

**CORPORATION OF THE TOWN OF PETROLIA**  
**BY-LAW NUMBER 46-2022**

**Being a By-Law to provide rules governing the  
Proceedings of Council and Committees and the Conduct of its Members**

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**WHEREAS** Section 238 of the Municipal Act 2001, S.O. 2001, c.25, as amended, Provides that every Council shall adopt a procedure for governing the calling, place and proceedings of its meetings;

**AND WHEREAS** it is desirable that there be rules governing the order and procedure of the Council;

**NOW THEREFORE** the Council of the Corporation of the Town of Petrolia enacts as follows:

1. DEFINITIONS

- a) "Chair" means the Mayor or Chairperson of the meeting;
- b) "Clerk" means the Clerk of the Corporation of the Town of Petrolia;
- c) "Committee" means any advisory or other committee, subcommittee or similar entity composed of members of one or more Councils or local boards;
- d) "Council" means the Council of the Corporation of the Town of Petrolia;
- e) "Local Board" means a local board as defined in the Municipal Affairs Act, except municipal police services board, library boards and school boards;
- f) "Meeting" means any regular, special, committee or other meeting of a council or local board;
- g) "Member" means a member of the Council or a Committee;
- h) "Municipality" means the Corporation of the Town of Petrolia;
- i) "Recorded Vote" means the recording of the name and vote of every member present on any matter or question.

2. GENERAL PROVISIONS

- a) The rules and regulations set out herein shall be observed in all proceedings of the Council, and with necessary modifications, the committees of council, and shall be the rules and regulations for the order and the conduct of business therein;
- b) In all unprovided cases in the proceedings of the council or a committee, Roberts' Rules of Order shall prevail as a rule for guidance on the question;
- c) No standing rule or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings;
- d) The Clerk or designate is authorized to make minor modifications or corrections of a grammatical or typographical nature, where such modifications or corrections do not alter the intent of Council;
- e) When member of Council request clarification on any item:
  - a. the member of Council will reach out to the CAO, Clerk or Sr. Staff;
  - b. staff will respond to Council's inquiry, cc: the CAO & Clerk. When a substantial clarification occurs staff will also distribute the information to all members of Council;
  - c. substantial clarification items will also be noted by the Clerk at the time of the report during the regular Council meeting, if related to an agenda item;

3. MEETINGS OF COUNCIL

### 3.1. INAUGURAL MEETING AND ELECTION YEAR

- a) Following a regular municipal election;
- LAST MEETING: of the outgoing council shall be held at 7 o`clock in the p.m. on the first (1<sup>st</sup>) Monday in October in the Council Chambers of Victoria Hall at 411 Greenfield Street;
  - OATH OF OFFICE AND INAUGURAL MEETING: of the incoming council shall be held at 5 o`clock in the p.m. on the 15<sup>th</sup> of November in the Council Chambers of Victoria Hall at 411 Greenfield Street, unless otherwise directed by the *Municipal Election Act*;
  - FIRST REGULAR MEETING: of incoming council shall be held at 7 o`clock in the p.m. on the fourth (4<sup>th</sup>) Monday in November in the Council Chambers of Victoria Hall at 411 Greenfield Street;
- b) During an election year meetings of council will not be scheduled during the month of October, unless called by the chair;

### 3.2. REGULAR MEETING

- a) Council shall meet for regular meetings, unless otherwise ordered by motion of council, as follows:
- on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Monday of each month at 7 o`clock in the p.m.; except for
    - January, April, July, November and December of each year, when one (1) meeting will be held on the second (2<sup>nd</sup>) Monday of the month at 7 o`clock in the p.m.;
    - March of each year, when one (1) meeting will be held on the fourth (4<sup>th</sup>) Monday of the month at 7 o`clock in the p.m.;
    - August of each year, when a meeting will be held only at call of the chair;
- b) If a Monday designated for the holding of a council meeting shall fall on a public or statutory holiday or be deemed inconvenient due to special circumstances, the council shall meet on the first Tuesday following the regular scheduled meeting (the next evening);
- c) Council dates will be set in advance for the calendar year and posted on the Town Website for public notice;
- d) Council may, by resolution, alter the time, day or place of any council and/or committee meeting.
- e) Order of Business:
- The business of the Council shall be taken up in the order in which it stands upon the regular meeting agenda. The Clerk or designate shall have prepared and printed, for the use of members of council, an agenda under the following headings:
1. Call to Order
  2. Indigenous Land Acknowledgment
  3. Roll Call
  4. Adoption of the Agenda
  5. Declaration of Pecuniary Interest
  6. Inspirational Message
  7. Consideration of Previous Minutes
  8. Council Round Table Announcements
  9. Update from appointed councillor representatives and liaison members and draft committee minutes\*
  10. Community Announcements, Recognition's & Awards
  11. First Opportunity for Public to Address Council
  12. Delegations & Presentations
  13. Financial Accounts Listing

14. Department Reports
15. Correspondence – For Information
16. Correspondence – For Consideration & Motion
17. Closed Session (In Camera)
18. Closed Session – Mayor’s Rise & Report
19. Second Opportunity for Public to Address Council
20. Other Business
21. Consideration of By-Laws
22. Adjournment

\*4<sup>th</sup> Monday only, unless single meeting month

### 3.3. SPECIAL MEETINGS OF COUNCIL

- a) The Mayor may at any time summon a special meeting of the Council, and it shall be the Mayor's duty to summon the special meeting, whenever requested, in writing to do so by a majority of the members of council;
- b) In the absence of the Mayor, or if the office is vacant, or if the Mayor refuses to act, a special meeting may be summoned by the Clerk or designate upon a request signed by a majority of the members of council;
- c) Notice of a special meeting should be in writing 48 hours prior to the meeting, except in the case of an emergency, and should be given in sufficient time to allow all members to attend, with a minimum of one day's clear written notice.

### 3.4. EDUCATION SESSIONS

- a) Council shall meet for Education Session meetings in April, July & October, on the second (2<sup>nd</sup>) Monday at 5 o'clock in the p.m., these meetings will take place as needed and will be posted in advance. In the event of a Public Information Session, the Education session will be held at 4 o'clock in the p.m.  
\* see 3.6 a);
- b) Under Section 239 (3.1) of the Municipal Act; Education Session meetings are to be held for the purpose of educating or training members. During an Educational meeting, no member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the council, local board or committee;
- c) Reserved for staff information opportunity or Council Professional development, for the most part exterior presentations occur through the regular meeting agenda under Presentations & Delegations;
- d) Education Sessions should not be used to go into great detail in any area, if there is more information to be discussed then just a high level update, the information should be through a report to Council on a regular meeting agenda;
- e) Outside presenters wishing to address council, should be completed not through an education session, but as a delegation to council during a regular meeting;
- f) The Education Session agenda will include reserved headings for regular department communication high-level updates;

### 3.5. TOWN HALL MEETING

- a) To be held twice per year on the fourth (4<sup>th</sup>) Wednesday of April and October at Victoria Hall, 411 Greenfield Street at 7 o'clock in the p.m.;
- b) An opportunity for the public to address council in an informal setting;
- c) Town Hall meetings are to be held for the purpose of additional public engagement with the public. During a Town Hall meeting, no member shall

discuss or otherwise deal with any matter in any way that materially advances the business or decision-making of the council, local board or committee. No decisions will be made or debate to take place;

- d) Meeting shall not be recorded as an official record;

### 3.6. PUBLIC INFORMATION SESSIONS

- a) Public information sessions, when required will be scheduled for the second (2<sup>nd</sup>) Monday of each month at 5 o'clock in the p.m., these meetings will take place as needed and will be posted in advance;
- b) Public Information Session Order of Agenda

#### General Business:

1. Open Meeting
2. Indigenous Land Acknowledgment
3. Purpose of Meeting
4. Introduction of Council and Staff present
5. Presentations
6. Opportunity for Public Input
7. Close of meeting

#### Planning and or Development:

1. Property Details
2. Open Meeting
3. Indigenous Land Acknowledgment
4. Purpose of Meeting
5. Introduction of Council and Staff present
6. Notice
7. Staff Report
8. Opportunity for Public Input
9. Consideration of the Application(s)
10. Close of meeting

### 3.7. OPEN/CLOSED MEETING

- a) All meetings of the council and its committees shall be open to the public. Council may direct the meeting or part of the meeting be closed to the public if the subject matter being considered is:
  - i. the security of the property of the municipality or local board;
  - ii. personal matters about an identifiable individual, including municipal or local board employees;
  - iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
  - iv. labour relations or employee negotiations;
  - v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - viii. 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;
  - ix. 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;
- x. 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
- xi. 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

**Other criteria**

- i. A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
  - ii. 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
  - iii. an ongoing investigation respecting the municipality, 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.
- b) Before holding a meeting or part of a meeting that is closed to the public, council or local board or committee shall state by resolution:
- i) the fact of the holding of the closed meeting; and
  - ii) the general nature of the matter to be considered at the closed meeting. (Property, Personal or Legal)

**3.8. ELECTRONIC MEETING PARTICIPATION**

- a) The Town of Petrolia will only participate in or allow for electronic meeting participation in the event of a declared emergency or in the event of inclement weather. Electronic participation would be required for all members, the Town of Petrolia does not offer hybrid participation;
- b) The direction to proceed with electronic participation shall only be provide by the Chair;
- c) When a meeting has been directed to take place electronically, the Clerk will make every effort to provide notice of this change with two (2) hours advanced notice;
- d) Council shall allow electronic participation for a delegation or presentation to be displayed on the large screen in council chambers.

**4. PROCEEDINGS**

**4.1. COMMITTEES**

- a) Any member of council may be placed on a standing or other committee and the Mayor shall be ex-officio member of all committees. In so far as is possible, the procedures of the committees shall be the same as those set out for council;
- b) The committee to whom a matter is referred shall provide a written report upon the same at the next meeting unless otherwise ordered by the council or unless granted longer time by the council;
- c) Within 5 business days of a committee meeting, the Draft meeting minutes will be submitted to the Clerk's office to be included for Council's review and endorsement during the next regular meeting of Council;
- d) Minutes from the Committee of Council meetings are to be submitted to the Clerk's Department, signed, within 7 days of the minutes being passed

by the Committee, these minutes are to then be placed for council's review at the next regular session of council;

- e) Recommendations of the Committee that come from the Committee of Council meeting are to be presented to council for approval prior to any action and where applicable cost and budget references are to be included.

#### 4.2. QUORUM

- a) A quorum of this council shall be a majority of the whole number of members required to constitute a council thereof, that is four (4) members (including the Mayor), unless a two-thirds majority shall be required by statute or by-law;
- b) Unless there shall be a quorum present within one-half hour after the time appointed for the meeting of council, there shall be no meeting thereof until the next regular day of meeting unless, in the meantime, a special meeting is called;
- c) The Clerk or designate shall record the names of such members as are present;
- d) A quorum of any of the committees appointed by the council shall be a majority of its members;

#### 4.3. PRESIDING OFFICER

- a) If the Mayor is not in attendance at the hour of the meeting, or as soon as a majority of the council are present, the current appointed acting Mayor for that month shall assume the Chair and shall act in the place of the Head of Council, to preside over the meeting until the arrival of the Mayor;
- b) A rotation of council members and the dates they are to act in the absence of the Mayor are to be set out by By-Law "Acting Mayors" with each term of council;

#### 4.4. CORRESPONDENCE AND REPORTS TO COUNCIL

- a) All correspondence for agenda listing for a regular council meeting are to be provided to the Clerk's Office by 12:00 noon of the Tuesday preceding the council meeting;
- b) All items requiring a report to council be prepared by staff for consideration during a regular council meeting are to be provided to the Clerk's Office by 4:00 PM of the Tuesday preceding the council meeting;

#### 4.5. NOTICE OF MOTION

- a) A Member of Council wishing to bring forward a notice of motion should provide the Clerk with the notice no later than 12:00 Noon the Tuesday prior to the meeting in which the member wishes for the notice of motion to appear. (Clerk will assist member of Council comprise motion if desired);
- b) Once received the Clerk will place the Notice of Motion on the agenda under Other Business;
- c) At next regular meeting of Council, preceding the notice of motion, the motion the Clerk will place the motion on the agenda under Other Business for consideration;
- a) If a 2/3 majority votes to speak on the notice of motion when presented, the motion could be heard and voted on during that meeting;

#### 4.6. SPEAKING BEFORE COUNCIL, DELEGATIONS AND PRESENTATIONS

- a) Opportunity to address council
  - i. advanced registration is not required, but preferred, decisions shall not be made that evening

- II. a decision of Council may not be made that evening;
- III. speaking time is limited to five (5) minutes, at the discretion of the Mayor;

b) Delegation:

- i. To be consider for a delegation to council, a delegate is required to register with the Clerk through written submission (form found at Town Hall & on-line), by 12:00 noon on the Tuesday prior to the Council Meeting and identify:
  - a) Who they are, as well as which group or organization, if any, they represent or are a Member of;
  - b) The full nature of their presentation;
  - c) Accompanying the written submission, supporting documentation, if any, are to be provided in an electronic format at the time of registering with the Clerk;
  - d) Copies of all presentations shall be kept for public record;
- ii. Topic items can be anything that the person wishes to bring forward, but must be indicated in advance through the form so that Council can be prepared for the discussion;
- iii. Not on agenda until written information received, Delegates will be contacted by the Clerk to confirm the date when the delegation will be heard;
- iv. No delegation can address council on the same item more than once every three (3) months;
- v. Delegations will be limited three (3) per meeting;
- vi. All such person who make a delegation presentation to Council shall be limited in speaking to a period of not more than ten (10) minutes;
- vii. No group or delegation may appoint more than two persons to speak on their behalf;
- viii. No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding:
  - a) a tender or request for proposal which is either proposed, pending, or actually before Council or a Committee of Council for its consideration;
  - b) labour or staff relations;
  - c) legal matters of any individual nature; including the enforcement of By-Laws, litigation and potential litigation;
  - d) insurance claims; or
  - e) contract negotiations.
- ix. Delegations shall be respectful; insulting expressions, profanity or offensive language are not permitted;
- x. Delegates cannot question the reputation of any individual member;

- xi. Delegates may not disturb a Member, Staff or member of the public by engaging in any behaviour which disrupts the order and decorum of the meeting;
  - xii. Delegates may only address members of Council, not staff; this is done through the head of council;
  - xiii. Members of council may only ask questions of delegates through the head of council;
  - xiv. No member of council shall enter into a debate with the delegation;
  - xv. The Clerk shall inform the person requesting the delegation written confirmation of the outcome of the matter.
- c) Presentation:
- i. To be consider to make a presentation to council, a presenter is required to register with the Clerk through written submission (form found at Town Hall & on-line), by 12:00 noon on the Tuesday prior to the Council Meeting;
  - ii. Presenters are limited to a presentation period of not more than fifteen (15) minutes, including opportunity for questions;
  - iii. Presentations are limited to 2 per meeting;
- d) Correspondence:
- i. items for council to consider through correspondence shall be received seven days prior to the council meeting. Items received after that deadline will be placed on the next regular meeting agenda

#### 4.7. RULES OF CONDUCT

- a) The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the council.
- b) A member shall not:
  - i. disturb the council by any disorderly deportment;
  - ii. use profane or offensive words or insulting expressions;
  - iii. disobey the rules of the Council or a decision of the Mayor or the council on points of order or on the interpretation of the rules of procedure of the council;
  - iv. leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
  - v. interrupt a member who is speaking, except to raise a point of order or a question of privilege.
- c) Every member, prior to speaking to a question or motion, shall obtain the permission of the Mayor or presiding officer to speak. When addressing the Mayor or presiding officer, every member of Council, Staff and Public will address as "through you, your worship".
- d) Members of Council, Staff and Public will address an item, and respond through the Mayor or presiding officer only, not directly as debate.
- e) When more than one member addresses the chair at the same time, the Mayor or presiding officer shall name the one entitled to speak first, but a motion may be made to change the priority of the speakers.



- f) When a member is called to order he/she shall cease speaking unless allowed to explain, and the ruling of the Mayor or presiding officer shall be obeyed, subject to appeal to the council, but without debate.
- g) A member shall speak no longer than fifteen minutes to any question, nor more than once, except in explanation or by permission of the Mayor or the presiding officer, when no new matter shall be introduced.
- h) A member may make a request for reconsideration of a motion, only during the same meeting in which the motion to be reconsidered was decided. With exception, should action from the original motion have not been enacted, with permission of the mover and seconder of the original motion a member may make a request for reconsideration the next meeting, requires two-thirds majority received to reconsider.
- i) A member may make a request to amend a motion if the request meets within the four areas (insert or add, strike out, or to substitute a word, phrase or clause) of what can be considered amendment - meaning that only amendments can be made in relation to the motion on the floor, if the amendment is going to change the intent, then it is not an amendment.
- i. Used to adjust and to **"fine tune"** a motion already on the floor.
  - ii. There is no limit to the number of times a motion may be amended. However, there may be no more than one amendment and one amendment to the amendment pending at any one time.
  - iii. Amendments may be to insert or add, strike out, or to substitute a word, phrase or clause.**
  - iv. Must be relevant to the motion it seeks to amend. An amendment that would completely change the original intent of the original motion would be out of order.**
  - v. requires majority vote.
  - vi. The amendment shall be placed on the floor prior and spoken to prior to the motion in consideration.
  - vii. Shall a motion to insert or add, strike out, or to substitute a word, phrase or clause be carried, the original motion will be noted "as amended"
- j) No member of council can bring forward the same item more than once every three (3) months.
- k) If the Mayor or the presiding officer desires to leave the chair for the purpose of taking part in the debate or otherwise, he shall call a member of the council to the chair until he resumes his place, , this member is to be determined through the by-law schedule that outlines the rotation of members of council to act in the Mayor's absence;
- l) Should the Mayor or presiding officer retire from the chair before adjournment, and fail to call some member to the chair, the council is to refer to the by-law schedule that outlines the rotation of members of council to act in the Mayor's absence, this member is to preside over the meeting until the business of the meeting is finished.
- m) Point of Order
- i. A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
    - A deviation or departure from the Procedure By-law; or

- A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.
- ii. Upon hearing such Point of Order, the Chair decides and states his/her ruling on the matter.
  - iii. Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
  - iv. If no Member appeals, the decision of the Chair is final.
  - v. If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of the majority of the Members of the Council or a Committee who are present is final.

n) Point of Privilege

- i. A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of his/her own person, the Council, a Committee, staff or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- ii. Upon hearing such Point of Personal Privilege, the Chair decides and states his/her ruling on the matter.
- iii. Where the Chair rules that a breach of Privilege has taken place, he/she demands that the offending Member or individual apologize and, failing such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.
- iv. With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of Privilege to the Council or a Committee.
- v. If no Member appeals, the decision of the Chair is final.
- vi. If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members who are present at the Meeting of Council or Committee is final.

4.8. VOTING

- a) **Every member** of the council shall vote on all questions, unless such member has indicated a conflict under the Municipal Conflict of Interest Act.
- b) Where a vote is taken for any purpose and a member requests immediately prior to or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce 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 each vote.
- c) When a recorded vote is requested, a member not present when the question is called shall not be entitled to vote on that question.

- d) When a recorded vote is requested by any member, "for" and "against" shall be recorded and reported by the clerk or designate and entered upon the minutes of the meeting.
- e) When a recorded vote is requested:
  - a. the Council member who requested the recorded vote will be 2<sup>nd</sup> last to vote;
  - b. the Mayor will be last to vote;
  - c. all other members vote alphabetically by surname before the requestor and Mayor;
- f) The Clerk or designate shall read the motion. The Clerk or designate shall call the names of the Council members in the order as they are to vote and record their vote, as announced.
- g) Any question having an equal number of votes (tie) shall be deemed to be lost.

#### 4.9. BY-LAWS

- a) Every by-law must have its three separate and distinct readings before being finally passed.
- b) A by-law shall be deemed to have been read upon the title or heading thereof being read or taken as read unless a member of council requires the by-law or any portion thereof to be read in full.
- c) During Third and Final Reading, the By-Law heading of each By-Law shall be clearly read aloud by the Clerk or designate.
- d) When a by-law has been read a third time and finally passed by the council it shall forthwith be signed by the Mayor or the presiding officer, and sealed with the dates of the several readings endorsed thereon by the Clerk.

**THAT** By-Law 63-2021 be repealed, and all By-Laws and Motions of Council found to be inconsistent with the Provisions found in this By-Law shall be and are Hereby Repealed;

**AND THAT** the short form of this By-Law be known as Council Procedure;

**AND THAT** this By-law shall come into force and effect upon final passing thereof;

By-Law Read a First and Second Time this 28<sup>th</sup> day of November, 2022

By-Law Read a Third Time and Finally Passed this 28<sup>th</sup> day of November, 2022

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R. Brad Loosley  
Mayor

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Mandi Pearson  
Clerk/Operations Clerk