

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 31-2022

A BY-LAW TO GOVERN AND REGULATE THE PROCEEDINGS OF THE COUNCIL OF THE TOWN OF DEEP RIVER

WHEREAS Section 238(2) of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, requires every Municipal Council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings and governing the conduct of their Members.

AND WHEREAS the Council of the Town of Deep River deems it expedient to repeal and replace By-Law number 53-2014, a By-Law to to gGovern and Regulate the Proceedings of Council and Committees of Council of the Town of Deep River which was passed on December 17, 2014;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River hereby enacts this By-Law Number 31-2022.

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Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law:

“Ad Hoc Committee” is any special purpose Committee created by resolution of Council with approved Terms of Reference.

“Advisory Committee” is any special purpose Committee created by resolution of Council with approved Terms of Reference to provide recommendations or advice to Council.

“Agenda” is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.

“Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended.

“Board of Management” is a special purpose Committee with approved Terms of Reference created by resolution of Council to manage specific community facilities or services reporting directly to Council.

“By-law” means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of this By-law.

“CAO” means the Chief Administrative Officer of the Town as defined by the Act, or his/her Designate.

“Chair” means the person presiding at a Meeting.

“Clerk” means the person within the administration of the Town as required and defined by the Act, or his/her designate.

“Closed Session” means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Act.

“Committee” means any Committee as established by Council.

“Committee of the Whole” means a working committee made up of all of the Members of Council where less formal procedures are followed.

“Consent Agenda” means a list of items on the Agenda being presented to Council containing recommendations that shall be adopted in one single motion without debate. Any specific item on the Agenda shall be given individual deliberation and debate upon the request of any Member.

“Council” means the Municipal Council for the Town of Deep River.

“Council Floor” means that area of the Assembly occupied by Members and the Chair during a Meeting.

“Delegation” means a person or group making a verbal appearance before Council.

“Designated Area” means the public areas outside the Council floor within the meeting room.

“Electronic Meeting”, means a meeting of Council or Committee of Council that is conducted using remote electronic access by members, and may be permitted in the event that a Provincial and/or Local Emergency has been declared; or when it is not safe or possible for a member to attend a meeting in-person. A Quorum as defined within this By-law is required. The requirements for a Member to participate electronically in a meeting are outlined in Section 2.07.

“Emergency Meeting” means a Meeting of the Council called without Notice to address circumstances of emergency.

“Head of Council” means the Head of Council as defined by the Act.

“Holiday” means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of Council as a Civic Holiday.

“Invited Guest” means an individual or group of individuals invited by Council to a Meeting.

“Mayor” means the **“Head of Council”** and Presiding Officer for the Corporation of the Town of Deep River.

“Management Service Board” is a special purpose body created by Council by By-law in accordance with Section 195 of the Act.

“Meeting” means any Regular, Special, Council Information, Inaugural, Public, Committee of the Whole or other Committee Meeting of Council where some or all members may attend in person, via electronic participation, video teleconference, audio teleconference, or telephone.

“Meeting: Council Information” means a meeting of the Council or the Committee of the Whole, called by the Head of Council for information purposes only, where no decisions are made and the only action permitted is to receive information or to receive the information and refer to staff for report back to Council.

“Meeting: Statutory Public” means any public meeting that is required pursuant to provincial legislation (*Municipal Act, Planning Act, etc.*). Committee of the Whole is authorized to hold Statutory Public Meetings on behalf of the whole Council or in place of the whole Council or other Committee in accordance with the Public Notice Policy. A Public Meeting may be held at a Regular, Special, Council Information or other body that Council chooses to delegate its' authority to.

“Meeting: Public” means any public meeting that Council believes is in the best interest of the ratepayers of the Town but is not a requirement pursuant to provincial legislation. A

Public Meeting may be held at a Regular, Special, Council Information or other body that Council chooses to delegate its' authority to.

"Member" means a Member of the Council and includes the Head of Council. Where the term is used in reference to a Committee, it refers to only those Members of the Committee itself. Where the term is used in reference to an Ad Hoc Committee made up of persons who are not Members of the Council, the term also includes those persons.

"Motion" means a proposal brought forward by a Member for consideration by Council, Committee, Ad Hoc Committee or Advisory Committee or other established Boards or Committees that is moved and seconded by another Member.

"Municipal Election" means a general, Town-wide Municipal election or a by-election.

"Notice" means a written or electronic document ~~provided~~ made available to Members and to the public that advises the recipient of the time and place of a Meeting.

"Petition" means a document requesting Council's consideration of a matter that contains more than ten (10) signatures and does not include an electronic web-based document.

"Point of Order" is a concern regarding conformity to the rules of order of Council, defined in this by-law and brought forward by a Member.

"Point of Privilege" is a concern about the honour, dignity, character, rights or professionalism of the Head of Council and Members of Council brought forward by a Member.

"Presentation" means,

- a) a ceremonial presentation to or from the Town of Deep River;
- b) a presentation made by Town staff and/or by consultants retained by the Town or by another level of government;
- c) a presentation to or from the Town that in the opinion of the Head of Council is most beneficial for all involved if heard at a Council Information Meeting.

"Recess" means an interruption in a meeting's proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

"Recorded Vote" means the recording of the name and vote of every Member on any matter of question.

"Resolution" means a motion duly voted on by a majority of the Members present at the meeting

“Reeve” means the Member who assumes the role as Presiding Officer in the absence of the **“Head of Council”** at a Council Meeting.

“Secretary” is the staff person assigned by the Clerk to attend at, and to take minutes of, any Meeting.

“Standing Committee” is a committee established by resolution of Council with approved Terms of Reference to focus on a specific administrative or operational function.

“Task Force” is an Advisory Committee established by resolution of Council with approved Terms of Reference, that is formed for a set period of time sufficient to make recommendations to Council on a specific issue.

“Town”, “Town of Deep River” means The Corporation of the Town of Deep River and includes its entire geographic area.

“Website” means the official Town internet website found at www.deepriver.ca.

1.02 Interpretation Rules:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 Statutes: References to laws in this By-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules

2.01 Observation: The rules and regulations contained in this By-law shall be observed in all Meetings, as applicable, for the order and dispatch of business before Council and, as applicable, in every Committee of the Whole, Standing Committee, Advisory Committee, Ad Hoc Committee or Task Force Meeting.

2.02 Place of Meetings: All Meetings of Council shall take place in the Council Chambers, Main Administration Building, 100 Deep River Road, Deep River, Ontario, unless another location is identified on the published Agenda. Meetings of Committees shall take place at the location specified on the agenda issued for them. (Section 2.02 is subject to Section 2.03.)

2.03 Relocation of Meeting Place: If for any reason, it is impossible or impractical for a Meeting to occur in the place prescribed by Section 2.02, then the Assembly in question shall meet at an alternative site or room as specified on an amended Agenda for that meeting. The alternate location shall be posted at the original location and announced as broadly as determined by the Chair.

2.04 Electronic Meeting

During any period where an emergency has been declared to exist in all or in part of the municipality under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*; or when it is not safe or possible for a member to attend a meeting in-person:

- a) A meeting may be conducted and members may participate electronically, including but not limited to debate and voting;
- b) Members shall be permitted to participate in Closed Session proceedings including but not limited to debate and voting;
- c) A member of Council or local board or committee of either of them who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time;
- d) Despite sub-section 3.2 of the *Municipal Act, 2001*, a member of Council, of a local board, or of a committee of either of them may participate electronically in a meeting that is closed to the public;
- e) Council may hold a Special or Emergency Meeting to amend any applicable sections of this procedure By-law during any period where an emergency has been declared to exist in all or part of the municipality under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, and
- f) A member participating electronically in such a Special or Emergency Meeting shall be counted in determining whether or not a quorum of members is present at any time during the meeting.
- g) Notwithstanding item 2:02 "Place of Meetings" of this by-law, all Council, Board, and Committee Meetings may be held electronically provided adequate notice is given. This applies to all Regular, Special, Emergency, and Closed Sessions of Council, Local Board, and Committee Meetings.

- h) Electronic participation shall mean participation by video teleconference, audio conference, or telephone.

2.05 **Meeting Notices:** The notice of Meetings as established by this By-law is considered as the electronic notification to Members of the posting of the Agenda and the posting of the Agenda on the Town website. Lack of receipt of the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.

2.06 **Rules of Order:** Where any matter of procedure is not provided for in this By-law, Bourinot's Rules of Order, as revised, shall be followed by Council.

2.07 **Electronic Meeting Participation by Individual Member(s)**

An individual Member of Council may participate electronically at an in-person Meeting to be held in Council Chambers that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time. An individual member participating electronically shall have all of the rights of any other Member who is participating in person, should they be unable to participate in person for the following specified reasons:

- a) Medical absences / illness
- b) Family emergency
- c) Transportation issue
- d) Parental Leave
- e) Travel on official Municipal business
- f) Pandemic or other circumstance where physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies.

The following practices will be followed for electronic participation by individual members:

- a) A Council Member who wishes to participate electronically at a meeting to be held in Council Chambers shall provide the Clerk a minimum of 4 hours notice.
- b) A Member participating in a meeting electronically shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- c) Each individual Member participating in a meeting electronically will mute his or her electronic device when he or she is not speaking.
- d) The Chair will canvass individual Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.
- e) After putting a motion to a vote, each individual Member participating electronically will be required to identify how he or she wishes to vote.

- f) Individual Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- g) In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue providing quorum is met.
- h) A Member participating electronically in a Closed Meeting shall take all precautions necessary to ensure the security of the meeting including confidentiality of deliberations and shall use a secure internet connection that is not publicly accessible.

2.08 **Decision-Making:** Decisions by Council shall only be binding when ratified by a majority of members of Council at a duly convened meeting of Council. Standing Committees, Advisory Committees, Ad Hoc Committees, Task Forces and Council Committee of the Whole shall only make recommendations for consideration by Council.

2.09 **Direction to Staff:** Members of Council are permitted to contact the CAO or appropriate Senior Staff member prior to a meeting to raise questions or clarify issues relevant to a matter on the Agenda; however, a member of Council shall not direct or interfere with the performance of any work being carried on by staff. Requests to staff for the creation of substantive reports shall be made by resolution of Council.

2.10 **Role of Council:** As defined within the *Municipal Act, 2001, Section 224*, 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 policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this or any other Act.

2.11 **Role of Head of Council:** As defined within the *Municipal Act, 2001, Section 225*, it is the role of the Head of Council,

- a) to act as chief executive officer of the municipality;

- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1);
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

2.13 **Municipal Administration:** As defined within the *Municipal Act, 2001*, Section 227, 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; and
- c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

2.14 **Clerk:** As defined within the *Municipal Act, 2001*, Section 228, a municipality shall appoint a clerk whose duty it is,

- a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) if required by any Member present at a vote, to record the name and vote of every member voting on any matter or question;
- c) to keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council;
- d) to perform the other duties required under this Act or under any other Act; and
- e) to perform such other duties as are assigned by the municipality.

2.15 **Chief Administrative Officer:** As defined within the *Municipal Act, 2001*, a municipality may appoint a Chief Administrative Officer who 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.

Section 3.00: Inaugural Meetings of Council

- 3.01 **Time and Place of Inaugural Meeting:** The Inaugural Meeting for each Term of Council shall be in accordance with the provisions of the *Municipal Act*, S.O. 2001, c.25, as amended, and take place in the Council Chambers, Main Administration Building, 100 Deep River Road, Deep River, Ontario.
- 3.02 **Order of Proceedings:** The order of proceedings for the Inaugural Meeting shall be established by the incoming Head of Council, CAO and Clerk or their designate.

Section 4.00: Regular Meetings of Council

- 4.01 **Regular Council Meeting Dates and Time:** Council shall adopt an annual calendar for each year setting the Regular Council Meeting dates and start times for Closed and Open Session.
- 4.02 **Meeting Adjournment:** The hour for adjournment for all Council Meetings including Committee of the Whole shall be no later than 11:00PM.
- 4.03 **Unfinished Business:** In the event that a Council Meeting adjourns pursuant to Section 4.02 with matters on the Agenda which have not yet been reached, all remaining matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council Meeting, unless the Members determine otherwise prior to the adjournment or the Head of Council calls for a Special Meeting.
- 4.04 **Extracted Items:** When an item has been extracted from a consent agenda for separate debate, if the debate extends beyond 30 minutes, a Member of Council may put forward a resolution to defer the item to the next Council Meeting. The item may also be referred back to administrative staff for additional information.
- 4.05 **Order of Proceedings:** The Clerk or designate shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and Clerk
- 4.06 **Notice and Agenda Distribution:** The Clerk or designate shall make the Agendas for Regular Council and Standing Committee meetings available not later than the Friday preceding the week in which the Meeting is to be held. Where that Friday is a statutory holiday, the agenda shall be made available on the preceding Thursday.
- 4.07 **Closed Session:** Notwithstanding Section 10.01, any part of a Meeting may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) of the *Municipal Act*, 2001.

4.08 **Resolution Required:** Before holding any Closed Session, the Council or Committee of the Whole, Committee, Advisory Committee, Ad Hoc Committee or Task Force, as appropriate shall state by resolution that: a Closed Session is to be held, identifying the specific nature of the matter to be considered, and the statutory authority under which the matter to be considered is authorized to be addressed in Closed Session.

4.09 **Voting in Closed Session:** A Vote may only be taken during Closed Session where:

- a) the vote is for a procedural matter, including the receipt of information, or
- b) for giving direction or instruction to officers, employees or agents of the Town, local board or persons retained by or under contract with the Town.

4.10 **Preservation of Confidentiality:**

Members, staff and invited guests shall keep confidential any information

- i. Disclosed or discussed at a Meeting Council, Committee, or Board, that was closed to the public.
- ii. That is circulated to Members that is marked confidential and to be returned to the Clerk's office for destruction.
- iii. That is received in confidence verbally in preparation of the Closed Meeting.

The obligation to keep information from closed sessions confidential shall continue after the Member ceases to be a Member of Council or a Committee of Council; or staff ceases to be employed by the Municipality

4.11 **Closed Session Record:** A record of all closed sessions shall be kept in the form of Minutes, as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings at a meeting of the Council.

The record of closed session shall be made by the Clerk, in the case of a meeting of Council, or his/her designate in accordance with Section 228(1)(4) of the Municipal Act, 2001, as amended, c.M.45.

4.12 **Application of Section:** That Sections 4.07, 4.08, 4.09, 4.10, and 4.11 apply to all meetings outlined within Section 5.00, 6.00, 7.00, 8.00 and 9.00.

Section 5.00: Special and Emergency Meetings of Council
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5.01 **Special Meeting at the Call of the Head of Council:** The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours' Notice through the Clerk's office to the Members.

- 5.02 **Special Meeting by Petition:** The Clerk shall, upon receipt of the petition of a majority of the Members, summon a Special Meeting for the purpose and at the time mentioned in the petition. Twenty-four (24) hours' Notice of the Special Meeting is to be given through the Clerk's Office to the Members of Council.
- 5.03 **Emergency Meetings:**
- a) Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency or extraordinary situation.
 - b) In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Head of Council or his/her designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the Town's Emergency Response Plan or any other similar unforeseen circumstances.
- 5.04 **Business:** The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Agenda of the Meeting or petition. The only business to be dealt with at an Emergency Meeting is that which was specified in the Clerk's communications to Members in accordance with Section 5.03.
- 5.05 **Order of Proceedings and Agenda Distribution:** The Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and Clerk. For Special Committee and Council Meetings, the Clerk shall make all Agendas available a minimum of one business day in advance of the Meeting. Posting the Agenda on the website is considered as adequate Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council.
- 5.06 **Place of Meeting:** In the absence of a petition fixing the location of a Special or Emergency Meeting, that Meeting shall be held at the place where the last Regular Meeting was held unless otherwise identified on the published Agenda or, unless, in the case of an Emergency Meeting, the emergency renders that location inaccessible. In that event, the Emergency Meeting shall be held at the time and the date specified in the Clerk's communications to Members in accordance with Section 5.03.
- 5.07 **Conduct of Special Meetings:** All of the rules set out in this By-law, applicable to Regular Council Meetings also apply to Special Council Meetings, with the necessary modifications.
- 5.08 **Conduct of Emergency Meetings:** In Emergency Meetings, the Chair shall preside and preserve decorum, applying the rules set out in this By-law at his/her discretion.

Section 6.00: Council Information Meeting

- 6.01 **Regular Council Information Meeting Dates and Time:** Council shall adopt an annual calendar for each year setting the Regular Council Information Meeting Dates, one per quarter in each year.
- 6.02 **Council Information Meeting at the Call of the Head of Council:** The Head of Council may at any time, summon a Council Information Meeting with twenty-four (24) hours' Notice through the Clerk's office to the Members.
- 6.03 **Information Meeting:** The Clerk shall provide Members with Notice for any Council Information Meeting which shall set out the time and place of the Council Information Meeting and the format and content of the meeting. Whether or not the session will be open or closed to the public shall be indicated at the time of notice and shall be dependent upon the subject matter. It is understood that these sessions will not result in any decisions by Council unless it is to refer to staff for further review and recommendation to come back to Council through report for Council decision.
- 6.04 **Order of Proceedings:** The Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and Clerk.

Section 7.00: Standing Committee and Other Council Committee Meetings

- 7.01 **Standing Committees:** Council may establish Standing Committees to focus on specific administrative and operational functions. Each committee shall have a Terms of Reference approved by Council.
- 7.02 **Regular Standing Committee Meeting Dates and Time:** Where a Standing Committee is established, Council shall adopt an annual calendar setting the Regular Committee Meeting Dates and Times.
- 7.03 **Special Committee Meeting Dates:** The Head of Council may at any time, summon a Special Standing Committee Meeting with twenty-four (24) hours' Notice through the Clerk's office to the Members.
- 7.04 **Composition:** All Standing Committees shall consist of three (3) members, being the Head of Council. Refer to Schedule A for process to appoint Members to Standing Committees.
- 7.05 **Standing Committees established:**
The following Standing Committees shall be established by Council.
- a) Striking Committee shall be established to make recommendations to Council regarding the appointment of members of Council and lay members to Committees established by Council, Boards, Commissions and other bodies as required.

- b) Audit Committee shall be established to oversee the annual audit function. The Audit Committee directly communicates with management and the external auditors, and also oversees the nature of the interactions between management and the external auditors
- 7.06 **Order of Proceedings:** The Clerk, or designate, shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and Clerk.
- 7.07 **Committee of the Whole:** Council may resolve into Committee of the Whole during any Regular or Special meeting of Council to allow for relaxed procedural rules upon the consent of a majority of the Members present. Whenever Council resolves itself into Committee of the Whole, the Head of Council or Chair may appoint a Chair of the Committee of the Whole and vacate the Chair or appoint when the Chair must temporarily be absent from the Meeting. While acting as Chair, the other Member has all of the responsibilities of the Chair as set out in this By-law.
- 7.08 **Council as an Administrative Tribunal:** From time to time, it shall be necessary for Council, or an appropriately appointed Ad Hoc Committee, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the *Statutory Powers Procedures Act*, R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.
- 7.09 **Public Meeting:** From time to time, it shall be necessary for Council to preside over a public meeting to gather information prior to making a decision on a matter. Public Meetings shall be held in accordance with the Public Meeting Policy.

Section 8.00: Advisory Committees, Ad Hoc Committees and Task Forces
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- 8.01 **Establish:** Council at any time may establish a committee as deemed necessary for consideration of matters within its jurisdiction including, but not limited to, Advisory Committees, Ad Hoc Committees or Special Project Task Forces. These committees shall be established by resolution of Council and may consist of members of Council and lay members.
- 8.1.1 **Terms of Reference:** All committees established by Council shall have an approved Terms of Reference. The Terms of Reference shall include the following information as applicable:
- Purpose and mandate
 - Duration of the mandate (not to exceed the term of council)
 - Membership structure and qualification requirements
 - Member selection process and criteria
 - Responsibilities / duties
 - Budget
 - Staff support

- Meetings
- Procedural / administrative processes and requirements
- Reporting requirements

8.1.2 **Membership:** The membership structure will be as outlined in the approved Terms of Reference. Lay members shall be residents or tax-payers of the Town of Deep River unless otherwise provided by by-law. The Mayor shall be an ex-officio member of all Committees established by Council.

8.1.3 **Appointment of members:** See Schedule A for process to appoint members of Council and lay members to Committees established by Council.

8.1.4 **Meetings:** Meetings shall be held at the call of the appointed Chair of the Committee. The Agenda, order of proceedings and the applicability of Sections 4.00, 10.00, and 11.00 of this By-law, unless otherwise specified in this by-law, shall be at the discretion of the Committee and in accordance with the Council adopted Terms of Reference. All other provisions of this By-law apply, with the appropriate amendments.

8.1.5 **Ex Officio:** Where a policy of Council or Council appoints a Member to a Committee as an "ex officio" Member, including the Head of Council, that Member has all of the rights and privileges of all of the other Members of that Committee, including participation in debate, voting, receipt of notices, etc.

Section 9.0 Boards, Commissions and other Bodies

9.2 **Boards, Commissions and other Bodies:** Council may be required to make appointments to Boards, Commissions and other bodies which are established by legislation (e.g. Library Board, Police Services Board) or other processes (e.g., inter-municipal agreements).

9.2.1 **Appointment of members:** See Schedule A for process to appoint members of Council and lay members to Board, Commissions and other bodies.

Section 10.00: Delegations and Public Attendance

10.01 **Presumption of Open Meetings:** All Meetings shall be open to the public other than for the exceptions identified within this ~~By-law~~ within Section 4.07 of this by-law.

10.02 **Delegations and maximum numbers:** Any person wishing to address Council or a Committee on an issue may do so by making a request to appear as a delegation.

A maximum of three (3) delegations shall be permitted at any Regular Meeting of Council. This number does not include anyone present who wishes to address Council at a statutory public meeting. The maximum number of delegations permitted at Council Information Meetings or other Committee meetings shall be determined by the Council or Committee Chair in consultation with the CAO and Clerk.

- 10.03 **Delegation Request Regarding Agenda Item:** Any person wishing to address Council or a Committee as a delegation regarding an item on the Agenda, shall submit a "Request to make a Deputation/Presentation to Council/Committee" Form to the Clerk's Office before 12:00 noon 2 business days before the day the Agenda is published. (i.e. 12:00 noon Wednesday for Friday Agenda circulation).

Delegation requests received after the agenda has been published may be heard as an addition to the Agenda by a vote of Council or Committee if the maximum number of permitted delegations as outlined in 10.02 has not been reached. Such requests must be received no later than noon the day before the meeting.

- 10.04 **Delegation Regarding Item not on Agenda:** Any person wishing to address Council or Committee regarding an item not on the Agenda shall submit a request using the "Request to make a Deputation/Presentation to Council/Committee" Form to the Clerk's Office. The Clerk shall place any item of this nature on a Quarterly Council Information Meeting Agenda. If the issue is time sensitive, the Clerk may place the deputation on the Agenda for a Regular Council Meeting providing the maximum number of permitted delegations outlined in Section 10.02 for the meeting has not been met. The request must be submitted within the timelines outlined in Section 10.02.

- 10.05 **Delegations in Urgent Matters:** In the event that a proposed subject to be spoken to is of an urgent nature, the delegation requested may be adopted as part of the Agenda, with leave of Council or Committee, as applicable with the exception of a Member of Parliament and a Member of the Ontario Legislature who shall be automatically placed on the amended Agenda.

- 10.06 **Denial of Request to Speak or to Distribute Material:** Council, or Committee may refuse to hear Delegations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, or where it contains obscene or defamatory content.

- 10.07 **Rules for Presentations:** Persons wishing to make a presentation to Council or Committee:

- a) shall do so at a Council Information Meeting unless approved to present directly to Council or Committee by the Head of Council / Chair and CAO.
- b) Presentations shall be limited to a maximum of thirty (30) minutes.

- 10.08 **Rules for Delegations:** Persons addressing Council or Committees shall observe the following:

- (a) All presentation material to be used by the delegation, including printed and electronic files, shall be filed directly with the Clerk no later than 12 noon on the day of the meeting. All material must comply with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended. No material shall be distributed directly to Members.

- (b) Delegations must confine their remarks to the business stated in the communication to the Clerk requesting Delegation status.
- (c) Delegations are limited to not more than ten (10) minutes and may be represented by a maximum of 2 speakers. Time extensions may be granted in increments of five (5) minutes by resolution of Council or Committee.
- (d) Delegations shall be limited to one appearance on the same topic unless providing new information. Delegations making a second appearance to present the new information are limited to 5 minutes.

10.09 Conduct Expectations for Members of the Public: Any person attending a Meeting, including delegations, shall respect the decorum of the meeting and refrain from public outbursts, shouting, profanity or behaviour intended to disrupt the debate, discussion and/or general proceedings.

- (a) All persons attending a meeting shall be restricted to the Designated Area at all times.
- (b) Persons attending a meeting who are not Delegations may not address the Members or prompt a Delegation.
- (c) Signs, banners, emblems or flags are not permitted in the Council Chambers or other designated Meeting place without prior authorization of the Chair.

10.10 Information Regarding Rules: Delegations and members of the audience at Meetings shall be advised of the provisions of Sections 10.06, 10.07 and 10.08 of this By-law.

10.11 Petitions, Communications or Correspondence: Every petition, communication or correspondence to be placed on an Agenda of a Regular Council Meeting or Committee Meeting shall be delivered to the Clerk by 12:00 o'clock noon on the second day preceding the day upon which the Agenda for that Meeting is distributed (i.e. 12:00 o'clock noon Wednesday for Friday Agenda distribution). All communications or petitions received after the above delivery date and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Meeting of Council or Committee unless otherwise approved by the Head of Council and Chief Administrative Officer.

Motions to receive a Petition, refer the matter to Town staff for consideration, or direct Town Staff to report back to Council, are in order during this part of the Agenda without prior notice. Any other motion related to a Petition shall not be in order.

The Clerk shall refuse to place a Petition on the Agenda where the subject matter:

- a) Involves current or pending litigation;
- b) Involves insurance claims;

- c) Involves administrative complaints that have not been reported and investigated through the administrative process;
- d) Is beyond the jurisdiction of Council; or
- e) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

Petitions shall contain the printed name, signature, and some contact information of the individuals signing it. Signatures without contact information shall be redacted by the individual or group submitting the Petition or it will not be accepted by the Clerk nor presented to Council.

- 10.12 **Expulsion:** Notwithstanding Section 10.10, the Chair of any Meeting may exclude any persons from the Council Chamber or Meeting Room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.
- 10.13 **Exemption:** Section 10.12 does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area designated by the Council.

Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)

- 11.01 **Quorum:** Four (4) Members shall constitute a quorum for Regular, Special, Information and Emergency Meetings of Council and Committee of the Whole. For Committees, a quorum is made up of a majority of Members of the Committee.
- 11.02 **Special Case Quorum:** Notwithstanding Section 11.01, when a majority of the Members have disclosed a pecuniary interest to a matter in accordance with this By-law and/or the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two (2).
- 11.03 **Meeting Commencement/Absence of Chair:** As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Council or Committee of the Whole Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his/her absence, the Reeve shall assume the Chair of the Council or Committee of the Whole Meeting and call the Members to order. If a quorum is present, the Reeve shall preside as Chair during the Meeting or until the arrival of the Head of Council. In the absence of both the Head of Council and the Reeve, the Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Council

Meeting or until the arrival of the Head of Council or the Reeve. In the event that the Chair does not attend a Committee Meeting within fifteen minutes after the appointed commencement time, and if a quorum of Members is present, the balance of the Members of the Committee shall choose an Acting Chair who shall preside during the Committee Meeting or until the arrival of the Chair. While presiding at a Committee of the Whole or Council Meeting, the Reeve shall have the same authority as the Head of Council and shall be entitled to vote with the other Members.

- 11.04 **Failure to Achieve Quorum:** If there is not a quorum within twenty (20) minutes after the appointed commencement time for any Meeting, the Clerk (in the case of a Council or Committee of the Whole Meeting) or the Secretary (in the case of a Task Force, Advisory Committee, Ad Hoc Committee or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Regular or Special Council, Committee of the Whole or Committee Meeting as the case may be.
- 11.05 **General Duties of the Chair of a Meeting:** The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:
- (a) Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;
 - (b) Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;
 - (c) Receive and submit, in the proper manner, all Motions presented by the Members;
 - (d) Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;
 - (e) Decline to put to vote Motions that infringe on the rules of procedure;
 - (f) Restrain Members, within the rules of order, when engaged in debate;
 - (g) Enforce, on all occasions, the observance of order and decorum among the Members and the attending Members of the public;
 - (h) Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.
 - (i) Receive all messages and other communications and announce them to the Meeting Assembly;

- (j) Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;
- (k) Ensure that the decisions and recommendations made at Meetings are in conformity with the laws and by-laws governing activities of same;
- (l) Adjourn the Meeting when the business is concluded;
- (m) At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;
- (n) Notwithstanding Section 11.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;
- (o) Where the Chair is the Head of Council or the Reeve, he/she shall authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council; and
- (p) In the case of grave disorder arising in the designated Meeting Room, the Chair has the duty to adjourn the Meeting without questions having been put.

11.06 Duties of the Chair in Directing Debate: During the course of debate, the Chair shall:

- (a) Designate the Member who has the floor when two or more Members raise their hands to speak;
- (b) Preserve order and decide questions of order; and
- (c) Ensure all Motions presented are clear to the Members before permitting debate on the question, except when otherwise provided for in this By-law.

11.07 Reeve:

- a) In the absence of the Head of Council, the Reeve shall act as the Acting Head of Council with all of the powers, duties, rights and obligations of the Head of Council.

11.08 Participation by Chair: The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, he or she shall relinquish the Chair for that purpose and shall call upon the Reeve to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall assume the Chair and preside over the Meeting

11.09 Rules of Conduct for Members: Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- (a) No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Delegations in attendance.
- (b) No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.
- (c) No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.
- (d) No Member shall leave his or her place on adjournment until the Chair leaves his/her seat.
- (e) No Member shall speak until he/she has acknowledged the Chair.
- (f) No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his/her seat while a vote is being taken and until the result thereof is declared.
- (g) No Member shall ignore a dress code for Meetings agreed to by the majority of Members of Council.
- (h) No Member shall leave a Meeting when he/she does not intend to return without first advising the Chair.
- (i) No Member shall, in addressing the Assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.
- (j) No Member shall, in addressing the Assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.
- (k) No Member shall, in addressing the Assembly, speak beside the question in debate.
- (l) No Member shall, in addressing the Assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.
- (m) No Member shall, in addressing the Assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.

- 11.10 Members Shall Vote:** Every Member physically present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests with the question. Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations on the Agenda. However, if an interest is overlooked or becomes evident to a Member with an interest later in the meeting, as a result of discussion or otherwise, a Member shall disclose his/her interest at the first opportunity, and afterwards, he/she shall refrain from taking part in the discussion and shall vacate his/her seat by leaving the room where the meeting is being convened and refrain from voting on the particular question. If any Member at a Meeting who has not disclosed an interest declines to vote when a question is put and a recorded vote taken, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by statute. Members who have disclosed an interest shall be marked as absent and the Minutes will reflect prior to the Question being called that the Member had disclosed an interest and vacated the Meeting Room.
- 11.11 Rules of Conduct for Members during Debate:** Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.
- (a) Every Member, when speaking to any question or Motion, shall respectfully acknowledge the Chair.
 - (b) When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.
 - (c) Any Member may require the question or Motion under discussion to be read at any time during the debate when they have been granted permission to speak by the Chair, but not so as to interrupt a Member while speaking.
 - (d) No Member shall speak to the same question for longer than five (5) minutes or on more than two separate occasions during the debate as recognized by the Chair, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes, may be granted.
 - (e) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.
 - (f) All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.
 - (g) Questions may be asked only through the Presiding Officer:
 - 1. of a Delegation after he or she has spoken, in accordance with this By-law;
 - 2. the previous speaker;
 - 3. of the Chair; or
 - 4. of an Official of the Town, through the Chair, on the matter under debate.

- 11.12 **Closed Session Disclosures of Interest:** Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be recorded in the minutes of the open Meeting.
- 11.13 **Motions without Notice:** The types of Motions listed in this Section may be introduced orally without written Notice and without leave:
- (a) A Point of Order;
 - (b) Presentation of petitions;
 - (c) Motions to suspend a rule of procedure or in compliance with a rule of procedure;
 - (d) Motions to adjourn (which are not debatable);
 - (e) Motions that the vote now be taken;
 - (f) Motions that Council resolve itself into Committee of the Whole (which are not debatable);
 - (g) any matter where the Assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.
- 11.14 **Putting a Question:** A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.
- 11.15 **Dividing a Question:** When the Motion under consideration concerns two or more matters, upon the request of any Member stating clearly where the Motion is to be divided, the vote to Divide the Question shall be called for by the Chair and if decided in the affirmative, each matter shall be taken separately. A motion to Divide the Question shall be non-debatable.
- 11.16 **Withdrawal of Motion:** After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the Assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion being taken.
- 11.17 **Subsequent Motions:** When a Motion is under debate, no other Motion shall be in order except a Motion:
- (a) to adjourn;
 - (b) to extend the hour (pursuant to Section 4.02);
 - (c) to table;

- (d) to put the question (close the debate);
- (e) to postpone or defer;
- (f) to refer; or
- (g) to amend.

11.18 Motions to Adjourn: A Motion to adjourn shall:

- (a) not be amended;
- (b) not be debated;
- (c) not include qualifications or additional statements; and
- (d) always be in order, except when a Member is speaking or the Members are voting, or when made in Committee of the Whole.

When a Motion to adjourn has been decided in the negative no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

11.19 Motions to Extend the Hour: A Motion to extend the hour (Section 4.02) shall:

- (a) not be amended;
- (b) not be debated; and
- (c) always be in order, except when a Member is speaking or the Members are voting.
- (d) shall be made in open session.

11.20 Motions to Table: A Motion to table shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and
- (d) not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main motion and any amendments to it shall be removed from the consideration of the Assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the Regular Meeting at which it was tabled.

11.21 Motions to Postpone or Defer: A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

- (a) not be amended;
- (b) be debated only as to the time period of deferral or postponement;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and
- (d) not include qualifications or additional statements.

If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the Main Motion and any amendments to it shall be removed from the consideration of the Assembly until such time as provided for in the Motion. An item of business that is Deferred by the Assembly shall not be placed on a future Meeting Agenda if no time for the item to be Deferred to is referenced by the Motion to Postpone or Defer.

11.22 Motions to Put the Question: A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and
- (d) be moved using the words “**That the question now be put**”.

If a Motion to put the question is decided in the Affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment by any Member, including the Mover of the Motion or the Presiding Officer. A Member may ask the Presiding Officer for clarification or request that the Motion be read.

11.23 Motions to Refer: A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- (a) be open to debate;
- (b) be amendable;
- (c) preclude amendment or debate of the preceding Motion, unless the Motion to Refer is resolved in the negative in which case the preceding Motion shall be open to debate and amendment.

- (d) be put only at a Council Meeting unless the Motion to Refer an item of business outside of a Council Meeting is strictly to refer the matter to staff for additional information.

11.24 Motions to Amend: A Motion to amend a Motion in possession of the Assembly shall:

- (a) receive disposition of Council or Committee of Council before a previous amendment or the original question is disposed of;
- (b) be open to debate;
- (c) not be further amended more than once provided that the further amendment may be made to the main question;
- (d) be relevant to the question to be received; and
- (e) not be received proposing a direct negative to the question.

11.25 Motions to Reconsider/Rescind:

Motions to Rescind: A motion to rescind a Motion previously adopted by the Assembly may be adopted to cease the force and effect of a previously adopted motion. A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted. A motion to rescind can be moved by a Member on the prevailing side at any time or by any Member, regardless of how the Member voted on the original question following a 365 day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.

Without previous notice, the motion to rescind requires a two-thirds vote. This provision cannot be waived.

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either Affirmative or Negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the original vote.

A motion to reconsider can be made only by a Member who voted with the prevailing side.

A motion to reconsider can be made only on the same day, at the same Meeting the vote to be reconsidered was taken.

A motion to reconsider cannot be renewed except by unanimous consent.

- 11.26 **Jurisdiction:** A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order and shall not be placed on the Agenda.
- 11.27 **Receipt of Motions:** Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.
- 11.28 **Order of Debate of Motions:** The rules for order of discussion shall be as set out in this Section.
- (a) In general, and subject to the provisions of clauses (b) through (e), the order of discussion shall proceed as follows:
 - 1. Mover;
 - 2. Secunder;
 - 3. Any other Member who may wish to speak; and
 - 4. The mover in summary of their position prior to the Chair calling for the vote.
 - (b) The mover, with leave of the Chair, may speak again in order to clarify a material part of his or her Motion which may have been misunderstood.
 - (c) No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same question so long as any Member who has not spoken on that question seeks the floor.
 - (d) Each Member shall confine his/her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.
- 11.29 **Voting on Questions:** When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain seated until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.
- 11.30 **Reading of Motions:** Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall ensure that the question in the form in which it will be recorded in the minutes is read aloud if requested.
- 11.31 **Motions to Amend:** The vote on amending Motions shall be disposed of in the following order:
- (a) a Motion to amend a Motion to amend the Main Motion;
 - (b) A Motion (as amended or not) to amend the Main Motion; and
 - (c) the Main Motion (as amended or not)

- 11.32 **Cessation of Debate:** After the Chair puts a question, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- 11.33 **Method of Voting:** Subject to this Section, the manner of determining the decision of the Assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Council Meeting shall not be by secret ballot or by any other method of secret voting.
- 11.34 **Binding Resolutions:** Any resolution shall require Affirmative votes in order to be valid and binding on Council. Any questions on which there is an equality of votes (tied vote) shall be deemed to be Negative. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority of Members present at the Meeting, or as set out under Provincial legislation.
- 11.35 **Results:** The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the Clerk to record the vote accordingly.
- 11.36 **Tied Votes:** Any questions on which there is an equality of votes is deemed to be Negative.
- 11.37 **Recorded Votes:** Subject to this By-law, a recorded vote may be requested by any Member for any Motion, at any time prior to the Chair calling for the next order of business on the Agenda. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is CARRIED or LOST, the Member may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)
- 11.38 **Procedure for Recorded Votes:** When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the meeting must vote in random order as called by the Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted For and those who voted Against shall be noted in the minutes. The Clerk shall call the names of the Members and the Chair shall announce the results. Members who do not vote (excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the Negative.
- 11.39 **Relaxation of Procedural Rules for Committee of the Whole:** The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:
- (b) No recorded vote shall be permitted;
 - (b) A Motion to put the question shall not be permitted; and

- (c) For Committee of the Whole meetings, a Motion to adjourn shall not be permitted until such time as the Assembly has risen from the Committee of the Whole and returned to the Council Meeting.

11.40 **Notice of Motion:** When a Member wishes to present a Notice of Motion, the rules governing the procedure shall be observed as follows:

- a) A Member wishing to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the Clerk not later than 12:00 o'clock Noon on the Wednesday of the week preceding the Regular Meeting of Council at which notice of the Motion is to be given.
- b) the Clerk, upon receipt of a Notice of Motion, shall print the motion in full on the Agenda for the next Regular Meeting of Council.
- c) A Notice of Motion shall not be considered or otherwise disposed of by Council at the Regular Meeting of Council at which it is first introduced, but may be considered or otherwise disposed of at any subsequent Meeting of Council provided the mover of the motion is in attendance at the Meeting the Motion is to be disposed of.
- d) Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;
- e) A Notice of Motion that is called for by the Head of Council at two (2) meetings of Council and has not been proceeded with shall be removed from the Agenda unless otherwise referred to Committee by an Affirmative Motion adopted by a majority of Members present at the Meeting that the Motion was referred from.

11.41 **New or Other Business:** When a Member desires to introduce a new business item at a Meeting, the Member shall provide to the Clerk, a written Memorandum on the established form within the established time requirements for Agenda preparation. The Memorandum shall contain background information and the Member's Recommendation for action on the issue.

11.42 **Point of Order:** A Point of Order is a Procedural tool used by a Member when they wish to address the Chair on a procedural matter. The rules governing a Point of Order shall be as follows:

- a) A Member may raise a Point of Order directing attention to a matter that affects the rights of the Member or Members.
- b) A Point of Order shall take precedence over any other matter except during the verification of a vote.
- c) A member shall rise and state the Point of Order to the Chair at the time the Member becomes aware of the Point.

- d) A Member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order.
- e) The Chair shall decide upon the Point of Order and advise the Members of the Assembly of his/her decision.
- f) Following the ruling of the Chair, unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final;
- g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld." The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- h) When the matter has been determined to be a Point of Order, the Member shall be afforded an opportunity to propose a Motion in relation to that Point of Order.

11.43 Point of Privilege: A Point of Privilege is a Procedural tool used by a Member when he/she wishes to exercise their right to address the Chair on a personal matter dealing with the integrity of the Member. The rules governing the procedure shall be observed as follows:

- a) A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member.
- b) A Point of Privilege shall take precedence over any other matter except during the verification of a vote.
- c) A Member shall rise and state the Point of Privilege to the Chair at the time the Member becomes aware of the Point.
- d) A Member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.
- e) The Chair shall decide upon the Point of Privilege and advise the Members of the decision.
- f) Following the ruling of the Chair, unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld." The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- h) When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a Motion in relation to that Point of Privilege.

11.44 Order of Precedence: Where a Motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- a) to request information
- b) to request that the vote be taken (call the question)
- c) to limit or extend the debate
- d) to defer (to another meeting, date)
- e) to refer only by Council (to another committee, administration)
- f) to amend

11.45 Non-Debatable Motions

- a) to adjourn
- b) to close, limit or extend debate
- c) to lay on the table (to table)
- d) questions of privilege
- f) to suspend the rules.
- g) To defer.

Section 12.00: Meeting Minutes

12.01 Requirement for Minutes for Council: The Clerk shall be present at all Meetings of Council and shall duly record the Minutes of the Meeting required by this Section.

12.02 Requirement for Minutes for Committees: The Secretary appointed by the Clerk shall be present at all Committee Meetings and shall duly record the Minutes of the Meeting in the same manner as set out in the Municipal Act for Council Meetings.

12.03 Requirements for Minutes for Advisory Committees: The Secretary appointed by the Clerk shall be present at all Committee Meetings and shall duly record the Minutes of the Meeting in the same manner as set out in the Municipal Act for Council Meetings.

12.03 Minute Contents (Open Session): All minutes shall record the following:

- (a) The place, date and time of Meeting;

- (b) The names of the Chair or Chairs and record of attendance of the Members;
- (c) The reading, if requested, correction and adoption of the minutes of the prior Meeting; and
- (d) All other proceedings of the Meeting without note or comment.

12.04 Minute Contents (Closed Session): All minutes of a Closed Session shall be recorded in separate confidential minutes, closed to the public, and shall include the same information as is set out in Section 12.03.

12.05 Adoption of Minutes: The minutes of a Council, Special, Committee or Council Information Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances of a Committee Meeting, it does not meet the time line for Council Agenda preparation, it shall go to the next Council Meeting). Minutes of a Closed Session of Council, Committee shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances of a Committee Meeting, it does not meet the time line for Council Agenda preparation, it shall go to the next Council Meeting). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.

12.06 Reading Minutes: In presenting the minutes of any Meeting for adoption, it shall not be necessary for the Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.

12.07 Requirement for Minutes for Advisory Committee, Ad Hoc Committee, Task Force or Board of Management:

Minutes of Meetings of Advisory Committee, Ad Hoc Committee, Task Force or Management Board are the responsibility of the Secretary of the body, and shall be circulated to Council electronically. Minutes shall contain the information required by Section 12.03. The electronic receipt of these minutes by the Council is a procedural matter, and does not affect the validity or effect of any resolution recorded in the minutes. Council does not adopt or ratify any action taken by an Advisory Committee, Ad Hoc Committee, Task Force or Management Board. If an Advisory Committee, Ad Hoc Committee, Task Force or Management Board requires adoption of recommendations by Council, those recommendations must be specifically proposed in a report to Council for approval.

Section 13:00: By-Laws

13.01 Form: Every By-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. By-laws so introduced shall be complete with the exception of the By-law Number, date of readings and passage and signatures of the Head of Council and Clerk.

Schedule 'A' to By-Law XX-2022

Appointments to Committees established by Council, Boards, Commissions and Other Bodies.

1. Striking Committee

- a) **Mandate:** Council shall establish a Striking Committee responsible for making recommendations to Council regarding the appointment of members of Council and lay members to Committees established by Council, Boards, Commissions and other bodies as required.
- b) **Membership:** The Striking Committee shall include the Mayor, Reeve and the Member of Council who received the most votes in the most recent election. Where the Member-Elect or Member of Council who received the most votes cannot be determined because of acclamations or a tie in votes, the Mayor or Mayor-Elect and the Reeve or Reeve-Elect shall determine by mutual agreement which Member or Member-Elect will be the third Member of the Striking Committee. Where there is no agreement, the choice shall be determined by the Clerk drawing one name from among all those acclaimed.
- c) The Striking Committee shall meet prior to the first meeting of Council in the term and then as required, and shall make recommendations to Council for Council Member and lay-member appointments to each committee, Board and Commission.
- d) Where any Member of the Striking Committee is of the opinion that it is in the best interests of the municipality to amend the appointments to standing committees, the Member may summon a meeting of the Striking Committee.

2. Appointment to Committees Established by Council, Boards, Commissions and other Bodies - Members of Council

Appointment of Council Members to Committees of Council, Boards, Commissions and other Bodies will be for the term of office and will expire once the new Council has taken office in an election year, except as otherwise provided for by legislation. Appointments will be made as follows:

- a) As soon as possible after the municipal election, Council-elect members will be provided a list of vacancies to be filled by appointment of a member of Council.
- b) Council-elect members shall submit a list of vacancies to which they seek appointment
- c) The Striking Committee shall meet to review the list and make recommendations to Council for appointment of Council members to fill the vacancies.

- d) The appointment of Council Members to Committees of Council, Board, Commissions and other Bodies shall take place at the first regular Council meeting in January following the election or as soon as possible following the establishment of new committees.

3. Appointments to Committees of Council, Boards, Commissions and Other Bodies – Lay Members

Appointment of lay members to Committees of Council, Boards, Commissions and other Bodies will be for the term of office and will expire once the new Council has taken office in an election year, except as otherwise provided for by legislation. Appointments will take place as follows:

- a) A notice shall be placed in multiple local media locations (e.g. newspaper, town website, town Facebook Page) for a minimum of two (2) weeks advising residents of the opportunity to serve on the various Committees of Council, Boards, Commissions and other Bodies.
- b) The notice shall include information on (or link to) mandate, specific qualifications, responsibilities, and selection criteria as applicable (e.g. Terms of Reference or similar documentation)
- c) Interested applicants shall submit a written application (letter or email) to the Clerk outlining
 - the reason for their interest in the appointment, and
 - details of relevant experience and qualifications.
- d) The Striking Committee shall meet to review the applications and make recommendations to Council for appointment to fill the vacancies.
- e) The appointment of lay members to Committees of Council, Board, Commissions and other Bodies shall take place at the first regular Council following the deadline date for applications.
- f) The appointment of lay members to new committees established during the term of council shall follow the same process as outlined in a) through e) above.
- g) The appointment of lay members to fill vacancies that occur during the term shall be made as soon as possible using the process outlined in a) to d) above. Vacancies that occur fewer than 120 days prior to completion of the term will not be filled unless there is a need to achieve quorum.

- 13.02 **Readings:** Every By-law shall have three readings prior to passage. By-laws will be presented as a Consent Agenda. All By-laws will be passed in one motion with Members of Council having the ability to extract single items to be dealt with on an individual basis including the introduction of alternative Motions and/or amendments. The Clerk shall exclude any By-law from the Consent Section that does not require all three readings.

By-laws introduced through Consent

A member of Council will introduce all three readings of a By-law within the same Motion, duly moved and seconded. This Motion must specify the title of the By-law or with the consent of Council, only include By-law Numbers.

By-laws introduced as Individual Agenda Item

A Member of Council will introduce a By-law with its first and second reading which must specify the title of the By-law. Where this procedure occurs, the By-law may be amended following second reading and prior to third reading of the By-law. The third reading of a By-law shall be decided without amendment or debate.

- 13.03 **Formal Records:** Every By-law enacted by Council shall be numbered and dated, signed by the Head of Council and Clerk or their designates appointed by By-law or statute and sealed with the Corporate Seal of the Town. The Clerk shall ensure that all By-laws are properly stored for safe keeping.
- 13.04 **Confirmation By-laws:** At the end of each Council Meeting, a By-law will be enacted to confirm all Motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate By-law duly enacted, except where the prior approval of the Ontario Municipal Board or any other body or agency is required. A Motion to pass a By-law to Confirm the Proceedings of a Meeting of Council shall be voted on without debate.

Section 14.00: Amendments to, and Suspensions of, this By-law

- 14.01 **Suspension:** Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law.
- 14.02 **Notice:** No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.
- 14.03 **Voting Requirement:** Amendment to this by-law shall require an Affirmative vote of two-thirds of Council present.



Section 15.00: Administration & Effective Date
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15.01 **Administration**: The Clerk shall be responsible for the administration of this By-law.

15.02 **Force and Effect**: This By-law shall come into force on the date it is finally passed.

15.03 **Repeal**: This By-Law repeals Procedure By-Law 53-2014.

By-law read a first, second and third time, and finally passed, this 22nd day of June, 2022.

	
_____ Suzanne D'Eon, Mayor	_____ Jackie Mellon, Clerk