

# CORPORATION OF THE TOWNSHIP OF WARWICK

## BY-LAW 104 OF 2019

### Being a By-law to govern the proceedings of the Council of the Corporation of the Township of Warwick and all of its Committees, the calling of meetings and the conduct of its members

**WHEREAS** Section 238(s) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

**WHEREAS** The Council of the Corporation of the Township of Warwick deems it expedient to pass such a by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Warwick enacts as follows:

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## **By-law 104 of 2019: Procedural By-law**

### **1. Definitions**

For the purpose of this By-law, the following definitions shall apply:

- 1.1. "Ad Hoc Committee" shall mean a committee appointed by Council to monitor and report on a specific issue and/or area of service. Ad Hoc Committees are formed and dissolved by resolution of Council.
- 1.2. "Chair" shall mean the person presiding over a Committee or Board meeting and who is charged with deciding questions and points of order or practice, preserving order and maintaining decorum in the proceedings.
- 1.3. "Clerk" shall mean the Clerk or Deputy Clerk of the Corporation of the Township of Warwick.
- 1.4. "Closed Session" shall mean a meeting or part of a meeting of Council or Committee not open to the public in accordance with the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended.
- 1.5. "Committee" shall mean a Committee established by Council.
- 1.6. "Council" shall mean the Council of the Corporation of the Township of Warwick.
- 1.7. "Deputy Mayor" shall mean the member of Council appointed to act in the place of the Head of Council.
- 1.8. "Head of Council" shall mean the Mayor of the Corporation of the Township of Warwick and who shall act as Presiding Officer at all meetings of Council.
- 1.9. "Local Board" shall mean any body established by Municipal By-laws as prescribed by provincial statute with members to be appointed by by-law to address matters relevant to their portfolio and statutory mandate and to provide advice to Council on similar matters.
- 1.10. "Meeting" shall mean a meeting of Council, Local Board or Committee and includes the Mayor.
- 1.11. "Member" shall mean a member of Council, Local Board or Committee and includes the Mayor.
- 1.12. "Presiding Officer" shall mean the Mayor of the Corporation of the Township of Warwick who is charged with deciding questions and points of order or practice, preserving order and maintaining decorum in the proceedings at all meetings of Council. In the absence of the Mayor, a member of Council shall be appointed by resolution of Council to act as Presiding Officer and who shall exercise all of the rights, powers and authority of the Head of Council while so acting.

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- 1.13. "Recorded Vote" shall mean the recording of the name and vote of every member voting on any matter or question during a meeting.
- 1.14. "Quorum" shall mean a majority of the whole number of members or 50% plus one (1) member of Council, or Committee, or of Local Board.
- 1.15. "Township" shall mean the Corporation of the Township of Warwick.

## **2. General Provisions**

- 2.1. The rules and regulations of procedure contained in this by-law shall be observed in the proceedings of Council, Committees or Local Boards and shall be the rules and regulations for the order and dispatch of business, except where such Committee or Local Board has established its own procedures.
- 2.2. Any proceedings not specifically governed by the provisions of this by-law shall be regulated in accordance with Robert's Rules of Order.
- 2.3. In such cases of procedure that require the arbitration of the Presiding Officer of the meeting, the decision of the Presiding Officer shall be final and accepted without debate, subject only to an appeal by the majority of Council, Committee or Local Board.
- 2.4. Any materials to be distributed to Council shall be given to the Clerk for said purpose.
- 2.5. During a session of the Council no person but a member thereof shall be allowed to come or approach beyond the Delegation Table without permission from the Presiding Officer.
- 2.6. No person present at a meeting of Council, Committee or Local Board shall speak or behave in a riotous, disorderly, or unseemly manner, or otherwise disturb or interrupt the proceedings of the Council and any person who shall contravene this provision shall be deemed guilty of improper conduct and a breach of this by-law.

## **3. Council Meetings**

- 3.1. The inaugural meeting of Council after a regular election shall be held on the first Monday in December at a time determined by the Mayor-elect and the Clerk or designate.
- 3.2. The regular meetings of Council shall be held every three to four weeks on a Monday. ***The meetings will begin at 6:00 p.m.*** unless otherwise directed by Council. In December of each year a tentative calendar of meetings will be

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produced by the Clerk's Department which sets the dates for all regular Council meetings for the following year.

- 3.3. Regular meetings shall be held at the Warwick Community Centre, located at 7074 Egremont Road, Watford, Ontario.
- 3.4. Council may, by resolution, alter the time, day or place of any Council, Committee or Local Board meeting. Alterations of dates and times should be made two weeks in advance of the meeting whenever possible. Notice(s) will be posted at the Township Office at 6332 Nauvoo Road, Watford, Ontario and on the municipal website ([www.warwicktownship.ca](http://www.warwicktownship.ca)).
- 3.5. A majority of the voting members shall constitute a quorum of Council, Committees and Local Boards. As the Council of the Corporation of the Township of Warwick is comprised of five (5) members, three (3) members must be present to constitute a quorum.
- 3.6. If there is no quorum present within thirty minutes after the time appointed for the meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next such regular meeting.
- 3.7. No Council meeting shall continue past five (5) hours of the start time of the meeting, unless a majority of Council votes in favour of extending the hour to complete the business of the day.
- 3.8. The Mayor at any time may summon a special meeting of Council, subject only to twenty-four (24) hours of notice being provided to all members by the Clerk or designate. In the event of an emergency, the twenty-four (24) hours' notice requirement can be waived at the discretion of the Clerk or designate.
- 3.9. The Clerk or designate shall summon a special meeting of Council upon receipt of a petition of the majority of the members of Council, for the purposes and at a time mentioned the petition, provided that at least twenty-four (24) hours' notice of the meeting is given to all members by the Clerk or designate.

## **4. Council Meeting Agendas**

- 4.1. Any member of Council, Committee, municipal staff or any person may file with the Clerk or designate prior to 12:00 noon the Thursday prior to the meeting of Council, an item for inclusion on the agenda, subject to the requirements of Section 5.

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4.2. The business of the Council shall be taken up in the following order:

1. Call to Order
2. Disclosure of pecuniary interest or conflict of interest
3. Minutes of the previous regular Council meeting
4. Business arising from previous meetings
5. Scheduled meetings and events
6. Councillor's Commitments and items (verbal)
7. Staff items (verbal)
8. Delegations and timed events
9. Accounts
10. Non-Action Correspondence – Recommended reading and information
11. Action Correspondence – Required Items
12. Staff Reports
13. Committee and Other Minutes
14. New Business
15. Closed meeting session
16. By-laws
17. Adjournment

4.3. The order of business may be adjusted on the agenda to facilitate the participation in the meeting of the members of the public, when appropriate.

4.4. All motions called in pursuance of the agenda and not addressed shall be placed on the agenda for the next meeting unless otherwise decided by Council.

4.5. The agenda will be available to Council members, and the public through the Township's website, on the Friday evening prior to the scheduled meeting.

4.6. Amendments and/or addendums may be made to Council agendas up to, but no later than, four (4) hours before the scheduled meeting. Efforts will be made by all staff to limit late addendums, where possible. All amendments will be noted on the agenda and made available to Council and the public, through the Township's website, immediately upon changes being finalized.

## **5. Delegations**

5.1. Persons or groups wanting to appear before Council shall advise the Clerk or designate no later than 12:00 noon on the Thursday prior to the meeting and shall provide a written submission detailing the nature of the request to Council for inclusion in the agenda package.

5.2. Persons or groups making a presentation shall be limited in speaking to not more than ten (10) minutes. A person may speak longer than ten (10) minutes if granted leave by the Presiding Officer.

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- 5.3. All such persons desiring to make a presentation to Council shall, in writing, identify who they are as well as which group or organization, if any, they claim to represent or be a member of, vis-à-vis the topic of their presentation.
- 5.4. All references in this section to “persons” shall also include, where appropriate, reference to “group” or “organization” so that where there is a number of persons who wish to speak who are all part of the same group or organization the group or organization shall only be permitted one delegation time slot of ten (10) minutes, unless permission for other members to have their own delegation time is otherwise granted by the Presiding Officer or by motion of Council.
- 5.5. Subject to Section 5.6, no person shall be permitted to speak to Council more than once on the same topic without the prior permission of the Presiding Officer. Such permission is to be sought no later than 12:00 noon on the Thursday immediately preceding the Council meeting or by motion of Council where special circumstances so warrant.
- 5.6. No person shall be permitted to address Council regarding a position previously adopted by Council without a motion of reconsideration.
- 5.7. Any person wishing to present correspondence directly to Council shall do so through the Clerk’s office no later than 12:00 noon on the Thursday immediately preceding the Council meeting.
- 5.8. No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding a tender or request for proposal which is either proposed, pending, or before Council or a Committee of Council for its consideration.
- 5.9. No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding labour relations, insurance claims, or contract negotiations.

## **6. Duties of the Presiding Officer**

- 6.1. The Presiding Officer may speak to any question.
- 6.2. When the Presiding Officer is called upon to decide a point of order or procedure, he/she shall state his/her ruling, and if an objection is made to the ruling, he/she shall submit it to a vote of the Council without debate in the following words, “Shall the ruling of the Presiding Officer be sustained?” and the decision of Council shall be final.
- 6.3. When two (2) or more members speak at once, the Presiding Officer shall name the member who is first to be heard and the other or others shall have the privilege of speaking thereafter in the order named by the Presiding Officer.

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- 6.4. The Presiding Officer shall receive and submit, in the proper manner, all motions presented by the members of Council.
- 6.5. The Presiding Officer shall put to a vote all questions which are moved and seconded in the course of the proceedings and announce the results of the vote.
- 6.6. The Presiding Officer shall decline to put to vote motions which are contrary to rules of procedure.
- 6.7. The Presiding Officer shall require the members to observe the rules of order.
- 6.8. The Presiding Officer shall ensure the decisions of Council are in conformity with the laws governing the activities of Council.
- 6.9. The Presiding Officer may expel any person present at a meeting who speaks or makes a noise or behaves in a disorderly or improper manner, or otherwise disturbs or interrupts the proceedings of the meeting.
- 6.10. The Presiding Officer may adjourn the meeting without question in the case of grave disorder arising in the meeting room.

## **7. Deputy Mayor**

- 7.1. The member of council who polled the largest number of votes in the last regular municipal election will be appointed Deputy Mayor.
- 7.2. The Deputy Mayor shall act from time to time in place of the Mayor, while the Mayor is absent or refuses to act or the office is vacant, and while so acting, such member has all the powers and duties of the Mayor.
- 7.3. The Deputy Mayor will sit on the County of Lambton Council in the absence of the Mayor as it pertains to the rules and regulations of the County of Lambton.
- 7.4. The term of office for the Deputy Mayor shall expire when the term of office of Council expires following a general municipal election.

## **8. Duties and Privileges of Members**

- 8.1. Members, prior to speaking to a question or motion, shall obtain recognition of the Presiding Officer.
- 8.2. No member shall use indecent, offensive or insulting language in or against the Council or any member of the public or staff.
- 8.3. No member shall speak except to the issue under debate.

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- 8.4. No member shall interrupt a member who has the floor except to raise a point of order or a matter of privilege.
- 8.5. No member shall engage in conduct disturbing to another member of Council or interfering with a member recognized to speak.
- 8.6. If a member has been ordered by the Presiding Officer to vacate his/her seat after committing a breach of any rule of order of Council, the said member shall not be permitted to retake his/her seat without making an apology and without the consent to the Council expressed by a majority of the members present, determined without debate.
- 8.7. No member shall walk across or out of the meeting room or make any noise or disturbance when the Presiding Officer is putting the question and each member present shall occupy their seat while a vote is being taken and until the result thereof is declared.
- 8.8. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 8.9. Any member may appeal the decision of the Presiding Officer on a point of order or a matter of privilege to Council, which shall by a majority vote decide the question without debate.
- 8.10. Every member present when a question is put to vote shall thereon vote unless Council excuses them or unless they have declared a Pecuniary Interest in the question as provided in the Municipal Conflict of Interest Act, R.S.O. 1990, and amendments thereto. For any member present that does not vote, unless excused or has declared a pecuniary interest, their vote shall be deemed a negative vote.

## **9. Electronic Devices in Council Chambers**

- 9.1. The following are policies outlining the use of electronic devices in the Council Chambers by members of Council and Township staff:
  1. In deference to the public meeting at hand, members should make every effort to refrain from sending or receiving electronic communication of a personal nature during Council meetings, though as volunteers it may sometimes be necessary to send or receive very urgent/emergency family or business communications during meetings.
  2. Members are permitted and encouraged to use electronic devices provided by the Township of Warwick to access electronic versions of the Council meeting agenda and related documents.



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3. Members shall not use electronic communication devices to review or access information regarding matters not under consideration before Council during a meeting.
4. Members shall not send or receive electronic communications concerning any pending matter before Council during a Council meeting.
5. Members shall not access the internet concerning any matter pending before Council during a Council meeting except to access Council agenda package information.
6. Members should not use electronic devices during a Council meeting for personal use.
7. No electronic devices shall be allowed in closed session meetings except those electronic devices provided by the Township of Warwick to access electronic versions of the confidential closed meeting agendas and related documents.

### 9.2. The following are policies outlining the use of electronic devices in Council Chambers by members of the public:

1. In deference to the public meeting at hand, members of the public and Township should turn electronic devices off during the entire meeting in Council Chambers.
2. Members of the public must exit the Council Chambers if they wish to make/receive a telephone call.
3. Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded provided that permission has been granted by the Presiding Officer and so long as the taping, televising or recording is carried out in a manner that does not interfere with proceedings of the meeting.
4. The Presiding Officer may request that an individual vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand.
5. If the member of the public has been ordered by the Presiding Officer to vacate the Council Chambers after committing a breach of any rule within Section 8.2 of this by-law, and the Presiding Officer determines that the disruptive nature of the behaviour warrants ~~and~~ an apology to Council, said member shall not be permitted to enter the Council Chambers without making an apology and without the consent of Council expressed by a majority of the members present, determined without debate.

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6. If the member of the public has been ordered by the Presiding Officer to vacate the Council Chambers after committing a breach of any rule within Section 8.2 of this by-law, and the Presiding Officer determines that the disruptive nature of the behaviour does not warrant an apology, the Presiding Officer may allow the member of the public to re-enter Council Chambers quietly after the disruptive behaviour has ended.
7. The provisions of Section 8.2 apply to all meetings of Council and Committee meetings.

### **10. Motions and Amendments**

- 10.1. All motions and amendments shall be moved and seconded before the Presiding Officer will permit debate and put the question to vote.
- 10.2. After the Presiding Officer has read a motion, it may be withdrawn at the request of the mover and seconded at any time before the decision and/or amendment with permission of Council.
- 10.3. A motion to amend shall:
  1. Be open to debate;
  2. Not propose a direct negative to the main Motion;
  3. Be relevant to the main Motion; and
  4. Not be further amended more than once.
- 10.4. A motion to amend shall be voted on first.
- 10.5. A motion to make further amendments may be made to the main question.
- 10.6. A motion to “table” or defer a motion must be supported by the majority of the members present and is put to vote without debate or amendment.
- 10.7. A motion to “lift from the table” may reintroduce a tabled motion, in the same form as the original motion, as long as some other order of business has been dealt with since the motion was tabled. A motion to “lift from the table” must be supported by the majority of members present, and if supported, the Presiding Officer shall call for discussion, call for a vote, and state the result of the vote and action taken.

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### **11. Taking the Vote**

- 11.1. If a member moves that the vote now be taken and another member seconds it, the same shall be put forward without debate and if carried the motion or amendment under discussion shall be immediately submitted to Council without further discussion.
- 11.2. When the question under consideration contains two or more propositions, the same shall be put separately at the request of any member of Council.
- 11.3. If a member present at the time of a vote requests immediately before or after the taking of the vote that vote be recorded, each member present, except a member who is disqualified from voting by an Act, shall announce his or her vote openly and the Clerk shall record each vote. The order of votes shall be determined by draw.
- 11.4. A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- 11.5. Any question on which is a tie vote shall be deemed to be lost.

### **12. Reconsideration**

- 12.1. Any motion except a motion to refer (to send back to a Committee, Board, person or department), to amend, to defer (postpone to a time to be named), to defer an indefinite time, to set a specific day or to adjourn may be reconsidered subject to the provisions contained in this section.
- 12.2. No discussion of the main question or the motion to reconsider the main question shall be allowed unless and until Council has voted to reconsider the same, but the member who gives the notice may have the privileged of stating their reasons for doing so.
- 12.3. A motion to reconsider a decision of Council shall be moved only by a member who voted with the majority of Council on that decision and, before accepting a motion to reconsider, the Presiding Officer shall ask the member to confirm that he voted with the majority on the issues in question.
- 12.4. A motion for reconsideration will require two-thirds (2/3) majority of those members present at the meeting for approval and a motion can only be reconsidered two (2) times in one year from the date when the first motion for reconsideration was made.
- 12.5. Motions cannot be reconsidered when the action within the motion to be reconsidered or rescinded has been completed making that action impossible to undo.

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### **13. Minutes**

- 13.1. The minutes of meetings shall consist of a record of the place and time of the meeting, the name of the Presiding Officer, a record of all members present and the names of those absent together with resolutions, decisions and other proceedings of the meeting.
- 13.2. It shall be the duty of the Clerk or designate at the close of each meeting to transcribe the proceedings of the said meeting and file in the meeting minutes records.
- 13.3. At the next regularly scheduled meeting, the minutes of the previous meeting shall be considered so that any errors or omissions may be corrected and accuracy of the record confirmed and, once approved, signed by the Mayor and Clerk or designate.
- 13.4. Draft minutes shall be given to Council and staff only as requested, before they are approved as printed and distributed.

### **14. Accounts**

- 14.1. All accounts dealing with the operation of the Corporation of the Township of Warwick shall be submitted to Council for approval.

### **15. Open Meeting Provisions**

- 15.1. Except as provided in Sections 15.2, 15.3 and 15.4, all meetings shall be open to the public.
- 15.2. A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  1. The security of the property of the municipality or local board;
  2. Personal matters about an identifiable individual, including municipal or local board employees;
  3. A proposed or pending acquisition or disposition of land by the municipality of local board;
  4. Labour relations or employee negotiations;
  5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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7. A matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act.
  8. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  9. 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;
  10. 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;
  11. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.3. A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, Committee, Board or other body is head of an institution for the purposes of this Act.
- 15.4. A meeting of a Council or Local Board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:
1. The meeting is held for the purpose of educating or training the members; and
  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.
- 15.5. Council may schedule a closed meeting to commence prior to the scheduled meetings of Council. Notice of the closed meeting shall be included with the agenda.
- 15.6. Before holding a meeting or part of a meeting that is to be closed to the public, the Council or Local Board or Committee of either of them shall state by resolution:
1. The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

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2. In the case of a meeting under section 15.4, the fact that the holding of the closed meeting, the general nature of the subject-matter and that it is to be closed under that section.
- 15.7. Subject to Section 15.8, a meeting shall not be closed to the public during the taking of a vote.
- 15.8. Despite Section 244 of the Municipal Act, a meeting may be closed to the public during the taking of a vote if:
  1. Section 15.2 or 15.3 permits or requires the meeting to be closed to the public; and
  2. The vote is for a procedural matter or giving directions or instructions to officers, employees or agents of the municipality, local board or committee or either them or persons retaining by or under contract with the municipality or local board.
- 15.9. The rules of Council shall be observed in closed meetings as far as may be applicable.
- 15.10. After consideration of a matter in the closed session, and the report from the closed session is in the possession of Council, any resulting action of Council by way of resolution or by-law of the Corporation shall be debated and voted upon in a public session, unless the subject matter under consideration must remain confidential as it pertains to issues noted in 15.2 or 15.3.
- 15.11. No member or other person attending a closed session shall without the authorization of Council, release confidential reports or information considered at a closed meeting, or discusses the content of such reports or information with persons other than members of Council or appropriate municipal staff members and/or agents of Council concerned with the reports or information.

## **16. Committees**

- 16.1. The Mayor shall appoint the members of Council who shall serve on each Committee and shall determine the term of the appointment of each member.
- 16.2. Council shall appoint the citizens sitting on any Committees and shall determine the term of appointment of each member.
- 16.3. Council shall determine the “Terms of Reference” for each Committee established. The general duties of Committees shall be:
  1. To report to Council from time to time, as often as the interest of the municipality may require, all matters connected with the duties imposed on them respectively, and to recommend such action by Council in relation thereto as may be deemed necessary and expedient;

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2. To examine all accounts connected with the performance of any works to the purchase of any materials or goods under their supervision;
  3. To consider and report upon all matters referred to them by Council or by the Mayor;
  4. To adhere strictly in the transaction of all business to the rules prescribed by the by-laws of Council.
- 16.4. A Standing Committee or Ad Hoc Committee shall be composed of not less than three members.
- 16.5. Any members of the Committee may be placed on a standing or other committee, and the Head of Council shall be an ex-officio voting member of all committees.
- 16.6. The Mayor shall be an ex-officio member of all Committees.
- 16.7. The Committee Chairperson shall be a member of Council appointed by the Mayor, with the exception of the Committee of Adjustment and the Community Improvement Plan Committee where the Committee shall appoint a Chairperson at its first meeting of the term. Council shall appoint a Secretary to each Committee to record the minutes of Committee meetings.
- 16.8. The Committee will set meeting dates and times which are convenient for all members of the Committee.
- 16.9. A quorum for a Committee shall be the majority of those appointed to the Committee by Council.
- 16.10. The rules governing the procedure for Council shall be observed in all Committees insofar as applicable.
- 16.11. A Committee which refuses or neglects to give due consideration to any matter assigned to it or before it, may by Council resolution be discharged of such responsibility.
- 16.12. Each Committee is subject to the control and direction of Council.
- 16.13. Each Committee shall submit minutes or reports with recommendations to Council on all matters connected with their duties or matters referred to them by Council.

## **17. Reading of By-laws and Proceeding Thereon**

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- 17.1. Every by-law when introduced shall be in printed form and included in the agenda package, and shall contain no blanks such as may be required to conform to accepted procedures or to comply with the provisions of any Act.
- 17.2. The first reading of a by-law shall be for introduction. The second reading shall be for the debate and amendments before the vote. The third reading shall be for debate on the whole by-law with amendments and the final vote.
- 17.3. All amendments to a by-law shall be open to debate and amendment before the by-law is ordered for a third reading.
- 17.4. A by-law may be read three times at the same meeting unless otherwise provided by statute or by Council. If any member objects to the third reading being given, a majority vote of all members present is necessary to proceed with the reading.
- 17.5. Every by-law enacted by the Council shall be numbered and dated and shall be signed by the Presiding Officer and the Clerk or designate and shall be deposited in the municipal records for safekeeping.
- 17.6. All matters of substantial concern to the Council shall be presented and adopted by by-law. Matters may include:
  1. Structure of governance and procedure;
  2. Municipal programs or service
  3. Personnel;
  4. Administration of the municipality.

## **18. Severability**

- 18.1. If any section or sections of this by-law or parts thereof are found in any court to be illegal or beyond the power of Council to enact, such sections or parts thereof shall be deemed severable and all other sections or parts of this by-law shall be deemed separate and independent there from and enacted as such.

## **19. Short Title**

- 19.1. The short title of this by-law shall be "Procedural By-law"



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### **20. By-laws Repealed**

20.1. That By-law 10 of 2019 and all other by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.

### **21. Effective Date**

21.1. This by-law shall come into full force and take effect upon the final passing thereof.

### **22. Electronic Meetings During Declared Emergency**

**22.1** For the purposes of this Part 21, the following capitalized terms shall have the following meaning and all other capitalized terms shall have the meaning given to them in Part 2 hereof:

**"Electronic Meeting"** means a meeting called by the Mayor and held in full or in part through such electronic means selected by the Mayor, in consultation with the Clerk, taking into account the Township of Warwick's resources.

**"Electronic Means"** includes such electronic method selected by the Mayor, in consultation with the Clerk, taking into account the Township of Warwick's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online resources through the Internet or otherwise via the Internet such as, but not limited to, Zoom, Microsoft Teams and/or GoToMeeting.

**22.2** Although Members are generally expected to attend Council / Committee meetings in person it is understood that, for various reasons, a Member(s) may not be capable of so attending. Member(s) may participate in any meeting of Council and/or its committees by Electronic Means by accessing the meeting through the electronic access particulars, such as conference call number and/or online link, provided by the Clerk, to Council Members for such purposes. These Rules shall apply to the Member as if the Member were attending the meeting in person.

**22.3** A Member(s), staff or the public may only participate in a Meeting via electronic application where the Meeting Place is equipped to facilitate such an action.

**22.4** The onus lies with the Members participating electronically, who shall notify the Clerk by no later than noon on the day of the meeting and by accessing the meeting through the electronic access particulars, such as conference call number and/or online link, provided by the Clerk to Council members for such purposes. Members shall provide a reason for electronic attendance to be recorded in the minutes. Exceptions will be made for emergencies where possible, provided the Member has contacted the Clerk.

## **By-law 104 of 2019: Procedural By-law**

- 22.5** Notwithstanding any other Part hereof, at the call of the Mayor a regular or a special or an emergency meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting.
- 22.6** A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person. There is no minimum or maximum requirement for physical attendance, nor electronic participation.
- 21.7** An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.
- 22.8** When reasonably available to do so, taking into account the Township of Warwick's resources, a public notice of an Electronic Meeting shall include sufficient information so as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.
- 22.9** Despite any other Part hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, Council at and/or during an Electronic Meeting, shall first give the requisite notice thereof to the Clerk and meet all other requirements of these Rules of Procedure, and provided such requirements have been met, shall be permitted to make such presentation either in person or electronically, in accordance with meeting technology resources available.
- 22.10** Any Member participating remotely in an Electronic Meeting whose vote cannot be audibly heard, or visually seen, due to service interruption or other, will not be considered a negative vote; it will simply not count for or against.
- 22.11** In the event the Chair is participating remotely in an Electronic Meeting and cannot be audibly heard, or visually seen, due to service interruption or other, has the option to appoint an alternate Chair to act in their place or part of, or the entire meeting. In the event a service interruption or other does not provide an opportunity for appointment, the Deputy Mayor, if in attendance, shall take up Chairing duties as needed. Should the Deputy Mayor not be in attendance, Council Member(s) present can appoint an acting Chair as needed.
- 22.12** The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part 21. In the event of any inconsistency and/or conflict between this Part 21 and any other Part of these Rules of Procedure, this Part 21 shall prevail to the extent of the inconsistency and/or conflict.

**By-law 104 of 2019: Procedural By-law**

By-law read a first, second and third time and finally passed on this **28th day of October, 2019.**

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Mayor – Jackie Rombouts

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CAO/Clerk – Amanda Gubbels