



**The Corporation of the  
County of Peterborough**

**The Procedure By-law**

**By-law No. 2020 - 04**

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# The Corporation of the County of Peterborough

## By-law No. 2020 - 04

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### **A By-law to Govern the Proceedings of the Council of The Corporation of the County of Peterborough and to repeal By-law Nos. 2014-69, 2015-39 and 2016-76**

Whereas the Municipal Act, 2001, as amended, authorizes the Council of every Municipality to pass by-laws for governing the proceedings of its Council, the conduct of its Members and the calling of meetings;

And Whereas Section 238 (2) further indicates that every County and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

And Whereas at the County Council Meeting of August 27, 2014, Council passed By-law No. 2014-69, being a By-law to govern the proceedings of Council and its Committees, the conduct of its members and the calling of meetings (Procedural By-law or Rules of Procedure) and to repeal By-law No. 2009-88;

And Whereas at the County Council Meeting of May 20, 2015, Council passed By-law No. 2015-39, being a By-law to amend Procedural By-law 2014-69, being a by-law to govern the proceedings of Council and its Committees, the conduct of its members and the calling of meetings (Replacing Invocation with Moment of Silent Reflection);

And Whereas at the County Council Meeting of November 2, 2016, Council passed By-law No. 2016-79, being a By-law to amend Procedural By-law No. 2014-69, being a by-law to govern the proceedings of Council and its Committees, the conduct of its members and the calling of meetings (Adding mandatory closure requirement for meetings that address the Ombudsman and/or a meeting investigation report pursuant to subsection 239(3)(b) of the Municipal Act) – Amendment No. 2 to Procedural By-law;

Now therefore be it resolved that the Council of The Corporation of the County of Peterborough enacts as follows:

### **Section 1 - Short Title**

This By-law may be referred to as the “Procedure By-law”.

### **Section 2 - Definitions**

“**Act**” means the Ontario Municipal Act, 2001, as amended, from time to time.

**“Ad Hoc Committee”** means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.

**“Area Municipalities”** means the eight (8) lower-tier municipalities which make up the County of Peterborough as follows:

- a) Township of Asphodel-Norwood;
- b) Township of Cavan Monaghan;
- c) Township of Douro-Dummer;
- d) Township of Havelock-Belmont-Methuen;
- e) Township of North Kawartha;
- f) Township of Otonabee-South Monaghan;
- g) Township of Selwyn; and
- h) Municipality of Trent Lakes.

**“Chair”** means the Warden or Deputy Warden or Chairperson being the person in a meeting who is actually presiding at the time that the meeting is being held.

**“Clerk”** means the Clerk of the County of Peterborough authorized by the Municipal Act, 2001, as amended and appointed by By-law.

**“Committee”** means an advisory, standing or special committee established by Council, or a subcommittee of them, of which at least one member is also a member of Council.

**“Council”** means Elected Members of Councils within “Area Municipalities” of the County of Peterborough whom were elected by registered voters or who have been appointed by virtue of a vacancy.

**“Deputy Warden”** means the County Councillor appointed by by-law, to act in the place of the Head of Council (Warden) when the Head is absent or refuses to act, or when the office of the Head of Council is vacant, and while so acting, such member has all the powers and duties of the Head of Council.

**“Ex-Officio”** means the Warden who by virtue of the office shall be a Member of all Committees and shall have the same duties, rights and privileges as other Members of the respective Committees.

**“Inaugural Meeting”** means the First Meeting of a new Council after a regular election where Members take their Declaration of Office.

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

**“Meeting”** means any regular, special, committee, or other meeting of a Council, of a local board or of a committee of either of them 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, local board or committee.

**“Members”** means an Elected Member of the Council of The County of Peterborough.

**“Municipal Corporation”** means The Corporation of The County of Peterborough.

**“Notice of Motion”** means a notice given by a Member of Council that requires action or additional review by Council at a subsequent meeting.

**“Parliamentary Authority”** means the Standard Code of Parliamentary Procedure, 4th Edition.

**“Pecuniary Interest”** means a direct or indirect interest of a Member of Council within the meaning of the Municipal Conflict of Interest Act.

**“Point of Information”** means a request through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.

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

**“Question of Privilege”** means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.

**“Recorded Vote”** means the making of a written record of the names and the vote of each Member who votes on a formal question.

**“Resolution”** means a motion presented to Council on a definite subject for action.

**“Standing Committee”** means a committee appointed by Council that has a continuing existence from one term of Council to another.

**“Warden”** means the Head of the County Council.

## **Section 3 - General Provisions**

### **3.1 Rules**

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and Committees of Council and shall be the rules and regulations for the order and dispatch of business in Council and Committees of Council meetings.

**3.1.1** The rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of Members of the Council present and voting, in any case for which provision is not made herein and shall not be debatable or amendable.

### **3.2 Parliamentary Authority**

The governing legislation, the Procedure By-law, or any standing or special rules of order adopted by The County of Peterborough shall govern the procedures of the Council. Where inconsistencies exist, "The Standard Code of Parliamentary Procedure, 4<sup>th</sup> Edition" shall be the parliamentary authority, which governs the proceedings of The County of Peterborough.

### **3.3 Severability**

If any provision or provisions of this By-law shall be held to be invalid, illegal, un-enforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

### **3.4 Gender**

Any use of the male or female pronouns in this By-law, shall have no significance in the interpretation and application of the terms, provisions and conditions of this By-law, such use being solely for the sake of convenience.

### **3.5 Appointment to County Council**

Prior to taking a seat on County Council, every Member shall first provide the Clerk with a Certificate of Election duly signed and sealed by the respective Clerk of the Area Municipality from which the Member was elected and which forms part of The County of Peterborough.

### **3.6 Minor Errors**

The Clerk has the authority to correct any minor error(s) within the By-laws and/or minutes, without changing the intent of the Bylaws and/or Resolutions adopted by Council.

## **Section 4 - Meetings**

### **4.1 Inaugural – Regular Election Year**

The Inaugural Meeting of County Council after a regular municipal election shall be considered Council's First meeting and shall be held on the second Wednesday of December beginning at 2:00 p.m. in the Council Chambers, in accordance with the Act. The purpose of the meeting is to swear in Council-elect and for conducting the Elections for Warden (two (2) year term) and the Nominating Committee (two (2) year term).

#### **4.1.1 Inaugural Agenda – Order of Proceedings**

The content of the Agenda of the Inaugural Meeting and its proceedings shall be as follows:

- a) Call to Order by Clerk;
- b) National Anthem;
- c) Land Acknowledgment;
- d) Acknowledgement of Township Clerks' Certificates;
- e) Oath of Office from Members of County Council;
- f) Roll Call;
- g) Introduction of CAO, Deputy Clerk, County Solicitor and County Auditor;
- h) Procedure for Nomination of County Warden;
- i) Procedure for the Election of County Warden/Acclamation;

- j) Warden Election Results;
- k) Oath of Office of newly elected/acclaimed Warden;
- l) Warden's Address;
- m) Greetings from Dignitaries;
- n) Election of Nominating Committee;
- o) Warden's Invitation for Deputy Warden candidates;
- p) Confirming By-law;
- q) Adjournment.

#### **4.2 First Meeting – Non-election Year**

The first meeting of County Council in Year three (3) shall be held on the second Wednesday of December beginning at 2:00 p.m. in the Council Chambers. The purpose of the meeting is to conduct the Elections for Warden (two (2) year term) and the Nominating Committee (two (2) year term).

##### **4.2.1 First Meeting Agenda – Non-election Year - Order of Proceedings**

The content of the Agenda of the first meeting (Year 3) and its proceedings shall be as follows:

- a) Call to Order by Clerk;
- b) National Anthem;
- c) Land Acknowledgment;
- d) Roll Call;
- e) Introduction of CAO, Deputy Clerk, County Solicitor and County Auditor;
- f) Procedure for Nomination of County Warden;
- g) Procedure for the Election of County Warden/Acclamation;
- h) Warden Election Results;
- i) Oath of Office of newly elected/acclaimed Warden;
- j) Warden's Address;
- k) Greetings from Dignitaries;
- l) Election of Nominating Committee;
- m) Warden's Invitation for Deputy Warden candidates;
- n) Confirming By-law;
- o) Adjournment.

#### **4.3 Location**

All meetings of Council shall be held in the Council Chambers in the County Court House, located at 470 Water Street, Peterborough or at such other place as Council from time to time may establish by resolution or as set out in this By-law.

#### **4.4 Date and Time**

All Regular Meetings of County Council shall be held on the first and third Wednesday of every month at the hour of 9:30 a.m. unless otherwise specified by resolution of Council. During the fourth quarter of each calendar year, the Clerk shall prepare a report to Council identifying the following year's meeting dates to be adopted by Council and posted on the County's website.

#### **4.5 Notice of Regular Council Meeting**

No notice shall be given of any Regular Council meeting unless the day of the meeting is other than provided for in Section 4.4 or as adopted by Council. The Agenda shall be considered as adequate notice of regular, special or emergency meetings.

#### **4.6 Exceptions to Regular Meeting Schedule**

- a) **Second meeting in June** – The regular meeting scheduled for the third Wednesday in June of each year, shall be held on the last Wednesday of June.
- b) **Summer recess** – There shall be no regular meeting held in the month of July. Meetings of a time sensitive matter may be at the call of the Chair, if required.
- c) **Second meeting in August** – The regular meeting scheduled for the third Wednesday in August of each year, shall be rescheduled to the fourth Wednesday in August.
- d) **December meetings of even-numbered years** – The regular meeting scheduled for the first and third Wednesdays in December of even numbered years, shall be cancelled, and rather, the meeting shall be held on the Friday following the Warden's Election.

#### **4.7 Special Meetings – Warden**

In addition to Regular Meetings, the Warden, may at any time, summon a Special Meeting of Council, by giving direction to the Clerk stating the date, time and purpose of the Special meeting.

##### **4.7.1 Special Meetings – Members of Council**

Upon request by the majority of the Members, the Clerk shall summon a special meeting for the purpose and at the date and time mentioned in the petition.

##### **4.7.2 Notice of Special Meeting**

The Clerk shall give all Members notice of a Special meeting of Council at least forty-eight (48) hours before the time appointed for such meeting.

##### **4.7.3 Delivery Notice of Special Meeting**

Notice may be given to Members by delivering a notice personally by leaving such notice at their residence or place of business, or by facsimile transmission, or by electronic mail or by telephone.

##### **4.7.4 Nature of Business**

The written or verbal notice to be given shall indicate the nature of the business to be considered at the special meeting and, the date, time and place.

##### **4.7.5 No Other Business**

No business other than that stated in the notice shall be considered at the special meeting.

#### **4.7.6 Posting of Public Notice of Special Council Meeting**

Posting of all public notices will be accomplished by any one of the following three methods, with a minimum of twenty-four (24) hours' notice:

- a) The County's official website;
- b) Included in a printed publication or newspaper having general circulation;
- c) Declared at an open meeting of Council that the subject will be placed on the next regularly scheduled meeting of the Council.

#### **4.8 Emergency Meeting**

Notwithstanding any other provision of this By-law, an Emergency meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk, or designate, to notify the Members about the meeting as soon as possible and in the most expedient manner available.

##### **4.8.1 Location**

All Council meetings shall be held within the Council Chambers in the County Court House. In the event of an Emergency being declared by the Head of Council or any other Lead Agency as identified within the Emergency Management Act within the confines of a declared emergency, where Council Chambers is not accessible, the Council shall be asked to meet at an identified location accessible by all Members of Council.

#### **4.9 Meetings Open to Public**

Meetings of the Council and its Committees, shall be open to the public with the exception of those meetings as provided within Sections 4.10 and as provided for under Section 239 of the Municipal Act, 2001, as amended.

#### **4.10 Closed to Public – Meeting Subject Matters**

A meeting or part of a meeting of the Council or Committees may be closed to the public if the subject matter being considered is:

- a) The security of the property of the County 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 County or local board;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the County or local board;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) Information explicitly supplied in confidence to the County or local board by Canada, a province or territory or a Crown agency of any of them;
- i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the County or local board, which, if disclosed, could reasonably be expected to prejudice significantly

- the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the County or local board and has monetary value or potential monetary value; or
  - k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the County or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

#### **Other criteria**

- l) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- m) An ongoing investigation respecting the County, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

#### **Educational or training sessions**

- n) 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:
  - (i) the meeting is held for the purpose of educating or training the Members.
  - (ii) at the meeting, no Member shall discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

#### **4.11 Closed Resolution**

Prior to holding a meeting which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting.

##### **4.11.1 Vote in Closed**

No vote may be taken except on a procedural matter or for giving of directions or instruction to officers, employees or agents of the County or persons retained by or under contract with the County, on a matter that can be discussed in Closed Session set out in Section 4.10 and the Act.

##### **4.11.2 Rise from Closed Session**

Upon rising from Closed Session, Council shall bring forward any matter to be voted on in Open Session that did not fall under the exemptions in Section 239 (6) of the Act.

#### **4.12 Closed to Public (Education and Training)**

In the case of a meeting under Section 4.10 n), "Education or Training Sessions", the fact of the holding of the Closed meeting, the general nature of its subject matter and that it is to be closed under that section shall be declared within the Resolution required under section 4.10.

#### **4.13 Confidential Matters**

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. All deliberations while in Closed session shall remain confidential unless otherwise agreed upon by the majority vote of Council. Only the final results of the deliberations may be made public when such disclosure is authorized by Council. Any Member, who contravenes the confidentiality clause, may be subject, by majority vote of the Council, to penalties in accordance to the County's adopted "Code of Conduct for Council and Local Boards" policy.

#### **4.14 Workshops, Orientation and Information Sessions with outside Participants**

Workshops and information sessions are informal and broad discussions among a quorum or non-quorum of Members with the assistance of staff and, as appropriate, with guests or attendee participation beyond the Members of County Council. Sessions of this nature are for the purpose of educating or training the members and to seek Council insight and feedback. At no time shall a workshop or information session materially advance the business or decision-making of the Council or Committee.

### **Section 5 - Duties**

#### **5.1 Preparation by Members**

Members of Council shall make every effort to come prepared to Council meetings by having reviewed all the material supplied, including agendas and reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Members shall make appropriate inquiries to administration staff when seeking clarification of material provided.

##### **5.1.1 Leave Meeting**

Whenever possible, Members shall provide the Clerk with notice prior to the commencement of the Council Meeting of their intent to leave the meeting early.

#### **5.2 Report Requests**

All requests for substantive reports from Members of the administration shall be by Council resolution, which shall identify the appropriate Department or Director and objectives of the report.

#### **5.3 Interference**

No Members(s) shall have the authority to direct or interfere with the performance of any work by administration of the County. All inquiries shall be directed through the office of the Chief Administrative Officer.

#### **5.4 Order**

The Warden or Committee Chair shall preside over the conduct of meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council or Committee, as the case may be and to enforce the Rules of Procedure.

#### **5.5 Speakers**

The Warden or Committee Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

## **5.6 Motions**

The Warden or Committee Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which are duly moved, and to announce the result.

## **5.7 Warden/Committee Chair – Motion and Debate**

The Warden or Committee Chair may speak and/or vote on any question, but if they wish to make a motion, they shall first leave the Chair by designating the Deputy Warden or Vice-Chair to Chair the meeting. Should the Deputy Warden or Vice-Chair be absent, another Member shall be designated to act in their stead until such time as the motion(s) and any amending motion to the main question has been decided upon and after which they shall resume the Chair.

## **5.8 Restrains Member**

It shall be the duty of the Warden or Committee Chair to restrain the Members, within the rules and procedures when engaged in debate.

## **5.9 Authentication**

It shall be the duty of the Warden or Committee Chair to authenticate, by signature when necessary, all By-laws, resolutions and minutes approved by the Council.

# **Section 6 - Conduct During Meetings**

## **6.1 Sovereign – Royal Family**

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Provincial representative or any Members of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

## **6.2 Members of Council – County Administration**

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any Member thereof including employees of the County of Peterborough.

## **6.3 Decisions of Council**

No Member shall criticize any decision of the Council except for the purpose of moving that the question be reconsidered. Members may indicate the manner in which they voted and the reasons why.

## **6.4 Breach of Rules**

Members shall refrain from harmful conduct to the County or its purposes. No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council and its rules of procedure. In the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave their seat for the duration in which the meeting is being held; but if the Member apologizes, they shall be permitted, by vote of the Council to retake their seat.

## **6.5 Disorder of Meeting**

It shall be the duty of the Chair to adjourn the meeting without the question being put or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.

## **6.6 Power to Expel**

The Warden or other Presiding Officer may expel any person for improper conduct at a meeting.

## **6.7 Discriminatory**

No Member shall speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation/identification, age, colour, marital status, family status or disability.

## **6.8 Respect to the Chair**

Any person, while attending a meeting in session and who must withdraw themselves from the Council Chambers, shall not do so without first turning towards the Chair as they withdraw and bow in such a manner that any person in attendance may know their intention is to withdraw from the Council Chambers.

## **6.9 Food within the Chambers**

There shall be no food permitted within the Council Chambers while a meeting is in session.

## **6.10 Recording of Meetings**

Members of the public, including accredited and other representatives of any news media, may use cameras, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record open session proceedings of Council and Committees. These devices may not be used in such a way as to obstruct or disrupt the proceedings of the meeting.

At such time that Council deems appropriate, all Council meetings will be recorded by County staff and either live streamed and/or posted on the County's website following the meeting, with the exclusion of closed session meetings.

## **6.11 Public Participation at Meetings**

An attendee shall not participate in a Meeting, unless listed on the Agenda as a Delegation or Presentation and shall be subject to the rules and procedures of this by-law.

# **Section 7 - Rules of Debate**

## **7.1 Addressing the Chair**

Any Member, previous to speaking on any motion, shall indicate their desire to speak by raised hand and shall not speak until recognized by the Chair.

## **7.2 Speaking Through the Chair**

The Chair shall recognize the Members in the order they indicate their desire to speak; be acknowledged by the Chair; and shall address all questions, "Through the Chair".

### **7.3 Interruption**

When a Member is speaking, no Member shall pass between the speaker and the Chair or interrupt the speaker except to raise a question of privilege, appeal the decision of the Chair or raise a point of order.

### **7.4 Point of Order – Inform Members**

It shall be the duty of the Chair to inform the Members on any point of order.

### **7.5 Subject of Debate**

No Member shall speak on any subject other than the subject that is currently being debated.

### **7.6 Motion Read**

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

### **7.7 Time Limit**

No Member of Council shall speak more than twice to the main question and no longer than five (5) minutes on any question, except in explanation of a material part of the debate, which may have been misunderstood, but they may not introduce new matter. A right of reply may be allowed to a Member who has made a substantive motion to Council, and no Member shall speak to the same question or in reply, without permission of Council.

### **7.8 Question on Motion**

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

### **7.9 Question Integrity of Employees**

A Member, while asking questions through the Chair, shall at no time, put into question the municipal employee's personal or professional integrity.

### **7.10 Motion Seconded Before Debate**

All motions shall be seconded before being debated and voted on.

## **Section 8 - Quorum**

### **8.1 Call to Order – Quorum Present**

As soon after the hour fixed for holding the meeting of the Council, as there is a quorum present, the Chair shall call the Meeting to order.

### **8.2 Quorum**

A majority of the Members elected (50% + 1) shall constitute a quorum.

### **8.3 Non-Quorum Time Limit**

If there should be no quorum present within thirty (30) minutes after the time fixed for holding the meeting of the Council, the Warden shall call the roll and the Clerk shall take down the names of the Members present.

### **8.3.1 Permitted Motions Without Quorum**

Should there be no quorum at a duly called meeting, **one** of the following three motions can be legally called:

- a) **Motion to Adjourn** - By calling this motion, all matters listed on the agenda shall be brought forward at the next regularly scheduled meeting.
- b) **Motion to Recess** - The Chair may call for a recess and request that the Members missing be called to inquire as to their attendance.
- c) **Motion to Set the time to which to re-adjourn the meeting** - The Chair may request to re-set the meeting to another date and time set before the next regular meeting to deal with matters listed on the Agenda.
- d) There can be no other motion that would advance the business of the Council or Committee legally permitted.

### **8.4 Warden Absent**

Where the Warden has not previously advised of an absence or lateness, and in the case of the Warden not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Deputy Warden shall take the Chair and call the meeting to order; and shall preside until the arrival of the Warden. The Deputy Warden shall have the same authority as the Warden while presiding the meeting.

### **8.5 Deputy Warden Also Absent**

In the absence of the Warden and Deputy Warden, and if a quorum is present, the Clerk shall call the meeting to order and shall call on the Immediate Past Warden, who is a Member of County Council and who shall preside until the arrival of the Warden or Deputy Warden. When presiding, the Immediate Past Warden, shall have the same authority as the Warden while presiding the meeting.

**8.5.1** Should the Immediate Past Warden not be a Member of County Council; the Clerk shall call the meeting to order and the Members shall appoint a Chairperson amongst themselves to Preside until the arrival of the Warden or Deputy Warden. The selected Chairperson, shall have the same authority as the Warden while presiding the meeting.

### **8.6 Remedy for Lack of Quorum – Municipal Conflict of Interest Act**

Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then despite any other general or special Act, the remaining number of Members shall be deemed to constitute a quorum, provided that such a number is not less than two (2).

## **Section 9 - Minutes**

### **9.1 Contents Recorded by Clerk**

The Clerk shall prepare and cause the minutes to be taken of each meeting of Council and which shall include:

- a) The place, date and time of the meeting;
- b) The name of the presiding officer or officers and the record of the attendance of the Members;
- c) Members who enter after the commencement of a meeting or leave prior to adjournment, the time shall be so noted in the minutes;
- d) To record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- e) To record all publicly declared conflict of interests made by Members and identify that the Member has recused themselves from discussion or vote on the declared matter, when the subject matter is brought up for debate;
- f) If required by any Members present at a vote, to record the name and vote of every Member voting on any matter or question.

### **9.2 Minutes – Closed Session meeting**

Minutes of closed meetings shall be adopted after rising from Closed Session with a resolution in Open Session. The contents of the minutes need not be disclosed but shall include the following:

- a) The time and place of the meeting;
- b) Those Members in attendance and the presiding officer/Chair;
- c) Disclosures of pecuniary interest, if any, but not the general nature thereof; and
- d) Directions given to officers, employees or agents of the County or persons retained by or under contract with the County.

## **Section 10 - Order of Business - Agenda**

### **10.1 Agenda – Content**

Agendas for Regular Council meetings shall be generally formatted by the Clerk under the following headings but modifications to the order of business may be affected by the Clerk without an amendment to this by-law.

**10.1.1** The business of the Council, for a regular meeting shall in all cases, be taken up in the following order, once the Chair has brought the meeting to order, unless otherwise decided by a majority vote of the Members present and voting.

- a) Call to Order;
- b) Land Acknowledgement;
- c) Moment of Silent Reflection/Silence;
- d) Adoption of Agenda;
- e) Disclosure of Interest;
- f) Adoption of Minutes;
- g) Delegations and Presentations;
- h) Business Arising from a Previous Meeting;
- i) Staff Reports;

- j) Staff Reports – Information Only;
- k) Action Correspondence;
- l) Committee Minutes;
- m) Liaison Reports from External Committees, Boards and Agencies;
- n) Notices of Motion;
- o) Announcements;
- p) Closed Session;
- q) Rise from Closed Session;
- r) Matters Arising from Closed Session;
- s) By-laws;
- t) Confirming By-law;
- u) Adjournment.

## **10.2 Delivery of Agenda**

The agenda shall be delivered electronically to each Member of Council by the Clerk's Office no later than 12:00 noon, five (5) calendar days prior to the scheduled Regular Council meeting and will be posted on the County website.

## **Section 11 - Call to Order**

**11.1** Upon confirming that a quorum of Members are present and after the hour fixed for the holding of the meeting, the Warden shall call the meeting to order.

## **Section 12 - Land Acknowledgement**

**12.1** The Council Meeting shall commence with the following land acknowledgement statement read by the Chair:

Before we begin our meeting today, I would like to formally recognize the traditional keepers of this land and, specifically our neighbours of Curve Lake First Nation and Hiawatha First Nation with a formal territorial acknowledgement.

“We respectfully acknowledge that we are on the treaty and traditional territory of the Mississauga Anishnaabeg nation. We offer our gratitude to our First Nation peoples for their care for, and teachings about, our earth and our relations. May we honour those teachings.

The Council of the County of Peterborough recognizes the principles contained in our Constitution and the Canadian Charter of Rights and Freedoms.”

We will now take 30 seconds to reflect on these principles and our duties and responsibilities as Peterborough County Councillors.

## **Section 13 - Moment of Silent Reflection/Silence**

**13.1** The Chair shall ask Council to join in a moment of silent reflection. If required, a moment of silence will be observed in recognition of the passing of a current or former Member of County Council, a Member of Parliament, or a Member of Provincial Parliament.

## **Section 14 - Adoption of Agenda**

**14.1** By majority vote, the agenda shall be adopted by Members of Council as presented, modified or in its amended form.

## **Section 15 - Disclosure of Interest**

### **15.1 Disclosing**

All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the Municipal Conflict of Interest Act. It is further the responsibility of all Members to identify and publicly disclose any interest.

### **15.2 No Influencing**

The Members shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part (with the exceptions as noted under Sec.5.2 (1) of the "Conflict of Interest Act") in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

### **15.3 Closed Session**

Where the meeting is not open to the public, the Member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

### **15.4 Absent from a Meeting**

Where a Member is absent from a meeting, which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.

### **15.5 Written Declaration**

The declaration of interest shall be provided in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be) and shall be recorded in the minutes of the meeting and where the meeting was open to the public, the general nature of such declaration.

### **15.6 Declaration – Record – Meeting Closed to the Public**

Where the declaration of interest is made on a matter that is not open to the public, the Members shall provide in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be), declare the interest, but not the general nature of that interest and shall be recorded in the minutes of the next meeting that is open to the public.

### **15.7 Maintaining Registry**

A Registry shall be kept by the Clerk on every written statement made by Members of the general nature of the declared interest and the Registry shall be available for public inspection.

## **15.8 Non-Compliance**

The failure of one or more Members to comply with this section shall not affect the validity of the meeting in regard to the said matter. In the event that a Member inadvertently fails to disclose an interest at the meeting of the subject matter, the Member shall disclose at the next available meeting, offer an apology and same shall be recorded in the minutes.

## **Section 16 - Adoption of Minutes**

### **16.1 Last Meeting(s)**

Minutes of the last regular meeting of Council and of all Special or Emergency Council meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been publicly read at the meeting at which the question of their adoption is considered. By prior distribution of the minutes to all Members, it is understood that the minutes have been read. Once the minutes have been adopted, they shall be signed by the Warden and the Clerk and sealed by the Corporate Seal.

## **Section 17 - Delegations and Presentations**

### **17.1 Delegation and Presentation Request Deadline**

Persons desiring to address Council for the purpose of making a presentation with respect to items for Council consideration that fall under the Council's mandate shall be heard at a Council meeting, with those delegations having submitted their request in writing to the Clerk no later than 12:00 noon, eight (8) calendar days prior to the meeting of Council. The Clerk shall determine the order in which they appear on the agenda. Delegation requests to address a matter on an agenda which has been posted is set out in Section 17.4.

### **17.2 Number of Presentations and/or Delegations**

On any given Regular Council meeting, the number of delegations shall be limited to three (3). Any future delegations would then be invited to a subsequent meeting of Council. The Clerk, upon consultation with the Warden, may increase the number of permitted delegations due to the nature and/or timing requirements of the matter.

### **17.3 Material**

Where possible, written material to be distributed to Council shall be submitted to the Clerk within the same timeframe as in Section 17.1, along with their request to appear as a Delegation. The notice shall clearly specify the business to be presented, who the spokesperson(s) shall be and the date at which the delegation wishes to be entertained, in order that the material can be circulated with the agenda.

### **17.4 Matter on Agenda**

Once an Agenda has been posted and a person or group deems it necessary to address Council on a matter that is on the published agenda, they shall submit a request to appear before Council as a delegation no later than 12:00 noon two (2) calendar days prior to the meeting of Council. Only in circumstances where this day falls on a statutory holiday, the timeline will be extended to 12:00 noon the following day. The request shall have all written material to be distributed to Council included with the submission.

## **17.5 Delegation Time Limit**

Delegations and presentations shall be limited to a maximum of ten (10) minutes. This does not include answering questions from Council. Upon request and due to special circumstances, the time limit may be extended at the discretion of the Warden.

**7.5.1** An organized body wishing to address Council as a delegation, regardless of the number of spokespersons, shall be limited to a maximum of ten (10) minutes.

**17.5.2** Individual Members of Council shall each be permitted a question period for each delegation of a maximum of five (5) minutes. Members shall be permitted to ask clarifying questions but **shall not make statements** nor enter into debate with such persons.

## **17.6 Reappear Before Council**

Once a delegation has made a presentation to Council on an issue, they shall not address Council on the same issue within a twelve (12) month period unless, in the opinion of the Clerk, there is new information that is pertinent to the matter.

## **17.7 Delegation Deemed Inappropriate for Council**

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall, by two-thirds vote of the Council Members present and voting, introduce a motion to suspend the rules to allow the delegation to be heard.

## **17.8 Statements Unsubstantiated**

Should a delegation in its deputation offer a statement in error, any Member of Council or Official may be recognized by the Chair on a "Point of Order" whereby the Members of Council or Official so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

## **17.9 Presentations**

Presentations will differ from delegations as they will be presenting information to Council such as updates from municipal partners, agencies, auditors, solicitors, consultants, other levels of government, etc.

**17.9.1** Presenters will be asked to keep their presentation to a maximum of ten (10) minutes but, due to the nature of the information they are presenting, may request more time from the Clerk up to a maximum of twenty (20) minutes.

**17.9.2** Council Members shall be permitted a question period for each presentation of a maximum of twenty (20) minutes. Members shall be permitted to ask clarifying questions but **shall not make statements** nor enter into debate with such persons.

### **17.10 Requests for Action Referred**

Delegations or presentations which request action to be taken by the Council should be referred to administration by majority vote for a report that shall be presented to Council at a subsequent Council Meeting.

## **Section 18 - Business Arising from a Previous Meeting**

**18.1** All matters referred to staff through Council resolution for a report back to Council shall be listed in this section and/or any unfinished business from a previous Council meeting.

## **Section 19 - Staff Reports**

**19.1** Any staff report presented to Council for its consideration shall be listed on the Agenda together with the staff recommendation.

**19.2** Staff reports for Information Only shall be introduced with one motion, however, a Member may request to deal with any report(s) separately.

**19.3** Reports shall be delivered to the Clerk no later than 12:00 noon, eight (8) calendar days prior to the next Council meeting.

## **Section 20 - Correspondence, Petitions and Committee Minutes**

### **20.1 Action Correspondence**

Every written communication addressed to Council shall be signed by at least one person, including their full name and mailing address, and received by the Clerk no later than 12:00 noon, eight (8) calendar days prior to the next Regular Meeting. The Clerk may add action correspondence after the permitted time period due to the nature and/or timing requirements of the matter.

### **20.2 Petitions**

All petitions addressed or presented to Council shall be provided to the Clerk within the time limits set out in 20.1.

**20.2.1** The petitions shall be presented to Members on an agenda and shall be referred through resolution of Council to administration for review and report.

**20.2.2** Members of Administration shall consult with affected Townships and undertake assessment where necessary.

**20.2.3** A subsequent report prepared by administration, responding to the petition shall be presented to Members of Council at a future Council meeting.

### **20.3 Committee Minutes**

Committees shall report regularly to Council and their minutes shall be posted on the Council agenda.

**20.3.1** Any Member of the Council may question Committee Chairs on matters not necessarily included within the submitted minutes of the Committee.

#### **20.4 Liaison Reports from External Committees, Boards and Agencies**

Minutes from the external committees and boards will be included within the Agenda at the first available meeting after having been received from the appropriate committee and/or board. The liaison representative on that committee or board may provide additional comments by providing a summary report to the Clerk no later than 12:00 noon, eight calendar days prior to the date of the next Regular meeting for inclusion on the Agenda.

### **Section 21 - Notice of Motion**

**21.1** Each matter listed under Notice of Motion on an Agenda shall be dealt with individually.

#### **21.2 Introduction at a Council Meeting**

A Member of Council may introduce a Notice of Motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting by reading the motion at the appropriate time and delivering a written copy of the motion, signed by the mover and seconder, to the Clerk. The Notice of Motion shall not be considered or debated until the next Regular Council meeting which the member who moved the motion is in attendance. Should the seconder of the Notice of Motion be absent from the meeting when the Chair calls for the Notice of Motion, any Member may second the Notice of Motion.

##### **21.2.1 Two-thirds Vote to Consider Notice of Motion**

A Notice of Motion regarding a time sensitive matter introduced under Section 21.2 may be introduced without notice if Council, without debate, dispenses with the notice requirements in Section 21.2, on the affirmative vote of at least two-thirds (2/3) of the members present and voting.

#### **21.3 Notice of Motion – Delivered for Agenda**

To be included on a published Agenda, any Member of Council may deliver a Notice of Motion to the Clerk no later than 12:00 noon, eight (8) calendar days prior to the date of the next Regular meeting. The Notice of Motion must be signed by the mover and a seconder. Should the seconder of the Notice of Motion be absent from the meeting when the Chair calls for the Notice of Motion, any Member may second the Notice of Motion.

### **Section 22 - Announcements**

**22.1** Members of the Council, who wish to make a public announcement on matters of public or community interest may, once recognized by the Chair, provide the announcement. The announcements shall not require future action by Administration and no motion is required.

### **Section 23 - Closed Session**

**23.1** Council may move into Closed Session under Section 239 of the Act or relevant sections of this By-law by first passing a resolution in Open Session stating the purpose of holding the closed meeting and the general nature of the matter to be considered.

**23.2** Upon rising from Closed Session, Council shall bring forward any matter to be voted on in Open Session that did not fall under the rules of the Act in Section 239 (6).

## **Section 24 - By-laws**

### **24.1 Description – number of readings – listed on Agenda**

All by-laws, together with a brief description shall be listed on the agenda for the meeting at which they are to be read.

### **24.2 Readings**

Every by-law caption shall be read prior to it being passed and endorsed by the Council. Every by-law shall be passed without receiving first, second and third readings unless otherwise directed by legislation or Council.

### **24.3 Debate and Amendment**

A by-law may be debated or amended before final adoption by Council and is subject to amendments or referred for future consideration.

### **24.4 Signed and Sealed**

Every by-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Corporation and signed by the Warden and Clerk and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

### **24.5 Confirming By-law**

At the conclusion of all Regular Council Meetings and prior to adjournment, a by-law shall be brought forward to confirm the actions of the Council at the meeting in respect of each motion, resolution and other action taken that consolidates and includes the provisions of any by-law previously passed by the Council.

**24.5.1** A Confirming By-law when introduced shall be taken as read and finally adopted without debate.

## **Section 25 - Voting**

### **25.1 Chair – Vote**

The Chair shall vote as any other Member when the vote is to be recorded. In all other cases, the Chair, may (but is not obliged to) vote whenever their vote will affect the result. The Chair may vote either to break or to cause a tie; or, in the case of a two-thirds vote requirement, the Chair may vote either to cause or to block the attainment of the necessary two-thirds vote.

### **25.2 Members Vote**

Every Member present at a meeting, with the exception to Section 25.1, when a question is put, may vote thereon unless disqualified to vote on the question.

### **25.3 Vote Deemed Negative**

Failure to vote by a Member present at the meeting at the time of the vote and who is not disqualified to vote shall be deemed to be a negative vote.

#### **25.4 Motion – Simple majority**

The vote required to pass a motion shall be a majority (50% + 1) except as otherwise provided in this By-law or by Statute or by Parliamentary Authority.

#### **25.5 Motion Deemed Negative**

In the case of a tie vote on a motion, the motion shall be deemed to have been decided in the negative and defeated.

#### **25.6 Show of Hands**

The manner of determining the desire of the Council on an unrecorded vote to a motion shall be by show of hands.

#### **25.7 Recorded by Request**

Where a vote is taken for any purpose and a Member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting, shall announce their vote openly; and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote, and the Clerk shall record the name and the vote of each Member.

#### **25.8 Division – Separate Vote**

At the request of a Member of Council, a motion containing distinct proposals that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

#### **25.9 Procedures During Vote**

When a vote is being called on a question, each Member shall occupy their seat and shall remain there until the result of the vote has been declared by the Chair. During such time no Member shall walk across the Chambers or speak to a Member or any other person or make any noise or disturbance.

#### **25.10 Members Not in Seat**

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

#### **25.11 Recorded Vote Order of Voting**

The Member who made the request for a recorded vote shall vote first followed by:

- a) The Mayor of the Township of Selwyn;
- b) The Deputy Mayor of the Township of Selwyn;
- c) The Mayor of the Municipality of Trent Lakes;
- d) The remaining Members who have not yet voted shall vote in alphabetical order of the Township name until all Members have voted, with the exception of the Warden;
- e) The Warden.

#### **25.12 Declaration of Chair**

Should a Member disagree with the announcement of the Chair, they may immediately after the declaration, request that a standing vote be taken on the question.

### **25.13 Weighted Vote**

At the beginning of each the term of Council, the Clerk shall advise Members of Council the number of votes each Member has.

Each Member of County Council shall have one (1) vote with the exception of:

- a) The Head of the Township of Selwyn, who shall have three (3) votes;
- b) The Deputy Head of the Township of Selwyn, who shall have two (2) votes;  
and
- c) The Head of the Municipality of Trent Lakes who shall have two (2) votes.

### **25.14 Calculation of Two-thirds (2/3) Vote**

A two-thirds vote means that two-thirds (2/3) of the weighted votes cast determine the vote.

For example: 14 of 20 votes cast is required to satisfy a two-thirds (2/3) vote when all members are presenting and voting.

**25.14.1** The Calculation of two-thirds (2/3) vote shall be rounded upwards to the next highest (full) decimal.

### **25.15 Announcing Results**

The Chair shall announce the result of every vote.

## **Section 26 - Point of Order/Privilege**

### **26.1 Procedure to Raise a Point of Order**

A member raising a point of order may interrupt the proceedings, including interrupting a member speaking. The Chair will ask the member to state the point of order. After the point of order is stated, the Chair shall decide the point of order.

**26.1.1** The decision of the Chair is final, unless a member appeals the ruling of the chair, and another member seconds the appeal.

**26.1.2** If a Member appeals to Council on a point of order and another member seconds the appeal, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair. The Council shall decide the question, "Shall the ruling of the chair be sustained," without further debate.

**26.1.3** The decision of Council is final.

### **26.2 Procedure to Raise a Point of Privilege**

Where a Member considers that the integrity of any member or the integrity of the Council as a whole has been impugned, the member may interrupt the proceedings or interrupt a member speaking to raise a point of privilege. With the Chair's consent the member will explain the privilege being tainted or damaged to Council.

**26.2.1** When a point of privilege is raised, it shall be considered and decided by the Chair immediately.

**26.2.2** The decision of the Chair on a point of privilege is final.

## **Section 27 - Motions**

### **27.1 Processing a Motion**

- a) A member wishing to move or speak to a motion must seek recognition from the chair before speaking.
- b) A motion, requiring a second, shall be formally seconded before the chair states the motion.
- c) The chair shall state the motion, which places the motion under the authority of Council or the committee, who will decide the disposition of the motion.
- d) The member moving the motion has first right to speak to the motion. Other members will in turn be recognized by the chair to speak to the motion.
- e) When the debate is completed, the chair will take the vote, and announce the result.

#### **27.1.1 Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

### **27.2 Order of Precedence of Motions (Ranking)**

Main Motions, lowest in rank, can only be moved when no business is pending:

- a) Amend the main motion;
- b) Refer to Committee;
- c) Postpone to a Certain Time;
- d) Limit or Extend Debate;
- e) Close Debate and Vote Immediately;
- f) Postpone Temporarily (Table);
- g) Question of Privilege;
- h) Recess;
- i) Adjourn (Highest Rank).

The following motions do not have a rank but can be moved as necessary:

- j) Point of Order – Used when a member wishes to correct an error in procedure;
- k) Parliamentary Inquiry – Used to ask a question regarding procedure;
- l) Withdraw – Used by a member to request the member's motion be withdrawn;
- m) Division of a Question – Used to split a motion into two or more parts;
- n) Division of the Assembly – Used to ask the chair to take the vote again;
- o) Appeal the Decision of the Chair – Used to challenge a ruling of the chair;
- p) Consider Informally – Used to relax the debate rules;
- q) Suspend the Rules – Used to disregard procedure rules that are preventing the members from taking a specific action.

### **27.3 Specific Rules Related to Motions**

Moving a motion does not permit a member to interrupt the proceedings or a member speaking, unless the description of the motion permits an interruption.

**27.3.1 Main Motion** – Introduces a substantive matter to the assembly for decision. May only be made when no other motion is pending. Requires a second,

is amendable, is fully debatable, requires a majority vote to adopt, and may be reconsidered.

**27.3.2 Amend** – Used to change the wording of a main motion. Requires a second, is amendable (an amendment to the amendment), is fully debatable, requires a majority vote to adopt, and may not interrupt. Amend is used to, i) insert new wording, ii) strike out wording, iii) strike out and insert other wording, iv) substitute one main motion with another main motion provided the substitute is on the same subject matter. An amendment must be germane (relevant) to the subject matter under discussion.

**27.3.3 Refer to a Committee** – Used to send an item of business to a standing or ad hoc committee where the item will receive additional, in-depth consideration. Requires a second, is amendable, is debatable as to sending it to a committee, and requires a majority vote to adopt. If the referral is to a standing committee, Council may provide instructions to the committee, including when it is expected to report back to Council. If the referral is to a new ad hoc committee, it can, in addition to providing instructions, provide the structure of the committee, including number of members, how they are appointed, how the chair is appointed, or who will specifically chair the ad hoc committee.

**27.3.4 Postpone to a Certain Time** – Used to delay the consideration of a main motion and to fix a definite date or time (within the current meeting or to the next regular meeting) for consideration. This requires a second, is amendable, debate is restricted as to the merits of postponing and to the time to which to postpone, and requires a majority vote to adopt.

**27.3.5 Limit or Extend Debate** – Extend debate is used to permit members to speak more times or for a longer time. Limit debate is used to restrict the number of times members may speak or to reduce the length of speaking. May only be applied to debatable motions. Requires a second, is amendable, is not debatable and requires a two-thirds vote to adopt.

**27.3.6 Close Debate and Vote Immediately** – Used to close debate on an immediately pending motion or on a series of consecutive pending motions. Requires a second, is not amendable, is not debatable, and requires a two-thirds vote to adopt. When adopted, the Chair should immediately take the vote on the affected motion or motions. When adopted, the making of amendments on the affected motions stops.

**27.3.7 Postpone Temporarily (Table)** – Used to set an item of business (a main motion) aside temporarily, when something more urgent has arisen or members may need some other information on the main motion which is not currently or readily available. Requires a second, is not amendable, is not debatable, and requires a majority vote to adopt, but the motion laid on the table may be “taken from the table” by majority vote, without debate. The main motion if not taken from the table by the end of the current meeting is terminated. The item of business can be introduced through regular processes at a future meeting.

**27.3.8 Recess** – Used to take a break in the meeting and to set a time for continuing the meeting. The motion requires a second, is amendable (restricted), is debatable only as to taking a break and the time to return, and requires a majority vote to adopt. The motion can be used to continue the meeting to another day.

**27.3.9 Adjourn** – Used to conclude the meeting. The motion requires a second, is debatable when moved with no business pending, otherwise it is not debatable, can be amended, and requires a majority vote to adopt. It is the duty of the Chair to ensure no important business has been overlooked that should be taken care of before adjournment. In addition, the motion should not be allowed if a member has already indicated the wish to speak on the pending matter, or if a member is currently speaking or if a vote has begun, or the motion to close debate has been adopted. Upon the vote being taken, the meeting is not concluded until the Chair announces the adjournment.

The motion to adjourn may be amended to set the time for a continued meeting. If the amendment is adopted and adjournment is adopted, the meeting which takes place in the future is the same legal meeting, and simply continues the agenda. It is in essence a recess.

**27.3.10 Parliamentary Inquiry** – Used by a member to ask questions about the rules of procedure in the current meeting situation. It can also be used by a member to ask questions of the mover of the motion or to a speaker regarding the business at hand.

**27.3.11 Withdraw** – A member may request that their motion be withdrawn and, on hearing no objection the Chair will announce that the motion is withdrawn. If a single member objects to the withdrawal of the motion or the Chair disallows the withdrawal, the motion to withdraw can be moved formally by any member and shall be voted on by Council, without debate, as follows, “Shall the Member’s motion be withdrawn?” It does not require a second, is not debatable and a majority vote adopts the motion to Withdraw.

If a motion has not been stated by the Chair, the member who moved the motion may withdraw the motion without permission from the Chair or Council.

**27.3.12 Division of a Question** – A main motion that is composed of two or more independent parts may be split into two or more individual motions and discussed and voted on separately. The member should indicate how the main motion is to be divided and if the Chair agrees, they will be dealt with separately. If the Chair disagrees that the main motion can be divided the member may move a motion to divide, and the assembly will decide by majority vote. This motion requires a second, is not amendable and is not debatable.

**27.3.13 Division of the Assembly** – Allows the meeting to take an indecisive vote again, by rising or a show of hands, or a counted vote. This motion may interrupt because it requires an immediate decision. The Chair has the duty to ensure a vote is taken properly, so the chair can always take the vote again without permission. If the Chair fails to do so on an indecisive vote, any member has the

right to interrupt and call for a division, which must be allowed. No debate is permitted and the vote is taken again.

**27.3.14 Suspend the Rules** – Allows the members to set aside temporarily the rules of procedure contained in this By-law or in the Standard Code of Parliamentary Procedure to take some action contrary to the rules. It cannot be used to suspend rules in higher documents of authority, including the law, unless the rule in the higher document of authority permits it to be suspended. When stating the motion the member need not specify the rule being suspended, only the action he wishes to be taken. When the actions have been taken, the Council will return to its regular rules of order.

Only rules of order may be suspended, such matters as voting requirements, quorum rules, rules specifying notice requirements, and fundamental rights of a member cannot be set aside or suspended.

The motion to suspend cannot interrupt a speaker, requires a second, is not debatable, cannot be amended, and requires a two-thirds (2/3) vote of the members present and voting.

**27.3.15 Reconsider a Vote** – Used in a meeting to bring back an adopted or defeated main motion for additional discussion and a new vote. Any member who voted on the main motion may give a notice of motion to reconsider the vote at the same meeting. A majority vote will adopt the notice of motion to reconsider the vote.

No motions other than a main motion can be reconsidered. An amendment which has already been applied to the main motion can only be reconsidered in conjunction with the main motion reconsideration.

When the motion to reconsider the vote on the main motion is pending, it requires a second, it is not amendable and discussion can only go into the merits of whether or not to bring back the main motion for discussion and a new vote, and it requires a majority vote to adopt. If the motion to reconsider the vote is adopted, it will bring back to Council the main motion as it was when it was originally voted on. The original vote is nullified.

**27.3.16 Rescind a Vote** – Used to cancel, nullify or void a main motion adopted at a previous meeting. The rescission affects the present and future only, it is not retroactive. It can only be moved when no business is pending, requires a second, is debatable, is not amendable, requires the same vote to rescind as was required to adopt the main motion in the first place. Notice is required to rescind if notice was required for the adoption of the main motion. A motion to rescind a defeated main motion is not in order.

**27.3.17 Priority of Disposition** – A motion properly before Council for decision must receive disposition before any other motion can be received, except motions which are of higher rank as listed in Section 27.2.

## **Section 28 - Term of Office and Nominations**

### **28.1 Warden / Deputy Warden**

The Term of Office for the positions of Warden and Deputy Warden of the County of Peterborough shall be for a period of two (2) years.

**28.1.1** Years one and two, (first two-year mandate), shall begin at the First Meeting (Inaugural) in December of an Election Year and continue with an expiration date of November 30<sup>th</sup> within the second year of a four-year mandate.

**28.1.2** Years three and four (second two-year mandate), shall begin at the first meeting in December at the end of the first two-year mandate, and continue until the 14<sup>th</sup> of November of an Election Year.

### **28.2 Certificate of Election – Warden**

Prior to holding Nominations for the position of Warden, following a municipal election, the Clerks of each area municipality, within the County of Peterborough shall provide the Clerk of the County of the upper-tier municipality, a copy of the Certificate of Election.

### **28.3 Nomination Process for Warden – Municipal Election Year**

In early November after a regular election, the Clerk shall provide a nomination form for the position of County Warden to all newly-elected heads and deputy heads of each area municipality as set out in Schedule “A” forming part of this By-law.

**28.3.1 Valid Nomination** – To be considered a valid nomination, the Nomination form shall be signed by the Warden-nominee and have the signed support of two members of County Council-elect and shall be submitted to the County Clerk no later than 4:30 p.m. on the second Friday of November (Close of Nominations)

**28.3.2 Nomination Results** – At the second Regular County Council Meeting in November, the Clerk shall:

- a) Report to County Council on the valid nominations received for the position of Warden;
- b) Ask each Warden candidate present at the meeting to confirm they wish their name to remain on the ballot;
- c) Advise County Council of the responses received from any Warden candidate not present at the meeting;
- d) Advise County Council whether an election or an acclamation will occur at the First Meeting of Council.

**28.3.3** At the First Meeting of Council the Clerk shall:

- a) Ask the mover and seconder of each nomination for the position of Warden to verbally confirm their moving or seconding of the nomination.
- b) Ask each candidate for the position of Warden to confirm they wish their name to remain on the ballot.

#### **28.4 Nomination Process for Warden – Non-Election Year**

At the first Regular County Council Meeting in November of a non-election year (in Year 3), the Clerk shall provide each member of County Council with a nomination form for the position of County Warden as set out in Schedule “B” forming part of this By-law.

**28.4.1 Valid Nomination** – To be considered a valid nomination, the Nomination form shall be signed by the Warden-nominee and have the signed support of two members of County Council and shall be submitted to the County Clerk no later than 4:30 p.m. on the second Friday of November (Close of Nominations).

**28.4.2 Nomination Results** – At the second Regular County Council Meeting in November, the Clerk shall:

- a) Report to County Council on the valid nominations received for the position of Warden;
- b) Ask each Warden candidate present at the meeting to confirm they wish their name to remain on the ballot;
- c) Advise County Council of the responses received from any Warden candidate not present at the meeting;
- d) Advise County Council whether an election or an acclamation will occur at the first meeting of Council.

**28.4.3** At the first meeting of Council (in Year 3) the Clerk shall:

- a) Ask the mover and seconder of each nomination for the position of Warden to verbally confirm their moving or seconding of the nomination.
- b) Ask each candidate for the position of Warden to confirm they wish their name to remain on the ballot.

#### **28.5 Procedure for Election of Warden**

The Procedure for the Election of County Warden is set out in Schedule “C” forming part of this By-law.

#### **28.6 Election or Acclamation**

In the event of an acclamation to the position of Warden, the Clerk shall notify the Council at its second regular meeting of November, without the need to proceed to an election.

#### **28.7 Nominating Committee – Election**

The Procedure for the Election of the Nominating Committee for a two (2) year term is set out in Schedule “D” for part of this By-law.

#### **28.8 Appointment of Deputy Warden**

Following the election/acclamation of the Warden and prior to the first regular County Council meeting in December, Councillors of the County of Peterborough, shall be invited to inform the Warden, in confidence, of their desire to serve as Deputy Warden for a period of two (2) years.

### **28.8.1 Selection of Deputy Warden**

During the first regular meeting of County Council in December, the Warden shall publicly declare the Warden's selection for the position of Deputy Warden.

**28.8.2** The County Councillor selected, shall be requested to publicly declare and confirm their intent to serve as Deputy Warden for the following two years.

**28.8.3** Upon confirmation, the Warden shall request a confirming resolution by County Council.

**28.8.4** The appointed Deputy Warden, shall be sworn-in at the first regular meeting of County Council in January of the following year and the Council shall confirm the appointment with an appointing By-law at the same meeting.

## **Section 29 - Resignations, Vacancies, Absences**

### **29.1 Resignation**

A Member of Council may resign from office by providing a written notice that has been signed, and filed with the Clerk of the Corporation within which they were elected, subject to provisions under Section 260 of the Municipal Act, 2001, as amended.

### **29.2 Temporary Vacancy**

Subject to Section 267(1) of the Act, if a person who is a Member of the Council of an area municipality and the Council of the County of Peterborough is unable to act as a Member of those Councils for a period exceeding one month, the Council of the area municipality may appoint one of its Members as an alternate Member to the County of Peterborough to act in place of the Member until the Member is able to resume acting as a Member of those Councils. A temporary vacancy resulting from a pregnancy or parental leave shall be in accordance with the County's adopted Pregnancy and Parental Leave Policy.

### **29.3 Temporary Vacancy – Alternate Member**

Subject to Section 267(2) of the Act, if the offices of a person who is a Member of the Council of both the area municipality and the Council of the County of Peterborough becomes vacant and the vacancy will not be filled for a period exceeding one month, the area municipality may appoint one of its Members as an alternate Member of the Council of the County of Peterborough until the vacancy is filled permanently.

### **29.4 Appointment to a Vacancy – position of Warden**

The appointment of an alternate Warden for the County of Peterborough is not authorized.

### **29.5 Temporary Replacement – Alternate Member**

Subject to Section 268 of the Act, the appointment of an alternate member of County Council by an area municipality when a Member is unable to attend a meeting shall comply with County policy.

### **29.6 Absence of Warden**

In the event of an extended absence of the Warden due to health and/or unforeseen circumstances, the Deputy Warden shall assume the Warden's responsibilities.

### **29.7 Absence of Deputy Warden**

In the absence of the Deputy Warden, the Immediate Past Warden who is a Member of the County Council shall assume the Warden's responsibilities on a temporary basis. Should there be no Immediate Past Warden, Members of County Council shall select a person to assume the duties amongst themselves.

## **Section 30 - Committees**

### **30.1 Rules**

As set out in Section 3.1, the rules of this By-law shall be observed by Committees of Council and the order and dispatch of business in Committee meetings. All meetings shall be open to the public, save and except for matters falling under Section 239 of the Act. Minutes of open and closed committee meetings must be kept pursuant to the Act and provided to Council through the Clerk. A separate by-law may be passed by Council to adopt a simpler Procedure for a Committee(s).

#### **30.1.1 Agenda**

The content and order of agenda business may be determined by the Chair and/or Committee and differ from Council's agenda content as set out in this By-law.

### **30.2 Nominating Committee**

The Procedure for the Election of the Nominating Committee and its mandate is set out in Schedule "D" forming part of this By-law. The appointments shall be endorsed by by-law.

### **30.3 Appointments by Nominating Committee**

The appointed Nominating Committee shall make recommendations to the Council for final approval. Appointments to various Committees is for a two (2) year term. Some exceptions to a two (2) year term may apply. Refer to the County's Committee Appointment By-law.

### **30.4 Warden's Committee**

The Warden may recommend to Council the creation of a Warden's Committee and shall recommend the size and mandate of the Committee to the Nominating Committee.

### **30.5 Chair**

The Committee shall appoint a Chair and Vice-Chair at its first meeting by the vote of a majority of the Committee Members present and voting. The Chair shall preside at the Committee meetings and may vote on all questions submitted.

In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, one of the other Members shall be elected to preside pro-temp, who shall discharge the duties of the Chair during the meeting or until the arrival of the Chairperson.

### **30.6 Quorum**

The quorum of a Committee shall consist of a majority (50% + 1) of the total members. If a quorum is not present thirty (30) minutes after the time appointed for the meeting, the meeting shall stand adjourned. The Committee Chair may summon a Special Meeting.

### **30.7 Neglect of Member, Chair or Committee**

Should any Member(s) of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chair shall report such neglect or refusal to the Council who may remove the said Member(s) of their place; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may, by resolution discharge such Committee and appoint another in its stead.

Should a Chair of any Committee neglect or refuse to call a meeting of its Committee at such time or with such frequency as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of the majority of its Members, contrary to their wishes or approved recommendations, the Committee may report such neglect, refusal or action to the Council who may remove said Chair from the Committee and appoint another Member in its place.

## **Section 31 - Repeal / Enactment**

### **31.1 By-laws – Previous**

By-law Nos. 2014-69, 2015-39 and 2016-76 are hereby repealed.

### **31.2 Effective Date**

This By-law shall come into force and effect on the date of passing.

Read a first, second and third time and passed in Open Council this 15<sup>th</sup> day of January, 2020.

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J. Murray Jones

Warden

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Lynn Fawn

Clerk

The Corporation of the County of Peterborough

By-law No. 2020 - 04

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Schedule "A"

**Nomination Form  
Warden - Peterborough County Council  
(Municipal Election Year)**

A completed Nomination Form is the responsibility of individual Nominees for the position of Warden to the Council of The County of Peterborough.

Nominations will be accepted by the office of County Clerk of The Corporation of the County of Peterborough located at 470 Water Street, Peterborough, Ontario, K6H 3M3 no later than 4:30 p.m. on the 2<sup>nd</sup> Friday of November.

Nominees shall be officially confirmed at the First Meeting (Inaugural) of Council in December.

Nominee's Name: \_\_\_\_\_  
(Please print)

**Each nomination shall be supported by two County Councillors-elect.**

**Declaration of support – Nominator #1**

I, (please print) \_\_\_\_\_, being a Peterborough County Councillor-elect, listed in the Township Clerk's Certificate of Election provided to the County Clerk, do hereby declare my support for the nominee stated above.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominator #1/Councillor-elect

**Declaration of support – Nominator #2**

I, (please print) \_\_\_\_\_, being a Peterborough County Councillor-elect, listed in the Township Clerk's Certificate of Election provided to the County Clerk, do hereby declare my support for the nominee stated above.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominator #2/Councillor-elect

**Consent of Nominee and Statement of Qualification**

I, the Nominee for Warden for the County of Peterborough, do hereby consent to such nomination and declare that I am qualified to be elected and to hold the office of Warden for which I am nominated due to my recent election as Mayor or Deputy Mayor of the Township of \_\_\_\_\_.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominee for Warden – County of Peterborough

**The Corporation of the County of Peterborough**

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**Schedule "B"**

**Nomination Form  
Warden - Peterborough County Council  
(Non-Election Year)**

A completed Nomination Form is the responsibility of individual Nominees for the position of Warden to the Council of The County of Peterborough.

Nominations will be accepted by the office of County Clerk of The Corporation of the County of Peterborough located at 470 Water Street, Peterborough, Ontario, K6H 3M3 no later than 4:30 p.m. on the 2<sup>nd</sup> Friday of November.

Nominees shall be officially confirmed at the First Meeting (in Year 3) of Council in December.

Nominee's Name: \_\_\_\_\_  
(Please print)

**Each nomination shall be supported by two current County Councillors.**

**Declaration of support – Nominator #1**

I, (please print) \_\_\_\_\_, being a Peterborough County Councillor-elect, listed in the Township Clerk's Certificate of Election provided to the County Clerk, do hereby declare my support for the nominee stated above.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominator #1/Councillor

**Declaration of support – Nominator #2**

I, (please print) \_\_\_\_\_, being a Peterborough County Councillor-elect, listed in the Township Clerk's Certificate of Election provided to the County Clerk, do hereby declare my support for the nominee stated above.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominator #2/Councillor

**Consent of Nominee and Statement of Qualification**

I, (please print) \_\_\_\_\_ Nominee for Warden for the County of Peterborough, do hereby consent to such nomination and declare that I am qualified to be elected and to hold the office of Warden for which I am nominated due to my current position as Mayor or Deputy Mayor of the Township of \_\_\_\_\_.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signed – Nominee for Warden – County of Peterborough

# The Corporation of the County of Peterborough

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### Schedule "C"

#### Procedure for Election of Warden

##### **Review Process**

1. The County Clerk shall be responsible to:
  - a) call the meeting to order;
  - b) roll call;
  - c) conduct the election for Warden; and
  - d) answer any questions as to the process of the election.
2. The Chief Administrative Officer shall state to the Members of Council, the procedures for the election of Warden by reading Schedule "C".

##### **Voting Process**

3. Weighted voting shall not apply for the election of Warden
4. Each Member of Council shall have one (1) vote only.

##### **Ballots**

5. A supply of ballots shall be prepared on paper of equal size showing the names of all candidates in alphabetical order by surname.

##### **Candidate Address**

6. Each candidate nominated for the position of Warden shall be allowed a total of five (5) minutes to address Council. The candidates shall address Council in alphabetical order.
7. The Clerk shall time the address and shall signal the candidate when he/she has one (1) minute remaining and again when the candidate has thirty (30) seconds remaining.

##### **Polling**

8. At the conclusion of the candidates addresses, the Clerk shall distribute the ballots to all Members of Council, present and voting and request that they mark their ballot by voting for one (1) candidate only. Once their votes are cast, they will be invited to deposit their ballot within a secured ballot box.

9. The Clerk, County Solicitor, County Auditor, the County's Chief Administrator and any appointed scrutineers shall leave the Chambers with the secured ballot box for the purpose of counting the ballots.

### **Scrutineers**

10. Each candidate may appoint one Member of Council to act as his or her scrutineer during the counting of the ballots, provided the candidate's name continues to appear on the ballot.

### **Election of Warden and Elimination of Candidates**

11. In order to be elected as Warden of the County of Peterborough, a candidate must receive a number of votes greater than 50% of the total votes of the entire Council.
12. In the event that one candidate has received more than 50% of the votes of the Council, the Clerk shall return to the Chambers and declare the candidate elected to the office of Warden.
13. Should there be no candidate receiving the required number of votes to be declared elected, the Clerk shall return to the Chambers and advise the Council of such and shall further advise that the candidate who has received the fewest votes, shall be removed from the ballot, and the vote shall be re-taken with the remaining candidates.
14. At no time and by no person who attended the count of ballots, shall they reveal the number of votes received by any candidate.

### **Tie for Fewest Number of Votes**

15. In the event that there is a tie among the candidates receiving the fewest number of votes, the names of those candidates so tied, shall be removed from the ballot.
16. Should the removal of tied names from the ballot, result in only one candidate remaining, the Clerk shall conduct a lottery by placing the names of the candidates so tied on paper of equal size and place them in a box. The Clerk shall then call upon the County Solicitor to draw a name from the box. The name of the person drawn from the box, shall be removed from the ballot.
17. The Clerk shall proceed to conduct successive ballots using the procedure as set out above until such time as one candidate receives more than 50% of the votes of the entire Council.

### **Tie for Election of Warden**

18. Should there be only two candidates remaining and each has received the same number of votes, the Clerk shall conduct a lottery by placing the names of the two candidates on paper of equal size and placing them in a box. The Clerk shall then

call upon the County Solicitor to draw a name from the box. The name of the person drawn shall be deemed to be elected to the position of Warden.

### **Confirmation of Results / Destruction of Ballots**

19. Immediately following the announcement by the Clerk of the successful candidate for Warden, the Clerk shall request for a motion by Members of Council to confirm the results of the election.
20. The Clerk shall ask for a Motion to destroy the ballots.

### **Swearing in / Oath of Office**

21. The Warden-elect will retire from the Chambers to be robed in the presence of the Chief Administrative Officer, the Clerk and the mover and seconder of the Warden's nomination.
22. Upon returning to the Chambers, the Clerk shall administer to the Warden, the Oath of the Declaration of Office and Allegiance to the Queen.
23. The Immediate Past Warden shall present the Warden with the Chain of Office and the Warden's Pin. Should the Immediate Past Warden no longer be a Member of Council, the most recent Past Warden on Council shall make the presentation to the newly elected Warden.
24. The Clerk shall declare the Council legally constituted and turn control of the meeting to the Warden.

# The Corporation of the County of Peterborough

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### Schedule "D"

#### Procedure for Election of Nominating Committee

##### **Mandate of the Nominating Committee**

1. The mandate of the Nominating Committee is to recommend to the County Council, the appointment of elected representation on Committees, boards and agencies. The Nominating Committee may also participate in recommending the appointment of non-elected individuals when circumstances warrant.
  - 1.1 Notwithstanding Section 1 above, when time is of the essence, the Warden and/or Council may by-pass the Nominating Committee and make appointments directly. .
2. The Nominating Committee shall be chaired by the Immediate Past Warden. In the event that the Immediate Past Warden is no longer on Council, the Committee shall select a Chair from among its Members prior to commencing business.
3. In addition to the Chair, the Committee shall be comprised of the Warden and three other Members of County Council.
4. The Clerk of the County shall record the minutes of the Nominating Committee meetings.

##### **Method of Selecting the Nominating Committee**

5. The Warden shall call for nominations to the Nominating Committee. A nomination must be moved and seconded. Prior to being considered as a candidate, the nominated Member of Council, shall indicate acceptance of the nomination and the Clerk shall record the nomination.
6. The Warden shall ask for further nominations from the floor. Should there be no further nominations received, the Warden shall ask an additional two times for further nominations.
7. Should no further nominations be received after the third call for nominations, the Warden shall request a motion to close nominations.
8. The Clerk shall prepare a ballot showing all candidates listed alphabetically by surname.

9. The ballot shall then be circulated to all Members of Council, who will then be instructed to vote as follows:
  - 9.1 A maximum of three (3), if the Immediate Past Warden is still a Member of Council; (or)
  - 9.2 A maximum of four (4), if the Immediate Past Warden is no longer a Member of Council.
10. The Clerk shall collect the ballots and shall conduct a count in the presence of the County Chief Administrative Officer, the County Solicitor, the County Auditor. The three (3) or four (4) candidates, as the case may be, who receive the highest number of votes, shall be declared elected to the Nominating Committee.

### **In the event of a Tie**

11. In the event that it cannot be determined completely which candidates will form the Nominating Committee, due to a tie or multiple ties, the candidate or candidates that have received a majority of votes shall be declared elected. The Clerk shall then undertake the conduct of a lottery by placing the names of the candidates that are tied into a box and cause the drawing out of the required number of names to fill the remaining vacancies on the Committee. The names drawn shall be declared elected to the Committee.

### **Confirmation of Results and Destruction of Ballots**

12. Immediately following the results of the election or lottery, the Warden shall request for a motion from Council to confirm the results of the election.
13. The Warden shall ask for a Motion to destroy the ballots.
14. The Members of the Nominating Committee shall be provided with the Nominating Committee agenda package at the conclusion of the Council meeting.

### **Nominating Committee Meetings**

15. The Nominating Committee will meet on the Thursday following the first meeting of Council at 9:30 a.m. to review the Committee selections made by the Members.
16. The Nominating Committee shall select the Committee Members for the two-year term through recommendations to County Council for Council's consideration at the first regular meeting in December.