



The Corporation of the County of Essex

By-Law Number 2022-31

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 #41-2018 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:

1.0 Inaugural Meeting of Council

- 1.1 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.
- 1.2 The election of the County Warden shall be conducted by the Clerk or, in his/her absence, the Deputy Clerk (hereinafter referred to as the "Chairperson").
- 1.3 The election shall proceed in the following manner:
 - 1.3.1 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.
 - 1.3.2 The Chairperson will request from Council the authority for, or directions for, the appointment of scrutineers.

- 1.3.3 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.
- 1.3.4 The first candidate to receive a majority of the votes present shall be declared elected.
- 1.3.5 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.
- 1.3.6 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Chairperson shall place the names of the candidates on equal sized pieces of paper in a receptacle and names shall be withdrawn by a person chosen by the Chairperson until only one name remains undrawn.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.
- 1.3.7 Ballots shall continue to be taken in the manner described in section 1.f) until a candidate is elected.
- 1.3.8 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.
- 1.3.9 When the election of the County Warden is complete, a motion to destroy ballots will be accepted.
- 1.3.10 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.
- 1.3.11 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.
- 1.3.12 In accordance with the procedure set out for the election of the County Warden, Council shall proceed to elect a Deputy Warden.

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

2.0 Regular Meetings of Council

2.1 Definitions:

Meeting: means any regular, special or other meeting of council, of a local board or of a committee of either of them, where, a quorum or members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

County: means The Corporation of the County of Essex.

Committee: means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of County Council.

Local Board: does not include the Essex County Library Board.

- 2.2 Regular Meetings of Council shall be held in the Council Chambers at the Essex County Civic Centre, 360 Fairview Avenue W., Essex, Ontario, or held as an electronic meeting subject to the provisions of Section 2.8.2, or if otherwise decided by resolution of Council.
- 2.3 Regular Meetings of Council will commence at 6PM 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.
- 2.4 Regular Meetings of Council will be held bi-monthly, on the first and third Wednesday of each month.
- 2.5 A schedule indicating the date, time and location of regular meetings of County Council shall be posted on the County of Essex website countyofessex.ca no later than December 31, for the following year.
- 2.6 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 countyofessex.ca.

2.7 Electronic Participation in Meetings (Approved by By-law 2022-13):

2.7.1 Interpretation - In this Section the following shall apply, in addition to the definitions in section 2.1 of this By-law:

"Electronic Participation" means a Council or Committee Member who participates in a Council or Committee meeting from a remote location by such electronic means or services as determined and provided by the Clerk, has the same rights and responsibilities as if they were in physical attendance, including that they shall count towards a quorum of members and shall be permitted to participate in any portion of a meeting which is closed to the public.

2.7.2 While in-person participation shall remain the primary method of participation by members, Electronic Participation in Essex County Council or Committee meetings will be allowed under the following circumstances:

- a) In the event of an emergency being declared by the Premier, Cabinet, or the Head of Council of the County or within its local municipalities, under the Emergency Management and Civil Protection Act;
- b) As determined by the Warden or Committee Chair, in consultation with the Clerk, that an electronic meeting of the full Council or Committee is necessary or is an efficient means for the completion of County business;
- c) In a significant weather event;
- d) For individual members of Council or Committees, due to illness, injury or other similar circumstances;
- e) If a member has been duly appointed to a role on a Municipal Association such as AMO, ROMA, FCM, etc., should they be performing this role within Canada.

2.7.3 Members participating electronically due to reasons set out in section 2.7.2 d) shall be limited to electronic participation up to three (3) times per year. Electronic Participation is limited to participation from within Canada. A Council or Committee member may request permission from the Warden/Committee Chair and the Clerk to participate electronically in additional meetings as a result of extenuating circumstances.

- 2.7.4 Electronic Participation will not be allowed at the Inaugural Session of Council or at a meeting where the yearly budget is being considered except under circumstances as set out in section 2.7.2 a) and c).
- 2.7.5 Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an electronic meeting held, pursuant to this section, except that this section and any provincial legislation or order shall prevail to the extent of any conflict.
- 2.7.6 Schedule "A", Electronic Meeting Protocol – sets out the procedures for conducting electronic meetings and may be amended by resolution of Council.

3.0 Special Meetings of Council

- 3.1 Special Meetings of Council may be called:
 - 3.1.1 By the County Warden at any time by providing direction to the Clerk to issue a Notice of Special Meeting; or
 - 3.1.2 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.
- 3.2 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.
- 3.3 Special Meetings of Council may be closed or open as Council, by resolution decides, subject to the provisions of Section 4.
- 3.4 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.

4.0 Accountability and Transparency

- 4.1 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.
- 4.2 Electronic participation in a Council or, Committee meeting shall only be done subject to the provisions of Section 2.7.
- 4.3 A Council, or committee meeting may be conducted in Closed session, only if the subject matter being considers related to:
- 4.3.1 the security of property of the County or of a local board;
 - 4.3.2 personal matters about an identifiable individual, including employees of the County or a local board;
 - 4.3.3 a proposed or pending acquisition or disposition of land for purposes of the County or a local board;
 - 4.3.4 labour relations or employee negotiations;
 - 4.3.5 litigation or potential litigation, including matters before administrative tribunals, affecting the County or a local board;
 - 4.3.6 advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 4.3.7 a matter in respect of which County Council, local board, committee or other body may hold a closed meeting under another Act;
 - 4.3.8 information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - 4.3.9 a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the County or local board, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization;

- 4.3.10 a trade secret or scientific, technical, commercial or financial information that belongs to the County or local board and has monetary value or potential monetary value;
 - 4.3.11 a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the County or local board;
 - 4.3.12 a request under the Municipal Freedom of Information and Protection of Privacy Act, if the County, local board, commission or other body is designated the head of an institution for the purpose of that Act;
 - 4.3.13 an ongoing investigation respecting the County, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in section of 223.13(1) of the Municipal Act, 2001 as amended, or the investigator referred to in subsection 239.2(1);
- 4.4 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 Council, local board or Committee. Prior to Council, local board, committee resolving into a Closed Meeting, for one of the reasons noted in section 4.3, Council, local board, committee shall pass a motion in public meeting stating:
- 4.4.1 the fact that the Council, local board, Committee is convening into closed meeting; and
 - 4.4.2 the general nature of the matter to be considered at the closed meeting.
- 4.5 A meeting shall not be closed to the public during the taking of a vote.
- 4.6 Despite section 4.5 a meeting may be closed to the public during the taking of a vote if:
- 4.6.1 the Municipal Act, Section 239 (2) or (3) permits ; and
 - 4.6.2 the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of the County, local board, committee or persons retained by or under a contract with the County, local board, committee.

- 4.7 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 6:00 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.
- 4.8 A person may request that an investigation of whether Council has complied with Section 239 of the Municipal Act, 2001 as amended, or this procedure by-law under subsection 238(2), in respect of a meeting or part of a meeting that was closed to the public, be undertaken by the investigator referred to in Subsection 239.2(1).

5.0 Opening Proceedings

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

6.0 Duties of Presiding Officer

- 6.1 It shall be the duty of the Presiding Officer:
- 6.1.1 to open the meeting of the Council by taking the Chair and calling the members to order;
 - 6.1.2 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;
 - 6.1.3 to receive and submit, in the proper manner, all motions presented by the members of Council;
 - 6.1.4 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;
 - 6.1.5 to decline to put to vote motions which contravene the rules of procedure;
 - 6.1.6 to restrain the members, within the Rules of Order, when engaged in debate;
 - 6.1.7 to enforce on all occasions the observance of order and decorum among the members;
 - 6.1.8 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;
 - 6.1.9 to receive all messages and other communications and announce them to Council;
 - 6.1.10 to authenticate, by signature when necessary, all by-laws, resolutions, and minutes of the Council;
 - 6.1.11 to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage
 - 6.1.12 to represent and support the Council, declaring its' will, and implicitly obeying its decisions in all things;
 - 6.1.13 to adjourn the meeting when the business is concluded;

- 6.1.14 to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- 6.1.15 to adjourn the meeting without the question being put in the case of grave disorder arising in the Council Chambers.
- 6.2 The Presiding Officer shall have the same authority while presiding at the meeting as the County Warden would have had, if present.
- 6.3 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.
- 6.4 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.

7.0 County Warden's Duties and Responsibilities

- 7.1 The County Warden is the Chief Executive Officer of the County and as such shall preside at all meetings of Council.
- 7.2 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.
- 7.3 If the County Warden is absent from a Council meeting, the procedure outlined in Section 5 for appointing a Presiding officer will apply.
- 7.4 The County Warden shall be an Ex-Officio member of all committees by virtue of office.
- 7.5 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.
- 7.6 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.

- 7.7 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.
- 7.8 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.
- 7.9 The statutory duties of the County Warden are listed as follows:
 - 7.9.1 to act as chief executive officer of the municipality;
 - 7.9.2 to preside over council meetings;
 - 7.9.3 to provide leadership to the council;
 - 7.9.4 to represent the municipality at official functions; and
 - 7.9.5 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

8.0 Deputy County Warden’s Duties and Responsibilities

- 8.1 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.
- 8.2 The Deputy County Warden shall preside at County Council meetings in the absence of the County Warden.
- 8.3 The County Warden may delegate the Deputy County Warden to attend any meeting on his/her behalf.
- 8.4 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.
- 8.5 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 election procedures established in Section 1

9.0 Temporary Vacancies

- 9.1 If a member of Council is absent for 20 consecutive weeks or less as a result of the member's pregnancy, the birth of a member's child or the adoption of a child by the member, in accordance with Section 259(1.1) of the Municipal Act, 2001, as amended, the member's seat shall not become vacant. **Refer to Policy #004-2018 regarding Pregnancy, Birth and or Adoption of a Child/Parental Leave for Members of Council.**
- 9.2 A local municipality may appoint, by by-law, an Alternate Member, defined as an elected member of a local municipality in Essex County that has been appointed under Section 268 of the Municipal Act, 2001, as amended, to attend meetings of Essex County Council on behalf of the local municipality's County Councillor when the County Councillor is unable to attend a meeting of Essex County Council. **Refer to By-law #40-2018, establishing the roles and duties of an alternate member of Essex County Council, appointed by a local municipality.**

10.0 Council Agendas

- 10.1 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.
- 10.2 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.
- 10.3 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.

10.4 The Council Agenda for regular meetings will show the Order of Procedure under the following headings:

1. Closed Meeting
2. Moment of Reflection
3. Singing of 'O Canada'
4. Land Acknowledgement Statement
5. Recording of Attendance
6. County Warden's Welcome and Remarks
7. Disclosure of Pecuniary Interest
8. Adoption of Meeting Minutes
9. Delegations and Presentations
10. Communications
 - 10.1. Correspondence
 - 10.2. Resolutions
11. Consent Agenda
12. Reports and Questions
13. Unfinished Business
14. New Business
15. By-laws
16. Notices of Motion
17. Adjournment

11.0 Council Protocol

- 11.1 Closed Meeting – If applicable, a Closed meeting will be conducted under the provisions of Section 4.
- 11.2 Moment of Reflection

11.3 Singing of 'O Canada'

11.4 Land Acknowledgement

The Warden shall read the Land Acknowledgement, which may be revised from time to time.

11.5 Recording of Attendance

The County Warden will request the Clerk to record the names of members absent.

11.6 County Warden's Welcome and Remarks

11.7 Disclosure of Pecuniary Interest

11.7.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with the Municipal Conflict of Interest Act:

- a) prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof;
- b) not take part in the discussion of, or vote on any question in respect of the matter; and
- c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

11.7.2 Members shall provide a written statement of the interest (can be electronic) and its general nature to the Clerk or designate either at the meeting in which the interest is disclosed or as soon as possible thereafter.

11.7.3 Where a meeting is not open to the public, in addition to complying with the requirements of the Municipal Conflict of Interest Act, the Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

11.7.4 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by the Member after the particular meeting.

11.7.5 The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes or Report of that meeting.

11.7.6 The Clerk shall maintain a registry of statements filed under Section 11.7.1 and records made under Section 11.7.5 of this bylaw which shall be available for public inspection

11.8 Adoption of Meeting Minutes

11.9 Delegations and Presentations

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.

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"**.

11.10 Communications

Communications are divided into two sub-categories being: Correspondence and Resolutions.

11.11 Correspondence

Correspondence pertinent to a particular department will be referred to that department and will be reported on by the Department Head

All other correspondence 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.

Other - Information that is relevant to County Council business, such as changes to legislation, will be explained.

11.12 Resolutions

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:

- a) resolutions from municipalities within Essex County;
- b) resolutions from municipalities adjacent to Essex County;
or
- c) resolutions that deal with issues relevant to the County and of concern to County Council.

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.

11.13 Consent Agenda

11.13.1 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.

11.13.2 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.

11.13.3 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.

11.14 Reports and Questions

11.14.1 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".

11.14.2 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.

11.14.3 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.

11.14.4 A question period limited to 15 minutes will be allotted to Councillors for enquiries or concerns on matters of significance to the County.

11.15 Unfinished Business

11.16 New Business

11.16.1 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.

11.16.2 There will be a public reporting of matters arising from any Closed Meeting, to the extent possible.

11.17 By-laws

11.17.1 The by-laws shall be introduced by the Clerk.

- 11.17.2 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.
- 11.17.3 A resolution of Council shall be required to consider any by-law(s) not forwarded to the members prior to the meeting.
- 11.17.4 After the reading of the by-laws, the Presiding Officer shall call for a motion to adopt the by-laws.
- 11.17.5 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.
- 11.17.6 A confirmatory by-law shall be the by-law adopted by Council at each meeting of Council
- 11.17.7 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
- 11.17.8 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.

11.18 Notices of Motion

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.

11.19 Adjournment

12.0 Parliamentary Procedure

12.1 In all unspecified cases in the proceedings of Council, Bourinot's Rules of Order shall apply.

12.2 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.

- 12.3 No Member shall introduce any item to the Council for its consideration unless:
- 12.3.1 the item relates to a matter on the Agenda for the meeting; or
 - 12.3.2 The matter is of an urgent nature and leave is granted by a majority.
- 12.4 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.
- 12.5 After a motion has been seconded, it shall be deemed to be in possession of the Council, but the Mover and Seconded may withdraw the motion with the permission of Council.
- 12.6 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.
- 12.7 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.
- 12.8 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.
- 12.9 A motion to adjourn shall always be in order except:
- 12.9.1 when another Member is in possession of the floor;
 - 12.9.2 when a vote has been called;
 - 12.9.3 when the Members are voting; or
 - 12.9.4 When a Member has indicated to speak on the matter before council.
- 12.10 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.

12.11 When a motion is under consideration, no further motion shall be received, unless:

12.11.1 to refer to a committee - debatable

12.11.2 to amend - debatable

12.11.3 to lay on the table – non-debatable

12.11.4 to defer to a certain time - debatable only as to time

12.11.5 to adjourn – non-debatable

12.11.6 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.

12.12 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.

12.13 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.

12.14 Privilege - Whenever any matter of privilege arises, it shall be immediately taken into consideration. Questions of privilege are non-debatable.

12.15 Amendments in General

12.15.1 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.

12.15.2 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.

12.15.3 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.

12.16 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.

12.17 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.

12.18 Reconsideration

12.18.1 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.

12.18.2 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.

12.18.3 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.

12.18.4 A member of Council may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered.

12.19 Mandatory Voting

12.19.1 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.

12.20 Single Votes - Votes shall be counted on the basis of one member, one vote.

12.21 Equality of Votes - Any motion on which there is an equality of votes shall be deemed to be lost.

12.22 Recorded Votes

12.22.1 Recording of Votes - Requests of individual Council members to be recorded in favour of, or opposition to, a motion shall be granted.

12.22.2 A Recorded Vote may be requested immediately before or immediately after the taking of the vote.

12.22.3 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.

12.22.4 Members, having been previously summoned, shall immediately take their places when a Recorded Vote is called for.

12.22.5 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.

12.22.6 In the case of a question being decided on a Recorded Vote, any abstention shall be recorded as a vote in the negative.

12.22.7 Should the technology be available, electronic voting through meeting management software shall be permitted, in which case, there shall be a record of all votes taken in that manner.

12.23 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.

13.0 Proceedings in Committee Meetings

13.1 A Committee may consider only such matters as have been established by Council in the Committee terms of reference.

13.2 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).

13.3 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.

13.4 Resolutions of a Committee have no force or effect until a motion to concur with the same has been adopted by County Council.

14.0 Proceedings in Committee of The Whole

14.1 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.

14.2 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.

14.3 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.

- 14.4 The proceedings taken in Committee, when adopted by Council, shall be deemed to be proceedings of Council.

15.0 Rules of Conduct of Debate

- 15.1 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".
- 15.2 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.
- 15.3 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.
- 15.4 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.

- 15.5 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.
- 15.6 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.
- 15.7 The members of the Council shall not leave their places, on adjournment, until the Presiding Officer leaves the Chair.

16.0 Payment of Accounts

- 16.1 Approval for payment of all accounts shall be done in accordance with the County of Essex Procurement Policy adopted by By-law 24-2019.

17.0 Public Relations

- 17.1 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.
- 17.1.1 All media inquiries resulting from a matter listed on a County Council Agenda or discussed at an open County Council meeting shall be governed by the **Corporate Communications and Media Relations Policy #18-001**.
- 17.1.2 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.ca.

18.0 Conference Policies for Councillors

- 18.1 Annually, County Council will be requested to approve a list of conferences at which County representation is desirable.

- 18.2 Councillors wishing to be delegates shall submit Travel Request Vouchers to the Office of the Director, Legislative and Community 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.
- 18.3 The County Warden shall submit a list of proposed voting delegates to Council for approval.
- 18.4 Guidelines for attendance and eligible expenses relating to conferences, workshops and seminars, shall be defined in the Travel, Meetings & Conferences - Council, Committees, Agencies and Boards Policy (2022-003) and amended from time to time.
- 18.5 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.

19.0 Special Purpose Committees

19.1 Striking Committee

- 19.1.1 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.
- 19.1.2 The Striking Committee shall recommend the initial appointments for all members of special purpose Committees and outside boards, commissions or committees.
- 19.1.3 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.

20.0 Ad Hoc Committees

- 20.1 Ad Hoc Committees initiated during the term of office of the County Warden shall be appointed by the County Warden.

- 20.2 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.

21.0 Board Appointments

- 21.1 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.

22.0 Appointment of Lay Persons to Boards, Committees and Commissions

- 22.1 Essex County Library Board

- 22.2 The Essex County Library Board shall consist of 7 members appointed for the term of Council as follows:

22.2.1 Following each municipal election, each local municipality in Essex County shall forward to the County Clerk, the name of at least one nominee from their municipality to serve as a representative on the Essex County Library Board;

22.2.2 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;

22.2.3 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;

22.2.4 The number of County Councillors appointed to the Library Board shall not exceed 4, in accordance with the Public Libraries Act.

- 22.3 Essex County Accessibility Advisory Committee

22.3.1 The Essex County Accessibility Advisory Committee shall consist of 7 members appointed by County Council for the term of Council.

22.3.2 The composition of the Committee shall be as follows:

- a) 1 member of Essex County Council;
- b) 2 members who are professionals from the stakeholder community;
- c) 4 members who are people with disabilities.

23.0 Election to Provincial Associations

23.1 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).**

23.2 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.

23.3 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.

24.0 Budget Approval

24.1 Departmental annual estimates shall be approved by Council.

25.0 County Councillors' Remuneration

25.1 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 25.2 commencing on December 1, 2022.

25.2 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 0.5

County Councillors' Base Salary:

= Average Local Councillors' Base Salary x 0.5

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%

- 25.3 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.
- 25.4 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.
- 25.5 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.
- 25.6 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.

- 25.7 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.
- 25.8 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.
- 25.9 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.
- 25.10 A factor of 2 shall be applied to the meeting stipend for any Committee meeting exceeding four hours in duration.
- 25.11 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 Travel, Meetings & Conferences - Council, Committees, Agencies and Boards Policy (2022-003).

26.0 Remuneration for Lay Appointees

- 26.1 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.

27.0 Funding Requests

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

28.0 Suspension of Rules

- 28.1 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.

29.0 Repeal Inconsistent By-Laws

29.1 This by-law hereby repeals By-law No. 41-2018 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 19th day of October, 2022.



Gary McNamara, Warden



Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, 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 2022-31** passed by the Council of the said Corporation on the **19th, day of October, 2022.**

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

Schedule "A"
(Approved by By-law 2022-13)

Electronic Meeting Protocol

Procedure By-Law 41-2018 shall continue to apply to an Electronic Meeting held pursuant to this Electronic Meeting Protocol (hereinafter, "Protocol"). Amendments to this Protocol may be permitted to be made by simple majority vote of Council to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation or orders.

Method of Participation in Electronic Meetings

The preferred method of Electronic Participation will be by audio-video conferencing. The Clerk shall be authorized to determine alternate technology to provide for electronic means of participation in meetings, provided that it allows for interactive methods whereby members, staff and the public are able to hear the member(s) participating by electronic means and the member(s) participating by electronic means are able to hear other members, staff and the public.

General

Where an Electronic Meeting is held, Council and Committee Members, Staff, delegates and registered members of the public may attend by electronic means.

Staff will ensure that the general public are able to watch and/or hear the business to be carried out at meetings which are held in Open Session by using an online streaming service in order to ensure that the meeting is open and transparent.

Conduct

- a) Any Member participating in a meeting by electronic means must be available at least fifteen (15) minutes before the meeting to assist staff in establishing the electronic connection.
- b) Members of Council and Committees participating in a meeting electronically must use both video and audio unless connectivity or technical issues prevent it.
- c) When participating in a meeting electronically, the manner of voting shall be by show of hands unless otherwise stated by the

- Chair. Failure to show a hand shall be considered a negative vote.
- d) Staff shall mute their microphone and may be asked to turn off their camera unless they are presenting or responding to a Member.
 - e) Each Member shall mute their microphone and remain attentive to the proceeding when not assigned the floor by Chair.
 - f) A Member participating by electronic means must inform the Chair of their intentions to leave the meeting either on a temporary or permanent basis.
 - g) When participating electronically in Closed Session discussions, Members and Staff must turn on their cameras and ensure confidentiality is maintained at all times.

Notice

Requests by Council or Committee Members to participate in a meeting by electronic means should be made to the Clerk at least 48 hours prior to the meeting.

Internet and Other IT Disruptions

In the event of an interruption in the communication link to the Member(s) participating electronically, Council or Committee will recess to a maximum of 15 minutes until it is determined whether the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s), provided there is quorum and it will be noted in the minutes.

In the event of technical failure during a meeting, affecting all Members of Council or Committee, or quorum, the Members may take a recess of not more than thirty (30) minutes to allow staff to reinstate electronic participation. If all or a quorum of Council or Committee can no longer participate by electronic means, it will not affect the validity of prior decisions made and the meeting shall be considered adjourned, to a later date.

No person shall disrupt any electronic means used for participation by any person at a Meeting, nor use any electronic means to disrupt a Meeting or harass any person participating in a Meeting, and the Chair may expel or exclude from that Meeting any person who does so.

Where the Chair has the authority to expel or exclude a person from a Meeting, and that person is participating by Electronic means, the Chair may direct that the person's ability to participate through Electronic means be partially or wholly restricted so that the person may not speak to the Meeting and not be visible to the meeting.