

The Corporation of the Town of Tecumseh

By-Law Number 2022 - 013

A By-law to govern the proceedings of Council and its committees/local boards, the conduct of its members and the calling of meetings.

Whereas pursuant to Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, (Act) every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

And Whereas Section 238(2.1) of the Act requires the procedure by-law to provide for public notice of meetings;

Now Therefore, The Council of The Corporation of The Town of Tecumseh, Hereby Enacts As Follows:

1. Definitions:

For the purpose of this by-law the following definitions are applicable:

- A) "CAO" shall mean the Chief Administrative Officer of the Town of Tecumseh;
- B) "Chair" shall mean the person presiding over a Council Meeting, Committee Meeting or Meeting of a Local Board;
- C) "Clerk" shall mean the Clerk of the Town of Tecumseh and shall include a Deputy Clerk or anyone designated by the Clerk to carry out duties of the municipal Clerk;
- D) "Committee" means any advisory or other committee, subcommittee or similar entity appointed by Council and which one or more members are also a member of Council and includes the Committee of Adjustment;
- E) "Corporation" means the Corporation of the Town of Tecumseh;
- F) "Council" shall mean the Council of the Town of Tecumseh;
- G) "Electronic Attendance" means attendance at a meeting by use of telephone, computer, or other digital means that:
 - 1. enables all of the meeting's participants to see, hear and speak with each other, and
 - 2. enables the public to see and hear the statements and votes of the Council Members in electronic attendance during the part of the meeting that is open to the public

- H) "Emergency" means an emergency existing in the Town and declared in accordance with the Emergency Management and Civil Protection Act;
- I) "Head of Council", as Chief Executive Officer, means the Mayor;
- J) "Local Board" does not include Police Service Board or public library board;
- K) "Meeting" means any regular, special or other meeting of a Council, of a Local Board or of a Committee of either of them where:
 - 1. A quorum is present and
 - 2. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision make of the Council, Local Board or Committee;
- L) "Town" means the Corporation of the Town of Tecumseh;
- M) "Quorum" shall mean the majority of the whole number of the members of Council who are present in person or Electronic Attendance. The quorum for the purpose of the Council of the Corporation of The Town of Tecumseh shall be four (4) members of Council.

2. Scope

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, Local Board and Committees and shall be the rules and regulations for the dispatch of the Order of Business by Council, Local Boards and its Committees.

3. Establishment - Committees - As Necessary

- A) Council may appoint such standing, special and community Committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, and duration of a Committee established.
- B) Committee Members are responsible for notifying the Clerk, or designate, if they are unable to attend a scheduled meeting.
 - 1. If a member is absent for three (3) consecutive meetings with unexplained absences or notice to the Clerk, or designate, the member will be deemed to have resigned from the Committee.
 - 2. If a member is absent for three (3) consecutive meetings, the Committee may request that member's removal from the Committee.

- C) The dates and times for meetings of Committees shall be established by resolution of Council.
- D) Notice of Committee meetings shall be posted on the Town's website and/or declared at a prior meeting of Council.

4. Meetings of Council

A) Inaugural Meetings

1. The inaugural meeting of Council, after the 2022 regular election and regular elections thereafter, shall be held on the first Tuesday that next follows November 15 at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road or at an alternate location determined by resolution of Council
2. The Clerk shall call the inaugural meeting to order and chair the meeting until the Mayor-elect has taken the Oath of Office. The Mayor shall then assume the chair.

B) Regular Meetings

After its inaugural meeting, the Council shall meet on the second and fourth Tuesday of every month during the year, at 7:00 p.m. at the Tecumseh Town Hall, located at 917 Lesperance Road, unless such day shall be a legal, public or civic holiday, in which case, the Council shall meet at the same hour the next following day which is not a legal, public or civic holiday and at the same place, or unless altered in the manner hereinafter provided.

C) Altering of Regular Meetings

1. Any regular meeting of the Council may be altered to a day named in:
 - a) A notice by the Mayor or Acting Mayor of Council given through the Clerk's office and two (2) clear days in advance of the regular meeting, or
 - b) A by-law or resolution of Council passed by a majority of the whole number of the members thereof providing therefore.
2. Notice of the alteration shall be posted on the Town's website and/or declared at a prior meeting of Council and/or in accordance with the relevant provisions of the Act, as amended from time to time and/or any by-law by the Town specifying requirements for the giving of notice.

D) Special Meetings

1. The Mayor may at any time summon a special meeting on one (1) clear days' notice specifying the purpose of such meeting which shall be the sole business transacted thereat.
2. The Chair of a Committee may at any time summon a special meeting on five (5) clear days' notice specifying the purpose of such meeting which shall be the sole business transacted thereat.
3. Upon receipt of a petition by 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.
4. Notice of the meeting to members of Council or Committee may be given by the Clerk through electronic communication, telephone or in person.
5. Notice to the public of the Special meeting shall be posted at the Town Hall and on the Town's website.

E) Adjourned Meetings

Unless otherwise determined by a resolution of Council, passed by a majority of the whole number of the members thereof, the Council shall adjourn at the hour of 11:00 p.m., if it is then in session, and shall reconvene at the hour, date and place determined in such resolution when the unfinished business of the preceding meeting shall be transacted, including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

F) Closed Meetings

1. All Council, Local Board and Committee meetings shall be open to the public.
2. Notwithstanding paragraph 4. F) (1) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - a) The security of the property of the Corporation or a Local Board;
 - b) Personal matters about an identifiable individual including municipal or Local Board employees;
 - c) A proposed or pending acquisition or disposition of land by the Corporation or Local Board;
 - d) Labour relations or employee negotiations;

- e) Litigation or potential litigation including matters before administrative tribunals, affecting the Corporation or Local Board;
 - f) A matter in respect of which the Council, Local Board, Committee or other body has authorized a meeting to be closed under another Act;
 - g) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - h) The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* while the Council, local board, commission, committee or other body is designated as the head of the institution for the purpose of that Act;
 - i) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - j) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - k) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - l) 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.
3. A meeting of a Council or Local Board or of a Committee or either of them may be closed to the public if the following conditions are both satisfied:
- a) The meeting is held for the purpose of educating or training the members; and
 - b) 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.

4. Before all or part of a meeting is closed to the public, the Council or Committee shall state by resolution:
 - a) The fact of the holding of the closed meeting; and
 - b) The general nature of the matter to be considered at the closed meeting.
5. Subject to Subsection 4. F) (2), a meeting shall not be closed to the public during the taking of a vote.
6. A meeting may be closed to the public during a vote if:
 - a) Subsection 4. F) (2) permits or requires a meeting to be closed to the public and;
 - b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Corporation, Local Board, Committee or persons retained by or under contract with the Corporation.
7. Meetings or sessions which are closed to the public may be referred to as 'in-camera' meetings or sessions.

5. Role of Council

It is the role of Council:

- A) to represent the public and to consider the well-being and interests of the municipality;
- B) to develop and evaluate the policies and programs of the Corporation;
- C) to determine which services the Corporation provides;
- D) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- E) to ensure the accountability and transparency of the operations of the Corporation, including the activities of the senior management of the Corporation;
- F) to maintain the financial integrity of the Corporation; and
- G) to carry out the duties of Council under this or any other Act.

6. Role of Head of Council

It is the role of the Head of Council:

- A) to act as Chief Executive Officer of the Corporation;
- B) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- C) to provide leadership to the Council;
- D) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in subsection 5 (d) and (e);
- E) to represent the municipality at official functions; and
- F) to carry out the duties of the Head of Council under this or any other Act.

7. Head of Council as Chief Executive Officer

As Chief Executive Officer of the Corporation, the Head of Council shall:

- A) uphold and promote the purposes of the Corporation;
- B) promote public involvement in the Corporation's activities;
- C) act as the representative of the Corporation both within and outside the Town, and promote the Corporation locally, nationally and internationally; and
- D) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

In the absence of the Head of Council the Deputy Mayor will act as the Head of Council and while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Head of Council.

8. Order of Proceedings at a Meeting of Council, Local Board or Committee

A) When meeting is to be called to order

As soon after the hour fixed for a meeting as a Quorum is present, the meeting shall be called to order.

B) When meeting is NOT to be called to order

Where a Quorum is not present within fifteen (15) minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council or Committee present and the meeting shall stand adjourned until the next meeting.

C) Order of Business: Council

The Order of Business for the ordinary meetings of Council shall be as follows:

1. Roll Call
2. Call to Order
3. Report Out on Closed Meeting
4. Moment of Silence
5. National Anthem
6. Land Acknowledgement
7. Disclosure of Pecuniary Interest
8. Minutes
9. Adoption of Supplementary Agenda
10. Delegations
11. Communications
12. Committee Minutes
13. Reports
14. By-laws
15. Unfinished Business
16. New Business
17. Motions
18. Notice of Motions
19. Next Meetings
20. Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Council.

D) Order of Business – Special, Public and Closed meetings of Council

The Order of Business for the ordinary meetings of Council shall be as follows:

1. Roll Call
2. Call to Order
3. Land Acknowledgement
4. Disclosure of Pecuniary Interest
5. Delegations
6. Communications
7. Reports
8. Adjournment

E) Order of Business – Committees and Local Board

The Order of Business for Committee and Local Board meetings shall be as follows:

1. Roll Call
2. Call to Order
3. Land Acknowledgement
4. Pecuniary Interest
5. Delegations
6. Communications
7. Reports
8. Unfinished Business
9. New Business
10. Next Meeting
11. Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Committee or Local Board.

F) Delivery of Agendas

1. The Clerk shall post on the municipal website notice for all Council, Committee and Local Board Meetings established by Council and such posting serves as notice of the Meeting to the public as required by the Act.
2. Prior to the first Meeting in January of each year the Clerk shall post on the Corporation's website the schedule for all regular Council Meetings for the calendar year.
3. The Clerk shall give at least twenty-four (24) hours' notice to the public of all special Meetings of Council, Committee and Local Board Meetings and post an agenda.
4. The Clerk shall post on the Corporation's website the full and complete agenda for each Council, Committee and Local Board Meeting not less than five (5) days in advance of the day appointed for holding the Meeting which posting may also serve as notice to the public of the Meeting.
5. Where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the Clerk shall cause such notice to be published in a newspaper in addition to posting on the Corporation's website.
6. Where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, such notice shall be provided in the timeframe prescribed in the said statute, or its regulations, and if not so prescribed, notice shall be given at least four (4) calendar days prior to the proposed action being taken.
7. The Corporation's annual budget shall be adopted by by-law at a regular Council Meeting and the Clerk shall provide a minimum of four (4) days' notice by posting the notice on the municipal website. Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
8. Unless otherwise prescribed, where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the form of the notice shall include the following information:
 - a) a description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
 - b) the date, time and location of the meeting;

- c) where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
 - d) the name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.
9. Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
10. Lack of receipt of notice or failure to comply with the notice provisions of this by-law shall not invalidate the holding of the Meeting or any decision of Council or a Committee made at the Meeting.

9. Conduct of Proceedings at a Meeting of Council or Committee

A) Electronic Meetings

Electronic Attendance by Council and Committee Members at meetings shall be permitted:

1. Electronic Attendance by Members will be permitted in a meeting closed to the public, as permitted by Section 239 of the *Municipal Act, 2001*.
2. If a Member intends to attend the meeting by Electronic Attendance, the Member shall provide the Clerk of notice of the Member's intention five (5) days' prior to the time at which the meeting is scheduled to commence.
3. Members attending the meeting through means of Electronic Attendance shall be included in the calculation of quorum.
4. In the event of an interruption in the communications' link to a Member in Electronic Attendance, the Chair may:
 - a) decide to take a short recess until it is determined whether or not the link can be re-established, or
 - b) continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the meeting room.
5. No Member shall speak to a question or motion until the Member has been recognized by the Mayor or Chair. A Member shall signal his/her/their desire to speak by verbally requesting when the Chair has opened the floor for discussion.

6. Every Member present at a meeting when a question is put, shall vote, unless prohibited by statute. If prohibited, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting. A Member attending the meeting through means of Electronic Attendance shall vote by audibly or electronically stating “in favour” or “opposed.
7. Electronic participation at a meeting will be permitted by the public, during an Emergency, or upon written request to the Clerk as an Accommodation under the *Human Rights Code* or *Accessibilities for Ontarians’ with Disabilities Act 2005 S.O. 2005 c.11*, in accordance with the following:
 - a) Persons desiring to verbally present information, shall:
 - i. give notice to the Clerk by 12:00 pm (noon) on the day the agenda of the meeting at which they wish to appear is published; or
 - ii. after the agenda is published, by giving notice to the Clerk by 12:00 pm (noon) on the day of the meeting at which they wish to appear.
 - b) Notice shall be given to the Clerk by Persons desiring to verbally present information by:
 - i. submitting an online Delegation Request Form found on the Town’s website; or
 - ii. by email; or
 - iii. by phone.

B) Presiding Officer

It shall be the duty of the Mayor or Acting Mayor or Chair or the Chair of the Committee or of a Local Board:

1. To open the meeting of Council, Local Board or the Committee by taking the chair and calling the members to order;
2. To announce the business before the Council or Committee or Local Board in the order of which it is to be acted upon;
3. To receive and submit, in the proper manner, all motions presented by the members;
4. To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;

5. To decline to put to vote motions which infringe the rules of procedure;
6. To restrain the members, when engaged in debate, within the Rules of Order;
7. To enforce on all occasions, the observance of order and decorum among the members;
8. To call by name any members persisting in breach of the Rules of Order of the Council or Committee or Local Board, thereby ordering him to vacate the Council or Committee chambers;
9. To receive and announce all messages and other communications and announce them to the Council or Committee or Local Board;
10. To authenticate, by his signature, when necessary, all by-laws, resolutions and minutes of the Council or Committee or Local Board;
11. To inform the Council, Local Board or Committee, when necessary or when referred to for the purpose, in a point of order or usage;
12. To select members of Council who are to serve on Committees or Local Boards, after written submissions by members, which are to be delivered prior to the first meeting in each year;
13. To represent and support the Council or Local Board or Committee, declaring its will, and implicitly obeying its decisions in all things;
14. To ensure that the decisions of Council, Local Board or Committee are in conformity with the laws and by-laws governing the activities of the Council, Local Board or Committee;
15. To adjourn the meeting when the business is concluded;
16. To expel any person for improper conduct at a meeting;
17. To adjourn the meeting without question put in the case of grave disorder arising in the Council or Committee or Local Board chamber.

10. Decorum

No member shall:

- A) Disturb one another, or the Council or Committee or Local Board itself, by any disorderly deportment disconcerting to any member speaking;

- B) Resist the Rules of Order or disobey the decision of the Presiding Officer or of the Council or questions of order or practice or upon the interpretations of the Rules of Order of the Council or Committee or Local Board;
- C) Be permitted to retake his seat at any meeting after being ordered by the presiding officer to vacate, after committing a breach of any Rule of Order of the Council or Committee or Local Board, without making apology and obtaining the consent of Council or Committee or Local Board expressed by a majority vote of the other members present, determined without debate;
- D) Leave his place on adjournment until the Presiding Officer leaves the chair;
- E) Speak until he has addressed himself to the Presiding Officer;
- F) Walk across or out of the chamber or make any noise or disturbance when the Presiding Officer is putting a question and shall occupy his seat while a vote is being taken and until the result thereof is declared.

11. Rules of Order

A) The Presiding Officer

In directing the course of debate, the Mayor, Acting Mayor or the Chair of the Local Board or Committee shall:

1. Designate the member who has the floor, when two or more members wish to speak;
2. Preserve order and decide questions of order;
3. Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

B) Members

In addressing the Council or Committee or Local Board, no member shall:

1. Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
2. Use indecent, offensive or insulting language in or against the Council or Committee or Local Board or any member thereof;
3. Speak beside the question in debate;

4. Reflect upon any prior determination of the Council or Committee or Local Board, except to conclude such remarks with a motion to rescind such determination;
5. Speak more than once to the same question, except:
 - a) upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined, or
 - b) in explanation of a material part of his speech which may have been interpreted incorrectly, or
 - c) with leave of the Council or Committee or Local Board after all other members so desiring have spoken, or
 - d) a reply may be allowed by leave of the Council or Committee or Local Board to the member who presented the motion to Council, in which case, he shall speak for no longer than a five (5) minute period without leave of Council or Committee or Local Board;
6. Ask a question except of the previous speaker and in relation to that Speaker's remarks;
7. Interrupt the member who has the floor, except to raise a point of order.

C) General

1. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
2. Any member may appeal the decision of the Presiding Officer on a point of order to the Council or Committee, which shall decide the question without debate upon a majority vote of the members present.
3. Debate shall be restricted to each proposal in its turn when a question has been divided upon leave of Council or Committee or Local Board.

12. Motions

A) Notice

At least three (3) working days' notice shall be given to all new motions, except motions respecting:

1. matters of privilege,
2. the presentation of petitions,
3. to table a matter to a later date,
4. to move the previous question,
5. to refer a matter,
6. to adjourn,
7. to amend,
8. to suspend the Rules of Order, or
9. on the previous question.

B) “Notice of Motion”

Means a motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of the Council.

C) Must be Seconded

1. A motion must be formally seconded before the Presiding Officer can put the question or be recorded in the Minutes.
2. Motions which have not been seconded shall be recorded in the minutes and noted as defeated.

D) Withdrawal

After a motion is read or has been stated by the presiding officer, it shall be deemed to be in possession of the Council or Committee or Local Board and can be withdrawn before decision or amendment only with leave of the Council or Committee or Local Board, expressed by resolution.

E) Priority of Disposition

A motion properly before Council or Committee or Local Board for decision must receive disposition before any other motion can be received, except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit, or on a matter of privilege.

F) To Amend

A notice to amend:

1. May be presented in writing;
2. Shall receive disposition of Council or Committee or Local Board before a previous amendment or the question;
3. Only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main questions;
4. Shall be relevant to the question to be received;
5. Shall not be received proposing a direct negative to the question;
6. Two separate distinct proposals of a question may be made;
7. Shall be put in the reverse order to that in which it is moved.

G) Previous Question

A motion for the previous question:

1. Cannot be amended;
2. Cannot be proposed when there is an amendment under consideration;
3. Shall preclude all amendment of the main questions;
4. When resolved in the affirmative, the question is to be put forthwith without debate or amendment;
5. When resolved in the negative, the question shall not be put at the meeting, but placed on the Order (routine) of Business for the next ordinary meeting of Council or the Committee, or such later meeting as the Council or the Committee or Local Board may decide, but not later than the last ordinary meeting of the Council or the Committee or Local Board to be held in the year in which the original motion was made;
6. Cannot be received in any Committee of Council;
7. Can only be moved in the following words: "That the question be now put"; and
8. May be voted against by the mover and seconder.

H) To Adjourn

A motion to adjourn:

1. The meeting shall always be in order, except as provided in this paragraph and shall be put immediately without debate;

2. When resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council or Committee or Local Board;
3. Is not in order when a member is speaking, nor during the verification of a vote;
4. Cannot be amended;
5. Is not in order immediately following the affirmative resolution of a motion for the previous question.

I) Repetition

A motion called in the order in which it stands upon the agenda of the order of business of a meeting and which is not decided by Council or Committee or Local Board, shall be allowed to stand, retaining its precedence upon the agenda of the order of business of the next ordinary meeting of Council or Committee or Local Board.

J) Ultra Vires

A motion on a matter beyond the jurisdiction of the Council or Committee or Local Board shall not be received by the Presiding Officer.

K) Privilege

A motion on a matter of privilege shall receive disposition of Council or Committee or Local Board forthwith upon receipt and, when settled, the question so interrupted shall be removed at the point where it was suspended.

L) Reconsideration

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon. A motion to reconsider will be carried by a two-thirds (2/3) majority of the members present and voting. No such motion can be received which would require reconsideration of the same question more than once during the twelve (12) months following the date on which the question was decided.

M) To Commit

A motion to commit or recommit a question to a Committee, with or without instructions, may be amended but must receive disposition by Council before the question, or an amendment to the question; and when made prior thereto, before decision on a motion for the previous question or postponement.

N) Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of Rules of Order, adjournment, postponement, for the previous question, or commitment may be made verbally.

O) Divided Motion

A motion containing distinct proposals may be divided with leave of Council or Committee or Local Board.

13. Voting on Motions**A) Question Stated**

Immediately preceding the taking of the vote thereon, the Presiding Officer may state a question in the form introduced, and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative, he shall state the question in the precise form in which it will be recorded in the minutes.

B) No Interruption After Question Stated

After a 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 vote is taken and the result has been declared.

C) Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council or Committee.

D) Vote of Presiding Officer

1. The Presiding Officer, except where disqualified to vote, may vote on all questions, and when so doing, shall vote last;
2. When the Presiding Officer determines to vote on a question, his vote shall be spoken, signified, polled and recorded after the votes of each member voting.

E) Vote Not Allowed

A member not present before the result of a division on a question is declared shall not be entitled to vote on that question.

F) Unrecorded Vote

The manner of determining the decision of Council or Committee or Local Board on a motion shall be at the discretion of the Presiding Officer, and may be by voice, show of hands, standing or otherwise.

G) Recorded Vote

Upon a request made before proceeding to another item of business, by a member who was present when the question was stated, a recount of the vote shall be taken and the previous decision of a vote determined in any other manner, and whether declared or not, shall not be binding upon the Council or Committee or Local Board.

14. General:**A) Order of Business**

The Clerk shall have prepared an agenda for the routine of business in paragraph 8 C), D) and E) for the use of each member at a Council or Committee or Local Board meeting.

B) Disclosure of Pecuniary Interest

1. At a meeting at which a member discloses an interest under section 5 of the *Municipal Conflict of Interest Act, R.S.O. 1990 c.M.50*, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk.
2. The Clerk shall maintain a registry in which shall be kept,
 - a) a copy of each statement filed under section 5.1; and
 - b) a copy of each declaration recorded
3. The registry shall be available for public inspection on the Town's website and the Clerk's Department.

C) Minutes

1. The Minutes shall record:
 - a) The place, date and time of the meeting;
 - b) The names of the Presiding Officer or officers and of the members present;
 - c) The reading, presentation, correction and the adoption of the minutes of prior meetings.

2. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all subsequent special meetings held more than three (3) days prior to a regular meeting, are placed on the next following regular Council meeting agenda.

D) Communications

1. Letters or written communications requiring consideration and action will be listed on the agenda.
2. The Clerk in consultation with the Mayor and CAO has authority to decline to list letters or written communications on an agenda under the following circumstances:
 - a) The subject matter is beyond the jurisdiction of Council;
 - b) The issue is specific to a labour/management dispute, or to the matter properly held in closed session
 - c) The issue has been or is to be considered by the Committee of Adjustment;
 - d) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by Council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council;
 - e) The issue should be referred to Administration for action; or
 - f) Correspondence consists of communications from municipalities, municipal associations, other organizations, and interest groups for endorsement of resolutions and policies.

E) Delegations

1. Persons desiring to verbally present information on matters of fact or make a request of council, shall give written notice to the Clerk seven (7) days in advance of the meeting at which they wish to appear.
2. The written notice of delegation shall state the topic to be discussed and any request to be made of the members.
3. Delegations shall be limited in speaking not more than five minutes (5) and one speaker for each municipal address.

- a) A deputation consisting of more than five persons (5) shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes in total time
 - b) Organizations such as the Essex Region Conservation Authority, Tourism Windsor Essex Pelee Island and Essex Power who attend annually to report out to Council shall be given ten (10) minutes in total time.
4. May be heard upon approval of Council, by resolution stated at the meeting.
5. The Clerk in consultation with the Mayor and CAO has authority to deny Delegation requests under the following circumstances:
- a) The request is not submitted within the time required in Paragraph 14. E) (1) of this By-law;
 - b) No written submission together with handouts or materials is provided with the request or the submission is incomplete;
 - c) The subject matter is deemed to be beyond the jurisdiction of Council;
 - d) The issue is specific to a labour/management dispute, or other matter properly held in closed session;
 - e) The issue has been or is to be considered by the Committee of Adjustment;
 - f) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by Council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council;
 - g) Council previously indicated it will not hear further from this Delegation; or
 - h) The issue should be referred to Administration for action.
6. A Delegation shall not be received by Council on matters relating to litigation or potential litigation affecting the Corporation, including matters which are before and under the jurisdiction of any court or tribunal, unless such matter is referred to Council by the said court or tribunal, in the alternative, Council deems the matter to be sufficiently important to allow the Delegation to be heard.

7. The Clerk may refuse, or postpone, a delegation when there has been, or will be, at least one (1) public meeting held at which the public was, or will be, provided the opportunity to make formal presentations on that subject matter.
8. In the event that a delegation request is refused, the Clerk shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.
9. If applicable, Delegations shall provide a copy of their presentation to the Clerk seven (7) days in advance of the meeting at which they will be appearing. If using presentation software, such as PowerPoint, Delegations shall provide an electronic version to the Clerk, which shall be uploaded onto a Town-supplied laptop that Delegations may use during the Meeting. Presentation materials shall be attached to the circulated Agenda, whenever possible.
10. Delegations shall not distribute printed materials during the Meeting. All printed materials must be submitted to the Clerk prior to the commencement of the Meeting.
11. The display of placards and signs is not permitted during a Meeting.
12. The Clerk will only circulate material that complies with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.
13. Delegations will be scheduled in an order to be determined by the Clerk.
14. Delegations shall address their remarks through the Chair.
15. Delegations shall confine their remarks to the business stated in the written notice given to the Clerk.
16. Except on matters of order, Members shall not interrupt a Delegation while he/she is addressing Council, the Committee or Local Board.
17. Members may address a Delegation only to ask questions and not to express opinions or enter into debate or discussion.
18. Once a motion to receive the presentation or to decide on the matter or to provide direction, has been moved and seconded, no further representation or questions of the Delegation shall be permitted.
19. The Chair may curtail any Delegation, any questions of a Delegation or debate during the presentation, as a result of disorder or other breach of the Procedural By-law. If the Chair rules that the

Delegation is concluded, the person or persons appearing before Council shall withdraw from the table.

F) Petitions

A petition in regard to a matter within the jurisdiction of Council or Committee or Local Board made over the signatures of the subscribers, shall be presented by a subscriber or agent who knows the contents thereof and vouches for the propriety of the petition may be received on leave of Council or Committee or Local Board, may be disposed forthwith, assigned some future time for consideration by Council or Committee or Local Board, or referred to a Committee.

G) Reports

1. Shall be received upon leave of Council or Committee or Local Board; or
2. May be accepted or approved upon resolution of Council or Committee or Local Board;
3. May be recommitted to Council or Committee or Local Board or a different Committee.

H) Unfinished Business

The items listed in the Order of Business of prior meetings which have not been disposed of by Council or Committee or Local Board and the date of their first appearance on the order of business shall be noted and repeated on each subsequent order of business until disposed of by Council or Committee or Local Board, unless removed from the order of business by leave of Council or Committee or Local Board.

I) By-laws

Every proposed by-law shall:

1. be introduced by the Clerk, specifying the title or upon the report of a committee;
2. receive three (3) separate readings;
3. be endorsed by the Clerk with the date of the several readings thereof;
4. be the responsibility of the Clerk for correctness when amended;
5. be finally passed by Council before signature by the Mayor or Acting Mayor of Council and the Clerk, and

6. be stamped with seal of the Corporation of the Town of Tecumseh;

Every proposed by-law may be referred to a Committee for report after second reading, and such reference may be made with or without debate on either or both the proposed by-law or the motion to so commit, as the Council may decide.

J) Suspension of Rules

Any procedure required by this by-law may be suspended with consent of not less than four-fifths (4/5) of the members present.

K) Electronic Recordings and Photographs

Any person may make an electronic recording of Council, Committee or Local Board Meetings or take photographs provided that the activity does not, in the opinion of the Chair, interfere with the Meeting proceedings or interfere with the Corporation's recording of Council Meetings.

15. Former By-laws Repealed

By-law No. 2020-13, as amended, by the Corporation, is hereby repealed and any by-law inconsistent with this by-law.

16. Prolonged Absence

The office of a Member becomes vacant if the Member is absent from the meetings of Council for three (3) successive months without being authorized to do so by a resolution of Council.

This section does not apply to vacate the office of a Member if the absence is a result of the Member's pregnancy, the birth of the Member's Child or the adopt of a child by the Member.

17. Effective

This by-law shall come into full force on the date of the final passing thereof.

Read a first, second, third time and finally passed this 8th day of March, 2022.

Gary McNamara, Mayor

Laura Moy, Clerk