

**Table of Contents**

**1.0 DEFINITIONS ..... 3**

**2.0 APPLICATION ..... 4**

**3.0 ROLES AND DUTIES ..... 5**

    3.1 Mayor ..... 5

    3.2 Deputy Mayor ..... 5

    3.3 Chair ..... 5

    3.4 Members ..... 5

    3.5 Clerk ..... 6

**4.0 COUNCIL & COMMITTEE MEETINGS ..... 6**

    4.1 Meetings Open to the Public..... 6

    4.2 Inaugural Meeting of Council ..... 6

    4.3 Notice of Meetings ..... 6

    4.4 Council Meetings ..... 7

    4.5 Special Meetings ..... 7

    4.6 Electronic Meetings ..... 7

    4.7 Committee of the Whole ..... 7

    4.8 Duties of the Community Services & Infrastructure Committee ..... 8

    4.9 Duties of the General Business & Finance Committee ..... 8

    4.10 Duties of the Planning & Economic Development Committee ..... 8

    4.11 Workshops..... 8

    4.12 Budget Committee ..... 9

    4.13 Call to Order and Quorum ..... 9

    4.14 Disclosures of Interest ..... 9

    4.15 Meeting Recess ..... 10

    4.16 Adjournment Hour ..... 10

    4.17 Closed Session..... 10

**5.0 SELECTION OF CHAIR AND VICE-CHAIR ..... 12**

    5.1 Chair and Vice-Chair ..... 12

**6.0 CITIZEN ADVISORY COMMITTEES OF COUNCIL ..... 12**

**7.0 COUNCIL AND COMMITTEE AGENDAS AND MINUTES ..... 12**

    7.1 Council Agenda..... 12

    7.2 Announcements..... 13

    7.3 Proclamations..... 13

    7.4 Recognition and Achievements ..... 13

    7.5 Delegations..... 14

    7.6 Presentations..... 14

    7.7 Petitions..... 15

    7.8 Notice of Motion ..... 15

    7.9 Regional Councillor Update ..... 15

    7.10 By-Laws..... 15

7.11	Adjournment .....	16
7.12	Questions/Speaking .....	16
7.13	Minutes .....	16
7.14	Committee of the Whole Agenda .....	17
7.15	Consent Agenda .....	17
7.16	Confidential Reports .....	17
<b>8.0</b>	<b>RULES OF CONDUCT AND DEBATE .....</b>	<b>18</b>
8.1	Conduct of Members .....	18
8.2	Public Conduct at Council and Committee Meetings .....	18
8.3	Motions .....	18
8.4	Voting .....	19
8.5	Reconsideration.....	20
<b>9.0</b>	<b>ENACTMENT .....</b>	<b>20</b>
<b>APPENDIX “A” TO BY-LAW NO. 2022-04 .....</b>		<b>22</b>
TOWN OF LINCOLN ADVISORY COMMITTEES AND BOARDS .....		22
<b>SCHEDULE “A” TO BY-LAW NO. 2022-04 .....</b>		<b>23</b>
COMMON MOTIONS .....		23
A.	Motion to Adjourn.....	23
B.	Point of Privilege.....	23
C.	Motion to Close Debate (Previous Question) .....	23
D.	Motion to Postpone Definitely (Motion to Defer) .....	24
E.	Motion to Refer (To Committee or Staff).....	24
F.	Motion to Amend .....	24
G.	Motion to Postpone Indefinitely.....	24
H.	Point of Order .....	24
I.	Motion to Suspend the Rules (Waive the Rules) .....	25

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NUMBER 2022-04

A By-law to provide for the rules of order of Council and its Committees, and to repeal By-laws 2019-121 and 2020-13, as amended.

(Report # LS-07-21)

Whereas subsection 238(2), of the *Municipal Act, 2001*, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings; and

Whereas the Town of Lincoln Procedure By-law is recognized as a key document describing the municipality's accountability, transparency, and notice requirements; and

Whereas the Council of the Town of Lincoln deems it expedient to repeal and replace By-laws 2019-121 and 2020-13, as amended, and all subsequent amending by-laws;

Now therefore the Council of The Corporation of the Town of Lincoln hereby enacts as follows:

**1.0 DEFINITIONS**

In this By-law:

"Board" means a local authority established for the purpose of the Town and does not include the Public Library Board.

"By-law" means this Procedural By-law, enacted pursuant to section 238 of the *Municipal Act, 2001*.

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

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

"Clerk" means the Town Clerk of the Town and/or their designate.

"Closed Session" means a Meeting, or portion thereof, closed to the public in accordance with s. 239 of the *Municipal Act, 2001*.

"Code of Conduct" means the Code of Conduct for the Council of the Town.

"Committee" means a Committee of Council, which may include a Committee or Citizen Advisory Committee or Local Board.

"Confidential Matters" or session means a Meeting, or portion thereof, closed to the public in accordance with this By-law and the *Municipal Act, 2001*, as amended.

"Consent Agenda" means a listing of items that include, but are not limited to, those with no Delegations, where no discussion is anticipated, informational items, routine matters and approved collectively by a single motion.

"Council" means the Town's elected representatives, comprised of the Mayor and all Members of Council of the Town of Lincoln.

"Electronic Meeting" means a Meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet).

"Electronic Participation" means a Member of Council who participates remotely in any open or closed Council or Committee Meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall count towards a Quorum of Members.

"Emergency" means any period of time during which an Emergency has been declared in all or part of the Town of Lincoln under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.

"Ex-Officio" means a Member of a Board or Committee that holds that position by virtue of their office whom shall act in an advisory capacity and shall be a non-voting Member, and not count toward Quorum, unless otherwise specified. The Mayor to be included as an Ex-Officio Member of all Boards and Committees unless otherwise specified.

"Delegation" means an address to Council or a Committee at the request of a person wishing to speak.

“Deputy Mayor” means a Member acting in place of the Mayor when they are absent.

“Inaugural Meeting” means the first Meeting of Council after a regular election as set out in the *Municipal Act, 2001*.

“Local Boards” has the same meaning as subsection 1(1) of the *Municipal Act, 2001*.

“Majority” means more than half of the votes cast by Members entitled to vote and present at time of voting.

“Mayor” means the head of Council and includes the Acting Mayor when acting in place of the Mayor.

“Meeting” means any regular, special or other Meeting of Council or of a Committee, as the context requires, 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 the Council or Committee.

“Member” means a Member of the Council of The Corporation of the Town of Lincoln, or a Member of a Committee.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25.

“Minutes” means a record of a Meeting, without note or comment, but including all resolutions, decisions and other proceedings of the Council, Committees and Boards.

“Notice of Motion” means advanced notice to Members of a matter on which Council will be asked to take a position.

“Pecuniary Interest” means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act*.

“Petition” means a document requesting Council’s consideration of a matter to which multiple individuals have signed or otherwise agreed with as Petitioners and presented in a form and according to the process outlined in this By-law.

“Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.

“Point of Privilege” means a matter that a Member considers to question their integrity and/or the integrity of the Council.

“Quorum” means a majority of the total number of voting Members currently on Council, or Committee.

“Recorded Vote” means documenting in the minutes of a Council Meeting the name of each Member and their vote on a public matter or question, in favour, opposed, or absent.

“Regular Meeting” means a scheduled Meeting held in accordance with the approved calendar/schedule of Meetings.

“Rules of Procedure” means the rules and regulations contained in this By-law.

“Special Meeting” means a Meeting not scheduled in accordance with the approved calendar/schedule of Meetings.

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

“Vice-Chair” means the Vice-Chair of a Committee.

“Workshop” means a Meeting of Council where the purpose is for Council to discuss issues in an informal venue. With the exception of procedural matters, no motions are passed and no matter is discussed which advances the business of the Town.

## **2.0 APPLICATION**

The Rules of Procedure contained in this By-law will be observed in all proceedings of Council and will be the rules for the order and dispatch of business in Council and, with the necessary modifications, in Committees.

Any rules or regulations contained in this By-law may be temporarily suspended, except for those rules or regulations that are set out by legislation, with the consent of at least two-thirds of the whole Council.

The Clerk will be responsible to interpret the Rules of Procedure under this By-law.

All points of order or procedure for which rules have not been provided in this By-law

will be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in *Robert's Rules of Order*.

All Local Boards that may be described as Local Boards under the *Municipal Act, 2001*, and Citizen Advisory Committees of the Town will use the rules of order and debate and relevant provisions of this By-law to govern the calling and proceeding of Meetings.

All groups, agencies, firms or corporations that receive funding from Council and/or the Town of Lincoln will adopt provisions related to access of public Meetings similar to this By-law.

Any reference in the By-law to a statute, a regulation or any other statutory instrument including a by-law, shall include any amendment, replacement, consolidation or other modification of the statute, regulation or statutory instrument.

### **3.0 ROLES AND DUTIES**

#### **3.1 Mayor**

3.1.1 It is the role of the head of Council to:

- a) carry out the responsibilities of their roles as described in section 225 of the *Municipal Act, 2001*;
- b) represent and support the Council and its decisions in all matters;
- c) represent the Town at official functions;
- d) preside over all Council Meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer/Chair.

3.1.2 The Mayor's Chain of Office is worn only by the elected Mayor during Council Meetings and special functions including official openings, parades, etc., at the Mayor's discretion.

#### **3.2 Deputy Mayor**

3.2.1 When the Mayor gives notice to the Clerk that they will be absent from the Town, or is absent through illness or otherwise, or their office is vacant, then the Deputy Mayor will act in the place of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council as prescribed in the *Municipal Act, 2001*.

3.2.2 The rotation of the Deputy Mayor will be on a quarterly (three (3) month) basis starting with one Member from Ward 1 and determined alphabetically by last name and continuing in numerical order through each ward, through the end of term of Council.

3.2.3 In the absence of the Mayor, or if his/her office is vacant or if he/she refuses to act, and in the absence of a Deputy Mayor, the Clerk shall call the Council to order and, if a Quorum be present, the Clerk shall choose a Chair to act as presiding officer from amongst the Members present and such presiding officer, during such absence or vacancy or refusal to act, has all the powers of the Mayor for the purposes of conducting the Meeting of the Council.

#### **3.3 Chair**

3.3.1 The Chair, will act as presiding officer over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meetings, subject to an appeal by any Member to the Committee, or Council of any ruling of the Chair.

3.3.2 The Chair may state relevant facts and their position on any matter before the Committee without leaving the Chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a motion, debate a question, without first leaving the Chair.

3.3.3 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another Member, to fill their place until resuming the Chair.

#### **3.4 Members**

3.4.1 Members are to:

- a) carry out the responsibilities of the role of Council as described in section

224 of the *Municipal Act, 2001*;

- b) uphold the by-laws and policies of the Town;
- c) deliberate on the business submitted to Committee and Council;
- d) vote on all motions before Council;
- e) respect the Rules of Procedures at all Meetings;
- f) To keep information confidential and this obligation continues even after the Member ceases to be a Member; and
- g) attendance for Chair and Vice-Chair are deemed to have resigned their appointment if they are absent from the Meetings of the Committee for three (3) successive Meetings without the authorization to do so by recommendation from the Committee. The Clerk or designate shall be required to give written notice to any Member who has exceeded the absentee threshold advising that their appointment to the Committee is vacant.

### **3.5 Clerk**

3.5.1 It is the role of the Clerk to:

- a) carry out the responsibilities of their role as described in section 228 of the *Municipal Act, 2001*;
- b) provide procedural advice to the Chair and to Members on Agenda business and on preparing motions;
- c) ensure notice of Meetings is provided as set out in this By-law;
- d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- e) authenticate by signature when necessary all resolutions, by-laws and minutes of Meetings and certify copies of such documents when required;
- f) perform such other duties as prescribed by law, or by direction of Council.

3.5.2 The Clerk or designate will be present at all Meetings of Council and Committees.

## **4.0 COUNCIL & COMMITTEE MEETINGS**

### **4.1 Meetings Open to the Public**

4.1.1 Except as provided in this By-law, all Meetings shall be open to the public.

4.1.2 The Mayor or Deputy Mayor or Chair may expel or exclude from any Meeting any person who has engaged in improper conduct at the Meeting.

### **4.2 Inaugural Meeting of Council**

4.2.1 The Inaugural Meeting of Council shall be held on the date as prescribed in the *Municipal Act, 2001*, or such other date at a time and place following a regular municipal election, in the Town as determined by the Clerk.

4.2.2 At the Inaugural Meeting of Council, the only business to be brought before the Meeting shall be the following:

- a) declarations of Office;
- b) matters incidental to any of the above; and
- c) an Inaugural Address by the Mayor may be delivered at the Inaugural Meeting of Council or at a subsequent Meeting of Council.

### **4.3 Notice of Meetings**

4.3.1 The calendar/schedule of Meetings shall be posted to the Town website annually upon Council approval.

4.3.2 Notice of all Meetings of Council and Committee Agendas shall be provided to Members up to ten (10) days prior to the Meeting and additions may be provided to the Members up to the Thursday prior to the Meeting and posted to the Town website.

4.3.3. Addendums to the Agenda will be made available to the public as soon as practicable prior to the Council Meeting by posting the addendum to the Town

website.

- 4.3.4 The scheduling of Council or Committee Meetings may be amended from time to time by the Clerk, with appropriate notice, postpone or cancel any regular Council or Committee Meeting or otherwise, recognize insufficient Agenda items or identified scheduling conflicts or if it appears that inclement weather or an emergency situation will prevent the Members from attending.

#### **4.4 Council Meetings**

- 4.4.1 Unless otherwise decided by Council, Regular Meetings of Council shall be held in the Council Chambers of Town Hall, 4800 South Service Road, unless otherwise indicated (i.e., Electronic Meetings), in accordance with the calendar set annually and approved by Council.
- 4.4.2 Where an item of business scheduled for an Agenda may require extraordinary time provisions, the Mayor and/or the Clerk may authorize an amendment for the time for the Meeting and the Clerk shall notify all Members and provide public notice accordingly.

#### **4.5 Special Meetings**

- 4.5.1 The Mayor and/or Chief Administrative Officer may at any time call a Special Meeting of Council or upon receipt of a Petition of the majority of Members, the Clerk shall call a Special Meeting of Council for the purpose and at the time and date specified in the Petition.
- 4.5.2 A Special Meeting of Council may be held, without notice, that may be summoned by the Mayor to deal with an Emergency, other extraordinary situation or during an Emergency Period.
- 4.5.3 No business may be transacted at a Special Meeting other than that specified in the notice, Petition and/or Agenda.
- 4.5.4 The Clerk shall notify or attempt to notify all Members about the Special Meeting as soon as possible and in the most expedient manner available.
- 4.5.5 Lack of receipt of the notice will not affect the validity of holding the Meeting nor any action taken at the Meeting.

#### **4.6 Electronic Meetings**

- 4.6.1 Notwithstanding any other provision in this By-law, a Regular or Special Meeting of Council, Committee, or Local Board, may be conducted by a hybrid model consisting of both electronic and in-person participation.
- 4.6.2 Electronic Participation allows Members to participate remotely with the same rights and responsibilities as if they were physically present, including the right to vote. A Member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a Quorum of Members is present at any point in time in accordance with this section, Call to Order and Quorum, of this By-law.
- 4.6.3 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this By-law.
- 4.6.4 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- 4.6.5 Delegations at an Electronic Meeting may be permitted by way of being granted access to the Council audio-visual conferencing system. Delegates will be subject to adhere to the rules outlined in the Delegations section of this By-law, in concert with the Remote Meeting Guide, and any instruction provided by way of the Clerk. All requests to delegate must be filed electronically to the Clerks Department by way of the online submission form or by email at [clerks@lincoln.ca](mailto:clerks@lincoln.ca)
- 4.6.7 Public attendance to Electronic Meetings, even partial or hybrid, may be restricted to electronic means.
- 4.6.8 Public who wish to participate in a Meeting electronically will be required to provide a minimum of twenty-four (24) hours written notice in advance of the Meeting to the Clerk.

#### **4.7 Committee of the Whole**

4.7.1 Committee of the Whole Meetings will be held at 6:00 p.m. Committee of the Whole is combined with three Standing Committees of Council: Community Services & Infrastructure, General Business & Finance and Planning & Economic Development, to which all Members of Council are Members.

4.7.2 Committees will observe the rules of Council unless otherwise stated in this By-law. Exceptions include, but are not limited to the following:

- a) motions do not require a seconder;
- b) motions may be made verbally and are not required to be made in writing.

4.7.3 Committee of the Whole will receive public Delegations for input and report to Council on all matters connected with their duties or referred to them by the Mayor and/or by Council and to recommend such action as they deem necessary.

#### **4.8 Duties of the Community Services & Infrastructure Committee**

4.8.1 The Community Services & Infrastructure Committee report on the following but not limited to:

- a) matters under the jurisdiction of the Community Services, Fire and Public Works;
- b) planning and implementing special events;
- c) dealing with corporate facility issues and leases;
- d) setting fees for general government and recreation.

#### **4.9 Duties of the General Business & Finance Committee**

4.9.1 The General Business & Finance Committee will report on the following but not limited to:

- a) matters under the jurisdiction of the Chief Administrator's Office, Clerks, Human Resources, Information Technology and Finance;
- b) setting and overseeing the financial policies of the Town;
- c) setting fees for general government and recreation;
- d) management of public funds, including appropriate financial reporting, policies and controls and the efficiency and effectiveness of the utilization of the Town's resources on programs and projects;
- e) the annual financial statements;
- f) all external and internal audit matters, including the annual audit of the Town's financial statements and matters recommended by the external auditor; and
- g) compliance with laws, regulations and policies.

#### **4.10 Duties of the Planning & Economic Development Committee**

4.10.1 The Planning & Economic Development Committee report on the following but not limited to:

- a) matters under the jurisdiction of the Planning & Development and Economic Development departments; and
- b) public hearings pursuant to the *Planning Act*.

#### **4.11 Workshops**

4.11.1 Committee of the Whole-Workshops will meet on a quarterly basis or as required and will be held at 4:00 p.m. or otherwise determined by the Clerk regarding matters where Committee time is required for education and training.

4.11.2 A record describing, in general terms, the proceedings and the subject matter discussed is made at all Workshop Meetings and placed on a future Council Agenda to be received only for the purposes of information.

4.11.3 Should a Quorum not be present at a Workshop, the Workshop could continue if the majority of the Members present wish to continue. The Workshop would not be considered a Meeting of Council and no record of the Workshop would be made.

4.11.4 A Workshop may be closed to the public, provided that no Member discusses or

otherwise deals with any matter in any way that materially advances the business or decision making of the Council.

- 4.11.5 Prior to moving into a Closed Session, a motion must be passed; provided that the Workshop be closed for the purpose of educating or training the Members pursuant to 239 (3.1) of the *Municipal Act, 2001*, and shall indicate the general nature of the subject matter to be discussed in Closed Session.

#### **4.12 Budget Committee**

- 4.12.1 Budget Committee will be held as necessary and scheduled by the Clerk regarding matters but not limited to:

- a) all Meetings under the *Municipal Act, 2001*, and *Development Charges Act, 1997*;
- b) setting fees and charges;
- c) current and capital budgets;
- d) compliance with laws, regulations and policies.

#### **4.13 Call to Order and Quorum**

- 4.13.1 The Chair will call the Meeting to order as soon as there is a Quorum after the time set for the start of the Meeting. Quorum is achieved when a majority of the Members are present. Five (5) Members will constitute a Quorum for Meetings of Council and Committee.

- 4.13.2 If a Quorum for a Meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the Meeting, the Clerk will indicate that no Quorum is present, and the Meeting will stand adjourned until the next Meeting of Council.

- 4.13.3 In the case where Quorum is present and the Chair has not attended within fifteen (15) minutes after the time appointed, the Vice-Chair shall take the Chair at the Committee Meeting or Deputy Mayor for Regular Meeting of Council and call the Meeting to order and preside until the arrival of the intended Chair.

- 4.13.4 Where the number of Members who are unable to participate in a Meeting by reason of the provisions in the *Municipal Conflict of Interest Act*, such that at that Meeting the remaining Members are insufficient to constitute Quorum, the remaining Members will be deemed to constitute a Quorum, provided such number is not less than two (2).

- 4.13.5 If during the course of a Council Meeting, Quorum is lost, the Chair will declare that the Meeting will stand recessed temporarily or be adjourned until the date of the next Regular Meeting.

#### **4.14 Disclosures of Interest**

- 4.14.1 It is the responsibility of each Member to identify and disclose any disqualifying or non-disqualifying interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act* and the Code of Conduct.

- 4.14.2 Where a Member has a disqualifying interest, in any matter and is present at a Meeting of the Council or Committee at which the matter is the subject of consideration, the Member will:

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

- 4.14.3 Where a Meeting is not open to the public, in addition to the above, the Member will forthwith leave the Meeting for the part during which the matter is under consideration.

- 4.14.4 The Clerk will record the particulars of any disqualifying interest made by Members of Council or Committees in the minutes of that Meeting and shall also record the disqualifying interest in the registry established by the purpose upon submission by the Member of the applicable form.

4.14.5 Where a Member has a non-disqualifying interest in any matter in accordance with the Code of Conduct, the Member shall file a transparency disclosure on the applicable form and the Clerk shall record such a disclosure in the registry established for that purpose; where the Member is present at the Meeting at which the subject matter of the transparency disclosure is discussed, the Member may also state the transparency disclosure orally, in which case the Clerk shall record the particulars in the minutes of the Meeting.

#### **4.15 Meeting Recess**

4.15.1 During a Meeting, the Chair may declare a recess for a short period and state the approximate time that the Meeting will be reconvened.

4.15.2 A recess shall be called, or best efforts made to be called, every ninety (90) minutes in a Meeting.

#### **4.16 Adjournment Hour**

4.16.1 All Meetings will adjourn when Council or Committee have completed all business listed on the Agenda, or at 10:00 p.m., whichever is earlier.

4.16.2 Where the business before Council or Committee has not been completed by the adjournment hour, a motion may be passed by two-thirds vote of the Members present to proceed beyond the hour of 10:00 p.m. to continue any unfinished business.

4.16.3 No Meeting will proceed beyond the hour of 10:30 p.m.

4.16.4 Unless decided otherwise prior to the adjournment of the Meeting, any unfinished business will be discussed at the next scheduled Council Meeting.

#### **4.17 Closed Session**

4.17.1 In accordance with subsections 239(2) and 239(3) of the *Municipal Act, 2001*, a Meeting, or part of a Meeting will 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) 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;
- i) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act, 1990*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in 239.2 (1) of the *Municipal Act, 2001*;
- j) 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;
- k) 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;
- l) 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;

- m) 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; or
- n) an educational or training session for the Members of Council, Committee or local board provided that no Member discusses or otherwise deals with the matter in a way that materially advances the business or decision making of Council, the Committee or Local Board.

4.17.2 Prior to moving into a Closed Session for one of the reasons under the *Municipal Act, 2001*, Council will pass a motion stating:

- a) the fact that Council is convening into Closed Session
- b) the specific provision under the *Municipal Act, 2001*, that permits the item to be considered in a Closed Session; and
- c) the general nature of the matter to be considered.

4.17.3 Should a closed Meeting be scheduled, confidential materials will be circulated under separate Agenda.

4.17.4 Attendance in Closed Sessions will be limited to the Members of Council, Clerk, Chief Administrative Officer and those specifically invited to remain by Council.

4.17.5 Members are prohibited from discussing any additional matters during a Closed Session other than those identified by the motion passed.

4.17.6 When in Closed Session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under subsection 239(6) of the *Municipal Act, 2001*.

4.17.7 On reconvening in public session, the Chair will accept a motion regarding the matters discussed in Closed Session, or alternatively advise that direction had been given to staff during the Closed Session in accordance with the *Municipal Act, 2001*.

4.17.8 The record of minutes, including all decisions and by audio recording will be conducted by the Clerk. At no time shall the audio recording be accessible, unless required for a closed Meeting investigation. All Closed Sessions that may be audio recorded are for the sole purpose of conducting investigations undertaken by the Ombudsman, Integrity Commissioner, Closed Meeting Investigator or a Judge, and shall not be used for any other purpose. Recordings shall be stored on an electronic device separate from the Town servers and secured with the official Council minutes. Restricted and controlled access by the Clerk and Deputy Clerk ensures that only those privileged to view or listen to the closed Meeting recordings can do so.

4.17.9 Closed minutes are not recorded verbatim but rather, shall record the following:

- a) where the Meeting took place;
- b) when the Meeting started and adjourned;
- c) who chaired the Meeting;
- d) who was in attendance, including the identity of the Clerk or other designated official responsible for recording the Meeting;
- e) whether any participants left or arrived while the Meeting was in progress and if so, at what time this occurred;
- f) a detailed description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- g) any motions, including who introduced the motion and seconders; and
- h) all votes taken, and all directions given.

4.17.10 Closed Meeting minutes will be brought forward for ratification to the next closed Meeting scheduled on the Council Agenda.

4.17.11 The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all Closed Sessions.

4.17.12 Members are to ensure that confidential matters, including all confidential

materials, that are disclosed to them during Closed Sessions are kept confidential.

## **5.0 SELECTION OF CHAIR AND VICE-CHAIR**

### **5.1 Chair and Vice-Chair**

- 5.1.1 Committee of the Whole will consist of rotating Chairs for the existing Committees:
  - a) Community Services & Infrastructure (Chair and Vice-Chair)
  - b) General Business & Finance (Chair and Vice-Chair)
  - c) Planning and Economic Development (Chair and Vice-Chair)
- 5.1.2 Committee of Whole-Workshop and Budget Committee shall have a Chair and Vice-Chair role.
- 5.1.3 These roles will be determined at the first Meeting after the Inaugural Meeting of Council and in December of the 2nd year the roles of Chair and Vice-Chair will be switched; in December of the 3rd year there will be a new selection of Chair and Vice-Chair and in December of the 4th year the roles of Chair and Vice-Chair will be switched. The term of Chair and Vice-Chair will commence on January 1 and go until December 31.
- 5.1.4 In the 1st and 3rd year, Members of Council will each draw one (1) number at random to determine their Chair or Vice-Chair role. The Councillor who drew number 1 will make the first selection and the Councillor who drew each number in sequence from 1 until completed will make their selection until Chair and Vice Chair positions have been filled.
- 5.1.5 No Member of Council may serve as Chair or Vice Chair of the same Committee in the 3rd year on which they already served.

## **6.0 CITIZEN ADVISORY COMMITTEES OF COUNCIL**

- 6.1 Council may, at any time, establish a citizen Committee to advise Council on matters within their jurisdiction.
- 6.2 Members of the Committees will be appointed by Council at the recommendation of the Clerk.
- 6.3 Unless necessary, two (2) Members of Council will be appointed to a Citizen Advisory Committee to act as liaisons to the Committee for the full term of Council. Members of Council are not eligible to act as Chair or Vice-Chair and are not voting Members.
- 6.4 Citizen Advisory Committees will be reviewed at the beginning of each term of Council.
- 6.5 All Citizen Advisory Committees will follow the rules of Council unless otherwise stated in their terms of reference approved by Council.
- 6.6 If a Quorum for a Citizen Advisory Committee Meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the Meeting, the Clerk will indicate that no Quorum is present, and the Meeting will stand adjourned until the next Citizen Advisory Committee Meeting.
- 6.7 Attendance for Chair and Vice-Chair are deemed to have resigned their appointment if they are absent from the Meetings of the Committee for three (3) successive Meetings without the authorization to do so by recommendation from the Committee. The Clerk or designate shall be required to give written notice to any Member who has exceeded the absentee threshold advising that their appointment to the Committee is vacant.
- 6.8 All applicable advisory committees are as attached in Appendix "A".

## **7.0 COUNCIL AND COMMITTEE AGENDAS AND MINUTES**

### **7.1 Council Agenda**

- 7.1.1 The Clerk will prepare for the Members of Council the order of business as follows:

- a) Call to Order
- b) National Anthem
- c) Land Acknowledgement
- d) Roll Call
- e) Confirmation of Agenda
- f) Declarations of Interest
- g) Announcements
- h) Proclamations
- i) Recognition and Achievements
- j) Delegations and Presentations
- k) Items for Consideration
- l) Motion to Approve Previous Council Minutes
- m) Recommendations from Committees
- n) Notice of Motion
- o) Reports of Municipal Officers
- p) Motion to Consider Confidential Matters
- q) Motion to Approve By-laws
- r) Motion to Confirm Proceedings of the Council Meeting
- s) Motion to Adjourn

7.1.2 The business of Council will be taken up in the order on which it appears on the Agenda unless otherwise directed by the Mayor, or at the request of a Member, or the Clerk.

## **7.2 Announcements**

7.2.1 Should the Chief Administrative Officer require an opportunity to make an announcement, this will occur during Announcements in the Agenda.

7.2.2 Each Member will have a limit of up to three (3) items to announce within their ward under the heading Announcements during the Agenda. Discussion during this Agenda item is non-debatable.

## **7.3 Proclamations**

7.3.1 Proclamations are an official announcement issued by the Office of the Mayor to recognize exceptional events, groups, people, or achievements in the Town of Lincoln. The goal of a proclamation is to recognize and celebrate achievements, and to raise public awareness of important issues in the Town of Lincoln. Proclamations will be included in the Council Agenda for the month proclaimed if they meet all of the following criteria:

- a) submitted by representatives of a recognized charity with offices located in the Town by a community group based in the Town;
- b) will be issued only in respect of activities that support residents of the Town of Lincoln or related events taking place in the Town;
- c) must demonstrate respect and tolerance for all Town residents;
- d) should foster a sense of community;
- e) should not be used as a vehicle to attempt to influence government policy;
- f) all requests must be submitted a minimum of four (4) weeks prior for a proclamation to be prepared by the Office of the Mayor and included in the Council Agenda; and
- g) individuals and organizations seeking proclamations to recognize regional, provincial, or national causes or events will be referred to the appropriate orders of government for recognition.

7.3.2 The Town of Lincoln will consider requests for both new and annually recurring proclamations. All requests for proclamations must be resubmitted each year.

## **7.4 Recognition and Achievements**

7.4.1 Upon request of the Mayor's office, the Clerk shall place on the Council Agenda, civic recognition/awards to be presented at the Meeting.

## **7.5 Delegations**

7.5.1 Requests to delegate at a Council Meeting must be submitted to the Clerks Department by 9:00 a.m. on the day of the scheduled Council Meeting at which the person desires to be heard. All related items accompanying the Delegation must be submitted by the deadline in order to be considered.

7.5.2 Requests to delegate at a Committee Meeting must be submitted to the Clerks Department by 9:00 a.m. on the Thursday before the next scheduled Meeting at which the person desires to be heard. All related items accompanying the Delegation must be submitted by the deadline in order to be considered.

7.5.3 The Clerk shall determine the appropriate Meeting date that a request for any Delegation may be listed.

7.5.4 Where a Delegation has spoken before a Committee, a further Delegation request by the delegate, or a related party, will not be permitted on the Council Agenda unless the Delegation is bringing forward new information. Only the new information will be heard at Council.

7.5.6 No Delegation from the public shall be permitted at a Workshop.

7.5.7 If a delegate requests to speak regarding a matter not listed on the Agenda, they must provide the Clerk with a written submission outlining their request. It will be at the discretion of the Clerk in consultation with the Chair, if the item is an appropriate matter to be considered by Council.

7.5.8 Any person, group of persons, or organization may request to speak to an item listed on the Agenda provided that the subject matter of the Delegation directly relates to the item on the Agenda. All requests to delegate must be made in writing to the Clerk, outline the nature of their request, and include any additional material (i.e., PowerPoint) by the deadline stated above.

7.5.9 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated above, for Council consideration. A majority vote is required to permit the delegate to speak.

7.5.10 Delegations will be permitted without prior registration during any public Meeting as required by section 14.1 of the *Planning Act*. Delegations are strongly encouraged to register before the standard Delegation registration deadline and will be asked to fill in an attendance form to fulfill legislative notice requirements.

7.5.11 Delegations will be permitted to speak for a maximum of 5 minutes. The allotted time includes any audio or video presentations but does not include answering questions from Members. If there are numerous delegates taking the same position on a matter, the Clerk and/or Chair will encourage them to select one spokesperson to present their views within the time allocation.

7.5.12 The speaking time for a Delegation may only be extended by majority vote of the Members present.

7.5.13 Delegations must abide by the Rules of Procedure and public conduct at Meetings. They will accept any decisions of the Chair and not enter into cross debate with Members, other Delegations, or staff. Any discourse between Members and the Delegation will be limited to Members asking questions for clarification and obtaining additional, relevant information only.

7.5.14 Delegations related to labour relations, ongoing legal proceedings, solicitation of business, matters that are not within the Town's jurisdiction, or are anticipated to engage in unreasonable or offensive conduct and/or behaviour will not be permitted to appear as a delegate to Committee or Council.

## **7.6 Presentations**

7.6.1 Presentations addressing matters relevant to the Town and seeking to provide information or receive input from Council will be permitted from any local board or similar authority including relevant agencies, boards, commissions as well as other levels of government and Town staff.

7.6.2 Presentations of a maximum of 10 minutes will be permitted provided that the presenter, or their representative has requested and been granted status from the Clerk before the Agenda is published.

7.5.1 Requests to present at a Council Meeting must be submitted to the Clerks Department by 9:00 a.m. on the day of the scheduled Council Meeting at which the person desires to be heard. All related items accompanying the presentation must be submitted by the deadline in order to be considered.

7.5.2 Requests to present at a Committee Meeting must be submitted to the Clerks Department by 9:00 a.m. on the Thursday before the next scheduled Meeting at which the person desires to be heard. All related items accompanying the presentation must be submitted by the deadline in order to be considered.

7.6.3 Council may limit or extend the time allowed for a presentation by a majority vote.

## **7.7 Petitions**

7.7.1 The following requirements apply to every Petition submitted to the Town of Lincoln, attention to the Clerk,

- a) the Petition must be addressed to the Town and contain a clear statement/purpose and outlining the request of a particular action within the authority of Council;
- b) by typed or legibly handwritten in pen (no pencil);
- c) use an appropriate and respectful tone. It must not contain any improper or offensive language or information;
- d) clearly disclose on each page that it will be considered a public document and that the information contained in it may be subject to the scrutiny of the Town and Members of the general public;
- e) the name of a spokesperson (or "principal Petitioner") including their local address, telephone number and email address;
- f) each Petitioner must print and sign their own name, original signatures only and provide their local address; and
- g) electronic Petitions, each signatory must provide their name, address and valid email address.

7.7.2 The Clerk shall list on the Agenda under Items for Consideration the Petitions that comply with this By-law and that they are received no later than 4:30p.m. on the Monday, the week before the Council Meeting; otherwise, the Petition will be included on the next available Council Agenda.

## **7.8 Notice of Motion**

7.8.1 Notices of Motion shall name the mover and seconder and shall be introduced at regular Council Meetings only in the following order:

- a) motions for debate previously introduced at a prior Council Meeting.
- b) introduction of Notices of Motion.

7.8.2 Notices of Motion shall be introduced under the Notice of Motion section of the Council Agenda and shall not be discussed or debated when introduced and shall be included on the next Regular Meeting Council Agenda for consideration.

7.8.3 A Notice of Motion must be made in writing and delivered to the Clerk by the Agenda deadline in order to be included on the Agenda for introduction.

7.8.4 Reports of Committees included in the Council Agenda will constitute Notice of Motion with respect to any matter contained in the reports and recommended any Committee for adoption by Council.

7.8.5 Where it is deemed impractical or in the best interest of the Town to delay consideration, a Notice of Motion may be considered by Council immediately upon its introduction by an affirmative two-thirds vote of the Members present.

## **7.9 Regional Councillor Update**

7.9.1 Regional Councillor may present updates as to relevant business being conducted at Niagara Region.

## **7.10 By-Laws**

7.10.1 Every by-law shall be in writing and shall require only one reading prior to being passed by a majority vote of Council.

7.10.2 Unless separated at the request of a Member, all by-laws proposed for adoption

will be passed collectively by a single motion.

7.10.3 Every by-law passed by Council will be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the Meeting at which the by-law was passed, and by the Clerk present at the Meeting, and deposited with the Clerk to become part of the official record.

7.10.4 A by-law will be passed for each Regular or Special Council Meeting to confirm the proceedings thereof.

7.10.5 The Clerk is authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

## **7.11 Adjournment**

7.11.1 Upon completion of the Agenda, the Chair shall declare a Meeting adjourned.

## **7.12 Questions/Speaking**

7.12.1 Members will be permitted to ask each Delegation three questions directly relating to the matter under consideration however if more is required this will be the discretion of the Chair.

7.12.2 Prior to accepting a motion, the Chair will permit up to three questions from each Member directly relating to the matter under consideration.

7.12.3 A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.

7.12.4 All Members will address their questions and comments through the Chair.

7.12.5 Members are encouraged to provide questions to staff prior to the Meeting and address any answers received during the comments portion of the discussion.

7.12.6 When all questions have been addressed a Member may move a motion. The Chair will allow the mover to address Council first.

7.12.7 To address Council a Member will request to speak by queuing their microphone and wait to be recognized by the Chair.

7.12.8 The Chair will recognize the Members who wish to speak in the order that they queue their microphone. When a Member has been recognized by the Chair as having the floor, the Member will direct their comment to the Chair and speak only to the matter under consideration.

7.12.9 When a Member is speaking, no other Member will interrupt, except to raise a Point of Privilege or Point of Order.

7.12.10 Any Member may require the motion under discussion to be read at any time during the debate so long as they do not interrupt a Member while speaking.

7.12.11 No Member will be permitted to speak a second time on an item of business until every Member who desires to speak has spoken.

7.12.12 The Chair may ask questions, or comment in a general manner without leaving their position. If the Chair wishes to make a motion or speak to a motion taking a definite position, then they must first leave the Chair position by calling on the Vice-Chair to fill their place until their comments are finished.

## **7.13 Minutes**

7.13.1 The minutes of each Council and Committee Meeting shall be presented to Council at the next Regular Meeting for confirmation.

7.13.2 Council and Committee Meeting Minutes shall record:

- a) the place, date and time of Meeting;
- b) the name of the Chair and the record of the attendance of the Members;
- c) declarations of interest;
- d) the motions considered, and votes taken by Council, or Committee; and
- e) except as provided elsewhere in this By-law, all the other decisions or authorized actions without note or comment.

7.13.3 Confidential session minutes shall record:

- a) the place, date and time of Meeting;
- b) the names of the Chair and the record of the attendance of the Members and any other attendees;
- c) a description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- d) the motions considered, and votes taken by Council, or Committee; and
- e) all directions given.

#### **7.14 Committee of the Whole Agenda**

7.14.1 The Clerk will prepare for the Members of Committee the order of business which may include, but not be limited to, the following:

- a) Call to Order
- b) Roll Call
- c) Confirmation of the Agenda
- d) Declarations of Interest
- e) Statutory Public Meetings (if scheduled)
- f) Consent Agenda
- g) Community Services & Infrastructure Committee Agenda
- h) Delegations
- i) Reports
- j) General Business & Finance Committee Agenda
- k) Delegations
- l) Reports
- m) Planning & Economic Development Committee Agenda
- n) Delegations
- o) Reports
- p) Confidential Items
- q) Committee Remarks
- r) Adjournment

7.14.2 The business of Committee will be taken up in the order on which it appears on the Agenda unless otherwise directed by the Chair, or at the request of a Member, or at the discretion of Clerk.

7.14.3 The Clerk may prepare an addendum to the Agenda to deal with urgent matters or provide supplementary information to items of business listed on the Agenda.

#### **7.15 Consent Agenda**

7.15.1 Items that will be placed on the Committee of the Whole Consent Agenda include, but are not limited to, those with no Delegations, where no discussion is anticipated, informational items, and routine matters.

7.15.2 All items listed in the Consent Agenda are subject to a single motion that is neither debatable, nor amendable. A Member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed and lifted from the Consent Agenda and placed on the regular Agenda for discussion.

7.15.3 Should a Member of Council request to lift an item from the Consent Agenda, the item will be considered during the report portion of the appropriate sub-Committee Agenda.

#### **7.16 Confidential Reports**

7.16.1 Reports considered in Closed Session shall be released to the public upon Council direction; in accordance with a legal opinion; or in conformity with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

## **8.0 RULES OF CONDUCT AND DEBATE**

### **8.1 Conduct of Members**

#### 8.1.1 Members of Council and Committees will:

- a) act in accordance with their Declaration of Office under the *Municipal Act, 2001*;
- b) discharge with integrity all responsibilities to Council, the Town of Lincoln, and the public, in keeping with approved corporate policies;
- c) if involved in an issue outside the Member's own ward, inform the ward Councillor of such involvement;
- d) only speak in a respectful manner of the Reigning Sovereign, any Member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario;
- e) treat the Chair, other Members, staff, and delegates from the public with courtesy, respect and good faith;
- f) hold in strict confidence all information concerning matters dealt with in Closed Session. The Member will not release, make public or in any way divulge any such confidential information or any aspect of the Closed Session deliberations, unless expressly authorized or required by law;
- g) be encouraged to ask any relevant questions of staff prior to any Meeting where an issue may be introduced or debated so that staff may be able to have appropriate information at such Meeting if necessary;
- h) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- i) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration;
- j) not contravene the rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the rules of the Council;
- k) turn off, or silence, all electronic devices except those in use to facilitate the Meeting.

8.1.2 Where a Member has been called to order by the Chair for disregarding the Rules of Procedure and the Member persists in such conduct, the Chair may order the Member to vacate the Meeting place. If the Member apologizes, the Chair may permit the Member to retake their seat.

8.1.3 If the Member called out of order does not apologize and will not leave their seat, the Chair will recess the Meeting and request that the Clerk contact local authorities.

### **8.2 Public Conduct at Council and Committee Meetings**

8.2.1 Only Members and authorized Town staff will be allowed to proceed beyond the speaker's podium without permission of the Chair, or Clerk.

8.2.2 Public attendees must maintain order and will not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive. No person will use indecent, offensive, or insulting language or speak disrespectfully to anyone in Council Chambers.

8.2.3 All electronic devices must be turned off or switched to silent during Council and Committee Meetings. Photography and video should be kept to a minimum during a Meeting and will only be permitted so long as it does not interfere with the Meeting in any way. At any time during the Meeting, at the discretion of the Clerk, use of electronic devices may also be prohibited if it is believed that the use is interfering with any audio or video broadcast of the Meeting.

8.2.4 Any person who contravenes any provision of this section may be expelled from the Meeting by the Chair.

### **8.3 Motions**

- 8.3.1 In Council, the following motions may be introduced verbally, without notice and without leave, except as otherwise provided by this By-law:
- a) a Point of Order or privilege;
  - b) to suspend the Rules of Procedure;
  - c) to postpone definitely (deferral motion with a specified date/Meeting);
  - d) to refer;
  - e) to amend;
  - f) to postpone indefinitely (deferral motion without specifying a date/Meeting);
  - g) to close debate;
  - h) to adjourn;
  - i) any other procedural motion.
- 8.3.1 All motions in Council must be in writing and signed by the mover and seconder. Motions in Committee will be recorded by the Clerk and do not need a seconder.
- 8.3.2 The mover and seconder may withdraw a motion or a Notice of Motion at any time prior to it being opened for discussion by the Chair. If withdrawn prior to discussion, the motion is not included in the minutes of the Meeting.
- 8.3.3 After a motion has been opened for discussion by the Chair, it will be deemed to be in the possession of Council but may be withdrawn by the originator at any time before a decision or amendment, provided Council does not object.
- 8.3.4 When a motion is under consideration, no new main motion will be accepted. Non-main motions are acceptable including procedural motions, and motions to refer, defer, and amend.
- 8.3.5 After a motion has been put to vote by the Chair, no Member may speak to the motion nor will any other motion be made until after the vote is taken and the result has been declared.
- 8.3.6 A motion regarding a matter that is beyond the jurisdiction of Council will not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.
- 8.3.7 Schedule "A" of this By-law describes the form and standard descriptive characteristics of motions commonly used in Committee and Council.

## **8.4 Voting**

- 8.4.1 Voting will be conducted in the following order:
- a) amendment to any amending motion;
  - b) upon determination of a) above, any subsequent amendment to the amending motion;
  - c) the amending motion;
  - d) the main motion (as amended or as originally presented).
- 8.4.2 When the motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole.
- 8.4.3 When a vote is called by the Chair, each Member unless they have declared a Pecuniary Interest, will vote. The Chair and/or Clerk will first ask those in favour, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote or ballot.
- 8.4.4 Every Member present at a Meeting will vote on every motion, unless prohibited by legislation or the Code of Conduct.
- 8.4.5 Except as provided elsewhere in this By-law, a motion will be considered carried when a majority of the Members present, and voting have voted in favour of the motion.
- 8.4.6 Any question on which there is a tie vote, shall be deemed to be lost, except

where otherwise prohibited by any Act.

- 8.4.7 All votes of Council and Committee of the Whole shall be recorded, and each Member present, except a Member who is prohibited from voting by any Act or the Code of Conduct, shall announce their vote openly and the vote shall be recorded by the Clerk. Where a Member present is prohibited from voting by any Act or the Code of Conduct, the Clerk shall record the name of the Member and the reason they are disqualified from voting.
- 8.4.8 Subsection 246(1) of the *Municipal Act* provides that if a Member present at a Meeting, at the time of a vote, requests immediately before or after the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act of the Code of Conduct, shall announce his or her vote openly and the Clerk shall record each vote. A failure to vote under subsection 246(1) of the *Municipal Act* by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

## **8.5 Reconsideration**

- 8.5.1 Any proposal to reconsider, amend or rescind a previous decision of Council made within the current term of Council shall require a motion to reconsider.
- 8.5.2 A motion to reconsider a previous decision of Council made earlier in a Meeting:
- a) may be presented at any time prior to the adjournment of the Meeting by any Member who voted in the majority when the decision was made;
  - b) may not be applied to a decision to postpone indefinitely; and
  - c) requires an affirmative vote of the majority of the Members present.
- 8.5.3 A motion to reconsider a previous decision of Council at a subsequent Meeting:
- a) may only be introduced by a Member who was present at the Meeting and voted in the majority when the decision was made or who was not present at the Meeting when the decision was made;
  - b) will be introduced as a Notice of Motion in accordance with the Notice of Motion section for consideration; and
  - c) requires an affirmative vote of two-thirds vote of the Members present
- 8.5.4 The mover of a motion to reconsider will specify whether the reconsideration will address the entire original decision of Council or part of the original decision.
- 8.5.5 Debate on a motion to reconsider will be confined to reasons for or against reconsideration.
- 8.5.6 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.
- 8.5.7 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 8.5.8 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration is out of order and cannot be moved or debated.

## **9.0 ENACTMENT**

- 9.1 By-laws 2019-121 and 2020-13 are hereby repealed.
- 9.2 Appendix "A" and Schedule "A" as affixed hereto form a part of this By-law.
- 9.3 This By-law will come into full force and take effect on the final day of passing thereof.

**PASSED AND ENACTED** on the 14th day of February, 2022.

*Original Signed by:*

---

MAYOR: SANDRA EASTON

*Original Signed by:*

---

CLERK: JULIE KIRKELOS

**APPENDIX “A” TO BY-LAW NO. 2022-04**  
**TOWN OF LINCOLN ADVISORY COMMITTEES AND BOARDS**

- a) Active Transportation Advisory Committee
- b) Age Friendly Advisory Committee
- c) Committee of Adjustment
- d) Heritage Advisory Committee
- e) Housing, Homelessness and Community Partnership Advisory Committee
- f) Joint Accessibility Advisory Committee
- g) Joint Fire Services Advisory Committee
- h) Museum Advisory Committee
- i) Niagara Peninsula Conservation Authority Board
- j) Lincoln Library Board

## SCHEDULE "A" TO BY-LAW NO. 2022-04

### COMMON MOTIONS

#### A. Motion to Adjourn

1. A Motion to adjourn:
  - a. is always in order except as provided by this By-law;
  - b. is not debatable;
  - c. is not amendable;
  - d. is not in order when a Member is speaking or during the verification of the vote.
  - e. is not in order immediately following the affirmative resolution of a motion to close debate; and
  - f. when resulting in the negative, cannot be made again until after some proceedings have been completed by Council.
2. A motion to adjourn without qualification, if carried, brings a Meeting or a session of Council to an end.
3. A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a Meeting of Council to continue at such time.
4. A Member may at any time raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.

#### B. Point of Privilege

1. A Point of Privilege will take precedence over any other matter and a Member will not be permitted to enter into any debate or introduce any motion not related to the Point of Privilege.
2. The Chair will decide upon the Point of Privilege and advise the Members of the decision.
3. The Chair's decision is final unless a Member immediately appeals the decision
4. If the decision of the Chair is appealed, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

#### C. Motion to Close Debate (Previous Question)

1. A motion to close debate:
  - a) is not debatable;
  - b) is not amendable;
  - c) cannot be moved with respect to the main motion when there is an amendment under consideration;
  - d) should be moved by a Member who has not already debated the question
  - e) requires a two-thirds majority vote of Members present for passage; and
  - f) when resolved in the affirmative, the question is to be put forward without debate or amendment.

**D. Motion to Postpone Definitely (Motion to Defer)**

1. A motion to postpone definitely:
  - a) will state a fixed time, or date;
  - b) is debatable, but only as to whether the matter should be postponed and to what time;
  - c) is amendable as to time and/or date;
  - d) requires a majority vote of Members present to pass; and
  - e) will have precedence over the motions to refer, to amend, and to postpone indefinitely.

**E. Motion to Refer (To Committee or Staff)**

1. A motion to refer:
  - a) will state the Committee, or staff Member where the motion is to be referred to;
  - b) is debatable;
  - c) is amendable; and
  - d) will take precedence over all amendments of the main question and any motion to postpone indefinitely.

**F. Motion to Amend**

1. A motion to amend:
  - a) is debatable;
  - b) is amendable;
  - c) will be relevant and not contrary to the principle of the motion under consideration; and
  - d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.
2. Only one motion to amend an amendment to the original motion will be allowed at one time. Further amendments will be considered after a vote on the amendment to the proposed amendment.

**G. Motion to Postpone Indefinitely**

1. A motion to postpone indefinitely:
  - a) stops a motion and avoids a direct vote on the question;
  - b) is debatable;
  - c) is not amendable; and
  - d) requires a majority vote.

**H. Point of Order**

1. A Member may raise a Point of Order when they consider a matter to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.

2. A Member will raise the Point of Order by requesting the floor, and after being granted the floor by the Chair, they will state the Point of Order to the Chair. The Chair will make a timely decision on the Point of Order. Thereafter, the Member will only address the Chair for the purpose of appealing the decision to Council.
3. If the Member does not appeal, the decision of the Chair will be final. If the Member appeals, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

**I. Motion to Suspend the Rules (Waive the Rules)**

1. A motion to suspend the rules:
  - a) is not debatable;
  - b) is not amendable;
  - c) requires a two-thirds majority vote to carry; and
  - d) takes precedence over any motion if it is for a purpose connected with that motion.