



Corporation of the Municipality of Temagami

Memo No.
2024-M-198

Memorandum to Council

Subject:	Recommendation to Repeal and Replace Procedural By-Law 23-1659
Agenda Date:	November 28, 2024
Attachments:	Schedule A: Recommendations for Changes - Summary and Chart Schedule B: Council Procedure By-law 23-1659 - Tracked Changes

RECOMMENDATION

BE IT RESOLVED THAT Council accepts Memo 2024-M-198 (including Schedule A and Schedule B) as presented;

THEREFORE, BE IT RESOLVED THAT Council accepts the recommendations of staff to repeal and replace Procedural By-law 23-1659 with a new by-law that incorporates the required changes and directs staff to bring the new by-law back to Council for final approval.

EXECUTIVE SUMMARY

The Municipality of Temagami's Procedural By-law 23-1659 would benefit from significant updates to address areas of inefficiency, outdated practices, and gaps in its structure and content. This report identifies key issues, integrates previously unaddressed gaps, and provides a detailed plan to modernize the by-law for improved governance. The proposed changes aim to enhance transparency, streamline meeting processes, and align the by-law with best practices in municipal governance.

BACKGROUND

The Municipal Act mandates all municipalities to have a procedural by-law governing council meetings. The current by-law (23-1659) has been identified as needing improvement in several areas, including:

- Inconsistent and unclear procedures.
- Limited transparency for the public.
- Outdated definitions and practices that no longer align with council operations.

This comprehensive review incorporates additional measures to ensure the by-law is robust, accessible, and adaptable to the municipality's evolving needs.

KEY ISSUES AND RECOMMENDATIONS

The identified key issues and recommendations are further detailed in the attached schedules for reference and context:

- Schedule A: Recommendations for Changes - Summary and Chart
- Schedule B: Council Procedure By-law 23-1659 - Tracked Changes

These schedules provide comprehensive insights into the proposed updates, which can be summarized as follows:

1. Alignment with Current Practices

- Issue: Existing procedures do not consistently align with how council meetings are currently conducted.
- Recommendation: Update procedures to reflect current practices while providing flexibility for various meeting formats (e.g., regular, hybrid, and committee-style).

2. Public Participation

- Issue: Public participation rules, including question periods and delegations, lack time limits and clarity.
- Recommendation: Streamline public input rules, setting clear time caps and prioritizing relevant submissions.

3. Accessibility and Inclusion

- Issue: Lack of explicit standards for accessibility in procedural documents and meetings.
- Recommendation: Ensure compliance with accessibility standards such as AODA and conduct regular reviews to maintain accessibility.

4. Decision-Making in Hybrid or Working Sessions

- Issue: Informal sessions like "Committee of the Whole" lack clear protocols for transitioning discussions into actionable decisions.
- Recommendation: Define rules for transitioning between informal deliberations and formal decision-making processes.

5. Agenda Item Submission Deadlines

- Issue: Conflicting submission deadlines create confusion.
- Recommendation: Standardize deadlines for all submissions and define protocols for late submissions.

6. Role of the Clerk and CAO

- Issue: Ambiguity in the roles and responsibilities of key administrative positions.
- Recommendation: Clearly delineate the Clerk's and CAO's responsibilities, particularly for agenda preparation and procedural oversight.

7. Terminology Consistency

- Issue: Inconsistent terminology creates confusion (e.g., "emergency meeting" vs. "urgent meeting").
- Recommendation: Standardize terminology and include a glossary for clarity.

8. Meeting Recording and Documentation

- Issue: Lack of policies for retention and public access to meeting recordings.
- Recommendation: Establish clear protocols for storing, sharing, and accessing recordings, ensuring privacy compliance.

9. Curfew and Meeting Extensions

- Issue: No formal rules for extending meetings beyond the designated curfew.
- Recommendation: Require a vote to extend meetings and establish protocols for deferring agenda items if curfew is reached.

10. Integration of Technology

- Issue: Limited guidance on managing virtual or hybrid meetings.
- Recommendation: Develop comprehensive protocols for technical issues, ensuring equal participation for all members.

CONCLUSION

The revised Procedural By-law addresses all identified gaps and provides a modernized framework for effective governance. It ensures consistency, transparency, and accountability while adapting to technological advancements and accessibility requirements. The adoption of these recommendations will position the Municipality of Temagami to better meet the needs of council members, staff, and residents.

Respectfully Submitted

Laala Jahanshahloo

Schedule A to Memo 2024-198

Recommendations for a New Temagami Procedure By-law – Summary

It is recommended that Council repeal and replace the current Procedural By-law 23-1659 for the reasons explained below.

The Municipal Act requires that every Municipality has a procedure by-law for governing the calling, place and proceedings of meetings. With the exception of a few requirements, it leaves the details of the By-law up to individual Municipalities so that Municipalities are freer to run their meetings the way that best works for each particular Council. From time to time (and at least once per term of Council) the By-law should be reviewed by Council to ensure it is working for them.

It is important that the By-law reflects the way Council meetings are run, because:

- It provides for more efficient conducting of Council business when all of Council and Staff are on the same page with respect to how meetings are run, how and when notice is given, how and when items get on the meeting agenda, and how and when the information package for an agenda is provided to Members of Council.
- It also increases transparency and accountability to the public, so they know what to expect with regard to how meetings are advertised, what will be on the agenda, when the Council information package will be available for them to access, and how they can submit information or requests for Council consideration.

Currently Temagami’s Procedure By-law is not working well. There are sections of the By-law that are not being followed, or that don’t reflect how Council wants to run their meetings. There are gaps in the By-law that leave matters up to interpretation and can be confusing. There are sections in the By-law that do not need to be in it, adding to the complexity of the By-law. There are sections that are duplicated, and at times containing somewhat conflicting information. It is not easy to follow in its flow and layout, which makes it difficult to quickly refer to a section for guidance.

Furthermore, there are alternate options for meetings and rules that Council may wish to consider, which could make it easier for Council to conduct its business and could make Council meetings more efficient. The chart below highlights many of the issues identified.

Recommendations for a new Temagami Procedure By-law – Chart

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Additional Information Required		
Lack of information regarding “Working Sessions”.	These are listed in Section 4.3, but are not defined in the By-law and there is nothing in the rest of the By-law that gives any other details, or indicates that a different procedure applies to them.	If Council decides to continue with Working Sessions (as separate meetings) a definition and procedures need to be added. See also the recommended change to alternate options recommended below.

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
<p>Lack of information regarding posting Council Packages on the website for the Public to access.</p> <p>It has been the Municipality's practice for many years to publish for the Public the open portion of Council Packages. This is not mentioned in the current By-law.</p>	<p>The current By-law addresses providing packages to Council, but only provides for providing to the public notice of meetings, minutes, recordings of meetings, and in section 2.6 Meeting Location, states: "The access to Members of Council, Staff, and the Public to attend the meeting virtually shall be included with the published notice/agenda for the meeting."</p>	<p>Add: "Agenda Packages Provided to the Public: Council Packages for meetings, or the parts thereof, open to the public shall generally be provided to the public by posting the package to the Municipality's online public portal, no later than three (3) calendar days prior to a Regular Meeting and as soon as practical for a Special Meeting. Inability to access the package or any portion thereof by the public shall not invalidate the proceedings of the meeting.</p> <p><i>[Note: It is current practice to post packages for the public on the Friday before a regular meeting at the same time as for Council. It is recommended that Council consider returning to a previous practice of posting for the Public on the Monday, to give Council a chance to review them before the public does.]</i></p>
<p>Lack of Information on By-laws</p>	<p>Nothing states whether By-laws should be taken as given three (3) readings, and whether one or more readings may be passed in a single motion or at the same meeting. It also does not reference the Provision of Notice By-law for required notice for particular by-laws.</p>	<p>Add: "Motions for adoption of By-laws: Every by-law shall be taken as read three times prior to passage. A By-law may be taken as read more than once in a single motion. By-laws that are administrative in nature (for example: to appoint a statutory officer, or to execute an agreement previously approved by Council) may be taken as read all three times at the same meeting. Other By-laws shall not be taken as read more than twice at the same meeting unless Council deems that sufficient notice has been given to the public prior to that meeting, including any notice required by the Municipality's Provision of Notice By-law, and/or by statute.</p>
<p>Section 2:13 Rules of Debate: Council is not currently following the Rules of Debate in the existing By-law. Some noted issues are noted below:</p>		
<p>Order of Speaking:</p>	<p>The By-law states that the mover of a motion always has the first right of speaking on that Motion after the Chair, followed by the seconder. Then the Chair is supposed to canvas each remaining Member for their opinion on the Motion.</p>	<p>The Chair shall determine the order of the Members to speak on the Motion. Exception: when a Notice of Motion has been given, the mover shall be given the first opportunity to speak on the matter after the Chair.</p>
<p>Speaking a Second Time:</p>	<p>A Member shall not speak a second time on a matter until all Members have had a chance to speak. (By-law gives 4 limited exceptions.)</p>	<p>The Chair shall ensure that each Member is given an opportunity to speak on a Motion.</p>
<p>Acknowledging the Chair before Speaking: (This is often skipped)</p>	<p>After being recognized by the Chair, every Member shall respectfully acknowledge the Chair before speaking on any matter.</p>	<p>While a polite gesture in a formal meeting, Council may prefer removing this requirement, as the current Council in Temagami seems to prefer less formal procedures.</p>

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
<p>Motions: Change Required to definition to clarify that a “written” motion does not need to be printed, and to correct that a motion when passed becomes a by-law.</p>	<p>1.17 “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.</p>	<p>Correct the definition to add as the 2nd sentence: “A motion does not need to be printed, it may be written electronically.”; and to remove the words “or By-law” from the last sentence.</p> <p><i>NOTE: These changes should also be reflected in the Role of the Chair, which now includes to sign Resolutions.</i></p>
<p>Motions: Friendly Amendments: Motions are not printed, and corrections should not be limited to who requests them. Give clarity to when a “friendly amendment” is allowed.</p>	<p>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.</p>	<p>A Motion containing a typographic error may be corrected by the Clerk or Chair during the reading of the motion, or pointed out by any Member, and agreed to by the mover and seconder. Other “friendly amendments” may be made with the permission of both the mover and seconder without requiring a formal motion to amend, provided that they are of a minor nature and do not alter the purpose or essence of the motion. The Motion shall be recorded in the Minutes of the Meeting in the corrected form as voted upon.</p>
<p>Motions: Moving and Seconding Amendments</p>	<p>Motions and amendments to a Motion must be moved and seconded by the mover and seconder.</p>	<p>Any Member may move and second an amendment to a motion under consideration. Once an amendment is passed, the motion as amended, retains the original mover and seconder unless they have withdrawn their support.</p>
<p>Motions: Discussion prior to moving and seconding (Does not allow for preliminary discussion when formulating an amendment or replacing motion).</p>	<p>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.</p>	<p>During a meeting where an amendment to a motion is proposed, or where a motion has been defeated and a subsequent motion is being proposed on the same matter, preliminary discussion relating only to the wording of the proposed amendment or replacement motion may be discussed prior to the motion being read by the Chair or Clerk, and prior to a Member proposing to second the motion.</p>
<p>2.15 Questions during Debate</p>		
<p>The By-law currently requires that any questions be asked through the chair. This is not current practice.</p> <p>Additionally, questions for staff should be asked through the CAO.</p>	<p>2.15 A Member may, through the Chair, ask a question arising out of or request an explanation of the previous speaker’s remarks.</p> <p>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.</p>	<p>If Council prefers to be able to direct questions to another Member or staff directly, this section should be removed.</p> <p><i>[Note: Whether or not retaining the section about questions through the Chair is retained, a sentence regarding asking questions of staff through the CAO should be added.]</i></p> <p>Add: “Questions for staff shall be addressed to the CAO, who may then refer the question to a staff member, if present.”</p>

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Agenda Order		
Order of Business in By-law (Important items, such as By-laws are far down on the Agenda instead of near the beginning).	Bylaws - #11 on Agenda	The order should be rearranged, to address important items sooner. It is recognized that Registered Delegations and Invited Presentations are often put first to accommodate Members of the Public or Other Bodies who may not wish to stay for the remainder of the meeting. Items such as By-laws and Staff Reports requiring action should be addressed earlier in the meeting when Council Members are less tired and there is less chance of them being moved forward to another meeting if curfew becomes an issue.
Changing Item Order at a meeting: There has been some question at meetings if the order of agenda items can be changed during the meeting after the agenda has been adopted as presented.	6.1.3 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.	Add: The order may be changed prior to adopting the Agenda, in which case the Agenda shall be adopted as amended. A motion to change the order may be also considered during a meeting, notwithstanding the earlier adoption of the Agenda as presented or amended. <i>[Note: This is sometimes beneficial if the meeting is lengthy and/or or a desired attendee must arrive late or leave early.]</i>
Conflicting / Duplicate Information in By-law		
Timing of submission of agenda items.	6.1.5: All items to be included on the Agenda will be provided to the Clerk by Members, Staff or the Public no later than <i>ten (8)</i> 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. 6.1.7: 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. Conflicts with Schedule H – Notice of Motion Procedures (notice given verbally at previous meeting). 6.1.8: 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.	Should clarify that <u>Reports</u> are to be provided to the CAO (ten days – or 8 days??) before the meeting, they are then reviewed by the CAO and finalized with the CAO’s approval no later than 7 days before the meeting. Other items to be submitted by no later than eight (8) calendar days before the meeting at 4:30 p.m. (# of calendar days is preferable to a day of the week, in case a regular meeting is rescheduled to a holiday or other event. Also, recommend including a time, such as 4:30 p.m.)

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Sections to be Removed		
<p>Preamble list of legislation and other by-laws</p>	<p>Preamble In addition to this By-Law, Members of Council are governed by the following documents and legislation: (list of related Acts and By-laws)</p>	<p>It is recommended that this list should not be included as text in the By-law, but should be referenced and included as a schedule. Again, it is recommended that the Clerk be authorized to change the schedule if the Act changes, or if By-laws are replaced and/or repealed.</p>
<p>Sections of the Municipal Act are quoted in the body of the By-law, mixed in with this Municipality's requirements. This could create confusion as to what is legislated and what is not.</p> <p>Additionally, this means that if the legislation changes, the By-law should be amended to reflect current legislation.</p>	<p>Section 3 of the By-law quotes sections of the Municipal Act regarding Roles & Responsibilities</p> <p>Section 4.6 of the By-law quotes sections of the Municipal Act regarding Open / Closed meetings.</p>	<p>It is recommended that sections of the Act should not be included as text in the body of the By-law, but should be referenced and included as schedules. [Roles and Responsibilities, and Permitted Reasons to Close a Meeting, or a portion of a Meeting}. It is also recommended that the Clerk be authorized to change the schedules if the Act changes.</p> <p>Recommend the following reference regarding Roles and Responsibilities: "The Municipal Act sets out the Roles and Responsibilities of Council, the Head of Council and the officers and employees of the Municipality. These are attached for reference as Schedule X to this By-law. In addition to those set out in Schedule X, the following are roles and responsibilities set out by the Municipality of Temagami: "</p>
<p>Schedule B</p>	<p>Agenda and Consent agenda</p>	<p>It is recommended that Schedule B be removed from the Procedural By-law and transitioned into a separate, independent policy document. This approach facilitates gradual improvements and learning as Council and staff adapt to better agenda structures over time. By establishing Schedule B as a standalone policy, it can be revised more easily to reflect changing procedural needs without requiring formal by-law amendments. This change will also enhance meeting effectiveness and flexibility by allowing agendas to be tailored to suit different types of meetings, such as regular, special, or working sessions. This ensures that processes remain current, effective, and aligned with the Municipality's evolving needs.</p>

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Sections to be Removed		
Schedule C	Administrative Report & Memo Template to Council	<p>It is recommended that Schedule C (Administrative Report & Memo Template to Council) be removed from the Procedural By-law and transitioned into a separate policy document. This change enhances flexibility, allowing updates to the template without requiring by-law amendments. It also provides an opportunity to improve accessibility compliance, ensuring alignment with standards such as the Accessibility for Ontarians with Disabilities Act (AODA) through features like larger fonts, color contrast, and screen reader compatibility. Separating Schedule C simplifies updates, supports consistent formatting with electronic templates, and aligns with best practices to ensure the template remains practical, accessible, and responsive to the Municipality's needs.</p>
Schedule D	List of Committees/Appointments	<p>It is recommended that Schedule D (List of Committees/Appointments) be removed from the Procedural By-law and transitioned into a separate policy or by-law. This change ensures greater flexibility, as committee structures and appointments often require frequent updates that do not align with the long-term nature of the Procedural By-law. Managing committees in a standalone document allows for quicker updates without requiring formal by-law amendments.</p> <p>This approach aligns with best practices in Ontario municipalities, such as the City of Ottawa, which maintains committee lists and appointments in separate by-laws or policies. This separation ensures procedural governance remains consistent while allowing committees to adapt to evolving priorities. It also simplifies the Procedural By-law by focusing it solely on meeting procedures, making it easier to navigate. A standalone policy or by-law for committees enhances transparency, provides clear guidance on mandates and responsibilities, and reduces administrative complexity. Overall, this change supports a more flexible, responsive, and efficient governance structure.</p>

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Definitions		
Additional definition recommended for Delegation and change to definition of Presentation.	The term "Presentation" is defined, but Temagami distinguishes between Invited Presentations and Delegations (with or without presentations) as well as between Registered and Unregistered Delegations.	"Delegation" means a member or members of the public who have been granted permission to speak to Council or Committee as an item on the agenda in accordance with the specifications in this by-law. "Presentation" means information for Council or Committee presented by a person or group (including a Member, staff or Public) who was invited to do so by Council or Committee, or by the Clerk / CAO or designate.
Change Required: Treasurer/Administrator	By-law uses previous title: Treasurer/Administrator	Change to current title: CAO or CAO/Treasurer throughout the By-law
Some definitions include additional information that should be part of the by-law body, not part of the definition.	See: Ad-hoc Committee, Consent Agenda, Electronic Meeting, Ex-officio, Motion.	Re-word definitions as appropriate and include additional information in relevant section of the by-law.
Order of By-law Sections:		
<p>The order in which the Procedural By-law lists sections is not well organized, which results in duplication that could make it more difficult to find specific information. For example, rules regarding the Mayor as Chair of meetings and who chairs if the Mayor is absent is included under General Meeting Rules (section 2.3 to 2.5) as well as Roles and Responsibilities (3.1 to 3.3), but different details are included in each section.</p> <p>Main topics are listed for current and recommended order:</p>	<ol style="list-style-type: none"> 1. Definitions 2. General Meeting Rules (includes: a variety of topics from Meeting Location to Rules of Debate to Reconsideration of Motions) 3. Roles and Responsibilities 4. Meetings (includes types of meetings, when held, amount of notice required, etc.) 5. Notice of Meetings (includes annual schedule, how notice is given, time of notice, and lack of notice) 6. Agenda (includes who prepares, items included, deadlines, adjournment/curfew, electronic participation, etc.) 7. Schedules <p>See detailed list attached.</p>	<ol style="list-style-type: none"> 1. Definitions 2. Short Title for By-law 3. Scope 4. Calling of Meetings (includes types) 5. Place/Time of Meetings 6. Notice of Meetings 7. Agendas 8. Agenda Packages 9. Roles and Responsibilities at Meetings 10. General Meeting Rules 11. Conduct at Meetings 12. Electronic Participation / Broadcasting 13. Rules of Debate 14. Voting 15. Adjournment / Curfew 16. Minutes / Recordings 17. Amendment / Review 18. Repeal – Enactment 19. Schedules

ISSUE	BY-LAW 23-1659	RECOMMENDED CHANGE
Other Minor Changes		
There are minor wording issues in terminology and grammar throughout the by-law.	Terminology examples: using the term “will” instead of “shall”; inconsistency of terms (i.e. Emergency Meeting and Urgent Meeting used interchangeably for same meaning).	These changes should be made to improve the by-law. Minor changes will be provided to Council as tracked changes for review.

Recommendation for change to Regular and Working Meeting Format:

Working Meetings, although not defined or specified in the Procedural By-law, are understood to be a format where the Rules of Debate can be more relaxed and Council can function more as a committee. Originally, the intent was that the items on the agenda would be items that would require more fulsome debate than generally had in a Regular Council Meeting. This type of meeting is often referred to as a Committee of the Whole – i.e. the whole of Council sitting as a Committee. Without set parameters in the Procedural By-law, the working meeting has sometimes included other matters on the Agenda, for items that were desirable to be addressed in a more timely manner than at the next Regular Meeting.

Some Municipalities use a Committee of the Whole format, with one Committee of the Whole Meeting per month, followed by one Regular Council Meeting per month. Generally, decisions are not made at the Committee of the Whole meeting. This often means that if items of business require more urgent attention than once per month, a Special Meeting of Council is called.

Another option is to have a type of “hybrid” meeting, where there are two Regular Council Meetings per month, and each contains a Committee of the Whole section. At the appointed section of the Agenda, Council passes a Resolution to “Move to Committee of the Whole”. As per the Procedural By-law, this section of the meeting operates with more relaxed Rules of Debate, and Council can accomplish the function of addressing matters the way a committee would. Motions are not debated during the Committee of the Whole portions. Council passes a Resolution to “return to regular session” at the conclusion of the Committee of the Whole portion. Normally items discussed during the Committee of the Whole are carried forward to the next Regular Meeting for a vote under the consent agenda, items separate from the consent agenda, or further discussion at Committee of the Whole, as needed. Alternately, if Council is ready to make a decision following the debate at Committee of the Whole, upon return to regular session Council may consider a motion to make a decision, or to direct staff to obtain additional information, prepare a report, etc.

With this type of hybrid meeting, regular business can also be addressed in a more timely manner. Because there are two meetings per month instead of one, roughly half the amount of regular business is addressed at each meeting. Similarly, since there are two scheduled Committee of the Whole sessions per month, only half the amount of topics need to be on each Committee of the Whole section of the agenda.

Additionally, if desired, Council could choose to include a Statutory Public Meeting section on a hybrid meeting format, instead of having separate meetings to hear Official Plan or Zoning By-law amendment applications.

Recommendations for change to Agenda Items

Confirmation By-law: The Procedural By-law lists a confirmation by-law on the agenda format, but gives no other details. Current practice -- based on it being listed on the agenda -- is to pass one at every meeting. This frequency is not necessary, especially if no motions have been passed at a special meeting, other than strictly procedural motions (i.e. to adopt the agenda/adjourn). It is recommended that Council consider

one Confirmation By-law per month. This will cut down on the total number of by-laws, but will still serve the purpose to confirm by By-law to all business duly conducted by Council during a specified meeting or meetings.

Unregistered Delegations / Questions from the Public: The Procedural By-law contains conflicting information on hearing from members of the public in a Council Meeting. Schedule F gives parameters for Unregistered Delegations up to 15 minutes per meeting; however, this conflicts with Section 2.14, which states that Members of the Public may not be recognized in a meeting unless it is to ask a question during the Question Period. There is no time limit specified for question period. These two items combined could take up a significant portion of a meeting intended for Council to conduct Council business. Council may wish to reconsider the amount of time devoted to hearing from Members of the Public in Council meetings. The Ontario Ombudsman has pointed out that there is no automatic right for members of the public to speak or participate in a meeting and that the open meeting requirements set out in s. 239 of the Municipal Act, 2001 simply give the public the right to observe the political process. A Municipality may set out in their procedure by-law a process for members of the public to address Council. Temagami's Procedure By-law gives Members of the Public three different opportunities to speak at a meeting (registered and unregistered delegations and question period), plus the opportunity to submit written correspondence to be considered at a Council meeting. It is recommended that Council remove either Unregistered Delegations or Question Period from the agenda, to permit more time for Council to exercise their roles in the time allotted for Council Meetings.

Reconsideration of Motions: The current process for reconsideration of motions (Sections 2.20 to 2.20.10) is awkward and confusing, plus does not address all related issues.

It is recommended that Council consider instead using the following process:

1. Council may reconsider a resolution that was decided during the current or previous term of Council. Revisiting a matter decided prior to the previous term of Council shall be considered New Business.
2. A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.
3. No resolution shall be reconsidered more than once during a twelve (12) month period.
4. A motion to reconsider shall not be reconsidered.
5. A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration.
6. The entire resolution must be reconsidered; reconsideration of a portion of a resolution shall not be permitted. When reconsidering the original motion, Council can either amend the previous decision or rescind it.
7. Only a Member of Council who voted with the majority in respect of a previous decision or who was absent from the vote or was not a Member of Council at the time may move or second a motion for reconsideration. The Chair shall ask the Member to affirm that the Member meets the criteria to move or second the Motion.
8. A Motion to Reconsider at the same meeting as the original motion may be introduced following the conclusion of any item on the agenda. It may be made orally, but shall be moved and seconded, and written and read out by the Clerk before it is voted upon. It shall require a simple majority to pass.
9. A motion to reconsider a decision of Council made at a previous meeting shall be introduced by filing a written Motion for Reconsideration with the Municipal Clerk, in accordance with the timing set out for Agenda items in subsection xxx of this Procedure By-law. Said Motion shall be accompanied by a copy of the original motion that Council is being asked to reconsider and may include a brief description of the reason for the request to reconsider. It may be submitted to the Municipal Clerk in hardcopy or by email. The proposed motion shall be

placed on the agenda under the heading "Unfinished Business". The Member requesting the reconsideration must be present at the meeting and the Motion must be seconded for the reconsideration to be considered at that meeting. A 2/3 majority shall be required to pass a motion to reconsider a decision made at a previous meeting.

10. If a motion to reconsider is decided in the affirmative the reconsideration effectively returns Council to just prior to the original Council decision. Reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.
11. If Council passed the original resolution and then adopted the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law shall be amended or repealed accordingly.

Schedule B to Memo 2024-198

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI BY-LAW 23-1659

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

Items highlighted in yellow – see recommendations chart.

Items highlighted in blue – recommended minor changes.

SHORT TITLE – This By-Law may be commonly referred to 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 19-1472

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 141215

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 shall 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 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 and are approved by a single Resolution.

1.6 Council.

“Council” means the elected Members of the Council of the Municipality of Temagami.

1.7 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.

1.8 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.

1.9 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.

1.10 Electronic Meeting.

“Electronic Meeting” means a Meeting where any Member is not physically present but participates via electronic means of communication. **The Member participating electronically can vote.**

1.11 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.

1.12 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.

1.13 Head of Council.

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

1.14 Local Board.

“Local Board” means a Local Board as defined in the Municipal Act, and **shall not include** the Police Services Board, the Public Library Board and any such Board that may be established by Council. *(Note: in Section 238 (1) of the Municipal Act regarding Procedure by-laws, it specifies that in this section “local board” does not include police services boards or public library boards. This by-law should be consistent with the Act.*

1.15 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.

1.16 Member.

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

1.17 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.

1.18 Motion to Amend.

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

1.19 Municipal Act.

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

1.20 Municipality.

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

1.21 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.

1.22 Officers.

“Officer(s)” means a person, such as the Administrator, Clerk, Treasurer, 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 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.

1.25 Presentation.

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

1.26 Quorum.

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

1.27 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.

1.28 Regular Meeting.

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

1.29 Report.

“Report” means a written or oral Report from the Treasurer/Administrator, (these are staff) Staff or Committee which is approved by the Treasurer/Administrator or designate.

1.30 Resolution.

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

1.31 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 Treasurer/Administrator

“Treasurer/Administrator” means the person appointed by the Municipality pursuant to Section 229 and Section 286 of the Municipal Act.

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 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

Any part(s) of 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 their authority to Chair any Meeting.

2.4 Absence of Mayor

In the absence of the Mayor, if they refuse 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. In this case, 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 Municipal Building, located at 7 Lakeshore Drive, Temagami, Ontario, Canada in addition to being hosted virtually through the appropriate virtual meeting site.

The access to Members of Council, Staff, and the Public to attend the meeting virtually shall be included with the published notice/agenda for the meeting.

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.

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting shall 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.

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

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.

2.9 Minutes

Minutes of all Meetings shall be recorded without note or comment.

After approval, minutes of all Meetings, except Closed Meetings, shall be posted in accordance with the applicable municipal policies.

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 shall 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. [Clarification needed – expected to attend on a regular basis, or when required??]

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 shall:

- A. Provide a written statement of the interest and its general nature to the Clerk in accordance with Schedule A;
- B. Vacate the Council Chambers while the issue is considered; and,
- C. 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.

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.

Members shall, at all times, comply with their statutory obligations pursuant to the Municipal Conflict of Interest Act.

2.13 Rules of Debate

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

All Agenda items to be discussed are to proceed by Motion.

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

The Chair or the Clerk shall read the Motion .

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

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

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

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

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.

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

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

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

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.

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

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.

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

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.

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

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, another Member, Staff, or any

- B. Member of the Public;
- C. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of council;
- D. Speak on any subject other than the subject in debate unless raising a point of privilege or procedure;
- E. Speak in open Council about matters discussed in a Closed Meeting until authorized by Council;
- F. Interrupt a Member who is speaking by speaking out, or making a noise or disturbance, except to raise a procedural question; and
- G. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee.

At a Meeting, no person shall:

- A. Speak disrespectfully of the Mayor, Deputy Mayor, another 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 their 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.

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

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

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

All remarks shall be addressed to the Chair. Members of the Public shall 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 the Question Period.

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.

2.15 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.

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.

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.

2.16 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.

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.

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

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.

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

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

If the appeal is upheld by the majority of voting Members, the Chair shall change their ruling accordingly; if the appeal is rejected then the ruling stands.

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.

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.

If the person engaging in misconduct is a Member and the Member apologizes, they may, by vote of the majority Council, be permitted to retake their seat.

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.

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

A Member may request a Recorded Vote on any Motion. Such request may be 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.

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

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

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.

If there is a tie vote, the Motion shall be defeated.

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

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.

2.19 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 shall not be permitted.

2.20 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.

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.

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

2.20.1

A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda;

2.20.2

The Chair shall ask the Member to affirm that they voted with the majority;

2.20.3

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;

2.20.4

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;

2.20.5

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.

2.20.6

Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions;

2.20.7

No Motion shall be reconsidered more than twice in the same calendar year;

2.20.8

A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter;

2.20.9

Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion;

2.20.10

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.

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 Act s.242)

In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in their absence and shall have all the rights, powers, and authority as the Head of Council.

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.

3.4 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 polices, 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,
 - a. 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.
 - a. 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.

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

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 Regular Meetings

4.2.1

Time and Place. Regular Meetings shall be held every second Thursday 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 shall be made at the appropriate time during the Regular Meeting.

4.2.2

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.

4.3 Working Sessions

Working Sessions of Council shall be held on the fourth Thursday of each month, except for July, August and December. Working Sessions shall start at 6:30 P.M.

4.4 Special Meetings

4.4.1

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.

4.4.2

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.

4.4.3

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.

4.4.4

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

4.4.5

Once called to order, Special Meetings may move into closed, subject to the same rules contained herein, as provided in the Municipal Act.

4.5 Emergency Meetings

4.5.1

An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an Urgent Matter (This is not to be confused with Meetings of the Emergency Control Group as established through the Municipal Emergency Plan).

4.5.2

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

4.5.3.

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

4.5.4

Quorum is still required at an Emergency Meeting.

4.5.5

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

4.6 Closed Meetings

4.6.1

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

4.6.2

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.

4.6.3

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.
- C. This report shall be provided no later than at the next Regular Meeting of Council.

4.6.4

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.

4.6.5

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.

4.7 Cancelled Meetings

4.7.1

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.

4.7.2

For the purposes of section 4.7.1, 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; and/or
- E. The inability of a required participant to attend.

4.7.3

The Clerk shall 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 shall constitute notice to the public of the Meeting.

5.1.3

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 shall be posted on the municipal website as soon as possible after the amendments are made.

5.1.4

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

5.1.5

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

5.1.6

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

5.1.7

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.

6.1.3

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.

6.1.4

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

6.1.5

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

6.1.6

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

6.1.7

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.

6.1.8

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.

6.1.9

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 shall not hear further from this Delegation; or
- L. The issue should be referred to the Administrative Department for action.

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

6.2 Closed Meeting Agenda

6.2.1

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

6.3.1

A Motion to adjourn does not need a seconding Member.

6.3.2

A Motion to adjourn a Meeting shall 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.

6.3.3

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 three hours after commencement unless otherwise determined by Resolution passed by a majority of the Members present and then may be extended for one hour.

6.5 Committees/Appointments

6.5.1

Committees and Appointments shall 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 once per term of Council.

6.9. Repeal – Enactment

6.9.1

That By-Law 20-1522, By-Law 22-1608, 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 9th day of March, 2023.

Read a third and final time and enacted and passed this 9th day of March, 2023.

Mayor

Clerk

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

Schedule F – Delegations/Presentation Schedule G – Audio Recording Policy

Schedule H – Notice of Motion

Schedules A – Conflict of Interest

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).

Schedule B – Agenda and Consent zxc agenda

The Agenda shall be prepared by the Clerk using the following headings:

1. Call to Order and Roll Call, including announcements/statements by Members, if any
2. Adoption of the Agenda
3. Declaration of Conflict of Pecuniary Interest and the General Nature thereof
4. Report from Closed Session
5. Adoption of the Minutes of previous meeting
6. Business Arising from Minutes
7. Delegations/Presentations
 - 7.1 Registered Delegations – With Presentations
 - 7.2 Invited Presentations
 - 7.3 Registered Delegations – Without Presentation
 - 7.4 Unregistered Delegations
8. Consent Agenda Items
 - 8.1 Staff Reports for Information
 - 8.2 Correspondence for Information
 - 8.3 Minutes of Local Boards & Committees
9. Staff and Committee Reports
10. Correspondence
 - 10.1 Action Correspondence
 - 10.2 Resolutions from Other Municipalities
11. Bylaws
12. Unfinished Business
13. New Business
14. Notice of Motion
15. Questions from the Public – Items on the Agenda
16. Confirmation By-Law
17. Adjournment

Schedule C – Administrative Report & Memo Template to Council

	Corporation of the Municipality of Temagami	Report No. File No.
Subject:		
Agenda Date:		
Attachments:		
<p><u>RECOMMENDATION</u></p> <p><u>BACKGROUND</u></p> <p><u>ANALYSIS</u></p> <p><u>FINANCIAL/STAFFING IMPLICATIONS</u></p> <p>This item has been approved in the current budget: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>This item is within the approved budgeted amount: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p><u>ALTERNATIVES</u></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Prepared By:</p> <p>_____</p> <p>Name Position</p> </div> <div style="width: 30%;"> <p>Reviewed and submitted by:</p> <p>_____</p> <p>Name Position</p> </div> <div style="width: 30%;"> <p>Accepted for Council consideration by:</p> <p>_____</p> <p>Name Position</p> </div> </div> <p>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.</p>		



Corporation of the Municipality of Temagami

Memorandum to Council

Memo No.

Staff

Committee

Subject:

Agenda Date:

Attachments:

RECOMMENDATION

This memorandum is:

INFORMATION

Prepared by:

Name, Position

Reviewed by:

Name, Position

On behalf of:

Name of committee if applicable

Schedule D – List of Committees/Appointments

As Adopted by Council Resolution, the following appointments have been made.

Dan O'Mara District of Nipissing Social Services Administration Board
Memorandum of Understanding Committee

Jamie (N.E.) Koistinen Deputy Mayor
Temagami Non-Profit Housing Committee
Committee of Adjustment

Margaret Youngs Temagami Family Health Team
Recreation Event Planning Committee
Committee of Adjustment

Wendell Gustavson Cemetery Board
Recreation Event Planning Committee
Emergency Management Program Committee

Barret Leudke Committee of Adjustment
Memorandum of Understanding Committee
Emergency Management Program Committee
Community Emergency Management Coordinator

Jo-Anne Platts Temagami Police Services Board
Memorandum of Understanding Committee
Administrator Review Committee

Carol Lowery Temagami Public Library Board
Timiskaming Public Health Unit

Schedule E – Electronic Participation

The Municipal Act, under Section 238(2)(3.1), permits electronic participation. Municipalities are able to permit and provide the extent and manner of this participation.

- Members may participate electronically by phone or internet. Other forms of electronic communication may be permitted from time to time by Council resolution. The Municipality shall pay costs associated with conference calling required for electronic participation. In the event there is a service interruption, the Chair may call a recess for up to ten (10) minutes to rectify the situation.
- Members participating through electronic means shall declare any Conflicts as may arise through notice filed with the Clerk's office.
- There is no restriction to the number of meetings that an individual Member of Council may participate through electronic means.
- Electronic participation is permitted for any Session of Council whether it being Open or Closed.
- Members participating electronically in the meeting are included when determining quorum.
- The Chair of the meeting may be physically present or participating electronically. The Chair may make meeting specific requirements to maintain order in the meeting based on the mix of physically and electronically present participants.
- 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 present in Council Chambers.
- All other privileges, rights and obligations contained in the Procedural By-law apply whether a Member is physically present in Council Chambers or is participating through electronic means.

Schedule F – Delegations/Presentation

Delegations/ Presentations

The general rules of conduct shall apply to all delegations and presentations received by Council.

Registered Delegations – With Presentations

1. Council may hear a maximum of two registered delegations at each Regular Council Meeting. Staff may schedule delegations for later meetings with respect to this guideline.
2. Any person wishing to register as a delegation shall submit to the Clerk a written request including their name and contact information by Wednesday at 4:30 p.m., eight days prior to the regular meeting at which the person wishes to be heard. This request should include the full content of the delegation. Staff shall respond in the appropriate format to advise if Council will hear the presentation and outline details that may be necessary.
3. Delegations are not allowed to appear on an issue that has already been heard by Council unless there is new information.
4. Prior to delegation being heard at Council, Staff shall prepare reports that may be necessary.
5. Those addressing Council shall confine their remarks to the business stated in their request.
6. Delegations shall limit their presentations to not more than ten (10) minutes except where delegations consisting of more than two (2) people, delegations shall be limited to two (2) speakers and limited to speaking not more than fifteen (15) minutes in total.
7. Council shall receive the delegation by resolution.
8. Council shall, as a matter of course, defer decisions arising from the delegation until the next regular session of Council.

Registered Delegations – No Presentation

1. Delegations wishing to appear before Council but without a formal presentation shall, within the time prescribed above, make a request to appear with the Clerk.
2. The request shall include the person's name and the general nature of the topic they wish to discuss.
3. The guidelines for Delegations stated above apply.

Invited Presentations

1. Persons or group invited by Council to make a special presentation on a specific subject shall not be constrained by the time limits set out for other delegations. Sufficient time shall be allowed as required to present their information and respond to questions from Council as necessary. In consultation with the Mayor and the Treasurer/Administrator, the Clerk shall determine whether invited presentations will count towards the maximum delegations permitted at any meeting.
2. Council may choose to receive invited presentations at a Special meeting called for that purpose or to alter the start time of the regular session based on the needs and nature of the presentation.

Unregistered Delegations

1. At regular sessions of Council, following Registered Delegations and Invited Presentations, Council shall allow a further fifteen (15) minutes (maximum) to hear unregistered delegations.
2. Unregistered delegations shall confine their remarks to items on the current agenda adopted by Council.
3. The Minutes of the meeting shall list only the name of the presenter and the agenda topic they spoke to.
4. Each presenter shall be limited to a maximum of five (5) minutes and shall be heard in order designated by the Chair.
5. Once the maximum of fifteen (15) minutes in total has been reached, no further unregistered delegations shall be heard.
6. Unregistered delegations shall not be permitted to address matters related to statutory public meetings or items related to hearing or tribunals that may be on the agenda. Those wishing to comment relative to a statutory public meeting will be asked to save their remarks for the appropriate time during the statutory public meeting.

Schedule G – Audio Recording Policy

1. PURPOSE

As stated in the Municipality of Temagami’s Accountability and Transparency Policy: “The Council of the Corporation of the Municipality of Temagami acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner...Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholder.”

A high percentage of Temagami’s taxpaying population outside the physical land base of Temagami, making attendance at council meetings difficult for the majority, therefore Council has decided to provide audio recordings of the public sessions of Council meetings to enhance transparency and accountability by providing an additional means for its residents to be fully aware of council proceedings.

This document is to specify the policy for creating, storing, accessing and disposing of audio recordings of Council meetings.

2. SCOPE

This policy shall apply to the recording of both open and closed sessions Council meetings.

3. DEFINITIONS

For the purpose of this Policy:

- 3.1 Council meeting – means a regular or special meeting of Council as provided for in the Procedural By-law.
- 3.2 Audio recording – means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by digital audio files and stored on a computer, or in any other format.
- 3.3 Official Record of a Meeting – means the written minutes of the proceedings of the meeting as prepared by the Municipal Clerk.
- 3.4 Transitory Record – for the purpose of this policy means a record, that has only a temporary value and is not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt, or provide evidence of legal, financial, operational or other official decisions.

4. OFFICIAL RECORD

In accordance with the Municipal Act, 2001, minutes of meetings are to be recorded by the Clerk and approved minutes are the official record of the Municipality of Temagami meetings. The keeping of

audio recordings of meetings in no way detracts or undermines the position of approved minutes as the official record of decisions and are considered to be transitory records.

5. PURPOSE OF RECORDINGS

Audio recordings of open sessions of Council meetings shall be for the primary purpose of making the recordings available to the public through the municipal website, and may also be used by the Clerk or designate for the purpose of reference when compiling the minutes of the meeting.

Audio recordings of Closes session meeting of Council shall be for the primary purpose of making the recordings available to an investigator from the Ombudsman's office (or other official closed meeting investigator appointed by Council in accordance with the Municipal Act) in the event of a formal investigation of a closed meeting complaint, and may also be used by the Clerk or designate for the purpose of reference when compiling the minutes of the meeting.

6. TECHNICAL DIFFICULTIES

The inability to record any meeting due to technical difficulties with recording equipment shall not prohibit the meeting from commencing or continuing.

The Municipality shall not be liable for failing to publish or produce audio recordings of any meeting where recording the meeting was not viable due to technical difficulties.

Due to the nature of technical equipment, it is not guaranteed that audio recordings will be continuous or fault-free.

7. NOTICE

Notice shall be provided to ensure that presenters and members of the public are aware that the meeting proceedings are being audio recorded and made available through the municipal website.

The wording of the notice shall be as follows:

"An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal

government services and to continue to promote open and transparent government."

"As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting".

The Notice shall be displayed/expressed in the following manner:

- On the agenda for the relevant meeting of Council
- On the municipal website
- On the information sheet for delegations
- Verbally to phone-in delegations

8. TERMINATION OR SUSPENSION OF RECORDING

The recoding of Council meetings shall begin at the commencement of the meeting and conclude at the adjournment of the meeting. The Chair has the authority to request termination or suspension of the recording of a meeting if continuing the recoding would prejudice the proceedings of the meeting. This would include:

- Public disturbance or other suspension of the meeting
- Exclusion of the public and press
- Any other reason as agreed by Council.

9. RESPONSIBILITY

1. Municipal Clerk and/or Designate

Shall be responsible for:

- Audio recordings of all open sessions and closed sessions of Council.
- Ensuring that closed sessions are recorded in separate files from open session recordings.
- Publishing the audio recordings of all open sessions so that they are accessible through the municipal website (by means of storage on the municipal website or a link to an outside provider such as SoundCloud) without alterations to the original recording.
- Archiving and storing the audio recordings of Council meetings electronically.
- Ensuring the confidential storage of closed session recordings.

2. Chair

Shall be responsible for:

- Clearly announcing all business before Council
- Maintaining order as outlined within the Procedural By-law, and acknowledging each member by name prior to him or her speaking.

3. Members of Council

Shall be responsible for:

- Ensuring that his or her microphone at the council table is turned on any and every time they have the floor to speak.
- Speaking directly into their microphone at the Council table to ensure that their words are recorded.
- Refraining from speaking at the same time as another member is speaking to ensure that the member who has the floor is clearly recorded.

10. STORAGE AND RETENTION

Storage of audio recordings of Council meetings shall be maintained by the Municipal Clerk. Archived audio meeting files shall be maintained and disposed of in accordance with the Municipal Record Retention Schedule.

11. ACCESS TO RECORDINGS

Audio recordings of Open Council meetings can be accessed through the municipal website.

Audio recordings of Closed Council meetings can be accessed by Members of Council through a request filed with the Clerk. Once requested, a time to attend the Municipal Office and listen to the session shall be arranged through mutual agreement between the Member and the Clerk. Copies of Closed Council meeting recordings shall not be made.

Any costs for reproduction of audio recordings, including the cost of the medium they are recorded on and staff time involved shall be the responsibility of the requester and must be paid before an audio recording is released. These cost shall be included in the annual Municipal User Fees By-law.

Copyright to the records of council meetings made available on the Municipal website is owned by the Municipality. No part of the recorded materials posted on the Municipal Website may be reproduced except in accordance with the provisions of the Copyright Act, as may be amended or replaced from time to time or without the express written permission of the Municipality.

12. POLICY REVIEW

This policy shall be reviewed a minimum once per Council term to ensure its effectiveness.

Schedule H – Notice of Motion Procedures

1. To ensure Members of Council have the ability to place items of interest on Council Meeting Agendas and that the notice provisions contained within the Procedural By-Law and Municipal Policy are respected, a 'Notice of Motion' system **will** be used;
2. At any Regular Meeting, at the appropriate time in the agenda, the Chair shall ask if there are any Notices of Motion to be made;
3. Any Member of Council may, when asked by the Chair, state their intention to bring a motion forward by stating the topic and providing a brief synopsis of their reasoning;
4. After the Regular Meeting of Council, Staff will draft a resolution. This resolution **will** be shared with the Member providing the Notice of Motion to ensure the wording is acceptable;
5. The draft resolution **will** be placed on the next Regular Meeting Agenda for Council's consideration;
6. Based on the results of Council's consideration, Staff **will** either start the necessary research to prepare a report or **will** not proceed further with the matter;
7. While every effort **will** be made to ensure Notices of Motion are tended to in a timely matter, there may be occasions when additional time will be required to complete the process.