

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 68-2021

BEING a By-Law to repeal By-laws No. 97-2015, 16-2018, 11-2019, and 47-2020 and to regulate the proceedings of Council and its local boards, the conduct of its members and the calling of meetings.

WHEREAS, pursuant to Section 238(2) of the Municipal Act, 2001 as amended, every Council of a municipality shall adopt a procedure By-Law for governing the calling, place and proceedings of meetings;

AND WHEREAS, the Council of the Corporation of The Nation Municipality deems it essential to provide regulations for the orderly administration of business of Council and a defined basis for matters of procedure;

THEREFORE, the Council of the Corporation of The Nation Municipality enacts as follows the revised schedule A of this bylaw:

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 14th DAY OF JUNE 2021.

Francois St. Amour, Mayor

Josée Brizard, CAO/Clerk

SCHEDULE "A" TO BY-LAW NO.68-2021

DEFINITIONS

"Adjournment" shall mean the termination of a meeting.

"Clerk" shall mean the person appointed by Council who shall have the general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the Council may prescribe and which may be prescribed by Statute, and shall be responsible for the efficient administration of its departments to the extent that he or she is given authority and control. (*Municipal Act, 2001 Section 228*).

"Committee" shall mean any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council or local boards.

"Committee of the Whole (also known as Executive Committee)" shall mean a body of the members of Council sitting as a committee.

"Council" shall mean the assembly of the duly elected members of The Nation Municipality. All references to Council in this By-Law shall mean the Council of the Municipality.

"Council Chambers" shall mean the area beyond the municipal office especially designated for meetings of the Council.

"First Meeting" shall mean the first meeting of Council after a municipal election. (*Municipal Act, 2001, Section 230*).

"Head of Council" shall mean the Mayor or such person determined by By-Law or otherwise to replace the Mayor.

"Holiday" shall mean any Statutory Holiday as prescribed in Provincial or Federal legislation.

"Incidental Motion" shall mean a motion related and incidental to the main motion or to the matter giving rise to the main motion usually dealing with a question of procedure, which motion must be decided immediately. This matter does not require a seconder, is not amendable or debatable and is ruled upon by the Presiding Officer.

"Lay on the Table" shall mean a motion to set aside a pending question when something else of immediate urgency has arisen. In such case, there is no set time for taking up the matter again, but it can be resumed at the will of the majority and in preference to any new question.

"Local Board" does not include a Police Services Board or a Public Library Board.

"Meeting" shall mean any regular, special, committee or other meeting of the Council or a local board or a committee of either of them and where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body

“Member” shall mean a duly elected member of Council.

“Municipality” shall mean the Corporation of The Nation Municipality.

“Presiding Officer” shall mean that person designated by the rules set out herein to preside at a meeting.

“Privileged Motion” shall mean a matter not related to present business. This motion must be seconded, is not debatable or amendable and must be carried by a majority vote of the members present and cannot be reconsidered at that meeting.

“Quorum”: shall mean a minimum number of members required to transact the business of the municipality at a meeting of Council.

“Recess” shall mean a short intermission within a meeting for a fixed period of time which does not destroy the continuity of a meeting, after which time the proceedings are immediately resumed at a point where they were interrupted.

“Special (Ad Hoc) Committee” shall mean a committee which is designated by Council for a special purpose and whose existence will terminate upon completion of the business delegated to it.

“Session” shall mean a single gathering of members of Council devoted to a single order of business.

“Subsidiary Motion” shall mean a motion brought forth while a main motion is pending to assist the assembly in treating the main motion, which motion shall be seconded and shall be debatable and amendable.

“Waiver” shall mean an agreement by the members present not to follow the established procedures.

COUNCIL MEETINGS

1. GENERAL

- 1.1 Meetings of Council shall be held at the Council Chambers located at 958 Route 500 West, Casselman, Ontario. Public notice of meetings shall be by posting on the municipal website.
- 1.2 Council may decide, by resolution, to hold a meeting at another location to accommodate a very large gathering or a situation where it is deemed more feasible to locate and assemble elsewhere and only after proper notice has been given or posted.
- 1.3 A meeting of the Councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in an adjacent municipality.

2. FIRST MEETING

- 2.1 The first meeting of Council following a regular municipal election shall take place at 4:00 p.m. on the 3rd Monday in November.
- 2.2 No business of the municipality shall be conducted at the first meeting until after the declarations of office have been made by all members who present themselves for that purpose.

3. REGULAR MEETINGS

- 3.1 The next and each subsequent regular meeting of Council shall be held on the 2nd and 4th Monday of each month at the time and place indicated on the agenda.
- 3.2 When the day for a regular meeting of Council is on a Statutory or Civic Holiday, or a conference for which council wants to attend the Council shall, unless Council decides otherwise, meet on the following Monday at the same hour and place.
- 3.3 Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted and published.

4. SPECIAL MEETINGS

- 4.1 The Head of Council may, at any time, summon a special meeting of Council and, unless otherwise specified, the special meeting shall be held at the Council Chambers of the municipality.
- 4.2 Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 4.3 Only those matters for which the special meeting was called may be dealt with at a meeting called pursuant to this section.
- 4.4 New matters may be dealt with at the special meeting with the approval of all of the members present.
- 4.5 Subject to sub-section 4.4, all matters brought before a special meeting shall be concluded at a single gathering unless they are adjourned with the approval of all the members present.
- 4.6 **Emergency Meeting - notice not required**
Notwithstanding any other provision of this By-law, an Emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

5. COMMITTEE MEETINGS

- 5.1 Committees shall report to and shall be responsible to Council whether they are permanent, standing, temporary, special or ad hoc committees.
- 5.2 Committees will review policies or plans, formulate procedures and recommend plans of action to Council.
- 5.3 Committees must have formal goals and complete their specific tasks efficiently with clean and precise recommendations to Council and when necessary, propose alternative recommendations that Council may consider before making a decision.

6. MEETINGS OPEN TO THE PUBLIC

- 6.1 Except as provided in this section, all meetings of Council, its committees and local boards shall be open to the public.
- 6.2 A member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

- 6.3 (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.
- 6.4 Notwithstanding sub-section 6.1 above, a meeting of Council, a committee or local board may be closed to the public if the subject matter being considered relates to:
- 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 for municipal or local board purposes
 - d) Labour relations or employee negotiations
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
 - f) The receiving of advice that is subject to solicitor, client privilege, including communications necessary for this purpose.
 - g) A matter in respect of which a Council, local board, committee or other body has authorized a meeting to be closed 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.
 - 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.
 - l) A matter relating to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council is designated as head of the institution for the purposes of the Act.
 - m) An ongoing investigation respecting the municipality, a local board or a municipality, a local board or a municipality-controlled corporation by the Ombudsman or the appointed investigator.

- n) Educational or training session if both criteria's are respected:
 - i. The meeting is held for the purpose of educating or training the members.
 - ii. 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.

- 6.5 Before all or part of a meeting is closed to the public, the Council shall state by resolution:
 - i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter considered at the closed meeting.

- 6.6 A meeting shall not be closed to the public during the taking of a vote.

- 6.7 Despite sub-section 6.6 above, a verbal vote may be taken if:
 - i) sub-section 6.4 permits or requires a meeting to be closed to the public;
 - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or a person retained by or under contract with the municipality;
 - iii) the verbal vote shall be confirmed by a resolution of Council upon resumption of the public meeting.

- 6.8 Meetings or sessions which are closed to the public are referred to as "closed meetings".

- 6.9 Subject to sub-section 6.7, no vote shall be taken by ballot or any other method of secret voting.

- 6.10 Minutes of the previous closed session will be approved at the next closed session meeting of a regular meeting and be kept confidential by the clerk's office

- 6.11 **Confidentiality:** Members of Council must keep all subjects discussed under closed session confidential. Any member who violates or contravenes the confidentiality clause may be subject to a majority vote of Council and the penalties set out in section 10.3.8.

- 6.12 **Orientation Meeting:** a Council orientation meeting should be viewed as an information meeting for newly elected board members to provide them with information on the general procedures of what an elected member might expect: the inaugural meeting process, the number of committees they can sit on as Council representatives and how this translates into meetings, the process of a Council meeting, protocols, dress codes, payroll and an overview of the budget process, etc.

- 6.13 **Communication Devices:**
 - a) The use of cell phones, pagers or any other similar communication device during Council or committee meetings is prohibited; and
 - b) Despite subsection 6.13 (a), the personnel of the Municipality's Emergency Services are allowed to use any communication device.

7. PUBLIC HEARINGS

- 7.1 Hearings are conducted for the purpose of securing information about and attitudes toward a proposed policy or action plan.
- 7.2 Information is sought from experts and/or the general public who may be asked to testify.
- 7.3 Hearings will be conducted in a formal setting and will relate to the one subject under discussion.
- 7.4 The procedural rules for the control of the hearing will be worked out in advance on such matters as order of speaking and length of time allowed for each witness.

8. WORK SESSIONS

- 8.1 Work sessions are held to gather facts, interpret and analyse a proposal, policy or plan and not to make decisions.
- 8.2 These sessions will be held in an informal setting where participants will examine and question for clarification on specific project(s).
- 8.3 The structure of these sessions will be informal and flexible and the participants may draw up an agenda before starting their discussions.

9. PRESIDING OFFICER

- 9.1 All meetings shall be presided by the Head of Council. Should, at any time during a meeting, the Head of Council be required to leave the meeting, he shall appoint another member of Council to act as Presiding Officer until the Head of Council's return to the meeting.
- 9.2 If the Head of Council is absent at the time and place of a duly scheduled meeting without having notified the Clerk that he would be delayed, or having so notified the Clerk should he fail to attend 15 minutes after the scheduled time of the meeting, or for any reason refuses to act as Presiding Officer, the Clerk shall call the meeting to order and the members of Council may by resolution appoint one of its members to act in the place of the Head of Council and, while so acting, such member has all the rights, powers and duties of the Head of Council.

10. ROLES AND CONDUCT OF MEMBERS OF COUNCIL

10.1 - ROLES

10.1.1 It is the role of Council:

- a) to represent the public and to consider the well-being and interest of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council.
- e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) to maintain the financial integrity of the municipality;
- g) to carry out the duties of Council under this or any other Act;
- h) to direct staff, by majority vote, to perform such duties as is necessary to the efficient management of the affairs of the community;

- i) to direct staff, by majority vote, to research such matters as the Council deems necessary.
- j) To establish annual objectives for the Municipality and evaluate the performance of the Chief Administrative Officer in achieving these objectives.

10.1.1.1 Individual Authority - not provided

No individual Council Member may direct any member of the staff to perform such duties that have not been authorized by resolution of the Council or by the CAO.

10.1.1.2 Established Policies - Members - respect

Members of Council shall respect and adhere to the Policies set by the Council and under no circumstances take it upon them individually to circumvent established Policies.

10.1.1.3 Council - liaison - with CAO

Council Members will liaise with the Chief Administrative Officer.

10.1.1.4 Information - by Staff - Members of Council

Council members may request information from members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information on standard operating procedures.

10.1.1.5 Questions - operational concerns - complaints

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in section 10.1.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Manager.

10.1.1.6 Justification of absence

Notice of regrets from members unable to attend a Council meeting shall be made directly to the Clerk's Office.

10.1.2 Head of Council

It is the role of the Head of Council:

- a. To act as Chief Executive Officer of the municipality;
- b. To preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. To provide leadership to the Council and provide information/recommendations to Council with respect to the role of Council described at article 10.1;
- d. To represent the municipality at official functions; and
- e. To carry out the duties of the Head of Council under this or any other Act;

10.1.3 Head of Council as Chief executive officer

- a. To uphold and promote the purposes of the municipality;
- b. To promote public involvement in the municipality's activities;
- c. To act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally;
- d. To participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents;

10.1.4 Under the Rules of Procedure, it also shall be the duty of the Chair;

- a. To open the meeting of Council by taking the Chair and calling the members to order;
- b. To receive and submit, in the proper manner, all motions presented by the members;
- c. To put vote all questions, which are duly moved and seconded, and to announce the result;
- d. To decline to put to vote, motions which infringe upon the Rules of Procedure or which are beyond the jurisdiction of Council;
- e. To restrain the members, when engaged in debate, within the Rules of Procedure;
- f. To enforce on all occasions, the observance of order and decorum by the members and any other persons present in the Chamber;
- g. To call by name, any member persisting in breach of the Rules of Procedure and to order him/her to vacate the Chamber in which the meeting is being held;
- h. To authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes of Council;
- i. To inform the Council on any point of order as seems necessary;
- j. To represent and support the Council, declaring its will and implicitly obeying its decision in all things;
- k. To perform other duties when to do so by a resolution of Council;
- l. If he/she considers it necessary because of grave disorder, to adjourn the sitting without the question being put, or suspend the sitting for a time to be specified by him/her;
- m. To ensure that no person except a member, officer of employee of the corporation is permitted to enter upon the floor of the Chamber during the sittings of the Council without permission of the Chair or the Council.

10.1.5 Chief Administrative Officer

It is the role of the Chief Administrative Officer:

To 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 the staff placed under his/ her supervision; and to perform such other duties as assigned by the Municipality.

10.1.6 Clerk

It is the role of the Clerk:

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

10.1.7 Administration - Officers, Employees

It is the role of the officers and employees of the municipality:

- a) To implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) To undertake research and provide advice to Council on the policies and programs of the municipality; and

- c) To carry out other duties required under this or any other Act and other duties assigned by the municipality.

10.2 – DUTIES

10.2.1 Council

a) Preparation of Members to Council Meeting

Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Member(s) shall make inquiries to the CAO regarding materials supplied in advance of the meeting.

b) Requests for substantive reports

All requests for substantive reports shall be by Council resolution which shall identify the appropriate Department or Manager and objectives of the report.

c) Interference – direct

No Member(s) shall have the authority to direct or interfere with the performance of any work by Administration for the Municipality of The Nation Municipality. All inquiries shall be directed through the Office of the Chief Administrator.

d) Question Employee Integrity

While asking questions of the President, a member should not at any time question the personal and professional integrity of municipal employees.

10.2.2 Mayor & Committee Chair

a) Open Meeting - call to order

The Mayor or Committee Chair shall preside over the conduct of Meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council or Committee, as the case may be.

b) Recognize speakers

The Mayor or Committee Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

c) Motions - received - submitted - results announced

The Mayor or Committee Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which are duly moved, and to announce the result.

d) Mayor may speak or vote

The Mayor or Committee Chair may speak and/or vote on any question,

e) Debate - enforce rules - restrain members

It shall be the duty of the Chair to restrain the Members, within the rules of procedure when engaged in debate.

f) Observe the rules and restrict members during a debate

It is the duty of the President to restrict members within the framework of the Rules of Procedure during a debate.

g) Decorum - order - enforced

It shall be the duty of the Chair to enforce on all occasions the observance of order and decorum among the Members.

h) By-laws - resolutions - minutes - authentication

It shall be the duty of the Chair to authenticate, by his signature when necessary, all by-laws, resolutions and minutes of the Council.

i) Point of Order - inform members

It shall be the duty of the Chair to inform the Members on any point of order.

j) Disorder - adjourn - suspend - recess - meeting

It shall be the duty of the Chair to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.

k) Functions – Powers and Authority

When the substitute Mayor performs the functions of the Chairman of the Council, he shall have all the rights and powers and authority of the President of the Council during the absence, illness or refusal to act by the President of the Council.

10.3 CONDUCT DURING MEETINGS

10.3.1 Sovereign - Royal Family - to be respected

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Province or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

10.3.2 Members of Council - Municipal Staff

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any member thereof including Municipal Employees.

10.3.3 Speaking - subject in debate only

No Member shall speak on any subject other than the subject in debate.

10.3.4 Criticize - decision - exception - reconsideration

No Member shall criticize any decision of the Council except for the purpose of moving that the question be reconsidered.

10.3.5 Breach - persistent - seat vacated - unless apology

a) Members shall refrain from harmful conduct to the Corporation or its purposes.

b) No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council; and in the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave his seat for the duration of the meeting of the Council; but if the Member apologizes he shall be permitted to retake his seat. If the Member refuses to leave his seat and refuses to apologize, then the Chair will direct the CAO or Clerk to have this Member escorted by the OPP.

10.3.6 Dress Code - Regular - televised - Council meetings and official functions

All Members of Council shall wear proper business attire or Official uniform during regularly scheduled meetings, Special Council meetings and closed session of Council meetings and official functions.

10.3.7 Closed Session Subjects - Public Interest

Upon completion of closed session of Council meetings, the decisions of the Council with respect to any of the enumerated items listed in Section 6.4 and directions to the Administration in accordance therewith, shall then be reported publicly by Council to the extent that the public interest permits.

10.3.8 Council Response – Closed Meeting – Enquiries

The response of Council Members to enquiries about any matter dealt with during a closed meeting, prior to it being reported publicly, shall be this matter is still under advisement, no comment, or words to that effect.

a) Violation of regulation

Any violation of process to this regulation will result in exclusion of the offending Council Member, requiring a two-thirds vote, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a closed meeting.

b) Exclusion - closed meetings

The determination of whether or not a violation of process to the closed meeting provisions of this By-law and the length of the exclusion from closed meetings if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by a two-thirds vote. **The time a member is to be excluded shall not exceed three months time.** The results of Councils deliberation shall be reported out publicly.

c) Separate Resolution - per Member

If the purported violation of the process to the closed meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.

d) Member not permitted to vote

Notwithstanding Section 10.3.8 sub-section (c), the Member affected shall not be permitted to vote on a motion respecting his purported violation of the closed meeting provision of the Procedural By-law, his exclusion from closed meetings, or the length of any such exclusion.

e) Release of Information

The release of any information about matters dealt with by Council at a closed meeting shall be made by the Mayor or his delegate only upon direction of the majority of Council and upon receiving proper legal advice if council deems it appropriate and in accordance with paragraph 10 of the code of conduct AD- 2016 -02 .

f) Obligation – confidentiality

It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the member ceases to be a Member of Council.

10.3.9 Breach - persistent – Public members

a) Public members shall refrain from harmful conduct to the Corporation or its purposes. Public members will not interfere at a meeting.

b) In the case where a public member persists in any such breach after having been called to order by the Chair, the Chair may order that such public member leave his seat for the duration of the meeting of the Council; but if the public member apologizes, he shall be permitted to stay. If the public member refuses to leave and refuses to

apologize, then the Chair will direct the CAO or Clerk to have this Member escorted by the OPP.

11. CONDUCT OF MEMBERS OF THE PUBLIC

- 11.1 The Presiding Officer shall have the absolute right to expel a member of the public from any meeting, including a meeting of Council, if the said person is disruptive or has been guilty of any other improper conduct at the said meeting.
- 11.2 No person shall be permitted to sit at the Council table or be permitted to enter into the area of the bar without having first obtained the permission of the Presiding Officer to do so.

12. QUORUM

- 12.1 As soon after the hour fixed for the holding of the meeting of the Council, the Presiding Officer shall take the chair and call the meeting to order.
- 12.2 A majority of the whole number of Council members is necessary to constitute a quorum. Council consisting of five (5) members requires the attendance of three (3) members to have a quorum.
- 12.3 Immediately upon calling the meeting to order, it shall be the duty of the Presiding Officer or other person designated in these rules as Presiding Officer, to determine if there is a sufficient number of members to constitute a quorum.
- 12.4 If no quorum is present within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting and no other business may be carried out.
- 12.5 If Council consists of only five (5) members, the concurrent vote of at least three of them is necessary to carry any resolution or any other measure.

13. CALLING THE MEETING TO ORDER

- 13.1 The meeting shall be called to order by the Presiding Officer or such other party as has been designated as Presiding Officer as set out in these rules.
- 13.2 The Presiding Officer, after calling the meeting to order, shall ensure that there are a sufficient number of members to constitute a quorum.
- 13.3 Upon ensuring that there are a sufficient number of members as aforesaid, the Presiding Officer shall formally call the meeting to order by stating the following: "The meeting will please come to order."

14. AGENDA

- 14.1 The Clerk shall have prepared and printed for the use of the members and the public at the meetings of Council an agenda in the form as set out in Schedule "B" attached hereto.
- 14.2 Any additions and/or deletions to the agenda must be moved and seconded and carried as set out in these rules.

- 14.3 The Presiding Officer shall address each item of business in the order that it is set out in the agenda unless otherwise approved by a consensus of the members present.
- 14.4 The Deputy-Clerk shall carry out the duties of the Clerk when designated any said function(s) of this office.
- 14.5 An item that has been considered by Council in previous agendas may be included again as unfinished business but, once fully disposed of and/or decided upon by Council, either unanimously or by recorded vote, the item shall not be brought back for reconsideration.

15. CONDUCT OF BUSINESS

- 15.1 All business of Council shall be conducted by motions. Each motion shall be put forth with the following wording: "That....(and followed by the substance of the motion)". Motions shall be put forth in writing.
- 15.2 A motion once presented must be seconded, failing which the motion cannot be proceeded with any further.
- 15.3 A main motion cannot be presented while another motion is pending. The main motion can, however, be the subject of:
- i) a subsidiary motion
 - ii) a privileged motion
 - iii) an incidental motion.
- 15.4 A main motion must be seconded, failing which the motion cannot be proceeded with any further.
- 15.5 A main motion must be recognized by the Presiding Officer to be in order.
- 15.6 Amendments may be made to a main motion at any time if:
- i) the party making the motion agrees to an amendment suggested by another member of Council
 - ii) the motion can be the subject of a subsidiary motion to amend.
- 15.7 A main motion may, by way of a subsidiary motion, be referred to a committee.
- 15.8 A main motion, by way of a subsidiary motion, may be laid on the table (tabled).

16. STATEMENT OF MOTION

- 16.1 The motion shall be stated by the Clerk unless it is ruled out of order or unless it is unclear.

17. DEBATE

Upon the motion having been stated by the Clerk, it shall be open to debate by the members of Council subject to the following rules:

- 17.1 The member speaking to the motion shall be recognized by the Chair.

17.2 A member speaking to a motion shall not be interrupted by another member or the Chair except to determine:

- i) a question of privilege
- ii) a point of order
- iii) a call for a vote
- iv) a request or inquiry.

17.3 For purposes of this Section, a request or inquiry shall mean:

- i) a request of the Chair's opinion on procedure
- ii) a point of information
- iii) a request to withdraw and modify information
- iv) a request for privilege.

17.4 The time allowed for the debate shall be at the discretion of the Presiding Officer.

17.5 The debate shall be limited to the subject matter of the motion.

17.6 Except if determined by a further motion, the debate cannot be terminated until each of the members present at the meeting, wishing to do so, have addressed the motion.

17.7 Subject to these rules of procedure, the Presiding Officer shall not participate in the debate on the main motion but may provide information if inquiries are made of him.

17.8 The Presiding Officer may vacate his chair, temporarily being replaced by an acting Head of Council, in order to speak on an issue.

18. MOTIONS AND RESOLUTIONS

18.1 A motion is a matter that is put before Council at a meeting for their consideration, discussion and decision. Upon approval, it then becomes a resolution of Council.

18.2 A motion must be clear, precise and unambiguous when put to Council and must be proposed and seconded prior to it being considered.

18.3 Categories of motions:

- i) **MAIN:** principal question before Council for discussion and must be disposed of before proceeding further, unless one of the types listed below is received.
- ii) **SUBSIDIARY:** motion to amend main motion
motion to table
motion to postpone indefinitely or to a certain time
motion to refer to committee.
- iii) **PRIVILEGED:** motion to adjourn or establish time of adjournment
question of privilege (immediate decision about rights or procedure)
orders of the day (follow agenda or procedure).

iv) **INCIDENTAL**: appeal for a ruling of the Chair
objection to consideration
withdrawal of a motion
division of a question
suspension of rules of order.

v) **OTHER**: motion to reconsider
motion to remove from the table.

19. MOTION TO RECESS

19.1 A member may move for a recess time when no other member has the floor regardless of whether or not there is pending business.

19.2 The said motion must be seconded.

19.3 There shall not be any debate as to the said motion and it shall immediately be voted upon.

19.4 A majority vote of the members present is required to carry the motion.

20. MOTION NOT TO BE REPEATED

20.1 A motion may not be brought by a member to a meeting whose subject matter is substantially the same as a motion disposed of at a previous meeting.

21. MOTION TO RESUME

21.1 Notwithstanding the rule set out in Section 20 above, a motion may be presented by a member, when no other member has the floor or when another motion is pending, to resume consideration of a main motion (to take from the table).

21.2 The said motion must be seconded, failing which it shall not be proceeded with.

21.3 The said motion is not debatable and cannot be amended.

21.4 The motion must be accepted by a majority vote of those members present at the meeting at which it is presented.

22. MOTION TO RECONSIDER

22.1 Notwithstanding the rule set out on Section 21 above, a motion to reconsider may be made by a member, when no other party has the floor or another motion is pending, should new information become available which was not available at the time that the motion was originally made.

22.2 The said motion must be made by one of the members whose vote carried the motion when it was originally made.

22.3 The said motion must be seconded failing which it shall not be proceeded with.

22.4 The said motion is not debatable or amendable.

22.5 The said motion must be accepted by a majority vote of the members present at the meeting.

22.6 If the said motion is carried, it will be reconsidered at the next regular Council meeting.

23. MOTION TO RESCIND OR AMEND

23.1 Notwithstanding the rule set out in Section 21 above, a member may at any time, subject to the rules set out in this Section, move to strike any main motion, resolution or part of such main motion or resolution that has been previously adopted.

23.2 The said motion can only be made where no other motion is pending and is out of order when another member has the floor.

23.3 The said motion must be seconded, failing which it shall not be proceeded with.

23.4 The said motion is debatable and amendable.

23.5 The motion must be carried by a majority vote of the members present at the meeting. The member putting forth the motion must have provided notice of his intention to do so at a previous meeting of Council. Should such notice not have been provided, the motion must be carried by a 2/3 vote of the members present at the meeting.

23.6 Only a negative vote of a motion to rescind can be reconsidered.

23.7 Notwithstanding the rule set out in Section 21 above, a member may move to amend or vary the text or substance of a motion or resolution and the same rules apply governing the motion to rescind.

24. MOTION TO DEAL WITH QUESTIONS REFERRED TO COMMITTEE

24.1 If a motion has been referred to a committee and no final determination of the motion has been made, a member may move that the motion be considered by the meeting or that the committee be directed to abandon the consideration of said motion.

24.2 The said motion can only be made when no other motion is made and is out of order when another motion has the floor.

24.3 The said motion must be seconded, failing which it shall not be proceeded with.

24.4 The said motion is debatable and amendable.

24.5 The motion must be carried by a majority vote of the members present at the meeting. The member putting forth the motion must have provided notice of his intention to do so at a previous meeting of Council. Should such notice not have been provided, the motion must be carried by a 2/3 vote of the members present.

25. MOTION TO TERMINATE AND FILE

25.1 A member may move at any time to terminate and file any matter at any time where no other member has the floor.

25.2 The said motion must be seconded.

25.3 There shall be no debate on the motion and it shall be voted upon immediately.

25.4 A majority vote of the members present is required to carry this motion.

26. ACTING ON MOTIONS

26.1 After the completion or termination of debate and the determination of all necessary secondary motions, the Presiding Officer shall, after ensuring that all members comprehend the motion stated, put the said motion to a vote.

26.2 After the motion is finally put by the Presiding Officer, no member shall speak to the motion nor shall any motion be received until the result of the vote has been declared.

26.3 Except as otherwise provided, every member of Council shall have one vote.

26.4 A member, who refuses to vote, unless disqualified because of a conflict of interest, shall be deemed to have voted in the negative.

26.5 If a member present at the meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting, shall announce his or her vote openly and the Clerk shall record each vote.

26.6 A tie vote shall be declared a lost vote except as otherwise provided by any other Act.

26.7 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken shall be of no effect.

27. MINUTES

27.1 The minutes of Council meetings shall be recorded by the Clerk without note or comment with the following information:

- i) The place, date and time of the meeting
- ii) The name of the Presiding Officer and the members of Council, including the appointed officers of the Corporation, in attendance.
- iii) Correction and adoption of the minutes of previous meetings.
- iv) All motions to be adopted by Council.
- v) All other proceedings of the meeting which do not constitute a note or comment.
- vi) If requested by any member present, the name and vote of every member voting on any matter or question.

28.2 The Clerk of the municipality or local board or a committee of either of them shall record, without note or comment, all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

28. DELEGATIONS, PETITIONS AND COMMUNICATIONS

28.1 Anyone wishing to address Council, in person or by an agent, on his own behalf or on behalf of a group, shall notify the Clerk verbally or in writing at least five (5) days prior to the date of the meeting. The notice shall specify the nature of the business to be discussed.

28.2 Delegations will address Council in the order of sequence that they appear on the agenda and will be notified that they are given fifteen

(15) minutes for their presentation subject to a waiver by the Presiding Officer.

- 28.3 Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
- 28.4 Upon being advised of a request to address Council, the Clerk shall place this request on the agenda, giving the specific details made available by the applicant.
- 28.5 Notwithstanding the above, the Presiding Officer may allow a person, or agent, who requests to be heard at a meeting of Council, to address Council on the terms and conditions that the Presiding Officer states.
- 28.6 A delegation may not present a matter before Council a second time if the matter or subject is substantially the same as disposed of in a previous meeting.

29. BY-LAWS PROCEDURES

- 29.1 No By-Law shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- 29.2 Every By-Law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act and shall be complete with the exception of the date thereof.
- 29.3 Every By-Law shall have three (3) readings prior to being passed.
- 29.4 The first reading of a By-Law shall be decided without amendment or debate.
- 29.5 If Council so desires, a By-Law may be taken as read.
- 29.6 The Clerk shall set out on all By-Laws enacted the date of the three readings thereof.
- 29.7 The Clerk reserves the right to correct grammatical and numerical and other such minor errors in nature that will not change the intent of the bylaw or the resolution
- 29.8 Every By-Law enacted by the Council shall be numbered and dated and shall bear the seal of the Corporation and be signed by the Clerk and the Presiding Officer. All By-Laws shall be deposited in the Clerk's office for safekeeping.

30. REPORTS OF COMMITTEES

- 30.1 All committees shall submit written reports of matters dealt with between meetings of Council. However, verbal reports may also be received by Council when requested by the Presiding Officer.
- 30.2 When desired, Council will authorize, approve and confirm and cause to be implemented those items which a committee has recommended. The motion shall read: "That the report be adopted as presented."

- 30.3 When desired, Council will recognize that a report has been submitted if there are no items recommended for implementation by the committee. The motion shall read: "That the report be received."
- 30.4 Notwithstanding the above, when a report deals with more than one recommendation and Council is not prepared to adopt all of these, a separate vote shall be taken with respect to each subject matter and any matter which is not adopted may be referred back to the committee for further consideration.

31. ADJOURNMENT

- 31.1 All meetings of Council shall be adjourned no later than eleven (11) p.m. or as soon thereafter as shall be practicable, provided however, the meeting may be continued only upon the unanimous consent of all members present at the meeting.
- 31.2 A meeting may be adjourned at any time by the Presiding Officer if, in his opinion, there is gross disorder at the meeting.
- 31.3 A member may make a privileged motion to adjourn the meeting which shall take precedence over all motions however the said motion would be out of order if another member has the floor. This motion must be carried by a majority vote of the members present at the meeting.
- 31.4 A Council meeting may be suspended from the hour of 5:00 p.m. to 5:50 p.m. (or any other hour as decided by a majority of Council members) for the purpose of taking a supper break and the Council Chambers shall be closed to the public during this time. This time is strictly for a health break and is not intended to continue the business of Council.

32. RULES OF ORDER- COMMITTEES

- 32.1 As far as practicable, the rules and procedures contained in this By-Law shall be applicable to all committees of Council, subject to a ruling by the Presiding Officer.

33. MASCULINE GENDER

- 33.1 In this By-Law, the use of the masculine gender shall also mean and include the feminine gender.

34. NO SMOKING

- 34.1 There shall be no smoking in either the Council Chambers during the proceedings of Council or anywhere within the municipal building at any time.

35. INTERPRETATION

- 35.1 When any interpretation of these rules of order is required, reference shall be made to the most recent edition of "Robert's Rules of Order".

36. POINTS OF ORDER AND PRIVILEGE

- 36.1 If a member of Council present at a meeting desires to refrain from voting by reason of conflict of interest, he shall abide by the provisions of Sections 5 and 6 of the Municipal Conflict of Interest Act, R.S.O. 1990, C.M50 as amended.

- 36.2 Members declaring a pecuniary interest will now be required to file a written statement of that interest at the meeting, or as soon as possible afterwards. Further, municipalities and local boards must now establish and maintain a registry of statements and declarations of pecuniary interests of Members and make it available for public inspection.
- 36.3 The Presiding Officer shall preserve order and decide questions of order and Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 36.4 Any procedure required by this By-Law may be suspended with the consent of the majority of the members of Council present at the meeting.
- 36.5 No amendment or repeal of this By-Law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The waiving of this notice is prohibited.
- 36.6 When necessary, whether by need or due to a change in legislation, Appendices may be revised by resolution.
- 36.7 This By-Law shall be effective on the date of its enactment.

37. OFFICIAL LANGUAGES

- 37.1 Council shall pass its by-laws in English and its resolutions in both English and French.
- 37.2 Council may adopt an official plan in English only or both English and French.
- 37.3 Council and its committees may conduct its proceedings in English or French or in both English and French.
- 37.4 Despite subsection 37.3, the minutes of the proceedings of Council and all committees shall be kept in both English and French.
- 37.5 Unless otherwise directed by by-law, the officers and employees of the municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.
- 37.6 Nothing in this section:
- i) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;
 - ii) affects any requirement at law to give reasonable notice.
- 37.7 Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the Minister to whom the form, book, document or paper was submitted, supply the Minister with an English translation thereof.

SCHEDULE "B" TO BY-LAW NO. 68-2021
FORM OF AGENDA AND ORDER OF BUSINESS

AGENDA

- 1) Call to order and prayers.
- 2) Changes, additions and deletions to agenda.
- 3) Adoption of the agenda.
- 4) Disclosure of Conflict of Interest.
- 5) Adoption of minutes of previous Council meetings.
- 6) Adoption of the recommendations and minutes of the meetings of Council Committees.
- 7) Receiving of reports from appointed municipal officials.
- 8) Notice of proposed motions.
- 9) Unfinished business from previous meetings.
- 10) Delegations.
- 11) Applications for Prescott-Russell Land Division Committee.
- 12) Municipal By-Laws.
- 13) Approval of variance report.
- 14) Other business.
- 15) Various monthly reports.
- 16) Correspondence.
- 17) Coming events.
- 18) Closed meeting
- 19) Confirming by-law.
- 20) Adjournment.

