



Council Procedural By-Law

Municipality of Temagami

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The Corporation of the Municipality of Temagami

By-Law Number _____

BEING a By-Law to establish rules governing the proceedings of Council, the calling of Meetings and the conduct of Members, Staff and the Public.

SHORT TITLE – This By-Law may be cited as the “Procedural By-Law.”

WHEREAS a Municipality is a level of government and requires formality and procedures in Meetings so that clear, informed, written decisions, direction, Resolutions and by-laws can be both adopted and implemented.

AND WHEREAS Council, pursuant to section 238 of the *Municipal Act*, 2001, is required to establish the procedures governing the Meetings of Council and Committees, the conduct of its Members and the calling of Meetings.

AND WHEREAS Council must adopt by by-law, the procedures which address the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise.

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

Preamble

In addition to this By-Law, Members of Council are governed by the following documents and legislation:

- *Municipal Act*, 2001
- *Municipal Conflict of Interest Act*
- Municipal Code of Conduct, By-Law 13-1138
- *Municipal Elections Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Accessibility for Ontarians with Disabilities Act*
- *Occupational Health and Safety Act*
- Workplace Harassment/Workplace Violence Policy, By-Law No. 15-1226
- Staff Council Relations Policy
- Social Media Policy, By-Law No. 14-1202
- *Planning Act*
- Accountability and Transparency By-Law, No. 10-939
- Travel Expenses Policy, By-Law 14-1215

Members of council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

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1. Definitions

In this By-Law:

1.1 Ad-Hoc Committee.

“Ad-Hoc Committee” means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference, set out in a Resolution or By-Law which includes language indicating when the Committee will cease to exist.

1.2 Agenda.

“Agenda” means the list of business to be conducted at a Meeting.

1.3 Chair.

“Chair” means the person presiding at a Meeting.

1.4 Clerk.

“Clerk” means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act*, and other relevant legislation.

1.5 Committee of the Whole.

“Committee of the Whole” means a Committee of all Members of Council.

1.6 Consent Agenda.

“Consent Agenda” means a list of items of a routine nature that do not require substantial discussion or debate at a Council Meeting. Items on the Consent Agenda are approved in a single Resolution.

1.7 Council.

“Council” means the elected Members of the Municipal Council.

1.8 Council Package.

“Council Package” means a copy of the Agenda, Closed Meeting Agenda, Reports and all other information that Members require prior to a Meeting.

1.9 Closed Meeting.

“Closed Meeting” means a Meeting of Council or Committee that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislation.

1.10 Deputy Mayor.

“Deputy Mayor” means a Member of Council appointed, in accordance with the Municipality’s policies, to act in the place of the Mayor when the Mayor is absent.

1.11 Electronic Meeting.

“Electronic Meeting” means a Meeting where any Member is not physically present but participates via electronic means of communication. Such Member does not count for Quorum. The Member participating electronically can vote. The Member participating electronically may not participate in a Closed Meeting.

1.12 Emergency Meeting.

“Emergency Meeting” means a meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

1.13 Ex Officio.

“Ex Officio” means that the Mayor is a Member of all Committees of Council established by Council, unless prohibited by law. The Mayor, as an Ex Officio Member, is not entitled to vote unless legally specified otherwise.

1.14 Head of Council.

“Head of Council” means the Mayor or, in the absence of the Mayor, the Deputy Mayor.

1.15 Local Board.

“Local Board” means a Local Board as defined in the *Municipal Act*, and shall include the Public Utilities Commission, Police Services Board, Health Service Board and Public Library Board.

1.16 Meeting.

“Meeting” means any regular, special or other Meeting of Council, a Local Board or a Committee where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee as stated in Section 238 of the *Municipal Act*.

1.17 Member.

“Member” means a Member of Council, Local Board or Committee.

1.18 Motion.

“Motion” means a written question moved and seconded by two Members, presented at a Meeting, read by the Chair or Clerk/Secretary subject to debate and voting by Council or a Committee. When a Motion passes, it becomes a Resolution or By-Law.

1.19 Motion to Amend.

“Motion to Amend” means a Motion to vary the main Motion before Council or a Committee.

1.20 *Municipal Act.*

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

1.21 Municipality.

“Municipality” means the Municipal Corporation of the Municipality of Temagami.

1.22 Notice of Motion

“Notice of Motion” means an advance notice to Members regarding a matter on which Council will be asked to take a position.

1.23 Officers.

“Officer(s)” means a person, such as the Treasurer/Administrator, Clerk, Chief Building Official, Fire Chief and Integrity Commissioner, who holds a position of responsibility with definite rights and duties prescribed by statute or By-Law.

1.24 Order of Business.

“Order of Business” means the sequence of business to be introduced and considered in a Meeting.

1.25 Point of Procedure.

“Point of Procedure” is a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-Law.

1.26 Presentation.

“Presentation” means a person or group (including a Member, staff or Public) who provides information to Council or Committee.

1.27 Quorum.

“Quorum” means a majority of Members of Council or Committee.

1.28 Recorded Vote.

“Recorded Vote” means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes.

1.29 Regular Meeting.

“Regular Meeting” means a scheduled Meeting held at regular intervals in accordance with the approved schedule of Meetings.

1.30 Report.

“Report” means a written or other Report from the Treasurer/Administrator, Clerk, Department Heads, Staff or Committee which is approved by the Treasurer/Administrator or Clerk.

1.31 Resolution.

“Resolution” means a Motion that has been approved by Council.

1.32 Special Meeting.

“Special Meeting” means a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings.

1.33 Standing Committee.

“Standing Committee” means a Committee comprised solely of Members of Council.

1.34 Unfinished Business.

“Unfinished Business” means matters listed in the Agenda which have not been dealt with in their entirety at a previous Meeting.

1.35 Treasurer/Administrator

“Treasurer/Administrator” means the person appointed by the Municipality pursuant to Section 229 of the *Municipal Act*.

1.36 Urgent.

“Urgent” means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

- a. Danger to the life, health or safety of individuals;
- b. Damage to property;
- c. An interruption of the essential services provided by the Municipality;
- d. Immediate and significant loss of revenue by the Municipality;
- e. Legal Issue and/or
- f. Prejudice to the Municipality.

2. General Meeting Rules

2.1 Rules – to be observed at all times

The rules contained in this By-Law shall be observed in all Meetings of Council and with necessary modifications in every Committee Meeting.

2.2 Suspending Procedural By-Law

This By-Law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a Meeting.

2.3 Mayor

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her authority to Chair any Meeting.

2.4 Absence of Mayor

In the absence of the Mayor, if he or she refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and shall have all the rights, powers and authority of the Head of Council.

2.5 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to act as Head of Council for a Meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that Meeting. The Clerk shall call the Meeting to order.

2.6 Meeting Location

Unless otherwise authorized by Council, all Meetings of Council shall be held in the Council Chambers, at the Temagami Welcome Centre, located at 7 Lakeshore Dr, Temagami, Ontario, Canada.

2.7 Clerk

A Clerk or Deputy Clerk must be present at all Council Meetings or other Meetings where there is a Quorum of Council. The Clerk or Deputy Clerk may attend by electronic means.

2.8 Quorum

Quorum must be present at all Meetings. (2.8.1)

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting. (2.8.2)

The Clerk shall record the names of the Members present at the fifteen (15) minute time limit, will include those names on the Minutes for the adjourned Meeting and will include those Minutes on the Agenda for the next Meeting. (2.8.3)

If at any time during a Meeting there is not Quorum, the Meeting shall automatically be recessed until there is Quorum again or until the Chair adjourns the Meeting. (2.8.4)

2.9 Minutes

Minutes of all Meetings will be recorded without note or comment. (2.9.1)

After approval, minutes of all Meetings, except Closed Meetings, will be posted in accordance with the applicable municipal policies. (2.9.2)

2.10 Arriving Late/Leaving Early

If a Member arrives after a Meeting has started or leaves before the end of the Meeting, the Clerk will record in the minutes the time of arrival/departure. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of Meeting that the Member needs to leave before the end of the Meeting.

2.11 Staff Attendance

Staff have a statutory duty to provide advice to Council. As such, staff, and particularly Officers and Department Heads, are expected to attend Council Meetings and to provide advice on a regular basis. Staff and Officers shall attend Meetings of Council when required by the Treasurer/Administrator or Clerk.

2.12 Declarations of Conflicts of Interest

Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will:

1. Provide a written statement of the interest and its general nature to the Clerk in accordance with **Schedule A**;
2. Will vacate Council Chambers while the issue is considered; and,
3. Will take no steps to influence the decision in any way, either prior to, during or after the Meeting, even if the Member did not attend the Meeting where the matter was discussed. (2.12.1)

If the Member is not at a Meeting where a matter in which they have a conflict of interest was discussed, they must declare the conflict at the next Meeting and complete the written statement. Alternatively, if the Member knows they will not be at the Meeting where they have a conflict of interest in an item Council will consider, they can advise the Clerk and complete the declaration prior to the Meeting. (2.12.2)

Members will, at all times, comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*. (2.12.3)

2.13 Rules of Debate

The Chair shall preside over the Meeting, ensure good order and decorum, and rule on procedural questions. (2.13.1)

All Agenda items to be discussed are to proceed by Motion. (2.13.2)

Each Motion requires a moving Member and a seconding Member. If no Member agrees to move or second the Motion, the item will be struck from the Agenda and will not be subject to debate. (2.13.3)

The Chair or the Clerk will read the Motion or question. (2.13.4)

The mover has the first right of speaking on that Motion, after the Chair. (2.13.5)

The seconder has the next right of speaking on the Motion after the Chair and the mover have spoken. (2.13.6)

After the Chair, the mover and the seconder have spoken, the Chair will canvas each remaining Member for their opinion on the Motion. (2.13.7)

After being recognized by the Chair, every Member shall respectfully acknowledge the Chair before speaking on any matter. (2.13.8)

A Member shall not speak a second time on a matter until all Members have had a chance to speak, except:

- a. With permission of Council,
- b. If questioned by another Member;
- c. To explain comments which the Member believes have been misunderstood;
or,
- d. In the case of the mover of a Motion, in reply just before the Chair and after everyone else has spoken. (2.13.9)

No Member, without the permission of Council or the Committee, shall speak to a matter or in reply for longer than five (5) minutes. (2.13.10)

Motions and amendments to a Motion must be moved and seconded by the mover and seconder. (2.13.11)

A Motion may be withdrawn at any time prior to the vote thereon with the consent of the majority of Members present. (2.13.12)

When a matter is being debated, no other Motion shall be entertained other than a Motion:

- a. to refer the matter to a certain body;
- b. to amend the Motion;
- c. to defer the Motion;
- d. to adjourn the Meeting;
- e. that the vote be taken. (2.13.13)

A Motion to refer or defer shall be heard before any Motion or amendment, except a Motion to adjourn. (2.13.14)

A Motion to refer shall require direction as to the body to which it is being referred and a date the body is to Report to Council or Committee. A Motion to refer is not debatable. (2.13.15)

A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable. (2.13.16)

A Motion that the vote be taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak on the matter at least once. (2.13.17)

Once a Motion that the vote be taken is passed, the original Motion and any amendments shall be voted upon without further debate. (2.13.18)

2.14 Conduct

Members are required to follow the Municipality's Code of Conduct during all Meetings.

No Member shall:

- a. Speak disrespectfully of the Mayor, Deputy Mayor, Member, Staff, or any Member of the Public;
- b. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of council;
- c. Speak on any subject other than the subject in debate unless raising a point of privilege or procedure;
- d. Speak in open Council about matters discussed in a Closed Meeting until authorized by Council;
- e. Interrupt a Member who is speaking by speaking out, or making a noise or disturbance, except to raise a procedural question; and
- f. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee. (2.14.1)

At a Meeting, no person shall:

- a. Speak disrespectfully of the Mayor, Deputy Mayor, a Member, any staff person, or any Member of the Public;
- b. Use offensive words;
- c. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- d. Leave his or her seat while a vote is being taken and until the results of the vote are declared;
- e. Make any disruptive noise or disturbance;
- f. Enter the Meeting while a vote is being taken;
- g. Walk between a Member who is speaking and the Chair; and
- h. Display signs or placards, applaud, engage in conversation or any other behavior, which may disrupt debate. (2.14.2)

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting. (2.14.3)

No persons, except Members, the Clerk or the Secretary of a Committee, may approach Members without permission from the Chair. (2.14.4)

No person shall speak aloud at a Meeting or address Members without first receiving permission from the Chair. (2.14.5)

All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate.

Members of the Public may not be recognized unless it is to ask a question during Question Period. (2.14.6)

Any person who contravenes any of the rules in this By-Law are guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair. (2.14.7)

2.15 Questions during Debate

A Member may, through the Chair, ask a question arising out of or request an explanation of the previous speaker's remarks. (2.15.1)

A Member may, through the Chair, ask questions during the discussion on any item on the Agenda and ask questions on the item to any staff of the Municipality in attendance at the Meeting. (2.15.2)

Any Member may, at any time during the debate, request that a Motion under discussion be read by the Chair. A Member may only make such a request once and may not interrupt another Member while they are speaking. (2.15.3)

2.16 Points of Procedure

When a Member believes there is a violation of this By-Law, the Member shall state that they wish to raise a Point of Procedure. Once recognized by the Chair, the Member shall raise the Point of Procedure. A Point of Procedure can only be raised during the Meeting. (2.16.1)

Upon raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure. (2.16.2)

Once the Point of Procedure has been dealt with, the debate shall resume, unless the ruling has changed this procedure. (2.16.3)

Any Member may appeal a ruling of the Chair by announcing their appeal to the Members. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling shall be final. (2.16.4)

Upon appeal, the Member shall state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected. (2.16.5)

Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, shall vote on the appeal. (2.16.6)

If the appeal is upheld by the majority of voting Members, the Chair shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands. (2.16.7)

No Member shall disobey the rules of Council or a decision of the Mayor, Chair or Council on questions of order or procedure or an interpretation of the rules of Council. (2.16.8)

Where a person (including a Member) has been warned about misconduct and has continued the conduct, the Chair may expel the person from the Meeting. If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the Meeting room. (2.16.9)

If the person engaging in misconduct is a Member and the Member apologizes, he or she may, by vote of the majority Council, be permitted to retake his or her seat. (2.16.10)

2.17 Voting - General

Once the vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other Motion until the vote has been taken. (2.17.1)

Voting shall be by way of a "show of hands" in favour or against, except when a Recorded Vote is requested. (2.17.2)

A Member may request a Recorded Vote on any Motion. Such request made me made before, during or after the vote. When a Recorded Vote is requested, the Clerk shall call each Member's name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a Recorded Vote. After completion of a Recorded Vote, the Clerk shall announce the result. (2.17.3)

If a Member present at a Meeting fails to or refuses to vote, their vote will be counted as a vote against the Motion. (2.17.4)

The Chair shall announce the results of the vote once the vote is completed. (2.17.5)

If during a non-recorded vote, a Member disagrees with the Chair's results of the vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken. (2.17.6)

If there is a tie vote, the Motion will be defeated. (2.17.7)

When the question under consideration contains multiple options/issues, the Motion shall be split without requiring a separate Motion and each option/issue will be voted on separately. The Motion shall be split without debate. (2.17.8)

2.18 Corrections

A Motion containing a minor or typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion.

2.20 Amendments

The following rules shall apply to amendments to Motions:

- a. A “Motion Amendment” is a change to the question asked in the Motion;
- b. an “amendment to an amendment” is a change to the proposed Motion Amendment;
- c. only one amendment (whether a Motion Amendment or an amendment to an amendment) can be presented at a time;
- d. when an amendment has been decided upon, another may be introduced;
- e. the order of voting shall be:
 - i. an amendment to an amendment shall be voted upon;
 - ii. A Motion Amendment shall be voted upon next, and
 - iii. the Motion, as amended, shall finally be voted upon.

An amendment which is simply a rejection of the Motion will not be permitted.

2.21 Voting - Reconsideration

When a Motion has been decided, any Member who voted with the majority may move for the Motion to be reconsidered. The reconsidering of the Motion shall be called the “Motion to Reconsider”. Members who were not in the majority cannot move for a Motion to Reconsider. (2.21.1)

Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to the Agenda. The Motion to Reconsider shall only be added to the Agenda upon Council’s approval. (2.21.2)

The process whereby a Motion to Reconsider is added to the Agenda is set out below:

- a. A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda;
- b. The Chair shall ask the Member to affirm that they voted with the majority;
- c. The Chair shall hold a vote whereby the Members shall vote on whether to allow the Motion to Reconsider to be added to the Agenda;
- d. When the Member is moving to have the Motion to Reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, **the majority** of Members must agree to add the Motion to Reconsider to the Agenda.
- e. Where the Member is moving to have the Motion to Reconsider added to the Agenda of a Meeting other than that at which the Motion was originally voted on, **a 2/3 majority** must agree to add the Motion to Reconsider to the Agenda.

- f. Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- g. No Motion shall be reconsidered more than twice in the same calendar year.
- h. A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.
- i. Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
- j. No Committee shall reconsider any question decided by Council during the current term nor consider any other matter, which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council. (2.21.3)

3. Roles and Responsibilities

3.1 Head of Council. (*Municipal Act*, s.225)

It is the role of the Head of Council to:

- a. Act as Chief Executive Officer (“CEO”) of the Municipality;
- b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c. Assign the seating arrangements in Council Chambers for all Members prior to the First Meeting of Council;
- d. Provide leadership to Council;
- e. Provide information and recommendations to Council with respect to the role of Council;
- f. Represent the Municipality at official functions;
- g. Uphold and promote the purposes of the Municipality;
- h. Promote public involvement in the Municipality’s activities;
- i. Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- j. Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
- k. Carry out duties prescribed by the *Municipal Act*;

3.2 Chair

It is the role of the Chair to:

- a. Open Meetings by calling the Meeting to order;
- b. Address the business listed on the Agenda;
- c. Receive and have read to Council all Motions presented by Members;
- d. Put to a vote all Motions which are moved and seconded, and announce the result of a vote;
- e. Decline to put Motions to a vote which breach the Procedural By-Law or other Legislation;
- f. Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- g. When, in the Chair's opinion, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- h. Provide information to Members on any matter relating to the business of the Municipality;
- i. Authenticate by signature all By-Laws, Resolutions and Minutes;
- j. Rule on any points of order raised by Members;
- k. Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council without any Motion being put forward; and
- l. Call for the adjournment of the Meeting when business is concluded.

3.3 Deputy Head of Council. (*Municipal Acts.242*)

In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council. (3.3.1)

If the Deputy Head of Council is unable to act in the place and stead of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the Meeting. (3.3.2)

3.4 Council. (*Municipal Act, s.224*)

It is the role of Council to:

- a. Represent the public and to consider the well-being and interests of the Municipality;
- b. Develop and evaluate the policies and programs of the Municipality;
- c. Determine which services the Municipality provides;
- d. Ensure that administrative policies, practices, and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- e. Ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- f. Maintain the financial integrity of the Municipality; and,
- g. Carry out duties of council prescribed by the *Municipal Act*.

3.5 Clerk. (*Municipal Act, s.228*)

It is the duty of the Clerk to:

- a. Record, without note or comment, all Resolutions, decisions and other proceedings of Council;
- b. If required by any Member present at a vote, record the name and vote of every Member voting on any matter or question;
- c. Keep the originals or copies of all By-Laws and of all minutes of the proceedings of Council;
- d. Perform other duties required under the *Municipal Act* or any other *Act*; and
- e. Prepare and circulate Council Packages to all Members.
- f. Perform any other duties as assigned by the Municipality;

The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section 228(4) of the *Municipal Act*.

3.6 Staff. (*Municipal Act*, s. 227)

It is the duty of Staff to:

- a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b. Undertake research and provide advice to Council on the policies and programs of the Municipality; and,
- c. Carry out other duties required under the *Act* and other duties assigned by the Municipality.

3.7 Treasurer/Administrator (as Chief Administrative Officer. (*Municipal Act*, s. 229))

It is the duty of the Treasurer/Administrator to:

- a. Exercise 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. Perform such other duties as are assigned by the Municipality.

3.8 Members of the Public.

It is the role of Members of the Public to:

- a. Attend Meetings which are open to the public;
- b. Follow the rules of order, polite conduct and decorum;
- c. Provide input and information to Council only at Meetings, or portions of Meetings specifically designed for public engagement and in a manner dictated by Council (e.g. writing, in person, electronic, etc.).

4. Meetings

4.1 First Meeting

The First Meeting of the newly elected or acclaimed Council after a regular election shall be held within the first 31 days of the term and preferably on the second Thursday in December. (4.1.1)

At the First Meeting, the Clerk or shall administer the declarations of office and oaths of allegiance, and the Code of Conduct for all Members. (4.1.2)

No business shall be conducted at the First Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members. (4.2.3)

4.2 Regular Meetings

421 Time and Place. Regular Meetings shall be held on the second and fourth Thursdays of each month at 6:30 P.M. Regular Meetings shall be preceded, when required, by a Closed Session starting no earlier than 3:00 P.M. A report of the Closed Session will be made at the appropriate time during the Regular Meeting.

422 Election Year. Following a regular election, Council shall only meet as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

423 Summer and December. During the months of July, August and December, there shall only be one Meeting of Council will shall be held on the date and time and in such a location as is chosen by the Clerk.

4.3 Special Meetings

431 A Special Meeting is a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that must be dealt with before the next Regular Meeting.

432 The Head of Council. The Head of Council may, at any time, summon a Special Meeting by providing a Notice of the Meeting to Members twenty-four (24) hours before the Meeting.

433 Upon receipt of a petition from the majority of Council, the Clerk may summon a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Special Meeting.

434 The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting.

435 Special Meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*.

4.4 Emergency Meetings

4.4.1 An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an Urgent Matter.

4.4.3 The Clerk will attempt to notify all Members, Treasurer/Administrator and the appropriate staff about the Urgent Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise the Urgent Meeting to the public.

4.4.4. Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

4.4.5 Quorum is still required at an Emergency Meeting.

4.4.6 These provisions shall apply, with necessary modifications, to Committees and Local Boards.

4.5 Closed Meetings

4.5.1 A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

4.5.2. No Member, Officer or employee shall disclose the subject matter or deliberation of a Closed Meeting, unless expressly authorized to do so by Council or the Committee.

4.5.3 After the Closed Meeting is adjourned the Chair shall report to the public:

- a. That the Meeting has resumed open session; and,
- b. The general nature of the matters dealt with in the Closed Meeting.

4.5.4 Permissive Closed Meetings. A Meeting may be closed where the matter to be discussed is, as contemplated in Section 239(2) of the *Municipal Act*, as follows:

- a. The security of the property of the Municipality or Local Board;

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

A Meeting may be closed if the Meeting is held for the purpose of educating or training the Members and at the Meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

4.5.5 Mandatory Closed Meeting. A Meeting must be closed if the subject matter being considered is, as detailed in Section 239(3) of the *Municipal Act*, as follows:

- a. A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Board, Commission or other body is the head of an institution for the purposes of that *Act*;

- b. An ongoing investigation respecting a Municipality, a Local Board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in Subsection 223.13(1) of the *Municipal Act*, or the Investigator referred to in Subsection 239.2(1) of the *Municipal Act*.

A Meeting must be closed if the subject matter being considered is a harassment, complaint or investigation, pursuant to the *Occupational Health and Safety Act*.

4.6 Cancelled Meetings

461 A Meeting may be cancelled by the Head of Council, in consultation with the Treasurer/Administrator and/or Clerk, in the following instances:

- a. Quorum cannot be achieved;
- b. By Council Resolution;
- c. In the event of an unforeseen, significant event; or,
- d. The Meeting is no longer required.

462 For the purposes of section 4.6, an unforeseen, significant event includes, but is not limited to, the following:

- a. Safety concern for participants in the Meeting, including Members and Members of the Public (ex. snow storm, closing of the highway);
- b. Loss of heat/electricity or water;
- c. Clerk/deputy clerk's inability to attend;
- d. A state of emergency;
- e. The inability of a required participant to attend; and/or
- f. The Meeting becomes redundant.

463 The Clerk will attempt to notify all Members, Treasurer/Administrator and the appropriate staff about the cancelled Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise to the public that the Meeting has been cancelled.

5. Notice of Meetings

5.1 Annual Schedule of Meetings

5.1.1 The Clerk shall, by January 31st of each calendar year, submit a schedule of the upcoming Regular Meetings for each Council year for consideration and adoption by Council.

5.1.2. The Clerk shall post on the municipal website notice of all Meetings. This posting will constitute notice to the public of the Meeting.

5.1.3 Prior to the first Meeting in January of each year, the Clerk shall post on the municipal website the schedule for all Regular Meetings for the calendar year.

5.1.4 The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts and holidays. The Clerk's amendments shall be circulated to all Members and will be posted on the municipal website as soon as possible after the amendments are made.

5.1.5 The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings and Committee Meetings.

5.1.6 Where a statute or the Notice By-Law requires, notice will be published in accordance with the statute/By-Law. The notice will also be posted on the municipal website.

5.1.7 Nothing in this Procedural By-Law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

5.1.8 Lack of receipt of notice or failure to comply with the notice provisions of this Procedural By-Law shall not invalidate the Meeting or any decision of Council or the Committee made at the Meeting.

6. Agenda

6.1 Agenda

6.1.1 It shall be the duty of the Clerk to prepare the Agenda of all Meetings in consultation with the Mayor and Treasurer/Administrator. Where there is a dispute about including or excluding an item from the Agenda, the Clerk's decision shall be final.

6.1.2 All Council Agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached **Schedule B**.

613 The Council Meeting shall consider the items to be dealt with in accordance with the order that is set out in the Agenda unless otherwise decided by Resolution of the Members present at the Meeting.

614 Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting Agenda under “Unfinished Business” unless set to a subsequent Meeting by Resolution of the Members present.

615 All items to be included on the Agenda will be provided to the Clerk by Members, Staff or the Public no later than eight (8) calendar days before the Meeting. Reports for a Meeting will be finalized and filed with the Clerk no later than seven (7) calendar days before the Meeting.

616 Reports to Council shall be in the standard form set out in **Schedule C**.

617 Members wishing to have a matter placed on the Agenda will provide the Clerk with their matter, the deadline for submissions being the Wednesday of the week before Council Meetings.

618 Individuals or Bodies wishing to have a matter placed on the Agenda will provide the Clerk with their matter, the deadline for submissions being the Wednesday of the week before Council Meetings.

619 The Clerk, Mayor and Treasurer/Administrator may decline to add items and/or Reports to an Agenda. Reasons to decline include, but are not limited to the following:

- a. More time is required to prepare Staff Reports for Council;
- b. The Delegation Request Form was not submitted by the deadline;
- c. The Delegation Request Form is incomplete;
- d. The subject matter of the Delegation is outside of the jurisdiction of Council;
- e. The subject matter is with respect to a matter that should be discussed in a Closed Meeting;
- f. The Meeting Agenda is already too lengthy;
- g. The subject matter is set to be discussed on another Agenda;

- h. The issue is frivolous or vexatious;
- i. The issue has been or is to be considered by the Committee of Adjustment;
- j. Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
- k. Council previously indicated that it will not hear further from this Delegation; or
- l. The issue should be referred to the Administrative Department for action.

Council Packages will be provided to Council no later than five (5) calendar days before the Meeting.

6.2 Closed Meeting Agenda

621 In the event the Clerk receives items for a Closed Meeting Agenda, they shall be placed on the Closed Meeting Agenda and provided to Council in a separate confidential Council Package.

6.3 Adjournment

631 A Motion to adjourn does not need a seconding Member.

632 A Motion to adjourn a Meeting will be considered at any time except the following:

- a. When another Member has been recognized by the Chair and is speaking on a matter, or
- b. During the taking of a vote.

633 If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the Agenda is completed.

6.4 Curfew

Meetings shall be automatically adjourned at 10:00 p.m. unless otherwise determined by Resolution passed by a majority of the Members present.

6.5 Committees/Appointments

651 Committees and Appointments will be governed as per **Policy/Schedule D**.

6.6 Electronic Participation
6.6.1 Policy/Schedule E

6.7. Amendment

6.7.1. Any provision contained in this By-Law may be repealed, amended or varied and additions may be made to this By-Law by a majority vote, provided that no Motion for that purpose may be considered unless notice thereof has been given in accordance with the Municipality's Notice By-Law.

6.8. Mandatory Review

6.8.1 This By-Law shall have a mandatory review in one year following the date of approval.

6.9. Repeal – Enactment

6.9.1 That By-Law _____ and amendments thereto be and are hereby repealed.

6.9.2 This By-Law comes into force and takes effect on the date of enactment.

Read a first and second time this ____ day of _____, 2019.

Read a third and final time and enacted and passed this ____ day of _____ 2019.

7. Schedules to the By-Law

Schedule A – Conflict of Interest

Schedule B – Agenda and Consent Agenda

Schedule C – Reports

Schedule D – List of Committees/Appointments

Schedule E – Electronic Participation

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

DECLARATION OF CONFLICT OR PECUNIARY INTEREST FORM

The declaration is to be read aloud in the meeting and then forwarded to the Clerk

I declare that I have a pecuniary interest in item(s) _____ on this agenda, which is (are)

(description of the item(s) on the agenda)

because

(general nature of that interest – MUST be included EXCEPT for Closed Session items)

Name of Member _____ *Date of Meeting* _____

Note: When a declaration of interest is made in closed session, for an item on the closed session agenda, the declaration, not including the general nature, shall be recorded in the minutes of the next meeting that is open to the public.

Excerpt from the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50

Duty of Member

When present at meeting at which matter considered

5. (1) Where a member, either on his or her 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 local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

Excerpt from the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50

Duty of Member

When present at meeting at which matter considered

5. (1) Where a member, either on his or her 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 local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

“Schedule B”

Example Agenda

“Schedule C”
Administrative Report Template and Memo to Council



Corporation of the Municipality of Temagami

Report No.

File No.

Subject:

Agenda Date:

Attachments:

RECOMMENDATION

BACKGROUND

ANALYSIS

FINANCIAL/STAFFING IMPLICATIONS

This item has been approved in the current budget:

Yes ☐

No ☐

N/A ☐

This item is within the approved budgeted amount:

Yes ☐

No ☐

N/A ☐

ALTERNATIVES

Prepared By:

Reviewed and
submitted by:

Accepted for Council
consideration by:

Name
Position

Name
Position

Name
Position

Note: The Report should not exceed 2 pages in length. It should contain enough information for Council to base their decision. Additional information should be presented as required in the Attachments and referenced in the report.



Corporation of the Municipality of Temagami

Memorandum to Council

Memo No.



Staff



Committee

Subject:

Agenda Date:

Attachments:

RECOMMENDATION

This memorandum is:



To be received for information

INFORMATION

Prepared by:

Reviewed by:

Name, Position

Name, Position

On behalf of:

Name of committee if applicable

“Schedule D”
List of Committees/Appointments



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
Regular Council Meeting

Resolution Number: 19-01
Title: A resolution of the appointment of Council Members
Date: 12/05/2018

MOVED BY: C.Dwyer
SECONDED BY: B.Leudke

BE IT RESOLVED THAT Council of the Municipality of Temagami make the following appointments and direct Staff to prepare By-Laws for Council's consideration where required.

Dan O'Mara	Police Services Board, Nipissing DSSAB, Au Chateau & Memorandum of Understanding Committee.
Cathy Dwyer	Deputy Mayor and Committee of Adjustment
Barret Leudke	CEMC-Emergency Management Committee, Memorandum of Understanding Committee and Lake Temagami Access Point Planning Group
John Harding:	Memorandum of Understanding; and Lake Temagami Access Point Planning Group
Margaret Youngs:	Cemetery Board; and Temagami Family Health Team
Jamie (N.E.) Koistinen:	Administrator Review Committee and Emergency Management Program Committee
John Shymko:	Library Board; and Parks and Recreation Event Planning Committee

ABSTAIN: 0

CARRIED

Declaration of Conflict of Interest:

A true copy of the resolution by the Council of the Municipality of Temagami

“Schedule E”
Electronic Participation

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW NO. 17-1330

**Being a by-law to amend By-law 16-1279, being a by-law to regulate the proceedings of the
Council of the Municipality of Temagami.**

WHEREAS under Section 238 (2), the Municipal Act, S.O., 2001, c.25, c.M. 45, as amended, requires every municipality and local board to pass a procedure by-law governing the calling, place and proceedings of meetings;

AND WHEREAS under Sections 238 (3.1) and (3.2), the Municipal Act, S.O., 2001, c.25, c.M. 45, as amended, the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time; however, the applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public;

AND WHEREAS the Municipal Council of the Corporation of the Municipality of Temagami passed Procedure By-law 16-1279 on the 25th day of February 2016;

AND WHEREAS on the 22nd day of March 2018, Council passed Resolution 18-096, to receive Memo 2018-M-012 - Options for remote attendance in Procedure By-law and to direct staff to draft an amendment to the Procedure By-law to provide for electronic participation in meetings from the direction given at the March 13, 2018 Committee of the Whole meeting; and to give notice of intent to consider an amendment to the Procedure By-law as required by section 21 of said by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. **That Procedure By-law 16-1279 is hereby amended by** adding the following definition as subsection 1.14, with the remaining subsections to be renumbered accordingly: *“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 as may be decided upon by Council from time to time.*
2. **That Procedure By-law 16-1279 is hereby amended by** adding as section 2.7: *“Subject to the provisions of the Municipal Act, 2001, as amended, the Municipality of Temagami shall allow electronic participation by Members of Council and Committees in the manner and to the extent set out in section 6 of this by-law.”*
3. **That Procedure By-law 16-1279 is hereby amended by** adding the following as section 6, with the remaining subsections renumbered accordingly:

Initials:

_____ Mayor

_____ Clerk

6. ELECTRONIC PARTICIPATION:

61. Extent:

- a. *Electronic participation shall be allowed at all Regular, Special and Committee of the Whole meetings of Council that are open to the public.*
- b. *There shall be no restriction on how often each Member of Council shall be allowed to participate electronically.*
- c. *There shall be no limit on the number of consecutive meetings that a Member of Council can participate in electronically.*
- d. *A maximum of three (3) Members of Council may participate electronically at a meeting, provided that a quorum of Council is present in person at the meeting.*
- e. *Council Members shall be permitted to vote when participating electronically.*
- f. *In order to Chair a meeting, a Member of Council shall be present in person at the meeting. When the Head of Council is participating in a meeting electronically, another Member shall chair the meeting as set out in Section 3 of this By-law.*
- g. *Although Members participating electronically are not permitted to participate in a closed session, if following the consideration of a matter in closed session a vote is taken in open session, they shall be permitted to vote on the matter, or they may choose to abstain from voting having not been privy to the closed session discussion.*

62. Manner:

- a. *When the question is called on a motion, a Member or Members participating by telephone may state verbally whether they are for or against, rather than by a show of hands, as required by section 15.8.1.*
- b. *When participating by telephone, a Member may call a point of order or move an amendment verbally. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.*
- c. *A Member who is participating in a meeting electronically may declare a conflict of interest by emailing the declaration form to the Municipal Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.*

63. Process:

- a. *Any Member wishing to participate electronically in a meeting shall send a request to do so by email to the Municipal Clerk. The ability to participate electronically shall be allocated on a first-come-first-serve basis.*
- b. *In order for a Member to participate electronically in an afternoon/evening meeting, the request shall be received by 4:30 pm on the business day before the meeting. In order to participate electronically in a morning meeting, the request shall be received by noon on the business day before the meeting. The Municipal Clerk may, at his or her sole discretion, accept a request submitted later than the*

Initials:

_____ Mayor

_____ Clerk

prescribed time due to unanticipated circumstances (including, but not limited to weather or road conditions).

- c. The municipality may use telephone conference calling, or other technology to facilitate electronic participation. The municipality shall pay the cost of the conference calling or technology option and where direct dialing is used the municipality shall initiate the call, so that the cost goes to the municipality.*
 - d. In the event of connection/service interruptions, the Chair may recess the meeting to allow for attempts to reconnect. After 10 minutes not connected, the meeting shall resume and no more efforts shall be taken to reconnect.*
4. **That Procedure By-law 16-1279 is hereby amended by** adding to the end of section 7.2 *“If the Mayor and/or Deputy Mayor is/are present at the meeting, but is/are participating electronically, this section applies with regard to who will chair the meeting; however, those participating electronically shall be counted as present for the purpose of choosing an alternate Chair.”*
5. **That Procedure By-law 16-1279 is hereby amended by** adding to the end of section 15.8.1: *“Notwithstanding this provision, a Member or Members participating electronically may state verbally whether they are for or against a motion.”*
- 6 **That** this By-law shall take effect upon the final passing thereof.
- 7 **That** the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

TAKEN AS READ a first time on this 17th day of April, 2018.

TAKEN AS READ A SECOND TIME on this 17th day of April, 2018

TAKEN AS READ A THIRD TIME AND FINALLY PASSED on this 17th day of April, 2018.

Mayor

Clerk