The Corporation of the Town of South Bruce Peninsula

By-Law Number 27-2014

Being a By-Law to Provide for the Rules of Order and Procedure for the Municipal Council of the Corporation of the Town of South Bruce Peninsula

Whereas Section 238 of the Municipal Act, 2001, as amended, requires that every Council and local board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

And whereas Council has deemed it expedient to adopt and provide rules of order and procedure for Municipal Council, committees and local boards.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1. That the rules for order and procedure be attached hereto and shall form part of this by-law.

2. That the by-law shall be considered to be the “Procedural By-Law”.

3. That any by-laws inconsistent with this by-law are hereby repealed and replaced.

4. That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 18th day of March, 2014.

[Signature]
Mayor

[Signature]
Clerk

Read a third time and finally passed this 1st day of April, 2014.

[Signature]
Mayor

[Signature]
Clerk
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**Section “A”**

**A1 Definitions**

A1.1 "Ad Hoc Committee" means a committee appointed to review and report on a specific issue; once the report is delivered, the Ad Hoc Committee is automatically dissolved.

A1.2 "Administrator" means the person appointed by Council to oversee the administration of the day to day operations of the Town.

A1.3 "Chair" means the person presiding at a meeting.

A1.4 "Clerk" means the person appointed by Council to perform the statutory duties as set out in the Municipal Act and in other Acts.

A1.5 "Closed Meeting" means a meeting or part of a meeting closed to the public.

A1.6 "Committee" means a group of individuals appointed by Council in an advisory capacity.

A1.7 "Council" means the elected and sworn members of the Council of the Corporation of the Town of South Bruce Peninsula.

A1.8 "Deprecating" means attacks of character, attacks of reputation, name calling, injurious to reputation, derogatory, slanderous or libelous.

A1.9 "Deputy Chair" means the member appointed to act in the absence of the Mayor as per the Appointments By-Law. Upon appointment of the 2014 Council, all references to the Deputy Chair shall be interpreted to mean Deputy Mayor, as elected.

A1.10 "Friendly Amendment" means a proposal by a member to make an uncontroversial amendment to a motion.

A1.11 "Head of Council" means the Mayor.

A1.12 "Local Board" means a local board as defined in the Municipal Act, 2001.

A1.13 "Member" means a member of the Council or a Committee, as the case may be.
A1.14 “Meeting” means any regular, special or other meeting of Council, of a local board or of a committee of either of them.

A1.15 “Motion” means a question to be considered by the Council or a Committee which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.

A1.16 “Municipality” means The Corporation of the Town of South Bruce Peninsula.

A1.17 “Notice of Motion” means an advance notice to members of Council of a matter on which Council will be asked to take a position.

A1.18 “Recorded Vote” means where a vote is taken for any purpose and a member of Council requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote. During a recorded vote the Mayor will vote last.

A1.19 “Recording /Electronic Device” means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not being limited to MP3 players, computers, cell phones, voice recorders, and cameras.

A1.20 “Standing Committee” means a committee appointed to review and report on an area of ongoing interest to the Municipality and that continues to do so on an indefinite basis.

A2 General

A2.1 No member of Council has the authority to direct or interfere with the performance of any work being carried out by an employee, agent or contractor of the Town. Each employee is responsible only to his or her superior officer and Administrator as established in the formal organization structure of the Town.

A2.2 Role of Council

A2.2.1 To represent the public and to consider the well-being and interests of the Municipality;

A2.2.2 To develop and evaluate policies and programs of the Municipality;
A2.2.3 To determine which services the Municipality provides;

A2.2.4 To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

A2.2.5 To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;

A2.2.6 To maintain the financial integrity of the Municipality; and

A2.2.7 To carry out the duties of Council under the Municipal Act or any other Act.

A2.3 Role of Mayor

A2.3.1 To act as Chief Executive Officer of the Municipality and as Chief Executive Officer shall:

A2.3.1.1 Uphold and promote the purposes of the municipality;

A2.3.1.2 Promote public involvement in the municipality's activities;

A2.3.1.3 Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and

A2.3.1.4 Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

A2.3.2 To preside over Council meetings so that its business can be carried out efficiently and effectively;

A2.3.3 To provide leadership to the Council;

A2.3.4 Without limiting subsection A2.3.3, to provide information and recommendations to the Council with respect to the role of Council described in subsections A2.2.4 and A2.2.5;

A2.3.5 To represent the Municipality at official functions;

A2.3.6 To carry out the duties of the Head of Council under the Municipal Act or any other Act;
A2.3.7 To act as Council’s representative when dealing with other levels of government, their agencies and the private sector;

A2.3.8 To serve on the Council of the County of Bruce;

A2.3.9 To serve as an ex-officio member of all committees or other bodies established or appointed by Council but not be a voting member, unless indicated on the appointments by-law or in the committee Terms of Reference.

A2.3.10 In the absence of the Mayor, the Deputy Chair shall assume the responsibilities, and have the powers of the Mayor under this by-law. In accordance with the Appointment By-Law, the position of Deputy Chair shall be rotational. In the absence of the Deputy-Chair, Council will move through the Deputy Chair order and may move to the beginning of the list if required.

A2.4 Role of Administrator

A2.4.1 To exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality;

A2.4.2 To ensure implementation of Council’s decisions and establishment of administrative practices and procedures to carry out Council’s decisions;

A2.4.3 To ensure undertaking of research and provision of advice to Council on the policies and programs of the Municipality;

A2.4.4 To carry out such other duties as assigned by the Council.

A2.5 Role of Clerk

A2.5.1 Record without note or comment, all resolutions, decisions and other proceedings of the Council including any discussion undertaken in the course of a meeting;

A2.5.2 If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

A2.5.3 To keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;

A2.5.4 To make such minor clerical, typographical or grammatical corrections in form to any by-law, motion or resolution and/or minutes as they may be
required for the purpose of ensuring correct and complete implementation of the actions of Council;

A2.5.5 To perform any other duties required under the Municipal Act or under any other Act;

A2.5.6 To perform such other duties as are assigned by the Council.

A2.6 Conduct for Members of the Public

A2.6.1 Members of the public present during a meeting shall maintain order and quiet and shall not address Council except with the permission of Council.

A2.6.2 No person shall applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council. Council may lead applause when congratulating or showing appreciation for any member of the public, Council or staff.

A2.6.3 No person shall display signs, placards, banners, emblems or flags without the express permission of the Chair or Council.

A2.6.4 No person shall bring into the meeting room telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced.

A2.6.5.1 No person shall use indecent, offensive, derogatory, deprecating or insulting language or speak disrespectfully of any member of Council or any employee of the Town.

A2.6.5.2 No person shall address Council with subject relating to a matter currently before the courts or administrative tribunals or which deals with litigation, past or present except with the prior direction of the Courts or approval of the Town solicitor. Threats of litigation will also not be heard.

A2.6.6 No person, with the exception of members of Council and Town employees, may approach the Council table without permission to do so from the Chair or Council as a whole.

A2.6.7 Behaviors listed in this section are not all encompassing. It shall be noted that any behavior deemed to be unbecoming will be subject to the progressive correction as outlined herein.

A2.6.8 When ruling on conduct matters, the Mayor will warn the offender of the improper behavior and will request that the behavior ceases. This will be considered to be the only warning.
A2.6.9 If the behavior continues, the Mayor will expel the offender from the meeting. If required, assistance may be sought from local authorities.

A2.6.10 Council may by resolution, set terms for the expulsion and return, at their discretion.

A2.7 Public Notice

A2.7.1 Public notice of special meetings will be provided on the municipal website and in the front lobby of Town Hall.

A3 Quorum

A3.1 A majority of the whole number of members required to constitute the Council shall be necessary to form a quorum pursuant to Section 237 (1) of the Municipal Act, 2001.

A3.2 If the number of members, who by reason of the Municipal Conflict of Interest Act are ineligible to vote, is such that there is no quorum, despite any other Act, any number that is not less than one-third of the total number of members of the Council, committee, or board shall be deemed to constitute a quorum, but the number shall not be less than two.

A3.3 Unless a quorum is present within fifteen (15) minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned either until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting, or until the convening of the next regular scheduled meeting of the Council.

A4 Inaugural Meeting

A4.1 The first or inaugural meeting of a new Council shall be held in accordance with legislation provided in the Municipal Act and Municipal Elections Act, as may be amended from time to time. The Mayor-Elect and Clerk shall decide upon a suitable date and time for the Inaugural Meeting of Council.

A5 Meeting Times

A5.1 Except as may be determined under Subsection A8.4 and Subsection A5.2 hereto, all regular meetings of Council shall be convened in the Council Chambers on the first (1st) and third (3rd) Tuesdays of every month at one thirty in the afternoon (1:30 pm).
A5.2 Where closed session is required, the Council meeting will be called to order at one o'clock in the afternoon (1:00 pm)

A5.3 Where such Tuesday is a holiday within the meaning of the Interpretation Act, the Council shall meet on the business day next following the regular day of the meeting and at the same time as specified in Subsections A5.1 and A5.2 above or unless otherwise directed by Council resolution.

A5.4 Regular meetings of Council shall not extend beyond the hour of nine o'clock in the evening (9:00 pm) unless otherwise determined by resolution with a recorded vote receiving two thirds (2/3) support of the members present.

A5.5 Should Council wish to change the regularly scheduled Council meeting day on a permanent basis, the Procedural By-Law must be brought before Council to effect the change.

A5.6 Notwithstanding A5.5 Council may, by resolution, change an individual regularly scheduled meeting day.

A5.7 The Council may, by resolution, provide that meetings may be held at a place other than at the Town of South Bruce Peninsula Council Chambers, including in an adjacent municipality. In the case of a bona fide emergency, the Chair may give direction to move the meeting to a location other than the Town of South Bruce Peninsula Council Chambers.

A6 Absenteeism and Leave of Absence

A6.1 All members will endeavor to provide substantive notice of absence from meetings to the Mayor and Clerk at least forty-eight (48) hours prior to the commencement of the meeting from which the member shall be absent.

A6.2 Council members are permitted to be absent from regular Council meetings for four elected days per calendar year.

A6.3 Any Council member missing more than four meetings shall be penalized $150.00 for the meeting missed.

A6.4 Medical, Town business and bereavement will be considered to be acceptable absences from meetings. Council members will not be penalized for absences for these reasons.

A6.5 The Clerk will keep track of attendance of Council members at meetings.

A6.6 Where a member of Council has been penalized for non-attendance at meetings and believes that the absence was justified and in accordance with
the policies contained herein, that member of Council shall make a request that Council reconsider the particular penalization. The decision of Council shall be final.

A6.7 Where a member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council, the office of that member shall be declared to become vacant and procedures as set out in Section 263 of the Municipal Act, 2001 shall apply.

A6.8 If a member desires to leave a meeting of Council prior to adjournment and not return thereto, he/she shall so advise the Mayor at the beginning of the meeting and the time of his/her departure shall be recorded in the minutes.

A7 Regular Meetings

A7.1 Notice other than the posting of the agenda on the municipal website shall not be required to be given of regular meetings of Council.

A7.2 Notwithstanding unforeseen circumstances (technical malfunctions or operational hindrances), agendas for regular Council meetings will be posted by four thirty in the afternoon (4:30 pm) on the municipal website on the Friday preceding the scheduled meeting.

A7.3 Paper copies of the agenda without attachments or other supporting documentation will be made available to members of the public at the time the meeting commences.

A7.4 All confidential reports shall be distributed to Council members in paper copy. Confidential information will be copied on yellow paper and will be provided prior to the meeting in which it is to be considered.

A7.5 Members of Council will initial and return to the Clerk all confidential information provided.

A7.6 Members of Council will not be permitted to take the confidential information away from the meeting at which it has been provided. Any notes taken by Council members in Closed Session will be given to the Clerk at the end of the Closed Session. The notes will be destroyed by the Clerk.

A7.7 Members of Council may view confidential information by attending the office of the Clerk during regular business hours.
Subject to Section A3, as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members present to order.

**Special Meetings**

A8.1 The Mayor may at any time call a special meeting or upon receipt of a petition of the majority of the members of the Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.

A8.2 The members of Council shall be given forty-eight (48) hours notice of all special Council meetings. Such notice shall be transmitted by facsimile, e-mail or telephone to the members of Council.

A8.3 It shall not be competent to consider or decide upon any matter unless such matter has been listed in the notice calling the meeting.

A8.4 Notwithstanding the provisions of subsection A8.2, in the event of a bona fide emergency, a meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone, personal contact or e-mail as determined by the Clerk.

A8.5 Subject to Section A3, as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members present to order.

**Order of Business-Regular Meetings**

A9.1 The business shall in all cases be taken up in the general order in which it stands upon the agenda, unless otherwise determined upon a vote of the majority of the members present, by a show of hands, and all questions relating to the priority of business shall be decided without debate. Notwithstanding the above, delegations will be heard when scheduled.

A9.2 Closed Session shall be convened as soon after one o'clock in the afternoon (1:00 pm) as is practical. A resolution must be passed in open session identifying the general nature of the matter to be considered at the closed meeting. Council shall proceed with their regular business at one thirty in the afternoon (1:30 pm). Where all matters were not discussed during closed session, Council may proceed into closed session at any other point in the regular meeting and at the discretion of the Mayor such matters may be held over to the next Closed Session meeting.

A9.3 The order of business for regular meetings of Council shall be:

(1) Call to Order
Order of Business-Special Meetings

A10.1 The business shall in all cases be taken up in the general order in which it stands upon the agenda, unless otherwise determined upon a vote of the majority of the members present, by a show of hands, and all questions relating to the priority of business shall be decided without debate.

A10.2 The order of business for special meetings of Council shall be:
(1) Call to Order
(2) Declaration of Pecuniary Interest and General Nature Thereof
(3) Business for Which the Special Meeting is Called
(4) Confirmatory By-Law
(5) Adjournment

Record of Meetings/Minutes

A11.1 The Clerk shall record without note or comment all resolutions, decisions and other proceedings including any discussion undertaken in the course of a meeting.

A11.2 Proceedings, when taken in the form of minutes, shall not be recorded verbatim.

A11.3 Presentations, delegations, petitions, and communications received by Council in the course of a meeting shall only be referred to in a brief and summary manner.
A11.4.1 The Town of South Bruce Peninsula shall whenever possible make recordings of regular and special Council meetings using a recording device.

A11.4.2 Assuming no technical difficulty or unforeseen circumstance, recordings will be posted on the Town website no later than four (4) business days after the meeting has taken place. When the recording is not being posted on the website, a notice will be posted in its place.

A11.4.3 Recordings will be provided on the Town website for a two week time period from their initial recording. Recordings will not be retained in the corporate files.

A11.4.4 Members of the public will not be permitted to make recordings of open proceedings. The use of electronic devices including but not being limited to cameras, laptops, cellphones and recorders is prohibited during proceedings unless expressly permitted by Council. At the beginning of each meeting, the Mayor will inform all meeting attendees of the prohibition on recording and electronic device use during proceedings.

A11.4.5 If it is believed that a member of the public is using a recording or electronic device during the proceedings, the Mayor shall request that said member turn off the device and delete any record of the meeting proceedings. If the member of the public declines the Mayor’s request, the Mayor may request that the member leave the meeting. Assistance from local authorities may be sought if required.

A11.5 Meetings which take place during closed session will not be recorded using a recording device. To ensure that closed session meetings are not recorded using a recording device, the Mayor will direct that the room be searched for recording devices prior to closed session discussion.

A11.6 The adoption, by resolution, of the minutes of each and every regular and special meeting of the Council shall be subsequently ratified and enacted by a Confirmatory By-Law at each meeting.

A12 Reports (New Business)

A12.1 Reports shall include reports from staff, Committees of Council, Local Boards and members of Council and shall be presented in the form of a standard report, prepared on the Town reporting template. Reports must be signed by the staff member, Committee or Local Board Chair or member of Council prior to the placement of the report on the agenda (scanned/emailed and faxed signatures will be permitted). Reports and any supporting documents must be received by the Clerk no later than twelve o’clock noon (12:00 pm) on the Wednesday preceding the meeting.
for inclusion in the agenda. The exception to this timeline would be any emergency situation where it is not physically possible to meet the timeline (ie. office closures due to weather). In these instances, the Administrator will determine the day and time when reports are to be received by the Clerk. All reports must be received by the Clerk in a completed form including comments in all sections of the reporting template. Where a report is not completed, the Clerk will return the report for completion prior to it being placed on any agenda.

A12.2 Correspondence addressed to the Mayor and Council shall be directed to the appropriate Department Head. The correspondence will be scanned and emailed to members of Council along with responses to the correspondence.

A12.3 Where no policy exists to deal with the content of the correspondence or where staff requires guidance and direction from Council, the correspondence will be presented to Council in a report.

A12.4 Correspondence or any material containing obscene, derogatory or deprecating language, as determined by staff, will not be directed to the appropriate department for action or response and will not be placed on any Council agenda nor will the correspondence be read at any public meeting.

A12.5 Reports will be initiated by staff or as a result of the direction of Council as a whole.

A13 By-Laws

A13.1 No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been presented in a report. By-Laws presented in a report may be placed on a subsequent Council agenda for consideration, but may not be placed on the same agenda as the original report introducing the by-law. Where a by-law is presented as requiring immediate adoption, Council may allow for its consideration with the support of a resolution receiving 2/3 majority in a recorded vote. Should the resolution to consider the by-law not receive 2/3 majority support, the by-law will be placed on a future Council agenda for consideration.

A13.2 Every by-law shall be given three readings prior to being passed. Upon a majority vote of the members of Council the by-law will be read in its entirety. If a request is not received for the reading of a by-law in its entirety, the by-law number and preamble only will be read for the first and second readings of the by-law.
A13.3 Where appropriate, all by-laws shall be introduced by way of one consolidated motion, specifying the title and preamble of each of the by-laws and indicating that all by-laws shall be read a first and second time. A member has the right to pull a by-law out of the consolidated motion if he/she so chooses for a separate vote on first and second reading.

A13.4 The first and second reading of a by-law shall be decided without amendment or debate.

A13.5 After the first and second reading of a by-law and prior to the third reading of the by-law, any member of Council may ask to debate the by-law, and that by-law shall be discussed separately at the current meeting without the requirement of a resolution to debate.

A13.6 All by-laws presented and not referred or pulled for separate consideration shall be considered under consolidated motion for third reading.

A13.7 The third reading of by-laws will be read using the number only unless otherwise directed by a majority of the members of Council.

A13.8 If Council so determines, a by-law may be taken as read at any stage of its presentation.

A13.9 Every by-law passed by Council shall be dated, signed by the Mayor and Clerk and shall be sealed with the mark of the Corporation.

A13.10 All by-laws shall be filed and referenced by the Clerk.

A14 Delegations

A14.1.1 Any person desiring to be heard as a delegation shall submit a written and signed request to the Clerk, on the prescribed form which is attached hereto as Appendix “A”. Staff will also be required to complete, sign and submit the prescribed form for any person invited by staff to speak as a third party to any report.

A14.1.2 Notwithstanding Section A14.1.1, Bruce County Planning Staff, so long as they are providing planning services for the Town will be permitted to speak to any item on a Council agenda in the same manner as Town staff. Unless Council has expressly invited Bruce County Planning Staff to appear as a delegation to discuss a particular matter at a particular meeting, no delegation form or waiving of the Procedural By-Law will be required to permit Bruce County Planning Staff to provide information in a Council meeting.
A14.2 The Clerk will schedule delegations on a first come, first served basis. Delegations will be scheduled on dates and times as deemed efficient and appropriate by the Clerk.

A14.3 Once a date has been scheduled, the completed and signed prescribed form and any materials to be presented must be received by the Clerk not later than noon (12:00 pm) on the Wednesday of the week preceding the day of the meeting. The prescribed form and presentation materials will be uploaded with the Council agenda subject to rules of procedure.

A14.4 Delegations addressing Council shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner.

A14.5 Council may at its discretion, expressed by resolution adopted by two thirds (2/3) recorded vote of its members present hear any person in Council without the prior scheduling of a delegation.

A14.6 Delegations shall be limited to a maximum of ten (10) minutes of presentation time and ten (10) minutes of Council questions unless preauthorized by the Mayor or Clerk. Additional preauthorized time will be indicated on the agenda. A delegation will be permitted a maximum of two spokespeople to address the Council during the permitted time.

A14.7 Should there be more than one delegation requested representing the same topic position at any meeting, the person requesting same shall be advised of the earlier request. The second and any additional requests for a delegation on the same meeting representing the same topic position shall be denied. If a delegation is requested representing a different position on the same issue the delegation will be permitted.

A14.8 A delegation once heard, shall not be entitled to be heard on substantially the same matter for a period of three (3) months from the date of first being heard, unless new information is being provided to assist Council in its decision making. It will be determined by the Mayor and/or Clerk if the information being provided shall be deemed to be new.

A14.9 Refusal of a request to appear as a delegation may be appealed to the Mayor. The ruling of the Mayor shall be final.

A14.10 Delegations will not be scheduled whose subject relates to a matter currently before the courts or administrative tribunals. No appeal to the Mayor will be heard for refusal of delegation requests whose subject matter is before the courts or administrative tribunals.
A14.11 Members of staff, Committees of Council and Local Boards do not appear as delegations and must address Council by way of a report.

A14.12 Upon hearing a delegation, Council has the option to make a decision at the meeting at which the delegation presents. Any motion to decide a matter brought forward by a delegation will require 2/3 majority support in a recorded vote. A decision to defer the matter for reporting is a permitted action upon hearing a delegation and this action will not require 2/3 majority support. Where a delegation is invited by staff and a supplementary report is on the agenda for consideration, 2/3 majority support is not required for the motion which accompanies the report.

A15 Public Notice/General Announcements

A15.1 Members of Council and staff may make announcements, recognize achievements, promote an event or recognize matters of community-wide interest without being placed on that meeting's agenda. These announcements will take place during the Public Notice/General Announcement section of the meeting.

A15.2 Public notices posted on the agenda shall be read aloud by the Mayor or Clerk.

A16 Public Meeting

A16.1 Where a public meeting is scheduled, the Mayor shall declare the public meeting to be open and state the purpose of the public meeting.

A16.2 The Mayor will ask for any comments from members of Council with regard to the public meeting topic. Members of Council will be permitted to speak to the topic.

A16.3 The Mayor will ask for any comments from members of the public in attendance. Members of the public will be permitted to speak upon identifying themselves to the Mayor. Each person wishing to speak will be allotted five (5) minutes and may not speak more than once until all public members present have had the opportunity to speak, unless otherwise legislated.

A16.4 All persons participating in a public meeting must conduct themselves in a respectful and temperate manner and in accordance with the code of conduct contained herein and in accordance with any other policies set by Council.
A16.5 The Mayor will note any written submission received and where practical and subject to rules of procedure, the written submission will be read aloud.

A16.6 The Mayor will close the public meeting.

A17 **Closed Session**

A17.1 Except as provided in this by-law or in the Municipal Act or any other Act, all meetings shall be open to the public.

A17.2 A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

A17.2.1 The security of the property of the municipality or local board;

A17.2.2 Personal matters about an identifiable individual, including municipal or local board employees;

A17.2.3 A proposed or pending acquisition or disposition of land by the municipality or local board;

A17.2.4 Labour relations or employee negotiations;

A17.2.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

A17.2.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

A17.2.7 A matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act.

A17.3 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, or board or other body is designated the head of the institution for the purposes of that Act.

A17.4 A meeting of 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:

A17.4.1 The meeting is held for the purpose of education or training the members.

A17.4.2 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.
A17.5 Before holding a meeting or part of a meeting that is to be closed to the public, Council or a local board or committee of either of them shall state by resolution:

A17.5.1 The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

A17.5.2 In the case of a meeting under Subsection 17.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under subsection 239 (3.1) of the Municipal Act, 2001.

A17.6 Subject to Subsection A17.7, a meeting shall not be closed to the public during the taking of a vote.

A17.7 Despite Subsection A17.6 a meeting may be closed to the public during a vote if the subject matter falls into a category where a closed session is allowed; and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or committee of either of them or persons retained by or under contract with the municipality or local board.

A17.8 Upon reconvening to open session, the Mayor shall state direction from closed on each item discussed during the closed session.

A18 Adjournment

A18.1 A motion to adjourn the Council or adjourn the debate shall always be in order, but not debatable, except:

A18.1.1 When a member is in possession of the floor;

A18.1.2 When a recorded vote has been called for;

A18.1.3 When the members are voting;

A18.1.4 When it has been decided that the main question shall be put forthwith.

A18.2 When a motion to adjourn is defeated, no second motion to the same effect may be made until there has been some intermediate proceeding.

A19 Rules of Debate and Conduct for Council Members

A19.1 The Mayor shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council.
A19.2 Every member, previous to speaking on any question or motion, shall indicate the wish to speak by raising their hand and when so recognized shall address the Mayor.

A19.3 When a motion is presented, it shall be read by the Mayor or Clerk before debate.

A19.4 When two or more members simultaneously indicate a wish to speak, the Mayor shall name the member to be recognized. When a member is speaking, no other member shall hold discourse which may interrupt or pass between the speaker and the Mayor.

A19.5 Any member may request the question or motion under discussion to be read at any time during the debate, but may not interrupt a member speaking in order to make such a request.

A19.6 No member shall speak twice to a question without leave of the Council and shall not speak a second time to the question where another member wishes the floor who has not spoken the first time to the question, except in explanation of a material part of their speech which may have been misunderstood.

A19.7 No member shall speak to the same question or in reply for longer than five (5) minutes.

A19.8 No member shall speak disrespectfully, or use abusive or unparliamentarily words of expressions in Council. No member shall speak beside the question in debate. No member shall criticize any vote of the Council, except for the purpose of moving that such vote be reconsidered or that alternate action be taken. No person shall breach the rules of the Council, the decision of the Mayor or of the Council, on questions or order of procedure.

A19.9 In case any member should breach such rules, the member may be ordered by the Mayor, to refrain from any further comment. In the event such member continues to commit a breach of protocol, he/she will be asked to leave their seat for that meeting. No member shall be permitted to retake their seat at any meeting after being ordered by the Mayor to vacate for committing a breach of any rule or order of the Council, without making an apology and receiving the consent of Council, expressed by a majority of the members present determined without debate.

A19.10 Rules of debate and conduct apply to the Mayor in the same manner in which they apply to members of Council. Where members of Council on a majority vote of its members present, find the Mayor to be in breach of such rules, the Mayor will be ordered to vacate the seat for that meeting.
The Mayor will not be permitted to retake the seat without making an apology and receiving the consent of Council, expressed by a majority of the members present determined without debate.

A19.11 The Mayor may leave the Chair for the purpose of taking part in a debate or otherwise. If the Deputy Chair has spoken to the question, the next in line for Deputy Chair shall take the Chair if they have not spoken to the question. The Mayor shall resume the Chair after the question has been decided.

A19.12 If all members of Council have spoken to the question or plan to speak to the question, the Mayor shall remain in the Chair and shall be permitted to take part in the discussion.

A20 Questions of Privilege and Points of Order

A20.1 Whenever any point, privilege, order or matter of urgency arises, it shall be immediately taken into consideration.

A20.2 When the Mayor is called on to decide a point or order of procedure, the point shall be stated without unnecessary comment, and the Mayor or presiding officer shall state the rule or authority applicable.

A20.3 When a point of order is raised, or when a member is called to order from the Mayor, the Mayor shall then decide the point of order. The member may be permitted to explain. The decision of the Mayor shall be final, unless an appeal is made to Council. The method for appeal shall be that a member declares "I appeal the decision of the presiding officer." Another member must second the appeal. The Mayor shall state "the decision of the Mayor has been appealed" and must state the reason for the ruling. The Mayor then asks for discussion with the originator of the appeal having first right to speak. Council shall decide their support of the original ruling by the Mayor; a vote of yes upholds the original ruling. The decision shall be made by a majority vote of its members present taken by a show of hands. If the ruling of the Mayor is not upheld, the Mayor shall change his/her ruling accordingly.

A20.4 Whenever the Mayor is of the opinion that any motion offered to the Council is contrary to the rules of the Council, he/she shall advise the members thereof immediately and quote the rule or authorities applicable.

A20.5 Where a member considers that his/her integrity or the integrity of the Council has been impugned, the member may as a matter of personal privilege, rise at any time for the purpose of drawing the Mayor's attention to the matter.
A21  Motions and Order of Putting Questions

Notice of Motion

A21.1  A notice of motion may be presented as follows:

A21.1.1  It shall be moved by the member and filed with the Clerk by noon (12:00 pm) on the Wednesday preceding the date of the next meeting. The notice of motion will be placed on the agenda for discussion and debate.

A21.1.2  It shall be moved by the member and introduced directly at a Council meeting, following which the notice of motion shall be filed with the Clerk and the motion shall form part of the next Council agenda for discussion. Following such notice, there shall be no debate or discussion on the motion until it is contained in an agenda. A motion to waive the provisions of the Procedural By-Law to consider a notice of motion presented directly at a Council meeting shall not be in order and will be called out of order if so presented.

A21.2  The notice of motion shall be submitted to the Clerk in writing or typewritten form and will be placed on a motion template for inclusion on the agenda.

A21.3  The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate.

A21.4  If the mover of the notice of motion is not in attendance at the meeting where the notice of motion is included on the agenda, the notice of motion will be deferred to the next meeting where the mover of the motion is present.

Motions

A21.5  Every motion shall be in writing or typewritten form and when duly moved and seconded and read into the meeting shall be open for consideration.

A21.6  After a motion is moved, seconded, and read aloud it shall be deemed to be in possession of the Council, but may with the permission of the Council be withdrawn at the request of the mover at any time before decision or amendment.

A21.7  Before a motion is stated by the Mayor, a member of Council may ask if the mover of the motion would accept a change in it, termed a friendly amendment. The mover may either accept or reject the proposed change. If the mover rejects the proposed change, the member suggesting the change can propose an amendment as outlined in Section A21.7 below. If
the change is accepted by the mover, the changed motion will be read. Friendly amendments shall not be recorded in the minutes.

A21.7 Amendments to Motions

A21.7 Save as otherwise provided, all amendments to motions:

A21.7.1 Shall be in writing, moved and seconded;

A21.7.2 Shall be decided upon or withdrawn before the main question is put forth;

A21.7.3 Shall not be further amended more than once provided that further amendment may be made to the main question;

A21.7.4 Shall be relevant to the question;

A21.7.5 Shall not be received proposing a direct negative to the question;

A21.7.6 May propose a separate and distinct disposition of a question;

A21.7.7 Shall be put in reverse order to that in which it is moved;

A21.8 A motion for reference, until it is decided, shall preclude all amendment of the main question. If the motion for reference is carried, the main motion and any amendments thereto shall be deemed to be withdrawn.

A21.9 When a question is under debate, no motion shall be received except for the following purposes and according to the listed priorities namely:

Not Debatable
(a) To extend the hour of automatic adjournment.
(b) To adjourn the meeting.
(c) The main question.
Debatable
(a) To postpone to a definite date.
(b) To refer to a committee.
(c) To amend.

A21.10 At the request of any member present, the Mayor shall ask: “Shall the main question be voted upon?” provided each member present has had the opportunity to speak to the question if he or she so chooses, and with majority vote of the members present that question shall then be voted upon and it shall preclude all amendments or further debate on the main question.
A21.11 It shall be the duty of the Mayor, Clerk, Administrator or any member of the Council, whenever it shall be conceived that a motion received and read, may be contrary (ultra vires) to the Municipal by-laws, Provincial or Federal Statutes to apprise the Council thereof, stating the rules, by-laws or statutes which are applicable to the case.

A21.12 Motions may be presented at a meeting without previous notice in accordance with provisions contained herein and only if the motion is germane to the subject being discussed. The Mayor shall decide if the motion is germane to the debate.

A22 Voting

A22.1 Every member present, when a question is put, shall vote thereon unless the member has a pecuniary interest, direct or indirect. When a member has such interest in the question under debate, he/she shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act. The member shall, in instances where the Council is meeting in a closed session, vacate his/her chair and the meeting room until the question is decided, and the Clerk shall duly record the circumstances in the minutes. If any member present persists in refusing to vote except for reasons of such interest, they shall be recorded as voting in the negative on the question before Council.

A22.2 Unless disqualified, the Mayor shall vote with the other members on all questions.

A22.3 Any question on which there is an equality of votes shall be deemed to be a negative or defeated question.

A22.4 In cases required by law, and when any member calls for a recorded vote, the surnames of those who vote for and those who vote against the question shall be entered in the minutes. Each member voting for the question shall say “YES” and each member voting against the question shall say “NO”. When recording the “YES” votes and the “NO” votes the Clerk shall call the names of the members in their alphabetical order. A member may request the vote to be taken in reverse order. The Mayor’s name shall be called last in both instances.

A22.5 When the question under consideration contains separate and distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

A22.6 After any question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result is
declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

Reconsideration at Same Meeting

A22.7 After any resolution, question or matter has been decided except in those situations described in (a) – (h) below, any member who voted thereon with the prevailing side may move for reconsideration within the same meeting. The Mayor shall confirm with the member that the member voted with the majority on the issue in question.

Exceptions

(a) A question which can be renewed within a reasonable time.
(b) An affirmative vote whose provisions have been partly carried out.
(c) An affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome.
(d) Any vote which has caused something to be done that is impossible to undo.
(e) A vote on a Motion to Reconsider.
(f) When the same result can be obtained by some other motion.
(g) A motion of indefinite postponement (to lay on the table).
(h) When a motion to reconsider is determined by the Mayor to be dilatory (causing delay).

Reconsideration at a future meeting is not permitted. Any member wishing to present an alternative action to a decided matter must put forward a notice of motion or report in the manner outlined in this by-law for Council discussion, consideration and action.

A22.8 The mover of a motion for the reconsideration of any decided matter shall be permitted to make a brief and concise statement of the reasons in which he/she believes such reconsideration is justified, without in any way debating the content of the matter.

A22.9 The effect of a motion to reconsider a decided matter is the suspension of all action that depends on the result of the matter proposed to be reconsidered. There shall be no discussion of the decided matter unless and until the motion to reconsider is carried by a majority vote of all the members present.

A22.10 No motion or question shall be considered “carried” without the consent of the majority of the members present who have not declared a pecuniary interest, direct or indirect.
Where a motion or question is "carried", "defeated", "tabled", "deferred" or "withdrawn", such shall be recorded in the minutes of the meeting.

**Reports from Council Members**

At regular meetings of Council, members of Council will be permitted to make reports of meetings, conferences and seminars attended. If the report is in a verbal format, it will be included under this agenda heading. Written reports will be included under the Reports (New Business) heading.

**Matters of Urgency**

Wherever possible, notice by way of inclusion on the agenda shall be provided when a matter of urgency is to be discussed at a Council meeting. A matter of urgency shall be interpreted to mean a matter which requires immediate consideration by Council which cannot be held until a future Council meeting for discussion. Council shall determine what constitutes a matter of urgency by majority vote on a show of hands.

**Parliamentary Authority**

All proceedings of the Council not specifically provided for in this by-law, shall be dealt with in accordance with Meeting Procedures by James Lochrie, and in such cases the decision of the Mayor shall be final and accepted without debate.

**Suspension and Amendment of Rules**

Any standing rule, order of Council or provision of this by-law, other than a quorum requirement or where specifically provided for herein, may be suspended or amended for a particular meeting by resolution of the Council adopted with two-thirds majority of the members of Council present. Such vote for suspension shall be made in the form of a recorded vote, recorded by the Clerk.

Should there be a requirement to change on a permanent basis any provision of this by-law, standing rule or order of Council, the Procedural By-Law must be brought before Council to effect the change.

**Rules Shall Apply to Committees and Boards**

Where separate Rules of Procedure do not exist for a committee or board, the rules set forth herein shall apply.
B1  General Responsibilities of Committees

B1.1  It shall be the responsibilities of all Committees of Council:

B1.1.1  To take into consideration during deliberations and any resulting recommendations, the Municipality's policies, strategic plan and budget;

B1.1.2  To consider and report on any and all matters referred to it by Council;

B1.1.3  To provide recommendations to Council regarding the setting of priorities and ensuring the co-ordination of the policies, programs and services of the Municipality;

B1.1.4  To provide a forum for public participation;

B1.1.5  To promote accountability.

B1.2  Council shall cause to be established and adopt by resolution, Terms of Reference for all Committees of Council. Committees shall from time to time review the Terms of Reference and make recommendations to Council regarding amendment to the Terms of Reference, as appropriate.

B1.3  All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other by-law within their Terms of Reference.

B1.4  Despite any provision herein, Committees may place items on their Committee agenda without the requirement to prepare a report. Verbal reports and discussion without a report will be permitted.

B2  Duties and Responsibilities of Committee Chairs

B2.1  To preside over the Committee meeting.

B2.2  To insure that all matters within their specific area of responsibility of policy consideration are put before their Committee in a manner which is orderly, timely and complete.
B2.3 To review items of business intended for inclusion for Committee agendas.

B2.4 To maintain a communication with the Administrative Department Head whose operations fall within their specific area of responsibility in such a manner as to be satisfied that policy items (both decided and/or to be decided) are effectively addressed and followed through.

B2.5 To prepare and sign reports for presentation to Council and whenever necessary, attend Council meetings to discuss the contents of the report with Council.

B3 Notice of Meetings

B3.1 The Secretary shall circulate the agenda of regular meetings of committees and boards and the receipt of the agenda for the meeting shall constitute notice thereof.

B3.2 The Secretary shall advise the Clerk of dates of meetings to enable same to be placed on the Council agendas under the heading “Upcoming Meetings”.

B3.3 The Secretary shall ensure that the date, location and time of meeting is posted on the events calendar of the Town website on the Friday prior to the meeting in the case of a regular meeting and 48 hours prior to the meeting in the case of a special meeting.

B3.4 The Secretary shall post notice of special meetings in accordance with provisions as set forth in the Public Notice section herein.

B3.5 The Secretary shall endeavor to notify all members of meeting cancellations.

B3.6 All meetings of Committees of Council and local boards will be held in the Municipal Council Chambers unless otherwise approved Council.

B3.7 Regular meeting agendas will follow the same order of business as Council meetings with the exception of the headings “Items Referred, Public Meetings, Notice of Motion, By-Laws” and “Confirmatory By-Law” which will not be required on Committee agendas. The heading “Reports from Council Members” shall be “Reports from Committee or Local Board Members”.

B3.8 Special meeting agendas will follow the same order of business as Council meetings with the exception of the heading “Confirmatory By-Law” which will not be required on Committee agendas.
B4  Quorum

B4.1 The majority of the whole number chosen to comprise any committee, or board as provided for in the Municipal Act or other Act, as the case may be will constitute quorum.

B5  Mayor: Ex-Officio Member

B5.1 The Mayor shall serve as an ex-officio member of all committees or other bodies established or appointed by Council but not be a voting member unless such voting rights are expressly outlined in the Committee Terms of Reference.

B6  Appointments to Authorities, Committees and Boards

B6.1 The Clerk shall cause to be published, a notice in the local press inviting interested citizens to submit their names, resumes and any other information deemed necessary for consideration for appointment to committees when vacancies on committees exist. The notice shall include the date by which such submissions shall be received.

B6.2 All appointments to authorities, committees and boards recommended shall be enacted by by-law.

B6.3 Council may by resolution establish ad hoc committees, which shall advise the Council on matters assigned or referred to it. A Terms of Reference is required for an ad hoc committee.

B6.4 A committee, or committee member who refuses or neglects to give due consideration to any matter assigned to it or before it, may by by-law of Council be discharged of such responsibilities.

B6.5 All committees are subject to the control and direction of Council, conditional on compliance with the provisions of other statutes or regulations of Ontario or Canada.

B6.6 Each committee shall submit reports to Council on all matters connected with their duties, within the approved Terms of Reference or referred to them by Council. Reports shall be in the proper Town format and shall be submitted to the Clerk no later than noon (12:00 pm) on the Wednesday preceding a Council meeting or in the case of an emergency, in a timeline as determined by the Administrator.
Prior to the inaugural meeting staff will provide documentation to the Mayor-Elect and Council-Elect so they may indicate their Committee preference. This will permit staff to prepare appointment by-laws as necessary.

**B7 Appointed Committees to Name Chair**

**B7.1** Unless otherwise provided by legislation or Committee Terms of Reference, appointed committees and boards shall, at their first meeting of each year, name or rename a Chair who shall preside at all meetings of such authority, committee, or board and shall preserve order and decorum, subject to all rules of procedure herein before prescribed.

**B8 Appointment of a Secretary**

**B8.1** At its first meeting, committees and boards where necessary shall appoint a secretary whose responsibility it shall be to:

- **B8.1.1** In conjunction with the Chair, prepare and distribute agendas and/or notices of meeting.
- **B8.1.2** Take the minutes of the meetings; minutes will not be taken verbatim.
- **B8.1.3** Produce to the Clerk, a copy of the approved minutes of meetings within seven days of approval by the committee. The Clerk shall include the minutes in the Council agenda under the heading "Adoption of Minutes" for Council approval.
- **B8.1.4** Assist the Chair in the preparation of reports.

**B9 Duration of Appointments**

**B9.1** Appointments to Committees shall be ongoing, at the discretion of Council or unless otherwise indicated by by-law, regulation, policy, statute or Act.
The Mayor and Clerk of the Corporation of the Town of South Bruce Peninsula reserve the right to refuse or defer any delegation at any time. Delegations appear strictly for information purposes only. Any discussion or decision will be at the discretion of Council. This completed form and supplementary material provided will be uploaded to the public agenda subject to rules of procedure.

### REQUEST FOR DELEGATION

I am requesting delegation to speak:

a) ☐ on my own behalf; or  
b) ☐ on behalf of a group / organization / association, if b), please state name of group/organization/association below.

Name(s) of Speaker(s) (Maximum 2)

Subject of Presentation  
Please describe below, the subject matter of the delegation. Full text of the presentation and all documents to be provided to Council must be attached to this document.

__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________

Equipment Required (projector, screen, laptop): ________________________________

Signature(s) of Speaker(s):____________________________________________________

Address:____________________________________________________________________

Telephone:__________________________________________________________________

Fax:__________________ Email:_________________________________________________

For Office Use Only  
Delegation Date_________________________ Time________________________

Duration_____________________

In accordance with the Procedural By-Law, completed and signed requests and all presentation documentation must be delivered to the Clerk by 12:00 noon on the Wednesday preceding the meeting of Council for which your delegation is scheduled by the Clerk.