

# **THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER**

## **BY-LAW 2017-02**

**\*as amended by By-law 2018-19, March 21, 2018**

**\*as amended by By-law 2020-20, April 22, 2020**

**\*as amended by By-law 2020-37, August 19, 2020**

### **A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS FOR THE MUNICIPALITY OF FRENCH RIVER**

**WHEREAS** every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings, pursuant to Section 238 (2) of the *Municipal Act*;

**AND WHEREAS** the procedure by-law shall provide for public notice of meetings, pursuant to Section 238 (2.1) of the *Municipal Act*;

**AND WHEREAS** Council deems it expedient to adopt a new by-law to govern the order and proceedings of Council and Committees of the Corporation of the Municipality of French River;

**NOW THEREFORE** the Council of the Municipality of French River enacts as follows:

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## **PART 1 - GENERAL**

### **1.1 Short Title**

a) This By-law shall be referred to as the 'Procedure By-law'.

### **1.2 Definitions**

"Advisory Committee" means a committee established by Council which is advisory or consultative in nature with jurisdiction for providing advice and recommendations to Council regarding a specific subject.

"Agenda" means the written order of business.

"Ad hoc Committee" means a special purpose committee with a limited duration, appointed by Council to carry out a specific task and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

"CAO" means the Chief Administrative Officer of the Corporation of the Municipality of French River.

"Chair" means the Mayor or designated presiding officer at a Council or Committee meeting.

"Clerk" means the Clerk of the Corporation of the Municipality of French River or his/her designate pursuant to section 228 of the *Municipal Act, 2001*.

"Closed Session" means a meeting or portion thereof, which is closed to the public pursuant to Section 239 of the *Municipal Act, 2001*.

"Committee of the Whole" means a committee composed of all Members of Council to facilitate discussion, debate and consider reports, by-laws and other matters in a less formal manner.

"Committee" means a committee established by Council and as defined in the Committee's Terms of Reference, but excludes Committee of the Whole.

"Communications" means all forms of communication with Council, includes but is not limited to the following: Letter, memorandum, report, notice, email, facsimile, petition, brochure, newspaper/magazine article, etc.

"Council" means the Council of the Corporation of the Municipality of French River which is comprised of seven Members, and includes a Mayor and six Councillors from the six Wards in the Municipality.

"Councillor" means a Member of Council of the Corporation of the Municipality of French River, but does not include the Mayor.

"Delegation" means an appearance by a person, group of persons, firm or organization to address Council or a Committee.

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet), and with or without in person attendance;

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of the Municipality of French River; or all or part of the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9.*; and shall mean any period of time when the implementation of significant measures during a pandemic period such as social distancing and avoiding gatherings of individuals are required;

“Emergency Management Act” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9, as amended;

“Majority” means more than half of the votes cast by Members present and eligible to vote.

“Mayor” means the Head of Council of the Corporation of the Municipality of French River.

“Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) 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.

“Member” means a Member of Council or a Committee, a person duly elected or appointed to serve on Council or a Committee for the Corporation of the Municipality of French River.

“Municipality” means the Corporation of the Municipality of French River.

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

“Pecuniary Interest” means a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.

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

“Point of Personal Privilege” means a matter that a Member considers to impugn his/her rights, integrity or that of Council or a Committee.

“Prevailing Member” means any member who voted with the majority on an issue or question that was dealt with by a resolution.

“Quorum” means the majority of the total voting Members required to constitute Council or a Committee. Four (4) Members of Council shall constitute a Quorum of Council.

“Recorded Vote” means recording in the Minutes, the name and vote of each Member present on any matter or question where any Member requests that the vote be recorded.

“Rules of Procedure” means the applicable procedural rules and rules of conduct contained in this by-law.

“Standing Committee” means a Committee which has a continuing existence, comprised of, appointed by and directly reporting to Council.

“Two-Thirds Vote” means the affirmative vote of two-thirds (2/3) of the Members present and eligible to vote.

### **1.3 Rules of Procedure**

- a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and Committees. For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this by-law, the most recent edition of *Robert’s Rules of Order* in existence at the time shall be referred to.
- b) Except as provided elsewhere in this by-law, the rules and regulations contained in this by-law may be temporarily suspended by a two-third majority vote of the Members Present.

### **1.4 Amendment**

- a) Any provision contained in this by-law shall only be amended or repealed by two-thirds vote of the Members present at any meeting of Council, provided that notice of the proposed amendment or repeal is given at a preceding regular meeting, and such notice may not be waived.

## **PART 2 - ROLES AND DUTIES**

### **2.1 Role of Council**

- a) As defined within the *Municipal Act*, Section 224, it is the Role of Council:
  - (1) to represent the public and to consider the well-being and interest of the municipality;
  - (2) to evaluate the policies and programs of the municipality;
  - (3) to determine which services the municipality provides;
  - (4) to ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - (5) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
  - (6) to maintain the financial integrity of the municipality; and
  - (7) to carry out the duties of Council under the Municipal Act, 2001 or any other Act

### **2.2 Role of the Mayor (Head of Council)**

- a) As defined within the *Municipal Act*, Section 225, it is the role of the Head of Council:
  - (1) to act as chief executive officer of the municipality;
  - (2) to preside over Council meetings so that its business can be carried out efficiently and effectively;
  - (3) to provide leadership to the Council:
    - a. (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224(d) and (d.1) of the *Municipal Act*;
  - (4) to represent the municipality at official functions; and
  - (5) to carry out the duties of the Head of Council under the Municipal Act, 2001 or any other Act.
- b) As defined within the *Municipal Act*, Section 226.1, it is the role of the head of council as chief executive officer of a municipality to:
  - (1) uphold and promote the purposes of the municipality;
  - (2) promote public involvement in the municipality’s activities;

- (3) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - (4) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
- c) The Mayor, by virtue of his/her office, shall be an ex-officio Member of all Committees of Council and shall be entitled to vote as a member of such Committees but is not counted in the quorum.

### **2.3 Role of the Deputy Mayor**

- a) In the absence of the Mayor, the Deputy Mayor shall preside at meetings.
- b) The Clerk shall prepare a resolution for the first regular meeting of Council, and every other regular Council meeting held in December of each year to appoint a Deputy Mayor from the Members of Council to act in the absence of the Mayor for the duration of that year.

### **2.4 Duties of the Chair**

- a) The duties of the Chair are:
  - (1) To open the meeting by taking the Chair and calling the Members to order;
  - (2) To announce the business before the Council in the order in which it is to be acted upon;
  - (3) To receive and submit, in the proper manner all motions presented by the Members;
  - (4) To put to a vote all questions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the results of such vote;
  - (5) To decline to put to a vote motions which infringe upon the rules of procedure;
  - (6) To enforce on all occasions the observance of order and decorum among the Members and guests;
  - (7) To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;
  - (8) To authenticate by signature all By-laws, resolutions and minutes of the Council;
  - (9) To inform the Council or Committee when necessary, or when referred to for the purpose, on a point of order;
  - (10) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
  - (11) To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation and Committees;
  - (12) To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting;
  - (13) To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
  - (14) To call a 5 minutes rest period every hour of the meeting;
  - (15) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or other place of meeting, as the case may be;
  - (16) To adjourn the meeting without question in the case of any person or group who refused to vacate the place of meeting after being ordered to do so by the Chair.
- b) The Chair may state the relevant facts on any matter, including his/her position on any matter either before the commencement of debate on any matter, or without entering into further debate, may speak to close the debate on any matter after all Members wishing to speak has spoken.

- c) If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place until the debate is closed and in such case the Chair waives his/her privilege to close the debate. The Member acting in the Chair's place may close the debate.

## **2.5 Duties of the Clerk**

- a) As defined within the *Municipal Act*, Section 228(1), a Municipality shall appoint a Clerk whose duty it is:
  - (1) to record, without note or comment, all resolutions, decisions and other proceedings of the Council;
  - (2) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
  - (3) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
  - (4) to perform the other duties required under this Act or under any other Act; and
  - (5) to perform such other duties as are assigned by the Municipality.

## **2.6 Role of the Chief Administrative Officer**

- a) The Chief Administrative Officer shall be appointed by by-law and is responsible to Municipal Council for the efficient management and general control of the administration of the Corporation's various administrative departments.
- b) All reports and recommendations of department heads shall be coordinated through the Chief Administrative Officer.

## **2.7 Role of the Municipal Administration**

- a) As defined within the *Municipal Act*, Section 227, it is the role of the officers and employees of the municipality:
  - (1) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
  - (2) to undertake research and provide advice to council on the policies and programs of the municipality; and
  - (3) to carry out other duties required under this or any Act and other duties assigned by the municipality

# **PART 3 - MEETINGS**

## **3.1 Location of Meetings**

- a) Council Meetings shall be held in the Council Chambers in the Municipal Complex located at 44 St. Christophe Street, Noëlville or in such other location as determined by the Council.
- b) Council may, by Resolution passed by a majority of the Members present, dispense with or alter the date, time or place of a meeting, provided that adequate notice of the change is posted at the Municipal Office and provided that the location be within the boundaries of the Municipality.

### **3.2 Notice of Meetings**

- a) The schedule of Council Meetings for the following calendar year shall be prepared by the Clerk and published on the municipal website.
- b) Notice of a meeting shall be provided in the form of an Agenda. The Agenda shall be posted on the bulletin board at the municipal office and on the municipal website by the end of day on the Friday prior to the scheduled meeting.

### **3.3 Cancellation and Rescheduling of Meetings**

- a) Council, by Resolution, may cancel or reschedule any meeting at a preceding Regular Meeting.
- b) The Mayor may cancel any meeting if notice has been given that a quorum will not be available to conduct a meeting.

### **3.4 Staff Participation**

- a) Officers and employees shall attend meetings as required by Council or the Chief Administrative Officer in order to assist and support the Members and may leave the meeting after their presentation.
- b) Members shall, whenever possible, communicate their concerns, raise questions or clarify issues to Staff in advance of discussing them at a Meeting. Requests for reports or direction to employees shall be by Resolution of Council. See also the Council/Staff Protocol attached as Appendix 'A'.

### **3.5 Inaugural Meeting**

- a) The first meeting in a new term of Council shall be held at 6:00 p.m. in the Council Chamber of the Municipal Complex on the first Wednesday in December following a regular election.
- b) At the Inaugural Meeting, each Member present shall make his/her declaration of office and sign the Council's Code of Conduct, and Council shall not proceed with any regular business at this meeting.

### **3.6 Combined Meetings**

- a) Combined Regular /Committee of the Whole meetings shall be held on the First (1<sup>st</sup>) Wednesday of each month at 6:00 p.m., except during the months of January, July and August.
- b) The Clerk may place business items directly on the Committee of the Whole part of the Agenda where discussion is likely to occur rather than place them on the Consent List.
- c) Recommendations made during the Committee of the Whole will to be considered further at the next Regular Council Meeting or as otherwise determined by Council.
- d) Recommendations from Committee of the Whole may be deemed urgent by 2/3 of the Members present.
- e) Once Council resolves into the Regular session, recommendations deemed urgent will be considered for adoption by Council as Resolutions or By-laws as applicable.



f) The Clerk shall prepare in consultation with the Mayor and CAO the Combined Meeting Agendas in the following Order of Business:

1. Call to Order and Roll Call
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest
4. Delegations
- Committee of the Whole
5. Reports and Items for Consideration
6. Verbal Motion to return into the Regular Meeting
7. Consideration of the adoption of recommendations from Committee of the Whole
8. Consent Agenda
  - 8.1 Adoption of Minutes
  - 8.2 Receipt of Minutes
  - 8.3 Items for Consideration or Information
  - 8.4 By-laws
9. Notice of Motion
10. Announcements and Inquiries
11. Closed Session
12. Adjournment

### **3.7 Regular Meetings**

- a) Regular Meetings of Council shall be held on the Third (3<sup>rd</sup>) Wednesday of each month at 6:00 p.m., except during the month of December.
- b) The Clerk shall prepare in consultation with the Mayor and CAO the Regular Meeting Agendas in the following Order of Business:

1. Call to Order and Roll Call
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest
4. Delegations
5. Reports and Items for Consideration
6. Consent Agenda
  - 6.1 Adoption of Minutes
  - 6.2 Receipt of Minutes
  - 6.3 Items for Consideration or Information
  - 6.4 By-laws
7. Notice of Motion
8. Announcements and Inquiries
9. Closed Session
10. Adjournment

### **3.8 Special Meetings**

- a) The Mayor, may at any time call a Special Meeting of Council by providing written direction to the Clerk stating the date, time and purpose for the special meeting.
- b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting of Council for the purpose, date and time as stated in the petition.
- c) In either circumstance, the Clerk shall give notice of a special meeting and its purpose to the public and all Members at least twenty-four (24) hours prior to holding the meeting.
- d) On urgent or extraordinary occasions, the Mayor may call a special/emergency meeting without the notice provided in Section 3.8 (c).

### **3.9 Closed Meetings**

- a) All meetings of the Council and its Committees shall be open to the public. Council may, by resolution, close a meeting or part of a meeting to the public in accordance with s. 239 (2), (3) and (3.1) of the Municipal Act, as amended and attached as Appendix "C".
- b) When a closed session is required, it may be held prior to 6:00 p.m. Except for opening the meeting, approving the agenda, obtaining declarations of pecuniary interest and the holding of a closed session, all other matters on the agenda shall not be addressed prior to 6:00 p.m.
- c) Prior to moving into a closed meeting, the Committee/Council shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered. The Members shall retire from the Council Chambers to the Boardroom, unless otherwise determined by Council, and all persons not specifically invited to attend the closed meeting may remain in the Council Chambers. When in Closed Session, no one shall leave and re-enter the meeting room without the approval of the Chair.
- d) Minutes of the closed meetings shall be kept in the form of Minutes, as those kept for open sessions and shall be adopted at the next scheduled closed meeting and kept in a secure location by the Clerk.
- e) Voting shall take place in open session, however Council may vote during a closed meeting if the meeting was permitted or required by s. 239(2) or (3) of the *Municipal Act* and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or to persons retained by the Municipality. All votes under s. 239(6) of the *Municipal Act, 2001* shall be taken in accordance with the voting process set out in this Bylaw, as applicable, including the requirement of a mover and seconder and a written resolution.
- f) Upon resuming in open session, the Chair shall provide a verbal report to the public on the disposition of items discussed in closed meeting without revealing any confidential security, personal, personnel or legal matters.
- g) Members shall not release, make public or in any way divulge any confidential information or any aspect of Closed Session deliberations, unless expressly authorized or required by law.

### **3.10 Committee of the Whole Meetings**

- a) Council may move into Committee of the Whole following a motion to do so, duly moved and seconded.
- b) The Deputy Mayor shall be the Chair of the Committee of the Whole meetings.
- c) The rules set out in this By-law continue to apply during a meeting of the Committee of the Whole, except that Members may speak more than once on a matter, provided that every Member who wishes to speak has done so.

## **PART 4 - MEETING PROCEDURES**

### **4.1 Agendas**

- a) The Clerk shall accept items for any Agenda from Staff, the Mayor or Chair, and from Members of Council or Committee up to the Agenda deadline, seven (7) full days before the meeting date.
- b) The Clerk shall Prepare and distribute the Agenda along with supporting material for Council Meetings (as much as feasibly possible) to Council Members and to all Department Heads not less than four (4) working days before the meeting date and will be made available to the general public two (2) working days before the meeting date with the exception of any In Camera Agendas or Items and documents protected under the Freedom of Information Act. Committee Agendas, insofar as practicable, shall be done two (2) working days prior to the meeting.
- c) The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda; however the Chair, with the general agreement of the majority of the Members present may vary the order in which the items are presented.
- d) All items on the Agenda not dealt with at a meeting shall be placed on the Agenda for the next meeting unless otherwise decided by resolution passed by a majority of the Members present.
- e) Amendments and/or additions to the proposed Agenda presented after the closing of the deadline for preparation of the Agenda and prior to the meeting, which are considered as being urgent and/or require the immediate attention of Council shall be considered during the Approval of the Agenda and require a two-thirds majority vote to be added. Items added to the Agenda shall be added under the respective area of the agenda.

### **4.2 Consent Agendas**

- a) The purpose of the Consent Agenda is to approve matters of repetitive or of routine nature for convenience and for expediting the meeting. Council may, by one resolution adopt the Consent Agenda in its entirety. Members of Council who wish to address and debate a specific item on the Consent Agenda may identify such items, which shall be extracted and dealt with separately while all other Items remaining are voted on collectively. The balance of the Consent Agenda items shall be adopted in one resolution, however are recorded separately in the minutes of the meeting.

### **4.3 Call to Order and Quorum**

- a) The Chair shall call the Members to order as soon as there is quorum after the time set for the start of the meeting. Once the Chair has called the meeting to order, the Clerk shall record in the minutes those Members who were present, and those Members absent. If a member arrives after the roll call, the Clerk shall note the time of arrival in the minutes.

- b) The Mayor shall Chair Meetings unless he/she is unavailable or has a conflict, in which case the Deputy Mayor will Chair. If the Mayor or in the case where a quorum is present and the Mayor has not attended within ten (10) minutes after the time appointed, the Deputy Mayor shall call the Members to order and assume the Chair during the meeting for as long as the Mayor is absent.
- c) In the absence of the Mayor and the Deputy Mayor, and if a Quorum is present, the Clerk shall call the Members to order. An Acting Chair shall be chosen from the Members by the Members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor.
- d) In the event that a quorum is not present within thirty (30) minutes after the designated start time of the meeting, the Clerk shall indicate that no Quorum is present and record the names of the Members present and the meeting shall stand adjourned until the next Meeting called in accordance with the provisions of this by-law.
- e) Members of Council are encouraged to notify the Clerk, or designate, when the Member is aware that he/she will be absent from any meeting of Council.

#### **4.4 Disclosures of Pecuniary Interest**

- a) When a Member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the member shall act in accordance with the Municipal Conflict of Interest Act, as amended (attached as Appendix “D”) and declare a pecuniary interest.
- b) If the Chair has disclosed a pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the Chair during the deliberations on that matter.
- c) The Member disclosing a pecuniary interest, shall at a meeting or no later than 48 hours after declaring the pecuniary interest, file a written statement of the interest and its general nature with the Clerk on the Declaration of Interest Form.
- d) The Declaration of Interest Form, as prepared by the Clerk, shall form part of the Registry. The Registry shall be made available for public inspection and kept up to date, no later than 72 hours following the declaration, at the Clerk’s Office during regular office hours and posted on the Municipal Website.

#### **4.5 Adoption of Minutes**

- a) It is the duty of the Clerk to duly record, without note or comment, all resolutions, decisions and other proceedings of the Council or Committee, the place, date and time of the meeting, the names of the Members in attendance and the absence of any Members and the reason for their absence, if known.
- b) The Clerk shall present the minutes of previous Meetings to Council for adoption. During the adoption of the minutes of a previous meeting, no changes can be made in the action taken at previous meetings of Council or Committee, except for changes in the form of errors. Omissions in the recording of any action taken at the previous meeting may be made in adopting the minutes.

#### **4.6 By-laws**

- a) Every proposed by-law presented to Council shall include the title, number, the number of required readings if more than one is mandated by statute and the authority under which the by-law is being proposed or a descriptive recital setting out the by-law’s purpose.

- b) Every By-law:
  - (1) shall be introduced by motion specifying the title of the By-law and its purpose;
  - (2) shall be presented in printed format and shall contain no blanks except as may be required to conform to accepted procedure, or to comply with provisions of any Act;
  - (3) shall have three readings previous to it being passed;
  - (4) shall have the first and second reading decided without amendment or debate;
  - (5) shall be open to debate and amendment before it is ordered for third reading; and
  - (6) may be given three readings on the same day except when requested otherwise by a Resolution passed by a majority of the Members present, or unless provided by law or if the Clerk has received statements from members of the public contesting the by-law.
- c) A majority of Council present may request that the Clerk read a by-law or by-laws for clarification or benefit of the public. If reading is not required, all by-laws will be considered to have been read.
- d) All amendments to a By-law shall be presented in the form of a resolution and shall be voted on before the By-law is ordered for the third reading. The Clerk shall be authorized to provide a copy of the By-law, as amended, and shall be responsible for its correctness when amended.
- e) Every by-law enacted by Council shall be numbered, indicate the date of passage, be signed by the Mayor and the Clerk, and be affixed with the corporate seal.
- f) A Confirmation By-law shall be passed at each Regular and Special Meeting of Council to confirm the decisions of Council.

#### **4.7 Announcements and Inquiries**

- a) Announcements and Inquiries may be made by Members of Council and the Public with permission of the Chair. This section of the Agenda allows an opportunity to make brief verbal comments, reports such as conference, meeting, event and/or training attendance, announcements of community events and inquiries pertaining to items on the current Agenda for the purpose of clarification only, and shall not be used to table new items that require Council's/Committee's consideration. Inquiries and announcements made by members of the public shall be directed to Council only.
- b) The Announcements and Inquires section of the Agenda may be cancelled, at the discretion of Council, without notice, by resolution passed by two-thirds of the Members present.

#### **4.8 Adjournment**

- a) All regular meetings shall stand adjourned when the Council has completed all items as listed on the Agenda or at 10:00 pm. In the event the business before Council has not been completed by 10:00 pm., then Council, by resolution passed by a majority of the Members present may approve an extension of the meeting to the hour of 10:30 pm. At 10:30 pm. the unfinished business shall be deferred to the next Regular Council Meeting of Council, unless continued by the unanimous consent of all Members present.

#### **4.9 Electronic Participation at Meetings During Declared Emergencies**

- a) Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting during an Emergency in accordance with section 238 of the Municipal Act, 2001.

- b) The Clerk shall be authorized, in consultation with the Mayor, to establish Procedures for Electronic Meeting during a Declared Emergency to determine the appropriate and available technology to provide electronic means of participation in each meeting and to amend the procedures, provided that it allows for the following to occur simultaneously:
  - (1) ability to conduct essential municipal business during an Emergency in accordance with Council's Procedure By-law;
  - (2) that each participant may hear any persons authorized to speak, or watch and hear, each other;
  - (3) rules to be enacted for the conduct of debate and voting; and
  - (4) the public to hear, or watch and hear, the participation of all the members of Council and the meeting proceedings.
- (5) the Procedures and any amendments will be circulated to all Members of Council and posted to the Municipality's website.
- c) A member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a quorum of members is present at any point in time in accordance with section 4.3, Call to Order and Quorum, of this by-law and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- d) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this bylaw.
- e) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- f) Delegations shall only be permitted at the discretion of the Clerk, in consultation with the Mayor, and must be specific to the emergency or a pressing matter of municipal business.
- g) Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means.
- h) There shall be no Announcements and Inquiries section on any Agenda for an Electronic Meeting. The public are encouraged to view the Agenda prior to the meeting and submit any questions, comments or inquiries relating to an item on the agenda to the Clerk at [clerk@frenchriver.ca](mailto:clerk@frenchriver.ca) by 4:00 PM on the date of the meeting.

## **PART 5 - COMMUNICATIONS, DELEGATIONS AND PETITIONS**

### **5.1 Written submissions for Council**

- a) Every petition, communication or correspondence intended to be presented to Council shall be delivered to the Clerk by at least 12:00pm six (6) working days prior to the meeting date. If it is not received by the said deadline, it shall be placed on the Agenda of the following meeting. It must be legible and not contain any defamatory allegations and shall be signed by the author(s) and their return mailing address must be noted thereon.

## **5.2 Petitions**

- a) Petitions may be submitted by residents in accordance with the Municipality's Petition Policy.

## **5.3 Delegations**

- a) A delegation may be heard at a Committee Meeting or at a Regular Council Meeting provided that the following requirements are complied with:
  - (1) A written request on the prescribed Delegation Request Form is submitted to the Clerk at least six (6) working days prior to the Meeting at which the delegation was requested; and
  - (2) Submission of documentation supporting the request to be presented to Council
- b) The Clerk in consultation with the Mayor, shall make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Committee or Department Head and shall reply to such delegation requests in writing or by telephone, as time permits, indicating approval, refusal, deferral or referral of the delegation and reasons thereof.
- c) A delegation shall have up to fifteen (15) minutes to make its presentation. The Clerk shall monitor the time at the commencement of the delegation presentation. The Chair shall, at the conclusion of the fifteen minutes, inform the delegation that the time limit has been reached. The time limit may be extended by such amount of time as the Council or Committee deems advisable upon general agreement.
- d) A maximum of two (2) persons shall be permitted to address the Members for each delegation representing a group or organization. Delegations are encouraged not to repeat information presented by an earlier delegation.
- e) No more than two (2) delegations shall be allowed at any meeting. Delegations will be provided in the order in which they were received by the Clerk.
- f) Delegations shall abide by the Rules of Conduct as set out in Section 5.4 and shall:
  - (1) not speak on any subject other than the subject for which they have received approval to address;
  - (2) not enter into cross debate with other delegations, administration, Members or the Chair;
  - (3) not appear for the purpose of publicly announcing a local event; and
  - (4) refrain from public outbursts, shouting, or behavior intended to disrupt the debate, discussion and/or general proceedings of the Meeting
- g) If a Delegation does not comply with the Rules of Conduct, the Chair may restrict any delegation, any questions of a delegation or debate during a delegation the person or persons appearing shall withdraw from the delegation table, and the decision of the Chair shall not be subject to challenge.
- h) Upon the completion of a presentation by a delegation, any discourse between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation. Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted.

- i) The Clerk is given authority to refuse delegations that are not permitted under the following circumstances:
  - (1) The request is not submitted within the time required in Section 5.3 a);
  - (2) No written submission together with handouts or materials is provided with the request to appear;
  - (3) The subject matter is deemed to be beyond the jurisdiction of Council;
  - (4) The issue is specific to a labour/managerial dispute, or other matter properly held in Closed Session;
  - (5) The issue has been or is to be considered by the Committee of Adjustment;
  - (6) Council has previously made a decision on the issue.
- j) In the event a delegation request is refused, the Clerk, in consultation with the Mayor shall provide to the person(s) in writing, with a copy to Council, the reasons for the refusal.
- k) Despite Section 5.3 a) herein, any person may request to make a presentation to Council at a Meeting, respecting an item on the Agenda provided that:
  - (1) The request is made to the Clerk prior to 3:00 pm on the day of the meeting, and
  - (2) The request is approved by a majority of the Members present and if approved by Council or Committee, such delegation shall be placed as the final delegation on the Agenda;
  - (3) Not more than 1 delegation shall be added under the provisions of this article;
  - (4) The subject matter does not pertain to a matter dealt with by Council in Closed Session under the provisions of the Municipal Act.

#### **5.4 Conduct of Members of the Public**

- a) No person at a meeting shall:
  - (1) speak aloud at a meeting or address Members without first receiving permission of the Chair to do so;
  - (2) speak disrespectfully of any persons;
  - (3) use profane or offensive words or insulting expressions against the Council or Committee or against any member, staff or guest;
  - (4) resist the rules of Council or Committee or disobey the decisions of the Chair or of Council or Committee on questions of order or practice or upon the interpretation of the rules of Council;
  - (5) leave his seat or make any noise or disturbance while a matter is being considered or discussed by Council or Committee or while a vote is being taken and until the results of such vote are declared;
  - (6) cause any disturbance to the Council or Committee or staff or guest or any person in attendance;
  - (7) interrupt any member while speaking through speaking out, noise or disturbance;
  - (8) enter the meeting while a vote is being taken;
  - (9) be permitted to attend another meeting of Council or Committee after being ordered to vacate, having committed a breach of any rule of Council, and without having first met with the Mayor or Chair and the Chief Administrative Officer, and having satisfied the Mayor that their conduct at future meetings will be in conformity to the rules of this By-law.

### **PART 6 - RULES OF CONDUCT AND DEBATE**

#### **6.1 Rules of Conduct and Debate - General**

- a) Council and Committee Members shall govern themselves according to Council's Code of Conduct.



- b) Members shall:
- (1) act in accordance with their Declaration of Office;
  - (2) refrain from speaking to a question or motion, until the Member has been recognized by the Chair, all remarks shall be respectfully made through the Chair,
  - (3) not use indecent, offensive, or insulting expressions, at any time, toward other Members, members of the administration, delegations or members of the public;
  - (4) not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability;
  - (5) speak only to the subject under debate;
  - (6) not leave their seat, or make any noise or disturbance while a matter is being considered or discussed by Council; while a vote is being taken or until the results are declared;
  - (7) not enter a meeting while a vote is being taken;
  - (8) not disturb another member, staff or guest, or conduct themselves in a disorderly manner disturbing the speaker or the assembly;
  - (9) not interrupt any Member while speaking by speaking out, making noise or creating a disturbance except to raise a point of order;
  - (10) not leave a meeting without first obtaining permission from the Chair;
  - (11) obey the rules of the Council or a decision of the Chair, or Council, on a Question of order, or upon the interpretation of the Rules of Council.
- c) A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.
- d) The Member will be permitted to retake his/her seat provided the Member has apologized to Council.
- e) The member who moves a main motion has the first right of speaking on that motion, and the seconder has the right of speaking second on the motion.

## **6.2 Point of Order**

- a) The Chair shall preside over the conduct of the meeting, 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. The minutes will reflect the Point of Order, and the Chair's ruling.
- b) Any Member may at any time raise a Point of Order to call attention to what the Member believes to be a violation of the rules of procedure.
- c) The member shall, when once recognized by the Chair, state the point of order with concise explanation and the Chair shall rule upon the point of order.
- d) When a Point of Order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.
- e) Unless a Member immediately appeals the ruling of the Chair, the Chair's ruling shall be final.
- f) If an appeal is made, the Member appealing shall state the reasons for the appeal and the Chair may offer reasons in favour of upholding his or her ruling and the Members shall vote on the appeal without debate.

- g) If the appeal is upheld, then the Chair shall change his/her ruling accordingly or if the appeal is rejected, then the Chair's ruling stands and no further avenues of appeal are allowed.

### **6.3 Point of Privilege**

- a) Where a Member considers that the Member's rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, but not so as to interrupt a speaker who has the floor, for the purpose of drawing the attention of the Council to the matter.
- b) Upon being recognized by the Chair, the Member shall state the question of privilege and the Chair shall rule whether the question is properly one of privilege and admissible. The Chair's ruling shall be final and subject only to appeal to the Council.
- c) An appeal to the Council will be by verbal Motion duly seconded and requires a majority vote to overturn the Chair's ruling. The appeal Motion is not debatable and the result of the vote is final.

## **PART 7 - MOTIONS**

### **7.1 Motions - General**

- a) Members of Council or Committee, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law.
- b) All motions shall be moved and seconded before being read and prior to any debate on the question; when it is adopted it becomes a Resolution.
- c) Any member may require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another member who is speaking.
- d) A motion properly before the Council for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.

### **7.2 Order of Precedence of Motions**

- a) Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order (lowest rank is 13):

|      |                                  |                            |
|------|----------------------------------|----------------------------|
| (1)  | Fix the time to Which to Adjourn | Privileged and Undebatable |
| (2)  | Adjourn                          | Privileged and Undebatable |
| (3)  | Recess                           | Privileged and Undebatable |
| (4)  | Raise a Question of privilege    | Privileged and Undebatable |
| (5)  | Call the orders of the Day       | Privileged and Undebatable |
| (6)  | Lay on the Table                 | Secondary and Undebatable  |
| (7)  | Previous question                | Secondary and Undebatable  |
| (8)  | Limit/extend limits of debate    | Secondary and Undebatable  |
| (9)  | Postpone to a certain time       | Secondary and Debatable    |
| (10) | Refer                            | Secondary and Debatable    |
| (11) | Amend                            | Secondary and Debatable    |
| (12) | Postpone indefinitely            | Secondary and Debatable    |
| (13) | Main Motion                      | Debatable                  |

### **7.3 Motions Introduced Orally**

- a) The following matters may be introduced orally, without written notice and without leave:
  - (1) a point of order or personal privilege;
  - (2) a motion to defer;
  - (3) a motion to amend;
  - (4) a motion to refer;
  - (5) a motion to table the question;
  - (6) a motion to vote on the question;
  - (7) a motion to suspend the rules of procedure;
  - (8) a motion to recess;
  - (9) a motion to adjourn.

### **7.4 Dispensing with Notice**

- a) A motion may be introduced without notice, if Council, without debate, dispenses with notice, on the affirmative two-thirds vote of the Members present.

### **7.5 Request to Divide a Question**

- a) When the motion under consideration contains several distinct propositions, a Member may require that each proposition be voted on separately (known as ‘splitting the motion’), provided the Member receives the support of a majority of the Members present.
- b) If a Member objects to the division, the Chair will call the vote on the question or whether the motion should be divided; a simple majority is required to divide the question and is not debatable.

### **7.6 Notice of Motion**

- a) Notice of all new motions, except motions listed in Section 7.3, shall be given in writing in the appropriate motion format and delivered to the Clerk prior to the Wednesday preceding the date of the Council meeting at which the matter is to be considered. Such notices shall be included in the Agenda for that meeting under the item “Notice of Motion”.
- b) A Notice of Motion, in writing, may also be received by the Clerk prior to the closing of the meeting and in this event, the Chair or Clerk shall read the motion and it shall be duly recorded in the minutes without debate, and shall form part of the Agenda for the subsequent meeting under the item “Notice of Motion ”.
- c) A motion for which notice was given in accordance to this By-law must be moved and seconded at the meeting on which it appears on the Agenda for debate.

### **7.7 Request for permission to withdraw or modify a Motion**

- a) Before the motion is stated by the Chair, it belongs to the mover of the motion and he/she can withdraw it or modify it without the permission of Council.
- b) If the Member who seconds the motion withdraws his/her second from the modified form, the Chair can ask for another seconder to the motion.
- c) Before the Chair opens the discussion and/or debate on the motion, another member can ask the chair if the mover of the motion will accept a change in the motion. The mover can either accept or reject the proposed change. (this may be referred to as a ‘Friendly Amendment’). If the mover rejects the proposed change, the member suggesting the change can propose a formal amendment after the motion has been open for discussion and/or debate by the Chair.

- d) Once a motion has been stated, it shall be deemed to be in possession of Council, but at any time, the member who moved a motion may request permission of the Council to withdraw or modify the motion before a decision or an amendment. Permission to withdraw is not debatable. If there is no objection, the motion is withdrawn with general consent. If there is an objection, anyone may second the motion to withdraw and the Chair puts it to a vote.
- e) A withdrawn motion is not recorded in the minutes unless the motion has been properly moved and seconded.

### **7.8 Motion to Amend**

- a) An amendment is designed to alter or vary the main motion without materially changing its intent or meaning. It may propose certain words be omitted, replaced or added. Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented. A motion to amend a motion in possession of Council shall;
  - (1) be made only to a previous question or to amend an amendment to the question;
  - (2) be relevant to the motion not contrary to the main intention of the motion;
  - (3) be voted on first, prior to the main motion;
  - (4) not be in order if, in essence, it constitutes a rejection of the main question.

### **7.9 Motion to Refer**

- a) A motion to refer the question should include;
  - (1) the name of the body or official to whom the question is to be referred;
  - (2) instructions respecting the terms upon which the question is to be referred.
- b) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.

### **7.10 Motion to Postpone or Defer**

- a) A motion to defer shall;
  - (1) include a reason for the deferral, and a fixed date to which the matter is differed.
  - (2) takes precedence over any motion or amendment except a motion to adjourn;
  - (3) be debated, however, the debate must be limited to the advisability of the proposed postponement;
  - (4) only be amended to change the length of the postponement;

### **7.11 Motion to Postpone Indefinitely**

- a) The motion to “Postpone Indefinitely” allows Council to avoid making a decision on a main motion by delaying the decision to an undetermined time beyond the current meeting.
- b) If the motion to “Postpone Indefinitely” is carried, the matter may not be brought back at the same meeting. If the motion is defeated, discussion on the main motion continues.
- c) The motion is debatable (only to outline the reasons why the motion should or should not be dealt with immediately) but not amendable and requires a majority vote.

### **7.12 Motion to Reconsider**

- a) When a Council or Committee has decided either for or against a certain question, it shall not reconsider the same question for a period of one (1) year.
- b) Notwithstanding the above paragraph, only a Member on a prevailing side can make a motion to reconsider. In the event of a resolution that was defeated due to an equality of votes, both sides shall be considered as prevailing.
- c) A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration and requires a two-thirds (2/3) vote of the Members present.
- d) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- e) A member may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered.
- f) If the motion to reconsider the vote is carried, the motion being reconsidered is taken up immediately as if it had never been voted on; procedurally, it is considered a newly made main motion and all rights of the Members are renewed with regard to debate.
- g) No more than two motions to reconsider the same questions shall be permitted in the same calendar year.

### **7.13 Ultra Vires Motion**

- a) A motion in respect of a matter which is beyond the scope of power (ultra vires the jurisdiction) or legislative authority of Council shall not be in order.

### **7.14 Motion to Adjourn**

- a) A motion to adjourn the Council or to end the debate (Call the Question) shall always be in order, except:
  - (1) when a Member is speaking;
  - (2) during the taking of a vote;
  - (3) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
  - (4) when a Member has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
  - (5) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

## **PART 8 - VOTING**

### **8.1 Voting - General**

- a) Every Member present at a meeting shall vote on the question unless prohibited by statute or this by-law, if prohibited from voting, the Clerk shall record in the minutes the name of the Member and the reason that he or she is prohibited from voting. If a Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.
- b) Voting shall be by way of a 'show of hands' in favor or against, except when a recorded vote is requested by any Member.

- c) The Chair, except where disqualified to vote, may vote on all questions and when it could affect the result of the vote, and when so doing, shall vote last.
- d) The Chair shall announce the results of the vote once the vote is completed and the Clerk shall record as follows:
  - (1) if passed, “Carried”;
  - (2) if not passed, “Defeated”; or
  - (3) if tied (equal votes), “Defeated”.
- e) After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- f) When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair. A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.
- g) If there is no request for a recorded vote, a member may request the Clerk to record his/her vote only, either for or against the question, as the case may be.

## **8.2 Recorded Vote**

- a) Any Member may request a recorded vote immediately before or after the taking of a vote. The Clerk shall call by name the Members present in random order except for the Chair whose name shall be called last. Each Member present who is not disqualified from voting by statute or this By-law shall announce his vote openly. The Clerk shall record each Member’s vote in favour or against the question and announce the result of the vote.

## **PART 9 - COMMITTEES OF COUNCIL**

- a) Council may, from time to time, establish Advisory Committees, Ad Hoc Committees, Committees of Council or Standing Committees, in response to specific issues requiring immediate or long term attention. No Committee shall have departmental jurisdiction.
- b) When establishing a Committee, Council shall adopt Terms of Reference that shall define the following provisions:
  - (1) the name of the Committee;
  - (2) the type of Committee;
  - (3) the composition of the Committee;
  - (4) the method in filling vacancies;
  - (5) the purposes and objectives of the Committee; and
  - (6) the term of the Committee, which shall not exceed the term of Council unless required by statute.
- c) At the first regular meeting of the new term of Council, or as soon thereafter as is reasonable, Council shall appoint Members to the Committees as required. Stakeholders and citizens shall be recruited in a public and transparent manner.
- d) The Minutes of the Committees of Council shall be adopted by each respective Committee and shall be forwarded to Council in a timely manner, to be received as information.

- e) Reports and recommendations of Committees shall be received and considered by Council on an ongoing basis.

#### **PART 10 - APPENDIXES**

Appendix “A” - Council/Staff Protocol

Appendix “B” - Council Code of Conduct

Appendix “C” - Municipal Act, Section 239 (1)(2)(3)(3.1)

Appendix “D” - Municipal Conflict of Interest Act and Declaration Form

#### **PART 11 - ENACTMENT**

That By-law 2012-70 is hereby repealed.

This by-law shall come into force and take effect immediately upon the final passing thereof.

**READ A FIRST AND SECOND TIME this 18<sup>th</sup> day of January, 2017.**

**READ A THIRD TIME AND FINALLY PASSED this 1<sup>st</sup> day of February, 2017.**