

**The Corporation of the Town of Atikokan
Proceedings of Council
By-Law No. 30-23**

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This index is not part of the Proceedings of Council By-Law No. 30-23

**The Corporation of the Town of Atikokan
By-Law No. 30-23**

**Being a By-Law governing the calling, place and proceedings of Council and Committees,
the conduct of its members and to give notice of meetings.**

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

WHEREAS it is desirable that there be rules governing the order and procedures of the Council;

NOW THEREFORE the Council of The Corporation of the Town of Atikokan **ENACTS AS FOLLOWS:**

PART 1: SHORT TITLE

1.1 This by-law may be referred to as “The Procedural By-Law”

PART 2: DEFINITIONS

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

2.3 “BAR” means the circle of space inclusive of Council seating and an additional three feet of space behind the seating being added to the circumference.

2.4 “BONA FIDE EMERGENCY” means a genuine situation in the municipality that may be perilous to citizens or detrimental to the assets and calls for prompt and immediate action.

2.5 “CAO” means the Chief Administrative Officer of The Corporation of the Town of Atikokan.

2.6 “CHAIR” Means the Mayor or another Member presiding at a meeting.

2.7 “CLERK” means the Clerk of The Corporation of the Town of Atikokan.

2.8 “COMMITTEE” means any Ad Hoc, standing, advisory or other committee, subcommittee or similar entity as created and appointed by Council.

2.9 “COMMITTEE OF THE WHOLE” means Council acting as a committee.

2.10 “COUNCIL” means the Mayor and six (6) Councillors of The Corporation of the Town of Atikokan.

2.11 “CURFEW” means the fixed time after which the meeting will end.

2.12 “DELEGATION” means a presentation to the Committee of the Whole, Council or Committee by an individual or group.

2.13 “ELECTRONIC PARTICIPATION” shall mean participation in a meeting from a location other than that at which the meeting is physically being held by means of telephone, internet or other electronic means as may be decided upon by Council from time to time.

2.14 “EMERGENCY” shall mean the declaration of a Municipal Emergency under Section 4 or a Provincial Emergency under Section 7.0.1 of the Emergency Management and Civil Protection Act.

- 2.15 “LOCAL BOARD” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;
- 2.16 “LOCAL COMMITTEE” means a committee established by an organization other than The Town of Atikokan that has been included in The Town of Atikokan’s Committee Structure for Members of Council.
- 2.17 “MAYOR” means the Mayor, elected (or appointed) as the head of Council, or in the absence of the Mayor, the Acting Mayor or, in the absence of both, another Member appointed in accordance with Ontario law and this by-law.
- 2.18 “MEETING” means any meeting duly convened at the proper time and place with adequate notice and includes meeting designated as “Regular”, “Special”, “Committee”, “Committee of the Whole” or other meetings of Council or a committee of any of them, where, (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or the committee.
- 2.19 “MEMBER” means a member of Council, including the Mayor.
- 2.20 “MUNICIPALITY” means The Corporation of the Town of Atikokan.
- 2.21 “POINT OF INFORMATION” means a request through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.
- 2.22 “POINT OF ORDER” means a statement made by a Member during a Meeting drawing to the attention of the Chair an alleged breach of the Rules of Procedure.
- 2.23 “POINT OF PRIVILEGE” means the raising of a question which concerns a Member, or the Council collectively, when a Member believes that their rights or, the integrity of Council as a whole, have been impugned.
- 2.24 “QUORUM” means a majority of the members of the Council, Committee of the Whole, or Committee of Council subject to the provisions of the *Municipal Conflict of Interest Act, 1990* as amended.
- 2.25 “RECORDED VOTE” means the recording of the name and vote of every Member on any matter of question.
- 2.26 “RECESS” means to take a break during a meeting for a defined period of time.

PART 3: GENERAL PROVISIONS

3.1 Suspension – rules

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of all Council meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of Members present and voting, in any case for which provision is not made herein and shall not be debatable or amendable.

3.2 Calculation – two-thirds

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

3.3 Parliamentary Authority

The governing legislation, the Procedural By-Law, or any standing or special rules of order adopted by the Town of Atikokan shall govern the procedures of the Council. Where procedural inconsistencies exist which are not addressed by the governing legislation, “Robert’s Rules of Order, latest Edition” shall be the parliamentary authority,

which governs the proceedings of the Council of The Corporation of The Town of Atikokan.

3.4 Severability

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

3.5 Applicability

The rules and regulations contained within this by-law shall be observed in all proceedings of The Council of The Corporation of The Town of Atikokan, Local Boards and Committees, and shall be the rules and regulations for the order and conduct of business therein.

PART 4: COUNCIL MEETINGS

4.1 Inaugural Meeting

That the Inaugural meeting of Council following a municipal election shall be held in Council Chambers, in the Town of Atikokan, on the first day of the term of Council at 5:00 p.m., as defined by the *Municipal Elections Act*. If this day falls on a weekend or Statutory Holiday, the Inaugural Meeting shall be held on the first business day following.

4.2 Committee of the Whole - schedule

The Committee of the Whole meeting shall be held on the second and fourth Monday of each month at 4:00 p.m.

4.3 Council - schedule

The first and each succeeding regular meeting of Council shall be held on the second and fourth Monday of each month immediately following the adjournment of the Committee of the Whole meeting.

4.4 Meetings – holidays

When the day for a regular meeting of Council or Committee of the Whole is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next business day.

4.5 July, August and December – exception to meetings

Notwithstanding the provisions of sections 4.2 and 4.3 of this by-law, there shall be one meeting of Council in the months of July, August and December. The Schedule of these meetings shall be determined by Council.

4.6 Meetings – cancellation

Council may by majority vote to cancel any meeting.

4.7 Meetings – notice given

Notice of meetings shall be placed on the Town website and published in the local paper (if there is enough time to do so). The notice shall indicate the date, time and place of the meeting.

4.8 Meetings – location – open to public

All meetings of Council shall be open to the public and are held at the Council Chambers, 120 Marks Street, unless otherwise indicated.

PART 5: CLOSED MEETINGS

5.1 Closed meetings – Permitted by Municipal Act

Meetings may be closed to the public when the subject matter under consideration relates to one of the reasons identified in *The Municipal Act*, as amended.

5.2 Confidential Matters

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. No member, officer or employee of the Corporation shall disclose the content of the matter or substance of the deliberations of a Closed Meeting, unless expressly authorized to do so by Council as required by law or to respond or make disclosures to the extent necessary in respect of any legal proceeding or requirement. Any Member who contravenes the confidentiality clause may be subject to penalties in accordance with the Code of Conduct for Members of Council and Local Boards.

5.3 Resolution before closed session

Before all or part of a meeting is closed to the public, the Council shall state by resolution the following:

- a) the fact of the holding of the closed meeting;
- b) the general nature of the matter considered at the closed meeting;
- c) if the meeting will reconvene in open session.

5.4 In-Camera meetings

Meetings or sessions which are closed to the public may be referred to as In-Camera meetings or sessions.

PART 6: SPECIAL MEETINGS

6.1 Special meetings – calling of – Mayor, CAO, Clerk

Subject to the provisions of this by-law, the Mayor, CAO or Clerk may, at any time, call a Special Meeting of Council.

6.2 Special meetings – calling of - petition of Members

The Clerk shall call a Special Meeting upon receipt of a petition of the majority of the Members for the purpose, date, time and place mentioned in the petition.

6.3 Special meetings – notice by Clerk

Twenty-four (24) hours' notice of all special meetings of Council shall be given to the Members through the Clerk's Office.

6.4 Special meetings – notice – methods

Notice of the Special Meeting shall be placed in a visible location within the Municipal Office and on the website. The notice will advise of the date, time, purpose and place of meeting.

6.5 Special meetings – bona fide emergency

Notwithstanding the notice requirements set out above, in the event of a bona fide emergency, a meeting may be held as soon as practical and notice to Members may be given by telephone or personal contact as determined by the Clerk. The Clerk shall endeavour to provide public notice as much as possible in advance of the meeting.

PART 7: ABSENCE OF MAYOR

7.1 Absence of Mayor – Acting Mayor

In the case of the absence of the Mayor from the community or if they are absent through illness, or they refuse to act, or office is vacant, a Councillor shall be appointed to act and they shall have all the rights, powers, and authority of the Mayor, while so acting. The Acting Mayor appointments are assigned by the Mayor in consultation with Councillors at the beginning of the term.

PART 8: CALLING OF MEETING TO ORDER AND QUORUM

8.1 Call to order

As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Chair shall take the chair and call the meeting to order. The Mayor shall Chair all Regular and Special Council meetings. In the absence of the Mayor, the Acting Mayor shall Chair.

8.2 Call to order - Absence of Mayor and Acting Mayor

In case the Mayor does not attend the Council or Special Council meeting within fifteen (15) minutes after the time appointed for such meeting, and the Acting Mayor is also not in attendance, the Clerk shall call the Members to order and a Chair shall be appointed from among the Members:-

PART 9: NO QUORUM

- 9.1 If no quorum is present fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

PART 10: CURFEW

- 10.1 No item of business may be dealt with at a Council Meeting after nine (9) p.m.

PART 11: ELECTRONIC PARTICIPATION

11.1 Electronic meetings

Council may, as provided for in *The Municipal Act*, as amended, establish a Meeting to be held electronically, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance. All articles of this by-law relating to conduct of meeting, agendas, voting, debate etc. apply to an electronic meeting in the same form as a meeting held in person outside from the items detailed below.

11.2 Electronic meetings - participation by members

Members of Council may participate electronically in any Special or Regular meeting of Council, including a Committee of the Whole meeting or Committee meeting with approval from the Clerk in accordance with the Electronic Meeting Participation Policy. It is expected that every reasonable effort will be made by Council to physically be in attendance whenever possible.

11.3 Electronic meetings - limitations

Council members participating electronically in the Committee of the Whole or Regular Council meeting shall be limited to not more than three consecutive meetings in a row. This limitation does not apply during a declared emergency by any level of government and/or during restrictions or guidelines on physical gatherings imposed by any level of government, the Northwestern Health Unit, Ontario Provincial Police or the Municipal Emergency Control Group. For the purposes of this section only, Council and Committee of the Whole meetings scheduled on the same day shall be considered one meeting.

11.4 Electronic meetings - Closed Session

An Electronic Meeting may include a Closed Meeting, which shall be conducted in the absence of the public and in accordance with exceptions outlined in *The Municipal Act*, as amended.

11.5 Electronic meetings - Quorum

Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement of the meeting and at any point in time during the Meeting.

11.6 Electronic meetings - voting

Members shall be entitled to vote through a vote recorded by the Clerk or designate as if they were attending the Meeting in person during an Electronic Meeting.

11.7 Electronic meetings - voting - audio only

If the member is participating electronically using audio only, all votes taken at the meeting shall take place by each member audibly stating "yea" or "nay" in response to the Clerk calling their name in order.

11.8 Electronic meetings – voting – video conferencing

If a member is participating electronically using a video conferencing method and the member is visible during the meeting, the voting requirements in section 11.7 do not apply.

11.9 Electronic meetings – Chair

No Member shall Chair a meeting while participating electronically. This limitation does not apply during a declared emergency by any level of government and/or during restrictions or guidelines on physical gatherings imposed by any level of government, the Northwestern Health Unit, Ontario Provincial Police, or the Municipal Emergency Control Group. In the event the Mayor or designated Chair is participating electronically, the procedures defined in this by-law for selection of when the Chair is absent shall be followed.

PART 12: THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

12.1 Duty of Chair

It shall be the duty of the Chair;

- a) to open the meeting of Council by taking the Chair and calling the Members to order;
- b) to announce the business before the Council in the order in which it is to be acted upon;
- c) to receive and submit, in the proper manner, all motions presented by the Members of Council;
- d) to recognize any Member who wishes to speak and determine the order of speakers;
- e) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- f) to decline to put to vote motions which infringe the rules of procedure;
- g) to restrain the Members, within the rules of order, when engaged in debate;
- h) to enforce on all occasions the observance of order and decorum among the Members;
- i) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering the Member to vacate the Council Chamber;
- j) to receive all messages and other communications and announce them to the Council;
- k) to authenticate, by their signature when necessary all by-laws, resolutions, and minutes of the Council;
- l) to inform the Council, when necessary or when referred to for the purpose, in a point of order or usage;
- m) to represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
- n) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- o) to adjourn the meeting when the business is concluded;
- p) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

12.2 Chair – introduce a motion

The Chair may speak and/or vote on any question, but if they wish to make a motion, they shall first leave the Chair by designating another member to Chair the meeting until such time as the motion(s) and any amending motion to the main question have been decided upon and after which they shall resume the chair.

PART 13: AGENDA

13.1 Preparation of agenda

The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda under the following headings:

1. Call to Order
2. Moment of Reflection
3. Additions and Approval of the Agenda
4. Disclosure of Pecuniary Interest and General Nature Thereof

5. Minutes of the Previous Meeting
 - a. Matters Arising out of the Minutes
6. Delegations
7. Committee of the Whole Reports
 - a. Departments
 1. Administration and Employee Relations
 2. Finance
 3. Public Works, Airport, Waste Management
 4. Fire and Property
 5. Community Services
 - b. Economic Development
8. Supplementary Committees - Municipal
 - a. Atikokan Police Services Board
 - b. Atikokan Public Library
 - c. Atikokan Centennial Museum
 - d. Atikokan Cemetery Board
 - e. Atikokan General Hospital
 - f. Atikokan Economic Development Corporation
9. Mayor's Correspondence
10. Clerk's Correspondence
11. Supplementary Committees – Municipal Associations
 - a. Rainy River District Municipal Association
 - b. Northwestern Ontario Municipal Association
 - c. Association of Municipalities of Ontario
12. Supplementary Committees – Social and Medical Services
 - a. Rainy River District Social Services Area Board
 - b. Northwest Health Unit
13. Other Business
14. In-Camera
15. Resolutions required as a result of In-Camera Discussions
16. Adjourn

13.2 Publication of Agenda – Council and Committee of the Whole

The agenda shall be published by the Clerk's Department no later than two (2) municipal business days before the hour appointed for the holding of the scheduled Committee of the Whole or Council Meeting. The agenda will be distributed to Members via electronic transmission and published on the Town of Atikokan website.

13.3 Agenda items – Members of Council – filed with Clerk's Department

Any Member of Council may file an item for inclusion in the agenda. Items for inclusion on the agenda shall be submitted to the Clerk's Department in writing (or via email) detailing the requested agenda item and sufficient information to allow staff to properly research the item.

13.4 Agenda items – Members of Council - deadline

Members of Council wishing to file an item for inclusion in the agenda must do so by 12:00 p.m. one (1) municipal business day before the agenda is to be published, in accordance with this by-law.

13.5 Deadline – materials submitted to Clerk

Every report which deals with a matter on the agenda, shall be delivered to the Clerk no later than 12:00 p.m. on the day that the agenda is to be published, in accordance with this by-law.

13.6 Additions to agenda – deadline

If the nature of the item does not allow for sufficient notice as detailed in Sections 13.3, 13.4, and 13.5, Council members or members of Staff may file an item for inclusion in the agenda as an addition until 11:00 a.m. on the day of the meeting. Agenda items being added during the meeting will only be accepted by Council in a majority vote.

13.7 Business of Council - agenda order

The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

PART 14: MINUTES

14.1 Contents of Minutes

Minutes shall record:

- a) The place, date and time of meeting;
- b) The names of the Chair or officers and record of the attendance of the Members and staff;
- c) The reading, if requested, correction and adoption of the minutes of prior meetings;
- d) All other proceedings of the meeting without note or comment.

14.2 Minutes – made available by Clerk

It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all Special and Committee meetings held more than five (5) municipal business days prior to a regular meeting, together with the agenda prepared in accordance with Clause 13.1 are available to each Member not less than two (2) municipal business days before the hour appointed for the holding of such regular meeting.

PART 15: DELEGATIONS, DEPUTATIONS, PETITIONS AND COMMUNICATIONS

15.1 Delegation request – form – deadline – time limits

Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than two (2) municipal business days before the commencement of the meeting of the Council and may be heard by leave of the Chair of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

15.2 Delegation request – denial by Clerk or CAO

The Clerk or CAO may deny deputation or delegation requests if the subject matter is inappropriate for Council.

15.3 Communication to Council – contents and form

Every communication, including a petition designed to be presented to the Council, shall be legibly written, typed or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

15.4 Communication to Council – submission to Clerk

Every petition or communication shall be delivered to the Clerk not less than two (2) municipal business days before the commencement of the meeting of the Council and shall include the reason for the request.

15.5 Communication to Council – referral to Committee

All petitions or communications on any subject within the cognizance of a Committee appointed by Council shall on presentation, unless otherwise disposed of by Council forthwith, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.

PART 16: READING OF BY-LAWS AND PROCEEDINGS THEREON

16.1 By-laws – subject matter previously considered

No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

16.2 By-laws – subject matter previously considered

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

16.3 By-laws - form

Every by-law when introduced shall be in typewritten format and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the

provisions of any Act and shall be complete with the exception of the number and date thereof.

16.4 Readings – prior to passing

Every by-law shall have three readings prior to it being passed.

16.5 Readings – Committee of the Whole

If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the final reading thereof.

16.6 Taken as read

If Council so determines, a by-law may be taken as read.

16.7 Debate – amendment

A by-law may be debated or amended before final adoption by Council.

16.8 By-laws – sealed – filed by Clerk

Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor (or Acting Mayor) and shall be filed by the Clerk for safekeeping.

PART 17: MOTIONS

17.1 Motion – two successive meetings

When a motion has been called from the Chair two (2) successive meetings and not proceeded with, it shall be dropped from the agenda unless Council otherwise decides.

17.2 Motion – third meeting

If at the third meeting such motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

17.3 Motion in writing

Except as provided elsewhere in this by-law, all motions shall be in writing and shall be signed by the mover and seconder.

17.4 Presentation of motion by Chair

When a motion is presented to Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Chair before debate.

17.5 Ultra Vires – not in order

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

17.6 Withdrawal of motion

The mover and seconder may withdraw a motion at any time prior to it being read by the Chair. After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

17.7 Priority of disposition

A motion properly before the Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in Clauses 17.10 and 17.11.

17.8 Procedure next meeting

A motion called in the order in which it stands upon the agenda of the routine of business of a meeting and which is not decided by Council shall be allowed to stand retaining its precedence upon the agenda of the next regular meeting of the Council.

17.9 Reference to a Committee

A motion to refer a matter under discussion by the Council to a Committee of the Council shall preclude all amendments of the main question until it is decided.

17.10 Amendments

A motion to amend:

- a) shall receive disposition of Council before a previous amendment of the question,
- b) shall not be further amended more than once provided that further amendment may be made to the main question,
- c) shall be relevant to the question to be received,
- d) shall not be received proposing a direct negative to the question,
- e) may propose a separate and distinct disposition of a question,
- f) shall be put in the reverse order to that in which it is moved.

17.11 The Previous Question

A motion for the previous question:

- a) cannot be amended,
- b) cannot be proposed when there is an amendment under consideration,
- c) when resolved in the affirmative, the question is to be put forthwith without debate or amendment,
- d) can only be moved in the following words, “that the question be now put”, and
- e) may be voted against by the mover and seconder.

17.12 Motion to Adjourn

A motion to adjourn:

- a) shall always be in order except as provided by these rules,
- b) when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council,
- c) is not in order immediately following the affirmative resolution of a motion for the previous question.

17.13 Privilege

A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.

17.14 Motion to Refer

A motion to refer back a question to Committee with or without instructions may be amended but must receive disposition of Council before the question, or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.

17.15 Motion to Divide

A motion containing distinct proposals may be divided at the request of a Member of Council.

PART 18: VOTING ON MOTIONS

18.1 Questions stated

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced. If a motion for the previous question has been resolved in the affirmative, the Chair shall state the question in the previous form in which it will be recorded in the minutes.

18.2 No interruption after question

After a question is finally put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the results have been declared.

18.3 Division of question

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

18.4 Chair need not vote

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

requirement, they may vote either to cause or to block the attainment of the necessary two-thirds vote.

18.5 Voting – Member to remain in seat

When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain in their place until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance. A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

18.6 Failure to vote – deemed negative

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

18.7 Motion – simple majority

The vote required to pass a motion shall be a majority (50% +1) except as otherwise provided in this by-law, by Statute, or by *Robert's Rules of Order, latest Edition*.

18.8 Unrecorded Vote

The manner of determining the decision of the Council on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

18.9 Recorded Vote

When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for, the others who voted against, shall be noted in the minutes. The Clerk shall announce the results.

18.10 Announcing

The Chair shall announce the result of every vote. If a Member disagrees with the announcement of the Chair that a question is carried or lost, they may, but only immediately after the declaration by the Chair, appeal the declaration and request that a recorded vote be taken.

PART 19: RULES OF DEBATE

19.1 Chair – preserve order

The Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council/Committee by any Member.

19.2 Addressing the Chair

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

19.3 Order of speaking

The Chair shall recognize the Members in the order they indicate their desire to speak.

19.4 Motion – seconded before debate

All motions shall be seconded before it is debated and voted on.

19.5 Member speaking – without interruption

When a Member is speaking no other Member shall pass between them and the Chair or interrupt them except to raise a point of order.

19.6 Motion read – request by Member

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

19.7 Debate limit – time limit

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

19.8 Debate limit – number of times speaking

No Member may speak more than twice to the same question on the same day. Asking questions of other Members or answering questions asked shall not be counted as speaking in debate and are not subject to this limitation. No Member may speak a second time until all other Members who have indicated a desire to speak have been given an opportunity to.

19.9 Questions from Members – through the Chair

A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly. The Member shall address all questions through the Chair.

19.10 Questions from Members – Member retains floor

Notwithstanding Clause 19.7, when a Member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Chair or an official of the Municipality on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak.

19.11 Speaking – subject of debate

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

19.12 Motions – oral - permitted without notice or leave

The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- a) a point of order or personal privilege;
- b) presentations of petitions;
- c) to lay on the table;
- d) to postpone indefinitely or to a day certain;
- e) to move the previous question.

19.13 Motions – written- permitted without notice or leave

Motions The following motions may be introduced without notice and with leave, but such motions shall be in writing and signed:

- a) to refer;
- b) to adjourn;
- c) to amend;
- d) to suspend the Rules of Procedure.

19.14 Unprovided cases - matter decided by Chair

In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Chair, subject to an appeal to the Council upon a point of order.

PART 20: POINTS OF ORDER AND PRIVILEGE

20.1 Questions of order

The Chair shall decide questions of order.

20.2 Point of order – form

When a Member rises to a point of order, they shall ask leave of the Chair to raise a point of order and after leave is granted they shall state the point of order to the Chair and sit down and remain seated until the Chair has stated and decided the point of order.

20.3 Point of order – address Chair only for appeal

Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council.

20.4 Point of order – appeal – Chair's decision final

If no Member appeals, the decision of the Chair shall be final.

20.5 Point of order – appeal – Council to decide

The Council, if appealed to, shall decide the question without debate and its decision shall be final.

20.6 Point of personal privilege

Where a Member considers that their integrity or the integrity of the Council as a whole has been impugned, they may as a matter of personal privilege rise at any time, for the purpose of drawing the attention of the Council to the matter.

PART 21: CONDUCT OF MEMBERS OF COUNCIL

21.1 Conduct of Members – prohibited acts

No Member shall:

- a) speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of the Province of Ontario;
- b) use offensive words or unparliamentary language in or against the Council or against any Member;
- c) speak on any subject other than the subject in debate;
- d) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- e) disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;

21.2 Conduct of Members – prohibited acts – Member persists

In case a member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, no amendment, adjournment or debate being allowed, “that such member be ordered to leave their seat for the duration of the meeting of the Council.” If the Member apologizes, they may, by vote of the Council, be permitted to retake their seat.

21.3 The Bar

No person except Members and Officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Chair or the Council upon reference.

21.4 Conduct of Members - Chair putting the question

When the Chair is putting the question, no member shall leave or make a disturbance.

PART 22: DISCLOSURE OF PECUNIARY INTEREST

22.1 Disclosure of interest – duty of Member

It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*) on any item or matter before the Council or any Committee.

22.2 Disclosure of interest - form

Where a member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the member shall:

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

22.3 Disclosure of interest – closed session

Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall leave the meeting for the part of the meeting during which the matter is under consideration.

22.4 Disclosure of interest – closed session - exception

The following rules apply if the matter under consideration at a meeting or part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act*, as amended:

- a) Despite clauses 22.2 b) and c), the member may take part in the discussion of the matter, including making submissions to Council or the Committee, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
- b) Despite 23.3, in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

22.5 Disclosure of interest – Member absent from meeting

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

22.6 Disclosure of interest – written statement

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

22.7 Disclosure of interest – written statement – Closed Session

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

22.8 Failure to disclose nature of interest by Member

Subject to 23.7, If a Member fails to disclose the nature of the pecuniary interest, the Clerk shall immediately and publicly request this information. If there is no disclosure by the Member of the general nature of the interest, the Clerk shall announce publicly and record in the minutes that the Member did not state the general nature of the pecuniary interest.

PART 23: COMMITTEE OF THE WHOLE

23.1 Committee of the Whole – Chaired by Member other than Mayor

When the Council enters a meeting of the Committee of the Whole, the Member designated as Chair in accordance with section 23.2 shall chair the meeting and maintain order. The Mayor (when not acting as Chair) then takes their place as a Member of the Committee.

23.2 Appointment of Committee of the Whole Chair

The Committee of the Whole Chair will be determined on a rotational basis alphabetically by last name, beginning with the first Member alphabetically until all Members have had an opportunity to Chair. Each Member will chair two consecutive Committee of the Whole meetings. If a member is absent from a meeting that they would otherwise be Chair, that meeting shall be counted toward their two meetings. Once the last Member alphabetically has Chaired the Committee meeting, the process will begin again.

23.3 Appointment of Committee Chair – Chair absent

If a Member is absent from a meeting that they would otherwise be the chair, the next Member alphabetically will Chair the meeting.

23.4 Committee of the Whole - conduct of Members

The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Committee so far as they are applicable.

- 23.5 Committee of the Whole – debate limits – times speaking**
The number of times of speaking on any question shall not be limited unless a Member moves that the vote be now taken.
- 23.6 Committee of the Whole – Debate limits – all members**
No Member shall speak more than once except to make an explanation until every Member who desires to speak shall have spoken.

PART 24: COMMITTEES OF COUNCIL

- 24.1 Appointments – Committees – Local Boards**
Any appointments to standing Committees of Council, Local Boards and Local Committees shall be appointed by resolution. It is the duty of the Mayor at the beginning of the term of Council to meet with each Councillor to gain consensus on the appointments.
- 24.2 Ex officio members**
The Mayor and all members of Council are deemed to be “ex officio” members of Town Boards and Committees (excluding Council appointments to Local Boards) and are welcome to attend and participate at all Board and Committee meetings.
- 24.3 Ex officio members – quorum - voting**
Ex officio members attending Town Boards and Committees are not to be counted when determining quorum and do not have voting rights at the meeting.
- 24.4 Ex officio members – quorum – voting – attending in place of appointee**
If a Member is attending a Board or Committee meeting in place of the appointed Council member(s), section 24.3 shall not apply and the Member shall be entitled to exercise voting rights of the absent member.
- 24.5 Committee appointments - vacancy**
In the event of a vacancy occurring in the office of a Member of the Committee during any term, the Council shall appoint a substitute Member to such Committee for the remainder of the term.
- 24.6 Committee appointments – term of office**
The Chair of each committee and the Members thereof shall hold office until their successors are appointed.
- 24.7 Committees of Council - quorum**
A quorum in any Committee is a majority of the voting members of the Committee.
- 24.8 Committees of Council - special meetings**
Special meetings of a Committee may be called by the Committee Chair with at least twenty-four (24) hours notice whenever they may consider it necessary to do so, or it shall be the duty of the Clerk to summon a special meeting of the Committee whenever a request in writing to do so by a quorum of the Members of the Committee.
- 24.9 Committees of Council – matters referred to Council**
The Chair of a Committee may, at their discretion, refer a matter of urgent nature to the Council, or the Committee of the Whole, which due to the time element, cannot be properly presented to the next regular meeting of a Committee.
- 24.10 Committees of Council - Chair - voting**
The Committee Chair, or in their absence, another Member of the Committee as may be chosen by the Committee, shall preside at every meeting and may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided in the negative.
- 24.11 Committees of Council - Chair - absence**
In the absence of the Committee Chair for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the Committee, one of the other Members of the Committee, if there be a quorum present, may be appointed and shall discharge the

duties of the Committee Chair during the meeting or until the arrival of the Committee Chair.

24.12 Committees of Council – quorum

If no quorum is present fifteen (15) minutes after the time appointed for a meeting of a Committee, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.

24.13 Committees of Council – rules of procedure

It shall be the duty of each Committee to adhere to the transaction of all business according to the rules governing the procedure in the Committee of the Whole as prescribed by this by-law.

24.14 Committees of Council – point of order

When a point of order is raised or when a Member is called to order in a Committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chair, subject to an appeal to the Members of the Committee.

24.15 Committees of Council – spokesperson

The Committee Chair or in their absence, another Member of the Committee as may be chosen by the Committee, shall act as spokesperson for the Committee at Council and other appropriate meetings.

24.16 Ad Hoc Committees

Council may appoint an Ad Hoc Committee from its Members to investigate and report on any matters related to Council business, provided that:

- a) the Ad Hoc Committee, in all cases, reports directly to Council.
- b) the established Ad Hoc Committee does not have the power to appoint additional subcommittees, nor shall it add to its membership without permission from Council.

24.17 Clerk as Secretary – assign duties

The Clerk shall be the Secretary of all Committees of Council but may assign duties as Secretary of any Committee to an employee in the department.

24.18 Committee minutes

A copy of the minutes of each Committee shall be forwarded to the Council.

24.19 Duties of Secretary

It shall be the duty of the Secretary:

- a) to give notice of each regular meeting of the Committee together with an agenda of the matter to be considered and to publish and distribute such agenda to Committee members not later than one working day preceding the day of the meeting.
- b) to give notice of each special meeting of the Committee together with an agenda of the matters to be considered and to publish and distribute such agenda to Committee members not later than one municipal business day preceding the time set for the special meeting.

24.20 Deputations to Committee

Deputations may address a Committee by requesting the Clerk of the Municipality, or their appointee, to place their name in deputation on the agenda for the particular meeting. Deputations to a Committee shall follow the provisions contained within this by-law in the same manner as deputations to Council.

24.21 Committees of Council - Rules of Procedure

The rules governing the procedure of the Council and the conduct of Members of Council shall be observed in a meeting of a Committee insofar as they are application, provided that:

- a) a motion shall not be required to be seconded;
- b) the number of times a member may speak on any question shall not be limited;
- c) at the request of any Member of the Committee present any item on the agenda of the meeting may be re-opened upon a majority of the Members present;

- d) the vote of any particular item shall not be recorded but that a Member on request may be recorded as being opposed;
- e) if a Member disregards the rules of the Council or a decision of the Chair of the Committee on question of order or practice or upon the interpretation of the rules of the Council and persists in such conduct, after having been called to order by the said Chair, the Chair shall forthwith put the question with no amendment, adjournment or debate, “that such Member be ordered to leave their seat for the duration of the Committee Meeting.” If following such vote by the Committee, the Member apologizes, they may, by a further vote of the Committee, be permitted to retake their seat.

PART 25: SUSPENSION OF RULES

25.1 Any procedure required by the by-law may be suspended with the consent of a two-thirds majority of the Members of Council present.

PART 26: AMENDMENT

26.1 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

PART 27: EFFECTIVE DATE

28.1 This by-law shall become effective upon the date enacted.

28.2 That By-Laws 14-19, 11-20, 39-22 are hereby repealed.

28.3 Where any by-law passed prior to this by-law conflicts with this by-law the terms of this by-law shall prevail.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 14th day of AUGUST, 2023.

Mayor

Deputy Clerk

the said Chair, the Chair shall forthwith put the question with no amendment, adjournment or debate, "that such Member be ordered to leave their seat for the duration of the Committee Meeting." If following such vote by the Committee, the Member apologizes, they may, by a further vote of the Committee, be permitted to retake their seat.

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