Council to be conducted by means of electronic or other communication method, including e-mail, texting or similar mechanisms.~~

By-law 16/2020 – Apr 2/20

6.2.1 Meeting via electronic means or attending electronically for the purposes of counting towards quorum shall only be permitted in the case of a declared emergency as detailed in Section 7.6. and only for the purposes of Council or Committee of the Whole meetings.

6.3 Use of electronic devices including cell phones is prohibited by the public for use in Council Chambers during Meetings.

6.3.1 Use of audio/video recording devices by the public is <u>not</u> permitted without express written consent from the Municipality in advance of the meeting and in accordance with provisions of other applicable policies and /or procedures.

6.4 Conduct of Attendees:

Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle or engage in telephone or other conversation, or any behavior which may be considered disruptive, inconsiderate, disrespectful or intimidating to others.

6.5 Assistive Listening Devices:

In accordance with the provisions of the Accessibility for Ontarians with Disabilities Act, Ontario Regulation 429/07, and the Municipality's Customer Service Standard Policy and Procedures, the Municipality of Port Hope Municipal Council, and all local boards and Committees of Council, shall make available assistive listening devices for persons with disabilities that request it five (5) days in advance, for use during public meetings, and meetings of Committee or Council, or local boards and Committees of Council, in those facilities that support assistive listening device systems and in accordance with Resolution 195/2005.

6.6 Notice of Meetings:

Written Notice of a meeting required to be given by the provisions of this By-law shall be deemed to have been given on the day that the Notice was delivered by electronic mail to the Members of Council by the Clerk, or in the absence of an electronic mail address, notice shall be provided to the Member's mail folder in the Town Hall.

7. TYPES OF MEETINGS:

7.1 Inaugural Meeting:

7.1.1 The inaugural meeting of Council shall be held on the first Tuesday in December following the Municipal election.

7.1.2 The order of business for the inaugural meeting of Council shall be as follows:

1. Meeting called to Order
1.1 Moment of Silent Reflection
2. Swearing in Ceremony
3. Remarks by Members of Parliament
4. Inaugural Address
5. By-laws:
5.1. By-law to appoint a Deputy Mayor
6. Resolutions:
6.1 Resolution to Appoint Standing Committee Chairs and Council Representatives to local Boards/Committees
7. Acknowledgements by the Mayor
8. Announcement of Public Reception by the Mayor
9. Adjournment

7.2 Council Meetings:

7.2.1 Both Regular Council and Committee of the Whole meetings shall be convened on the first and third Tuesdays of the month commencing after the Inaugural meeting.

7.2.2 Committee of the Whole recommendations from the first Tuesday of the month will be ratified two weeks later at the Regular Council meeting on the third Tuesday of the month and the staggered approach shall continue thereafter.

7.3 Special Meetings:

7.3.1 Special Meetings may be called at the discretion of Council.

7.3.2 The Head of Council may at any time summon a special meeting or upon receipt of a notice of the majority of Members of Council, the Clerk shall summon a special meeting and the only matters to be dealt with at the special meeting shall be those set out in the Notice calling the special meeting. A special meeting shall only be held on at least "one clear day's notice" meaning the intervening day between the day on which Notice was given and the day the meeting is to be held.

7.3.3 The Head of Council may, with consensus of the Members of Council elect to invoke this Section of the Procedural By-law to shorten the Special meeting agenda order of presentation as appropriate to the matter(s) to be considered. Said invocation shall not apply to the Call of Order or Declaration of Interest of the agenda order.

7.3.4 Committee of the Whole Meetings may be considered Special Meetings of Council and may be called or scheduled by Council Resolution.

7.3.5 In addition to special Council meetings, the Head of Council may at any time summon an emergency meeting of Council without Notice

where the Head of Council is satisfied a situation exists that poses an immediate danger to the health or safety of any person or property.

7.4 Public Meetings:

7.4.1 Required Statutory Public Meetings for Council related to applications or other matters pursuant to *the Planning Act* RSO 1990, Chapter P. 13 as amended from time to time (hereinafter referred to *as "the Planning Act*") shall be scheduled on the first or third Wednesday of the month at **6:30 p.m**. unless Council passes a resolution to change the time of a particular hearing.

7.4.2 All persons with an interest in the proposed By-law or other matter which is the subject of the public meeting shall be afforded a reasonable opportunity to be heard or to present written submissions after first identifying themselves by stating their name and municipal address and the name and address of the person or body they represent (if applicable).

7.4.3 The Mayor or Presiding Member shall only entertain submissions that are germane to the purpose of the proposed By-law or other matter under consideration.

7.4.4 Presentations by an owner or applicant shall be limited to a maximum of fifteen (15) minutes. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing and if possible, electronically to the Office of the Clerk by 4:30 pm on the Wednesday preceding the public meeting so that the information can be copied to Council as part of the agenda package. Presentations by Members of the public shall be limited to a maximum of five (5) minutes each. If a person has additional information that they are unable to provide within that time frame, they shall be given further opportunities to address Council after all other interested Members of the public have been heard a first time. Without limiting the opportunity provided for in this Section of this By-law, speakers shall be encouraged to confine their comments to new information.

7.4.5 The owner or applicant shall be given an opportunity limited to responding to comments or questions raised during the public meeting only before the meeting is closed on their application. The response shall be limited to a maximum of ten (10) minutes.

7.4.6 Notwithstanding time limits for presentations set out in the above sections, Council may ask questions of any presenter and of staff for clarification purposes.

7.4.7 Consideration of Public meeting input and Staff recommendations shall be referred to the next Committee of the Whole meeting.

7.4.8 Committee of the Whole may recommend the By-law or other matter under consideration be scheduled for discussion and debate at the next regular Committee of the Whole meeting; that the By-law or other matter be brought forward for consideration at the next regular Council meeting or alternate disposition as directed by Council.

7.5 Closed Session:

7.5.1 All meetings of Council or any Committee of Council shall be open to the public except as provided for in Section 239 of the Municipal Act.

7.5.2 A meeting or part of a meeting of Council or any Committee of Council may be closed to the public if the subject matter being considered is set out in Section 239 of the Municipal Act.

7.5.3 Closed Session/In-Camera Agendas shall include reference to the appropriate Section of the Municipal Act.

7.5.4 Where a matter has been discussed in-camera and where the matter remains confidential, no Member shall at any time or times disclose the substance of deliberations of the in-camera meeting.

7.5.5 Closed Session meetings shall commence at 5:30 p.m. prior to Council/Committee of the Whole meeting unless otherwise provided for by the Mayor and/or Clerk and//or designate.
By-law 92/2015 – Dec 1/15

7.6 Electronic Meetings ~~during a Declared Emergency~~

If Council, Budget Committee, or any municipal committee needs to convene a meeting, including closed session and committee of the whole to advance the business of the municipality, an Electronic Meeting may be permitted as necessary to ensure public safety as per the provisions within the *Municipal Act*
By-law 39/2020 – Aug 4/20

7.6.1 If Council, Budget Committee, or any municipal committee needs to convene a meeting, including closed session and committee of the whole, during a declared emergency to advance the business of the municipality, an Electronic Meeting may be permitted as per the provisions within the *Municipal Act*.
By-law 34/2020 – Jun 16/20

7.6.2 A declared emergency means any period of time during which an emergency has been declared in all or part of the municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the Emergency Management Act.

7.6.3 Members participating electronically during an Electronic Meeting shall be counted for the purpose of quorum at the commencement and at any point in time during the meeting.

7.6.4 When calling the question, the Chair will ask who are in favour of the resolution, and who are opposed to it. Members are asked to state their answer clearly for all to hear. If a member is present in-person or electronically, and their name is called with no response to indicate a vote, the Chair will ask one more time. If no indication of vote is stated, the vote is recorded in the negative in accordance with the Municipal Act

7.6.5 Recorded votes must be requested in accordance with the Municipal Act and Section 17 of By-law 49/2015. The Clerk will poll each member name by name and the results will be announced and recorded.

7.6.6 An Electronic Meeting shall not permit public delegations, expect by way of electronic submissions received in advance of the meeting. Written submissions shall be provided to the Clerk at clerk@porthope.ca in accordance with Section 12 of By-law 49/2015.

7.6.7 Notwithstanding the above, the remaining elements of the Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this section.

By-law 16/2020 – Apr 2/20

~~7.7 Notwithstanding any other provision of this Procedural By-law, during a declared emergency municipal committee meetings will be held only to address time sensitive matters and legislated responsibilities as identified by the chair, Council representative, and staff representative in coordination with the Clerk.~~

By-law 34/2020 – Jun 16/20
By-law 39/2020 – Aug 4/20

8. DECLARATION OF INTEREST:

8.1 Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, Committee, or local Board, at which the matter is the subject of consideration, the Member shall act in accordance with *the Municipal Conflict of Interest Act* and make a declaration of interest and shall disclose the nature thereof. In addition to fully complying with all obligations imposed by *the Municipal Conflict of Interest Act*, when a Member has a pecuniary interest in a matter, the Member must not attempt in any way, either before, during, or after the meeting to influence the voting on the matter.

9. QUORUM:

9.1 Subject to the provisions of the Municipal Act, a quorum shall be a simple majority of the Members of Council, Committee or Local Board.

9.2 Where the number of Members who, by reasons of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting such that the remaining Members are not of a sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided such number of Members is not less than 2.

9.3 Provided that, after commencement of the meeting and upon late arrival, the Mayor, or in the absence of the Mayor, upon late arrival the Deputy Mayor shall act as Presiding Member for the balance of the meeting commencing at the next order of business.

9.4 If, at any time, the attendance of the Head of Council is required to perform any corporate responsibility or duty and the Head of Council is not available to perform the responsibility, the Clerk shall call upon the Deputy Mayor; and where the Deputy Mayor is not available to perform the responsibility, the Clerk shall call the Members to order and an Acting Head of Council shall be appointed from among the Members present, and he/she shall preside and shall have all the powers of the Head of Council.

10. AGENDAS:

10.1 Regular Council:

The Clerk shall prepare an Agenda in order of presentation for the use of each Member at a Regular meeting shall be as follows:

1. Call to order

1.1 Moment of Silent Reflection

2. Disclosure of Pecuniary Interest and the Nature Thereof
2.1 Closed Session Items
By-law 92/2015- Dec 1/15

3. Consent Agenda - Approval of Minutes of previous meeting(s)

4. Notification of New Business

5. Petitions and delegations

6. Staff and Committee reports

7. Consent Agenda – Resolutions

8. By-laws

9. Confirmatory By-law
By-law 23/2021 – Apr 20/21

10. New and other business

11. County update

12. Question period

13. Adjournment

10.2 Committee of the Whole:

1. Call to Order
2. Disclosure of Pecuniary Interest and the Nature Thereof
3. Delegations
4. Consent Agenda – approval of items for information purposes
5. Standing Committee
    5.1 – Corporate Services Committee
    5.2 – Finance Committee
    5.3 – Planning Committee
    5.4 – Parks, Recreation & Culture
    5.5 – Works & Engineering Committee
    5.6 – Fire & Emergency Services Committee
6. Question Period
7. Adjournment

By-law 23/2021 – Apr 20/21

~~10.2 Committee of the Whole:~~

~~The Clerk shall prepare an Agenda in order of presentation for the use of each Member at a Committee of the Whole meeting shall be as follows:~~

~~Call to Order~~

~~Disclosure of pecuniary Interest and the nature thereof~~

~~Closed Session Items~~

~~Delegations~~

~~Consent agenda – Approval of items to be received for information purposes.~~

~~Standing Committee Order:~~
~~1. Corporate Services Committee~~
~~2. Finance Committee~~
~~3. Planning Committee~~
~~4. Parks, Recreation and Culture Committee~~
~~5. Works and Engineering Committee~~
~~6. Police and Fire Services Committee~~

~~Standing Committee business:~~

~~1.1 Staff Reports~~
~~1.2 Business Referred~~
~~1.3 New Business~~
~~1.4 Question Period~~
~~1.5 Adjourn~~

By-law 11/2016 – Feb 16/16

10.3 Public Meeting:

The Clerk shall prepare an Agenda in order of presentation for the use of each Member at a Public Meeting shall be as follows:

1. Introduction
2. Disclosure of Pecuniary Interest and the Nature Thereof
3. Clerk's Explanation of Statutory Notice of Procedure
4. Staff Report Presentation
5. Correspondence

5.1 Letters/Comments from the Public

5.2 Letters/Comments received post printing of the agenda (to be read by the Clerk)

5.3 Comments received by external agencies, Municipal Departments and Ministries

6. Applicant/Agent to Respond
7. Question Period:

7.1 Questions of Council

7.2 Oral Submissions by Members of the Public

8. Recommended Action
9. Adjournment

10.4 A copy of the Agenda for each Council/Committee of the Whole/Special Council/Public Meeting shall be posted for public viewing at the Town Hall and on the Municipality's web site.

10.5 A copy of the Agenda including all supporting documentation shall be prepared in an electronic format ~~on a memory stick for~~ and a link will be emailed to each Member of Council and shall be available for pick-up by each Member prior to the scheduled meeting date. Or in the alternative, where electronic format is unavailable, the agenda shall be prepared in hard copy for each Member of Council prior to the scheduled meeting date. Hard copies shall only be provided upon request by any Member of Council where electronic format is available.
By-law 23/2021 – Apr 20/21

10.6 The Clerk will make reasonable effort to make available a copy of the Agenda to Members of the public by the Monday preceding the regular Council or Standing Committee meeting, provided the Member of the public has submitted a written request for the copy, including preference for paper or electronic format, no later than 4:30 p.m. of the Wednesday preceding the regular Council or Standing Committee meeting, along with remittance of the full payment for such copies in accordance with the Municipality's Fees and Charges By-law which payment shall be made at the time of the written request. Members of the public may subscribe to an electronic format which shall be at cost recovery in accordance with the Fees and Charges By-law.

10.7 Any communication or correspondence that is to be presented to Council shall be legibly written, typed or printed and shall not contain any obscene or defamatory language and shall be signed by at least one person and filed with the Clerk no later than 4:30 p.m. of the Wednesday preceding the regular Council meeting. Communication or correspondence includes electronic mail, provided it includes the full name of the sender with contact information. Personal information shall be collected in accordance with *the Municipal Freedom of Information and Protection of Privacy Act* RSO 1990, Chapter M. 56 as amended from time to time and shall be made available for the public record.

10.8 Any communication or correspondence received after 4:30 p.m. on the Wednesday preceding the regular Council meeting may be added as "New and Other Business" at the discretion of the Clerk.

10.9 Communications listed upon the agenda which are for the information of Council or which contain a request for action on the part of Council in respect of matters within the jurisdiction of Council, may be referred to the appropriate Committee of Local Board.

10.10 The Clerk or ~~Executive Director~~ Chief Administrative Officer may, upon receipt, refer any communication or petition to a Committee or Department Head without the prior consideration of Council.
By-law 23/2021 – Apr 20/21

11. MINUTES:

11.1 The Minutes shall record:

11.1.1 The place, date and time of meeting.

11.1.2 The names of the Presiding Member or officers and the Members present.

11.1.3 The adoption of Minutes of prior meetings.

11.1.4 The correction and adoption of the revised Minutes of prior meetings by resolution of Council with a simple majority vote.

11.1.5 Without note or comment, all resolutions, decisions and other proceedings of Council.

11.2 The Clerk shall ensure that the Minutes of the most recent Regular Council Meeting, all Special Council and Committee Meetings and Public Meetings are circulated with the agenda.

11.3 The onus shall be upon Members attending after commencement of the meeting to inform the Clerk of their arrival in order that same may be recorded in the Minutes.

12. DEPUTATIONS:

12.1 Any delegations that wish to address Council or Committees on Municipal business shall notify the Clerk in writing no later than 4:30 p.m. on the Wednesday preceding the meeting, and by providing the Clerk with a written copy of their presentation, unless otherwise approved by the Head of Council.

12.2 Any request to be heard by Committee after 4:30 p.m. on the Wednesday preceding the Committee meeting must be approved by the Head of Council prior to being heard.

12.3 Requests for Deputations may be considered by the Head of Council to be heard at the regular Council Meeting regarding time sensitive matters or as otherwise deemed appropriate.

12.4 Delegations shall make their request using the prescribed “Delegation Request Form”.

12.5 Delegations shall not be confirmed until the written delegation material has been approved.

12.6 After a delegation has been heard at Council or Committee and Council or Committee feels that a further hearing on the same topic is warranted, it may so recommend and Council shall determine the time and date of such further hearing.

12.7 Subject to the provisions outlined above, persons who are allowed to address Council and Committees shall be limited in speaking to not more than ten (10) minutes and each delegation shall be limited to two speakers of the same interest in the matter. There shall be no more than five (5) delegations, in total, scheduled for any regular meeting of Council or Committee. A delegation requesting to speak for more than ten (10) minutes will only be permitted by prior approval of the Head of Council.

12.8 Subject to the provisions outlined above, the Clerk has the discretion to limit Delegations on repetitive topics, or topics that are deemed to be frivolous.

12.9 Requests dealing with a matter that is outside the jurisdiction of the Municipality of Port Hope shall be refused.

12.10 Any items appearing on the agenda and not disposed of by Council shall be noted and recorded by the Clerk to appear in subsequent

agendas until disposed of by Council unless removed from the agenda by leave of Council.

13. SPECIAL OR AD HOC COMMITTEES:

13.1 Special or Ad Hoc Committees may be appointed by Council to deal with specific issues when necessary and such Committees shall be dissolved by resolution of Council upon completion of the Committee's work. The duties and all administrative details of the Special or Ad Hoc Committee shall be outlined in the resolution establishing the Committee. Such Committees shall report directly to Council and such Committees do not have the power to appoint subcommittees or add to their membership.

13.2 Council may appoint representatives to serve on Local Boards, Authorities, Commissions, Advisory Committees, or any other body to which Council is required or empowered to appoint a representative.

13.3 Appointments to a Local Board, Authority, Advisory Committee or Commission may be a Member of Council or may be a person appointed from among ratepayers.

14. CONDUCT OF MEMBERS:

No Member shall:

14.1 Disturb another Member or the Council itself by any disorderly conduct which may distract any Member speaking.

14.2 Resist the Rules of Procedure or disobey the decision of the Presiding Member or of the Council on questions of Order or practice or upon the interpretation of the Rules of Procedure.

14.3 Ignore or disregard a directive of Council, and such behaviour shall be recognized by the Presiding Member or the Chair of the Committee of the Whole for the purpose of receiving an apology to be tendered by that Member at that meeting or any subsequent meeting. The Member may be censured until that Member has tendered an apology and had it accepted by Council.

14.4 Speak without first addressing the Presiding Member.

14.5 Cause a disturbance when the Presiding Member is putting the question (Members shall occupy their seats while the vote is being taken).

14.6 Use indecent or insulting language in or against the Council or any Member thereof.

14.7 Speak on any subject other than the subject of debate or question.

14.8 Speak more than a total of five (5) minutes upon the matter under discussion, except with the consent of Council.

14.9 Speak more than once to the same question without leave of Council, except that after the last speaker, a reply shall be allowed to be made only by the Member of Council who presented the Motion to the

Council, but not by any Member who has moved an amendment for a procedural Motion.

14.10 Speak after the vote has been taken and received disposition on a motion.

15. DUTIES OF PRESIDING MEMBER:

It shall be the duty of the Presiding Member to:

15.1 Open the meeting of Council by taking the Chair and calling the Members to order.

15.2 Receive and submit in the proper manner all written Motions presented by the Members.

15.3 To recognize any Member who wishes to speak and to determine the order of the speakers.

15.4 Put to vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings and to announce the result. Where it is necessary that a matter, which has been the subject of an In-camera discussion, be voted on in public, the meeting shall be then open to the public solely for the purpose of voting and not for the discussion of the matter being voted upon.

15.5 Decline to put to vote Motions which infringe the Rules of Procedure.

15.6 Enforce on all occasions the observance of order and decorum among the Members and the members of the public.

15.7 Call to order any Member persisting in breach of the Rules of Procedure and to order such person or persons to vacate the Council Chambers, subject to a majority vote of the Members present and subject to the provisions of this Procedural By-law. Despite the provisions of this subsection, the Presiding Member may expel any person for improper conduct at a meeting.

15.8 Receive all messages and other communications directed to Council and announce them to Council.

15.9 Authenticate by signature when necessary all By-laws, resolutions, minutes and documents authorized by Council.

15.10 Hear and rule upon a point of Order or usage (when the point of Order or usage is not covered by this By-law, reference shall be made to Robert's Rules of Order).

15.11 Represent and support the Council declaring its will and obeying its decision in all things.

15.12 Ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of Council.

15.13 Designate the Member who has the floor when two or more Members wish to speak.

15.14 Provide for matters to be considered In-camera for any matters that come within Section 239 (2) or Section 239 (3) of *the Municipal Act*.

15.15 To adjourn the meeting when business is concluded.

15.16 Adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

16. PARTICIPATION OF THE CHAIR:

16.1 The Chair who presides over any part of a Meeting may state relevant facts on any matter before the Council without leaving the Chair, which may take place immediately prior to the vote, but the Chair shall not move a motion or debate a question without first leaving the Chair.

16.2 If during a Meeting, the Mayor desires to leave the Chair or move a motion or to take part in the debate or otherwise, the Mayor shall call on the Deputy Mayor to preside until the Mayor resumes the Chair.

17. RECORDED VOTE:

17.1 A recorded vote shall be taken on any question upon request of a Member if such request is made prior to commencement of the voting or immediately thereafter.

17.2 When a Member present requests a recorded vote, all Members present at the meeting shall vote, unless otherwise prohibited by statute. When a Member present requests a recorded vote, all Members present at the meeting shall vote in alphabetical order with the Mayor casting the final vote. The names of those who voted for and those voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken. The Members shall respond YES or NO when called upon.

18. TRANSITION BOARD ORDER: WEIGHTED VOTE OPTION:

18.1 Each Member of Council shall have one vote, except for the two Members of Council from Ward 2 may in accordance with the provisions of the Transition Board Order dated March 2000, invoke their right to have two votes for matters relating to approvals under *the Planning Act*, tax rate adjustments arising out of the amalgamation of the former Township of Hope and the former Town of Port Hope and boundary adjustments and shall declare prior to the calling of the question and such declaration shall be recorded in the minutes.

19. MOTIONS AND ORDER OF PUTTING QUESTIONS:

19.1 No Member shall ask a question except for the purpose of obtaining facts relating to the matter under discussion and necessary for a clear understanding thereof.

19.2 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

19.3 Questions may be asked only when a Member's appointed time to speak arises and recognized by the Head of Council.

19.4 When a municipal official or delegation before Council has been called upon to answer a question by a Member who has the floor, any other Member may also ask a question of such official or delegation.

19.5 Any Member who has the floor may require the question or Motion under discussion to be read.

19.6 A Member may interrupt the person who has the floor to raise a point of order when such Member feels that there has been a deviation or departure from the Rules of Procedure and upon hearing such point of order, the ruling of the Presiding Member shall be final unless the Member appeals the ruling to Council, which shall then decide upon the question without debate.

19.7 A Member may rise at any time on a point of personal privilege when such Member feels that his or her integrity or the integrity of Council has been impugned by another Member and upon hearing such point, the ruling of the Presiding Member shall be final unless the Member appeals the ruling to Council, which shall then decide upon the question without debate.

19.8 Where the Presiding Member recognizes that a breach of privilege has taken place, he or she shall demand that the offending Member apologize, and failing such apology shall require such Member to vacate the Council Chamber for the duration of the meeting, subject to majority vote of the Members of Council present.

19.9 Any Member may appeal the decision of the Presiding Member to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon the majority vote of the Members present and the decision of Council shall be final.

19.10 If no Member appeals, the decision of the Presiding Member shall be final.

20. VOTING AT MEETINGS:

20.1 If a Council Member considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because of a pecuniary interest, they shall conduct themselves in accordance with the law, including with the provisions of the Procedural By-law.

20.2 When debate on a matter is closed and Council is ready to vote, the Presiding Member must put the matter to a vote by asking who is in favour of the question and then who is opposed.

20.3 Voting shall be by show of hands and a Member of Council shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.

20.4 After the Presiding Member has put the question to a vote, a Member of Council shall not speak to the question or make a motion concerning it. The Presiding Member's decision as to whether a question has been finally put to a vote is conclusive.

20.5 Should the votes on a question, other than an appeal of a decision of the Presiding Member on a point of order, be equal for and against, the motion is defeated.

20.6 The Presiding Member must declare the result of the voting by stating whether the motion is carried or is defeated.

21. POINTS OF ORDER:

21.1 Without limiting the Presiding Member's duty, the Presiding Member must apply the correct procedure to a motion.

21.2 If the motion is contrary to the Rules of Procedure in this By-law and whether or not another Council Member has raised a point of order in connection with the motion. The Rules of Procedure shall apply unless the point of order or another Member pertains to immediate health and safety which shall take precedence.

21.3 When the Presiding Member is required to decide a point of order:

21.3.1 The Presiding Member must cite the applicable rule or authority if requested by another Member, and another Member shall not question or comment on the rule or authority cited by the Presiding Member; or

21.3.2 The Presiding Member may reserve the decision until the next Council meeting.

22. POINT OF PRIVILEGE:

22.1 A matter of privilege refers to any of the following motions:

(a) to fix the time to adjourn;
(b) to adjourn;
(c) to recess;
(d) to raise a question of privilege of Council; and
(e) to raise a question of privilege of a Member of Council.

22.2 A matter of privilege must be immediately considered when it arises at a Council meeting and has precedence over those matters listed after it.

22.3 For the purposes of this section, a "Point of Privilege" is to obtain immediate action upon some matter which concerns a Member of Council, or all of the Members of Council, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been challenged; or in the event the Member feels "his / her" personal comfort has been unduly injured by the words or behavior of another Member, and / or personal comfort as it pertains to noise, temperature etc. Any Member may rise at any time and demand the privilege of the floor, taking precedence over all other business (except for motions to adjourn or recess). A "Point of Privilege" shall not be used by any Member as a tactical measure to preclude appropriate and desired debate on any matter.

23. Appeal of Ruling of Presiding Member:

23.1 With respect to a ruling on either a Point of Order or Point of Privilege, a Member of Council may appeal the decision of the Presiding Member immediately to Council, otherwise the decision of the Presiding Member is final.

23.2 If the decision is appealed, the Presiding Member will give concise reasons for the ruling and will call a vote of Council Members, without debate on the following question: "Will the ruling be sustained?" and

the decision shall be final. The Presiding Member may vote on the question. In the event of a tie vote, the ruling of the Presiding Member shall be deemed to be sustained.

24. NOTICE OF MOTION:

24.1 Notice in writing of all Motions for introducing new matters shall be filed with the Clerk, type written and signed with a Mover and Seconder and shall be directed by the Clerk to the next Committee of the Whole meeting.

24.2 The Clerk shall circulate a copy of signed Notice of Motion to all other Members of Council for their information on the next Committee of the Whole Agenda, where said Notice shall be identified and automatically put over without discussion or debate to the next Committee of the Whole meeting

24.3 When a Member's Notice of Motion has been called from the Chair on two successive meetings and has not received Council disposition, it shall be dropped from the Agenda unless Council decides otherwise.

24.4 If at a third meeting such Notice of Motion is called from the Chair and not received disposition, it shall be deemed to be withdrawn.

24.5 Debate shall not be allowed on any Motion or amendment until it has been properly seconded and appropriate notice having been given.

24.6 After a Motion is read or has been stated by the Presiding Member, it shall be deemed to be in the possession of Council and can only be withdrawn with leave of Council and upon the consent of both the mover and seconder before decision or minor amendment.

24.7 When a Motion has been divided into distinct proposals for voting purposes, voting shall be restricted to each proposal in its turn.

24.8 No verbal notice of intent shall be given or received prior to the disposition of the Motion or minor amendment under discussion.

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

24.10 After a question is put by the Presiding Member, 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.

24.11 Subject to the provisions of *the Municipal Act*, every Member present in the Council Chamber when a question is put shall vote thereon unless otherwise legally prevented from voting thereon and any Member who persists in not voting shall be deemed to have voted in the negative.

24.12 Subject to the provisions of any general or special Act and the provisions of this By-law, all matters before Council shall be determined by a majority vote of the Members present and in the event of a tie vote, the vote shall deemed to be lost.

24.13 In order to clarify their intent, and prior to the call of the vote on any question, Ward 2 Members shall declare their wish to invoke the provisions of the Transition Board Order dated March 2000, for matters

relating to approvals under *the Planning Act*, tax rate adjustments arising out of the amalgamation of the former Township of Hope and the former Town of Port Hope and boundary adjustments and such declaration shall be recorded in the minutes.

24.14 A main Motion properly before Council for decision must receive disposition before any other Motion can be received except any of the following motions listed below in Sections 25 to 32 inclusive of this Bylaw and each shall have precedence in the order they are listed.

25. MOTION TO ADJOURN:

25.1 Shall always be in order except as otherwise provided for within this By-law and shall be put immediately without debate;

25.2 When resolved in the negative, cannot be made again on the same item without support of two-thirds majority vote of the Members present;

25.3 Is not in order when a Member is speaking or during the verification of a vote;

25.4 Is not in order immediately following the affirmative resolution of a Motion that the vote now be taken; and

25.5 Cannot be amended.

26. PUTTING THE QUESTION TO VOTE:

26.1 After debate, the Presiding Officer proceeds to put the question to a vote which members are called upon to decide by indicating that the vote now be taken (call the question), provided each Member has had one opportunity to speak to the question;

26.2 A motion to put the question to a vote:

Cannot be amended;

Cannot be debated;

Cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;

26.3 Shall apply to the Motion and all its appending amendments;

26.4 When resolved in the affirmative, the question/motion as presented or the question/motion as amended, whichever is under consideration be put forward immediately without debate or amendment;

26.5 When resolved in the negative, shall not preclude further debate or amendment and shall not be placed again on the same item without support of two-thirds majority vote of Council Members present and voting on this matter;

26.6 Cannot be received in any Committee except in the Committee of the Whole; and

26.7 May be voted against by the mover and seconder.

27. MOTION TO REFER:
(to send or send back to a Committee, person or department):

27.1 A motion to refer a matter under consideration to a Committee, or elsewhere shall:

27.1.1 Be open to debate;

27.1.2 Be amendable; and

27.1.3 Precludes amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

28. MOTION TO DEFER:

28.1 To postpone to a time to be named:

28.1.1 Not be amended;

28.1.2 Not be debated;

28.1.3 Apply to the main motion and any amendments thereto under debate at the time when the motion to table was made; and

28.1.4 Shall not include qualifications or additional statements.

28.2 To postpone to an indefinite time:

28.2.1 Not be amended;

28.2.2 Not to be debated;

28.2.3 Apply to the main motion and any amendments thereto under debate at the time when the motion to table was made; and

28.2.4 Shall not include qualifications or additional statements.

29. MOTION TO AMEND MAIN MOTION:

29.1 May be debated;

29.2 May be amended with agreement by the mover and seconder;

29.3 Apply to the main motion and any amendments and all amendments shall be put in reverse order to that in which they are moved;

29.4 May be made verbally, but when requested by the Presiding Member shall be confirmed in writing;

29.5 Every amendment shall be decided upon or withdrawn before the main motion is put;

29.6 Only one amendment shall be allowed to an amendment; and

29.7 The amendment shall be relevant to the question it proposes to amend and shall not be a direct negative of such question.

30. MOTION TO RESCIND:

30.1 A Motion to rescind a previous action of Council may only be made upon providing Notice of the Motion at the immediately preceding regular meeting of Committee and requires a two-third's majority vote of all Members of Council for approval. Where the required Notice has not been given, a Motion to rescind may be considered by Committee, but must be approved by two-thirds of the Members present and voting at Committee.

31. MOTION OF RECONSIDERATION:

31.1 After any matter has been decided, any Member who voted on the question with the majority may either move for a reconsideration at the same meeting or may give notice of a Motion for reconsideration of the matter at the next meeting immediately after, but no discussion of the question that has been decided shall be allowed until the Motion for re-consideration has carried by a two-thirds vote.

31.2 Despite the above, reconsideration on the same matter may not be introduced more than once at the same meeting.

32. MOTION RULED OUT OF ORDER:

32.1 Whenever the Presiding Member is of the opinion that a motion is contrary to the Rules of Procedure, the Presiding Member shall rule the motion out of order.

32.2 A motion in respect of a matter which requires the exercise of a legislative power by Council, which is not within its jurisdiction, shall not be in order at a meeting.

33. READING OF BY-LAWS:

33.1 Every By-law, when introduced, shall be in type-written form, complete and shall not contain any blank spaces, except as such may be required to conform to accepted procedure or to comply with the provisions of any Act, with the exception of the number and date thereof.

33.2 The Presiding Member shall introduce the reading of the By-laws, specifying the title of the By-law and in so doing, shall request a Motion for the first and second reading of the By-law under consideration.

33.3 Every By-law shall have three readings, prior to being passed by Council. A By-law may be read three times at the same meeting, unless otherwise provided by statute or by Council. If any Member objects to the third reading being given, a majority vote of all Members present is necessary to proceed with the reading.

33.4 The First and Second Reading of the By-law shall proceed without amendment or debate and may, after it's Second Reading, be debated or amended.

33.5 The By-law shall be read in its entirety on the Second Reading, unless copies of the By-law have been circulated to Members in which case, the Third and Final Reading of the By-law(s) may be considered

collectively for all By-laws at the Council meeting and shall direct that the By-law or By-laws be signed and sealed with the seal of the Corporation and be inserted in the By-law book.

33.6 If a By-law is reported with or without amendment, the By-law shall be read the third time at the same meeting or at such time as may be appointed by Council.

33.7 The Clerk shall endorse all By-laws enacted by Council with the date of each of the readings of the By-law.

33.8 Every By-law enacted by Council shall be numbered and dated, signed by the Presiding Member and the Clerk, and sealed with the seal of the Corporation and the Clerk shall be responsible for the classifying, indexing, numbering, filing and custody of all By-laws once they have been passed by Council.

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

By-law 23/2021 – Apr 20/21

34. COMMITTEE OF THE WHOLE:

34.1 Whenever the Council resolves itself into a Committee of the Whole, the Mayor/Deputy Mayor shall call the meeting to order, preside during presentations and delegations and other matters not under the portfolio of the designated Standing Committee Chair or alternate. Where the Presiding Member for reasons of debate or is disqualified under the *Municipal Conflict of Interest* Act vacates the chair, the designated alternate Presiding Member will assume the Chair.

34.2 Where the Presiding Member wishes to speak to a question or while temporarily absent from the meeting, the designated alternate Presiding Member shall act as Chair.

34.3 In the Committee of the Whole, a Motion to adjourn the Council meeting shall not be allowed.

34.4 An appeal from the ruling of the Presiding Member of the Committee of the Whole shall be declared and the Presiding Member of the Committee shall forthwith put the question "that the decision of the Presiding Member of the Committee of the Whole be sustained", which shall be voted on forthwith without amendment and the Presiding Member shall state the applicable rule prior to such question being put forward.

35. COMMITTEES:

35.1 Council may establish such Standing, Advisory or Special Committees and assign duties to such Committees as it may desire and the reports of all such Committees shall be forwarded to Council, together with its recommendations where a matter falls within the duties assigned to it by Council. All material considered by a Committee of Council shall be forwarded to Council, along with the previously mentioned report when practicable. Each Committee shall report their recommended disposition of any item appearing on its agenda if a Member of Council so requests prior to the closing of the Council agenda.

35.2 A Committee's recommendation shall be considered by Council as the main Motion on the item under discussion.

35.3 Council at its first meeting in each year or term or as soon as practicable, thereafter, shall appoint the Members of the Committees and shall designate the Chair of each Standing Committee.

35.4 A quorum of the Committee shall consist of a majority of its Members and the Head of Council, if present, shall be counted in making a quorum.

35.5 Each Committee at its first meeting shall decide the day and time for holding its regular meeting.

35.6 Where a Member of a Committee is absent from the meetings of the Committee for three (3) successive months without being authorized by resolution of the Committee, the Member's position on the Committee shall be declared vacant.

35.7 The number of times for speaking on a question shall be in accordance with the provisions outlined in the section of this Bylaw entitled "Conduct of Members".

36. STANDING COMMITTEES:

36.1 There shall be the following standing Committees of the Whole Council:

Corporate Services Committee - Administration, Legal and Property, Health and Safety, Policies and Procedures, Marketing, Tourism, Communications and Community Engagement.

Finance Committee - Management of the Corporation's Financial and accounting services and Human Resources including budgets, assets and reserves.

Planning Committee - Official Plans, Zoning Matters, Site Plans, Environment and other land use related matters including Heritage aspects, Building, By-law Enforcement and Parking Authority.

Parks, Recreation and Culture Committee - Active and Passive Parks, Leisure and Recreational Services/Programs, Sports, Culture, Trails, Waterfront, Harbor, Marina and festivals and events.

Works and Engineering Committee – Roads and Bridges, Sidewalks, Sewage Treatment, Storm and Sanitary Services, Water Treatment and Distribution Operations, Site Alternation and Fill, Traffic and Street Lighting, Transit and Transfer Station.

Police and Fire Services Committee - Fire, Police Services, Emergency Services, Library Services and Animal Control Services.

By-law 11/2016 – Feb 16/16

36.2 The new Council elect with the Mayor/Mayor elect overseeing the process, shall determine the Councillor portfolios and assignments to Standing Committees referenced above and appointments of Council representatives on Advisory Committees and local Boards and Committees as identified in Schedule "A" attached hereto forming part

of this Procedural By-law where the establishing By-laws of such Advisory Committees and local Boards and Committees provide for Council representation; and further, Council shall from among Members of Council elect a Deputy Mayor at the inaugural meeting who shall hold office as Deputy Mayor for the balance of the term of Council.

37 **AMENDMENTS TO BY-LAW:**

37.1 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 least seven (7) days in advance of the meeting.

By-law 34/2020 – Jun 16/20
That leave be granted in accordance in order for this By-law to be considered without meeting the notice requirements identified within Section 37 of By-law 49/2015.

By-law 70/2022 – Sep 9/22
That leave be granted in accordance with the Municipal Act in order for this By-law to be considered without meeting the notice requirements identified within Section 37 of By-law 49/2015

38 **REPEAL OF BY-LAW:**

38.1 That By-law No. 97/2014, together with amending By-law 01/2015 and 13/2015, are hereby repealed.

39 **FORCE AND EFFECT:**

39.1 This By-law shall come into full force and effect immediately upon passing.

READ, A FIRST, SECOND AND THIRD time and finally passed in Open Council this 7th day of July, 2015.

_____
R.J. Sanderson, Mayor

_____
B. Gilmer, Clerk

Amended by:

By-law 06/2023, passed Jan 24, 2022 – Delete/Replace Section 2.20 and Section 5.1 re Appointment of Deputy Mayor

By-law 70/2022, passed Sept 20, 2022 – Delete/Replace Section 5.1 re Appointment of Deputy Mayor.

By-law 23/2021, passed April 20, 2021 - Housekeeping amendments

By-law 39/2020, passed August 4, 2020 - removing “during a declared emergency” in Section 7.6 and deleting Section 7.7.

Consolidated

By-law 34/2020, passed June 16, 2020 – to allow committee members to hold and participate electronically in committee meetings during emergencies and be counted for purposes of quorum – deleting and adding a new Section 7.6 and adding a new Section 7.7

By-law 16/2020, passed June 16, 2020 - to allow its members of Council hold and participate electronically in meetings of Council and Committee of the Whole during emergencies and be counted for purposes of quorum – amending Sections 2, 6.2 & 7.6

By-law 11/2016, passed February 16, 2016 – deleting and replacing Section 10.2 and Section 36 pertaining to renaming and portfolios for Committee of the Whole Standing Committees.

By-law 92/2015, passed December 1, 2015 – deleting and replacing Section 7.5 entitled “Closed Session” to reflect Closed Session meetings commencing at 5:30 p.m. and amending Section 10.1 to include item 2.1 entitled “Closed Session Items.

SCHEDULE “A” TO PROCEDURAL BY-LAW NO. 49/2015

ADVISORY COMMITTEES/LOCAL BOARDS
OF THE MUNICIPALITY OF PORT HOPE

Advisory Committees/Local Boards appointed by Council:

1. Accessibility Advisory Committee
2. Business Incubator Management Advisory Committee
3. Civic Awards Advisory Committee
4. Community Development Advisory Committee
5. Ganaraska River Advisory Committee
6. Heritage Incentive Advisory Committee
7. Heritage Port Hope Advisory Committee
8. Parks, Recreation and Culture Advisory Committee
9. Tree Advisory Committee
10. And any other Boards/Committees/Task Force or Special Purpose Body that may be established by Council from time to time.

Committees reporting directly through Council:

1. Audit Committee
2. Budget Committee
3. Labour Relations Committee
4. Commissioners of the Port Hope Harbour

Quasi-judicial Bodies/Boards/Committees

The following are quasi-judicial entities comprising of appointed Members to carry out the provisions of specific Legislation/Acts:

1. Cemetery Board in accordance with the Funeral, Burial and Cremation Services Act and Applicable Regulations.
2. Committee of Adjustment in accordance with the Planning Act
3. Fence-Viewers in accordance with the Line Fences Act
4. Joint Animal Control Municipal Services Board in accordance with the Municipal Act.
5. Joint Election Compliance Committee in accordance with the Elections Act
6. Livestock Evaluator(s) in accordance with the provisions of the Ontario Wildlife Compensation Program and the Protection to Livestock and Poultry from Dogs Act.
7. Police Services Board in accordance with the Police Services Act
8. Port Hope Library Board in accordance with the Public Libraries Act
9. Poundkeeper(s) in accordance with the provisions of the Pounds Act pertaining to Ward 2
10. Property Standards Committee in accordance with the provisions of the Ontario Building Code Act.
11. And any other quasi-judicial Bodies/Boards/Committees that may be established by Council from time to time.