

TOWN OF GRIMSBY PROCEDURAL BY-LAW 20-65 CONSOLIDATED



Amendments to Procedural By-law 20-65

By-law #	Effective Date	Sections Amended
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THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 20-65

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL,

LOCAL BOARD AND COMMITTEE MEETINGS

Whereas subsection 238(2) of the Municipal Act, S.O. 2001, c. 25, as amended, (the "Municipal Act") provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And whereas the Council of The Corporation of the Town of Grimsby deems it expedient to enact a by-law in this regard and to repeal the prior Procedural by-law No. 07-81, as amended.

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1. DEFINITIONS

For the purposes of this by-law,

"Act" means the Municipal Act, S.O. 2001, c. 25.

"Advisory Committee" means a Committee created by Council, to report to the Standing Committees and provides advice and/or recommendations to Council.

"Budget Committee of the Whole" means a Committee comprised of all Members of Council that directly reports to Council.

"By-law" means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.

"Chair" means the person presiding over a meeting of a Committee or Council.

"Chief Administrative Officer" means the Chief Administrative Officer of the Corporation of the Town of Grimsby.

"Clerk" means the Town Clerk of the Corporation of the Town of Grimsby or their designate.

“Closed Meeting” or **“Closed Session”** means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act.

“Committee” means Committee of the Whole, Standing Committee, advisory committee or other committee, sub-committee or similar entity.

“Confirming By-law” means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirming by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

“Consent Motion” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, noncontroversial, routine matters and approved collectively by a single motion.

“Council” means the Town’s elected representatives, comprised of the Mayor and Councillors.

“Councillor” means a Member of Council, other than the Mayor.

“Delegation” means any person, group of persons, firm or organization, who is neither a Member of the Committee of the Whole, Standing Committee of Council, or an appointed official of the Town, and who is speaking to Committee and has submitted a request for delegation to the Clerk within the prescribed timelines to address Committee in relation to a matter appearing on the agenda.

“Deputy Mayor” means the Councillor who is appointed, to serve for the six month term, in the place of the Mayor, when the Mayor is absent or refuses to act or the office is vacant.

“Friendly Amendment” means the motion under debate is amended with the consent of the mover and seconder, and without the requirement of an amending motion to be made.

“Head of Council” means the Mayor of the Town.

“Electronic Device” means computers, smartphones, personal digital assistants, tablets, voice recorders, cameras or any other similar device.

“Ex-officio” means by virtue of the office, the Mayor is an ex-officio Member of all Committees established or appointed by Council.

“Local Board” means a local board of the Town as defined in the Municipal Act.

“Majority” means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or Committee present at the vote and not prohibited by statute from voting.

“Mayor” means the head of Council and includes the Deputy Mayor when acting in place of the Mayor. The Mayor shall act as Chief Executive Officer of the municipality as defined in the Municipal Act.

“Meeting” means any Regular or Special Council or Committee meeting when a quorum is present as defined in the Municipal Act.

“Member” means, according to the circumstances, a Member of Council, including the Mayor, or a Member of the Committee including the Chair.

“Motion” means a proposal, moved by a Member and seconded by another Member, for the consideration of Council or a Committee.

“Notice of Motion” means a written notice, given by a Member, advising Council that the motion described therein will be brought forward at a subsequent meeting.

“Open Meeting” means a meeting which is open to the public.

“Pecuniary Interest” means a direct or indirect financial impact in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M 50.

“Public Meeting” means a meeting of Town Council, or part thereof, conducted pursuant to the Planning Act, other provincial legislation, or the Town's Notice By-law.

“Quorum” means a majority of the Members.

“Resolution” means a motion, moved by a Member and seconded by another Member, for the consideration of Council or a Committee where a decision has been rendered.

“Regular Meeting” means a meeting of Council or Committee held at the times and dates specified in this by-law and approved by Council or Committee as part of an annual calendar.

“Special Meeting” means a separate meeting of Council or Committee held at a time different than a Regular Meeting and which is focused on one or more particular and specific items or subjects.

“Standing Committees” means committee of Council. Standing Committees of Council facilitate the decision-making process of Council. Committees work along with Council representatives to provide advice and make recommendations to Council. They are an important forum for policy debate and public input on issues within Council's area of responsibility.

“Town” means The Corporation of the Town of Grimsby.

“Two-Thirds Majority” means, for the purpose of voting, if specified, more than two-thirds of the Members of Council or Committee present at the vote and not prohibited by statute from voting.

“Workshop” means a meeting convened for the purpose of education or training the Members, for providing the Members with information, or to solicit input from the Members.

2. GENERAL APPLICATION:

- 2.1 The Rules of Procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in council.
- 2.2 All matters not specifically provided for in this by-law, Robert's Rules of Order in the most current version may be consulted as an interpretive aid in resolving the problem. This by-law shall prevail where a conflict exists with Robert's Rules of Order.
- 2.3 Matters not governed by this by-law or dealt with in Robert's Rules of Order shall be decided by majority vote of the Members present.
- 2.4 If any section or part of this by-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or

parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

- 2.5 In the event of conflict between the provisions of this by-law and any legislation, the provisions of the legislation shall prevail.
- 2.6 The Clerk shall be responsible for the interpretation of the procedures under this by-law.

3. COUNCIL AND STANDING COMMITTEE MEETINGS – GENERAL:

3.1 Meetings Open to the Public

- (1) Except as provided in this by-law, all meetings will be open to the public.
- (2) The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

3.2 Inaugural Meeting

- (1) The first meeting of Council following a regular election shall be held on the first Monday after Council takes office pursuant to the Municipal Elections Act at 5:30pm in the Council Chambers of Town Hall or at such alternate location as determined by the Clerk.
- (2) At the inaugural meeting, each Member present shall make their declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this meeting.

3.3 Standing Committees of Council

- (1) The Standing Committees of Council will comprise of the following five (5) divisions:
 - (a) Corporate Services
 - (b) Finance
 - (c) Community Services

- (d) Public Works
 - (e) Planning and Development
- (2) Members of Council will appoint up to (4) representatives to each of the (5) Standing Committees as well as up to (3) members of the community, save and except Corporate Services Committee.
- (3) Standing Committee meetings will be scheduled and published to the Council and Committee Calendar found on the Town's website. Standing Committee Meetings will be held in at Town Hall, 160 Livingston Avenue or an accessible space with appropriate public notice provided.
 - (a) If such day is a statutory holiday in which case the Standing Committee shall meet at the same hour on the first day thereafter, which is not a public holiday.
 - (b) There will be a reduced summer schedule of one (1) meeting in June, July, and August.
 - (c) Standing Committee meetings may be cancelled if there is a lack of agenda items to be considered. Cancellations shall be posted to the Town's website.
- (4) Provisional meetings or workshops may be scheduled as necessary and as determined by the Town Clerk in consultation with the Mayor.
- (5) The Clerk in consultation with the Mayor will decide which committee a report will initially go to in circumstances where there are may be overlaps or confusion.
- (6) The Chair of the Standing Committees will present their reports to Council. These reports will be 5 minutes in length.
- (7) Standing Committee recommendations become resolutions of Council upon approval.

3.4 Regular Meetings

- (1) Regular meetings of Council shall be held on the first and third Monday of each month beginning at 6:30 p.m. unless otherwise specified.
- (2) Council may by resolution alter the time, day and place of any meeting previously approved under sections 3.3(3) and 3.4(1).
- (3) Scheduling of Committee and Council meetings may be amended from time to time by the Clerk, in consultation with the Chair and with appropriate notice, postpone or cancel any Committee or Council meetings, to recognize insufficient agenda items or identified scheduling conflicts or if it appears that inclement weather or an emergency situation will prevent the Members from attending.

3.5 Special Meetings

- (1) The Mayor may at any time call a Special Meeting of Council; or, upon receipt of a petition of the majority of Members of Council or upon approval of a Council resolution authorizing a Special Council meeting, the Clerk shall call a Special Meeting of Council for the purpose and at the time mentioned in the petition or resolution.
- (2) No additional business may be considered at a Special Meeting of Council other than that specified in the agenda.
- (3) A special Meeting of Council shall require a minimum notice of 30 hours provided by the Clerk.

3.6 Advisory Committees

- (1) Advisory Committee recommendations will be received for information by Committee of the Whole. Recommendations from the Advisory Committee requiring Council endorsement shall be placed on the "Council Endorsement Package" at the Committee of the Whole for approval.

- (2) The Clerk may establish simplified rules of procedure for Advisory Committees and other Committees. Where simplified rules of procedure are not established, it shall be deemed to have adopted this procedure.

3.7 Closed Session

- (1) A part of a meeting may be closed to the public if the subject being considered is so authorized to be considered in a closed session pursuant to the provisions of the Municipal Act.
- (2) For any meeting at which there are items to be considered in a closed session, the agenda for that meeting shall identify the subsection(s) of the Municipal Act, which authorizes each item to be considered at the closed session.
- (3) Before a meeting is closed, Council, Committee or local board shall state by resolution as to:
 - (a) The fact that a closed meeting is to be held; and
 - (b) The subsection(s) of the Municipal Act, which authorizes each item to be considered at the closed session; and
 - (c) The general nature of the matter to be considered at the closed meeting.
- (4) Members are prohibited from discussing any additional matters during a closed session other than those identified by resolution passed under section 3.7(3).
- (5) Subject to section 3.7(6), a meeting shall not be closed to the public during the taking of a vote.
- (6) Despite section 3.7(5), during a closed session, a vote may be taken for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, local board or Committee or persons retained by or under contract with the Town or local board.

- (7) On reconvening in public session, the Chair will accept a resolution regarding the matters discussed in closed session, or alternatively that a direction has been provided during the closed session in accordance with section 3.7(6).
- (8) The use of electronic devices to record proceedings of a closed session is prohibited, except for the Clerk.
- (9) Any reports or items part of a closed session shall be submitted to the Clerk prior to the Meeting of Council for circulation.
- (10) No Member shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a closed session without the prior approval of Council.
- (11) The Clerk is responsible for maintaining a confidential copy of all original documentations and confidential minutes of all closed sessions.
- (12) The Clerk may require that copies of any reports or documents circulated at a closed session be collected and destroyed.
- (13) Attendance in closed sessions of Council will be limited to the Members of Council, Clerk, Chief Administrative Officer and those specifically invited to remain by Council.

3.8 Duration of Meetings

- (1) No meeting shall extend beyond 10:30 p.m., without the consenting vote of a majority of the Members present at the meeting.
- (2) Where a resolution to continue is approved, a consenting vote of majority of the Members present shall be required at every hour beyond 10:30 p.m.
- (3) Where a resolution to continue is not approved, the meeting shall adjourn only after:

- (a) In the case of a meeting of Council, all the by-laws arising out of business dealt with by Council at that meeting to the time of the proposed adjournment have been presented and dealt with by Council; and
 - (b) In the case of a meeting of Council, a confirming by-law of the proceedings of that meeting up to the time of the proposed adjournment has been presented and dealt with by Council.
- (4) A resolution to continue beyond 10:30 p.m. to finish addressing only those matters as identified, may be passed through a consenting vote of a majority of the Members present at the meeting.
- (5) A consenting vote of a majority of the Members present at the meeting shall occur when a meeting duration extends past five (5) hours.
- (6) The items on the agenda for a meeting adjourned before all items have been dealt with, shall be placed on the agenda for the next scheduled meeting.

3.9 Disclosure of Pecuniary Interest

- (1) It is the responsibility of each Member to identify and disclose a pecuniary interest on any item or matter before Council or Committee in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.
- (2) Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the Member will, in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50 (5) shall:

- (a) Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
 - (b) Not take part in the discussion of, or vote on any question with respect to the matter.
 - (c) Not attempt in any way before, during and/or after the meeting to influence the vote on the matter.
- (3) Where a meeting is not open to the public, in addition to complying with the requirements under the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50, the Member will forthwith leave the meeting for the part during which the matter is under consideration.
- (4) At a meeting at which a Member discloses a pecuniary interest, the Member shall before, or as soon as possible afterwards, file a written declaration of interest form and its general nature with the Clerk and the Clerk shall maintain a registry of written declarations for public inspection, in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.
- (5) Where the interest of a Member has not been disclosed as required by this section, by reason of the Member's absence from the meeting referred to therein, the Member shall disclose the interest and otherwise comply with this section at the first meeting attended by the Member after the meeting referred to in this section.

3.10 Attendance Requirement

- (1) Should any Member of a Committee, who is not a Member of Council, fail to attend three (3) consecutive Regular Meetings of that Committee without authorization from the Committee by resolution, that Member's membership on the Committee will be deemed to have resigned their appointment and Council shall appoint a new Member to fill that vacancy.

- (2) Members of Council and Committee shall inform the Clerk of all planned absences, late arrivals, and early departures from a meeting in order for the recording of the minutes of such meeting may accurately reflect attendance. In the case of absence by reason of “other municipal business” or “personal”, the Members may advise the Clerk of the general nature of the matter to be recorded in the meeting minutes.

4. NOTICE OF MEETINGS

- 4.1 The Clerk shall provide public notice of all Council and Committee meetings, agendas, cancellations and re-scheduling by:
 - (1) Posting the annual schedule of meetings on the Town’s website and by distributing copies upon request; and
 - (2) Updating the Town’s website calendar of any changes made to the schedule and will indicate the date, time and location of the meeting.
 - (3) Electronic delivery of the agenda shall be considered written notice.
- 4.2 The agenda for each Regular Council or Committee meeting shall be posted to the Town’s website with as much notice as possible, however, not less than seventy-two (72) hours prior to the meeting.
- 4.3 The agenda for each Special Meeting of Council shall be posted on the Town’s website not less than twenty-four (24) hours prior to such Special Meeting.
- 4.4 Notice of a Special Meeting of Council shall be posted on the Town’s website calendar and will indicate the date, time and location of the meeting.
- 4.5 Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.

5. ROLES AND RESPONSIBILITIES:

5.1 Mayor

- (1) It is the role of the head of Council to:
 - (a) Carry out the responsibilities of their roles as described in section 225 of the Municipal Act.
 - (b) Represent and support the Council and its decisions in all matters.
 - (c) Represent the municipality at official functions.
 - (d) Preside over all Council meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer.
- (2) The Mayor shall act as the Chair and presiding officer for Council meetings.
- (3) The Mayor shall be an ex-officio Member of all Committees established or appointed by Council, save and except Standing Committees. Where a Committee is established by a reference to a particular number of Members without specifically providing for the membership of the Mayor, such number is automatically increased by one, except where prohibited by law. The Mayor may vote and otherwise participate, unless prohibited by law, in the business of the Committee or other body on the same basis as any other Committee Member.

5.2 Deputy Mayor

- (1) The Deputy Mayor shall act in the absence of the Mayor in the following circumstances:
 - (a) The Office of Mayor is vacant.
 - (b) The Mayor gives notice to the Clerk that they will be absent from the Town.

- (c) The Mayor is absent through illness or scheduling conflict.
 - (d) The Mayor refuses to act.
 - (e) The Mayor declares a matter of pecuniary interest.
- (2) The Deputy Mayor has and may exercise all the rights, powers and authority of the Head of Council in the Mayor's absence.
- (3) In the event that both the Mayor and Deputy Mayor are absent, the Clerk shall call the Council to order and, if a quorum is present, the Members thereof shall choose a presiding officer from amongst the Members present and such presiding officer, during such absence, has and may exercise all the rights, powers and authority of the Head of Council.
- (4) At the start of term of Council, Council shall determine a schedule and appoint Deputy Mayor to serve for six month terms, in the place of the Mayor during an absence.

5.3 Chair

- (1) The Chair, will act as presiding officer for the meeting.
- (2) If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another Member, to fill their place until resuming the Chair.
- (3) It is the role of the Chair of a meeting to:
 - (a) Open the meeting by taking the Chair and calling the meeting to order.
 - (b) Ensure that quorum is established and is maintained throughout the course of the meeting.

- (c) Announce the business in the order in which it is to be considered.
- (d) Put to vote all motions which are moved, and seconded when necessary, or all motions that arise in the course of the proceedings, and to announce the results of the votes.
- (e) Decline to put to vote motions that infringe upon the rules of procedure.
- (f) Restrain the Members, within the rules of order, when engaged in debate.
- (g) Enforce on all occasions the rules and the observance of order and decorum amongst the Members, and the conduct of Members.
- (h) Authenticate by signature, when necessary, all applicable by-laws, resolutions and minutes.
- (i) Call by name any Member persisting in breach of the procedure of Council, thereby ordering the Member to vacate the Council Chambers.
- (j) Decide all questions of order at the meeting, subject to an appeal by any Member on any question of order in respect to business before Council.
- (k) Adjourn the meeting when the business is concluded or at 10:30 p.m. unless otherwise determined by a majority vote of the Members present.
- (l) Receive and submit, in the proper manner, all motions presented by the Members.

5.4 Members of Council

- (1) It is the role of the Members of Council to:

- (a) Carry out the responsibilities of their roles as described in section 224 of the Municipal Act.
- (b) Uphold the by-laws and policies of the Town.
- (c) Deliberate on the business submitted to Committee and Council.
- (d) Vote on all motions before Council.
- (e) Respect the rules of procedures at all meetings.

6. COMMENCEMENT OF MEETING AND QUORUM

6.1 Commencement of Meeting

- (1) The Chair shall call the meeting to order as soon after the hour fixed for the holding of the meeting that a quorum is present.
- (2) In the event the Chair/Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting, the ViceChair/Deputy Mayor shall assume the Chair for the meeting and call the meeting to order and shall preside until the arrival of the Chair/Mayor.

6.2 Quorum

- (1) A majority of the Members are required to be present in order to constitute a quorum.
- (2) If a quorum is not achieved within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Clerk shall record the names of the Members present and the meeting shall not be called to order. All items on the agenda shall be included on the agenda for the next Regular Meeting or until any Special Meeting is called.
- (3) Where the number of Members who are unable to participate in a meeting by reason of the provisions in the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, such that at that meeting the remaining Members are insufficient to

constitute quorum, the remaining Members will be deemed to constitute a quorum, provided such number is not less than two.

- (4) If during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within fifteen (15) minutes, the Chair will declare that the meeting be adjourned until the date of the next Regular Meeting. The Clerk shall record in the minutes the names of the Members present and the time the quorum was lost. All remaining items on the agenda for that meeting shall be placed on the agenda for the next Regular Meeting or Special Meeting as the case may be.

7. ORDER OF BUSINESS AT MEETINGS

7.1 Preparation of the Agenda

- (1) Prior to each meeting Standing Committee and all other Committees, the Clerk shall prepare an agenda with a list of all items to be considered.
- (2) Prior to each meeting of Council, the Clerk shall prepare an agenda with a list of all items to be considered.

7.2 Order of Business

The order of business may be affected without requiring amendment to this by-law at the discretion of the Clerk, in consultation with the Chair, and all business shall be dealt in the order on which it appears on the agenda unless otherwise decided by Council on a majority vote during approval of agenda.

7.3 Approval of Agenda

- (1) The agenda for a meeting shall be adopted by a resolution at the start of the meeting, including any new business.
- (2) Any matter may be deleted or deferred from the agenda by majority vote.

- (3) Any addition of new business may be put forward with respect to items, but to be adopted by Council without issuance of a Notice of Motion, the question shall be supported by minimum two-thirds (2/3) of the Members present.

7.4 Adoption of Previous Minutes

- (1) The Clerk shall prepare minutes of all meetings which shall record:
 - (a) The place, date and time of meeting.
 - (b) The name of the Chair and the attendance of the Members and staff. Should a Member leave prior to adjournment, the time shall be noted by the Member's name.
 - (c) All declared pecuniary interest.
 - (d) The proceedings of the meeting, without note or comment.
 - (e) The time of adjournment.
- (2) The minutes of each meeting of the Advisory Committees and local boards shall be presented to the next Council Meeting to be received for information.
- (3) The minutes of each meeting of Council shall be presented at the next Regular Meeting of Council for approval.
- (4) The minutes of each meeting of Standing Committees shall be presented at the next regular Council meeting for approval of the recommendations therein and receipt of the minutes.
- (5) The minutes of a closed meeting shall be presented at the next closed meeting of a Regular Meeting of Council for approval.

- (6) The Clerk shall be authorized to make minor technical or clerical corrections to the minutes after they have been adopted, so long as the intent and integrity of the information and/or resolution is not changed.

7.5 Delegations

- (1) All delegations must provide a written request setting out the subject matter of the delegation, and include any presentation material to the Clerk on or before 12:00 p.m. (noon) on the Friday prior to the Standing Committee or Council meeting. For all other Committees, delegations must provide a written request on or before forty-eight (48) hours prior to the meeting.
- (2) All delegations will be heard at Standing Committee meetings whenever possible. Where a delegate has spoken at Committee or Council, a further delegation request by the delegate, or a related party, will not be permitted on the agenda unless the delegation is bringing forward new information. Only new information will be heard at a Standing Committee.
- (3) The inclusion of delegations on the agenda will be on a first come first served basis and regards shall be given to the length of the agenda. Delegations shall be limited to five (5) delegations, but will be at the discretion of the Clerk, in consultation with the Chair, for further inclusion.
- (4) A delegation concerning agenda items has a maximum of ten (10) minutes. Delegation consisting of more than five (5) persons shall be limited to two (2) speakers. The allotted time includes any audio or video presentations but does not include answering questions from the Members.
- (5) The speaking time for a delegation may only be extended by an additional five (5) minutes, at the discretion of the Chair.
- (6) If a delegate requests to speak regarding a matter not listed on the agenda, they must provide the Clerk with a written request as per section 7.5(1). It will be at the discretion of

the Clerk, in consultation with the Chair, if the item is an appropriate matter to be considered.

- (7) The Clerk will provide the Chair with all delegation requests submitted after the deadline stated in section 7.5(1) for consideration. A majority vote is required to permit the delegate to speak.
- (8) Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with Members, other delegations, or staff. Any discourse between Members and the delegation will be limited to Members asking questions for clarification and obtaining additional, relevant information only without debate.
- (9) No delegation shall be made to a Standing Committee or Council on matters relating to:
 - (a) A policy matter upon which Council has already made a decision within the last four (4) months.
 - (b) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
 - (c) Matters beyond the jurisdiction of Council.
 - (d) Notices of Motion. Delegates will have an opportunity to speak at a subsequent Committee or Council meeting when that item will be discussed.
 - (e) By-laws on the agenda.
 - (f) Closed session items.

- (10) Delegations related to a previous decision shall not be considered by a Standing Committee within the term of Council, unless there is a motion to reconsider.
- (11) Members will be permitted to ask each delegation two questions directly relating to the matter under consideration however if more is required this will be the discretion of the Chair.
- (12) Delegates may submit written submissions on matters listed on the agenda by the deadline as per section 7.5(1) for inclusion on the agenda.

7.6 Consent Motion/Agenda

- (1) The agenda for a meeting shall identify by asterisk (*) those items which are considered to be, but not limited to, those with no delegations, where no discussion is anticipated, informational items, non-controversial and routine matters that may be approved by a single motion and would not require debate.
- (2) Any Member, before the consent motion is voted on, may remove any number of items of business from the consent motion and such item shall be dealt with separately and in the order in which the item appears on the agenda.
- (3) Any Member, before the consent motion is voted on, may add to the consent motion, any number of items of business from the agenda, through a majority vote.
- (4) In the event that a Member declares a Conflict of Interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately in the order in which the item appears on the agenda.

7.7 Notices of Motion

- (1) A notice of motion must be made in writing and delivered to the Clerk no later than 4:30 p.m. on the Wednesday prior to the Standing Committee or Council meeting, to be included

on the agenda for consideration at a subsequent meeting. A notice of motion is not debatable.

- (2) A notice of motion, in writing, may also be received by the Clerk prior to the closing of the meeting and in this event, the Chair shall read the notice of motion and it shall be duly recorded in the minutes without debate, and shall form part of the Agenda for the subsequent meeting.
- (3) The presentation of a notice of motion does not require a seconder until it comes before a meeting for debate.
- (4) The motion shall be printed in full on the agenda for the next meeting and may be considered at that time.
- (5) A notice of motion shall not be introduced at Special Council meetings.
- (6) If a motion is introduced and not brought forward in the next two (2) subsequent meetings, the motion shall expire.
- (7) Where it is deemed necessary to not delay the consideration, a notice of motion may be considered immediately upon its introduction by a successful two-thirds (2/3) vote of the Members present.

7.8 Correspondence

- (1) Correspondence received from municipalities and local boards within the Niagara Region and requesting endorsement or consideration of a resolution shall be listed on the agenda. Correspondence from other government agencies shall also be listed on the agenda.
- (2) Correspondence received from municipalities and local boards outside of the Niagara Region and requesting endorsement or consideration of a resolution shall:
 - (a) Be circulated to each Member of Council.

- (b) Be placed on the agenda for a meeting of the Committee or Council, only at the request of a Member of Council.

7.9 By-laws

- (1) By-laws shall only be passed at Council meetings. By-laws shall be read a first time, considered and passed.
- (2) Unless separated at the request of a Member, all by-laws proposed for adoption shall be passed collectively by a single motion.
- (3) A by-law may be debated and amended.
- (4) All by-laws enacted by Council shall be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the meeting at which the by-law was passed, and by the Clerk to become part of the official record.
- (5) The proceedings at every regular and Special Council meeting shall be confirmed by by-law (confirming by-law) so that every decision of Council and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted. A confirming by-law then introduced shall be passed without debate.
- (6) The Clerk shall be authorized to make minor corrections to a by-law that are immaterial in nature and which do not alter the intent of the by-law prior to the by-law being signed and sealed.

7.10 Announcements

- (1) Announcements by Members shall be limited to three (3) minutes each.
- (2) Announcements shall be for the sole purpose of informing other Members and the general public on items of interest, such as recognizing exceptional events, groups, people,

achievements and to raise public awareness of important issues in the Town.

- (3) Announcements do not include personal comments on pending or past Council business; or to raise issues of a personal nature.

8. RULES OF CONDUCT AND DEBATE/DECORUM: (RULES OF DEBATE)

8.1 Rules of Debate

- (1) The Chair shall preside over the conduct of the meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.
- (2) Any Member who wishes to speak must raise their hand and be recognized by the Chair.
- (3) When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- (4) Members must address the presiding Member by their title of Chair/Mayor, Vice-Chair/Deputy Mayor or Member/Councillor.
- (5) 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.
- (6) No Member may speak to any question or matter and immediately thereafter present a motion.

8.2 Mayor in Debate

- (1) The Mayor may express an opinion on matters under debate, however, should the Mayor wish to take an active part in any matter under debate or leave the Chair for any reason, the Mayor shall call upon the Deputy Mayor or, in the absence of a Deputy Mayor, such other Member who the

Members present at the meeting may elect, to act as
presiding officer until the Mayor resumes the Chair.

8.3 Order of Speaking

- (1) The Member who moves a main motion has the first right of speaking on that motion or may request the right to be the last member to speak on the motion, and the seconder has the right of speaking second on the motion.
- (2) A Member may initially speak on an item of business, motion or question for five (5) minutes. On notice of the time limit, the Member may request an extension of five (5) additional minutes and shall be put to vote without debate.
- (3) Any Member wishing to speak on an item of business, motion or question a second time may do so for a further three (3) minutes. On notice of the time limit, the Member may request an extension of five (5) additional minutes and shall be put to vote without debate.

8.4 Speaking Limitations

- (1) No Member shall speak to a question or motion until the Member has been recognized by the Chair. After being recognized by the Chair, all remarks shall be respectfully made through the Chair.
- (2) No Member shall speak more than once on an item of business until every Member who desires to speak has spoken.
- (3) No Member shall speak more than two (2) rounds at any time on an item of business, motion or question.

8.5 Disregard of Chair

- (1) If a Member disobeys a rule in the procedural by-law or a Chair's ruling, the Chair may:
 - (a) After the first time, give a formal verbal warning to the Member.

- (b) After the second time, calls the Member to order and vacate the Council Chambers.
- (2) Any Member may appeal the Chair's ruling through a majority vote when a Member is ordered to vacate the Council Chambers, and the Chair shall call a recess prior to taking the vote.
- (3) If the Member ordered to vacate the Council Chambers informs the Clerk that the Member wishes to apologize, the Committee or Council may consent for the Member to return to the meeting through a majority vote.

8.6 Chair's Ruling – Appeal

- (1) If a Member disagrees with a Chair's ruling, the Member may immediately challenge the Chair's ruling and in response, the Chair shall call a vote to uphold the Chair's ruling. For clarity, voting in the positive indicates support for the Chair's ruling.

8.7 Recess

- (1) During a meeting, the Chair may declare a recess for a short period and state the approximate time that the meeting will be reconvened.
- (2) A recess shall be called, or best efforts made to be called, after every three (3) hours in a meeting.

8.8 Decorum at Council and Committee Meetings

- (1) Meetings will maintain a welcoming, inclusive atmosphere at all times regardless of any individual's perspective. All participants shall be treated with respect and courtesy. The following rules of decorum shall apply to meetings:
 - (a) Conducted in a manner that encourages open dialogue and a free exchange of ideas.
 - (b) All participants are responsible for maintaining an orderly meeting, free from indecent or insulting language, name calling, assigning

blame, personal attacks or condemning the motives of others.

- (c) No participant shall engage in disruptive or distracting behaviour in such manner as to interrupt the meeting in any manner.
- (d) No Member of the public may debate with staff or make derogatory remarks to staff.
- (e) All comments shall be directed to the Chair and then to the appropriate Councillor or staff member for comment as appropriate.
- (f) No participant shall interrupt or distract a person who has the floor. Any Member may interrupt only to raise a point of order.
- (g) Any participant persisting in a breach of decorum will receive a warning from the Chair. Continued breach may result in the microphones being turned off and/or the participant being asked to leave the meeting.
- (h) Business attire is preferable, and persons attending a Meeting must dress in a respectful manner.
- (i) No signs, placards or banners of any kind are allowed in the Council Chamber except with the express permission of the Chair.
- (j) Water and non-alcoholic beverages in covered containers are allowed in the Council Chamber, but food is prohibited.

9. MOTIONS

9.1 Motion on Floor (General)

- (1) No discussion or debate on any item shall occur until an item has been properly moved and seconded. The Chair may not move or second any motion.

- (2) A motion shall be in writing and formally moved and seconded before debate, and before the Chair will take the vote.
- (3) A motion that has not been seconded shall not be recorded in the minutes.
- (4) A motion requires a majority vote of Members present to pass unless otherwise provided in this by-law.
- (5) A motion where the carriage of which would result in a budgeting impact, impact on operation or policy requirements, to the best of possible, shall be referred to staff for a report before being debated.
- (6) A motion on an item shall be first addressed in the order received by the Clerk prior to the meeting. Further motion or resolution may be addressed in the order received and acknowledged by the Chair during the meeting.

9.2 Motion to Amend

- (1) A motion to amend:
 - (a) Shall be in writing and be moved and seconded.
 - (b) Shall be introduced during debate on main motion.
 - (c) Must be germane to the main motion and shall not be received if it is contrary to the main motion.
 - (d) May be a “friendly amendment” whereby the mover and seconder agree to re-word their motion to accommodate an amendment.
 - (e) Shall be decided or withdrawn before the main motion is put to vote.

- (f) Only one amendment can be presented to the main motion and only one sub-amendment motion can be presented to an amendment.
- (g) The sub-amendment, if any, will be voted on first, then the amendment will be voted on next, and once the amendments have been disposed of, the main motion shall be put to vote.

9.3 Motion to Defer

(1) A motion to defer:

- (a) Shall be put to vote immediately without prior debate.
- (b) A Member presenting a motion to defer shall be done immediately once given the floor without speaking to the main motion first.
- (c) Shall postpone all discussion on the matter until a future date or time which shall be established as part of the motion.
- (d) May be debated, but only as to the advisability of postponement and date or time.
- (e) Only be amended as to the date or time to which the matter is deferred.
- (f) Shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

9.4 Motion to Refer

- (1) A motion to refer is a motion by which a matter or action under discussion can be sent or directed to a Committee, staff, or other body for further examination or review; and:
 - (a) Shall include the Committee, staff or other body to which the matter is to be referred.

- (b) May be debated, but only as to the merits of referral and not substance of main motion.
- (c) May include the terms on which the motion is being referred and the date or time at which the matter is to be returned.
- (d) May be amended, as to whom it is being referred, as to the date or time at which the matter is to be returned, and as to terms being given.

9.5 Motion to Withdraw

- (1) A request to withdraw a motion shall only be made by the mover of the motion and can be done before the Chair states the motion, without the permission of Council.
- (2) Once a motion has been stated for debate, the mover, along with the consent of the seconder of the motion, may request to withdraw the motion before a decision or amendment. If there are no objection, the motion is withdrawn with general consent. If there is an objection, any Member may second the motion to withdraw and the Chair takes a vote.

9.6 Motion to Adjourn

- (1) A motion to adjourn a meeting may be called at any time, provided that:
 - (a) When resolved in the negative, it shall not be made again until the next agenda order of business is completed.
 - (b) It shall not be called when a Member is speaking or during the taking of a vote.
 - (c) It shall not be called immediately following a majority vote on a motion to call the question.
 - (d) It shall not be debated.

- (2) Where a motion to adjourn is approved, the meeting shall adjourn after:
 - (a) In the case of a meeting of Council, all the by-laws arising out of business dealt with by Council at that meeting to the time of the proposed adjournment have been presented and dealt with by Council; and
 - (b) In the case of a meeting of Council, a confirming by-law of the proceedings of that meeting up to the time of the proposed adjournment has been presented and dealt with by Council.

9.7 Motion to Divide the Question

- (1) A motion to divide the question:
 - (a) May be requested by any Member that the Chair divide the question where there are separate propositions contained in a motion.
 - (b) If there is no objection, the Chair shall facilitate the debate and the vote shall be called on each proposition separately.
 - (c) If there is an objection to the division, the Chair shall call the vote on the motion to divide the question.
 - (d) Shall not be debated.

9.8 Motion for Reconsideration

- (1) A motion for reconsideration brought forward at the same meeting:
 - (a) Shall have no further debate on matter already decided at the meeting. Only the Member moving the motion for reconsideration may state reasons for reconsideration.

- (b) Shall only be moved by a Member who voted on the prevailing (majority) side of the original motion.
 - (c) Shall require the consenting vote of a majority of the Members present at the meeting.
 - (d) Only one motion for reconsideration on the original motion can be presented at the same meeting.
- (2) A motion for reconsideration brought forward at a subsequent meeting:
 - (a) Shall require a Notice of Motion to reconsider a matter from a previous meeting.
 - (b) A Notice of Motion to reconsider a matter shall only be filed by a Member who voted on the prevailing (majority) side of the original motion.
 - (c) Shall require the consenting vote of a two-thirds (2/3) majority of the Member present at the meeting to reconsider a motion after the Notice of Motion to reconsider a matter has been filed.
 - (d) Only the Member moving the motion, through a Notice of Motion to reconsider a matter, may state reasons for reconsideration.
 - (e) When the motion to reconsider is resolved in the negative, no further Notice of Motion to reconsider a matter shall be considered again within current term of Council.
- (3) In the event of a resolution that was defeated due to a tie vote, both sides shall be considered as prevailing.
- (4) If the action approved in the original motion cannot be reversed, the motion cannot be reconsidered.

- (5) When a motion for reconsideration is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

9.9 Motion to Call the Question

- (1) A Member may make a motion to call the question in order to end the debate on a motion.
- (2) The Chair shall take the vote on a motion to call the question after each Member who wished to speak on the motion has spoken once. The motion to call the question shall require the consenting vote of a two-thirds (2/3) majority of the Members present at the meeting.
- (3) If a Member speaks to the subject of a motion, they may not then immediately call the question.
- (4) A motion to call the question:
 - (a) Cannot be debated or amended.
 - (b) Cannot be proposed on the main motion, when there is an amendment under consideration.
 - (c) Shall preclude all further amendments of the main motion.

9.10 Order of Precedence

- (1) The following list ranks motions in descending order, such that each takes precedence, and must be decided before others ranking below it in the list are decided or dealt with, as follows:
 - (a) To extend the hour of automatic adjournment
 - (b) To adjourn
 - (c) To recess
 - (d) Point of privilege

- (e) To call the question
- (f) To defer
- (g) To refer
- (h) To amend
- (i) The main motion

10. POINTS OF ORDER AND PRIVILEGE

10.1 Point of Order

- (1) A point of order may be raised at any time by a Member to bring attention to:
 - (a) Any non-compliance to this by-law.
 - (b) The use of improper, offensive or abusive language.
 - (c) Any deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.
 - (d) Any other informality or irregularity in the proceedings.
- (2) When a Member raises a point of order to the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.
- (3) On raising the point of order, a Member shall state the point of order with concise explanation and the Chair shall rule upon the point of order.
- (4) The Chair's ruling shall be final, unless a Member immediately appeals the ruling of the Chair (challenges the Chair) as per section 8.6.
 - (a) The Member appealing shall state the reasons for the appeal.

- (b) The Chair may offer reasons in favour of upholding their ruling.
 - (c) The Members shall vote on the Chair's ruling without debate.
- (5) If the appeal is upheld, then the Chair shall change their ruling accordingly, or if the appeal is defeated, then the Chair's ruling stands and no further avenues of appeal shall be allowed.

10.2 Point of Personal Privilege

- (1) A point of privilege may be raised at any time by a Member to bring attention to:
 - (a) A statement challenging the integrity of a Member, Committee or Council.
 - (b) The health, safety and rights of the Member, or another Member, or of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- (2) The process for a point of privilege shall be the same as sections 10.1(2) to 10.1(5).
- (3) Where the Chair recognizes that a breach of privilege has taken place, the Chair may demand that the offending Member or individual apologize, and failing such apology may require said Member or individual to vacate the Council Chamber for the duration of the meeting.

11. VOTING

11.1 Majority

- (1) Unless otherwise provided in this by-law, the concurring votes of a majority of the Members present and voting are necessary to carry any motion, resolution or action.

- (a) If 9 members present: 5
 - If 8 members present: 5
 - If 7 members present: 4
 - If 6 members present: 4
 - If 5 members present: 3
- (2) Two-thirds (2/3) majority is the concurring votes of two-thirds of the Members present and voting, and may be required in certain motion, resolution or action as provided in this by-law.
- (a) If 9 members present: 6
 - If 8 members present: 6
 - If 7 members present: 5
 - If 6 members present: 4
 - If 5 members present: 4

11.2 All Members to Vote

- (1) Every Member present at a meeting, including the Chair, shall vote on the question at hand unless prohibited by statute or this by-law. The Clerk shall record in the minutes the name of the Member and the reason the Member is prohibited from voting. Except where a recorded eScribe vote is requested by a member of Council, voting shall be by a show of hands.

11.3 Negative Vote

- (1) If a Member present does not vote, the Member shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.

11.4 Tie Vote

- (1) Where a vote is taken and a tie vote results, the question shall be deemed to have been decided in the negative.

11.5 Unrecorded Vote

- (1) Except where a recorded vote is requested, voting shall be by a show of hands in favour or against, following which:

- (a) The Chair shall announce the result; and
- (b) The Clerk shall record only the result, and not whether Members voted for or against the question.

11.6 Recorded Vote

- (1) Any Member may request a recorded vote, or is otherwise required, following which a recorded eScribe vote will be opened to Members. Where the eScribe software is not functioning correctly:
 - (a) The Clerk shall call by name the Members present in a random order, except for the Chair whose name shall be called last.
 - (b) Each Member present, unless prohibited by statute or this by-law, shall announce their vote openly.
 - (c) The Clerk shall record the name and vote of every Member on the question.
 - (d) After completion of the recorded vote, the Clerk shall announce the results.

11.7 Voting Commenced

- (1) After the Chair commences to take a vote on a question, no Member shall speak to such question or present any other motion until a vote has been taken on such question.

- (2) When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain there until the result of the vote has been announced by the Chair. A Member who is not at their seat when the Chair calls for a vote shall not be entitled to vote.

11.8 Declaration of Chair

- (1) If a Member disagrees with the announcement of the Chair that a question is carried or defeated, the Member may immediately after the declaration by the Chair, object to the Chair's declaration and require that a recorded vote be taken on the question.

12. SUSPENSION OF RULES

12.1 In the absence of any statutory obligations, the Rules of Procedure may be temporarily suspended by an affirmative vote of two-thirds (2/3) of all the Members present at the meeting.

12.2 The suspension shall only apply to the procedures or rules which are stated within the motion to suspend and only during the meeting in which such motion was introduced.

13. ELECTRONIC PARTICIPATION

13.1 Electronic Meetings during a Non-Emergency Period

- (1) A Council, local board or Committee Member who participates in a Regular Meeting or Special Meeting remotely via electronic means, will have the same rights and responsibilities as if the Member were in physical attendance.
- (2) An Electronic Meeting may include a Closed Session which shall be conducted in accordance with this section.
- (3) Electronic means shall include teleconferencing and videoconferencing.
- (4) Members attending and present remotely via electronic means shall be counted in determining whether or not a quorum of Members is present at any point in time and shall

be entitled to vote as if they were attending the meeting in person.

- (5) Delegations shall be permitted to participate electronically.
- (6) Notification verbally and/or by electronic means that the meeting will be held electronically will be provided by the Clerk at least 24 hours in advance or as soon as possible under the circumstances.
- (7) Public Notices of an Electronic Meeting shall include the required information for the public to electronically access the open session of such meeting.
- (8) In the case where a Member requests electronic participation in an otherwise in-person meeting, that Member shall notify the Clerk at least two (2) business days in advance or as soon as possible under the circumstances.

13.2 Electronic Meetings during a Declared Emergency

- (1) "Emergency" shall mean any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the Emergency Management Act.
- (2) An Electronic meeting may be conducted during an Emergency in accordance with section 13.1.

14. PROCESS TO APPOINT COUNCIL MEMBERS TO A COMMITTEE OR LOCAL BOARD

14.1 General

- (1) Council may establish and appoint Council Members to Committee or local board from time to time for such purpose as deemed appropriate.
- (2) All Members present shall be permitted to vote.
- (3) Candidates do not need to be present to stand for appointment.

- (4) Candidates may withdraw from standing for appointment after any vote.

14.2 Procedures

- (1) The Clerk shall call for declaration by interested Councillors of their decision to stand for appointment to the Committee. This declaration may be made to the Clerk in advance of the Council meeting.
- (2) The Clerk shall announce the names of the candidates standing for appointment.
- (3) Candidates shall be given five (5) minutes each to speak prior to the first round of voting taking place. The order of speakers shall be alphabetically according to the candidates' surnames.
- (4) Rounds of voting shall be conducted as follows:
 - (a) Voting Members shall indicate their vote for each candidate.
 - (b) If a candidate receives the majority of votes, that candidate shall be declared the successful candidate.
 - (c) If there is a tie for majority of votes, the candidate receiving the fewest number of votes will be eliminated, and the voting rounds will continue until the successful candidate is determined.

14.3 By-law 19-63 A by-law to adopt procedures to appoint Community members to advisory committees and boards of Council for the Town of Grimsby will guide the appointment process for all Committees where Council is asking the community to engage with Council in the decision making process.

- (1) This same appointment process will apply for all withdrawals and vacancies reported to staff.

15. PUBLIC MEETINGS

15.1 General

- (1) Holding of public meetings required by the Planning Act, which shall be conducted in accordance with the rules under this procedural by-law, as applicable.
- (2) At the commencement of each public meeting, the Chair shall explain the intent of the meeting is to hear the views of the public, and that the Members shall not enter into discussion or debate on the subject.
- (3) Members of Council are not permitted to debate or provide a personal opinion on the application being considered. They are only to ask questions of clarification.

15.2 Delegations and Speaking

- (1) The rules regarding the hearing of a delegation as provided for in this by-law shall apply to planning statutory public meetings, as applicable, including speaking time and decorum.
- (2) Delegations shall speak only once during a planning statutory public meeting. Delegations may request to speak a second time, at the discretion on the chair.
- (3) Delegations will be permitted without prior registration during any public meeting as required by the Planning Act. Delegations are strongly encouraged to register before the delegation deadline.

16. SEVERABILITY

- 16.1 Each and every one of the provisions of the by-law is severable and if any provision of this by-law should, for any reason, be declared invalid by any Court of competent jurisdiction, it is the intention of Council that each and every one of the then remaining provisions of the by-law remain in full force and effect.

17. REPEAL AND ENACTMENT

17.1 The Corporation of the Town of Grimsby Procedural By-law 20-65 Consolidated be hereby amended.

17.2 The short title of this by-law is the “Procedural By-law.”

17.3 This by-law shall come into full force and effect on the date of its enactment.

Read a first time, considered and passed this 20th day of November, 2023.

J.A. Jordan, Mayor

B. Nistico-Dunk, Acting Town Clerk