



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

### **By-Law Number 2023-58**

#### **A By-law to Provide Rules Governing the Order and Proceedings of the Council of the Corporation of the County of Essex, Committees and Local Boards.**

**Whereas** pursuant to Section 238 of the *Municipal Act, 2001, S.O., 2001, c25*, as amended, every municipality shall adopt a procedure by-law to govern the calling, place and proceedings of Meetings;

**And whereas**, it is desirable that there be rules governing the order and procedure of the Council of the Corporation of the County of Essex;

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

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### Definitions

**'Ad Hoc Committee'** means a committee, sub-committee or similar appointed by Council to review and report on a specific issue. Once the final report is delivered and a resolution of the Council is adopted concerning the specific issue, the Ad Hoc Committee is automatically dissolved.

**'Alternate Member'** means a Member of Council appointed by a local municipality in accordance with **Section 9.1** of this County of Essex Procedure By-law.

**'Chair'** means the position of the person appointed to preside, or presiding at, a Meeting, whether that person is the regular presiding officer or not.

**'Clerk'** means the position appointed, by By-law pursuant to Section 228 of the *Municipal Act, 2001* as the Clerk of the County.

**'Closed Meeting'** means a Meeting that is closed to the general public.

**"Consent Agenda"** means the portion of the agenda that may be approved by Council without debate.

**'County'** means The Corporation of the County of Essex.

**'Committee'** means any advisory or other committee, subcommittee or similar entity, established by County Council, whether specifically prescribed by the provisions of the *Municipal Act, 2001* or not, and may include a "Local Board", as defined below.

**'Electronic Participation'** means a Member who participates in a 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 (provided that the integrity of the Closed Meeting shall be maintained for the duration of the Member's participation.).

**'Electronic Meeting'** means a Meeting that is held electronically in accordance with the Protocol.

**'Emergency Meeting'** means a Meeting, in the case of Council called by the Warden or Clerk, and in the case of a Committee or Local Board called by the Chair, without any written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

**'Inaugural Meeting'** means the first Meeting of Council held after a municipal election in a regular election year

**'Local Board'** means a municipal service board, transportation commission board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, public library boards and a conservation authority.

**'Meeting'** means any regular, closed, electronic, special, emergency, or other Meeting of Council, a Committee, or of a Local Board, where, a quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council, a Committee, or a Local Board.

**'Member'** means a member of County Council, a Committee, and/or Local Board.

**'Quorum'** means a majority of all the Members of Council, a Committee, or Local Board, subject to the provisions of the Municipal Conflict of Interest Act. Any Member participating electronically, shall be counted in determining whether or not a quorum has been reached, as permitted by the Protocol.

**'Protocol'** has the meaning assigned in [Section 4.5.1](#) below.

**'Special Meeting'** means a Meeting that has not been regularly scheduled and has been called by, in the case of County Council (1) the Warden or (2) a petition of the majority of the Members of Council, directing the Clerk to call a Special Meeting and issue a Notice of Special Meeting, and in the case of a Committee or Local Board the Chair issuing a Notice of Special Meeting.

## **1.0 General Provisions**

1.1 The short title of this By-law is the "County of Essex Procedure By-law."

- 1.2 The rules and regulations contained in this By-law shall be observed in all proceedings of Council, Committees and Local Boards.
- 1.3 Despite **Section 1.2**, the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the Members forming quorum.
- 1.4 A motion pursuant to **Section 1.3** shall identify the rationale for the basis for the request for the suspension of the rules or the late introduction of the item, as the case may be.
- 1.5 In respect to questions or concerns regarding these rules and regulations, the decision of the Chair presiding shall be final, subject to only an appeal to Council, pursuant to [Section 13.4.21](#). In the case of a conflict concerning the application of these rules, "Robert's Rules of Order" may be consulted as an interpretative aid.
- 1.6 All Meetings of the Council, Committees, and Local Boards, shall be open for attendance by the public, except in the case of a Closed Meeting held in accordance with Section 239 of the *Municipal Act, 2001*, as amended.

## **2.0 Notice of Meetings**

- 2.1 Notice of Council Meetings shall be made in accordance with the **County of Essex Notice By-law**.

## **3.0 Council Meetings**

- 3.1 Inaugural Meeting of Council
  - 3.1.1 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.
  - 3.1.2 The election of the County Warden shall be conducted by the Clerk or, in the Clerk's absence, the Deputy Clerk (hereinafter referred to as the "**Chair**").
  - 3.1.3 The election shall proceed in the following manner:
    - 3.1.3.1 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. The Chair will request from

- Council the authority, given by resolution, for the appointment of scrutineers.
- 3.1.3.2 The election of County Warden shall proceed by secret ballot under the authority of the Chair and all ballots shall be counted and reported to the Chair by the scrutineers.
- 3.1.3.3 The first candidate to receive a majority of the votes of Members present shall be declared elected by the Chair.
- 3.1.3.4 If no candidate receives a majority of the votes of Members present, the candidate receiving the lowest number of votes cast shall be eliminated from the second ballot. The election shall then proceed in this same manner, until a candidate is elected.
- 3.1.3.5 In the case of an equality of lowest votes, the Chair shall place the names of the candidates on equal sized pieces of paper in a receptacle and names shall be drawn by a person chosen by the Chair until only one name remains undrawn. The names of the candidates drawn shall continue to the next ballot.
- 3.1.3.6 Ballots shall continue to be taken in the manner described in this section until a candidate is elected.
- 3.1.3.7 Should an equality of votes occur between the final two members running for County Warden, the successful candidate shall be determined by the Chair 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 Chair. The name of the candidate drawn shall be declared elected as County Warden for the term of County Council.
- 3.1.3.8 When the election of the County Warden is complete, a motion to destroy all ballots taken will be accepted.

- 3.1.3.9 The results of any and all ballots used in the election of the County Warden shall not be disclosed by those privy to such information.
- 3.1.3.10 Subsequent to the County Warden taking the Oath of Office, the County Warden shall assume the Chair and conduct the election of a Deputy Warden, using the same process of that used for the election of the County Warden.
- 3.1.3.11 Subsequent to the election of a Deputy County Warden, Council shall proceed to elect a Striking Committee.
- 3.1.3.12 The Warden shall open the floor for nominations for the position of Striking Committee member. Nominations need not be seconded.
- 3.1.3.13 The Warden shall ask each nominee if they choose to stand or decline the nomination. Provided there are a minimum of four names remaining on the nomination list, the Warden will ask for a motion to close the nominations. If more than four nominees choose to stand for election to the Striking Committee, scrutineers will be appointed by the Warden, a ballot with room for four names will be distributed to each member of Council and an election will determine the four Members who, in addition to the Warden, will constitute the Striking Committee.
- 3.1.3.14 The Chair shall oversee the election. Should there be an equality of votes for the final position, the names of the candidates will be placed on equal sized pieces of paper in a box. Sufficient names will be withdrawn to constitute the Committee.
- 3.1.3.15 When the election of the Striking Committee is complete, a motion to destroy all ballots taken will be accepted.
- 3.1.3.16 The results of any and all ballots used in the election of the Striking Committee shall not be disclosed by those privy to such information.

**3.2 Regular Meetings of Council**

- 3.2.1 Regular Meetings of Council shall be held in the Council Chambers at the Essex County Civic Centre, located at municipal address 360 Fairview Avenue West, Essex, Ontario, or held as an Electronic Meeting subject to the provisions of this by-law, or if otherwise decided by resolution of Council.
- 3.2.2 Regular Meetings of Council will commence at 6:00PM and will adjourn at 11:00PM. However, if Council should deem it necessary to meet beyond 11:00PM, a resolution to proceed and finalize the business items on the agenda is in order.
- 3.2.3 Regular Meetings of Council will be held twice per month, on the first and third Wednesday of each month.
- 3.2.4 A schedule indicating the date, time and location of regular Meetings of Council shall be posted on the County of Essex website at [countyofessex.ca](http://countyofessex.ca) no later than December 31, of each year, for the following calendar year.
- 3.2.5 The Chair may cancel one or more regular meetings of the Council or Committee or Local Board if, in the Chair's opinion, such meetings are not necessary for the proper conduct of the business of the County and provided that not more than two successive regular meetings are cancelled under this subsection.
- 3.2.6 Notice of the date, time and location of Special Meetings or any change to the regularly scheduled Meetings of 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 at [countyofessex.ca](http://countyofessex.ca).

**3.3 Special Meetings and Emergency Meetings of Council**

- 3.3.1 Special Meetings of Council may be called:
  - 3.3.1.1 By the County Warden at any time by providing direction to the Clerk to issue a Notice of Special Meeting; or
  - 3.3.1.2 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.

- 3.3.2 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.
- 3.3.3 Special Meetings of Council may be Closed or Open as Council, by resolution decides, subject to the provisions of Closed Meetings, held in accordance with Section 239 of the *Municipal Act, 2001*, as amended.
- 3.3.4 At Special Meetings of Council, 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 Electronic Participation in Meetings**

- 4.1 While in-person participation shall remain the primary method of participation by Members, Electronic Participation in Meetings of Council, Committees, or Local Boards, 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 Chair of a Committee or Local Board, in consultation with the Clerk, that an electronic Meeting of Council, Committee, or Local Board 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, Committees, or Local Boards, due to illness, injury or other similar circumstances;
  - e) When a Member has been duly appointed to a role on a Municipal Association such as AMO, ROMA, FCM, etc., if they are performing this role within Canada.
- 4.2 Members participating electronically due to reasons set out in this County of Essex Procedure By-law shall be limited to electronic participation up to three (3) times per year. Electronic Participation is limited to participation from within Canada. Members may request permission from the Warden/Committee Chair and the Clerk to participate electronically in additional Meetings as a result of extenuating circumstances.
- 4.3 Electronic Participation will not be allowed at the Inaugural Session of Council or at a Meeting where the yearly budget is being considered.
- 4.4 Notwithstanding the foregoing, this County of Essex 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.
- 4.5 Electronic Meeting Protocol
  - 4.5.1 This **Section 4.5** sets out the protocol that shall apply to an Electronic Meeting (the "**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.
- 4.6 Method of Participation in Electronic Meetings
  - 4.6.1 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.
- 4.7 General

- 4.7.1 Where an Electronic Meeting is held, Members, staff, delegates and registered members of the public may attend by electronic means.
- 4.7.2 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.

4.8 Conduct

- 4.8.1 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.
- 4.8.2 Members participating in a Meeting electronically must use both video and audio unless connectivity or technical issues prevent it.
- 4.8.3 When participating in a Meeting electronically, the manner of voting shall be through the electronic voting module unless otherwise stated by the Chair. If voting is determined to be by show of hands, failure to show a hand shall be considered a negative vote.
- 4.8.4 Staff shall mute their microphone and may be asked to turn off their camera unless they are presenting or responding to a Member.
- 4.8.5 Each Member shall mute their microphone and remain attentive to the proceeding when not assigned the floor by the Chair.
- 4.8.6 A Member participating by electronic means must inform the Chair of their intentions to leave the Meeting either on a temporary or permanent basis.
- 4.8.7 When participating electronically in Closed Meeting discussions, Members and Staff must turn on their cameras and ensure that the integrity of the Closed Meeting, and confidentiality is maintained at all times.

4.9 Adequate Notice

- 4.9.1 Requests by Members to participate in a Meeting by electronic means should be made to the Clerk at least 48 hours prior to the Meeting.

**4.10 Internet and Other IT Disruptions**

- 4.10.1 In the event of an interruption in the communication link to the Member(s) participating electronically, the Council, Committee, or Local Board, as the case may be, 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 of the Meeting.
- 4.10.2 In the event of technical failure during a Meeting, affecting all Members, or resulting in Quorum being lost, 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 Members 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.
- 4.10.3 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.
- 4.10.4 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.

**5.0 Accountability and Transparency**

- 5.1 Subject to **Section 5.5**, all Meetings shall be open to the public in accordance with Section 239(1) of the *Municipal Act, 2001*, and no person shall be excluded therefrom except for improper conduct or for breach of this County of Essex Procedure By-law.

- 5.2 The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting if the Chair is satisfied that evidence exists to support expulsion or exclusion and states the reason for the expulsion or exclusion.
- 5.3 For the purposes of **Section 5.1 and 5.2**, “improper conduct” means conduct that obstructs in any way the deliberations and/or proper action of Council, and includes but is not limited to conduct that negatively affects the observance of order and decorum among Members and the attending public, as well as examples of unreasonable behaviour/incidents set out in the Public Conduct Policy, Visitor Policy and/or Trespass to Property Policy.
- 5.4 The exercise of authority and stated reason under **Section 5.2** shall be recorded in the meeting minutes.
- 5.5 Council, a Committee, or Local Board, may by resolution, close a meeting or part of a meeting to members of the public as provided for in Section 239(2) and Section 239(3) of the *Municipal Act, 2001*:

*239(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,*

- a) the security of the property of the municipality or local board;*
- b) personal matters about an identifiable individual, including municipal or local board employees;*
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;*
- d) labour relations or employee negotiations;*
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;*
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;*

- h) *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;*
- i) *a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*
- j) *a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or*
- k) *a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.*

*239(3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:*

- a) *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;*
- b) *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)*

*239(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:*

- 1) *The meeting is held for the purpose of educating or training the members.*
- 2) *At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the*

*business or decision-making of the council, local board or committee.*

- 5.6 Electronic participation in a Meeting shall only be done subject to the provisions as set out in this County of Essex Procedure By-law.
- 5.7 Prior to Council, a Committee, and/or Local Board resolving to go into a Closed Meeting, for one of the permitted reasons, they shall pass a motion in a public meeting stating:
  - 5.7.1 the fact that Council, the Committee, or Local Board is moving into a Closed Meeting; and
  - 5.7.2 the provision of the Section 239 of the *Municipal Act, 2001*, which supports the Closed Meeting taking place; and
  - 5.7.3 the general nature of the matter to be considered at the Closed Meeting.
- 5.8 Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to remain by the Chair shall retire from the Chambers/meeting room or be removed from a virtual meeting platform.
- 5.9 A Meeting shall not be closed to the public during the taking of a vote; unless:
  - 5.9.1 Section 239(2) or (3) of the *Municipal Act, 2001* permits same; and
  - 5.9.2 the vote is for a procedural matter or for giving directions or instructions to Administration, or by Council to a Committee or Local Board, or persons retained by or under a contract with the County, a Committee, or Local Board.
- 5.10 In the case where there is a need for a Closed Meeting topic to be discussed, and that need is known in advance of the Regular Meeting, the Chair shall conduct the Closed Meeting immediately before the Regular Meeting. In the case of a Closed Meeting of Council, the Closed Meeting shall be called at such time to be determined by the Clerk, 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 Meeting of Council. 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 Meeting of Council.

- 5.11 A person may request that an investigation of whether Council has complied with Section 239 of the *Municipal Act, 2001* as amended, or this 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) of the *Municipal Act, 2001*.

## **6.0 Opening Proceedings**

- 6.1 The provisions of this **Section 6** are drafted with a focus on Meetings of County Council, but also apply to Meetings of Committees and Local Boards, with necessary modifications being read in as and when needed.
- 6.2 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.
- 6.3 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 Chair shall be chosen by resolution who shall preside during the Meeting or until the arrival of the County Warden or Deputy County Warden.
- 6.4 A Quorum must in all cases be a majority of all the Members of the Council, including the County Warden, Deputy Warden, or Chair, as the case may be, subject to the provisions of the *Municipal Conflict of Interest Act*.
- 6.5 If there is no Quorum present within 30 minutes 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 Meeting is held.
- 6.6 In the event Quorum is lost in a Meeting, the Meeting shall recess until Quorum is obtained, and failing Quorum being obtained within 15 minutes, the Meeting shall be adjourned to the next scheduled Meeting at which Quorum is obtained.

## **7.0 General Duties**

- 7.1 The provisions of this **Section 7** are drafted with a focus on Meetings of County Council, but also apply to Meetings of Committees and

Local Boards, with necessary modifications being read in as and when needed.

7.2 It shall be the duty of the Clerk:

7.2.1 to attend all Meetings of Council or, in their absence, ensure the Deputy Clerk is present to carry out the duties of the Clerk;

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

7.2.3 to forward a copy of all decisions, resolutions and directions of Council to the appropriate members of administration, members of the public, other agencies, boards, committees and levels of government; and

7.2.4 to advise Members on parliamentary procedure and this County of Essex Procedure By-law.

7.3 It shall be the duty of the Chair, whether the Warden, or otherwise:

7.3.1 to open the Meeting by taking the Chair and calling the Members to order;

7.3.2 to announce, usually by way of a prepared agenda, the business of the Meeting in the order in which it is to be acted upon;

7.3.3 to receive and submit, in the proper manner, all motions presented by the Members;

7.3.4 to put to a vote all motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;

7.3.5 to decline any motions which contravene this County of Essex Procedure By-law and/or Robert's Rules of Order;

7.3.6 to restrain the Members, within the limits permitted by this County of Essex Procedure By-law and/or Robert's Rules of Order, when engaged in debate;

- 7.3.7 to enforce on all occasions the observance of order and decorum among the Members;
- 7.3.8 to call by name any Member persisting in breach of this County of Essex Procedure By-law and/or Robert's Rules of Order, thereby advising the Member of the breach. If the Member persists in the breach, the other Members may vote to have the Member in breach vacate or be removed from the Meeting;
- 7.3.9 to receive all messages and other communications and announce them to Council;
- 7.3.10 to authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- 7.3.11 to rule on any points of order raised by Members of Council;
- 7.3.12 to represent and support Council, declaring its will, and implicitly obeying its decisions in all things;
- 7.3.13 to adjourn Meetings when the business of a Meeting is concluded;
- 7.3.14 to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- 7.3.15 to adjourn Meetings without the question being put in the case of grave disorder arising during a Meeting.
- 7.3.16 In the case of the absence of the Warden, the Chair shall have the same authority while presiding at the Meeting as the Warden would have had, if present.
- 7.3.17 The Chair shall correct any misuse of meeting procedure as it happens, and may interrupt to do so. In addition, if a point of order or practice is raised by a member, the Chair shall decide the point of order or practice. The Chair shall state the decision without unnecessary comment, and shall cite the rule or authority applicable to the case, with assistance from the Clerk as required.
- 7.3.18 If the Chair desires to leave the Chair for the purpose of taking part in the debate, the Chair shall call on another Member to fill that role until debate and/or decision on the agenda item is complete and the next agenda item is stated.

- 7.3.19 If the Chair desires to leave the Chair for any purpose other than taking part in the debate, the Chair shall call on another Member to fill that role until the Chair returns and resumes that position.

7.4 The duties of the Warden, as the Head of County Council are as follows:

- 7.4.1 to act as chief executive officer of the County;
- 7.4.2 to preside over meetings of Council so that its business can be carried out efficiently and effectively;
- 7.4.3 to provide leadership to Council;
- 7.4.4 to provide information and recommendations to Council with respect to the role of Council described in Section 224(d) and (d.1) of the *Municipal Act, 2001*, as amended;
- 7.4.5 to represent the County at official functions; and
- 7.4.6 to carry out the duties of the Head of Council under the *Municipal Act, 2001*, as amended, or any other applicable legislation.
- 7.4.7 The Warden is the head of Council, and, as such, shall preside at all meetings of Council, except as provided for in **Section 7.3**. If the Warden is absent from a Meeting, the procedure outlined for appointing a Chair will apply.
- 7.4.8 If the Warden is absent from the County, or absent through illness, or the office is vacant, the Deputy Warden shall act as Head of Council.
- 7.4.9 The Warden shall be an Ex-Officio Member of all Committees of Council by virtue of the office of Warden. Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Warden, such number is automatically increased by one, being the Warden. The Warden may vote and otherwise participate in the business of the Committee without any restriction on the same basis as any other Committee member.
- 7.4.10 The Warden will be the official representative of 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 Warden is unavailable to attend, the Warden may appoint another Member of Council to act as a delegate.

7.4.11 The Warden will be expected, at all times, to maintain good public relations in carrying out the duties of the office and in this regard is hereby authorized to make reasonable and necessary expenditures.

7.4.12 As the Head of Council, the Warden may be called upon from time to time to make certain decisions between Meetings of Council. 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.

7.5 It shall be the duty of the Deputy Warden:

7.5.1 to act as the Head of Council if the Warden is absent, or refuses to act, or the office of Warden is vacant, and, while so acting, the Deputy Warden has all the powers and duties of the Warden;

7.5.2 to preside at Meetings of Council in the absence of the Warden;

7.5.3 to attend any Meeting on the Warden's behalf, if delegated to do so by the Warden; and

7.5.4 to share the social responsibilities of the Warden, and act as the official representative of the County at functions to which the County is invited, if requested by the Warden.

7.6 In the event the Office of the Deputy Warden should become vacant, a special by-election may be held to fill the said Office, for the term of Council, in accordance with the election procedures undertaken at the Inaugural Meeting of Council.

7.7 It shall be the duty of a Member of Council to carry out the responsibilities set forth in the *Municipal Act, 2001*, Section 224 and:

7.7.1 To deliberate on the business submitted to Council;

7.7.2 To vote when a motion is put to a vote; and

7.7.3 to respect the Rules of Procedure.

## **8.0 Temporary Vacancies**

8.1 Despite Section 259(1)(c) of the *Municipal Act, 2001*, if a Member of Council is absent for 20 consecutive weeks or less as a result of the Member's pregnancy, the birth of the 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.**

## **9.0 Alternate Members of County Council**

9.1 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 Council on behalf of the local municipality's County Councillor when the County Councillor is unable to attend a Meeting of 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 at least seven (7) days prior to the date of the meeting.
- 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 by the Clerk, providing it is published at least three (3) days prior to the meeting.
- 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 (6) days prior to the date of the meeting.

- 10.4 The business of the Council shall be considered in the order set forth on the Agenda, however, the Warden, with approval of the Council, may vary the order of business to better deal with matters before the Council.
- 10.5 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) Indigenous Land Acknowledgement
  - 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
    - (i) Correspondence
    - (ii) 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 Agenda Protocols**

**11.1 Closed Meeting**

11.1.1 If applicable, a Closed Meeting will be conducted under the provisions of Section 239 of *the Municipal Act, 2001*.

**11.2 Moment of Reflection**

11.2.1 Members shall stand silently during the moment of reflection.

**11.3 Singing of 'O Canada'**

11.3.1 Members shall stand and face the Canadian Flag during the singing of the National Anthem.

**11.4 Indigenous Land Acknowledgement**

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

**11.5 Recording of Attendance**

11.5.1 The County Warden will request the Clerk to record the names of Members absent and any Alternate Members present.

**11.6 County Warden's Welcome and Remarks**

11.6.1 The Warden will provide greetings and remarks surrounding current events.

**11.7 Disclosure of Pecuniary Interest**

11.7.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, C. M.50*) in any item or matter before the Council or any Committee or Local Board.

11.7.2 Where a Member or Head of Council, either on the members 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 of the Council, Committee or Local Board, at which the matter is the subject of consideration, the member shall:

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

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 for 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 absence from the particular meeting, the Member shall disclose the interest and otherwise comply with Subsection 11.7.2 at the first meeting of Council, Committee or Local Board, as the case may be, attended by the Member after the particular meeting.

11.7.5 At a meeting at which a member discloses an interest under Section 11.7.2, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the Committee or Local Board, as the case may be.

11.7.6 The Clerk or Secretary of the Committee or Local Board, shall record the particulars of any declaration of interest and general nature thereof, made by members of Council, Committee or Local Board, as the case may be, and any such record shall appear in the minutes of that particular meeting.

11.7.7 The Clerk or secretary of a Local Board, shall establish and maintain a registry of statements filed under **Section 11.7.2** and a copy of each declaration recorded under **Section 11.7.6**.

11.7.8 The registry shall be available for public inspection in the manner and during the time that the County or Local Board, as the case may be, may determine.

## 11.8 Adoption of Meeting Minutes

11.8.1 The Warden will ask for a motion adopting minutes from previous County Council meetings.

11.9 Delegations and Presentations

11.9.1 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"**.

11.9.2 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, in accordance with County policies and procedures.

11.10 Communications

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

11.10.2 Items of Communications received by the County that pertain to matters within the jurisdiction of the County shall be included on a Council agenda. Other communication items, which fall outside of the jurisdiction of the County, may be included on a Council agenda at the discretion of the Clerk or otherwise circulated to Members of Council by alternate means.

11.10.3 The Clerk shall exercise discretion to omit any communications which pertain to matters already addressed by Council in order to avoid redundancy of matters.

11.11 Correspondence

11.11.1 General correspondence will be summarized and the agenda shall be annotated with recommended Council actions.

11.11.2 Correspondence from Provincial or Federal governments, having relevance to County operations, shall be included as items of correspondence on the Council agenda.

11.11.3 Correspondence which is deemed to be pertinent to a particular department will be referred to that department for disposition.

11.11.4 Any Member of Council may request that an item listed on the Correspondence summary be brought forward for independent consideration of Council.

11.11.5 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.

## 11.12 Resolutions

11.12.1 Resolutions received from other municipalities and agencies seeking support of County Council and meeting the following criteria, shall be summarized and listed on the Council Agenda, with copies appended thereto:

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

11.12.2 A motion of Council shall be in order to receive and support, or receive and file or to take another action on the resolution, as presented.

11.12.3 Resolutions from municipalities and agencies, not meeting the criteria identified above, shall be dealt with as correspondence, in accordance with **Section 11.11**.

11.12.4 Following the Meeting, correspondence indicating Council's decision on support 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 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 A standing report will be prepared by the Clerk, which outlines the outstanding reports requested by Council resolutions, as well as the status of same.
- 11.13.3 Minutes of Local Boards and Committees, which require no foreseeable debate, shall be included on the Consent Agenda.
- 11.13.4 Members are encouraged to contact the appropriate Department Head prior to the Meeting to raise any questions or clarify issues relevant to matters included as Consent items.
- 11.13.5 A Member may speak to an item on the Consent Agenda prior to the consideration of the adoption of the matters listed on the Consent Agenda.
- 11.13.6 A Member may request that an item be removed from the Consent Agenda and placed on the Regular Agenda, to allow for independent disposition of the item.

**11.14 Reports and Questions**

- 11.14.1 Administrative Reports for all Departments and Sections of the County, as well as Reports from Local Boards and Committees requiring the action of Council will be considered under the heading "Reports and Questions".
- 11.14.2 Reports shall follow the standard template, as approved and amended from time to time, by the Clerk. Reports shall be formally written and shall be circulated to members of Council prior to the Meeting as part of the agenda package.
- 11.14.3 Reports from Committees or Local Boards shall be presented by the Council representative appointed to that body, if applicable. Administrative Reports shall be presented by the appropriate member of Administration. Council may pose questions related to the report as deemed appropriate.
- 11.14.4 A motion shall be in order to adopt Report recommendations, receive Reports, or take some other action, followed by discussion of County Council followed by a calling of the question.

**11.15 Unfinished Business**

11.15.1 Matters raised at previous meetings, which are being brought back to Council for disposition will be listed under Unfinished Business.

11.16 New Business

11.16.1 There will be a public reporting of matters deliberated in a Closed Meeting, to the extent possible.

11.16.2 Items of New Business shall include matters raised under Notices of Motion from a previous Council Meeting.

11.16.3 Items of new business may be brought forward by Members of Council, that are deemed to be of an urgent nature or of a general interest for the good of the County.

11.16.4 Matters raised under New Business shall be deliberated at the discretion of the Warden/Chair. Should a matter require debate, the matter may be directed to be presented as a Notice of Motion.

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 be included in the Council Agenda and forwarded to the Members in accordance with [Section 3.2](#).

11.17.3 In the event a by-law is presented to Council on an Addendum Agenda, a resolution of Council shall be required to consider adoption of that by-law.

11.17.4 After the reading of the by-laws, the County Warden/Chair shall call for a motion to adopt the by-laws.

11.17.5 A confirmatory by-law shall be adopted by Council at each Regular Meeting of Council.

11.17.6 Every by-law enacted by Council shall be signed by the Warden and the 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.

11.17.7 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**

11.18.1 Notices of Motion shall be provided in writing to the Clerk and announced to Council at a minimum of one Meeting in advance of the introduction of the motion. **See [Section 13](#) for further clarification on Notices of Motion.**

**11.19 Adjournment**

11.19.1 Adjournments shall be in order when a Member moves a motion to adjourn, and a Member supports the motion as outlined in [Section 13](#) of this By-law.

**12.0 Parliamentary Procedures in Meetings**

12.1 In all unspecified cases in the proceedings of Council, Robert's Rules of Order, 12<sup>th</sup> Edition shall apply. To the extent that there is a conflict between Robert's Rules of Order and this Procedural By-law, this Procedural By-law shall prevail.

**13.0 Motions**

**13.1 Notice of Motion**

13.1.1 Notice of a substantive main motion may be given at a Meeting, with no discussion permitted, and will be placed on the Agenda for the next Regular Meeting for debate and decision. Alternatively, notice may be delivered to the Clerk not later than 12:00 PM two days preceding the date of the Meeting at which the motion is to be introduced.

13.1.2 Notices of Motions shall be in writing and signed by the mover.

13.1.3 A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the County shall not be in order and shall not be considered by Council.

13.1.4 Notice is not required for all other motions (non-substantive motions) but are handled by the Chair of the Meeting in accordance with the rules of order of Council.

- 13.1.5 Prior to Council's consideration of a motion of which notice has been given previously, a revised motion on the same subject, approved by the mover, may be substituted for the original one contained in the Notice of Motion.

**13.2 Processing a Motion**

- 13.2.1 A Member wishing to move or speak to a motion must seek recognition from the Chair before speaking.
- 13.2.2 A motion, requiring a second, shall be formally seconded before the Chair states the motion.
- 13.2.3 The Chair shall state the motion, which places the motion under the authority of Council, the Committee, or the Local Board, as the case may be, who will then decide the disposition of the motion.
- 13.2.4 The Member moving the motion has first right to speak to the motion. Other Members will in turn be recognized by the Chair to speak to the motion.
- 13.2.5 When the debate is completed, the Chair will take the vote, and announce the result.
- 13.2.6 A motion may be withdrawn on the request of the mover, with the approval of Council. (See Motion to Withdraw in this document)

**13.3 Order of Precedence of Motions (Ranking)**

- Main Motions, lowest in rank, can only be moved when no business is pending
- Amend the main motion
- Refer to Committee
- Postpone to a Certain Time
- Limit Debate
- Close Debate and Vote Immediately
- Question of Privilege
- Recess

- Adjourn, highest rank

**The following specific motions can only be moved when no business is pending:**

- Rescind – Cancels a previous order or action of Council
- Amend Something Previously Adopted – Changes a previous order or action of Council
- Discharge a Committee – Removes a task from committee and returns it to Council for consideration
- Reconsider a Vote – Brings back a motion that has been previously voted on at the same session with the intent to reverse the decision (adopted or defeated).

**The following motions do not have a rank, but can be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:**

- Point of Order – Used when a Member wishes to correct an error in procedure
- Parliamentary Inquiry – Used to ask a question regarding procedure
- Withdraw – Used by a Member to request the Member's motion be withdrawn
- Division of a Question – Used to split a motion into two or more parts
- Division of the Assembly – Used to ask the Chair to take the vote again
- Appeal the Decision of the Chair– Used to challenge a ruling of the Chair
- Consider Informally – Used to relax the debate rules
- Suspend the Rules – Used to disregard procedural rules that are preventing the Members from taking a specific action.

(The motions above are more fully explained in the Sections below)

#### 13.4 Parliamentary Motions and Their Rules

- 13.4.1 **Main Motion** – Brings substantive business to Council such as policy, by-laws or specific actions that Council wishes to take. Notice is required; can only be moved when no other business is pending; is debatable; is amendable and requires a majority vote to adopt.
- 13.4.2 **Motion to Amend** – Is moved to modify an existing main motion; requires a second; is debatable; is amendable and requires a majority vote to adopt. Note: A Motion to Amend must be relevant and not contrary to the principle of the report or motion under consideration. While it is common to be applied to a main motion, it may be applied to other motions with a variable in them, when they are immediately pending. Only one Motion to Amend an amendment to the question shall be allowed at one time and any further amendment must be to the main motion.
- 13.4.3 **Refer to Committee** – Is used to send the pending motion or motions to a committee for further consideration, and for the committee to return the motion(s) to Council with recommendations; requires a second; is debatable, is amendable; requires a majority vote to adopt. The motion should specify the committee to use or to set up a special committee; and specify when the committee should report back to Council.
- 13.4.4 **Postpone to a Certain Time (Definitely)** – is used to postpone a matter or a main motion to a definite time or until a definite event occurs. When the time arrives to take up the matter it does not interrupt the current business. The motion requires a second, is debatable, is amendable, and requires a majority vote to adopt.
- 13.4.5 **Postpone Indefinitely** - This is used to immediately postpone a motion to a time undetermined. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
- 13.4.6 When moved as a motion to **Postpone and Make it a Special Order**, sets a specific time when the matter will interrupt the proceedings and be immediately taken up at that time. This motion requires a 2/3 vote to adopt.

13.4.7 **Limit Debate** – is used to reduce the number of speeches or length of speeches permitted on a motion or set of motions. Two other options used to control debate that may be used are,

- i) to set the hour when debate will stop; or
- ii) set the length of time for the full debate.

The motion requires a second, is not debatable, can be amended and requires a 2/3 vote to adopt because it suspends the normal rules of debate.

13.4.8 **Previous Question (Close Debate)** – is used to bring the current motion or motions to an immediate vote when adopted. It requires a second, is not debatable, is not amendable and requires a 2/3 vote. The motion can be applied to a set of consecutive motions provided the current motion pending is debatable.

### **Privileged Motions**

13.4.9 **Raise a Question of Privilege** – allows a Member to raise;

- i) a privilege affecting the whole Council; or
- ii) a question of personal privilege.

It may be raised when no business is pending or when a motion is pending. The Chair will direct the Member to state the question of privilege, and will then decide whether the question of privilege is urgent enough to address the matter immediately. If the matter is urgent enough, but simple, the Chair may act to correct the problem. If complicated, the chair may ask the member to put the action required into a motion to be adopted by the Council, Committee or Local Board.

13.4.10 **Recess** – allows Members to take a short break while business is pending. The motion requires a second, is not debatable, is amendable as to the length of time for the recess, and requires a majority vote to adopt. When it is moved when no business is pending it is considered a main motion, and is treated as such.

- 13.4.11 **Adjourn** – this motion allows Members to close the Meeting. It may be moved when other motions are pending, but cannot be used when voting is taking place or being counted. The motion requires a second, is not debatable, is not amendable, and requires a majority vote to adopt. When it is moved when no business is pending it is considered a main motion and is treated as such.

### **Specific Main Motions**

- 13.4.12 **Rescind** – this motion allows Members to cancel a main motion, resolution, orders or rules that were adopted at a previous Meeting providing it is made within six months of the original decision, and that decision has not been substantially acted upon already. It can be applied to any rules that are currently in place, including policy and by-law clauses, or by-law sections, or repealing a by-law in its entirety. Rescind is a specific main motion that may not be introduced without Notice. No decisions which have been rescinded shall be considered again by the current Council, Committee or Local Board. If the matter is brought before a succeeding Council, Committee or Local Board, it shall be deemed to be new business and not a decision which has been rescinded.
- 13.4.13 **Amend Something Previously Adopted** – allows Members to amend main motions, resolutions, orders or rules that were adopted at a previous Meeting. It has the same identical rules that are used in the motion to rescind. It is also considered as a (specific) main motion.
- 13.4.14 **Discharge a Committee** – this allows the Members who have sent a matter to a committee, to take back that matter and deal with it themselves. It is a main motion and can only be moved when no other business is pending. It requires a second, is debatable, including debate on the question in the hands of the committee, is amendable, and normally requires a 2/3 vote. It will require a majority vote, if the committee fails to report on time.
- 13.4.15 **Reconsider a Vote** – allows Members to reopen a substantive motion that has been adopted or defeated in the current session. If the motion to reconsider is defeated nothing more happens. If the motion to reconsider is adopted, the motion being reconsidered will come back to the

floor, usually immediately. It may be delayed by the Members if the Meeting situation requires it.

### **Incidental Motions**

**13.4.16 Point of Order** – A Member may raise a question of order if the Member believes the rules of order are not being followed or are being abused; the point of order may interrupt a Member speaking; the point of order is addressed to the Chair. The Chair responds in one of three ways, namely:

- (i) state that the point is well taken, and correct the procedure before continuing the Meeting;
- (ii) state that the point of order is not well taken, and continue the Meeting; or
- (iii) the Chair not respond, but turns the matter over to Council to decide whether the point of order is well taken or not well taken Note: If the Chair decides the point of order, the Chair's decision (no matter what the Chair decides) may be appealed by any two members (see below for Appeal).

**13.4.17 Point of Information** – A request of a Member to the Chair for information regarding:

- (i) rules of Meeting procedure: or
- (ii) regarding general information of the Meeting.
- (iii) The question is directed to the Chair, without obtaining the floor. The question while spoken to the Chair, may be a request to direct the question to staff, directors or other Members.

**13.4.18 Withdraw** – A Member who moved a motion may request that the motion be withdrawn. The Chair shall then state, "Shall the Member be permitted to withdraw the motion?" (pause). There being no objection the motion is withdrawn." If a single Member objects, the Chair will take a vote to determine if the motion will be withdrawn. Note: If the motion was not put on the floor by the Chair, the Member does not require permission to withdraw the motion.

13.4.19 **Division of a Question** – permits Members to divide a main motion into two or more motions, when the original motion can be separated into parts that can stand alone as distinct proposals and the parts can then be voted on separately. Is not in order when another Member has the floor. It requires a second, is not debatable, is amendable, and requires a majority vote to be adopted.

13.4.20 **Division of the Assembly** - permits a single Member during, or immediately after, the taking of a vote or show of hands vote, to call out "Division!" This is a demand to take the vote again because the voice vote or the show of hands vote result is uncertain. The Chair would immediately take the vote again by asking the members who voted "yes" to stand, then those who voted "no" to stand, or by using such other voting method to determine s may be used by the Chair if the vote is close. The motion is in order when another member has the floor, does not require a second, is not debatable, is not amendable, does not require a vote.

13.4.21 **Appeal the Decision of the Chair** – While the Chair has the authority and duty to make rulings in parliamentary law on matters that may arise in the Meeting, any two Members (a mover and a seconder) may challenge the ruling made by the Chair. This is called appealing the decision of the Chair, which will be decided by the Members by vote.

After hearing the Chair's ruling on a matter, a Member, without obtaining recognition, can rise and say, "I appeal from the decision of the Chair". Another Member can second the appeal. After the second has been obtained, the Chair would then state the motion of appeal to the Council, "Shall the decision of the Chair be sustained?"

The motion to appeal requires a second, each Member may debate one time, the Chair may debate twice, a tie vote or majority vote sustains the decision of the Chair.

13.4.22 **Consider Informally** – allows the Members to relax the debate rules, which relaxation allows the Members to speak in debate more than the regular number of times. The number of times a Member may debate if the matter is being considered informally is unlimited. When the main motion is put to a vote the debate rules return to the regular rules.

The motion to consider informally is most often adopted by general consent of the Council.

- 13.4.23 **Suspend the Rules** – permits the Members to not follow the procedural rules used by the Meeting when these rules are interfering with matters that the Members wish to do. The suspension is not applicable to by-law or constitutional rules, or to local, provincial or federal laws. The actual rules being suspended are not mentioned in the motion, only what is hoped to be accomplished if the rules are suspended (“I move to suspend the rules to permit...”). The motion to Suspend is not in order when another person has the floor, it must be seconded, is not debatable, is not amendable, and requires a two-thirds vote.

## **14.0 Voting**

- 14.1 Every Member who is present at a Meeting when a motion is put to vote, shall vote thereon, unless prohibited by statute, in which case, the Clerk shall record the name of the Member and the reason that they are prohibited from voting.
- 14.2 Votes shall be counted on the basis of one member, one vote.
- 14.3 Any motion on which there is an equality of votes, shall be deemed to be lost.
- 14.4 Voting shall be accomplished by a show of hands or through an electronic voting software, as determined by the Clerk. When voting by a show of hands vote, Members shall indicate by raising their hand deliberately and obviously, and shall remain raised until such a time that the Chair has indicated that they have observed their vote.
- 14.5 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.
- 14.6 Votes taken during Meetings where any Member(s) may be participating remotely may require a roll call at the discretion of the Chair.
- 14.7 Recording of Votes

- 14.7.1 Requests of individual Members for votes to be recorded in favour of, or opposition to, a motion shall be granted (a **"Recorded Vote"**).
- 14.7.2 A Recorded Vote may be requested immediately before the taking of the vote.
- 14.7.3 After a Recorded Vote has been called and the motion is finally put to a vote by the Chair, 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 Chair as to whether the question has been finally put shall be conclusive.
- 14.7.4 Members, having been previously summoned, shall immediately take their places when a Recorded Vote is called for.
- 14.7.5 Upon a Recorded Vote, the names of those who vote for and those who vote against the motion shall be entered upon the minutes, as required by law.
- 14.7.6 In the case of a question being decided on a Recorded Vote, any abstention shall be recorded as a vote in the negative.
- 14.8 The Chair (except where disqualified to vote by reason of interest or otherwise) shall vote, and if a Recorded Vote is requested, shall vote with the other Members on all motions.

## **15.0 Rules of Conduct of Debate**

- 15.1 Every Member wanting to speak to any question or motion shall address the Chair and be recognized before speaking. When two or more Members address the Chair at the same time, the Chair shall determine the Member who first asked to be recognized.
- 15.2 When the Chair 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 Chair, or interrupt such member except to raise a point of order.
- 15.3 After any question is put by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the result is

declared, and the decision of the Chair as to whether the question has been put, shall be conclusive.

- 15.4 A Member called to order from the Chair 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 Chair shall be final.

- 15.5 No Member shall:

15.5.1 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 of Canada or of this Province or any Province, or of a fellow Member of Council or staff;

15.5.2 Use offensive words or unparliamentary language; nor speak on any subject other than the subject from the motion in debate;

15.5.3 reflect upon any vote of Council except for the purpose of moving that such vote be reconsidered;

15.5.4 resist the rules of Council, or disobey the decision of the Chair on questions of order or practice or upon the interpretation of the rules of Council

- 15.6 Where a Member has been called to order by the Chair for failing to observe the provision of **Section 15.4**, and the Member persists in any such conduct, such Member may be ordered by Council to leave their seat for that Meeting, and in case of refusing to do so, may, on the order of the Chair, be removed by the police, but in case of ample apology being made by the offender, may by vote of Council be permitted forthwith to take their seat.

- 15.7 Any Member may require the motion under consideration to be read at any time during the debate, but not so as to interrupt another Member while speaking.

- 15.8 No Member shall speak more than once to the same motion, without leave of Council, except in explanation of a material part of their 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, 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.

- 15.9 No Member shall be permitted to ask questions and / or speak to a motion, for more than five minutes, excluding staff response time
- 15.10 A Member may ask a question of the Chair for the purpose of obtaining information relating only to the matter under discussion and such questions must be stated succinctly.
- 15.11 When questions are called for on the agenda or a specific item is under discussion, inquiries may be made of the Chair, or through the Chair to any Member of Council, the Chief Administrative Officer, or any Director, concerning any matter connected with the business of the County, but no argument or opinion is to be offered, or facts to be stated, except so far as may be necessary to explain the same. In answering or putting any such question a Member is not to debate the matter to which the question refers.

#### **16.0 Suspension of Rules**

- 16.1 A Motion to suspend or not to follow a rule of procedure established by this County of Essex Procedure By-law, shall not be passed without a two-thirds majority vote.
- 16.2 Any debate or deliberations taking place during a suspension of the rules of this County of Essex Procedure By-law, shall continue to be subject to the County's rules related to decorum and the Council Code of Conduct.

#### **17.0 Proceedings in Committee of the Whole**

- 17.1 The purpose of the Committee of the Whole is to facilitate discussion by using less strict rules than those used in formal meetings of Council.
- 17.2 When it appears that any matter may be more appropriately considered in Committee of the Whole, Council may move into a Committee of the Whole upon resolution of Council.
- 17.3 The Warden shall preside over the proceedings of Committee of the Whole but may choose to appoint a Member of Council to preside over the proceedings of the Committee of the Whole and shall then vacate the Chair.
- 17.4 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.

**18.0 Proceedings in Committee Meetings**

- 18.1 A Committee may consider only such matters as have been established by Council in the Committee's terms of reference.
- 18.2 The same rules of order governing closed Meetings, open Meetings, duties of the Chair and parliamentary procedure are to be observed by the Committee as in Council itself.
- 18.3 When the matters presented to a Committee have been considered, the Chair or appropriate Administrative representative is directed to report the same to Council. Until such report is made, no reference may be made in Council, nor to any proceedings of the Committee.
- 18.4 Resolutions of a Committee have no force or effect until a motion to concur with the same has been adopted by Council.
- 18.5 The proceedings taken in Committee, when adopted by Council, shall be deemed to be proceedings of Council.

**19.0 Public Relations**

- 19.1 All media inquiries resulting from a matter listed on a Council Agenda or discussed at a Meeting of Council shall be governed by the Corporate Communications and Media Relations Policy.

**20.0 Striking Committee**

- 20.1 A Striking Committee shall be elected by the full Council at the Inaugural Meeting, following the election of the Warden, and shall consist of 4 Members nominated from the floor plus the Warden. The Striking Committee members shall select a Chair and Alternate Chair.
- 20.2 The Striking Committee shall recommend the initial appointments for all Members of special purpose Committees and outside agencies, boards, commissions or committees.
- 20.3 The report of the Striking Committee shall be presented to Council for approval at a regular Meeting of Council, as soon as possible, in each year following a municipal election.

20.4 A list of appointments or re-appointments of Council members to various boards, committees and commissions shall be recommended by the Striking Committee.

20.5 Should a vacancy occur during the term it shall be the Striking Committee's responsibility, with the approval of Council, to fill the vacancy.

**21.0 Appointment of Lay Persons to Boards, Committees and Commissions**

21.1 The Essex County Library Board shall consist of 7 Members appointed for the term of Council as follows:

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

21.1.2 If the nominee submitted by the local municipality is a Member of County Council, the name of a second nominee, who does not hold an elected office with the municipality, shall also be submitted by the local municipality to be considered to fill a position as a lay appointee to the Board;

21.1.3 The Striking Committee shall review the names of the nominees received and make final recommendations for the Essex County Library Board appointees to Council for approval;

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

21.2 The Essex County Accessibility Advisory Committee shall consist of 7 members appointed by County Council for the term of Council, as follows:

21.2.1 Following each municipal election, the Clerk, shall solicit for members to serve as a representative on the Essex County Accessibility Advisory Committee.

21.2.2 The composition of the Committee shall be as follows:

a) 1 Member of Council;

b) 2 Members who are professionals from the stakeholder community;

c) 4 Members who are people with disabilities.

21.2.3 The Striking Committee shall review the names of the nominees received and make final recommendations for the Essex County Accessibility Advisory Committee appointees to County Council for approval.

## **22.0 Ad Hoc Committees**

22.1 Ad Hoc Committees initiated during the term of Council shall be appointed by Council, upon recommendation of the Striking Committee.

22.2 Ad Hoc Committees shall remain intact until their mandate has been achieved or until the end of the Warden's term of office. If an Ad Hoc Committee has not achieved its mandate by the end of the 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.

## **23.0 Elections and Appointments to Province-Wide Municipal Boards and 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, they must obtain 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 in December of each year, or as soon as possible thereafter, at the discretion of the Warden and Chief Administrative Officer.

**25.0 County Councillors' Remuneration**

- 25.1 The Warden, Deputy Warden, and Councillors shall be paid an annual base salary, Meeting stipends, and mileage allowance calculated in accordance with this **County of Essex Procedure By-law** commencing on the inaugural meeting of each term of Council.
- 25.2 The Average Base Salary for Mayors, Deputy Mayors, and Councillors of the 7 local lower-tier municipalities of the County 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 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 all Meetings of Council.

- 25.4 In addition to the base salary, the 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 Meetings of Council.
- 25.5 The Warden shall be enrolled in health, dental and extended health benefits, equal to those received by County Administration, providing they are 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 all Meetings of Council.
- 25.7 In addition to the base salary, the Deputy Warden shall also 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 Meetings of Council.
- 25.8 A County Councillor's base salary constitutes remuneration for all duties, responsibilities, attendance at all community/social events and attendance at all Meetings of Council.
- 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 Meetings of Council.
- 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 and Alternate Members of County Council**
- 26.1 Lay appointees to boards, commissions or committees and Alternate Members appointed to County Council per By-law 40-2018, 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 Repeal Inconsistent By-Laws**

- 28.1 This By-law hereby repeals By-law No. 2022-31 and all other By-laws deemed to be inconsistent with this By-law.

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

- 1) That By-law 2023-XX shall be given three readings;
- 2) That By-law 2023-XX shall come into force and take effect after the final passing thereof.

**Read a first, second and third time and Finally Passed and enacted on this First day of November, 2023.**

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Hilda MacDonald, Warden

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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 2023-XX** passed by the Council of the said Corporation on this **Sixth day of December, 2023.**

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