

“OFFICE CONSOLIDATION”

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THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 289-2003

BEING A BY-LAW TO GOVERN THE PROCEEDINGS AND PROCEDURE OF COUNCIL AND COMMITTEES OF THE CORPORATION OF THE TOWN OF COCHRANE

Short form: “PROCEDURE BY-LAW”

WHEREAS pursuant to section 238 of the Municipal Act, 2001, every Municipality shall pass a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS the Municipal Council of the Town of Cochrane wished to update and consolidate the Procedure By-Law for the Municipality to include amendments to the Municipal Act;

NOW THEREFORE the Council of the Corporation of the Town of Cochrane ENACTS as follows:

1. DEFINITIONS

1.1 In this By-law:

- (a) **Acting Head of Council** means the Councilor who shall be appointed from time to time to act in the absence of the Head of Council as provided for herein;
- (b) **Amendment** means a change in the form of a Motion. An amendment is designed to alter or vary the terms of the main Motion without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.
- (c) **CAO** mean the Chief Administrative Office of the Town of Cochrane;
- (d) **Chair** means the person presiding at the meeting of Council;
- (e) **Clerk** means the Clerk of the Corporation of the Town of Cochrane appointed in accordance with this By-law;
- (f) **Closed Session** means a meeting of Council that is closed to attendance by member of the Public for the permissible reasons set out in this Bylaw;
- (g) **Committee** means any advisory or other committee, subcommittee or similar entity of which at least 1 member is also a member of Council;
- (h) **Committee Chair** means the person presiding at meetings of Committees of Council;
- (i) **Committee Secretary** means the staff representing whose job it is to attend upon Standing or Ad Hoc Committees in the absence of the Clerk for the purpose of recording minutes and taking other actions as set out in this by-law;

- (j) **Council** means the Council of the Corporation of the Town of Cochrane;
- (k) **Head of Council** means the Mayor of the Corporation of the Town of Cochrane;
- (l) **Meetings** means any regular, special, committee or the meetings of Council or committee of Council;
- (m) **Member** means a member of the Council of the Corporation of the Town of Cochrane;
- (n) **Motion** and **Resolution** shall be considered synonymous;
- (o) **Orders of the Day** and **Agenda** shall be considered synonymous;
- (p) **Quorum** as it relates to Council means the majority of the whole number of members required by law to constitute a Council as provided for this By-law;
- (q) **Recorded Vote** means the recording of the name and vote of every member on any matter or question.

2. INTENT OF BY-LAW AND GENERAL RULES OF PROCEDURE

- 2.1 The rules and regulation contained in this By-law shall be observed in all proceedings of the council and Committees and shall be rules and regulations for the order and dispatch of business by the Council and its Committees. In any case where provision is not made herein, the procedure to be followed shall be, as near as may be possible, the rules as are followed in the Legislative Assembly of Ontario and its Committees.

3. ROLE OF COUNCIL

- 3.1 For the purpose of the Procedural By-law, it is confirmed that the Role of Council is defined by section 224 and the Municipal Act, 2001, as follows:

Role of Council: It is the role of Council:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative practiced and procedures are in place to implement the decisions of Council;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out duties of Council under the Municipal Act, 2001, as amended from time to time, or any other Act.

4. ROLE OF HEAD OF COUNCIL

- 4.1 For the purposes of this Procedural By-law, it is confirmed that the Role of the Head of Council is defined by section 225 of the Municipal Act, 2001, as follows;

Role of Head of Council: It is role of the Head of Council:

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings;
- (c) to provide leadership to the council;
- (d) to represent the municipality at official functions; and

- (e) to carry out the duties of the head of council under the Municipal Act, as amended from time to time, or any other Act.

4.2 In accordance with section 226 of the *Municipal Act, 2001*, The Municipal Council may, at the beginning of the term of Council, with the consent of the Head of Council, adopt a schedule appointing a Member of Council to act in the place of the Head of Council or on any body, of which the Head of Council is a member by virtue of being Head of Council, when the Head of Council is, for any reason, unable to do so. Such Council Member appointed in place of the Head of Council shall, from time to time be referred to as the "Acting Head of Council."

5. ROLE OF MUNICIPAL OFFICERS AND EMPLOYEES

5.1 For the purposes of this Procedural By-law, it is confirmed that the Role of the Officers and Employees of the Municipality of the Town of Cochrane is defined by section 227 of the *Municipal Act, 2001*, as follows:

Municipal Administration: it is the role of the officers and employees of the Municipality:

- (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) to undertake research and provide advice to Council on the policies and programs of the municipality;
- (c) to carry out the duties requires under the *Municipal Act, 2001*, or under any other act; and
- (d) to perform such other duties as are assigned by the municipality from time to time.

6. DUTIES OF CHIEF ADMINISTRATIVE OFFICER

6.1 As permitted by section 229 of the *Municipal Act, 2001*, the appointed Chief Administrative Officer shall be responsible for:

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the Municipality.

7. DUTIES OF CLERK

7.1 As required by section 228 of the *Municipal Act, 2001*, the appointed Clerk (or the Acting Deputy Clerk) shall have the duty:

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of Council;
- (b) if required by any member present at a vote, record the name and vote of every member voting on any manner or question;
- (c) to keep the originals of copies of all by-laws and all minutes of the proceedings of the council;
- (d) to perform the other duties under the *Municipal Act, 2001*, of under any other Act; and
- (e) to perform all responsibilities and duties set out by this Procedural By-law and such other duties as are assigned by the Municipality.

8. MEETINGS OF COUNCIL

- 8.1 The first meeting of Council shall be determined in accordance with the provisions of the *Municipal Act, 2001*, as emended from time to time at the time provided for in this By-law but in any case not later 31 days after its term commences.
- 8.2 Unless otherwise determined necessary the first meeting of Council shall take place on the first Tuesday in December at the hour established by the Clerk, in the Council Chambers.
- 8.3 The subsequent regular meetings of Council shall be held in the Council Chambers at 171 Fourth Avenue, Cochrane held at 6:00 p.m.
- 8.4 Unless otherwise stipulated, Council shall hold a Council meeting on the Tuesday of every second week.. Council may also meet at such other times or modify this schedule for the months of July and August as the Council, from time to time, determines appropriate by resolution, on adjourning and every such resolution shall be entered upon the Minutes of Council. Such meetings will require an agenda with a minimum of 30 minutes of content to be held, failing which the meeting will not be held and the outstanding items will be moved to the next subsequent meeting.
- 8.5 Members of Council, Board or Committee can participate electronically in a meeting which is open to the public. Any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.
- 8.6 Municipal Directors shall attend all Council Meetings and shall provide a written bi-monthly report, as set out in the calendar approved by Council.
- 8.7 Council may, by resolution passes at a regular meeting, cancel a scheduled regular meeting or reschedule a regular meeting to another date.
- 8.8 The Head of Council may, when he or she deems appropriate, at any time convene a Special Meeting of the Council, or any Committee of Council, upon notice to the members of Council as provided for below.
- 8.9 The Head of Council shall also summon a Special Meeting of Council whenever requested in writing by a majority of the members of Council to do so and notice shall be provided in accordance with the terms of the By-law.
- 8.10 Committees and Boards Chairs along with Councillors representative shall provide a written report on a semi-annually basis at the first Council Meeting in the month of April and the first Council Meeting in the month of October in each year.

9. NOTICE OF MEETINGS

- 9.1 The Clerk shall give notice of each regular and special meeting of Council and of each Committee to the Members of Council, and to the Heads of Departments concerned with such meeting.
- 9.2 The Notice shall be accompanied by the Orders of the Day and any matter so far known to brought before such meeting.
- 9.3 Failure to receive the Notice or the Agenda, or relevant documentation for consideration at any meeting shall not affect the validity of holding the meeting and nay action taken thereat.
- 9.4 The following provisions shall apply with respect to notice for a Special Meeting of Council:
 - (a) The Clerk shall summon a special meeting upon direction from a Head of Council or after receipt of a signed petition of the majority of Council members, for the purpose and at the time and date mentioned in the petition. Notice of meetings shall be given to the members, either verbally or in writing, by the Clerk or his or her designate;

- (b) Oral or written notice of Meeting and Agenda for any Special Meeting must be given to all Members of Council by the Clerk or his designate;
- (c) The only business to be dealt with at a special Meeting of Council is that which is listed in the notice of meeting.

10. ALL MEETINGS OPEN

- 10.1 Except for provided for below, all meetings of Council and all Committee meetings shall be open to the public.

11. CLOSED MEETING OR PORTION OF MEETING

- 11.1 A meeting, or portion of a meeting of Council or Committee may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or a local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition of land by the municipality or local board;
- (d) labor relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act.
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- 11.2 A meeting shall also be closed to the public if Council, designated as the head of the institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, is considering a request made under the Act.

- 11.3 In determining whether or not a meeting, or part thereof, is to be closed to the public under section 239(2) of the *Municipal Act, 2001*, the Council shall also have regard for the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

- 11.4 Unless otherwise determined by the Clerk, in consultation with the Mayor, when it is anticipated that there will be a Closed Session of Council such meeting shall be arranged prior to, or immediately after, a regularly scheduled meeting of Council or may be scheduled at such a time as a majority of members present decide that Council shall convene in Closed Session.
- 11.5 Before all or part of a meeting is closed to the public, the Council or local board shall state by resolution:
- (a) that the meeting is closed to the public;
 - (b) the general nature of the matter is considered in the closed meeting;
 - (c) the time in which Council constituted themselves in closed session;
 - (d) the officers or personnel, if any, that are authorized to remain with Council in the Closed Session.
- 11.6 Whenever it is moved and carried that Council go into Closed Sessions, the Head of Council or acting Head of Council appointed in accordance with this By-law and any other By-law shall remain in the chair.
- 11.7 The rules of Council shall be observed in Closed Session so far as they are applicable, and shall be the same as those outlined for the Council during any other regular or special meeting. A member of council, board of committee can not participate electronically in a meeting which is closed to the public.
- 11.8 The Clerk shall cause minutes to be taken of each Closed Session, which shall include:
- (i) the place, date and time of the meeting;
 - (ii) the names of the presiding officer or officers and the record of the attendance of the Members;
 - (iii) all other proceedings at the meeting, without note or comment.
- 11.9 No minutes will be recorded of Closed Session, with the exception of the motions to come out of the Closed Session and report progress. The Time that Council arises from Closed Sessions shall be recorded in the motion.
- 11.10 A meeting shall not be closed to the public during the taking of a vote.
- 11.11 Notwithstanding the prohibition against the taking of a vote in Closed Session, the meeting may be closed to the public during a vote if:
- (a) Section 11.1 and Section 11.2 above permits or requires the meeting to be closed to the public; and
 - (b) The vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, local board or committee or persons retained by or under contract with the municipality or local board.
- 11.12 Except for the exceptions to open voting provided for above, any motions with respect to the matters considered during Closed Sessions, including direction to officers, employees or agents shall be brought forwards and voted upon when Council arises and reports.
- 11.13 Subject only to the *Municipal Freedom and Information and Protection of Privacy Act*, no member of Council shall disclose any personal information or other Information which in any way discloses or reveals to any person the substance of deliberations of Council in Closed Session.

11.14 The disclosure by any member of any Information relating to the conduct of business in a Closed Session shall be considered to be misconduct and a breach of the duties and obligations of the member to the Municipality and contrary to the good government of the municipality and subject to all penalty and enforcement provisions under Section 16 of this By-law, or the provisions of the *Municipal Act, 2001*, as amended from time to time, including the investigation by a judge of the Superior Court of Justice of such actions in accordance with section 274 of the *Municipal Act, 2001*.

12. AGENDA OR ORDERS OF THE DAY

12.1 It shall be the duty of the Clerk:

- (a) to prepare the Agenda of Council and Committees;
- (b) to accept items for the Agenda from the Head of Council, Members of Council and Department Heads; and
- (c) to receive petitions and communications from the public and if, in the opinion of the Clerk, the matter warrants the consideration of Council to place the petition or communication on the agenda of the Council, or Committees. When in the opinion of the Clerk, the petition or communication should first be dealt with in Committee; it shall be directed to that particular body for consideration and subsequent report to Council.

12.2 When Council or the Clerk directs a petition or communication to the relevant Committee, it will be considered as properly directed unless Council, by a two-thirds vote and without debate, directs otherwise.

12.3 When possible and where required, a report from the Department Heads relative to the subject matter shall be prepared.

12.4 Copies of all correspondence and petitions, or a short statement of their content, as well as any required report, shall be attached to all Council and Committee agendas or noted thereon.

12.5 Agendas and all attachments shall, where possible, be forwarded to all Members of Council in advance of any meeting but where, due to time constraints, copies of the Agenda in final form, or attachments cannot be provided by the Clerk, copies shall be made available before the opening of the meeting.

12.6 If the item under consideration has been recently dealt with at Council of Committee of the Whole and delegations were permitted at that time, the Clerk shall refuse further delegations at Council unless Council directs otherwise.

12.7 All items for the Agenda or Notices of Motion shall be delivered in writing to the Clerk by 1:00 p.m. on the Thursday preceding the meetings of Council or Committees. Any items received after this deadline shall be placed on the agenda for the first meeting of Council following the meeting next following the said deadline, unless Council should agree to accept such item for consideration on the Agenda in accordance with section 12.10 herein.

12.8 Council and Committee Agenda items that are not confidential in nature and that do not contain staff reports of recommendation, may, at the discretion of the Head of Council and the Clerk, be made available to the new prior to the meeting.

12.9 The Clerk shall prepare and distribute by 12:00 noon on the Friday preceding a meeting of Council, for the use of the members at regular meetings, the Agenda and Orders of the Day in accordance with the item headings listed in the paragraph that follows. Items may be taken out of the stated order at the discretion of the Head of Council.

12.10 The following provisions apply to the various Agenda items to be addressed at all meetings:

1. Opening Remarks and Roll Call.

The Chair shall call the meeting to Order.

2. Declaration of Interest

All Members are bound by the provisions of the Conflict of Interest Act and shall declare their interest and its general nature as it relates to any agenda matter. In the event any matter later arises during the course of a meeting, which was not addressed at the opening of the meeting, any member shall then address the Chair and declare their interest and its general nature at that time.

3. Adoption of Agenda and Determination of any Addendum Items or Direct Motion Items.

The Agenda prepared by the Clerk shall be tabled and reviewed by Council and the Clerk may make recommendation as to the manner in which such items should be dealt with. Council may here consider whether any urgent or emergency item of business or any Direct Motion (as referred to in this By-law) is to be added as an Addendum Item to the Agenda.

4. Adoption of Minutes.

The Minutes of any previous Council Meeting (s) shall be placed before the meeting for adoption.

5. Delegations from the Public and Public Hearing matters.

Council may receive presentations from persons desiring to appear before Council as a delegation, and placed on the Agenda in accordance with the provisions of this By-law. Any item which requires a Public Hearing, as provided for in Section 26 of this By-law, shall be dealt with by Council.

6. Report of Head of Council.

The Head of Council may, at his or her election, provide a report to Council with respect to the conduct of business and any items.

7. Committee Reports and Recommendations of Committees.

All Reports and Recommendations from the minutes of Committee meetings distributed with the Council Agenda shall be dealt with under the Agenda unless otherwise directed by the Council or as required under the provisions of this By-law. The Clerk may, at his or her discretion: recommend that a Committee recommendation be referred to Committee or department; be dealt with in Closed Session; or be deferred to a subsequent meeting if circumstances are such that Council needs to consider new information or advice before the adoption of the recommendation.

8. Department Head Reports and Communications.

It is intended that most department operational matters shall be listed and dealt with within the regular Agenda. In the event there is a special Agenda Item requiring consideration of a Report from any Department Head that in the opinion of the department Head of CAO requires action from the Council, such matter shall be summarized in a report from the Department Head and shall be first submitted to the CAO. Such reports, where appropriate may include a recommendation to Council on action to be taken. The CAO shall place such communications which remains to be dealt with. The Clerk shall place such communications and report submitted before the council and Council may approve the recommendations as presented.

9. Unfinished Business (deferred and referred matters).

Unfinished Business means business arising from the previous meeting of Council and shall include any matters pertaining to issues which have already been the subject of Council or Committee deliberation, but which have not yet been finally determined or contain components which remain to be dealt with. The Clerk shall note on the Agenda the last date when this matter was discussed by Council or Committee.

10. Notice of Motion.

A "Notice of Motion" shall consist of motions brought forward by individual members for the consideration of Council. The member shall read the proposed motion and shall present a copy of the motion in writing to the Clerk. The Clerk shall include this motion in the agenda of the next regular Council Meeting under "New Business". The Provisions of this by-law relating to "Motions" shall apply for the purposes of dealing with any Notice of Motion submitted by a member for hearing at the next meeting.

11. New Business.

New Business shall consist of items which have not been considered by Council or Committee on any previous occasion and which have not been referred to more appropriate sections of the Agenda.

12. By-laws (introduction and consideration).

The Chair shall deal with By-laws in accordance with the provisions set out in this By-law.

13. Addendum by the Agenda

There shall only be an addendum to an Agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the Agenda and prior to the meeting which items the Clerk believes are of urgent nature and require the immediate consideration at the meeting. The provisions of this By-law relating to "New Direct Motions" shall apply as set out herein.

14. Announcements and inquiries.

Any Member who wished an announcement to be made shall submit it in writing to the Chair. With the Chair's approval, the Clerk, the Committee Secretary, or the Member shall make the announcement before adjournment. The Head of Council may ask the Member if the Member wishes the announcement recorded in the minutes. If the reply is affirmative and a majority of Member so agree, the announcement shall be so recorded.

15. Matters arising from the Closed Session (incomplete items).

Council may, before adjourning, address any incomplete matters arising from any Closed Session which may have been held during the meeting.

16. Municipal Act – Notices.

Notices pursuant to section 251 of the *Municipal Act, 2001*, and in accordance with any other By-law of the Municipality, shall be entered for public notification purposes. Items listed will be placed on the next regularly scheduled meeting of the Council.

17. Closed Session (if applicable).

The Council may go into Closed Session prior to, during, or after the regular meeting of Council by the passing of a motion in accordance with the section of this By-law governing Closed Sessions (see below). Upon completion of the conduct of all business in closed session, the meeting shall be immediately adjourned and reconvene to continue with the remainder of the Agenda.

18. Matters arising from the Closed Session.

When Council at any time moves to Closed Session, after returning to open session, Council will consider any resolutions or by-laws that arise from the Closed Session of the Meeting.

19. Adjournment.

All meetings of Council and Committees shall be subject to mandatory adjournment not later than 11:00 p.m. as provided for this By-law.

13. DELEGATIONS

- 13.1 Persons desiring to appear as a Delegation before Council or Committee shall give notice to the Clerk by not later than 1:00 p.m. on the Thursday preceding the Council Meeting or Committee meeting before which they wish to appear. The delegations shall submit its request in writing, together with a written submission detailing the matters that the delegation wished to present to the Council or Committee. Such written submissions shall be circulated with the Council Agenda.
- 13.2 The Clerk shall advise a Delegation in writing or verbally whether the request to make a submission to Council (or Committee as the case may be) has been approved at any time prior to the scheduled meeting.
- 13.3 A delegation who is approved to provide a submission to Council shall have up to ten minutes to make its presentation, although such time limit may be extended by the Chairs, by such amount of time as the Chair deems advisable.
- 13.4 The Clerk shall advise the meeting when there are two minutes remaining and once the time allotted to the delegation has expired, the Chair shall so inform the delegation and the delegation shall immediately cease its presentation.
- 13.5 Presentations by the delegation may be followed by questions to the delegation by members concerning their presentation. Any discourse between members of Council and the delegation shall be limited to members of Council and the delegation shall be limited to questions for clarification and obtaining additional, relevant information only. Members of Council shall not enter into debate with the delegation respecting the presentation. Upon completion of the presentation and the question by members, the Chair may introduce and motion, duly moved and seconded, arising out of the subject matter of the delegation and the motion shall then be debated.
- 13.6 When a request to appear is received after the agenda has been set or when the agenda already includes two delegations, the Clerk may schedule the delegation for a future meeting. In the event that the matter of time sensitive nature, the Clerk shall refer the request to the Head of Council and a delegation may only be scheduled at the leave of the Head.
- 13.7 No delegation is permitted to discuss the same matter with Council or Committees more than twice per calendar year.

- 13.8 The Mayor or Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any breach of this by-law and if the Mayor or Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.
- 13.9 Only Members of Council and municipal staff shall be permitted to approach the Council table during the meeting, unless authorized to do so by the Head of Council.
- 13.10 No delegation shall speak disrespectfully of any person; use offensive words or un-parliamentary language; speak on any subject other than the subject for which they have received approval to address Council or Committee; or disobey the rules of procedure or a decision of the Chair as to a point of Order.
- 13.11 Citizens, organizations, or their representatives who are present at the meeting directly concerned with a matter on the Agenda, but who have not notified the Clerk in writing of their desire to address Council may, upon request of that person, and with two-thirds approval of Council Members present, be heard when the matter comes up for discussion. Any such persons approved to address the Council shall be limited to a maximum of ten (10) minutes.

14. QUORUM AND PROCEEDINGS AND CONDUCT OF BUSINESS

- 14.1 The Head of Council, except where otherwise provided, shall preside at all meetings of Council.
- 14.2 A majority of the members of Council is necessary to form a quorum
- 14.3 If a member of Council, Board or Committee member participate electronically in a meeting that such member shall not be counted in determining whether or not a quorum of members is present.
- 14.4 As soon as there is a quorum after the hour fixed for the meeting, the Head of Council shall take the Chair and call Members to order.
- 14.5 Unless a quorum is present within fifteen (15) minutes after the time appointed for a meeting of Council or Committee, the Council or the Committee shall stand adjourned either until the next regular day of meeting or until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The Clerk or Committee Secretary shall record the name of the Members present at the expiration of the fifteen minute time limit and such record shall be appended to the next Agenda.
- 14.6 Regular Meetings shall be opened by the Chair calling upon the Clerk or Committee Secretary to call the roll of Members. If a Member of Council arrives following roll call, or leaves before final adjournment, the time of arrival or departure shall be noted in the minutes.
- 14.7 The Minutes of a prior meeting shall not ordinarily be read out by the Clerk in their entirety. Prior to confirmation of the minutes, if required by any Member, such minutes or so much thereof as may be required, may be read by the Clerk or his or her designate. Upon direction by Council, the Clerk may make any corrections to the minutes.
- 14.8 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and points of privilege, and deciding all questions resisting to the orderly procedure of the meeting, subject to an appeal by any Member of Council from any ruling of the Chair.
- 14.9 The Chair may state his or her position on any matter before the Council prior to the commencement of debate. Should the Chair wish to take part in debate, he or she shall vacate the Chair and shall call up the Member designated as replacement to chair the meeting until he or she resumes the Chair.

14.10 In order to maintain decorum, no signs, banners, placards or disruptive devices shall be permitted in the Council Chambers or Committee rooms or any other location where a Council or Committee meeting takes place.

14.11 The following terms of address shall be used in Council and Committees:

- (a) For the Head of Council: "Your Worship" or "His Worship" or "Her Worship" (or by combination of the title of Mayor and the actual name such as "Mayor (Last Name)");
- (b) For the Chair: "Mr. Chair", or "Madame Chair" (or the actual name, such as "Chair (Last Name)");
- (c) For other Members of Council: "Councilor", (or the actual name such as "Councilor (Last Name)");
- (d) For members of staff: either title or name (such as "Town Clerk", or "Mr./Ms./Mrs. (Last Name)");

15. CONDUCT OF MEMBERS OF COUNCIL

General

15.1 Every Member, after being recognized and before speaking to any matter or motion, shall respectfully address the Chair.

15.2 A Member shall not speak more than once on a matter without leave of Council except:

- (a) in explanation of a material part of the Member's speech which may have been misunderstood; or
- (b) in reply after everyone else wishing to speak has spoken, provided that Member has presented the motion to Council, but not if the Member has moved an amendment to the motion being discussed.

15.3 No Member, without leave of Council, shall speak to the same matter, or in reply, for longer than five minutes.

15.4 Through the Chair, a Member may ask for an explanation of any part of the previous speaker's remarks.

15.5 At the commencement of the debate and through the Chair, a Member may ask questions to obtain information relating to the matters presented to Council.

15.6 A Member shall not:

- (a) speak disrespectfully of the Reigning Sovereign, any member of the Royal Family, the Governor-General or a Lieutenant-Governor;
- (b) use offensive words or unparliamentary language in Council;
- (c) disobey the rules of the Council or a decision of the Chair or of Council on questions of order or practice;
- (d) leave his or her seat or make any noise or disturbance while a vote is being taken and the result is being declared;
- (e) enter or leave the Council Chambers while a vote is being taken;
- (f) interrupt a Member while speaking, except to raise a point of order; or
- (g) pass between a Member who is speaking and the Chair.

- 15.7 A member who persists in a breach of the foregoing section, after having been called to order by the Chair, may, at the discretion of the Chair, be ordered to leave his or her seat for the duration of the meeting. At the discretion of the Chair, the Member may resume his or her seat following an apology.
- 15.8 A member who wishes to leave the meeting of Council prior to adjournment shall so advise the Chair and the time of departure shall be noted in the minutes.

Closed Session – Confidential Information

- 15.9 No Member of Council or Committee shall release to the public any document or information provided in Closed Session or by confidential report, correspondence or written communication or violate the confidentiality of any matter(s) considered in Closed Session unless Council directs the document or information is to be made public.
- 15.10 As provided for in Section 11.13 of this By-Law the disclosure by any member of any information relating to the conduct of business in a Closed Session shall be considered to be misconduct and a breach of the duties and obligations of the member to the Municipality and contrary to the good government of the municipality.
- 15.11 The response of members of Council to inquiries regarding any matter dealt with by Council or Committee of the Whole, or other Committee held in Closed Session, prior to it being formally reported under authorized Press Release (as provided for in this By-Law) shall be “No Comment” or words to that effect.
- 15.12 Any Member who violates the above subsections and these confidentiality provisions may result in the offending member being expelled from any future Closed Session meetings and the Member may be prohibited by the Chair or the Head of Council from attending Closed Sessions or receiving confidential reports, correspondence, materials or information relating to identified matters which are the subject matter for Closed Sessions for a fixed period of time or until further notice of the Chair or Head of Council.
- 15.13 The determination of whether or not a violation of the Closed Session provisions of this By-Law has occurred, and the length of the exclusion from Closed Sessions, if so determined, shall be made by Council, and the issue shall be considered by Council prior to the offending Member being excluded from any Closed Session. The results of Council’s deliberations on the issue of the expulsion of an offending Member shall be reported publicly.
- 15.14 Notwithstanding the fact that a member may be present during consideration and determination of any issue of expulsion under Section 16.13 above, the member affected shall not be permitted to vote on such a motion respecting his or her purported violation of the Closed Sessions provisions of this Procedural By-Law, his or her exclusion from Closed Sessions, or the length of any such exclusion.
- 15.15 A decision of Council under this Section is final and is not subject to the provisions of this By-law relating to Reconsideration.
- 15.16 Notice that a member is being expelled shall be provided by the Head of Council to the offending Member.
- 15.17 The release of any information about any matters dealt with by Council in a Closed Session shall be made only by the Head of Council or his or her delegate in accordance with Section 27 of this By-law.
- 15.18 Any member who contravenes Section 16.9 of this By-law is guilty of an offence and upon conviction thereof may be liable to a fine or penalty as provided for in the *Provincial Offences Act*.

15.19 No prosecution for a contravention of Section 16.9 of this By-law shall be commenced except on the direction of Council, expressed in a resolution of Council. Any decision to prosecute a member of Council shall only be made after Council has met to consider the matter, at which time the member of Council proposed to be prosecuted may be present and shall have the option of attending with legal counsel.

15.20 Such Members who violate requirements of confidentiality may, without limiting the foregoing, also be subject to such other remedies and enforcement as provided for in this By-law and the provisions of the *Municipal Act, 2001*.

16. QUESTIONS OF PRIVILEGE

16.1 A Member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or of himself or herself as a Member thereof, shall be permitted to raise such matter of privilege. A breach of privilege is a willful disregard by a Member, or by any other person, of the dignity and lawful authority of Council. A matter of privilege shall take precedence over other matters. When a Member raises a point of privilege the Chair shall use the words "Councilor (Last Name) state your point of privilege". While the Chair is ruling on the point of privilege, no one shall be considered to be in possession of the floor.

17. QUESTIONS OF POINTS OF ORDER

17.1 A Member who desires to call attention to a violation of the rules of procedure as contained in this Procedural By-Law or, if not set out herein, in the governing Rules as set out in this By-law, shall ask leave of the Chair to raise a point of order. When leave is granted, the Chair shall use the words "Councilor (Last Name), state your point of order". The Member shall state the point of order with a concise explanation and shall follow the decision of the Chair.

17.2 The speaker in possession of the floor when the point of order or privilege was raised shall have the right to the floor when debate resumes.

17.3 A Member called to order by the Chair shall immediately vacate the floor until the point of order is dealt with, and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair.

18. APPEAL OF DECISIONS ON POINTS OF PRIVILEGE OR ORDER

18.1 The decision of the Chair shall be final, subject to an immediate appeal, requested and seconded, to the whole Council or Committee.

18.2 If the decision is appealed, the Chair shall give concise reasons for his or her ruling, and Council, without debate, shall decide the question. The ruling of Council shall be final.

19. MOTIONS

19.1 Notice of Motion

(a) Notices of Motion may be received by the Clerk or Committee Secretary at any time and each Notice of Motion, received in accordance with Section 12.7 shall be included on the Agenda for that meeting. A Notice of Motion may also be received by the Clerk or Committee Secretary prior to the closing of a meeting.

In this event, the Chair shall read the Notice of Motion which shall be recorded in the minutes and shall form part of the Agenda for the next Council or Committee meeting. A Notice of Motion requires a seconder only at the time of debate.

(b) A Member who hands a written Notice of Motion to the Clerk or Committee Secretary to be read at any regular meeting need not necessarily be present during the reading of the Notice.

- (c) A Motion, Notice of which has been given, if not moved and seconded on the day and at the meeting for which Notice has been given, cannot be moved at any subsequent meeting without Notice being given on the Agenda for such meeting.
- (d) The Member presenting a Notice of Motion may direct that the Motion be presented to a particular Committee of Council, even if the Member is not a Member of that Committee. In the absence of such direction, the Clerk may, when he or she deems appropriate, direct the Motion to a particular Committee or to Council.

19.2 General

- (a) Every motion, when read and presented to the Chair, is deemed to be in possession of Council and may only be withdrawn either by the mover and seconder before a decision or amendment is made (provided that Council does not object), or with the consent of the majority of Council present.
- (b) Motions shall be debated in the order of presentation to the Chair in accordance with the Agenda.
- (c) Any Member may require the motion under discussion to be read at any time during the debate, except when a Member is speaking.
- (d) The following procedures shall apply to the form of Motions presented before Council:
 - (i) Every motion, amendment, or amendment to the amendment, shall be in writing and signed by the mover and seconder prior to the debate or voting, except:
 - (1) a motion to defer
 - (2) motion to refer, or
 - (3) a motion that the vote now be taken (question)and in such cases a seconder is not required.
- (e) The mover and seconder of a motion must both be present when the vote on the motion is taken.
- (f) All motions shall be read by the Clerk or his or her designate or Committee Secretary and presented to the Chair prior to commencement of debate.
- (g) The Council or Committee may by consensus waive the reading of any lengthy motion if the motion is set out in the Agenda.
- (h) When a matter is under debate, no motion shall be received other than a motion:
 - (i) to refer or defer
 - (ii) to amend
 - (iii) to adjourn the meeting
 - (iv) that the vote now be taken.
- (i) Each Member of Council may have the opportunity to address the subject matter of a motion. The Clerk, any other appropriate member of staff, or any person retained by the municipality to provide advice to Council may address Council to clarify the issues pertaining to the subject matter of the motion or to provide additional information pertaining to the subject matter of the motion and shall do so in accordance with the directions of the Chair.

Otherwise only Council members may speak during the time between the reading of the motion by the Chairperson and the conclusion of the vote on the motion.

- (j) No further discussion is permitted once the Chair indicates that the motion is being voted upon.

19.3 Refer or Defer

- (a) A motion to refer or defer shall take precedence over any motion or amendment, except a motion to adjourn.
- (b) A motion to refer shall require direction as to the body to which it is being referred and is not debatable.
- (c) A motion to defer must include a reason and a time period for the deferral and is not debatable.

19.4 Voting on Motions.

- (a) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect in accordance with Section 244 of the *Municipal Act, 2001*, as amended.
- (b) Every member of Council shall have one vote.
- (c) When a motion that the vote now be taken (question) is presented, it shall be put to a vote without debate and if carried by a two-thirds vote of the Members present, the motion and any amendments thereto shall be submitted to a vote immediately, without further debate.
- (d) When the Chair commences to take a vote, no Member shall speak to or present another motion until the vote has been taken.
- (e) Each Member present at a Meeting of Council shall vote when the vote is taken on a matter, unless prohibited from so doing by statute.
- (f) If a Member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded each member present, except a member who is disqualified from voting by an Act, shall announce his or her vote openly and the Clerk shall record each vote.
- (g) In the event there is a Recorded Vote as provided for above, and in the event a Member present fails to vote at the time of the vote, and is qualified to do so, that Member shall be deemed to have voted in the negative.
- (h) When a Member present requests a Recorded Vote, all Members present, unless prohibited by statute, shall vote in alphabetical order.
- (i) The Head of Council, except when he or she is disqualified to vote by reason of conflict of interest or otherwise, may vote with other members on all questions and except where, otherwise expressly provided by the *Municipal Act, 2001*, any question on which there is an equality of votes shall be deemed to be negative.
- (j) A Member who disagrees with the announcement made by the Chair of the result of the vote may immediately object to the Chair's declaration and the vote shall immediately be retaken by the Clerk or Committee Secretary, without further debate.
- (k) An objection to any resolution shall not be recorded unless a roll call vote is requested.

19.5 Amendment or Separation of Motions.

- (a) Only one amendment at a time shall be presented to the main motions and only one amendment shall be presented to the amendment; when the amendment to the amendment has been disposed of, another may be introduced; and when an amendment has been defeated, another may be introduced.
- (b) In the case of an amendment, the amendment to the main motion shall not be withdrawn until the amendment to the amendment has been withdrawn or defeated. The Amendment shall be similar in import to the question which it is proposed to amend, but with sufficient variance to constitute a new question.
- (c) The amendment to the amendment, if any, shall be voted upon first, and if no other amendment to the amendment is presented, the amendment shall be voted upon. Once any amendment is carried, the main motion as amended shall then be put to a vote.
- (d) Nothing herein shall prevent other proposed amendments being read for the information of the Members.

19.6 New Direct Motions.

- (a) A new "Direct Motion" which has not been submitted in writing before the deadline in accordance with **Section 12.7** of this By-law, may be introduced by a Member during the meeting of Council.
- (b) No such Direct Motion for introducing a new matter during the course of a meeting shall be dealt with by Council unless Council without debate accepts the Direct Motion to be dealt with on the agenda, by a two-thirds vote of the Members.
- (c) Any Direct Motions shall be introduced at such time as the Clerk tables the Agenda for consideration.
- (d) It is the intent of this By-law that such Direct Motions are limited only to issues and matters which, due to time constraints or urgency, require immediate attention of Council.
- (e) When a new Direct Motion is approved for consideration it shall be placed on the "Addendum" section of the Agenda.

19.7 Reconsideration of Motions.

- (a) Subject to the provisions set out below, after a motion has been voted upon, and at the same meeting, any two members who voted with the prevailing side may, in writing, move for reconsideration of the motion.
- (b) If such motion to reconsider receives a seconder, it shall be open to debate, and voted upon, and shall require the votes of a majority of Members present to pass.
- (c) No motion for reconsideration of a question previously disposed of, or to rescind a vote already taken, shall be received unless
 - (i) such motion is made by two members who voted with the majority on such vote; and
 - (ii) a majority of the whole council votes in favor of accepting the motion for reconsideration.
- (d) A Notice of Motions for reconsideration may be dispensed with if Council or the Committee agrees unanimously to hear arguments for and against reconsideration without such prior notice.

- (e) No matter shall be reconsidered more than twice in the same calendar year.
- (f) Any matter may be reconsidered by means of a Notice of Motion for reconsideration if the matter was last dealt with in the preceding calendar year or by a previous Council, and shall require a two-thirds vote of the Members present to carry.
- (g) For the purpose of this Section, a motion that has been defeated by Council (but not by a Committee) shall be considered a motion capable of reconsideration.
- (h) A Notice of Motion for Reconsideration of any decided matter shall not operate to suspend, stop or delay any action being taken on the decided matter unless the Council by a two-thirds vote of the Members present shall so direct a suspension termination or delay of any such action.
- (i) If a motion to reconsider is decided in the affirmative, such reconsideration of the issue previously decided shall become the next order of business, unless the motion calls for a future definite date.
- (j) Debate on the matter to be reconsidered shall proceed as though it had not previously been voted upon. Debate on a motion for reconsideration much be confined to reasons for or against reconsideration only.

19.8 Motion to adjourn.

- (a) All meetings of Council shall adjourn at the hour of 11:00 pm.
- (b) Notwithstanding the stated time for adjournment Council may, prior to the time for adjournment, pass a motion to extend the meeting. Such a motion shall state the proposed time for adjournment and shall be passed by two-thirds majority.
- (c) If a motion to extend a meeting of Council does not receive the consent of a two-thirds majority, the meeting shall adjourn not later than 11:00 pm.
- (d) A motion to adjourn shall include the time of adjournment and the date and time of the next Regular meeting.
- (e) A motion to adjourn a meeting shall be in order except:
 - (i) when a Member is in possession of the floor, or
 - (ii) when it has been decided that the vote be now taken, or
 - (iii) during the taking of a vote

and no second motion to adjourn shall be in order until an intermediate proceeding has taken place.
- (f) Members shall not leave their places on adjournment until the Chair vacates the Chair.

20. BY-LAWS

- 20.1 Every by-law shall be proposed and seconded by a written resolution. Every by-law shall be introduced by the Clerk reading the resolution which will state who is the proposer and who is the seconder and whether the by-law be read a first time only, or a first and second time only or a first and second and third time and passed, and a short description of its contents.
- 20.2 Where a by-law is to receive three readings at once and be passed, a vote of two-thirds of the Council present at the meeting must vote in favor of the by-law.
- 20.3 If a majority of Council present wishes the by-law to be read in its entirety, this decision shall be recorded and the Clerk shall thereupon do so.

21. OTHER COMMITTEES

21.1 Committee Chair.

- (a) The Head of Council shall, prior to the last day of November in every year, appoint a Committee Chair and members to all standing committees of Council.
- (b) Any Ad-Hoc Committees formed at any time at the direction of council shall, at its first meeting in the year, elect a Committee Chair and Committee Vice-Chair from among its Members and shall arrange its own schedule of meetings.
- (c) A Committee Chair may be removed by a vote of a majority of the Committee, but no such motion shall be in order unless preceded by a Notice of Motion.

21.2 Quorum of Committees.

- (a) A quorum shall be a majority of those appointed to a Committee by the Council.

21.3 Commencement of Committee Meetings.

- (a) If the Committee Chair or Committee Vice-chair is not present within fifteen minutes from the time of the opening of the Committee meeting, the Members present shall by resolution elect another Member of the Committee to preside and the Member shall discharge the duties of the Chair for that meeting, or until the arrival of the Committee Chair or Committee Vice-chair.

21.4 Rules Governing All Committees.

- (a) Except as otherwise provided, the rules governing the procedure of Council shall be observed in all Committees.
- (b) The number of times a committee member is permitted to speak on a question shall not be limited during Committee Meetings.
- (c) During any Committee meeting the Committee Chair shall have the same privileges as other members.
- (d) The Head of Council shall be ex-officio a Member of all Committees of Council and shall have the same rights and privileges as any other Member of the Committee, and shall constitute part of the quorum.
- (e) Any Member, including the Committee Chair, may propose of second a motion and all Members including the committee Chair shall vote on all motions except when disqualified by reasons of interest or otherwise; a tie vote at a Committee shall be considered lost. When the Committee Chair proposes a motion, he or she shall vacate the Chair to the Vice Chair during the debate on the motion and resume the Chair following the vote.
- (f) Any Committee Member who refused or neglects to attend the regular or special meetings thereof may be reported to Council by the Committee Chair. Council may remove such Member from the committee and appoint another Member in his or her place.
- (g) A committee which refuses or neglects to give due consideration to any matter before it may, by Council resolution, be discharged from such responsibility to another Committee.
- (h) Each Committee, in the exercise of its several functions, is subject to the control and direction of Council.

- (i) Each Committee shall submit minutes to Council in relation to all matters connected with its duties, or referred to it by Council.
- (j) Special meetings of Committees shall be called by the Clerk on the request of the committee Chair, or when requested in writing by a majority of Committee Members.
- (k) A special Committee may be appointed by council to consider a specific matter.
- (l) Meetings of Committees shall be open to other Members of Council who may, with leave, take part in any discussion or debate, but such other Members shall not vote, move motions, or second motions. A notice of Motion to a Committee by a Councilor who is not a Member of the committee will be considered properly before the Committee and will be capable of being discussed.
- (m) Except as herein provided, meetings or parts of meetings may be held in closed sessions on a decision by the majority of those present and the provisions of this By-law relating to Closed Sessions, including the obligations and requirement of all members with respect to confidentiality, shall apply.
- (n) The Chief Administrative Officer and Heads of Departments or their designates shall render assistance to Council or any Committee and shall attend meetings of the Council and Committees when required.

22. APPOINTMENTS TO COMMITTEES

22.1 Council shall by resolution appoint such persons as it deems necessary to sit on various Committees.

22.2 Applications for Appointment

- (a) Applications for Appointment to sit on Committees shall be solicited by advertisement in accordance with directions of Council and this By-law as set out below.
- (b) All applications for appointment to committees or special purpose bodies shall be in writing and shall be received by the Clerk and shall be dealt with at a meeting of Council in any year.
- (c) All applications for committees shall meet the same qualifications as electors in the municipality and it shall be the responsibility of the Clerk to ascertain these qualifications for each applicant.
- (d) At least thirty days prior to the December Council meeting in any year, the Clerk shall place an advertisement in the local newspaper to run on at least two occasions outlining the various positions to be filled on the Town's Committees or special purpose bodies, and inviting applications from interested citizens.
- (e) Copies of all letters received for each position shall be submitted with the Agenda for the first regular meeting.
- (f) Unless otherwise determined by Council, the appointed Committee of Council shall conduct interviews of all eligible, and potential applicants for any Committee.

22.3 Method of Appointment or Committees.

- (a) If there is the same number of vacancies as there is qualified applicants for those vacancies, a motion, moved and seconded, shall be voted upon to finalize the appointments.

- (b) If there are more qualified applicants than vacancies for any position, Council shall select the Members for those positions in open session as set out below:
- (i) all applicants shall be considered and need not be further nominated;
 - (ii) all Council Members shall be considered eligible applicants for all Council Committees or special purpose bodies;
 - (iii) each Council Member shall vote for as many applicants as vacancies exist;
 - (iv) of these applicants who do not have the votes of a majority of Council present, the name of the applicant having the least number of votes shall be dropped, and Council shall continue to vote anew until:
 - (1) an applicant receives the votes of a majority of Council present and is thus appointed, or
 - (2) it becomes apparent by reason of a tied vote that no applicant can be selected by a majority, in which case a run-off vote will be held to choose which tied applicant's name shall be dropped on the next vote.

23. AD HOC COMMITTEES OF COUNCIL

- 23.1 At any time, Council may by resolution establish an Ad Hoc Committee to deal with a special issue. The resolution establishing the Committee shall specify the size and membership of the Committee, may determine which Member is to be the Chair of the Committee, shall set out the issue to be dealt with by the Committee, and shall establish a deadline for the return of an interim or final report to Council.
- 23.2 The Clerk, in conjunction with the Ad Hoc Committee Chair, shall schedule meetings at a time convenient for the majority of Members of the Committee.
- 23.3 If an Ad Hoc Committee does not meet in any given six-month period, or if an Ad Hoc Committee has two successive meetings without quorum, then the issue shall be brought back to Council at its next regular meeting with a report from the Clerk outlining the failure of the Committee to meet.
- 23.4 All Ad Hoc Committees shall terminate with the term of Council, and must be re-established following the commencement of a new Council term.

24. BUDGET SESSIONS

- 24.1 Budget Sessions of Council shall be held by way of sittings of the Finance Committee of the Whole Council held in open session and chaired by the Finance Committee Chair. All Members of Council (including the Head of Council) shall be considered Members of the Finance Committee for such Sessions, and the quorum shall be the regular quorum of Council.
- 24.2 At such Sessions, reports from staff shall only be requested with the concurrence of a majority of the Members present.
- 24.3 At such Sessions, directions to staff or resolutions shall not require movers or seconders, but will require the concurrence of Council and will be recorded in the Minutes.
- 24.4 Delegations relating to the Budget will be heard by the Finance Committee of the Whole, and shall not appear before Council.

25. PUBLIC HEARINGS

- 25.1 The form of notices for Public Hearings shall be in accordance with the provisions of the By-law of the Town of Cochrane passed in accordance with section 251 of the *Municipal Act, 2001*.
- 25.2 If Council is required by law to hold a hearing or give interested parties an opportunity to be heard before doing any act, passing a by-law or making a decision, the Council may delegate that responsibility to a Committee of Council.
- 25.3 In the event responsibility for such a hearing is delegated to a Committee of Council the committee shall provide its recommendations to the Council after which the Council may pass the by-law or make the decision.
- 25.4 If a Committee of Council hold a hearing or gives interested parties an opportunity to be heard, when the matter is then referred and dealt with by Council to pass the by-law or make the decision, Council is not again required to give interested parties an opportunity to be heard.
- 25.5 When a public meeting is required under the *Municipal Act, 2001*, any other statute, the following rules shall apply to all such meetings and hearings:
- (a) The rules set out in this section, shall take precedence over any other provision to the contrary in this By-law.
 - (b) The Chair at a public meeting shall commence the hearing by announcing *"This is a public meeting under the provisions of theAct concerning Anyone who wishes to speak on this matter shall be allowed to do so."*
 - (c) In all such meetings, the order of speakers shall be:
 - (i) Municipal staff, if any:
 - (ii) the Applicant, if any and
 - (iii) anyone else who wishes to speak on the matter, including Members of Council who are not Members of the Committee.
 - (d) In all such meetings, anyone may address the Council or the Committee without prior notification to the Council or the Committee.
 - (e) In all such meetings, no motion to refer or defer the hearing shall be in order until all persons who wish to address the Council or the Committee have had an opportunity to do so.
 - (f) The provisions of this By-law relating to "Delegations" shall not apply to delegations at any such meeting.
 - (g) In all such meetings, no motion shall be read or voted upon until all persons who wish to address the Council or the Committee have done so.
 - (h) No Member of Council or Committee shall enter or leave the room while a public meeting is in progress. If a Member arrives late while a public meeting is in progress or wishes to leave before the public meeting is complete, the Clerk or Committee Secretary shall note this in the report, and the Member shall take no part in any recommendation or motion.
 - (i) Where a public meeting is to be continued at another date, the Chair shall inform the persons present of the time and place of the subsequent continuation or where the date or time is not known, notices of such subsequent continuation shall be sent to every person who leaves his or her name and address with the Clerk or Committee Secretary and to every person who has given the Clerk or Committee Secretary a written request for such notice.

- (j) If a Public hearing is held by Council and not by a delegated Committee of Council, and a decision is to be made or a motion or by-law is to be dealt with, then the Chair at such a public meeting shall conclude the hearing by announcing *“The public meeting concerning this matter is now complete. The Council shall now resume, in order to discuss and vote on the application.”* Following this announcement, it will not be in order for the Council to hear the Applicant or any other member of the public, Following this announcement, the Council may discuss the application and shall vote upon it.
- (k) In all such meetings, the recommendation being presented does not require a mover or a seconder, and shall be voted upon by all Members present (unless disqualified, by reason of conflict of interest), including the Committee Chair, and, in the case of a tied vote at Council, the Head of Council.
- (l) Where a public hearing is held by a delegated Committee of Council, the Clerk or Committee Secretary shall summarize all evidence and representation given and all findings of fact made at a public meeting, shall record in alphabetical order the names of all Members present and shall record their votes on all recommendations. Tied votes at a Committee shall be reported as such in the Clerk’s or Committee Secretary’s report.
- (m) More than one recommendation may result from a hearing, with one or more Members supporting each recommendation. In that event, Council will deal with the recommendation supported by the largest number of Members, unless Council directs otherwise.
- (n) Reports and recommendations arising from public meetings held by Committees of Council shall be read, discussed, and voted upon by Council.
- (o) Public Meetings required by the *Planning Act* are governed by that Act, and in accordance with the provisions of this By-law. Unless otherwise designated by Council, all such public meetings under that Act shall be held by the Planning Board.

26. COMMUNICATIONS AND PRESS RELEASES

- 26.1 Any public communication or Press Release shall be released upon direction of Council or Committee of the Whole by the CAO or by the Clerk of the Municipality and shall be issued formally by the Head of Council, unless otherwise directed by the Head of Council that such communication or Press Release should issue from the office of the CAO or from the Clerk of the Town of Cochrane.
- 26.2 No Council Member, employee or member of any committee or Board shall make public statements or issue written or oral communications of press releases to the public regarding any matter, issue, motion or by-law of Council, Committee, or Board, or the position of the Municipality or the Municipal Council, Committee or Board except as provided for in Section 27.1 above.

27. EXECUTION OF DOCUMENTS

- 27.1 When, by virtue of legislation or Municipal By-law, the Head of Council is authorized to execute documents, the Acting Head of Council may execute these documents in the absence of the Head of Council.

28. REPEAL OF BY-LAW AND EFFECTIVE DATE

- 28.1 By-law 001-2000 is hereby repealed.
- 28.2 This by-law shall come into effect on the passing hereof.

READ a first and second time this 22nd day of December, 2003.

MAYOR

CLERK

READ a third time and finally passed this 26th day of January, 2004.

MAYOR

CLERK