

Schedule A to Bylaw 1735-20

Contents

1.	DEFINITIONS	7
2.	GENERAL PROVISIONS	8
2.1	Suspension – Rules Regulations – Applicable – Two-Thirds Vote	8
2.2	Calculation – Two-Thirds Vote.....	8
2.3	Parliamentary Authority	8
2.4	Severability.....	9
3.	MEETINGS.....	9
3.1	Inaugural – Time – Place – Held.....	9
3.1.1	Inaugural Agenda	9
3.2	Public - Regular – Schedule – Designated – Time	9
3.3	Meetings – Holidays – By Resolution.....	9
3.4	Notice – Public Meeting.....	9
3.5	Special Meetings	9
3.5.1	Special Meetings – Mayor.....	9
3.5.2	Special Meeting – Members of Council	9
3.5.3	Notice – By Clerk.....	9
3.5.4	Delivery Notice.....	9
3.5.5	Nature of Business – Notice	9
3.5.6	No Other Business.....	10
3.5.7	Special Meeting – Place	10
3.6	Emergency Meeting – Written Notice Not Required	10
3.7	Location – Council Meeting.....	10
3.8	Open – To Public – Council – Committees – Exception.....	10
3.8.1	Meetings Open to Public – Record	10
3.9	Closed – To Public – In Camera – Meeting Subject Matters	10
3.10	Closed – To Public – Resolution.....	11
3.11	In Camera Meeting – Closed to Public – Time	11
3.12	Confidential Matters.....	11
3.13	Orientation Meeting	11
3.14	Electronic Meetings	11
3.14.1	Electronic Meetings – Quorum.....	12
3.14.2	Electronic Meeting – Closed to the Public.....	12
3.15	Meetings – Termination Hour	12
3.16	Meetings – Continuation – Suspend the Rules	12
3.17	Committee of the Whole - Meeting.....	12
4.	ROLES	12
4.1	Council	12
4.1.1	Individual Authority – Not Provided	12
4.1.2	Established Policies – Members – Respect.....	12
4.1.3	Council – Liaison with CAO.....	12
4.1.4	Information – By Staff – Members of Council.....	12
4.1.5	Questions – Operational Concerns – Complaints.....	13

4.2	Head of Council.....	13
4.3	Chief Administrative Officer.....	13
4.4	Clerk.....	13
4.4.1	Delegation – By Clerk.....	13
4.5	Municipal Administration – Officers – Employees	13
5.	DUTIES	14
5.1	COUNCIL	14
5.1.1	Preparation of Members to Council Meetings.....	14
5.1.2	Reports - Requests.....	14
5.1.3	Interference – Directed to Administration.....	14
5.1.4	Meeting Absence.....	14
5.2	Mayor and Committee Chair(s).....	14
5.2.1	Open Meeting – Call to Order.....	14
5.2.2	Speakers – Recognized.....	14
5.2.3	Motions – Received – Submitted – Results Announced.....	14
5.2.4	Mayor/Chair – Participating - Introduction of a Motion and Debate.....	14
5.2.5	Debate – Enforcing the Rules – Restrains Members.....	14
5.2.6	Decorum – Order – Enforced	14
5.2.7	By-laws – Resolutions – Minutes - Authentication.....	15
5.2.7(a)	Authentication – Refusal by Chair	15
6.	CONDUCT DURING MEETINGS.....	15
6.1	Sovereign – Royal Family – To Be Respected	15
6.2	Members of Council – Municipal Administration	15
6.3	Decisions of Council – Criticized – Reconsideration.....	15
6.4	Breach of Rules – Expel From Meeting	15
6.5	Disorder of Meeting – Adjourn – Suspend – Recess Meeting.....	15
6.6	Power to Expel	15
6.7	Dress Code – Council Meetings – Public Meetings.....	15
6.8	Head Dressing.....	15
6.9	Code of Ethic – Confidentiality	15
6.9.1	Executive (In-Camera) Subjects – Public Interest	15
6.9.2	Council Response – In-Camera Enquiries.....	16
7.	RULES OF DEBATE	16
7.1	Chair – Preserve Order.....	16
7.2	Addressing the Chair.....	17
7.3	Order – Of Speaking – Determination.....	17
7.4	Voting – Members – Seated – Disturbance – Prohibited.....	17
7.5	Speaking – Interruption.....	17
7.6	Point of Order – Inform Members.....	17
7.7	Speaking – Subject of Debate.....	17
7.8	Speaking – Motion Read – Upon Request.....	17
7.9	Speaking – Duration – Time Limit	17
7.9.1	Speaking – Duration – Council Committee – Representative.....	17
7.10	Question – Motion Under Discussion – Through the Chair.....	17
7.11	Question – Integrity of Employees.....	17

7.12	Motion – Seconded – Before Debate	17
8.	ORDER OF BUSINESS – AGENDA	17
8.1	Agenda – Content.....	17
8.2	Delivery of Agenda.....	18
8.3	Debate – By-laws – Third Reading.....	18
9.	QUORUM.....	18
9.1	Call to Order – Quorum Present.....	18
9.2	Quorum.....	18
9.3	Quorum – Not Present – Time Limit	18
9.3.1	Permitted Motion – No Quorum	18
9.4	Mayor – Absence from Meeting.....	18
9.5	Mayor – Deputy/Acting – Absent.....	19
9.6	Quorum – Municipal Conflict of Interest – Remedy for Lack	19
10.	COMMITTEE OF THE WHOLE (COTW)	19
10.1	Committee of the Whole – Chair	19
10.2	Committee of the Whole – Conduct of Business.....	19
10.3	Reports to Be Considered.....	19
10.4	No Vote – COTW.....	19
10.5	Reading – By-laws	19
11.	MINUTES	19
11.1	Contents – Recorded by Clerk	19
11.2	Included in Agenda	20
11.2.1	Minutes of Special Meetings.....	20
11.3	Minutes – In-Camera (Closed) Meeting	20
11.4	Minutes – Confirmation – Signing.....	20
12.	PRESENTATIONS / DELEGATIONS / DEPUTATIONS.....	20
12.1	Heard – Request Submitted – Deadline – Items on Agenda.....	20
12.2	Material – Written – Submitted for Council – Deadline.....	20
12.3	Presentation Defined	20
12.3.1	Presentations – Ceremonial or Financial Statements	20
12.3.2	Presentations – Time Limit	20
12.3.3	Restrictions and Permission	21
12.4	Delegations – Time Limit.....	21
12.4.1	Extension – Five Minutes	21
12.4.2	Group Delegation.....	21
12.5	Questions – To Delegation	21
12.6	Delegations – Requests for Action – Referred.....	21
12.6.1	Delegations – No Immediate Decision.....	21
12.7	Delegations – Previously Heard by – Planning Advisory Committee.....	21
12.8	Delegation – Deemed – Inappropriate for Council	21
12.9	Delegation – Statements – Unsubstantiated	22
13.	BY-LAWS	22
13.1	Description – Number of Readings – Listed on Agenda	22
13.2	Form – Typewritten – Compliance – Relevant Act.....	22
13.3	Readings – Three – Prior to Passing.....	22

13.4	Purpose – Effect – Explained Upon Request	22
13.5	Debate – Amendment	22
13.6	Passed – Numbered – Dated – Signed – Seal Affixed	22
13.7	Comprehensive General By-law - Confirmatory – Conclusion – Meeting.....	22
13.8	Confirmation – Introduction – Voted On – Without Debate	22
14.	RESOLUTIONS / NOTICE OF MOTION	22
14.1	Resolutions – Notice of Motions – Debated Separately	22
14.2	Resolutions – Consecutively Numbered	22
14.3	Notice of Motion – When Required – Annual Budget.....	22
14.4	Notice of Motion – Introduced – Requirements	23
14.5	Notice – Received by Clerk – Included to Agenda.....	23
14.6	Notice of Motion – Delivered	23
14.7	Consideration – Disposal – Deferred to Other Meeting – Mover Absent.....	23
14.8	Seconded – By Any Members – Not in Attendance.....	23
15.	REPORTS / COMMUNICATION	23
15.1	Written – Legible – Signed	23
15.2	Deadline – Material Submitted to Clerk.....	23
15.3	Agenda – Preparation – Substance	23
15.4	Tender – Quotation – RFP’s - Reports	23
16.	DISCLOSURE OF INTEREST	23
16.1	Disclosing – Members Responsibility	23
16.2	Disclosing – No Influencing	24
16.3	Members – Leave of Meeting – In Camera	24
16.4	Members – Absent from Meeting.....	24
16.5	Declaration – Recorded – Minutes.....	24
16.6	Declaration – Record – Meeting Closed to the Public.....	24
16.7	Maintaining Registry	24
17.	Committees.....	24
17.1	Appointment – Chair	24
17.2	Appoint – Ad Hoc Committee.....	24
17.3	Reports – Ad Hoc Committees of Council.....	24
17.4	Ad Hoc Committee Mandate.....	24
17.5	Discharging of Ad Hoc Committee	24
17.6	Special Committee – Appointment.....	25
17.7	Special Committee – Procedures	25
17.8	Special Committee – Change in Membership	25
17.9	Composition – All Members	25
17.10	Names – Limited	25
17.11	Meetings – Notice of Delivery	25
17.12	Rules – Observed in All Meetings	25
17.13	Participation in External Boards and Committees	25
18.	GENERAL RULES / ALL COUNCIL COMMITTEES.....	25
18.1	Committees – Defined.....	25
18.2	Committee Appointments of Members of Council.....	26
18.3	Appointment – Committees.....	26

18.4	Lay Appointments – Committees	26
18.5	Mayor – Ex-officio	26
18.6	Majority – Quorum.....	26
18.7	Members – May Attend – No Vote.....	26
18.8	Appointment – Other Members – Due to Illness – absence	26
18.9	Neglect – Calling of Meeting	26
18.10	Members – Not Attending – Removal.....	27
18.11	Absence – Chairperson.....	27
18.12	Committee Matters – Referred to Council	27
19.	NEW BUSINESS / UNFINISHED BUSINESS.....	27
19.1	New Business – Routine Nature	27
19.2	New Business – In Writing – Moved and Seconded – Filed.....	27
19.3	New Business – Filing Time – Inclusion to Agenda.....	27
19.4	New Business – Voted on Individually.....	27
19.5	New Business – Non-routine – Notice of Motion	27
19.6	New Business – Introduced – Regular Meeting.....	27
19.7	Matters Not Under Council Jurisdiction.....	27
20.	VOTING	27
20.1	Chair Need Not Vote	27
20.2	All Questions – Exception – Disqualified.....	28
20.3	Failure to Vote – Deemed Negative	28
20.4	Motion – Simple Majority – Required Exception.....	28
20.5	Equal – Motion Deemed Negative	28
20.6	Show of Hands – Exception – Recorded Vote.....	28
20.7	Recorded – By Request – Vote Announced Openly	28
20.8	Division – Separate Vote – Each Proposal.....	28
20.8.1	When Separation of a Motion Not Permitted	28
20.9	Members Not in Their Seat – Deemed Absent.....	28
20.10	Chair Stating the Question	28
20.11	Calculations of 2/3’s Vote	28
20.12	Announcing – Results	28
21.	PARLIAMENTARY PROCESS - MOTIONS	29
21.1	Appeal – Decision by Chair – Final.....	29
21.2	Appeal Made at Time of Ruling – Point of Order	29
21.3	Non-debatable – Amendable – Reconsidered	29
21.4	Integrity – Members – Council in Question	29
21.5	Motion to Receive Disposition – Treated as Main Motion.....	29
21.6	Request Information	29
21.7	Withdrawal of Motion.....	29
21.8	In order – Anytime During Debate	29
21.9	Objection – By Member – Entertained – Main Motion	29
21.10	No Objection – Withdrawal – Without Seconder – Vote	29
21.11	Rules of Procedure – Breached	29
21.12	Members – Rise – Point Stated.....	30
21.13	Language – Improper – Offensive	30

21.14	Discussion – Not Valid – Outside Proposed Motion	30
21.15	Proceedings – Other – Informality – Irregularity.....	30
21.16	Decision – Announced – Prior to Recommencement	30
21.17	Decision of Chair Final – No Appeal	30
21.18	Appeal – Members Right – Chair Reply – Decision Final	30
21.19	Non-debatable – Amendable.....	30
21.20	Resolved – Affirmative – Original Motion Put – No Debate	30
21.21	Debatable – Amendable – Reconsideration – Permitted.....	30
21.22	Motion – Deemed – Possession of the Council	30
21.23	Motion Presented – Debate	30
21.24	Motion – Outside Jurisdiction of Council.....	30
21.25	Disposition of a Motion	31
21.26	Debatable – Amend – Permitted.....	31
21.27	Written – When Requested by Chair	31
21.28	Relevant to Main Motion	31
21.29	Contrary to Main Motion – Not in Order	31
21.30	Amended – Once Only.....	31
21.30.1	Council Disposition – Before Amendment – Motion.....	31
21.31	Reconsideration – Majority of Council – Same Meeting.....	31
21.31.1	Voting on the Prevailing Side.....	31
21.31.2	Discussion on the Main Question	31
21.32	Motion to Reconsider Adopted	31
21.32.1	Adoption of a Motion to Reconsider	31
21.32.2	Main Motion Originally Voted On.....	31
21.33	Reconsideration – Only Once	31
21.34	Amend Something Previously Adopted or Rescind	32
21.34.1	Introduction of a Motion	32
21.34.2	Amending Something Previously Adopted	32
21.34.3	Notice Provided to Members	32
21.35	In Order – Exception	32
21.36	Negative – Until Proceedings Completed	32
21.37	Members Speaking – Voting Prohibited	32
21.38	Non-debatable	32
21.39	Motion to Adjourn – Not Required	32
21.40	Length of Time – Specified.....	32
21.41	Future Time – Treated as a Main Motion	32
21.42	Motion to Defer	32
21.43	All Motion to Defer.....	33
22.	RESIGNATION / MEMBERS / VACANCIES	33
22.1	Resignation – File in Writing – Clerk	33
22.2	Filling Vacancy.....	33
22.3	Appointments to Vacancies.....	33
22.4	Appointment to a Vacancy - Position of Mayor	33
22.5	Appointment to Vacancy – Position of Councillor	33
22.6	Members – Not Attending – Removal.....	33

1. DEFINITIONS

Abstention means a refusal to vote either for or against a proposal.

Act means the *Ontario Municipal Act, 2001*, as amended from time to time.

Acting / Deputy Mayor means the Member of Council appointed, under the By-law to act from time to time in the place and instead of the Mayor when the Mayor is absent or refuses to act or, when the office of Mayor is vacant, and while so acting such member has all the power and duties of the Mayor.

Adjourn in an unqualified manner, means that the adjournment is effective immediately.

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

Advisory Committee means a committee appointed by Council to act in an advisory capacity to Council on operational and strategic issues during the full term of Council.

Chair means the Mayor or Acting/Deputy Mayor or Chairperson in a meeting who is actually presiding at the time that the meeting is being held.

Chief Administrative Officer means the Chief Administrative Officer (CAO) of the Town of Rainy River designated by By-law.

Clerk means the Clerk of the Town of Rainy River authorized by the *Municipal Act* and appointed by By-law.

Closed Meeting means a meeting of the Council or committee that is not open to the public, pursuant to Section 239 of the *Municipal Act, 2001*.

Committee means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the Members are also Members of Council.

Committee of the Whole means all members of present sitting in council. The purpose of this committee is to enable the council to give detailed consideration to a matter under conditions of freedom approximating that of a committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of the Council, but have the status of recommendations which the council is given the opportunity to consider further and which it votes on finally under its regular rules.

Council means Elected Members of Council of the Town of Rainy River who were elected by registered voters or who have been appointed by virtue of a vacancy.

Debate means a discussion to put forth reasons for or against, in which a difference of opinion may be expressed.

Defer, Deferred, or Deferral when used in connection with matter or item before the council or a committee, means that the said matter or item is to be dealt with at the next or specified meeting of the same body.

In-Camera means a meeting or portion of a meeting closed to the general public.

Local Board means a municipal service board, public library board, planning board, or any other board commission, committee, body or local authority established for exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

Meeting means any regular, special, committee, or other meeting of a Council, of a local board or of a committee of either of them 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.

Members mean an Elected Member of the Council of the Town of Rainy River or a committee.

Municipal Corporation means the Town of Rainy River

Open Meeting means all meetings of Council or committee excluding “Closed Meetings” as defined in this section.

Point of Information means a request through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.

Point of Order means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council.

Question of Privilege means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the assembly or any of its Member to be brought up for possible immediate consideration because of its urgency.

Quorum means a majority of member of a municipal council or committee.

Recorded Vote means that if a member present at a 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 by an Act, shall announce his or her vote openly and the clerk shall record each vote. Section 246 (2) specifically notes that a failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.

Special Committee has the same meaning as Ad Hoc Committee.

Standing Committee means a committee appointed by Council that has a continuing existence from one term of Council to another.

Seal means the authenticating seal of Town of Rainy River

Time means the time as defined under the *Time Act*.

Ultra Vires refers to matters beyond the jurisdiction of the Council or Committee

2. GENERAL PROVISIONS

2.1 Suspension – Rules Regulations – Applicable – Two-Thirds Vote

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

2.2 Calculation – Two-Thirds Vote

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

2.3 Parliamentary Authority

The governing legislation, the Procedural By-law, or any standing or special rules of order adopted by Town of Rainy River **shall** govern the procedures of the Council. Where inconsistencies exist, the current edition of “Robert’s Rules of Order, latest Edition” shall be the parliamentary authority, which governs the proceedings of the Town of Rainy River.

2.4 Severability

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

3. MEETINGS

3.1 Inaugural – Time – Place – Held

The Inaugural Meeting of the Council, following a regular election, shall be considered the Council's first meeting and shall be held on first Monday following November 15th, of an election year, beginning at 5:30 pm, within the municipal office building in accordance to the *Municipal Elections Act, Sec. 16*.

3.1.1 Inaugural Agenda

The Mayor-Elect and the Clerk shall be responsible for the content of the Agenda of the Inaugural Meeting and the arrangements for the Inaugural Proceedings.

3.2 Public - Regular – Schedule – Designated – Time

Public - regular meetings shall be held on the second Monday of each month, commencing at 5:30 pm, at such place within the Town of Rainy River designated for such purpose by the Council and shall be held in accordance with the schedule of meetings of Council and the Committees of Council as prepared by the Clerk.

3.3 Meetings – Holidays – By Resolution

When the Public meeting scheduled for its regular day and time falls on a Statutory or civic holiday, in which case the Council shall meet at the same hour on the next following day, which is not a Statutory or civic holiday, unless otherwise provided by resolution of the Council.

3.4 Notice – Public Meeting

Notice shall be given of all public meetings of the Council on the previous public agenda immediately following the "*Confirming By-law*" unless the day of the meeting is other than that provided under Sections 4.1, 4.2 and 4.3.

3.5 Special Meetings

3.5.1 Special Meetings – Mayor

In addition to Public meetings, the Mayor may at any time summon a Special meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special meeting.

3.5.2 Special Meeting – Members of Council

Upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special meeting for the purpose and at the date and time mentioned in the petition.

3.5.3 Notice – By Clerk

The Clerk shall give all Members notice of a Special meeting of Council at least forty-eight (48) hours before the time appointed for such meeting.

3.5.4 Delivery Notice

Notice may be given by delivering a notice personally to a Member(s), by leaving such notice at his/her residence or place of business, or by facsimile transmission to such residence or place of business, or by electronic mail to such residence or place of business, or by telephone.

3.5.5 Nature of Business – Notice

The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special meeting.

3.5.6 No Other Business

No business other than that indicated in the written or verbal notice shall be considered at the Special meeting, except with the unanimous vote of the members present.

3.5.7 Special Meeting – Place

All Special meetings of Council shall be held at the location of the last regular meeting of Council, unless an alternative location is specified in the notice of meeting.

3.6 Emergency Meeting – Written 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.

3.7 Location – Council Meeting

All Council meetings shall be held within the Council Chambers located at the Municipal Office Building. In the event of an Emergency being declared by the Head of Council or any other Lead Agency as identified within the “*Emergency Management Act*” within the confines of a declared emergency, where the Municipal Office is not accessible, the Council shall be asked to meet at an identified location accessible by all Members of Council.

3.8 Open – To Public – Council – Committees – Exception

Meetings of the Council and its standing committees shall be open to the public with the exception of those meetings as provided within Sections 3.10 and 3.11; and as provided for under *Section 239 (2, 3 and 3.1)* of the *Municipal Act of Ontario*.

3.8.1 Meetings Open to Public – Record

All Council Meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and kept for archival purposes.

3.9 Closed – To Public – In Camera – Meeting Subject Matters

A meeting or part of a meeting of the Council or its standing committees may be closed to the public if the subject matter being considered is:¹

- (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;

¹ Part VI – Practices and Procedures *Ontario Municipal Act*

- (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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Other criteria

- (l) 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; or
- (m) An ongoing investigation respecting the 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 this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or training sessions

- (n) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 1. The meeting is held for the purpose of educating or training the Members.
 2. 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. 2006, c. 32, Sched. A, s. 103 (1).

3.10 Closed – To Public – Resolution

Prior to holding a meeting, which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting.²

3.11 In Camera Meeting – Closed to Public – Time

In Camera meetings, shall commence at a time prescribed by the Town Clerk and/or Chief Administrative Officer upon consultation with the Mayor.

3.12 Confidential Matters

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. Any Member, who contravenes the confidentiality clause, may be subject, by majority vote of the Council, to penalties in accordance to Section 6.9 of the Procedural By-law and of the adopted “**Code of Conduct**” policy.

3.13 Orientation Meeting

Orientation meetings of the Council, shall be considered as an information meeting to newly elected Members of Council in order to provide Members with the general process of what an elected Member could reasonably expect such as but not limited to; the Inaugural meeting process; how many committees they may be appointed to; process of a council meeting; protocol; corporate policies; code of conduct; payroll; overview of the budget process, and another matter the Administration may deemed required.

3.14 Electronic Meetings³

² Sec.239(4) Ontario Municipal Act

³ Sec. 238(3.1) Ontario Municipal Act

The Council may provide that a Member of Council, of a Local Board or of a Committee of either of them, can participate electronically in a meeting, which is open to the public. Electronic meeting participation shall utilize a telephone conferencing system.

3.14.1 Electronic Meetings – Quorum

Any Member, who participates through electronic means, during a public meeting, shall not at any point in time, be counted in determining whether or not a quorum of Members is present.

3.14.2 Electronic Meeting – Closed to the Public

No Member shall participate in a meeting, through electronic means, when the meeting is closed to the public.

3.15 Meetings – Termination Hour

No item of business other than the Confirmation By-law shall be considered at a meeting of the Council, after the hour of 9:30 p.m. local time.

3.16 Meetings – Continuation – Suspend the Rules

Should the Members of Council reach the hour of 9:30 p.m. local time, and they wish to continue the ongoing meeting until additional items listed on the Agenda have been dealt with, a Motion to *Suspend the Rules of Order (Sec. 3.1)* of this By-law shall be introduced and a two-thirds (2/3's) vote of the Members present and voting shall be required.

3.17 Committee of the Whole - Meeting

Committee of Whole Meetings shall be held the first Monday of every month at 5:30 pm to discuss in a less formal setting, matters that are under consideration and to which the matter is then referred to Members of Council at its Regular public meeting for action.

4. ROLES

4.1 Council

It is the role of Council to:⁴

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

4.1.1 Individual Authority – Not Provided

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

4.1.2 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 themselves individually to circumvent established policies.

4.1.3 Council – Liaison with CAO

Council Members will liaise with the Chief Administrative Officer on any given matter concerning the municipality.

4.1.4 Information – By Staff – Members of Council

Council Members may request information from Members of staff who have been assigned the responsibility of providing standard operating procedures.

⁴ Sec. 224 *Ontario Municipal Act*

4.1.5 Questions – Operational Concerns – Complaints

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in Section 4.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Manager.

4.2 Head of Council

It is the role of the Head of Council to:⁵

- 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) Provide leadership to the Council
- d) Provide information and recommendations to the Council with respect to the role of council as described in section 4.1 (d) and (e) above; (without limiting section (4.2(c))
- e) Represent the municipality at official functions;
- f) Carry out the duties of the head of council under this or any other Act.
- 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; and
- j) Participate in and foster activities that enhance the economic social and environmental well-being of the municipality and its residents.

4.3 Chief Administrative Officer

It is the role of the Chief Administrative Officer to:⁶

- 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 the staff placed under his/her supervision; and
- b) Perform such other duties as assigned by the municipality.

4.4 Clerk

It is the role of the Clerk to:⁷

- a) Record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- b) Record the name and vote of every Member voting on any matter or question, if required by any Member present at a vote;
- c) Keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council'
- d) Perform the other duties required under the *Ontario Municipal Act*, the *Municipal Elections Act*, and any other Act and
- e) Perform such duties as are assigned by the municipality

4.4.1 Delegation – By Clerk

The Clerk may delegate in writing to any person, other than a Member of Council, any of the Clerk's powers and duties under this and any other Act.

- a) Despite the delegation, the Clerk may continue to exercise the delegated powers and duties.

4.5 Municipal Administration – Officers – Employees

It is the role of municipal administration 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

⁵ Sec. 225 & 226 *Ontario Municipal Act*

⁶ Sec. 229 *Ontario Municipal Act*

⁷ Sec. 228 *Ontario Municipal Act*

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

5. DUTIES

5.1 COUNCIL

5.1.1 Preparation of Members to Council Meetings

Members of Council shall come prepared to every meeting where their participation is required, 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 Members(s) shall make inquiries to Management regarding materials supplied in advance of the meeting.

5.1.2 Reports - Requests

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

5.1.3 Interference – Directed to Administration

No Members(s) shall have the authority to direct or interfere with the performance of any work by Administration of the municipality. All inquiries shall be directed through the office of the Chief Administrator.

5.1.4 Meeting Absence

Members of Council who will be unable to attend Council, Committee of the Whole, Standing Committee meeting or any other scheduled meeting of which the member of Council is a participant shall inform the Chief Administrative Officer of said absence prior to the commence of the meeting.

5.2 Mayor and Committee Chair(s)

5.2.1 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.

5.2.2 Speakers – Recognized

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.

5.2.3 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.

5.2.4 Mayor/Chair – Participating - Introduction of a Motion and Debate

The Mayor or Committee Chair may speak and/or vote on any question, but if they wish to make a motion, they **shall** first leave the Chair by designating the Deputy/Acting Mayor to Chair the meeting. Should the Deputy/Acting Mayor be absent, by designating another Members to act in their stead until such time as the motion(s) and any amending motion to the main question have been decided upon and after which they shall resume the Chair.

5.2.5 Debate – Enforcing the Rules – Restrains Members

It shall be the duty of the Mayor or Committee Chair to restrain the Members, within the rules and procedures when engaged in debate.

5.2.6 Decorum – Order – Enforced

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

5.2.7 By-laws – Resolutions – Minutes - Authentication

It shall be the duty of the Mayor or Committee Chair to authenticate, by her/his signature when necessary, all By-laws, resolutions and minutes approved by the Council.

5.2.7(a) Authentication – Refusal by Chair

In the event that the Chair refuses or is unable to authenticate any document as identified in section 6.2.7, the Deputy/Acting Chair shall have the authority to sign on her/his behalf.

6. CONDUCT DURING MEETINGS

6.1 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 Provincial representative or any Members of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

6.2 Members of Council – Municipal Administration

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

6.3 Decisions of Council – Criticized – Reconsideration

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

6.4 Breach of Rules – Expel From Meeting

Members shall refrain from harmful conduct to the Municipality or its purposes. 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 her/his seat for the duration of the meeting of the Council; but if the Member apologizes, they shall be permitted to retake their seat.

6.5 Disorder of Meeting – 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.

6.6 Power to Expel⁸

The Mayor or other Presiding Officer may expel any person for improper conduct at a meeting.

6.7 Dress Code – Council Meetings – Public Meetings

All Members of Council shall wear appropriate attire (ties optional) during regularly scheduled, special and In-Camera meetings.

6.8 Head Dressing

During the conduct of any meeting of the Council, wearing of any hats, other than for religious purposes, are strictly forbidden by any Members of the Council, Administration or Members of the General Public.

6.9 Code of Ethic – Confidentiality

6.9.1 Executive (In-Camera) Subjects – Public Interest

Upon completion of any “In-Camera” council meetings, the decisions of the Council with respect to any of the enumerated items listed in Section 3.10; and direction to municipal Administration in accordance therewith, shall then be reported publicly by Council, to the extent that the public interest permits.

⁸ Sec.241(2) Ontario Municipal Act

6.9.2 Council Response – In-Camera Enquiries

The response of Council Members to enquiries about any matter dealt with during an “In-Camera” 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 Members, requiring a two-thirds vote, from future closed meetings of Council and that Members 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 Members being excluded from any closed meeting by a two-thirds vote. The results of Council’s 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 Members is to be considered.

d) **Member Not Permitted to Vote**

Notwithstanding Section 6.9.2 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 by the Mayor or her/his delegate only upon direction of the majority of Council.

f) **Members – Expressing Personal Position**

Notwithstanding Section 6.9.2 (b), unless council by vote determines otherwise, upon the public disclosure of any report discussed at an “In-Camera” meeting, (closed to the public), any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of municipal administration.

g) **No Public Release – Documents**

Agendas or any items thereon for consideration by Council at a meeting closed to the public shall not be released to the public.

h) **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 an elected Member of Council.

7. RULES OF DEBATE

7.1 Chair – Preserve Order

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

7.2 Addressing the Chair

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

7.3 Order – Of Speaking – Determination

The Chair shall recognize the Members in the order they indicate their desire to speak; be acknowledged by the Chair; and shall address all questions “***Through the Chair***”.

7.4 Voting – Members – Seated – Disturbance – Prohibited

When the Chair calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote, and during such time, no Members shall walk across the room to speak to any other Members or make any noise or disturbance.

7.5 Speaking – Interruption

When a Member is speaking, no Member shall pass between the speaker and the Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair or raise a point of order.

7.6 Point of Order – Inform Members

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

7.7 Speaking – Subject of Debate

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

7.8 Speaking – Motion Read – Upon Request

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

7.9 Speaking – Duration – Time Limit

No Member of Council shall speak more than once to the main question and no longer than three (3) minutes on any question, except in explanation of a material part of her/his debate, which may have been misunderstood, but they may not introduce new matter. A right of reply may be allowed to a Member who has made a substantive motion to Council, and no Member shall speak to the same question or in reply, without permission of Council.

7.9.1 Speaking – Duration – Council Committee – Representative

Members of Council who wish to provide brief remarks on matters relating to a Special or Standing Committee to which they have been appointed, shall at the appropriate time within the Agenda and upon recognition by the Chair speak no more than three (3) minutes on the matter. There shall be no debate on the information provided.

7.10 Question – Motion Under Discussion – Through the Chair

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

7.11 Question – Integrity of Employees

A Member, while asking questions through the Chair, shall at no time, put into question the municipal employee’s personal or professional integrity.

7.12 Motion – Seconded – Before Debate

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

8. ORDER OF BUSINESS – AGENDA

8.1 Agenda – Content

The Business of the Council shall in all cases, be taken up in the following order, once the Chair has brought the meeting to order, unless otherwise decided by a vote of two-thirds of the Members present and voting.

- a) Opening Ceremonies Moment of Silence and Salute to the Queen
- b) Additions, Deletions or Amendments
- c) Disclosure of Interest
- d) Adoption of Minutes
- e) Presentations / Delegations
- f) Reports from Unfinished Business
- g) New Business – Committee Reports as needed
- h) Confirming By-law
- i) Next Meeting
- j) Adjournment

8.2 Delivery of Agenda

A hard copy of the agenda shall be delivered to each Member of Council's office mailbox by the Clerk's Office no later than noon on the Thursday preceding the scheduled Public Council Meeting.

8.3 Debate – By-laws – Third Reading

Any By-law may be debated at the Third Reading and is subject to amendments or referred for future consideration and re-introduced in the same manner or in an amended matter at a future meeting within a quarterly time period.

9. QUORUM

9.1 Call to Order – Quorum Present

As soon after the hour fixed for holding the meeting of the Council, as there is a quorum present, the Chair shall call the Members to order.

9.2 Quorum

A majority of the Members elected (50% +1) shall constitute a quorum.

9.3 Quorum – Not Present – Time Limit

If there should be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall take down the names of the Members present.

9.3.1 Permitted Motion – No Quorum

Should there be no quorum at a duly called meeting; **one** of the following three motions can be legally called:

- a) **Motion to Adjourn**
By calling this motion, all matters listed on the Agenda shall be brought forward at the next regularly scheduled meeting.
- b) **Motion to Recess**
The Chair may call for a recess and request that the Members missing be called to inquire as to their attendance.
- c) **Motion to Set the Time to Which to Re-adjourn the Meeting**
The Chair may request to re-set the meeting to another date and time set before the next regular meeting to deal with matters listed on the Agenda.
- d) There can be no other motion that would advance the business of the Municipality or Committee legally permitted.

9.4 Mayor – Absence from Meeting

In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Deputy/Acting Mayor shall take the Chair and call the Members to Order; and he/she shall preside until the arrival of the Mayor.

9.5 Mayor – Deputy/Acting – Absent

In the absence of the Mayor and Acting/Deputy Mayor, and if a quorum is present, the Clerk shall call the Members to order. A Chairperson shall be chosen from the Members present who shall preside over the meeting until the arrival of the Mayor or Acting/Deputy Mayor.

9.6 Quorum – Municipal Conflict of Interest – Remedy for Lack

Where the number of Members who, by reason of the provisions of the ***Municipal Conflict of Interest Act***, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then despite any other general or Special Act, the remaining number of Members shall be deemed to constitute a quorum, provided that such a number is not less than two (2)⁹.

10. COMMITTEE OF THE WHOLE (COTW)

10.1 Committee of the Whole – Chair

When the Council enter into a meeting of the Committee of the Whole, the Mayor may preside or at any time, may leave the Chair and appoint the Acting/Deputy Mayor as Chairperson and who shall Chair the meeting and maintain order. The Mayor then takes its place as a Member of the Committee.

10.2 Committee of the Whole – Conduct of Business

When in *Committee of the Whole*, a Member cannot request to alter the text of any resolution referred to it; but it can propose amendments, which it must report in the form of a recommendation at the Regular public meeting, where the matter is to be voted on.

10.3 Reports to Be Considered

While in Committee of the Whole, the following reports may be considered: Presentation/Delegations, Resolutions, reports arising from notice of motion, correspondence, petitions, unfinished business reports, communication reports, tenders and requests for proposals and By-laws, and any other report that the Council wish to fully debate.

10.4 No Vote – COTW

The Members shall not take any vote to advance the business of the municipality, in Committee of the Whole meetings, unless the vote is to offer amendments, after which the amendments shall be offered as a recommendation to be voted on during the regular public meeting.

10.5 Reading – By-laws

It shall not be necessary to have the By-laws read in their entirety unless Council Members, by a majority vote require that such By-laws be read or a particular By-law be read.

11. MINUTES

11.1 Contents – Recorded by Clerk

The Clerk shall prepare and cause the minutes to be taken of each meeting of Council and which shall include:

- a) The place, date and time of the meeting;
- b) The name of the presiding officer or officers and the record of the attendance of the Members.
- c) Members who enter after the commencement of a meeting or leave prior to adjournment, the time shall be so noted in the minutes.
- d) To record, without note or comment, all resolutions, decisions and other proceedings of the Council.

⁹ Sec.7(1) *Municipal Conflict of Interest Act*

- e) To record all publicly declared conflict of interests made by Members and identify that the Member has recused itself from discussion or vote on the declared matter, when the subject matter is brought up for debate.
- f) If required by any Members present at a vote, to record the name and vote of every Member voting on any matter or question.

11.2 Included in Agenda

Minutes of the last regular meeting of Council and of all Special or Emergency Council meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been publicly read at the meeting at which the question of their adoption is considered. By prior distribution of the minutes to all Members, it is understood that the minutes have been read.

11.2.1 Minutes of Special Meetings

Should a Special meeting be held during or after final preparations of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

11.3 Minutes – In-Camera (Closed) Meeting

Minutes of Closed meetings shall be added to the next regularly called public meeting for adoption. The contents of the minutes need not be disclosed.

11.4 Minutes – Confirmation – Signing

Once the minutes have been adopted, they shall be signed by the Mayor/Chair and the Clerk and sealed by the Corporate Seal.

12. PRESENTATIONS / DELEGATIONS / DEPUTATIONS

12.1 Heard – Request Submitted – Deadline – Items on Agenda

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the council's mandate shall be heard at the Council meeting, with those delegations having submitted their request in writing to the Clerk by noon on the Wednesday preceding the meeting of Council, being heard first, in the order in which such requests are received by the Clerk.

12.2 Material – Written – Submitted for Council – Deadline

Where possible, written material to be distributed to Council shall be submitted to the Clerk by noon on the Wednesday preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson(s) shall be and the date at which the delegation wishes to be entertained.

12.3 Presentation Defined

A request made for a presentation may be made by the Council to an individual, group or organization or to the Council by individuals, groups or organizations for matters that fall under the Council's mandate. Should the request for presentation be made where it requires, that the Council take action, the request shall be made under "Delegations".

12.3.1 Presentations – Ceremonial or Financial Statements

Presentations of a ceremonial nature or the annual presentation of Consolidated Financial Statements by the municipal Auditor shall be heard at the beginning of a Council meeting, immediately following the adoption of minutes.

12.3.2 Presentations – Time Limit

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

- a) **Exceptions** of the ten (10) minute time frame are provided to the Town's Auditor upon its annual presentation of The Corporation's Financial Statement.
- b) **Spokesperson – Presentation and/or Delegation**

An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

12.3.3 Restrictions and Permission

Presentations and/or Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event, or to promote their business.

a) **Number of Presentations and/or Delegations – Meetings**

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentation(s) and/or delegation(s) permitted to speak for a maximum time allotment of 30 minutes – divided amongst the presenters.

b) **Time Schedule – Questions**

Council Members shall be permitted a question period for each presentation and/or delegation of a maximum five (5) minutes.

12.4 Delegations – Time Limit

Persons desiring to address Council as a delegation at a meeting of Council, except as a delegation at a public meeting pursuant to the provisions of the *Planning Act*, shall be permitted to speak on a matter only once and be limited to speak for no more than five (5) minutes.

12.4.1 Extension – Five Minutes

A five (5) minute extension to speak may be decided, without debate, by a vote of a majority of Council/Committee Members present and voting.

12.4.2 Group Delegation

Where the delegation consists of a group of three or more persons, the group may address the Council/Committee for no more than ten (10) minutes.

12.5 Questions – To Delegation

Members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons.

12.6 Delegations – Requests for Action – Referred

Delegations, which request action to be taken by the Council, shall be referred to Administration, by majority vote, for a report that shall be presented to Council at an ensuing Council Meeting.

12.6.1 Delegations – No Immediate Decision

Under no circumstances, shall a decision from Members of Council be made on a request by a Delegation at the same meeting the Delegation has been heard.

12.7 Delegations – Previously Heard by – Planning Advisory Committee

Any person, not being a Member of Council, desiring to address the Council after having addressed the Planning Advisory Committee, shall notify the Clerk only, in writing of the request and shall include with the request any new information that **was not available at the hearing** before the Planning Advisory Committee. A notice of delegations will not qualify for a designated regular meeting if received later than noon the Wednesday preceding the said meeting.

12.8 Delegation – Deemed – Inappropriate for Council

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall, by **two-thirds vote** of the Council Members present and voting, introduce a motion to suspend the rules (see Section 3.1) to allow the delegation to be heard.

12.9 Delegation – Statements – Unsubstantiated

Whenever a delegation in its deputation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member of Council, or Town Official, may be recognized by the Chair on a “Point of Order” whereby the Members of Council or Town Official so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

13. BY-LAWS

13.1 Description – Number of Readings – Listed on Agenda

All By-laws, together with a brief description and the notation of the number of readings required, shall be listed on the agenda for the meeting at which they are to be read.

13.2 Form – Typewritten – Compliance – Relevant Act

Every By-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

13.3 Readings – Three – Prior to Passing

Every By-law caption shall be read prior to it being passed and endorsed by the Council.

13.4 Purpose – Effect – Explained Upon Request

Any Member may request that the purpose and effect of any particular By-law be explained, and the Clerk or any other Town Official having knowledge thereof may provide such explanation.

13.5 Debate – Amendment

A By-law (with the exception of the Confirming By-law) may be debated or amended before final adoption by Council.

13.6 Passed – Numbered – Dated – Signed – Seal Affixed

Every By-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and Clerk and shall be kept by the Clerk in the Clerk’s office or any other place appointed for that purpose.

13.7 Comprehensive General By-law - Confirmatory – Conclusion – Meeting¹⁰

At the conclusion of all regular meetings of the Council and prior to adjournment, a By-law shall be brought forward to confirm the actions of the Council at the meeting in respect of each motion, resolution and other action taken that consolidates and includes the provisions of any By-law previously passed by the Council. This By-law authorizes the execution of agreements and other documents and the proceedings of Council.

13.8 Confirmation – Introduction – Voted On – Without Debate

A Confirmatory By-law when introduced shall be taken as read and finally adopted without debate.

14. RESOLUTIONS / NOTICE OF MOTION

14.1 Resolutions – Notice of Motions – Debated Separately

Every matter listed under Resolution or Notice of Motions introduced at a previous meeting shall be dealt with individually.

14.2 Resolutions – Consecutively Numbered

All resolutions presented to the Council shall be consecutively numbered, on a yearly basis.

14.3 Notice of Motion – When Required – Annual Budget

A Notice of Motion shall be introduced in writing, when a Member of Council or Administration wishes to amend, repeal or alter a By-law, the pre-approved budget or any motion previously approved by Council, and where the motion is to introduce any measure of change in the Council’s previously established policies.

¹⁰ Sec.248 Municipal Code – Ontario Municipal Act

14.4 Notice of Motion – Introduced – Requirements

A Member may introduce a notice of motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover and seconder, to the Clerk.

- a) When a Notice of Motion has been introduced and filed with the Clerk at an ongoing meeting, the Clerk, after determining that the motion falls within the scope of a notice of motion, shall read the motion at the appropriate time through the Agenda and shall record the Notice in the minutes.
- b) A Member of the Administration may introduce a Notice of Motion, where it is deemed necessary to amend current policies. There is no requirement for a mover or seconder.

14.5 Notice – Received by Clerk – Included to Agenda

Notice of Motions, which have been included to the printed portion of an Agenda and introduced at a public meeting of Council shall not be debated and shall be recorded on the next regular meeting of Council under the heading “Resolutions”.

14.6 Notice of Motion – Delivered

To be included to the printed portion of an Agenda, Notice of Motions may also be delivered to the Clerk no later than 4:30 p.m. on the Wednesday preceding the date of the next regular meeting.

14.7 Consideration – Disposal – Deferred to Other Meeting – Mover Absent

A notice of motion shall not be considered or otherwise disposed of by the Council unless the mover of the motion is in attendance at the meeting.

14.8 Seconded – By Any Members – Not in Attendance

Should the seconder of the original submission of the Notice of Motion be absent from the meeting when the Chair calls for the notice of motion, any Member may second the notice of motion.

15. REPORTS / COMMUNICATION

15.1 Written – Legible – Signed

Every administrative report to be presented to the Council shall be prepared and shall be signed Chief Administrator.

15.2 Deadline – Material Submitted to Clerk

Every report, which deals with a matter on the Agenda, shall be delivered to the Clerk no later than noon on the Wednesday preceding the date of the next regular meeting, in order to be included to the final Agenda.

15.3 Agenda – Preparation – Substance

The Clerk shall prepare a summary of the substance of all reports and correspondence for inclusion in the agenda. Any Member of Council may require the Clerk to read part or all of any of the inclusions.

15.4 Tender – Quotation – RFP’s - Reports

All reports identified as tenders, quotations or requests for proposals shall be presented under a heading “Tenders” and shall be dealt with individually.

16. DISCLOSURE OF INTEREST

16.1 Disclosing – Members Responsibility ¹¹

All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the

¹¹ *Municipal Conflict of Interest Act*

“*Conflict of Interest Act*”. It is further the responsibility of all Members to identify and publicly disclose any interest.

16.2 Disclosing – No Influencing

The Members shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part (with the exceptions as noted under Sec.5.2 (1) of the “*Conflict of Interest Act*” in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

16.3 Members – Leave of Meeting – In Camera

Where the meeting is not open to the public, the Member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

16.4 Members – Absent from Meeting

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

16.5 Declaration – Recorded – Minutes

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

16.6 Declaration – Record – Meeting Closed to the Public

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

16.7 Maintaining Registry

A Registry shall be kept by the Town Clerk on every written statement made by Members of the general nature of the declared interest; the Registry shall be available for public inspection.

17. Committees

17.1 Appointment – Chair

Members of the Committee shall appoint the Chair and Vice-Chair.

Ad Hoc Committee

17.2 Appoint – Ad Hoc Committee

Council may at any time, appoint an Advisory or Ad Hoc Committee to enquire into and report on any matter specific to one subject matter and that is not of a continuous nature.

17.3 Reports – Ad Hoc Committees of Council

Members appointed by the Council to sit on an Advisory or Ad Hoc Committee shall file their final report to the Members of the Council for debate and final resolution.

17.4 Ad Hoc Committee Mandate

Each Committee shall be given a clear mandate and well-defined terms of reference which will include among other things, the composition, reporting relationship, resources available to the Committee and, if required, a defined time frame.

17.5 Discharging of Ad Hoc Committee

Once the Committee has filed its report with the Council and Members have dealt with the matter referred to the Advisory or Ad Hoc Committee, on presentation of its final report to the Members of Council, it automatically ceases to exist.

Special Committee

17.6 Special Committee – Appointment

At the start of every new term of Council, the Head of Council, in consultation with elected Members of Council, shall determine and appoint individual Councilors to sit on various Special Committees as a representative of Council. The appointments shall be endorsed by By-law.

17.7 Special Committee – Procedures

All Committees recognized as a Special Committee of Council through By-law and where a Member of Council sits on the Committee, shall conduct their meetings in accordance to the adopted “Procedures” By-law governing Members of Council.

17.8 Special Committee – Change in Membership

Occasionally throughout the mandate of a current term of Council, the need may arise where a change of Members of Council is required. Any change shall be reported to the Head of Council, who shall have the authority to recommend an alternate Member of Council to the Committee.

Standing Committees

17.9 Composition – All Members

A Standing Committee shall have Council representation appointed by By-law of Council

17.10 Names – Limited

The following Committees shall be known as the Standing Committees of Council:

- a) Personnel and Finance Committee
- b) Health and Safety Committee
- c) Public Works/Water/Sewer/Recycling Committee
- d) Property/By-Law/AMBIS Committee
- e) Economic Development/Tourism Committee
- f) Beautification/Cemetery/Hannam Park Committee

17.11 Meetings – Notice of Delivery

It shall be the duty of the Standing Committee to ensure that the minutes of their last regular meeting together with an agenda containing reports to be considered is made available to each Member a minimum of four days preceding the day of the holding of any called meeting.

17.12 Rules – Observed in All Meetings

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

17.13 Participation in External Boards and Committees

Council will provide at minimum one representative to each of the following external agencies/organizations:

- a) Fire Board
- b) Recreation Board/Curling Club
- c) Library Board
- d) Rainy River House/Medical Centre Committee
- e) District Social Services Administration Board
- f) Rainy River District Municipal Association
- g) West End Economic Development Committee

18. GENERAL RULES / ALL COUNCIL COMMITTEES

18.1 Committees – Defined

Committees of Council shall be defined as meeting all of the following criteria:

- a) Committee must be appointed by Council in accordance with its Procedural By-law;

- b) Committee shall report to and/or be responsible to Council as a governing body; and
- c) Committee must be part of the Town's budget with finances subject to Town policies (i.e.) not an outside body with its own bank account, purchasing policies etc.

18.2 Committee Appointments of Members of Council

Members of Council shall be selected to sit on various Boards and Committees of Council by the Head of Council and appointed by By-law at its Inaugural meeting held at the beginning of a new term of office. Appointments shall be for the term of Council unless the By-law specifies a shorter time and where a re-appointment may be made.

18.3 Appointment – Committees

Committees of Council may be appointed by the Council or by the Mayor with approval of Council, at any time of the year as deemed necessary for consideration to a special matter(s).

- a) Upon the appointment of a Committee, Administration will be directed to prepare the draft term of reference necessary for the Committee to understand its mandate and begin its work.

18.4 Lay Appointments – Committees

Appointments to any Committee, from non-council Members, shall be made following these criteria:

- a) Public notice soliciting individual applications from citizens of the community shall be conducted;
- b) All applications shall then be presented to the Lay Appointments Committee of Council, who shall make its recommendations to the Council, during a meeting closed to the public (In-Camera) for endorsement;
- c) Following approval by Members of Council, a By-law detailing the appointments, shall be presented at a public meeting for final approval.

18.5 Mayor – Ex-officio

The Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee, but shall not be counted in the formation of a quorum.

18.6 Majority – Quorum

A majority (50% +1) of all Members of a Committee shall constitute a quorum.

18.7 Members – May Attend – No Vote

Members of the Council may attend and participate in the discussion or debate at any Committee Meeting, but shall not be disruptive or allowed to vote unless they are Members appointed by the Council to that Committee.

18.8 Appointment – Other Members – Due to Illness – absence

Should a Member of Council, appointed to any Committee, be unable to attend the meetings of such Committee due to illness or absent from the community, the Council may appoint another Member to act in its stead and the Member so appointed shall be deemed to be a Member of the Committee and entitled to act thereon only during such illness or absence.

18.9 Neglect – Calling of Meeting

Should a Chairperson of any Committee neglect or refuse to call a meeting of its Committee at such time or with such frequency as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of the majority of its Members, contrary to their wishes or approved recommendations, the Committee may report such neglect, refusal or action to the Council who may remove said Chairperson from the Committee and appoint another Member in its place.

18.10 Members – Not Attending – Removal

Should any Member or Members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chairperson shall report such neglect or refusal to the Council who may remove the said Member or Members of their place; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may, by resolution discharge such Committee and appoint another in its stead.

18.11 Absence – Chairperson

In the absence of the Chairperson, the Vice-Chairperson shall preside, and in the absence of both the Chairperson and the Vice-Chairperson, one of the other Members shall be elected to preside pro-temp, who shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.

18.12 Committee Matters – Referred to Council

No order or authority to do any matter or thing shall be recognized as emanating from any Committee, and all Committee matters shall be referred to the Council and approved before becoming effective, with the exception of operational matters.

19. NEW BUSINESS / UNFINISHED BUSINESS

19.1 New Business – Routine Nature

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business motion.

19.2 New Business – In Writing – Moved and Seconded – Filed

All New Business motions shall be introduced in writing, with a mover and seconder and filed with the Clerk.

19.3 New Business – Filing Time – Inclusion to Agenda

New Business motions that are filed with the Clerk prior to 4:30 p.m. on the Wednesday preceding the date of the next regular meeting, shall be included to the printed agenda for general release.

19.4 New Business – Voted on Individually

All New Business motions may be debated and shall be voted on individually.

19.5 New Business – Non-routine – Notice of Motion

New Business motions that are not of a routine matter, shall be received and read by the Clerk as a “Notice of Motion” and re-introduced at the next regular meeting of Council under Resolution for Council discussion and debate, such as but not limited to expenditures, changes policy etc.

19.6 New Business – Introduced – Regular Meeting

Motions of a New Business nature may be filed with the Clerk during the regular meeting of Council and shall be read during the New Business section of the Agenda. The mover of the motion shall provide copies of the proposed New Business motion to all Members of Council prior to the meeting at which the motion is being introduced.

19.7 Matters Not Under Council Jurisdiction

Any matter not considered to be matters under the Council’s jurisdiction, after consultation with the Mayor, Chief Administrative Officer and the Clerk, shall not be accepted.

20. VOTING

20.1 Chair Need Not Vote

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

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

20.2 All Questions – Exception – Disqualified

Every Member present at a meeting, with the exception to Section 22.1, when a question is put, may vote thereon unless disqualified to vote on the question.

20.3 Failure to Vote – Deemed Negative¹²

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

20.4 Motion – Simple Majority – Required Exception

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

20.5 Equal – Motion Deemed Negative

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.

20.6 Show of Hands – Exception – Recorded Vote

The manner of determining the desire of the Council on a motion shall be by show of hands.

20.7 Recorded – By Request – Vote Announced Openly

Where a vote is taken for any purpose and a Member requests' immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting, shall announce her/his vote openly; and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote, and the Clerk shall record each vote.

20.8 Division – Separate Vote – Each Proposal

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

20.8.1 When Separation of a Motion Not Permitted

When a request is made to vote on a motion containing several parts, where the parts are not able to stand alone if voted on, **shall** not be separated, **without a motion** approved by a majority of the Members, present and voting, has been introduced.

20.9 Members Not in Their Seat – Deemed Absent

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

20.10 Chair Stating the Question

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced.

20.11 Calculations of 2/3's Vote

A two-thirds vote means that two thirds (2/3) of the votes cast determine the vote.

(example)

- A vote of 5 to 2 would satisfy a two-thirds vote because doubling 2 would give you 4 and 5 is more than 2; (or)
- Multiply 2 times the number of Members present and voting and then divide by 3.

ALWAYS round up your number.

20.12 Announcing – Results

The Chair shall announce the result of every vote.

¹² *Municipal Conflict of Interest Act*

21. PARLIAMENTARY PROCESS - MOTIONS

Motion to Appeal

21.1 Appeal – Decision by Chair – Final

Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

21.2 Appeal Made at Time of Ruling – Point of Order

A motion to appeal from the decision of the Chair shall be made only at the time the ruling is made by the Chair and shall require a second, followed by a vote.

21.3 Non-debatable – Amendable – Reconsidered

A motion to appeal the decision of the Chair shall not be debated or amended.

Question of Privilege

21.4 Integrity – Members – Council in Question

Where a Member considers that the integrity of Members of Council as a whole has been called into question, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, no debate being allowed, for the purpose of drawing the attention of the Council to the question.

21.5 Motion to Receive Disposition – Treated as Main Motion

A motion resulting from a question of privilege shall receive disposition by the Council forthwith, and following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

Request for Information

21.6 Request Information

Where a Member is uncertain of a particular issue being discussed, the Member may ask the presiding officer to clarify or if the Chair is unsure of the answer, may direct their question to another Member. All requests for information shall be on the business pending or on parliamentary situation.

Withdrawal of Motion

21.7 Withdrawal of Motion

A request to withdraw a motion shall only be made by the mover of the motion, and must be made before the Chair states the question. Should the Chair state the question for debate, the assembly, by majority vote must agree to withdraw the motion.

21.8 In order – Anytime During Debate

A request to withdraw a motion shall be in order anytime during debate, however shall require the consent of a majority of the Council in attendance.

21.9 Objection – By Member – Entertained – Main Motion

If a Member objects to the withdrawal of the motion, a motion to maintain the question may be entertained and become a main question.

21.10 No Objection – Withdrawal – Without Secunder – Vote

If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a vote.

Point of Order

21.11 Rules of Procedure – Breached

A point of order may be called by a Member to bring attention to any breach of the rules of Procedure of the Council.

21.12 Members – Rise – Point Stated

When a Member rises on a point of order, the Chair shall recognize the Member and request that the point of order be stated. The Chair shall rule on the Point of Order.

21.13 Language – Improper – Offensive

A point of order may be called by a Member to bring attention to the use of improper offensive or abusive language.

21.14 Discussion – Not Valid – Outside Proposed Motion

A point of order may be called by a Member to bring notice of the fact that the matter under discussion is not within the scope of the proposed motion.

21.15 Proceedings – Other – Informality – Irregularity

A point of order may be called by a Member to bring attention to any other informality or irregularity in the proceedings of the Council.

21.16 Decision – Announced – Prior to Recommencement

No further business shall be conducted until the Chair has decided and stated the point of order, thereafter a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council.

21.17 Decision of Chair Final – No Appeal

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

21.18 Appeal – Members Right – Chair Reply – Decision Final

If a Member appeals to the Council, the Member shall have the right to state a case. A seconder is requested, the Chair shall have the right to reply and place the question before the Council who shall decide the question without debate, and its decision shall be final. In an appeal from the decision of the Chair, a tie vote sustains the Chair's decision.

Close Debate – Put the Question

21.19 Non-debatable – Amendable

A motion to close debate (or) put the question shall not be debatable or amendable, and shall require a two-third vote.

21.20 Resolved – Affirmative – Original Motion Put – No Debate

When a motion to close debate (or) put the question is in the affirmative, the original motion shall be put forward for a vote without debate or amendment (majority vote carries the vote on main question).

Refer or Commit

21.21 Debatable – Amendable – Reconsideration – Permitted

A motion to *Refer* or *Commit* a matter shall be debatable and amendable, but debate shall be restricted on the merits of the referral or to commit.

Motions in General

21.22 Motion – Deemed – Possession of the Council

After the Clerk reads a motion, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, with permission of a majority of Council.

21.23 Motion Presented – Debate

When a motion is presented in Council/Committee, it shall be read before debate begins in order to ensure to Members of Council the exact matter being debated.

21.24 Motion – Outside Jurisdiction of Council

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

21.25 Disposition of a Motion

A motion properly before Council / Committee for decision must receive disposition before any other motion, not relevant to the main motion is introduced.

Motion to Amend

21.26 Debatable – Amend – Permitted

A motion to amend shall be debatable, unless the motion to which it adheres to, be undebatable.

21.27 Written – When Requested by Chair

A motion to amend shall be presented in writing when requested by the Chair.

21.28 Relevant to Main Motion

A motion to amend **shall** be germane to the main motion, meaning closely related to or having bearing on the subject of the motion to be amended.

21.29 Contrary to Main Motion – Not in Order

A motion to amend shall not be in order if it is contrary to the main motion.

21.30 Amended – Once Only

Only one secondary amendment shall be allowed to a *primary* amendment (*better known as an amendment to an amendment*)

21.30.1 Council Disposition – Before Amendment – Motion

The motion to amend (*secondary amendment*) shall receive disposition of the Council before a previous amendment is voted on – identified as the *primary* amendment to a main motion.

Motion for Reconsideration

21.31 Reconsideration – Majority of Council – Same Meeting

Any matter decided upon by the Council, may be reconsidered at the same meeting that it was originally dealt with, by majority vote of Members present and voting.

21.31.1 Voting on the Prevailing Side

Any members voting on the prevailing side of the original vote, or one who did not vote, may introduce a motion for reconsideration.

21.31.2 Discussion on the Main Question

There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

21.32 Motion to Reconsider Adopted

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion as adopted.

21.32.1 Adoption of a Motion to Reconsider

If a motion to reconsider has been adopted at a meeting, then consideration of the original main motion (as adopted) shall become the next order of business.

21.32.2 Main Motion Originally Voted On

The main motion originally voted on is once again pending; procedurally, it is considered a newly made motion.

21.33 Reconsideration – Only Once

No motion or report shall be reconsidered more than once at any meeting.

Motion to Amend Something Previously Adopted or Rescind

21.34 Amend Something Previously Adopted or Rescind

A motion to reconsider any matter already disposed of by the current Council at a previously held meeting shall require a motion to *Amend Something Previously Adopted* or a motion to *Rescind*.

21.34.1 Introduction of a Motion

Any Member may introduce a motion to Amend Something Previously Adopted or to Rescind a decision previously adopted by the Council.

21.34.2 Amending Something Previously Adopted

A motion to Amend Something Previously Adopted or to Rescind, if introduced at a meeting where notice was not previously provided, shall require a vote of 2/3's of the Members present and voting.

21.34.3 Notice Provided to Members

When notice has been provided to Members, at a previous meeting to a motion to Amend Something Previously Adopted or to Rescind, the motion to Amend Something Previously Adopted or to Rescind when introduced at the following meeting shall only require a majority vote of the Members present and voting.

- a) The motions to motion *Amend Something Previously Adopted* or to *Rescind* may be introduced by any Member, after which the main originally voted on is once again pending; procedurally, it is considered a newly made motion

Motion to Adjourn

21.35 In Order – Exception

A motion to adjourn shall always be in order, except to when a matter is being debated.

21.36 Negative – Until Proceedings Completed

A motion to adjourn, when resolved in the negative, shall not be re-introduced again until after the Council has completed some intermediate proceedings.

21.37 Members Speaking – Voting Prohibited

A motion to adjourn shall not be in order when a Member is speaking or during the verification of a vote on any matter.

21.38 Non-debatable

An unqualified motion to adjourn shall not be debatable or amendable.

21.39 Motion to Adjourn – Not Required

A motion to adjourn is not required at the end of a meeting, when all business has been dealt with and disposed. The Chair can simply state: "all business has been dealt with; this meeting is now adjourned".

Motion to Recess

21.40 Length of Time – Specified

A motion to *Recess* made, that a recess begin immediately when other business is before the assembly, shall specify the length of time of the recess, shall not be debatable and shall only be amendable with respect to the length of the recess.

21.41 Future Time – Treated as a Main Motion

A motion to recess made for a time later in the meeting, shall have no privilege and shall be treated as a main motion, meaning that the motion is both debatable and amendable.

Motion to Defer (Postpone to a Certain Time)

21.42 Motion to Defer

A motion to defer a matter placed before the Council at a meeting shall be in order at any time.

21.43 All Motion to Defer

All motions to Defer shall contain the reason for the deferral and shall provide a proposed date of return.

22. RESIGNATION / MEMBERS / VACANCIES

22.1 Resignation – File in Writing – Clerk

A Member of Council may resign from office by providing a written notice, filed with the Clerk of the Corporation within which they were elected, subject to provisions under Section 260 of the *Ontario Municipal Act*.

22.2 Filling Vacancy

If a vacancy occurs in the office of a Member of Council, the Council shall, subject to section 263 of the *Ontario Municipal Act*, fill the vacancy.

22.3 Appointments to Vacancies

Subject to Section 263 of the *Ontario Municipal Act*, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, the Council at a special meeting called for that purpose, shall select the manner in which they wish to fill the vacancy.

22.4 Appointment to a Vacancy - Position of Mayor¹³

- a) Fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) Require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*; or
- c) Appoint amongst the current Members of Council to fill the vacancy of the Mayor's position.

22.5 Appointment to Vacancy – Position of Councillor

- a) Fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) Require a by-election to be held to fill the vacancy in accordance with the *municipal elections act, 1996*; or
- c) Appoint the first non-elected candidate for the position of Councillor during its last municipal election to fill the vacancy, subject to conditions in accordance to the *Municipal Elections Act*.

22.6 Members – Not Attending – Removal

The office of any Member of Council of the municipality becomes vacant if the Member is absent from the meetings of Council for three (3) successive months, without being authorized to do so by a resolution of council.¹⁴

¹³ sec.263 Ontario Municipal Act

¹⁴ Sec. 259 (1c) *Ontario Municipal Act*