



## **The Corporation of the County of Essex**

### **By-Law Number 54-2014**

#### **A By-Law to Provide Rules Governing the Order and Proceedings of the Council of The Corporation of the County of Essex.**

Whereas the Council of the Corporation of the County of Essex has adopted By-law #58-2010 which sets out Rules of Order and Proceedings for Council, hereinafter referred to as the Procedure By-law;

And Whereas it is necessary from time to time to amend such Rules of Order and Proceedings to reflect the wishes of the Council of the day;

And Whereas it is deemed expedient to consolidate amendments to the Procedure By-law into one consolidated Procedure By-law;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

#### **1) Inaugural Meeting of Council**

The Council shall, in each term, at its first meeting at which a majority of all the members are present, elect one of the members of Council to be County Warden.

The election of the County Warden shall be conducted by the Clerk or, in his/her absence, the Deputy Clerk/Chief Administrative Officer (CAO) (hereinafter referred to as the "Chairperson").

The election shall proceed in the following manner:

- a) Candidates for County Warden shall be determined by a roll call process wherein those who aspire to the position of County Warden shall make their intentions known.
- b) The Chairperson will request from Council the authority for, or directions for, the appointment of scrutineers.

- c) The election of County Warden shall proceed by secret ballot under the authority of the Chairperson and all ballots shall be counted by the scrutineers.
- d) The first candidate to receive a majority of the votes present shall be declared elected.
- e) If no candidate receives a majority of the votes present, the candidate receiving the lowest number of votes cast shall be eliminated from the second ballot and the election shall proceed in this manner until a candidate is elected.
- f) In the case of an equality of lowest votes, the Chairperson shall place the names of the candidates on equal sized pieces of paper in a receptacle and names shall be withdrawn by a person chosen by the Chairperson until only one name remains undrawn. The names of the candidate(s) drawn shall continue to the next ballot.
- g) Ballots shall continue to be taken in the manner described in section 1.f) until a candidate is elected.
- h) Should an equality of votes occur between the final two members running for County Warden, the successful candidate shall be determined by the presiding Chairperson's placing the names of the candidates on equal sized pieces of paper in a receptacle and one name being drawn by a person chosen by the presiding Chairperson. The name of the candidate drawn shall be declared elected as County Warden for the term of County Council.
- i) When the election of the County Warden is complete, a motion to destroy ballots will be accepted.
- j) It is the stated wish of County Council that the results of any and all ballots used in the election of the County Warden **not** be disclosed by those privy to such information.
- k) Subsequent to the County Warden taking the Oath of Office, he/she shall assume the Chair and conduct the election of an Acting County Warden, hereinafter referred to as the Deputy Warden, for the term of County Council.
- l) In accordance with the procedure set out for the election of the County Warden, Council shall proceed to elect a Deputy Warden.

- m) Subsequent to the election of a Deputy County Warden, Council shall proceed to elect a Striking Committee in the same manner.

**2) Regular Meetings of Council**

- a) Regular Meetings of Council shall be held in the Council Chambers at the Essex County Civic Centre, 360 Fairview Avenue W., Essex, Ontario, unless otherwise decided by resolution of Council.
- b) Regular Meetings of Council will commence at 7 PM and will adjourn at the 11PM. However, if Council should deem it necessary to meet beyond 11 PM, a resolution to proceed and finalize the business items on the agenda is in order.
- c) Regular Meetings of Council will be held bi-monthly, on the first and third Wednesday of each month.
- d) A schedule indicating the date, time and location of regular meetings of County Council shall be posted on the County of Essex website ([www.countyofessex.on.ca](http://www.countyofessex.on.ca)) no later than December 31, for the following year.
- e) Notice of the date, time and location of Special Meetings or any change to the schedule of Regular Meetings of County Council shall be provided at least 48 hours prior to the meeting, or in an emergency situation, as soon as practical. Such notice shall be provided on the County of Essex website ([www.countyofessex.on.ca](http://www.countyofessex.on.ca)).

**3) Special Meetings of Council**

- a) Special Meetings of Council may be called:
  - i) By the County Warden at any time by providing direction to the Clerk to issue a Notice of Special Meeting; or
  - ii) Upon the receipt of a petition of the majority of Members, the Clerk shall call a Special Meeting for the purpose and at a time noted in the petition and issue a Notice of Special Meeting.
- b) Notwithstanding any other provision of this By-law, an Emergency Meeting may be called by the Warden or Clerk without any written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members

about the meeting as soon as possible and in the most expedient manner available.

- c) Special Meetings of Council may be closed or open as Council, by resolution decides, subject to the provisions of Section 4.
- d) At Special Meetings of Council, the Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting, or is dealing directly with the emergency or extraordinary situation for which the Emergency Meeting was called. This provision may be waived only when all Members are present to vote upon a motion to waive it.

#### **4) Accountability and Transparency**

- a) All meetings shall be open to the public except as provided for in this section, and no person shall be excluded from a meeting open to the public, except for improper conduct or for breach of this by-law.
- b) A Council or Committee meeting may be conducted in Closed session, only if the subject matter being considers related to:
  - i) the security of County property;
  - ii) personal matters about an identifiable individual, including County employees;
  - iii) a proposed or pending acquisition or disposition of land for County purposes;
  - iv) labour relations or employee negotiations;
  - v) litigation or potential litigation, including matters before administrative tribunals, affecting the County;
  - vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii) a matter in respect of which a Council or Committee may hold a closed meeting under specific legislation;
  - viii) a matter in respect of the consideration of a request under the Municipal Freedom of Information and Protection of

Privacy Act, if the council is designated the "Head" for the purpose of that Act.

- ix) the meeting is held for the purpose of educating or training the members and 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 or Committee.
- c) Prior to Council/Committee resolving into a Closed Meeting, for one of the reasons noted in section 4.c), Council/Committee shall pass a motion in public meeting stating:
  - i) the fact that the Council/Committee is convening into closed meeting; and
  - ii) the general nature of the matter to be considered at the closed meeting.
- d) A meeting shall not be closed to the public during the taking of a vote.
- e) Despite section 4d) a meeting may be closed to the public during the taking of a vote if
  - i) the Municipal Act, Section 239 (2) or (3) permits ; and
  - ii) the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of the County or persons retained by or under a contract with the County.
- f) In the case where there is a need for a Closed Meeting topic to be discussed by County Council, and that need is known in advance, the County Warden or Presiding Officer shall conduct the Closed Meeting immediately before the regular meeting of County Council. The Closed Meeting shall be called at such time to be determined by the Chief Administrative Officer, depending on the complexity and nature of the issue to be heard. Any such Closed Meeting shall be adjourned at 7:00 PM to allow for the Call to Order of the Regular County Council Meeting. If the Closed meeting has not been fully concluded at the commencement of the Regular Meeting and needs to be resumed, it shall be held at the end of the regular County Council meeting.

- g) A person may request that an investigation of whether Council has complied with Section 239 of the Municipal Act, 2001 as amended, or a procedure by-law under subsection 238(2), in respect of a meeting that was closed to the public, be undertaken by the investigator referred to in Subsection 239.2.

**5) Opening Proceedings**

- a) As soon after the hour of meeting as there shall be a quorum present, the County Warden shall take the chair and call the members to order.
- b) If the County Warden does not attend within fifteen minutes after the time appointed, the Deputy County Warden shall, upon resolution, assume the Chair. If the Deputy County Warden is not present, the Clerk shall call the members to order, and if a quorum be present, a Presiding Officer shall be chosen by resolution who shall preside during the meeting or until the arrival of the County Warden or Deputy County Warden.
- c) A quorum must in all cases be a majority of all the members of the Council, including the County Warden or Presiding Officer, subject to the provisions of the Municipal Conflict of Interest Act.
- d) If there is no quorum present within one-half hour after the time appointed for the meeting, the Clerk shall take down the names of the members then present, and the Council shall stand adjourned until the next day of meeting, pursuant to the provisions of Section 3 of this by-law.

**6) Duties of Presiding Officer**

- a) It shall be the duty of the Presiding Officer:
  - i) to open the meeting of the Council by taking the Chair and calling the members to order
  - ii) to announce, usually by way of a prepared agenda, the business before the Council in the order in which it is to be acted upon
  - iii) to receive and submit, in the proper manner, all motions presented by the members of Council

- iv) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result
  - v) to decline to put to vote motions which contravene the rules of procedure
  - vi) to restrain the members, within the Rules of Order, when engaged in debate
  - vii) to enforce on all occasions the observance of order and decorum among the members
  - viii) to call by name any member persisting in breach of the Rules of Order of the Council, thereby ordering the member to vacate the Council Chambers
  - ix) to receive all messages and other communications and announce them to Council
  - x) to authenticate, by signature when necessary, all by-laws, resolutions, and minutes of the Council
  - xi) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage
  - xii) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things
  - xiii) to adjourn the meeting when the business is concluded
  - xiv) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council
  - xv) to adjourn the meeting without the question being put in the case of grave disorder arising in the Council Chambers.
- b) The Presiding Officer shall have the same authority while presiding at the meeting as the County Warden would have had, if present.
- c) When the Presiding Officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and he/she shall cite the rule or authority applicable

to the case. The Presiding Officer may delegate this authority to the Clerk.

- d) If the Presiding Officer desires to leave the Chair for the purpose of taking part in the debate or otherwise, the Presiding Officer shall call on another member of Council to fill that place until the Chair is resumed by the Presiding Officer.

## **7) County Warden's Duties and Responsibilities**

- a) The County Warden is the Chief Executive Officer of the County and as such shall preside at all meetings of Council.
- b) If the County Warden is absent from the municipality, or absent through illness, or his/her office is vacant, the Deputy County Warden shall act as Head of Council.
- c) If the County Warden is absent from a Council meeting, the procedure outlined in Section 5 for appointing a Presiding officer will apply.
- d) The County Warden shall be an Ex-Officio member of all committees by virtue of office.
- e) The County Warden will be the official representative of the County Council at all functions to which the County may be invited. In the event it is not possible for the Warden to attend and the Deputy County Warden is unavailable to attend in his/her place, the County Warden may appoint another Council member to act as a delegate.
- f) The County Warden will be expected, at all times, to maintain good public relations in carrying out his/her duties and in this regard is hereby authorized to make reasonable necessary expenditures.
- g) As Chief Executive Officer, the County Warden may be called upon from time to time to make certain decisions between Council Meetings. Such decisions shall be limited to minor matters or emergency situations where there is insufficient time for Council to meet. Decisions in such instances shall be reported to Council at its next meeting.
- h) Where there has been budget approval by Council, the County Warden may authorize administrative personnel to attend

workshops, seminars, and those conferences which relate to their duties as County employees.

- i) The statutory duties of the County Warden are listed as follows:
  - i) to act as chief executive officer of the municipality;
  - ii) to preside over council meetings;
  - iii) to provide leadership to the council;
  - iv) to represent the municipality at official functions; and
  - v) to carry out the duties of the head of council under the Municipal Act, 2001, S.O. 2001, c.25 as amended or any other Act.

#### **8) Deputy County Warden's Duties and Responsibilities**

- a) The Deputy County Warden will act as the Head of Council if the County Warden is absent or refuses to act or the office of County Warden is vacant and while so acting, the Deputy Warden has all the powers and duties of the County Warden.
- b) The Deputy County Warden shall preside at County Council meetings in the absence of the County Warden.
- c) The County Warden may delegate the Deputy County Warden to attend any meeting on his/her behalf.
- d) The Deputy County Warden shall share the social responsibilities of the County Warden, and act as his/her official representative at functions to which the County is invited if requested.
- e) In the event the Office of the Deputy Warden should become vacant, at the discretion of Council, a special by-election may be held to fill the said Office, for the term of Council, in accordance with the elections procedures established in Section 1.

#### **9) Council Agendas**

- a) The Clerk shall have prepared, for the use of the members at the regular meetings of Council, an agenda including supporting documents, which shall be made available electronically to

members of Council in the calendar week prior to that in which the meeting falls.

- b) If there is time-sensitive material which needs to be dealt with by Council after the Agenda has been provided to Council, an Addendum to the Agenda may be prepared and electronically delivered.
- c) Agendas will be made available to the public, except for information relating to matters to be considered in a Closed Meeting, after the information has been provided to members of Council. The agendas and supporting material will be posted on the County's website on the Monday preceding the meeting, or if there is a holiday on the Monday, the agenda will be posted on the Tuesday prior to the meeting.
- d) The Council Agenda for regular meetings will show the Order of Procedure under the following headings:
  - 1. Prayer or Moment of Reflection
  - 2. Singing of 'O Canada'.
  - 3. Recording of Attendance
  - 4. Disclosure of Pecuniary Interest
  - 5. Adoption of Meeting Minutes
  - 6. County Warden's Welcome and Remarks
  - 7. Delegations and Presentations
  - 8. Communications
    - a) Correspondence
    - b) Resolutions
  - 9. Consent Agenda
  - 10. Reports and Questions
  - 11. Unfinished Business
  - 12. New Business

13. By-laws
14. Notices of Motion
15. Adjournment

**10) Council Protocol**

1. Prayer or Moment of Reflection
2. Singing of 'O Canada'
3. Recording of Attendance – The County Warden will request the Clerk to record the names of members absent.
4. Disclosure of Pecuniary Interest
5. County Warden's Welcome & Remarks
6. Delegations and Presentations
  - a) Any petition to be presented to Council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
  - b) Persons wanting to speak to County Council at a meeting must make application to the Clerk's Office in accordance with [Policy No. 95-004 "Delegations to County Council"](#).
7. Correspondence
  - a) Communications pertinent to a particular department will be referred to that department and will be reported on by the Department Head.
  - b) All other communications will be summarized and noted for suggested Council action. Any member may request the reading of any communication item. A motion shall be in order to receive all the correspondence and approve the noted action. Notwithstanding the foregoing, a motion shall be in order at any time to take certain action on any matter pertinent to the correspondence.
  - c) Resolutions received from other municipalities and agencies, meeting the following criteria, shall be

summarized and listed as Correspondence on the Council Agenda, with copies appended thereto:

- i) resolutions from municipalities within Essex County;
  - ii) resolutions from municipalities adjacent to Essex County; or
  - iii) resolutions that deal with issues relevant to the County and of concern to County Council.
- d) Resolutions pertinent to a particular County Service shall be referred to the appropriate Department Head for comment. A motion of Council shall be in order to support, not support or note and file the resolution. All resolutions from other municipalities and agencies, not meeting the criteria identified above, shall be noted on the Communications Summary of the Council Agenda with copies appended thereto. Any member of Council may request that a resolution listed on the Communications Summary be brought forward for consideration of Council. Correspondence indicating Council's action shall be provided to the municipality or agency that circulated the resolution and all other parties noted.
- e) Other - Information that is relevant to County Council business, such as changes to legislation, will be explained.

**8. Consent Agenda**

- a) The Clerk shall compile a Consent Agenda which lists items on the orders of business that are routine matters, reports provided for information purposes, reports in response to Council questions, and matters of a non-controversial nature.
- b) Council Members are encouraged to contact the appropriate Department Head prior to the meeting to raise questions or clarify issues relevant to the matter and to secure additional information as may be required.
- c) A member of Council may speak to an item on the Consent Agenda prior to the consideration of the adoption of the matters listed on the Consent Agenda; however, if a Council member wishes to amend the recommendation of

an item(s) listed on the Consent Agenda, the member shall request the item(s) be removed from the Consent Agenda for consideration and debate during the Reports and Questions portion of the Agenda.

9. Reports and Questions

- a) Administrative Reports for all Departments and Sections of the County of Essex, as well as Reports and Minutes from Boards and Advisory, Ad Hoc, Liaison and Special Purpose Committees requiring the action or attention of Council will be considered under the heading "Reports and Questions".
- b) Minutes and Reports shall be typewritten and normally shall be circulated to members of Council prior to the Meeting. The Chairperson or Council representative on the Committee/Board and/or the applicable Department Head/Section Manager will present the report/minutes and respond to questions.
- c) A motion shall be in order to adopt or receive Reports/Minutes, followed by discussion of County Council, followed by a calling of the question.
- d) A question period limited to 15 minutes will be allotted to Councillors for enquiries or concerns on matters of significance to the County.

10. Unfinished Business

11. New Business

- a) Items of new business may be presented to Council either by motion or notice of motion, at the discretion of the County Warden or the Presiding Officer.
- b) There will be a public reporting of matters arising from any Closed Meeting, to the extent possible.

12. By-laws

- a) The by-laws shall be introduced by the Clerk.

- b) Copies of all by-laws shall normally be included in the Council Agenda and forwarded to the members for their consideration prior to the session.
- c) A resolution of Council shall be required to consider any by-law(s) not forwarded to the members prior to the meeting.
- d) After the reading of the by-laws, the Presiding Officer shall call for a motion to adopt the by-laws.
- e) When a by-law is adopted by Council, the Clerk shall certify the reading and the date. After by-laws have been adopted, the Clerk shall be responsible for their correctness, should they be amended.
- f) A confirmatory by-law shall be the by-law adopted by Council at each meeting of Council
- g) Every by-law enacted by Council shall be signed by the Warden and Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and filed in the Office of the Clerk
- h) Originally signed copies of all by-laws adopted by Council shall be retained permanently. In addition, the Clerk will have the by-laws of Council stored in an electronic format and indexed for permanent record.

13. Notices of Motion

- a) Notice of proposed motion shall be given in writing to the Clerk and announced to Council one meeting in advance of the introduction of the motion.

14. Adjournment

**11) Parliamentary Procedure**

- a) In all unspecified cases in the proceedings of Council, Bourne's Rules of Order shall apply.
- b) A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

- c) No Member shall introduce any item to the Council for its consideration unless:
  - i) the item relates to a matter on the Agenda for the meeting; or
  - ii) The matter is of an urgent nature and leave is granted by a majority.
- d) All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, it shall be read by the Clerk or Recording Secretary, if requested.
- e) After a motion has been seconded, it shall be deemed to be in possession of the Council, but the Mover and Secunder may withdraw the motion with the permission of Council.
- f) A Notice of Motion shall be in writing, include the name of the mover and be presented at a Council meeting for consideration at a subsequent Council meeting.
- g) Any Notice of Motion shall take the form of a motion and be automatically placed on the agenda of the next regularly scheduled Council meeting.
- h) A motion for referral shall include the name of the body or official to whom the question is to be referred and instructions respecting the terms upon which the question is to be referred. A motion for a referral to a committee, until decided, shall preclude all amendments of the main motion.
- i) A motion to adjourn shall always be in order except:
  - i) when another Member is in possession of the floor;
  - ii) when a vote has been called;
  - iii) when the Members are voting; or
  - iv) When a Member has indicated to speak on the matter before council.
- j) If a motion to adjourn is resolved in the negative, no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.

- k) When a motion is under consideration, no further motion shall be received, unless:
  - i) to refer to a committee - debatable
  - ii) to amend - debatable
  - iii) to lay on the table – non-debatable
  - iv) to defer to a certain time - debatable only as to time
  - v) to adjourn – non-debatable
  - vi) To move “the previous question” (calls for an immediate vote on the motion)–non-debatable.

These motions shall have precedence in the order herein listed.

- l) Notwithstanding that a motion “to lie on the table” is non-debatable under this rule, a motion “to lie on the table” and adding thereto some condition, opinion, or qualification shall be subject to amendment and debate.
- m) A motion calling for an immediate vote on the main motion (historically referred to as moving “the previous question”) until decided, shall preclude all amendment and debate of the main motion, and shall be put forthwith without debate in the form: “That the main motion be now put”. If this motion is resolved in the affirmative, the main motion shall be put immediately without amendment or debate, but if the aforesaid motion is resolved in the negative the debate shall continue.
- n) Privilege - Whenever any matter of privilege arises, it shall be immediately taken into consideration. Questions of privilege are non-debatable.
- o) Amendments in General
  - i) An amendment modifying a motion shall be in order, but an amendment changing the intent of the motion, or negating the motion, or relating to a different subject shall not be in order; only one amendment shall be allowed to an amendment at the same time.

- ii) If requested by a member of Council, the paragraphs to be amended shall first be read as they stand, then the words proposed to be struck out, and those to be inserted, and finally the paragraphs as they would stand if so amended.
- iii) Amendments shall be voted on in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main question is put to the vote.
- p) **Motions Ruled out of Order** - Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of the Council, the Presiding Officer shall apprise the members thereof before ruling the motion "Out of Order" and shall cite the rule or authority upon which he/she relies without argument or comment.
- q) **Division of a Motion** - When the motion under consideration contains distinct propositions, upon the request of any member the vote upon each proposition will be taken separately.
- r) **Reconsideration**
  - i) After a motion is passed, no motion for reconsideration shall be introduced during the same meeting at which the original determination was taken. If a decision has not been substantially acted upon, a member who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision. A motion to reconsider suspends action on the motion to which it applies until it has been decided. If the action approved in the motion cannot be reversed, the motion cannot be reconsidered.
  - ii) A motion to reconsider may not be introduced without notice, unless the Council, without debate, dispenses with notice on a two-thirds majority vote. Each member of Council shall be responsible for making a determination on how the member voted on a specific matter. The Clerk shall not record negative votes unless a request for a recorded vote has been made.
  - iii) No question shall be reconsidered more than once, nor shall a vote to reconsider, adjourn, recess or suspend the rules be reconsidered. When a question is brought before a

succeeding Council, it shall be deemed to be New Business and not a matter of reconsideration.

- iv) A member of Council may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered.
- Mandatory Voting - Every member who is present at a meeting of Council or Committee when a motion is put shall vote thereon, unless prohibited by statute, in which case, the Clerk shall record the name of the member and the reason that he/she is prohibited from voting.
  - Single Votes - Votes shall be counted on the basis of one member, one vote.
  - Equality of Votes - Any motion on which there is an equality of votes shall be deemed to be lost.
  - Recording of Votes - Requests of individual Council members to be recorded in favour of, or opposition to, a motion shall be granted.
  - Recorded Votes
    - A Recorded Vote may be requested immediately before or immediately after the taking of the vote.
    - After a Recorded Vote has been called and the motion is finally put by the County Warden or Presiding Officer, no member shall speak to the motion, nor shall any other motion be made, until after the result of the vote has been declared. The decision of the County Warden or Presiding Officer as to whether the question has been finally put shall be conclusive.
    - Members, having been previously summoned, shall immediately take their places when a Recorded Vote is called for.
    - Upon a Recorded Vote of the Council, the names of those who vote for and those who

vote against the motion shall be entered upon the minutes, as required by law.

- In the case of a question being decided on a Recorded Vote, any abstention shall be recorded as a vote in the negative.
- v) The Presiding Officer (except where disqualified to vote by reason of interest or otherwise) may vote, and if a recorded vote is requested, shall vote with the other members on all motions.

## **12) Proceedings in Committee Meetings**

- a) A Committee may consider only such matters as have been established by Council in the Committee terms of reference.
- b) The same rules of order governing closed meetings, open meetings, duties of the presiding officer and parliamentary procedure are to be observed as in the Council itself. Every question in Committee is decided by a majority vote. In case of equality of vote, the Chairman gives a casting vote (a second vote).
- c) When the matters presented to a Committee have been considered, the Chairman or appropriate Administrative representative is directed to report the same to the Council. Until such report is made, no reference may be made in the Council, nor to any proceedings of the Committee.
- d) Resolutions of a Committee have no force or effect until a motion to concur with the same has been adopted by County Council.

## **13) Proceedings in Committee Of The Whole**

- a) When it appears that any matter may be more appropriately considered in Committee of a Whole, Council may move into a Committee of the Whole upon resolution of Council.
- b) The Warden shall preside over the proceedings of Committee of the Whole and may appoint a Member of Council to preside over the proceedings of the Committee of the Whole and shall then vacate the Chair.

- c) The rules governing the procedure of the Council and conduct of Members in Council shall be observed in Committee of the Whole with the exception of the limit on the number of times a Member may speak on any question.
- d) The proceedings taken in Committee, when adopted by Council, shall be deemed to be proceedings of Council.

#### **14) Rules of Conduct of Debate**

- a) Every member wanting to speak to any question or motion shall address the Presiding Officer and be recognized before speaking. When two or more members address the Presiding Officer at the same time, the Presiding Officer shall determine the member who first asked to be recognized, but a motion may be made that any member who has asked to speak "be now heard", or "do now speak".
- b) When the Presiding Officer is putting the motion, no member shall walk across or out of the room, or make any noise or disturbance, nor when a member is speaking shall any member pass between such member and the Presiding Officer, or interrupt such member except to raise a point of order.
- c) A member called to order from the Presiding Officer shall immediately stop speaking, but may afterwards explain, and the Council, if appealed to, shall decide the case but without debate; if there be further appeal, the decision of the Presiding Officer shall be final.
- d) No member shall speak disrespectfully of the reigning Sovereign or of any member of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the government of the Dominion or of this Province, nor shall the use of offensive words in or against the Council or against any member thereof be allowed, nor shall any member speak aside from the motion in debate, and no member shall reflect upon any vote of the Council except for the purpose of moving that such vote be reconsidered, nor shall any member resist the rules of the Council, or disobey the decision of the Presiding Officer of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, such member may be ordered by the Council to leave his/her seat for that meeting, and in case

of refusing to do so, may, on the order of the Presiding Officer, be removed by the police, but in case of ample apology being made by the offender, may by vote of the Council be permitted forthwith to take his/her seat.

- e) Any member may require the motion under consideration to be read at any time during the debate, but not so as to interrupt a member while speaking.
- f) No member shall speak more than once to the same motion, without leave of the Council, except in explanation of a material part of his/her speech which may have been misconceived, and in doing so is not to introduce new matter. A reply is allowed to a member who has made a substantive motion to the Council, but not to any member who has moved an order of the day, an amendment, an immediate vote on the motion, or an instruction to a committee. No member, without leave of the Council shall speak to the same motion, or in reply, for longer than a quarter of an hour.
- g) The members of the Council shall not leave their places, on adjournment, until the Presiding Officer leaves the Chair.

#### **15) Payment of Accounts**

- a) With the exception of conditions indicated in sub-sections i) and ii), every account shall be paid by the Treasurer when due, but before being paid shall be certified by the Department Head under whose direction the work was done, material provided or debt incurred.
  - i) The Treasurer may pay any expenditures fixed by municipal statutes or contract, debentures, interest due, bills discounted, fixed salaries, fringe benefits, postage, grants approved by By-law, when due, without such presentation or passing.
  - ii) Auditor's fees, consultation fees over and above contractual amounts, legal expenses, and items of a capital nature not already approved in budget estimates are to be referred to County Council for approval.

**16) Public Relations**

- a) Regular Meetings of County Council and any of its committee meetings shall be open to the public and the media. Exceptions shall only be made for instances as indicated in Section 4 and shall only remain "Closed" while the designated topic is being discussed.
- b) All news releases of a policy nature shall be given only on the authority of the County Warden. Requests from news media for explanations of approved matters or for factual data may be answered by Administration.
- c) Copies of the Council Agenda and accompanying material to be discussed in Open Meeting will be made available to the news media prior to the Council meeting on the County of Essex website [www.countyofessex.on.ca](http://www.countyofessex.on.ca).

**17) Convention Policies for Councillors**

- a) Annually, County Council will be requested to approve a list of conferences at which County representation is desirable.
- b) Councillors wishing to be delegates shall submit Travel Request Vouchers to the Office of the Director of Council Services/Clerk. All Councillor travel request vouchers must be signed by the County Warden. Councillors wishing to be voting delegates shall so indicate on the Travel Request Voucher.
- c) The County Warden shall submit a list of proposed voting delegates to Council for approval.
- d) Remuneration for expenses relating to conventions, workshops and seminars, shall be defined in the Standing Policies of Council and amended in accordance with County policy from time to time.
- e) Twice in each 4 year term of Council a member of County Council may choose to attend one out-of-Province conference. (See Policy #94-004 for details).
- f) Special meetings and seminars or workshops which are not annual shall not be included in the foregoing policy but shall be dealt with by resolution of Council, time permitting. If insufficient time exists between notice of such special meeting, seminar, or

workshop, and the Council meeting, the County Warden may authorize attendance.

**18) Special Purpose Committees**

- a) Striking Committee
  - i) A Striking Committee shall be elected by full Council at the time of election of the County Warden, and shall consist of 4 members nominated from the floor plus the County Warden. The Striking Committee members shall select a Chairperson and Acting Chairperson.
  - ii) The Striking Committee shall recommend the initial appointments for all members of special purpose Committees and outside boards, commissions or committees.
  - iii) The report of the Striking Committee shall be presented to County Council for approval at a regular meeting of Council, as soon as possible, in each year following a municipal election.

**19) Ad Hoc Committees**

- a) Ad Hoc Committees initiated during the term of office of the County Warden shall be appointed by the County Warden.
- b) Ad Hoc Committees shall remain intact until their mandate has been achieved or the balance of the County Warden's term of office. If an Ad Hoc Committee has not achieved its mandate by the end of the County Warden's term, the Striking Committee may re-appoint members to the Ad Hoc Committee. The Striking Committee may also re-appoint members for a second term.

**20) Board Appointments**

- a) A list of appointments or re-appointments of Council members to various boards, committees and commissions shall be recommended by the Striking Committee. Should a vacancy occur during the term it shall be the County Warden's responsibility, with the approval of Council, to fill the vacancy.

**21) Appointment of Lay Persons to Boards, Committees and Commissions**

a) Essex County Library Board

The Essex County Library Board shall consist of 7 members appointed for the term of Council.

- i) Following each municipal election, each local municipality in Essex County shall forward to the County Clerk, the name of a nominee from their municipality to serve as a representative on the Essex County Library Board;
- ii) If the nominee submitted by the local municipality is a member of County Council, the name of a second nominee shall also be submitted by the local municipality;
- iii) The Essex County Striking Committee shall review the names of the nominees received and make final recommendations for the Essex County Library Board appointees to County Council for approval;
- iv) The number of County Councillors appointed to the Library Board shall not exceed 4, in accordance with the Public Libraries Act.

b) Essex County Accessibility Advisory Committee

c) The Essex County Accessibility Advisory Committee shall consist of 7 members appointed by County Council for the term of Council. The composition of the Committee shall be as follows:

- i) 1 member of Essex County Council;
- ii) 2 members who are professionals from the stakeholder community;
- iii) 4 members who are people with disabilities.

**22) Election to Provincial Associations**

- a) Where a County official, either elected or appointed, is requested to stand for the Board of Directors of a Province-wide municipal association or committee as a County representative, he/she

must obtain County Council approval before accepting the position. (See County Policy #94-013 for process).

- b) Not more than one (1) elected representative in any given year shall be approved for election to a position on a municipal province-wide association or committee.
- c) Where Council has approved the acceptance of such a position, the individual is authorized to attend official meetings, seminars, and workshops associated with the appointment and be allowed expenses at the County rates in effect at the time; notwithstanding the foregoing, reimbursement for conference attendance related to the position shall be limited to one per year.

### **23) Budget Approval**

- a) Departmental annual estimates shall be approved by Council.

### **24) County Councillors' Remuneration**

- a) The County Warden, Deputy County Warden and Councillors shall be paid an annual base salary, meeting stipends and mileage allowance calculated in accordance with paragraph 24.b) commencing on December 1, 2014.
- b) The Average Base Salary for Essex County Mayors, Deputy Mayors and Local Councillors shall be calculated at the end of the final year of a term of Council and at the end of the second year of the term of Council for the purpose of calculating new meeting stipends and new base salaries for the Warden, Deputy Warden and Essex County Councillors in accordance with the following formulas:

#### **Warden's Base Salary:**

= Average Essex County Mayor's Base Salary x 2

#### **Deputy Warden's Base Salary:**

= Average Essex County Deputy Mayor's Base Salary x .5

#### **County Councillors' Base Salary:**

= Average Local Councillors' Base Salary x .5

**Meeting Stipends:**

= [(Current Meeting Stipend divided by new Average Local Councillors Base Salary) x Current Meeting Stipend] + Current Meeting Stipend

**Meeting Stipends for Chair:**

= New Meeting Stipend x 150%

- c) The Warden's base salary constitutes remuneration for all duties, responsibilities, attendance at all community/social events and attendance at regular and special County Council meetings.
- d) In addition to the base salary, the County Warden shall be paid meeting stipends, equivalent to meeting stipends approved for County Councillors, for attendance at Special Purpose Committee meetings, meetings of External Boards/Committees or other meetings which may arise, save and except regular and special County Council meetings.
- e) The County Warden shall be enrolled in health, dental and extended health benefits, equal to those received by the County Administrator, providing he/she is not receiving health benefits from an employer or local municipality.
- f) The Deputy Warden's base salary constitutes remuneration for all duties, responsibilities, attendance at all community/social events and attendance at regular and special County Council meetings.
- g) In addition to the base salary, the Deputy Warden shall also be paid meeting stipends for attendance at Special Purpose Committee meetings, meetings of External Boards/Committees or other meetings which may arise, save and except regular and special County Council meetings.
- h) A County Councillor's base salary constitutes remuneration for all duties, responsibilities, attendance at all community/social events and attendance at regular and special County Council meetings.
- i) In addition to the base salary, County Councillors shall also be paid meeting stipends, for attendance at Special Purpose Committee meetings, meetings of External Boards/Committees

or other meetings which may arise, save and except regular and special County Council meetings.

- j) A factor of 2 shall be applied to the meeting stipend for any Committee meeting exceeding four hours in duration.
- k) The Warden, Deputy Warden and Councillors shall be reimbursed for mileage expenses, when using their personal vehicle(s) for County business at the current rate per kilometre established for Members of Council under the Conference/Convention Attendance Policy (See Policy No. 94-004)

**25) Remuneration for Lay Appointees**

- a) Lay appointees to boards, commissions or committees shall be paid a per meeting stipend and mileage reimbursement, equivalent to that approved for County Councillors, for attendance at approved meetings.

**26) Funding Requests**

- a) Requests for financial assistance are to be referred to the Chief Administrative Officer and the County Warden for disposition according to County policy.

**27) Suspension of Rules**

- a) Motion to suspend or not to follow a rule of procedure established by this By-law, shall not be passed without a two-thirds majority vote.

**28) Repeal Inconsistent By-Laws**

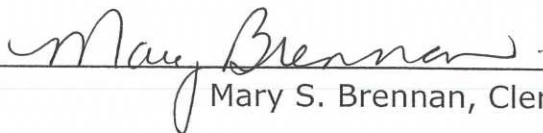
- a) This by-law hereby repeals By-law No. 58-2010 and all other by-laws inconsistent with this by-law.

This By-law shall come into force and take effect after the final passing.

**Read a first, second and third time and Finally Passed this 19 day of November, 2014.**



Tom Bain, Warden



Mary S. Brennan, Clerk

**Clerk's Certificate**

I, Mary S. Brennan, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 54-2014** passed by the Council of the said Corporation on the **19th**, day of November **2014**.

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Mary S. Brennan, Clerk  
Corporation of the County of Essex