



THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW 5857-24

A by-law to provide procedural rules for the meetings of the Council of the Corporation of the County of Wellington, and its Committees, and to repeal by-law number 5679-20 and all amendments thereto.

WHEREAS subsection 238(2) of the Municipal Act 2001, Chapter 25, requires every council to adopt a procedure By-law for governing the calling, place and proceedings of meetings; and

WHEREAS it is expedient that Wellington County Council also adopts rules governing the order and procedure of its Committees by by-law.

NOW THEREFORE the Council of the Corporation of the County of Wellington enacts as follows:

1. GENERAL PROVISIONS

The rules and regulations contained herein shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof. Provided that the rules and regulations contained herein may be suspended by vote of two-thirds of the whole Council, and in any case for which provision is not made herein.

2. NOTICE REQUIREMENTS

Details of how the notice requirements will be satisfied will be contained in a Council by-law delegating authority for providing notice to the County Clerk in accordance with the Municipal Act, 2001, S.O 2001, Section 238 (2.1) and 270 (1) and as detailed in the County of Wellington's Notice Provisions Policy.

3. INAUGURAL MEETING

- (A)** The first meeting of County Council, after a regular election and after a by-election under Section 266, shall be held after the Councils of the municipalities that form part of the County for municipal purposes, have held their first meetings, but in any event, not later than the third Tuesday in December, and the meeting shall be held at 11:00 in the morning or at such hour as may be fixed by By-law. The first meeting shall be held in the Council Chambers, County Administration Centre. (Municipal Act 2001, c.25, s.230)
- (B)** A person shall not take a seat on the council of a municipality until the person takes the declaration of office in the form established by the Minister for that purpose. If a person is elected to the councils of both a lower-tier and an upper-tier municipality or is appointed by the council of a lower-tier municipality to the council of the County of Wellington, the Clerk of the lower-tier municipality shall, immediately after the election or appointment, certify to the Clerk of the County of Wellington the name of each person so elected or appointed.

A person elected or appointed under subsection (3) shall not take the seat on the council of the County of Wellington until the Clerk of the County of Wellington has received the certificate under subsection (3) in respect of that person, and the Council shall be deemed to be organized after a regular election or after a by-election under Section 266, when the declarations of office, under Section

232 have been made by a sufficient number of members to form a quorum.

(Municipal Act 2001, c.25, s.231, s.232 (1), (3), (4))

- (C)** The Clerk shall preside, or if there is no Clerk, the members present shall select a member to preside, and the person so elected may vote as a member.
- (D)** The Head of Council of the Corporation of the County of Wellington shall be known as the Warden.
- (E)** Commencing with the Inaugural meeting of Wellington County Council held in December, 2010 the term of office for the Warden shall be two years. If the term of the Warden of the County of Wellington is one year, the Council shall in each year of its term, appoint the Warden at its first meeting. (Municipal Act 2001, c.25 s.233 (1))
- (F)** Despite subsection (E), the Council of a County may, by By-law passed in the first year of its term before electing one of its members to be Warden, provide that the term of office of Warden shall be the term of office of the Council of the County, and a By-law passed under this section shall not be repealed once a Warden has been elected, until the succeeding Council of the County is deemed to be organized under subsection 3(B). (Municipal Act 2001 S.218(4), 219(1), 235(2)).
- (G)** The Warden shall be appointed by secret ballot at the start of the Council meeting, during a session conducted by the Clerk. Scrutineers are permitted. The Clerk shall announce the results of the secret ballot, but not the vote tallies. The Clerk will release the vote tallies by the end of business day. The duly appointed Warden shall assume the Chair. (Municipal Act 2001, c.25 S.233 (5), S.244).

- (H)** In the case of an equality of votes for Warden, the successful candidate shall be determined by the Clerk placing the names of the candidates on equal size pieces of paper in a box and one name being drawn by a neutral party. The successful candidate shall be the one whose name is drawn.
- (I)** The Chairpersons of the Standing Committees of Council, the Council member with reporting duties to the Wellington County O.P.P. Detachment Board and any other appointment for which Council may direct by resolution, may be appointed by secret ballot during a session conducted by the Warden, such term being for two years. Scrutineers are permitted.
- (J)** The Warden will announce the results of the secret ballot, but not the vote tallies. The Clerk will release the vote tallies by the end of business day.
- (K)** The Warden will call for a motion to adopt the ballot results as Council's direction for the positions that required secret ballots. Once Council direction has been established by motion, the Warden will call for a further motion to appoint the Councillors to the positions.
- (L)** In the event a Councillor challenges the ballot results as Council's direction for the elected positions, the Warden will conduct an open vote for the challenged position (s).
- (M)** In the conduct of elections under subsection 3 (I), the Warden shall open nominations for one position at a time, and receive the names of those nominated. Seconders are not required to put a name in nomination. Speeches of nomination or acceptance will not be permitted. The Warden will confirm the nominee's willingness to stand. After the expiration of fifteen (15) minutes, or on a motion of Council, the nominations shall be closed.

- (N)** Following the close of nominations, the Warden will conduct the election by placing the names of those nominated before Council in order of their nomination. The Clerk shall record the votes, and report the results to Council following each round of voting. The candidate receiving a clear majority of the votes of the members present shall be declared elected by the Warden. When no candidate receives a majority, the Warden shall conduct a new vote. Any candidate who may wish to withdraw, must do so before the vote is taken whether it be the first or any succeeding vote. If on the first vote, no candidate receives a majority vote, the candidate receiving the least number of votes shall be deemed to have withdrawn. If a tie occurs among two or more candidates with the fewest votes, those candidates shall then be voted on before the succeeding vote is taken and the candidate with the least number of votes shall be withdrawn from subsequent votes. The candidates with the fewest votes on each succeeding vote shall be withdrawn and the voting shall be continued until one candidate has received a majority vote of the members present.
- (O)** In the case of an equality of votes in elections conducted under subsection 3 (N), the successful candidate shall be determined by the Warden placing the names of the candidates on equal size pieces of paper in a box and one name being drawn by a person chosen by the Warden. The name drawn will be that of the successful candidate.
- (P)** The Warden will call for a motion to destroy all the ballots.
- (Q)** The Clerk will issue a formal release of the vote tallies by the end of business day.

4. REGULAR MEETINGS OF COUNCIL

- (A)** After its Inaugural Meeting, the Council shall meet on the last Thursday of each month of the year at 10:00 a.m., in the Council Chambers at the County Administration Centre, except as hereinafter provided:
- (a) unless otherwise ordered
 - (b) unless the Council shall meet at the same hour on the next following day, not being a public holiday
 - (c) during the months of July and August, when the Council may meet at the call of the Warden (to allow for holidays)
 - (d) if the business is not concluded on the last Thursday, the Council may adjourn to meet again at the same hour on the following day, or on such other day as may be determined by the Warden
- (B)** Unless there shall be a quorum present in fifteen minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned until the next day of the meeting, and the Clerk shall take down the names of the members present at the expiration of such fifteen minutes.

5. SPECIAL MEETINGS OF COUNCIL

The Warden may at any time call a special meeting, and upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition. (Municipal Act, 2001, c.25 s.240 (a) (b)). Only with an affirmative vote by two-thirds of Council, will items not listed in the petition be considered at a Special Meeting called under this Section.

6. MEETINGS IN TIMES OF EMERGENCY AND/OR PANDEMIC

In times of emergency or pandemic and when a quorum of Council cannot be achieved, the Warden's Advisory Committee has the delegated authority to act as County Council (Municipal Act, 2001, c.25 s.23.1).

7. LOCATION OF MEETINGS

Despite Section 3(A) meetings may be held outside the municipality within an adjacent municipality. (Municipal Act 2001, c.25, s. 238(3))

8. WARDEN AS HEAD OF COUNCIL AND PRESIDING OFFICER

(A) The Warden as Head of Council, except where otherwise provided, shall preside at all meetings of the Council. (Municipal Act, 2001, c.25, s. 241(1))

(B) If the Warden is absent or refuses to act, or the office is vacant, County Council designates the following persons to act in the place of the Warden: Firstly, the Chair of Administration, Finance and Human Resources Committee; if unable to act, secondly, the Immediate Past Warden (if on Council); if unable to act, thirdly, the Councillor with reporting duties to the Wellington County O.P.P. Detachment Board; if unable to act, and fourthly, the Chair of the Roads Committee (Municipal Act, 2001, c.25, Section 242).

(C) The Warden or Presiding Officer may expel any person for improper conduct at a meeting. (Municipal Act 2001, c. 25, s. 241(2)).

9. DUTIES OF A PRESIDING OFFICER

The Presiding Officer is the Warden, Acting Warden, Committee Chair or Acting Chair and shall:

- (A)** open the meeting of Council by taking the Chair and calling the members to order;
- (B)** announce the business before the Council in accordance with the Orders of the Day;
- (C)** may make such remarks as is fitting for the information or assistance of the Council; such remarks shall not exceed 10 minutes in duration;
- (D)** receive and submit, in the proper manner, all motions presented by the members of Council;
- (E)** put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and announce the result;
- (F)** decline to put to vote motions which infringe rules of procedure;
- (G)** enforce, on all occasions, the observance of order and decorum among the members;
- (H)** authenticate, by their signature, when necessary, all By-laws, resolutions, and minutes of the Council;
- (I)** inform the Council, when necessary, or when referred to for the purpose, on a point of order or usage;
- (J)** select the members who are to serve on Committees, when directed to do so, in a particular case, or, when it is made a part of their general duty by a rule of procedure;
- (K)** represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (L)** ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;
- (M)** adjourn the meeting, when the business is concluded;

- (N) adjourn the meeting, without question, in the case of grave disorder arising in the Council Chamber.

10. VOTING RIGHTS FOR THE WARDEN OR PRESIDING OFFICER

The Warden, or the Presiding Officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negative.

11. WARDEN OR PRESIDING OFFICER ENTERING DEBATE

If the Warden or Presiding Officer desires to leave the Chair, for the purpose of taking part in the debate or otherwise, they shall call on one of the Councillors to fill their place until they resume the Chair.

12. ALTERNATE MEMBERS

Alternate members for the Mayors represented on County Council may be appointed by a member municipality. (Municipal Act, 2001, c25 s.268). Only one Alternate may be appointed by the local municipality for the entire term of council. Alternates may only attend Council Meetings, excluding the Inaugural Meeting, and will have the same powers and duties of a permanent member to speak, move motions and vote, with the exception of submitting Notices of Motions.

13. QUORUM

A majority of the members of Council is necessary to form a quorum. (Municipal Act, 2001, c.25 s.237(1)). As soon after the hour of meeting as there shall be a quorum present, the C.A.O. shall ask the members to rise and the Warden shall take the Chair and call the members to order.

14. WRITTEN DISCLOSURE OF PECUNIARY INTEREST

Members shall file a written statement of their pecuniary interest with the Clerk, and the Clerk shall keep a registry of declarations and associated written statements which will be made available to the public. (Municipal Conflict of Interest Act, RSO 1990 s.5 and s.6).

15. ELECTRONIC PARTICIPATION BY MEMBERS – COVID 19

Members of County Council, local boards and committees may participate electronically in meetings and count towards quorum, including voting privileges, in accordance with Bill 197, the COVID-19 Economic Recovery Act (Schedule 12)(Municipal Act, 2001, c.25 s. 238 (3.1)).

16. AGENDA

The Clerk shall cause to be prepared for the use of the members of the Council an Agenda, containing:

- Call to Order
- O Canada
- Warden's Remarks
- Roll Call
- Declaration of Pecuniary Interest
- Confirmation of Council Minutes
- Presentations and Delegations
- Introduction of By-laws
- Resolution Moving Council into Committee of the Whole
- Council in Committee of the Whole
- Closed Meeting

Rise and Report
Warden's Report from Closed Meeting
Consideration of By-laws in Committee of the Whole
Committee Minutes and By-laws for Action
Proposed By-laws resolution to refer to Council
Reports from Staff
Correspondence for Council's Information
Resolution that the Committee of the Whole Rise and Report
Resolution to Adopt Action of Council in Committee of the Whole
Resolution for Third Reading of By-laws
Notice of Motion
Adjournment

17. OPEN MEETING AND CLOSED MEETING SESSIONS

(A) OPEN MEETING

Except as provided in this section, all meetings shall be open to the public.
(Municipal Act, 2001, c.25, s. 239(1))

(B) EXCEPTIONS

A meeting or part of a meeting may be closed to the public if the subject matter being considered is (Municipal Act, 2001, c.25, s. 239(2)):

- (I) The security of the property of the municipality or local board;
- (II) Personal matters about an identifiable individual, including municipal or local board employees;
- (III) A proposed or pending acquisition or disposition of land by the municipality or local board;
- (IV) Labour relations or employee negotiations;

- (V) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (VI) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (VII) A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.
- (VIII) Information explicitly supplied in confidence to the municipality by Canada, a province or territory or a crown agency or any of them;
- (IX) Trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence, which, if disclosed could reasonably be expected to prejudice the competitive position or interfere with the contractual or other negotiations of a person, group, or organization;
- (X) Trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- (XI) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
- (XII) An ongoing investigation by the Closed Meeting Investigator, or Ombudsman;
- (XIII) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act. (Municipal Act 2001, c.25, s.239(3))
- (XIV) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - (i) the meeting is held for the purpose of educating or training the members.

- (ii) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. (Municipal Act, 2001, c.25, s. 239 (3.1))

(C) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:

- (I) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (II) in the case of a meeting under subsection (3.1) the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed under that subsection (Municipal Act, 2001, c.25, s.239 (4) (a) and (b))

(D) Subject to subsection 17 (E), a meeting shall not be closed to the public during the taking of a vote. (Municipal Act, 2001, c.25, s. 239(5)).

(E) Despite section 244 of The Municipal Act, 2001, c. 25, a meeting may be closed to the public during a vote if:

- (I) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- (II) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board (Municipal Act, 2001, c.25, s.239 (6)).

18. MINUTES

- (A) Immediately after the Warden has taken his or her seat and the roll call has been taken, and any Pecuniary Interest recorded, the Council Minutes of the previous meeting(s) not yet adopted shall be presented by the Clerk for confirmation.
- (B) It shall not be necessary to have the Minutes read where copies thereof have been furnished to members of Council prior to the meeting.
- (C) When the Minutes have been confirmed, they shall be signed by the Warden and the Clerk.

19. PERMISSION TO ENTER COUNCIL CIRCLE

No person except members and officers of the Council shall be allowed to come within the Council circle during the sittings of the Council, without the permission of the Presiding Officer.

20. PRESENTATIONS TO COUNTY COUNCIL

- (A) Presentations will be permitted at Council at the request of the Clerk or the CAO, on a motion to that effect being carried by a majority vote of the members present.
- (B) Presentations shall be limited to a maximum of ten minutes.

21. DELEGATIONS TO COUNTY COUNCIL

- (A) When any person or persons, not being members of the Council, desire to address the Council, the person or persons shall be permitted to do so on a motion to that effect being carried by a majority vote of the members present.

- (B)** Delegations wishing to address Council must notify the Clerk, at least one week before the Council meeting, in order that the delegation may be listed on the Agenda and the subject of the delegation be identified. The delegation is to provide a written detail of the submission, at least one week before the Council meeting.
- (C)** No delegations to Council shall be permitted without first attending the relevant Standing Committee. Delegations will be scheduled at the discretion of the Clerk in consultation with the Warden and CAO, subject to:
- a) Volume of material on agenda
 - b) Number of requests for a specific meeting date
 - c) Urgency of request
 - d) Subject matter – no delegation shall speak on a matter that is not within the jurisdiction of the Council or committee
 - e) No delegation shall be permitted at orientation and education workshop.
 - f) No delegation shall be made relating to litigation or potential litigation, including matters that are before and under the jurisdiction of any court or administrative tribunal unless such matter is referred to Council by the said administrative tribunal or court
- (D)** No person shall be permitted to address Council on a subject not on the Agenda, unless by permission of Council by unanimous consent. If unanimous consent is denied, a member may request that the Presiding Officer propose the question on a motion requiring a two-thirds vote.
- (E)** Council is not a forum for public promotion of private interests by delegations and therefore shall not be permitted.

- (F) All delegations addressing Council, shall be limited to a maximum of ten minutes, regardless of the number of speakers, unless given special permission by Council. When more than one person is addressing Council, on the same subject, such persons following the first person shall not repeat that which was covered by the preceding speaker(s).
- (G) Only members of Council may ask questions of delegations, and shall not enter into debate. With the permission of the Chair, the C.A.O. may ask questions of delegations. All questions to delegations shall be addressed through the Chair.
- (H) When the subject matter of a delegation is such that direction of Council is required, appropriate resolutions shall be presented for consideration, after all the delegations have been heard.
- (I) The rules for delegations at Council shall apply to Standing Committees.

22. MINUTES FROM COMMITTEES

- (A) Minutes shall be submitted in the following order:
 - (I) Standing Committees
 - (II) Special Committees appointed from time to time by Council
- (B) All Minutes from Committees of Council shall be presented by the Chair of the Committee, or in their absence, by a member of the Committee, who shall, before moving the adoption of the Minutes, ask for discussion or any motion related to, or amendments of, the Minutes. The Chair or member may read the Minutes, or, if the Minutes were previously circulated to the Council, move its adoption, without reading the Minutes.

23. REPORTS FROM BOARDS OR COMMISSIONS AND OTHER BODIES

Reports from Boards and Commissions, or other bodies, submitted in writing, shall be signed by the Chair or Secretary. When the Reports are such that action of Council is required, appropriate resolutions shall be presented for consideration.

24. REPORTS FROM STAFF

Reports from Staff will be submitted to the appropriate Standing Committee of Council by the designated Department Head. Where a decision is required, a Report may contain recommendations for consideration by the Standing Committee and decision by County Council. Reports from the C.A.O. may be forwarded to one of the County's Standing Committees, or if appropriate, directly to the Warden and Members of County Council.

25. CORRESPONDENCE FOR INFORMATION

Correspondence under this heading requires no action by the Council at the time of the meeting. It may contain correspondence for which reports are to be received at future meetings and should be noted as such.

26. SPECIAL RESOLUTIONS

Resolutions dealing with any matter may be presented providing notice has been provided to Council on the agenda or at the direction of Council approved by a two-thirds majority vote.

27. BY-LAWS

- (A)** Council shall be notified by a listing, giving By-law number and short explanatory note, of all By-laws to be presented to Council.
- (B)** By-laws shall be introduced by motion, and shall be read three times by the Clerk before being passed.
- (C)** With the concurrence of Council, the Clerk will dispense with the reading of the By-law titles for first, second and third reading.
- (D)** When a By-law is read in Council, the Clerk shall certify the readings and the date thereof. After By-laws have passed, the Clerk shall be responsible for their correctness should they be amended.
- (E)** When in Committee of the Whole, each By-law or any portion thereof shall be read if requested by Council.
- (F)** Any changes to By-laws made in Committee of the Whole shall be reported by the Chair to the Council, prior to their third reading and shall be received forthwith, and the amendments so incorporated into the By-laws prior to their final reading before the Council.
- (G)** Every By-law which has passed the Council shall:
 - (i)** Be under the seal of the Corporation, and shall be signed by the Warden and the Clerk;
 - (ii)** Be typewritten and indexed.

28. NOTICES OF MOTION

Notices of Motion shall be given, in writing, at a previous meeting of Council:

- (A)**
 - (I)** to amend, repeal, or alter a By-law; and,
 - (II)** to introduce any measure or change in the Council's established policy or organization.

This section may not be used to introduce first reading of a by-law.

- (B) The written form of the motion will be placed on the next or a subsequent agenda of Council in the precise form in which it was introduced by the member. No alteration of the wording will be permitted other than through the appropriate amendment procedure at Council.
- (C) Delegations may be permitted to address the motion once it has been moved and seconded and properly before Council.
- (D) Alternate Members may not submit Notices of Motion.

29. QUESTIONS AND INFORMATION

- (A) Questions may be put to the Presiding Officer or, through him or her to any member of the staff, relating to any By-law, motion or other matter connected with the business of the Council, or the affairs of the municipality. In answering any such question, a staff member is not to debate the matter to which the same refers. A Council member shall not debate a matter with a staff member.
- (B) Any member of Council may inform the Council of any matter, which they feel would be of interest or benefit to the Council, or the municipality.
- (C) Any member of Council may inform the Council of any matter, or make a request for their comfort or the general comfort or convenience of Council, or any member.

30. MATTERS BEFORE COURT

No members of Council and no delegation shall be permitted to address the Council, during an open session of Council, on any matter that is before any Court for decision.

31. RULES OF CONDUCT AND DEBATE

- (A)** Every member desiring to speak shall rise to be recognized by the Presiding Officer.
- (B)** A member called to order from the Chair shall immediately sit down but then may rise, explain and appeal to the Council. The Council, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Presiding Officer shall be final.
- (C)** No member shall speak disrespectfully of the reigning Sovereign or of any member of the Royal Family or of the Governor-General, Lieutenant-Governor, or person administering the Government of Canada; or, of this Province; nor shall the member use offensive words, in or against the Council, or, against any member thereof, nor shall the member speak beside the question in debate. No member shall reflect upon any vote of the Council, except for the purpose of moving that such vote be rescinded. Any member may ask that a vote be recounted and a vote will be recounted once only.
- (D)** No member shall resist the rules of the Council, or disobey the decision of the Presiding Officer, or of the Council on questions of order or practice, or upon the interpretation of the rules of the Council. In case any member shall so resist, or disobey, the member may be ordered by the Presiding Officer to leave their seat for that meeting, and in case of the member refusing to do so, may, on the order of the Warden, be removed therefrom by the police, but in case of ample apology being made by the offender, may, by vote of the Council, be permitted forthwith to take their seat.
- (E)** When the Warden is putting the question, no member shall walk across or out of the room, or make any noise or disturbance, nor when a member is speaking shall any other member pass between the member and the Chair, or interrupt the member speaking, except to raise a point of order.

- (F) When the question under discussion does not appear on the Orders of the Day, or has not been printed and distributed, any member may require it to be read, at any time of the debate, but not so as to interrupt a member while speaking.
- (G) No member shall speak more than twice to a question, except in explanation of a material part of their speech in which the member may have been misconceived, but then the member may not introduce a new matter.
- (H) A member must not, in debate, deviate from the question before Council.
- (I) In all such cases, the Warden shall inform the Council that the reply of the mover of the original motion closes the debate at whatever time they are of the opinion that a clear understanding of the question has been provided.
- (J) No member, without leave of the Council, shall speak to the same question or in reply, for longer than ten minutes.
- (K) The members of the Council shall not leave their places, on adjournment, until the Warden leaves the Chair.

32. PRIVILEGE

Whenever any matter of privilege arises, it shall be taken into consideration immediately.

33. MOTIONS

- (A) All motions, except ancillary motions, shall be in writing and seconded before being debated or put from the Chair. Verbal motions duly moved and seconded, may be accepted at the discretion of the Chair.

- (B)** After a motion is read by the Warden, it shall be deemed to be in possession of the Council, but may, by a simple majority vote of Council, be withdrawn, before decision or amendment.
- (C)** When a question is under consideration, no motion shall be received unless it is one:
- a) “to refer”
 - (I) a motion for referral to a Committee, until decided, shall preclude all amendments of the main question.
 - b) “to amend”
 - (I) an amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject, shall not be in order. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.
 - (II) a motion to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and finally the motion as it would stand, if so amended.
 - (III) amendments shall be put in the reverse order that they are received by the Presiding Officer. Every amendment submitted shall be in writing, and it shall be decided or withdrawn before the main question is put to the vote.
 - c) “to defer”
 - d) “to defer to a certain time”
 - (I) requires that a specific date, passage of an event, or County Council Session be stated in the motion.

- e) “to adjourn”
 - (I) a motion to adjourn the Council, or to adjourn the debate, shall always be in order.
 - (II) a motion to adjourn the Council, or the debate, to a certain day, or adding any expression of opinion, or qualification thereto, shall not be subject to debate.
- (f) “to move the previous question”
 - (I) cannot be amended;
 - (II) cannot be proposed, when there is an amendment under consideration;
 - (III) shall preclude all amendment of main question;
 - (IV) requires a two-thirds vote of Council to carry;
 - (V) when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
 - (VI) when resolved in the negative, the debate shall continue;
 - (VII) cannot be received in any Committee of Council
 - (VIII) can only be moved in the following words, “That the question now be put”, and shall be put forthwith;

- (D) Precedence of motions and rules governing such motions shall, unless otherwise indicated herein, be in accordance with Appendix “A” to this by-law.

34. VOTING ON MOTIONS

- (A) When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition will be taken separately.

- (B)** After the question is finally put by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared, and the decision of the Presiding Officer, as to whether the question has finally been put, shall be conclusive.
- (C)** Where a non-recorded vote is taken, and a member abstains from voting, the member will be deemed to have voted in the negative.
- (D)** 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 their vote openly, and the Clerk shall record each vote. 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. (Municipal Act, 2001 c.25 s.246(1) (2)).
- (E)** When a recorded vote is requested, the Clerk shall record each vote as it is called, starting with the Council member who requested the recorded vote, and continuing counter-clockwise until all members, including the Presiding Officer have voted.
- (F)** Decisions of the Planning and Land Division Committee respecting matters of Land Division will be signed by the members voting in the majority, and will include reasons for the decision. (Planning Act, RSO, 1990, P.13).)
- (G)** When an item(s) has been requested by a member to be voted on separately, the mover and the seconder of the original motion shall be deemed to be the mover and seconder of the item(s) being voted on separately.

35. RECONSIDERATION

- (A) After a motion has been voted on by County Council, no motion for a reconsideration thereof shall be introduced, unless it is moved and seconded by two members from among those who voted with the majority, and such motion may only be passed by a two-thirds vote of the entire Council, or
- (B) After a Notice to introduce such motion is given by a member at a previous meeting, and such Notice of Motion appears on the Agenda of the meeting, at which it is to be considered, such motion may be passed by a majority vote of the entire Council.
- (C) No question shall be reconsidered more than once during a 12-month period, unless such period is truncated by the end of the Council term.

36. COMMITTEE OF THE WHOLE PROCEEDINGS

- (A) When it shall be moved and carried that the Council go into Committee of the Whole, the Presiding Officer may remain in the Chair of the Committee of the Whole, or may appoint a member of Council to act as Chair. Any member so appointed shall have the same duties and powers as listed in Section 9 for the Presiding Officer, inasmuch as they apply to the proceedings.

The Chair shall maintain order in the Committee and shall report the proceedings thereof to Council.

- (B)** The rules of the Council shall be observed in Committee of the Whole, so far as may be applicable. No member shall speak longer than five minutes on any one question. The number of times speaking on any question shall not be limited in Committee, and a member shall have the privilege of having their name recorded as voting against the motions, if requested by that member. Discussion on any motion may be concluded by any member making a motion “that the question now be put”, providing that such motion is passed by a two-thirds majority of the members present.
- (C)** It shall not be necessary to have a motion before the Chair, when considering business in Committee of the Whole.
- (D)** Questions of order arising in Committee of the Whole shall be decided by the Chair, subject to an appeal to the Committee.
- (E)** On motion in Committee of the Whole to rise as Council and report, the question shall be decided without debate.
- (F)** A motion in Committee of the Whole to rise as Council without reporting, shall always be in order, and shall take precedence over any other motion. On such motion, debate shall be allowed, but no member shall speak more than once. On an affirmative vote to rise, the subject previously before the Committee of the Whole shall be the next order of business called by the Presiding Officer, upon a return to Committee of the Whole.

37. STANDING COMMITTEES OF COUNCIL

- (A)** There shall be the following Standing Committees of Council in addition to the Committee of the Whole Council:
- a) Administration, Finance and Human Resources
 - b) Roads
 - c) Information, Heritage and Seniors
 - d) Planning and Land Division
 - e) Joint Social Services and Land Ambulance
 - f) Solid Waste Services
 - g) Warden's Advisory
 - h) Economic Development
- (B)** The Chairs of each of the Standing Committees, and the Council member with reporting duties to the Wellington County O.P.P. Detachment Board, shall be elected by County Council at the Inaugural Session of Council as soon after the election of Warden as possible, in accordance with Section 3.
- (C)** A County Councillor elected as Committee Chair shall serve a term of two years, unless they cease to be a member of Council in the meantime.

- (D)** The duly elected Warden, Chairs of the Standing Committees and the County Council member with reporting duties to the Wellington County O.P.P. Detachment Board comprise the Warden's Advisory Committee.
- (E)** The Warden's Advisory Committee shall recommend to County Council the membership of the Standing Committees listed in subsection 37(A) and the members of the Wellington County O.P.P. Detachment Board.
- (F)** A County Councillor appointed to a Standing Committee shall serve a term of two years, unless they cease to be a member of Council in the meantime.
- (G)** The Standing Committees shall be comprised as follows:

 - (a) Administration, Finance and Human Resources - 4 County Councillors and the Warden, ex-officio. A quorum is 3;
 - (b) Roads - 4 County Councillors and the Warden, ex-officio. A quorum is 3;
 - (c) Information, Heritage and Seniors - 4 County Councillors, the Warden, ex-officio, and 4 citizen members appointed by County Council for Library Board agenda items. A quorum for Library agendas is 5. For Museum, Archives and Wellington Place and Seniors agenda items, the Committee is comprised of 4 County Councillors and the Head of Council, ex-officio.

A quorum for Museum, Archives and Wellington Place and Seniors agenda items is 3. In accordance with the Public Libraries Act, the members must elect a Chair from their number. (Public Libraries Act, RSO, 1990 P.44 Section 14.(3).) Any member so elected will serve as Chair for Library Board agenda items, notwithstanding election of a Chair by County Council in accordance with (B) above;

- (d) Planning and Land Division - 4 County Councillors and the Warden, ex-officio. A quorum is 3; (Planning Act, RSO, 1990, P.13 Section 44(5)) In accordance with the Planning Act, when dealing with matters of Land Division, the members must elect a Chair from their number (Planning Act, RSO, 1990, P. 13 Section 44(7)). Any member so elected will serve as Chair for Land Division matters, notwithstanding election of a Chair by County Council in accordance with (B) above.
- (e) Joint Social Services and Land Ambulance (JSSLA) – 3 County Councillors, the Warden as ex-officio, 3 City of Guelph Councillors, and the Guelph Mayor. A quorum is 5. Chair and Vice-Chair will alternate between the County and the City as per the JSSLA Terms of Reference.
- (f) Solid Waste Services - 4 County Councillors and the Warden, ex-officio. A quorum is 3;
- (g) Economic Development – 4 County Councillors and the Warden, ex-officio. A quorum is 3;
- (H)** In the event of a vacancy in the Chairmanship under the control of County Council, of duration unacceptable to County Council, the Council shall elect a new Chair for the remainder of the term.
- (I)** In the event of a vacancy on any Standing Committee under the control of County Council, of a duration unacceptable to County Council, the Council shall appoint a substitute member to the Committee for the duration of the term.

38. BOARDS

- (A) Citizen appointments are made to the Wellington County Library Board in accordance with subsection 10. (1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44; and shall be appointed for the term of Council in accordance with subsection 10. (3) of the Public Libraries Act, R.S.O. 1990, Chapter P.44.
- (B) The third council member appointment and the community representative on the Wellington County O.P.P. Detachment Board is appointed by County Council in accordance with subsection 67 (6) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1; and the community representative shall be appointed for the term of Council.

39. GENERAL REGULATIONS FOR CONDUCT OF BUSINESS AT COMMITTEE MEETINGS

- (A) The Chair shall preside at every meeting and may vote on all questions submitted, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negative.
- (B) The Chair shall sign all Minutes, which the Committee may legally adopt.
- (C) In the absence of the Chair, one of the other members shall be elected to preside, who shall discharge the duties of the Chair during the meeting, or until the arrival of the Chair.
- (D) No order or authority to do any matter or thing shall be recognized as emanating from any Committee, unless it is in writing and signed by the Chair or Secretary thereof, and refers to the Minutes of the Committee under which it is issued.

- (E) The Minutes of every Committee shall be recorded and shall be circulated for confirmation or correction to the Committee members and shall be signed by the Chair as being an accurate account of the proceedings of the Committee.
- (F) Where a division takes place on any question, and a member requests that the vote be recorded, all the members of the Committee present shall vote unless disqualified from voting by an Act. In the event a member refusing to vote without being excused their vote shall be counted in the negative. Each member of a Committee shall have one vote at Committee meetings.
- (G) When a recorded vote is not requested and a member present abstains from voting the member will be deemed to have voted in the negative.
- (H) To the extent that they do not conflict with the terms of the Planning Act and the Statutory Powers Procedures Act, the terms of this procedural by-law apply to matters of Land Division.

40. LAND DIVISION PROCEEDINGS

- (A) For the purpose of considering matters related to Section 53 of the Planning Act, the Planning and Land Division Committee will be constituted and appointed pursuant to subsections 56(1)(2) of the Planning Act, and subsections 44(2) to 44(11) inclusive will apply.
- (B) The Statutory Powers Procedure Act, RSO, 1990, applies to the proceedings of the Planning and Land Division Committee when it considers matters of Land Division.
- (C) Once established by By-law the membership of the Planning and Land Division Committee will be forwarded to the Minister of Municipal Affairs and Housing by certified copy of the By-law. (Planning Act, RSO, 1990, P.13 subsection 44(2))

- (D) For the purpose of considering matters related to Land Division, the Planning and Land Division Committee will appoint a Secretary-Treasurer, who will keep the minutes and records of all applications and decisions thereon and of all other official business of the Committee related to Land Division, and subsection 253(1) of the Municipal Act, 2001 applies with necessary modifications to such documents. (Planning Act, RSO, 1990, P. 13 subsections 44(8) (10)).

41. PRESENTATIONS AND DELEGATIONS TO COMMITTEES

Presentations and delegations will be permitted to make presentations to Committees of Council and Sections 20 and 21 of this By-law will apply to Committee meetings, with the necessary changes to the section being applied.

42. GENERAL RULES FOR ALL COMMITTEES

- (A) Any member of the Council may be placed on a Committee notwithstanding the absence of such member at the time of their being named on such Committee.
- (B) Unless Council has appointed a Chair, the member first named in a motion appointing a Committee, shall call the first meeting of such Committee.
- (C) The Warden shall be a member ex-officio of all Committees of Council and may vote on all questions before the Committee and they shall be counted in the formation of a quorum.
- (D) The number of members required for a quorum for each of the County's Standing Committees is specified in subsection 37 (G).
- (E) Where a resolution appointing a Committee does not name the members thereof, it shall be the prerogative of the Warden or Chair, as the case may be, to name the members.

- (F)** Members of the Council may attend the meetings of any of its Committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the Committee.
- (G)** The Council may appoint a member thereof to act on any Committee in lieu and during the absence of any member thereof, who is absent from the municipality, or unable from illness to attend the meetings of such Committee, and the member so appointed shall be deemed a member of the Committee and entitled to act thereon, only during such absence or illness.
- (H)** Should a Chair of any Committee neglect to call a meeting of their Committee at such time, or with such frequency, as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal, or action to the Council which may, if it deems it advisable, remove said Chair from the Committee and appoint another member in their place and also may appoint a new Chair of the said Committee.
- (I)** Should any member or members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chair shall report such neglect or refusal to the Council, which may remove the said member or members from the Committee and appoint another member or other members in their place or places; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may by resolution discharge such Committee and appoint another in its stead.

43. SUSPENSION OF RULES

Despite Section 1, no standing Rules or Order of Council shall be suspended except by unanimous consent. If unanimous consent is denied, a member may request that the Presiding Officer propose the question on a motion requiring a two thirds vote.

44. UNPROVIDED RULES

In all unprovided cases in the proceedings of Council, or in Committee, parliamentary procedure shall be followed as used by Ontario Legislature, or failing that, Bourinot's Rules of Order.

45. This by-law shall take effect immediately following the passing thereof.

46. That by-law numbers 5338-13, 5434-15, 5656-20 and 5679-20 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED MARCH 28, 2024.

ANDY LENNOX, WARDEN

JENNIFER ADAMS, COUNTY CLERK