



MUNICIPALITY OF KINCARDINE

PROCEDURE BY-LAW

BY-LAW NO. 2013-161

(Amended by By-law No. 2014 - 151)
(Amended by By-law No. 2016 - 003)
(Amended by By-law No. 2016 - 062)
(Amended by By-law No. 2016 - 077)
(Amended by By-law No. 2016 - 112)
(Amended by By-law No. 2017 - 173)
(Amended by By-law No. 2018 - 042)
(Amended by By-law No. 2019 - 011)
(Amended by By-law No. 2019 - 028)
(Amended by By-law No. 2019 - 066)
(Amended by By-law No. 2020 - 044)
(Amended by By-law No. 2020 - 064)
(Amended by By-law No. 2020 - 116)

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

TABLE OF CONTENTS

SECTION “A”

<u>Subsection</u>	<u>Title</u>	<u>Page</u>
A1.	DEFINITIONS	4
A2.	GENERAL	5
A3.	QUORUM	8
A4.	INAUGURAL MEETING	9
A5.	REGULAR MEETING	9
A6.	ABSENTEEISM AND LEAVE OF ABSENCE	10
A7.	NOTICE OF REGULAR MEETING AND AGENDA	10
A8.	SPECIAL MEETINGS	11
A9.	COMMENCEMENT OF MEETINGS	11
A10.	ORDER OF BUSINESS	11
A11.	PUBLIC FORUM	13
A12.	MINUTES	13
A13.	COMMUNICATION & PETITIONS TO COUNCIL	13
A14.	BY-LAWS	14
A15.	DELEGATIONS	15
A16.	CONSENT AGENDA	16
A17.	GENERAL ANNOUNCEMENTS	16
A18.	CLOSED SESSION	17
A19.	ADJOURNMENT	18
A20.	RULES OF DEBATE AND CONDUCT	19
A21.	QUESTIONS OF PRIVILEGE AND POINTS OF ORDER	20
A22.	MOTIONS AND ORDER OR PUTTING QUESTIONS	20
A23.	VOTING	22
A24.	PARLIAMENTARY PROCEDURE	24
A25.	SUSPENSION AND AMENDMENT OF RULES	25
A26.	RULES SHALL APPLY TO COMMITTEES AND BOARDS	25

SECTION “B”

COMMITTEE OF THE WHOLE

<u>Subsection</u>	<u>Title</u>	<u>Page</u>
B1.	CONSTITUTION	26
B2.	ORDER OF BUSINESS – COMMITTEE OF THE WHOLE MEETINGS	26
B3.	POLICY AREAS	26
B4.	RULES OF PROCEDURE	27
B5.	REPORT SCHEDULE	27
B6.	REPORTING SCHEDULE GROUPS/BOARDS/ORGANIZATIONS	28

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

**SECTION “C”
COMMITTEES AND BOARDS**

<u>Subsection</u>	<u>Title</u>	<u>Page</u>
C1.	GENERAL RESPONSIBILITIES OF COMMITTEES	29
C2.	DUTIES AND RESPONSIBILITIES OF COMMITTEE CHAIRS	29
C3.	NOTICE OF MEETINGS	30
C4.	QUORUM	30
C5.	MAYOR: EX-OFFICIO MEMBER	30
C6.	APPOINTMENTS TO AUTHORITIES, COMMITTEES & BOARDS	30
C7.	APPOINTMENTS REQUIRED TO BE MADE BY COUNCIL	31
C8.	APPOINTED COMMITTEES TO NAME CHAIR	32
C9.	APPOINTMENT OF A SECRETARY	32
C10.	REMUNERATION	32
C11.	DURATION OF APPOINTMENTS	32
C12.	ELECTRONIC PARTICIPATION AT COMMITTEE MEETINGS	33
APPENDIX B	OPERATIONAL PROTOCOLS FOR ELECTRONIC PARTICIPATION BY COMMITTEE MEMBERS	36
APPENDIX C	OPERATIONAL PROTOCOLS FOR ELECTRONIC MEETING PARTICIPATION BY COUNCIL MEMBERS DURING AN EMERGENCY	39

**SECTION “D”
DELEGATION REQUEST FORM**

<u>Subsection</u>	<u>Title</u>	<u>Page</u>
D	DELEGATION REQUEST FORM	34

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

SECTION “A”

A1. DEFINITIONS

- A1.1 “Ad Hoc Committee” means a committee appointed to review and report on a specific issue; once the report is delivered, the Ad Hoc Committee is automatically dissolved.
- A1.2 “Clerk” shall mean the Clerk of The Corporation of the Municipality of Kincardine.
- A1.3 “Chair” means the person presiding at a meeting.
- A1.4 “Chief Administrative Officer” shall mean the Chief Administrative Officer of The Corporation of the Municipality of Kincardine.
- A1.5 “Closed Meeting” means a meeting or part of a meeting closed to the public.
- A1.6 “Committee” means a group of individuals appointed by Council in an advisory capacity.
- A1.7 “Council” shall mean the Council of The Corporation of the Municipality of Kincardine.
- A1.8 “**Emergency**” or “**Emergencies**” shall have the same meaning as that in the Emergency Management and Civic Protection Act, R.S.O. 1990, c. E.9 and shall mean a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.
- A1.9 “Local Board” means a local board as defined in the Municipal Act.
- A1.10 “Member” means a member of the Council or a Committee, as the case may be.
- A1.11 “Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of them, where,
(a) a quorum of members is present, and
(b) 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.
- A1.12 “Motion” means a question to be considered by the Council or a Committee which is moved, seconded, and presented, read and is subject to debate. When a motion is carried, it becomes a resolution.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- A1.13 “Municipality” means The Corporation of the Municipality of Kincardine.
- A1.14 “Recorded Vote” means where a vote is taken for any purpose and a member of Council requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- A1.15 “Standing Committee” means a committee appointed to review and report on an area of ongoing interest to the Municipality and that continues to do so on an indefinite basis.

A2. GENERAL

A2.1 Role of Council

- A2.1.1 To represent the public and to consider the well-being and interests of the Municipality;
- A2.1.2 To develop and evaluate policies and programs of the Municipality;
- A2.1.3 To determine which services the Municipality provides;
- A2.1.4 To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- A2.1.5 To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- A2.1.6 To maintain the financial integrity of the Municipality; and
- A2.1.7 To carry out the duties of council under the Municipal Act or any other Act.

A2.2 Role of Mayor

- A2.2.1. To act as Chief Executive Officer of the Municipality and as Chief Executive Officer shall:
- a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in municipality’s activities;
 - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally;
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- A2.2.2 To preside over council meetings so that its business can be carried out efficiently and effectively;
- A2.2.3 To provide leadership to the Council;
- A2.2.4 Without limiting subsection A2.2.3, to provide information and recommendations to the Council with respect to the role of Council described in subsections A2.1.4 & A2.1.5;
- A2.2.5 To represent the Municipality at official functions;
- A2.2.6 To carry out the duties of the head of Council under the Municipal Act or any other act;
- A2.2.7 To act as Council’s representative when dealing with other levels of government, their agencies and the private sector;
- A2.2.8 To serve on the Council of the County of Bruce;
- A2.2.9 To serve as an ex-officio member of all municipal authorities, committees and boards established or appointed by Council (the Mayor may vote and otherwise participate, unless prohibited by law, in the business of the municipal authority, committee or board on the same basis as any other committee member).

A2.3 Role of Chief Administrative Officer (CAO)

- A2.3.1 To exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality;
- A2.3.2 To ensure implementation of Council’s decisions and establishment of administrative practices and procedures to carry out Council’s decisions;
- A2.3.3 To ensure undertaking of research and provision of advice to Council on the policies and programs of the Municipality;
- A2.3.4 To carry out such other duties required under the Municipal Act or any other act and other duties assigned by the Council.

A2.4 Role of Clerk

- A2.4.1 Record without note or comment, all resolutions, decisions and other proceedings of the Council;
- A2.4.2 If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- A2.4.3 To keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- A2.4.4 To make such minor modifications or corrections of an administrative, numerical, grammatical, or descriptive nature or kind to any by-law, motion or resolution and/or minutes as they may be required for the purpose of ensuring correct and complete implementation of the actions of Council and where such modifications or corrections do not alter the intent;
- A2.4.5 To perform any other duties required under the Municipal Act or under any other Act;
- A2.4.6 To perform such other duties as are assigned by the Municipality.
- A2.4.7 The Municipality shall allow for electronic participation by the Clerk and municipal Staff in both open and closed council meetings per Appendix C, Operational Protocols for Electronic Meeting Participation by Council Members

A2.5 Meetings of Council

- A2.5.1 Except as provided in Section 18, all meetings shall be open to the public.
- A2.5.2 The Mayor shall preside at all meetings of the Council.
- A2.5.3 The Chair may expel any person for improper conduct at a meeting.
- A2.5.4 In the absence of the Mayor, the Deputy Mayor shall assume the responsibilities, and have the powers of the Mayor under this by-law.
- A2.5.5 Members of the Public at a meeting, shall not:
 - (a) address Council or Committee without permission;
 - (b) use indecent, offensive, defamatory, disrespectful or insulting language;
 - (c) bring food or beverages into the Council Chamber or meeting room unless so authorized;
 - (d) bring signage, placards or banners into such meetings;
 - (e) engage in any activity or behavior that would disrupt the Council or Committee deliberations;
 - (f) bring into the meeting room, telephones, pagers or other electronic devices which emit a sound, unless such devices are turned off or silenced.
- A2.5.6 Council or committee meetings, not held in closed, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by another licensed telecommunications company or by any other media in such a manner as not to interfere with the

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

proceedings of the meeting with advance notification to the Clerk, Chair or Chair of the Committee as the case may be.

- A2.5.7 Should the recording interfere with the proceedings of the Council meeting, the recording privileges may be withdrawn. The ruling of the Presiding Officer or Chair shall be final unless by appeal to the Council which shall decide on the question without debate.
- A2.5.8 At meetings of Council or its Committees, the use of cameras, electronic lighting equipment, flash bulbs, recording equipment and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the media or the recording secretary of the meeting including but not limited to members of the public is prohibited unless authorized in advance by the Clerk, CAO or Chair.
- A2.5.9 When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the meeting, whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a record of the meeting.

A2.6 Public Notice

- A2.6.1 Public notice of meetings will be provided on the municipal website and also in accordance with the Municipality’s Notice By-law.

A3. QUORUM

- A3.1 A majority of the whole number of members required to constitute the Council shall be necessary to be present to form a quorum pursuant to subsection 237 (1) of the Municipal Act, 2001.
- A3.2 Where the number of members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- A3.3 Unless a quorum is present within fifteen (15) minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned either until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting, or until the convening of the next regular scheduled meeting of the Council.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

Where there is no quorum present, minutes will be recorded for the meeting indicating the roll call, there was no quorum present and the meeting was adjourned.

- A3.4 To be considered as part of quorum for a meeting, the Council member must be physically present for the meeting, unless participating by electronic means such as telephone or video conferencing. Any such member of Council participating by electronic means shall be counted in determining whether or not a quorum of members is present and shall be permitted to participate fully in the meeting, including casting a vote per Appendix C Operational Protocols for Electronic Meeting Participation by Council Members.

A4 INAUGURAL MEETING

- A4.1 The inaugural meeting of a new Council shall be held on the first Monday after November 15th in a regular election year at 5:00 p.m. in the Municipal Council Chambers or any other location otherwise designated, which may include by telephone or video conferencing. In the event it is necessary to cancel the scheduled inaugural meeting, the Mayor-Elect shall decide upon the next suitable date and time for the Inaugural Meeting of Council to be held.

- A4.2 The inaugural meeting of the new Council shall be opened with a prayer with the officiating clergy selected by the Mayor-Elect.

A5. REGULAR MEETINGS

- A5.1 All regular meetings of Council shall be convened in the Council Chambers or any other location otherwise designated, which may include by telephone or video conferencing. on the first (1st) and third (3rd) Mondays of every month at five o'clock in the afternoon (5:00 p.m.) except during the month of January of each year when the regular meetings of Council shall be convened on the second (2nd) and fourth (4th) Mondays. Despite subsection A5.1, during the months of July and August of each year, there will be a regular meeting convened on the first (1st) Monday of the month only.

- A5.2 Planning/Corporate Services meetings will also be held at five o'clock in the afternoon (5:00 p.m.) on the second (2nd) Monday of each month except during the month of January of each year, when the Planning/Corporate Services meeting of Council shall be convened the third (3rd) Monday of the month.

- A5.3 Where such Monday is a holiday within the meaning of the Legislation Act, or is the first Monday in August, the Council shall meet on the Wednesday

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

next following the regular day of the meeting and at the same time as specified in subsection A5.1 above.

A5.4 Notwithstanding the provisions of subsection A5.1 and A5.3, where the regular meeting of the Council falls on a day which has been designated as Nomination Day or Election Day for the holding of municipal elections, the regular council meeting shall be held on the Wednesday next following.

A5.5 Regular meetings of Council shall not extend beyond the hour of 8:00 p.m. unless otherwise determined by a vote of the majority of the members present.

A5.6 Council may, by by-law, change the regularly scheduled meeting day and time provided that notice of the change is announced in advance.

The Mayor, in consultation with Municipality staff, may cancel a regular meeting where there is a lack of business items for the agenda provided notice of the cancellation is announced in advance.

A5.7 The Council may, by resolution, provide that meetings may be held at a place other than at the Municipal Administration Centre, including an adjacent municipality.

A6. ABSENTEEISM AND LEAVE OF ABSENCE

A6.1 All members will endeavour to provide substantive notice of such absence to the Clerk at least forty-eight (48) hours prior to the commencement of the meeting from which the member shall be absent.

A6.2 Where a member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council, the office of that member shall become vacant in accordance with provisions and exceptions of Section 259 of the Municipal Act and procedures as set out in Section 263 of the Municipal Act, 2001 shall apply.

A6.3 If a member desires to leave a meeting of Council prior to adjournment, and not return thereto, he/she shall so advise the Mayor at the beginning of the meeting and the time of him/her departure shall be recorded in the minutes.

A7. NOTICE OF REGULAR MEETINGS AND AGENDA

A7.1 Notice shall not be required to be given of regular meetings of the Council unless the day of the meeting is other than that provided in this by-law.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

The mailing out or delivery of agendas therefore shall be considered as adequate notice of such regular meetings.

A7.2 The Clerk will endeavour to ensure that agendas are available to each member of Council the Thursday preceeding a regular meeting of Council.

A7.3 The agenda for a Council meeting will be posted on the municipal website. If the meeting is being held in the Council Chambers, a paper copy will be placed in the foyer of the Council Chambers for public viewing.

A8. SPECIAL MEETINGS

A8.1 The Mayor or in the absence of the Mayor, the Deputy Mayor, may at any time call a special meeting or upon receipt of a petition of the majority of the members of the Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.

A8.2 At least forty-eight (48) hours' notice of all special council meetings shall be given by the Clerk. Such notice shall be provided by E-mail or telephone, to the members of Council. Notice to the public will be posted on the municipal website and if sufficient time, be published once in a newspaper of general circulation in the municipality.

A8.3 At special meetings of the Council, it shall not be competent to consider or decide upon any matter unless such matter has been listed in the notice calling the meeting.

A8.4 Notwithstanding the provisions of subsection A8.2, in the event of a bona fide emergency, a meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone, personal contact or e-mail as determined by the Clerk.

A9. COMMENCEMENT OF MEETINGS

A9.1 Subject to Section A3, as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair and call the members present to order.

A9.2 Upon the absence of the Mayor and the Deputy Mayor, the Council may from amongst the members present, appoint a presiding officer, who, during such absence shall assume the responsibilities and have the powers of the Mayor under this by-law.

A10. ORDER OF BUSINESS

A10.1 The Business shall in all cases be taken up in the general order in which it stands upon the agenda, unless otherwise determined upon a vote of the

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

majority of the members present, and all questions relating to the priority of business shall be decided without debate.

REGULAR COUNCIL MEETINGS

The order of business for Regular Meetings of the Council shall be:

- a) Roll Call
- b) Call to Order
- c) Amendments, Additions or Deletions to/from the Agenda
- d) Disclosure of Pecuniary Interest
- e) Public Forum
- f) Adoption of Minutes of Regular and Special Meetings of Council
- g) Presentations and Petitions
- h) Motions and Notice of Motion
- i) Consideration of By-laws
- j) Committee of the Whole
- k) Matters Arising from Committee of the Whole
- l) Members of Council General Announcements
- m) Chief Administrative Officer Announcements
- n) Closed Session if required
- o) Matters Arising from Closed Session
- p) Confirmatory By-law
- q) Adjournment

The order of business for Planning/Corporate Services Meetings shall be:

- a) Roll Call
- b) Call to Order
- c) Amendments, Additions or Deletions to/from the Agenda
- d) Disclosure of Pecuniary Interest
- e) Public Meetings
- f) Matters Arising from Public Meetings
- g) Motions
- h) Consideration of By-laws
- i) Committee of the Whole
- j) Matters Arising from Committee of the Whole
- k) Members of Council General Announcements
- l) Chief Administrative Officer Announcements
- m) Closed Session if required
- n) Matters Arising from Closed Session
- o) Confirmatory By-law
- p) Adjournment

SPECIAL COUNCIL MEETINGS

The order of business for Special Meetings of Council shall be:

- a) Roll Call
- b) Call to Order
- c) Declaration of Pecuniary Interest

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- d) Business for which the special meeting is called
- e) Confirmatory By-law
- f) Adjournment

A10.2 Council may make amendments to the agenda, expressed by resolution.

A11. PUBLIC FORUM

A11.1 Members of the public may address Council during this forum on any matter that is for information only or on existing or proposed policies that are within Council’s jurisdiction.

A11.2 Forum topics shall not include any matter listed on the agenda for the meeting.

A11.3 A registry will be available in the foyer of the Council Chambers from 4:30 p.m. to 4:55 p.m. where individuals, up to a maximum of three (3) at a meeting, may sign in to indicate their intent to address Council.

A11.4 A person addressing Council during the public forum shall be limited to a maximum of three (3) minutes.

A11.5 Council members will not speak to nor debate on the information presented except for the Chair to acknowledge receipt or for Council to refer to a Committee or provide direction to staff where appropriate.

A12. MINUTES

A12.1 The minutes of such proceedings shall not record any discussion undertaken in the course of a meeting, but shall only record decisions of the Council expressed in resolution form and shall record all such resolutions including those which are affirmatively voted upon by a majority of the Council members present and those motions which are defeated.

A12.2 Presentations, delegations, petitions, and communications received by the Council in the course of a meeting shall only be referred to in a brief and summary manner.

A12.3 The adoption, by resolution, of the minutes of each and every regular and special meeting of the Council shall be subsequently ratified and enacted by confirmatory by-law.

A13. COMMUNICATIONS AND PETITIONS TO COUNCIL

A13.1 Every communication intended for presentation to Council must be legibly written, typed or printed and must contain the signature (except e-mail communications) and contact address of at least one (1) person and

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

preferably the addresses of all signatories. For all communications submitted there shall be designated a contact person to whom the Clerk can communicate on behalf of Council.

- A13.2 Every petition intended for presentation to Council must be a written request that contains more than (10) signatures and will conform to GG Petition Policy including that they must be legible, typewritten and printed in ink and include the signature and full address of each petitioner.
- A13.3 The Clerk shall list with the agenda only those communications and petitions received prior to 12:00 p.m. (noon) on the Wednesday preceding the regular Council meeting.
- A13.4 Communications and Petitions containing obscene or defamatory language shall not be presented to Council.
- A13.5 All communications or petitions addressed to Council within the responsibility of a committee or board shall, upon receipt be referred to that committee or board. Council, through the consent agenda, shall confirm such referrals. If the petition or communication complains of some present, personal grievance requiring an immediate remedy, the matter may be brought into immediate discussion and disposed of forthwith.
- A13.6 Resolutions passed and circulated by County of Bruce municipalities shall be listed on the Consent Agenda.

A14. BY-LAWS

- A14.1 Every by-law shall have three readings prior to being passed.
- A14.2 All by-laws shall be introduced by motion for a first, second and third reading and passing under one motion. Any member of Council may ask to debate the by-law, and that by-law shall be referred to Committee of the Whole under “Items for Discussion from Council” for further debate.
- A14.3 Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete.
- A14.4 If Council so determines, a by-law may be taken as read at any stage of its presentation.
- A14.5 The Clerk shall set out on all by-laws enacted by Council the date of their readings and passage.
- A14.6 Each and every by-law passed by the Council shall be printed, signed by the Clerk and by the Head of Council or presiding officer at the meeting at

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

which the by-law was passed, and shall be sealed with the seal of the Corporation.

A14.7 Each and every by-law adopted by the Council shall be filed by the Clerk in the by-law books of the Municipality and shall be indexed and cross-indexed by number and subject matter.

A15. DELEGATIONS

A15.1 Unless otherwise determined by Council all delegations shall be heard by Council in Committee of the Whole.

Council authorizes the scheduling of delegations, where appropriate, at the beginning of the Committee of the Whole portion of Council meetings.

A15.2 Delegations will have the option of appearing before Council in Committee of the Whole or directly to a committee or board having responsibility thereof.

A15.3 Any person desiring to be heard as a delegation to Council in Committee of the Whole shall submit a Delegation Request Form, attached as Section D, to the Clerk not later than 12:00 p.m. (noon) on the Wednesday preceding the day of the meeting and such a request shall clearly state key points, action requested and include any presentation materials (i.e. PowerPoint presentations, handouts, etc.).

A15.4 Delegations addressing Council in Committee of the Whole shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner.

A15.5 All delegations within the responsibility of a department, committee or board shall, upon presentation to Council, be referred to the proper department, board or committee. No debate shall be allowed on the presentation of any delegation; however, any Council Member may direct questions through the Chair to the delegation and certain directions may be given by Council.

A15.6 Council may at its discretion, expressed by resolution adopted by a majority vote of its members present, hear any person in Committee of the Whole.

A15.7 Delegations addressing the Committee of the Whole shall be limited to a maximum of ten (10) minutes.

A15.8 A delegation, once heard, shall not be entitled to be heard on substantially the same matter for a period of 3 months from the date of first being heard, unless new information is being provided to assist

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

Council/Committee of the Whole in its decision making. Refusal of request to appear as a delegation may be appealed to the Mayor.

- A15.9 Delegations will not be scheduled whose subject relates to a matter currently before the courts or administrative tribunals or if frivolous or non-relevant.
- A15.10 Delegations may be scheduled to address via video-conferencing or in-person.

A16. CONSENT AGENDA

- A16.1 The Consent Agenda is to deal with items of routine business, departmental statistical reports, administrative by-laws, administrative motions and matters unlikely to be subject to debate by Council. Items on the Consent Agenda will be considered en-masse (with one motion) and without amendment or debate.
- A16.2 The Consent Agenda shall be presented in Committee of the Whole and considered as a Matter Arising.
- A16.3 Members of Committee of the Whole, or the CAO, may request one or more items be removed from the Consent Agenda for separate discussion and action, and this shall be without amendment or debate.
- A16.4 The content and order of items on the Consent Agenda shall be:
1. Motions
 2. By-laws
 3. Statistical Reports
 4. Minutes of Committees & Boards
 5. Communications

A17. GENERAL ANNOUNCEMENTS

- A17.1 Council members may make announcements, recognize achievements, promote an event or recognize matters of community-wide interest; however, details will not be recorded in the minutes.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

A18. CLOSED SESSION

A18.1 All meetings shall be open to the public except as provided in this by-law, and in accordance with the Municipal Act, 2001 and any other applicable legislation.

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 matter before administrative tribunals;
- (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 the 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.

A18.2 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 council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, or the investigator referred to in subsection 239.2 (1). of the Municipal Act, 2001.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- A18.3 A meeting of 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 education 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.
- A18.4 Before holding a meeting or part of a meeting that is to be closed to the public, Council or local board or committee of either of them shall state by resolution;
- a. the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - b. in the case of a meeting under Subsection 18.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under subsection 239 (3.1) of the Municipal Act, 2001.
- A18.5 Subject to Subsection A18.6, a meeting shall not be closed to the public during the taking of a vote.
- A18.6 Despite Subsection A18.5, a meeting may be closed to the public during a vote if,
- a. the subject matter falls into a category where a closed session is allowed; and,
 - b. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or committee of either of them or persons retained by or under contract with the municipality or local board.
- A18.7 All confidential reports shall be distributed to Council members in paper copy and shall be returned to the Clerk at end of meeting where report considered, unless agreed to by Council.
- A18.8 Closed meetings will not be recorded, streamed or otherwise communicated using a Recording/Electronic Device, but may be held via electronic means such as telephone or video conferencing. Members of Council or others in attendance at a Closed Meeting may be required to close all laptops and remove all Recording/Electronic Devices from the room, at the discretion of the Mayor. Exceptions will be made to allow for electronic participation. Electronic participation will be allowed during any Closed Meeting.

A19. ADJOURNMENT

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

A19.1 A motion to adjourn the Council or adjourn the debate shall always be in order except:

- (a) when a member is in possession of the floor;
- (b) when a recorded vote has been called for;
- (c) when the members are voting;
- (d) when it has been decided that the main question shall be put forthwith.

A19.2 When a motion to adjourn is defeated, no second motion to the same effect may be made until there has been some intermediate proceeding.

A20. RULES OF DEBATE AND CONDUCT

A20.1 The Mayor shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council.

A20.2 Every member, previous to speaking on any question or motion, shall indicate the wish to speak by raising their hand and when so recognized shall address the Mayor.

A20.3 When a motion is presented, it shall be read by the Chair or the Clerk, before debate.

A20.4 When two or more members simultaneously indicate a wish to speak, the Chair shall name the Member to be recognized. When a member is speaking, no other member shall hold discourse which may interrupt or pass between the speaker and the Chair.

A20.5 Any member may request the question or motion under discussion to be read at any time during the debate, but may not interrupt a member speaking in order to make such a request.

A20.6 No member shall speak twice to a question without leave of the Council and shall not speak a second time to the question where another member wishes the floor who has not spoken the first time to the question, except in explanation of a material part of their speech which may have been misunderstood.

A20.7 No member shall speak to the same question or in reply for longer than three (3) minutes.

A20.8 No member shall speak disrespectfully, or use abusive or unparliamentarily words or expressions in Council. No member shall speak beside the question in debate. No member shall criticize any vote of the Council, except for the purpose of moving that such vote be reconsidered. No person shall breach the rules of the Council, the

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

decision of the Mayor or of the Council, on questions or order of procedure.

- A20.9 In case any member should breach such rules, the member may be ordered by the Chair, to refrain from any further comment. In the event such member continues to commit a breach of protocol, he/she will be asked to leave their seat for that meeting. No member shall be permitted to retake their seat at any meeting after being ordered by the Chair to vacate for committing a breach of any rule or order of the Council, without making an apology and receiving the consent of Council, expressed by a majority of the members present determined without debate.
- A20.10 The Mayor may leave the chair for the purpose of taking part in a debate or otherwise. The Mayor shall first appoint a member of Council, who has not spoken to the question, to take the chair until the Mayor resumes the chair, after the question has been decided.

A21. QUESTIONS OF PRIVILEGE AND POINTS OF ORDER

- A21.1 Whenever any point, privilege, order or matter of urgency arises, it shall be immediately taken into consideration.
- A21.2 When the Mayor is called on to decide a point or order of procedure the point shall be stated without necessary comment, and the Mayor or presiding officer shall state the rule or authority applicable.
- A21.3 When a point of order is raised, or when a member is called or order from the chair, the Mayor shall then decide the point of order. The member may be permitted to explain. The decision of the Mayor shall be final, unless an appeal is made to the Council, in which case the question: “Shall the ruling of the chair be sustained?” shall be determined without debate by vote. If the appeal is upheld, the chair shall change his/her ruling accordingly. If the appeal is rejected, then the ruling stands.
- A21.4 Whenever the Mayor is of the opinion that any motion offered to the Council is contrary to the rules of the Council, he/she shall advise the members thereof immediately and quote the rule or authorities applicable. Argument or comment shall not be permitted.
- A21.5 Where a member considers that his/her integrity or the integrity of the Council has been impugned, the member may as a matter of personal privilege, rise at any time for the purpose of drawing the Mayor’s attention to the matter.

A22. MOTIONS AND ORDER OF PUTTING QUESTIONS

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

A22.1 Notice shall be given of all motions for introducing new matter, other than a point of order or a matter of urgency, and no motion shall be discussed unless such notice has been given at the regular meeting of the Council, or is filed with the Clerk by 12:00 p.m. (noon) on the Thursday preceding the date of the meeting at which the motion is to be introduced; and the motion shall be printed in full in the agenda for that meeting of the Council and for each successive meeting of Council, until the motion is considered or otherwise disposed. The motion shall be submitted to the Clerk in writing and shall be complete and correct.

The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate.

When a motion has appeared on 2 successive Council meeting agendas and not dealt with, it shall be deemed to have been withdrawn and be dropped from the agenda unless Council otherwise decides.

A22.2 Council members may provide notice of motion for a subsequent meeting and such notice shall provide the subject and purpose without commentary or debate.

A22.3 The Municipality of Kincardine shall not consider requests for proclamations except for municipal operations.

A22.4 Any motion may be introduced without notice with the approval of the majority of Council.

A22.5 Every motion shall be in writing and when duly moved and seconded and stated by the Mayor or Clerk shall be open for consideration.

A22.6 After a motion is moved, seconded, and read aloud it shall be deemed to be in possession of the Council, but may with the permission of the Council be withdrawn at the joint request of the mover and seconder at any time before decision or amendment.

A22.7 Before a motion is stated, a member of Council may ask if the mover and seconder of the motion would accept a change in it, termed a friendly amendment. They may either accept or reject the proposed change. If the proposed change is rejected, the member suggesting the change can propose an amendment after the motion has been placed before the meeting. If the change is accepted, the changed motion will be read. Friendly amendments shall not be recorded in the minutes.

A22.8 Save as otherwise provided, all amendments to motions:

- (a) Shall be in writing and seconded; Shall be decided upon or withdrawn before the main question is put forth;

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- (b) Shall not be further amended more than once provided that further amendment may be made to the main question;
- (c) Shall be relevant to the question;
- (d) Shall not be received proposing a direct negative to the question;
- (e) May propose a separate and distinct disposition of a question;
- (f) Shall be put in reverse order to that in which it is moved.

A22.9 A motion for reference, until it is decided, shall preclude all amendment of the main question. If the motion for reference is carried, the main motion and any amendments thereto shall be deemed to be withdrawn.

A22.10 When a question is under debate, no motion shall be received except for the following purposes and according to the listed priorities namely:

Not Debatable

- (a) To extend the hour of automatic adjournment.
- (b) To adjourn the meeting.
- (c) The main question.
- (d) To table (indefinite postponement).

Debatable

- (e) To postpone to a definite date.
- (f) To refer to a committee.
- (g) To amend.

A22.11 The Mayor may call for a vote after each member has spoken once. A motion to call the question may be introduced and with a two-thirds vote of the members present that question shall then be voted upon and it shall preclude all amendments or further debate on the main question.

A22.12 It shall be the duty of the Mayor or the Clerk, or any member of the Council, whenever it shall be conceived that a motion received and read, may be contrary (ultra vires) to the Municipal by-laws, Provincial or Federal Statutes to apprise the Council thereof, stating the rules, by-laws or statutes which are applicable to the case

A22.13 A motion for the Mayor to leave the chair shall be in order if Council determines that the Mayor is acting in contravention to Section A20 – Rules of Debate and Conduct. The Council may then appoint a substitute and resume the interrupted business

A22.14 Incidental motions in respect of a matter of special privilege, suspension of rules of procedure, adjournment, postponement of the previous question or commitment may be made verbally.

A23. VOTING

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

A23.1 Every member present, when a question is put, shall vote thereon unless the member has a pecuniary interest, direct or indirect.

When a member has such interest in the question under debate, he/she shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act. Members shall file, with the Clerk, a written statement of interest and its general nature at a meeting, on the form prescribed by the Clerk, at which a member discloses an interest, or as soon as possible afterwards.

Except as follows, the member shall, in instances where the Council is meeting in a closed session, vacate his/her chair and the meeting room until the question is decided, and the Clerk shall duly record the circumstances in the minutes. Where the matter under consideration is whether to suspend the remuneration paid to the member if the Integrity Commissioner has reported that, in his or her opinion, the member has contravened the Code of Conduct, the member may take part in the discussion even at a closed meeting, however, the member is not permitted to vote on any question in respect of the matter.

If any member present refuses to vote except for reasons of such interest, they shall be recorded as voting in the negative on the question before Council.

A23.2 Unless disqualified, the Mayor may vote with the other members on all questions.

A23.3 The Mayor shall vote in all cases where it is necessary to break a tie.

A23.4 Any question on which there is an equality of votes shall be deemed to be a negative.

A23.5 In cases required by law, and when any member calls for a recorded vote, the surnames of those who vote for and those who vote against the question shall be entered in the minutes. Each member voting for the question shall say “YES” and each member voting against the question shall say “NO”. When recording the “YES” votes and the “NO”, votes the Clerk shall call the names of the members in their alphabetical order. The Chair’s name shall be called last. Before the results of the vote are announced by the Chair, the Clerk shall read the vote so taken.

A23.6 When the question under consideration contains separate and distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

A23.7 After any question is finally put by the Chair, no member shall speak to the question, nor shall any other motion be made until after the result is

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

A23.8 After any by-law, resolution, question or matter has been decided except in those situations described in (a) – (h) below, any member who voted thereon with the prevailing side may move for reconsideration within the same meeting or for amendment or repeal thereafter. The Mayor shall confirm with the member that the member voted with the majority on the issue in question.

EXCEPTIONS

- (a) A question which can be renewed within a reasonable time.
- (b) An affirmative vote whose provisions have been partly carried out.
- (c) An affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome.
- (d) Any vote which has caused something to be done that it is impossible to undo
- (e) A vote on a Motion to Reconsider.
- (f) When the same result can be obtained by some other motion.
- (g) A motion of indefinite postponement (to lay on the table).
- (h) When a motion to reconsider is determined by the Chair to be dilatory (causing delay).

A23.9 The mover of a motion for the reconsideration of any decided matter shall be permitted to make a brief and concise statement of the reasons which he/she believes justify such reconsideration, without in any way debating the content of the matter.

A23.10 If reconsideration of any decided matter is recommended to the Council by a committee or board, or special committee, a brief and concise statement of the reasons therefore may be set forth in the report to Council. The effect of a Notice of Motion to reconsider a decided matter is the suspension of all action that depends on the result of the matter proposed to be reconsidered. There shall be no discussion of the decided matter unless and until the motion to reconsider is carried by a majority vote of all the members present. No motion or question shall be considered “carried” without the consent of the majority of the members present who have not declared a pecuniary interest, direct or indirect.

A23.11 Where a motion or question is “carried” or “defeated” such shall be recorded in the minutes of the meeting.

A24. PARLIAMENTARY PROCEDURE

A24.1 All proceedings of the Council not specifically provided for in this by-law, shall be dealt with in accordance with ROBERT’S RULES OF ORDER

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

NEWLY REVISED (current edition) and in such cases the decision of the Mayor shall be final and accepted without debate.

A25. SUSPENSION AND AMENDMENT OF RULES

A25.1 Any standing rule, order of Council or provision of this by-law, other than a quorum requirement, may be suspended or amended at or for a particular meeting by resolution of the Council adopted with the unanimous less one consent of all the members present, and voting, provided that the suspension of the rules does not result in a contravention of the Municipal Act.

A25.2 Any provision of this by-law, standing rule or order of Council may be amended by a by-law, following publication of notice of the proposed change.

A26. RULES SHALL APPLY TO COMMITTEES AND BOARDS

A26.1 Where separate Rules of Procedure do not exist for a committee or board, the rules set forth herein shall apply.

SECTION “B”

COMMITTEE OF THE WHOLE

B1. CONSTITUTION

- B1.1 All members of the Council shall constitute and fully participate in meetings termed Committee of the Whole at which all substantive matters of concern to the Municipality requiring policy formulation or decision shall be considered for recommendation to Council.
- B1.2 Committee of the Whole Meetings shall be held as part of the Regular and the Planning/Corporate Services Meetings.

B2. ORDER OF BUSINESS – COMMITTEE OF THE WHOLE MEETINGS

- B2.1 The order of business of a regular meeting of Committee of the Whole shall be:
- (a) Call to Order
 - (b) Amendments, Additions, or Deletions to/from the Agenda
 - (c) Disclosure of Pecuniary Interest
 - (d) Adoption of Minutes of Committee of the Whole Meeting
 - (e) Items for discussion from Council meeting
 - (f) Delegations (will be heard under appropriate report if the subject matter relates to a report on the agenda)
 - (g) Reports
 - (h) Consent Agenda
 - (i) Adjournment

The order of presentation of reports will be on a rotational basis.

- B2.2 The order of business referred to may be altered from time to time to permit a more efficient flow of business.

B3. POLICY AREAS

- B3.1 Under the Committee of the Whole System, policy areas are established with the Senior Manager as the staff contact and a Council member appointed as Policy Chair for the following areas:

- (a) Corporate Services
- (b) Planning
- (c) Building
- (d) Arts, Culture and Heritage
- (e) Economic Development & Tourism
- (f) Roads, Bridges, and Drains

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

- (g) Environmental Services
- (h) Recreation
- (i) Emergency Services

B4. RULES OF PROCEDURE

B4.1 The rules governing the procedures of the Council and the conduct of members in Council as set out in Section “A” of this by-law shall be observed in Committee of the Whole in so far as they are applicable except that:

- (a) The Policy Chair may chair the portion of the Committee of the Whole that is applicable to their policy area.

B4.2 The Committee shall consider decisions through motions that have been duly moved and seconded.

B4.3 The number of times of speaking on any question shall not be limited unless a member requests that the question be voted upon.

B4.4 No member shall speak more than once except to make an explanation until every member who desires to speak has spoken.

B5. REPORT SCHEDULE

B5.1 The schedule for reporting to Committee of the Whole shall be as follows:

1st Monday

- Public Works
- Emergency Services
- County Council Update

2nd Monday

- Building & Planning
- Corporate Services

3rd Monday

- Recreation Services
- Accessibility Advisory
- Tourism
- Economic Development
- Mayor’s Update

B5.2 Nothing in B5.1 precludes reports occurring at a meeting other than the indicated schedule.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

B6. REPORTING SCHEDULE FOR GROUPS/BOARDS/ORGANIZATIONS

Group	Reporting Frequency	Comments
Accessibility Advisory	Annually	As required
Airport Service Provider	Bi-annually	June/December
Bruce Area Solid Waste Recycling (BASWR)	Annually	September
Bruce Telecom	Quarterly	By-Law #2006-266
Business Improvement Area (B.I.A.)	Bi-annually	July/November
Heritage Kincardine	Annually	As required
Kincardine Trails	Annually	As required
Kincardine Police Services Board	Bi-Annually	February/August
Saugeen Valley Conservation Authority (S.V.C.A.)	Annually	November
Westario	Annually	December
Physician Recruitment	Annually	January

SECTION “C”

MUNICIPAL COMMITTEES AND BOARDS

C1. GENERAL RESPONSIBILITIES OF COMMITTEES

C1.1 It shall be the responsibilities of all Committees of Council:

- (a) To take into consideration during deliberations and any resulting recommendations the Municipality’s policies, strategic plans and budget;
- (b) To consider and report on any and all matters referred to it by Council;
- (c) To provide direction and guidance to staff, set priorities and ensure co-ordination among the policies, programs and services of the Municipality;
- (d) To provide a forum for public participation;
- (e) To promote accountability.

C1.2 All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other By-law. Committees have authority, through and in conjunction with the Administrative Department Head, to proceed with projects approved in the current annual budget.

C1.3 Committees shall not recommend the expenditure of any funds not provided for in the current year’s budget approved by Council unless their recommendation specifically identifies the expenditure as unbudgeted and further identifies a source of funds for the expenditure.

C2. DUTIES AND RESPONSIBILITIES OF COMMITTEE CHAIRS

C2.1 To preside over the Committee Meeting. To insure that all matters within their specific area of responsibility of policy consideration are put before their committee in a manner which is orderly, timely and complete.

C2.2 To review items of business intended for inclusion for Committee agendas.

C2.3 To maintain a communication with the Administrative Department Head whose operations fall within their specific area of responsibility in such a manner as to be satisfied that policy items (both decided and/or to be decided) are effectively addressed and followed through upon.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

C3. NOTICE OF MEETINGS

- C3.1 The Secretary shall not be required to give notice of regular meetings of committees and boards but the mailing and receipt of the agenda for the meeting shall constitute notice thereof.
- C3.2 The Secretary shall endeavor to notify all members of meeting cancellations.
- C3.3 Special meetings of committees and boards may be called by the Chair if it is considered necessary to do so, and by the Clerk whenever requested in writing to do so by a majority of the members composing such committees.

C4. QUORUM

- C4.1 The majority of the whole number chosen to comprise any committee, or board, or as otherwise determined by the Council shall constitute quorum.

C5. MAYOR AS EX-OFFICIO MEMBER

- C5.1 The Mayor shall be ex-officio member of all municipal authorities, committees and boards and shall have the same rights and privileges as any of the other members, however does not count for quorum (is not counted in determining the number required for a quorum or whether a quorum is present at a meeting).

C6. APPOINTMENTS TO AUTHORITIES, COMMITTEES AND BOARDS

- C6.1 The Clerk shall cause to be published a notice for two (2) consecutive weeks in the local press:
- (a) Advising the public that committees and boards are to be struck.
 - (b) Listing all committees and boards to which appointments of citizens are to be made.
 - (c) Inviting interested citizens to submit their names for consideration for appointment to committees and to which appointments of citizens shall be made
 - (d) Fix date by which such submissions shall be received.
- C6.2 After the inaugural meeting, the Mayor shall call a meeting of the Striking Committee to consider the appointment of citizen members to authorities, committees, and boards.
- C6.3 The Striking Committee shall consist of the Mayor, Deputy Mayor, two (2) other Council members as voting members and the CAO and Clerk as non-voting members to provide administrative support. Council shall

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

appoint the two (2) Council members to the Striking Committee at the inaugural meeting.

The Mayor shall be the Chair of the Striking Committee.

- C6.4 The advertising for the notice referred to in subsection 6.1 and the final date for the receipt of responses to the notice shall be completed by the Clerk prior to the formation of the Striking Committee referred to in subsection C6.3
- C6.5 The method of selection of appointees to the committees, and boards requiring, citizen and Council appointments as set out in subsection C7 herein shall be determined by the Striking Committee with recommendations on appointments to Council.
- C6.6 Should it occur that, after the meeting of the Striking Committee, all appointed positions have not been filled on a committee or board, the Striking Committee shall present its recommendations at the said Council meeting, as far as they could be completed, and Council shall deal with those recommendations.
- C6.7 All appointments to authorities, committees and boards recommended shall be enacted by by-law.
- C6.8 If necessary, appointments shall, at subsequent meetings, be made by Council to fill vacancies on a committee or board until such time as all vacancies are filled.
- C6.9 Council may by resolution establish ad hoc committees, which shall advise the Council on matters assigned or referred to it.
- C6.10 A committee, which refuses or neglects to give due consideration to any matter assigned to it or before it, may by resolution be discharged of such responsibilities.
- C6.11 All committees are subject to the control and direction of Council, conditional on compliance with the provisions of other statutes or regulations of Ontario or Canada.
- C6.12 Each committee shall submit reports solely to the Council on all matters connected with their duties or referred to them by Council.
- C7. APPOINTMENTS REQUIRED TO BE MADE BY COUNCIL**
- C7.1 Citizens shall be appointed to committees for the term of Council pursuant to the Consolidated Committee Appointment By-law.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

C7.2 Resignation of Public Committee Members & Filling of Vacancies

1. A resignation shall be submitted in writing for consideration by Council via the consent agenda. Council may consider declaring a seat vacant in certain circumstances when a resignation is not submitted (i.e. excessive absence at Committee meetings, inability to perform duties, etc.).
2. Upon Council accepting the resignation and declaring the seat vacant, the recruitment process shall be as set out in C6.
3. Council will fill the Committee vacancy by enacting an amendment to the consolidated committee appointment by-law. The term of such appointment is for the remaining term of Council.

C8. APPOINTED COMMITTEES TO NAME CHAIR

C8.1 Unless otherwise provided by enabling legislation, appointed committees and boards shall, at their first meeting of each year, name or rename a Chair who shall preside at all meetings of such authority, committee, or board and shall preserve order and decorum, subject to all rules of procedure herein before prescribed.

C9. APPOINTMENT OF A SECRETARY

C9.1 The Administrative Department Head shall ensure that, at its first meeting, committees and boards where necessary shall appoint a secretary whose responsibility it shall be to:

- a. Prepare and distribute agendas and/or notices of meeting
- b. Take the minutes of the meetings.
- c. Prepare the minutes of the meetings for signature by the Chair and secretary.
- d. Reproduce the draft minutes of meetings and provide a copy within seven days, to the Clerk, for distribution to Council.

C10. REMUNERATION

C10.1 Remuneration for services provided by committee secretaries, in terms of the amount and form of payment shall be determined by Council.

C11. DURATION OF APPOINTMENTS

C11.1 Where duration of appointments to committees and boards is not prescribed by statute or in separate procedural or constitutional by-laws or regulations, the appointments shall be concurrent with the term of Council.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

C12. Electronic Participation at Committee Meetings

- C12.1 Members of Committees may attend an open or closed meeting, electronically via telephone or video conference. Any such member of a Committee participating electronically shall be counted in determining whether or not a quorum of members is present and shall be permitted to participate fully in the meeting, including casting a vote per Appendix B, Operational Protocols for Electronic Meeting Participation by Committee Members
- C12.2 The Municipality shall allow for electronic participation by the Secretary and Municipal Staff in both open and closed Committee meetings.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”



SECTION “D”

DELEGATION REQUEST FORM

Date of Request: _____

Council Meeting Date Requested: _____

Delegation’s Name: _____

Phone: _____ Email: _____

Organization (if applicable): _____

Name(s) of Speaker(s): _____

Purpose of Presentation: Please mark appropriate box

Information Only

Request Support

Other

Key points of delegation are as follows: (please attach full presentation)

The desired action of Council that I am seeking on this issue is:

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

Your request must be received by noon on the Wednesday prior to the meeting, outlining the subject matter of the delegation and submitting an electronic version of any Microsoft PowerPoint presentation or other presentation material proposed to be used to clerk@kincardine.ca . Failure to provide the required information on time will result in loss of privilege to appear as a delegation.

I have read and understand the delegation protocol attached to this form and acknowledge that the information contained on this form, including any attachments will become public documents and listed on the Municipality of Kincardine’s Council meeting agenda.

I also understand that if the materials contain any obscene or improper matter, language or does not meet the requirements of the delegation protocol, the Clerk shall decide whether it should be included in the agenda for a Council meeting and if not, I will be notified.

Signature

Date

Approval of the Clerk

Date

Personal information is collected under the authority of the Municipal Act, for the purpose of creating a record to be used for registering individuals for the delegation portion of Council meetings. Questions about the collection of the personal information may be addressed to the Clerk of the municipality of Kincardine, 1475 Concession 5, R.R. 5, Kincardine, Ontario N2Z 2X6. Phone: 519-396-3468.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

Appendix B

Operational Protocols for Electronic Meeting Participation
by Committee Members

Per Section C12.1 - Members of Committees may attend an open or closed meeting, electronically via telephone or video conference. Any such member of a Committee participating electronically shall be counted in determining whether or not a quorum of members is present and shall be permitted to participate fully in the meeting, including casting a vote per Appendix B, Operational Protocols for Electronic Meeting Participation by Committee Members

Operating Protocols

1. The Clerk will determine the most appropriate electronic method for meeting attendance by members of Committees.
2. Members wishing to participate by electronic means must notify the Secretary 24 hours prior to the meeting that they wish to attend electronically using Appendix B - Application to attend Committee Meeting Electronically .
3. Members attending meetings electronically will:
 - Inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
 - Mute his or her electronic device when he or she is not speaking.
 - Ensure that no one other than the member of the Committee is present for any closed session discussions;
 - Identify themselves whenever wishing to speak;
 - Abide by all rules of procedure;
 - Committee members should dress (if video conference) and act as though in attendance in person.
4. Open meeting requirements included in the Municipal Act continue to apply despite any electronic participation and specifically:
 - a. Members of the public will be permitted to be present for the electronic meetings which are not closed under the provisions of the Municipal Act.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

5. In the instance of a pandemic or public health emergency, the number of members of the public is permitted to be limited to the size and location of the meeting space.
6. There is no guarantee of the quality of any electronic participation.
7. There will be no requirement for closed meeting minutes or agendas in paper format.
8. Each Member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
9. Members attending electronically shall verbally announce their vote.
10. A Member(s) participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
11. In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by staff to reconnect. The Member may attempt to reconnect and rejoin the meeting.
12. Committee members attending electronically may leave a meeting early, however, it is expected that members will attend a sufficient length of time to warrant the additional effort required by the Municipality to facilitate electronic attendance.
13. Committee members attending electronically may not be able to see all other Committee members, presentation by delegations, etc. and the Municipality is not responsible for trying to accommodate this.
14. Committee members are responsible for providing their own method of transmission to the Municipality.
15. Any costs associated with attending electronically shall be borne by the Committee member.
16. The Clerk is authorized to make minor adjustments, and/or exceptions, to these protocols where warranted.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”



Appendix B

Application to attend Committee Meeting Electronically

Application must be submitted to the Clerk’s Department no less than 24 hours prior to the scheduled meeting. For special meetings called less than a week from the planned meeting date, application must be submitted once special meeting is confirmed.

Name of Committee Member: _____

Name of Committee: _____

Date of Meeting: _____ Time of Meeting: _____

_____ Type of Electronic Attendance:

_____ Telephone

_____ Video Conference (software program to be used _____)

If planning to leave meeting early, estimated time of departure:

Signature Date

Approval of the Clerk Date

Personal information is collected under the authority of the Municipal Act, for the purpose of creating a record to be used for attending a Committee meeting electronically. Questions about the collection of the personal information may be addressed to the Clerk of the municipality of Kincardine, 1475 Concession 5, R.R. 5, Kincardine, Ontario N2Z 2X6. Phone: 519-396-3468.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

Appendix C

Operational Protocols for Electronic Meeting Participation
by Council Members

Per Section A3.4 - To be considered as part of quorum for a meeting, the Council member must be physically present for the meeting, unless participating by electronic means such as telephone or video conferencing. Any such member of Council participating by electronic means shall be counted in determining whether or not a quorum of members is present and shall be permitted to participate fully in the meeting, including casting a vote per Appendix C.

Operating Protocols

1. The CAO and Clerk will determine the most appropriate electronic method for meeting attendance by members of Council.
2. Members of Council wishing to participate by electronic means must notify the Clerk 24 hours prior to the meeting that they wish to attend electronically.
3. Members attending meetings electronically will:
 - Inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
 - Mute his or her electronic device when he or she is not speaking.
 - Ensure that no one other than the member of Council is present for any closed session discussions;
 - Identify themselves whenever wishing to speak; and
 - Abide by all rules of procedure;
 - Committee members should dress (if video conference) and act as though in attendance in person.
4. Open meeting requirements included in the Municipal Act continue to apply despite any electronic participation and specifically:
 - a. Members of the public will be permitted to be present for the electronic meetings which are not closed under the provisions of the Municipal Act.
5. In the instance of a pandemic or public health emergency, the number of members of the public is permitted to be limited to the size and location of the meeting space.

Municipality of Kincardine Procedure By-law
By-law No. 2013 – 161
Schedule “A”

6. There is no guarantee of the quality of any electronic participation.
7. There will be no requirement for closed meeting minutes or agendas in paper format.
8. Each Member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
9. Members attending electronically shall verbally announce their vote.
10. A Member(s) participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
11. In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by staff to reconnect. The Member may attempt to reconnect and rejoin the meeting.
12. The Clerk is authorized to make minor adjustments, and/or exceptions, to these protocols where warranted.