

The Corporation of the Municipality of Red Lake



# Procedural By-Law

Adopted by By-Law No. 88-2017  
on December 18, 2017

Effective January 1, 2018

## **INTRODUCTION**

### **Purpose**

In order to better serve the citizens of the Municipality of Red Lake by ensuring the most effective, efficient and timely procedure for governing the calling, place and proceedings of municipal meetings, the Municipality of Red Lake hereby establishes its Procedural By-Law in accordance with the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended. The rules and procedures contained herein shall apply to all meetings of Council.

### **Committees**

Committees shall be encouraged to follow all rules and procedures of the Procedural By-Law, in which case the necessary changes in terminology shall be deemed to apply, such as replacing “Council” with “Committee”, “Mayor” with “Chair”, and “Clerk” with “Recording Secretary”.

The basic principles for the application of these rules are:

- a) take up business one issue at a time;
- b) promote courtesy, justice, impartiality and equality; and
- c) while the majority rules, the rights of the individual, minority and absent Members are protected.

## 1. DEFINITIONS

For the purpose of this By-Law, the following words shall have the meaning given herein:

- 1.1 “**Act**” means *The Municipal Act, 2001, S.O. 2001, c.25, as amended*, from time to time.
- 1.2 “**Ad Hoc Committee**” includes a special Committee and means a Committee appointed to review and report to Council on a specific issue; once the Committee has reported to Council, the Ad Hoc Committee is automatically dissolved.
- 1.3 “**Agenda**” means a list of items on an Agenda of Council or Committee and which may contain recommendations to be considered and which may also contain certain notices for the information of the public in accordance with this By-Law.
- 1.4 “**Administrative Reports**” includes reports approved by the Chief Administrative Officer which, in the opinion of the Clerk and the Chief Administrative Officer, are likely to require debate and which shall be included on the Regular Agenda.
- 1.5 “**Advisory Committee**” means a body established to provide advice to Council as outlined in its approved mandate. Advisory Committees are not responsible for the direct management of staff, expenditures or budgets.
- 1.6 “**Chair**” means the person at the meeting who conducts the meeting and sees that the rules of procedure are observed and is actually presiding at the time, whether that person is the regular Presiding Officer or not.
- 1.7 “**Chief Administrative Officer**” means the Chief Administrative Officer of The Corporation of the Municipality of Red Lake; (may be referred to as CAO).
- 1.8 “**Chief Executive Officer**” shall mean the Head of Council in accordance with the *Act* and hereinafter referred to as “Mayor”.
- 1.9 “**Clerk**” means the Clerk of The Corporation of the Municipality of Red Lake or Designate in the absence of the Clerk.
- 1.10 “**Closed Meeting**” means a meeting, or part of a meeting, that is closed to the public to consider matters authorized under the *Act* or other enabling Statute.

1. **DEFINITIONS** – Continued

- 1.11 “**Committee**” means a Board, Advisory, Statutory, Special Project/Task Force, Staff/Ad Hoc Committee established by resolution of Council to advise on specific matters which Council has deemed appropriate for the Committee to consider in accordance with its mandate and its terms of reference but does not include the Committee of the Whole.
- 1.12 “**Committee of the Whole**” means a Committee composed of all Members of Council.
- 1.13 “**Conflict of Interest**” means a conflict between the public obligations and private interests of a public official.
- 1.14 “**Consent Agenda**” means those item(s) on an Agenda, which may be dealt with by Council or Committee of the Whole with one (1) motion.
- 1.15 “**Council**” means the Council of The Corporation of the Municipality of Red Lake.
- 1.16 “**Delegation**” means a person(s) that wishes to make a verbal presentation to Council, Committee of the Whole or Committee.
- 1.17 “**Deputy Mayor**” means the Member of Council appointed by By-Law to act in the Mayor’s absence and while so acting, such member has and may exercise all rights, powers and authority of the Mayor.
- 1.18 “**Emergency**” means a situation or the threat of an impending situation abnormally affecting the property and/or health, safety, welfare and well being of the citizens of the Municipality or the Municipal government, which by its nature and magnitude requires a controlled and coordinated response and is by its nature and magnitude distinct from the routine daily operations of the Municipality.
- 1.19 “**Ex-Officio**” means by virtue of office or position and carries with it the right to participate fully in all committee meetings and to vote unless prohibited by law, but does not count towards a quorum.
- 1.20 “**External Committee**” means a committee or board established by a non-municipal organization of which Council may be appointed to participate on from time to time.
- 1.21 “**Finance & Audit Committee**” means a committee established by Council to advise on financial matters of The Corporation of the Municipality of Red Lake and shall report to Council.

1. **DEFINITIONS** - Continued

- 1.22 “**Investigator**” means a person appointed by the Municipality to consider complaints in regards to the handling of closed session matters.
- 1.23 “**Local Board**” means a body or local authority established by statute or By-Law that exercises authority with respect to the affairs or purposes of the Municipality, and is composed of citizens and Members of Council, provided the number of Council Members represents less than half of the Board’s membership.
- 1.24 “**Majority**” means more than half of the Members present and voting on an issue. The count shall include only those present and not excluded from voting by the provisions of the *Municipal Conflict of Interest Act*, and the Mayor or Chair shall be included in the count.
- 1.25 “**Mayor**” means the Head of Council of The Corporation of the Municipality of Red Lake.
- 1.26 “**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.
- 1.27 “**Member**” means a Member of Council or a Committee, as the case may be and includes the Chair.
- 1.28 “**Minutes**” means an official record of transactions or proceedings of a meeting.
- 1.29 “**Motion**” means a question or recommendation to be considered by the Council or a Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution.
- 1.30 “**Municipality**” means The Corporation of the Municipality of Red Lake.
- 1.31 “**Newsletter**” means a printed publication in sheet form, intended for general circulation, published by the Municipality regularly at intervals of not longer than four (4) weeks, consisting in great part of the information with respect to the programs and activities of the Municipality and circulated free of charge to the Public.

1. **DEFINITIONS** - Continued

- 1.32 “**Notice**” means written, printed, published, verbal, electronic or posted notification or announcement.
- 1.33 “**Pecuniary Interest**” means an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated, in accordance with the *Municipal Conflict of Interest Act*.
- 1.34 “**Petition for Special or Public Hearing/Meeting of Council**” means the completing and filing of the form - Appendix “A” – Petition for Special or Public Hearing/Meeting of Council, attached hereto and forming a part of this By-Law.
- 1.35 “**Presiding Officer**” means a person appointed by the Members present at a Council meeting in the event the Chair or Deputy Chair is not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting.
- 1.36 “**Procedural By-Law**” means this By-Law as amended from time to time.
- 1.37 “**Public Hearing**” includes any hearing/meeting to be held by law and conducted by Council or a Committee of Council to which responsibility to hold the hearing/meeting has been delegated.
- 1.38 “**Quorum**” means a majority of the members of a Municipal Council or Committee.
- 1.39 “**Recess**” means a short break in the proceedings of a meeting during which members may leave the room. A recess does not end the meeting.
- 1.40 “**Recommendation**” means a proposed course of action suggested by a Committee of Staff for an eventual final decision by Council.
- 1.41 “**Recorded Vote**” means the recording of the name and vote of every Member by the Clerk at the request of a member on a motion during a Council meeting immediately prior to or after the vote.
- 1.42 “**Recording Secretary**” means the staff representative whose responsibility is to attend Council or a Committee of the Whole Meeting for the purpose of taking minutes at a meeting.
- 1.43 “**Referred/Deferred Items**” means items on an Agenda that have been previously addressed by Council and remain unresolved. The Clerk’s Office may keep a list of unfinished items previously addressed by Council and may place on a Council Agenda as required.
- 1.44 “**Resolution**” means the result of a substantive motion of Council.

1. **DEFINITIONS** - Continued

- 1.45 “**Routine Administrative Reports**” includes reports approved by the Chief Administrative Officer which, in the opinion of the Clerk and the CAO, are unlikely to require debate and which shall be included on the Consent Agenda.
- 1.46 “**Senior Management Team**” shall mean the Chief Administrative Officer, Treasurer and Clerk of The Corporation of the Municipality of Red Lake.
- 1.47 “**Two Thirds Majority**” means a majority of two-thirds (2/3) of Members present and voting on an issue. The count shall include only those present and not excluded from voting by the provisions of the *Municipal Conflict of Interest Act* and the Mayor or Chair shall be included in the count.
- 1.48 “**Vice-Chair**” means a duly appointed Member who shall serve as Chair of a meeting where the Chair is absent or otherwise unable or unwilling to preside.
- 1.49 “**Website**” means The Corporation of the Municipality of Red Lake electronic community information site for the public to access information, selected websites containing a variety of pages and online services and information and is used as a tool for providing notice.

2. **RULES - GENERAL**

2.1 Rules of Order - Robert’s - Application

Where rules are not provided within this By-Law, or in any other By-Law of the Municipality, for the proceedings of the Council or Committees, the 11<sup>th</sup> Edition of Robert’s Rules of Order shall prevail.

2.2 Conflict - Rules of Procedure

In the event of any conflict between the provisions of this By-Law, and those contained in any of the authorities set out previously, the provisions of this By-Law shall apply.

2.3 Rules - Governing - Proceedings - Council - Committees

Subject to the provisions of the *Act*, the rules established in this By-Law shall be the rules governing the proceedings of the Council and its Committees.

2.4 Rules – Suspend the Notice Provisions

Council may suspend the Notice Provisions of this By-Law where there is an Emergency.

## 2. RULES – GENERAL - Continued

### 2.5 Rules – Temporarily Suspended by Unanimous Consent

Any rules established by this By-Law, other than a quorum requirement, may be temporarily suspended at, or for, a particular meeting with the unanimous consent of all Members present and voting, provided that this does not result in a contravention of the *Act* or any other statute.

### 2.6 Rules – Member to introduce new Item on Agenda

Only items that are emergent in nature or requires immediate attention may be introduced, with unanimous consent, to the agenda once the meeting is called to order. Items introduced shall not contravene the provisions of the Notice By-Law.

### 2.7 Member of Council – Absence – Notification

Member of Council shall notify the Clerk or Designate when the member is aware that he/she will be absent from any meeting of Council or Committee of the Whole.

### 2.8 Minutes of Meetings

Minutes of meetings shall be taken of all meetings of Council, Committee of the Whole, Special, Public and Committee meetings, open or closed. The Clerk, Deputy Clerk or Designate shall take minutes of all meetings of Council, Committee of the Whole, Special and Public meetings, open or closed. In the case of Committee meetings, the appropriate municipal staff/resource person shall take the minutes as determined by the Clerk.

### 2.9 Location of Meetings

All meetings of Council, Committee of the Whole, Special Meetings or Public Meetings as required by legislation shall be held in the Council Chambers at the Municipal Office, 2 Fifth Street, Balmertown, or as otherwise designated by Council.

In accordance with *Section 236(1) of the Act*, no Council Meeting shall be held outside of the Municipality or an adjacent municipality, except in the event of an Emergency.



### **3. DECORUM OF MEMBERS & PUBLIC**

#### 3.1 No Member shall:

- a) Leave a meeting without first obtaining permission from the Chair.
- b) Leave his or her seat while a vote is being taken until the results are declared or enter a meeting while a vote is being taken.
- c) Interrupt the Member who has the floor except to raise a point of order or information, or a question of privilege.
- d) Speak on any subject other than the subject in debate.
- e) Participate electronically in a meeting of Council and/or Committee.

#### 3.2 No Member or Public shall:

- a) Speak disrespectfully of any other person or office.
- b) Record (video or audio) any meetings and/or leave any cell phone on, text or e-mail at any meetings without permission of the Mayor.  
  
Any (video or audio) recording other than by the Municipality shall not, under any circumstances, be deemed to be official records.
- c) Record (video or audio) any closed meeting.
- d) Use offensive, indecent, insulting or unparliamentary language.
- e) Disturb another, Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly.
- f) Address Council or speak in debate without permission of the Mayor.
- g) Display signs or placards.
- h) Disobey the rules of Council or the decisions of the Mayor on questions of order or practice or upon the interpretation of the rules of Council.

#### 3.3 No Member or Public shall:

- a) Participate electronically in a meeting of Council unless authorized by Council.

### **3. DECORUM OF MEMBERS & PUBLIC - Continued**

#### **3.4 Use of iPads at Meetings**

Members are permitted to use an iPad during a meeting under the following circumstances;

- a) Access only the agenda and correspondence of the meeting in progress;
- b) iPad shall be in silent mode;
- c) Use of the iPad must not distract from deliberations or interaction between members.

Use other than noted will be prohibited.

#### **3.5 Consequence of Breach of Decorum – General**

Any person found to be in contravention of these rules of decorum may be subject to exclusion from participation in, or expulsion from, the meeting by the Mayor/Chair.

#### **3.6 Consequence of Breach of Decorum – Members**

In the event that a Member persists in a breach of the rules of decorum after having been called to order by the Mayor:

- a) the Mayor shall request a vote without debate as to whether that Member should be ordered to leave the meeting; and
- b) if a majority of Members decides the question in the affirmative, the Member in question shall immediately comply.

#### **3.7 Refusal to Comply**

Where a person found to be in breach of decorum refuses to comply with such a ruling, the Mayor may adjourn the meeting without motion until such time as the Member has left the meeting.

#### **3.8 Apology - Members**

If the Member in breach of decorum apologizes to the Members, he or she may be permitted to retake his or her seat by a Members' majority vote, which the Member in question shall not participate in.

#### **4. DUTIES AND ROLES OF MEMBERS AND OFFICERS**

##### **4.1 Role of Mayor**

It shall be the role of the Mayor:

- a) To be the Chair of Council Meetings.
- b) To be an ex-officio Member of all Committees who shall be entitled to participate and vote as a Member of such Committees, but does not count toward quorum.
- c) To recommend the appointment of Members of Council to serve on Committees, for Council approval.
- d) To, prior to the commencement of the first regular meeting of the Council following an election, in consultation with the Clerk, establish for Council and Committee of the Whole meetings, the seating arrangement to be used for the term of that Council.
- e) Carry out the duties of the Mayor under the *Act* or any other Act.
- f) Act in accordance with their Oath of Allegiance and Oath of Elected Office.

##### **4.2 Role of Deputy Mayor**

It shall be the role of the Deputy Mayor:

- a) To act in the Mayor's absence and while so acting, such member has and may exercise all rights, powers and authority of the Mayor.
- b) To be the Chair of Committee of the Whole Meetings.

##### **4.3 Role of Chair**

It shall be the role of the Chair:

- a) To open the meeting by taking the Chair and calling the Members to order.
- b) To advise that anyone present may not record (video or audio) any of the proceedings without permission; leave cell phone or pager on; text or send e-mails without permission.
- c) To receive and submit, in the proper manner, all motions presented by the Members.

#### 4. **DUTIES AND ROLES OF MEMBERS AND OFFICERS** – Continued

##### 4.3 Role of Chair – Continued

- d) To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings and to announce the result.
- e) To decline to put to a vote motions that infringe upon the rules of procedure.
- f) To designate the Member who has the floor when two (2) or more Members wish to speak at the same time.
- g) To restrain the Members within the rules of order when engaged in debate.
- h) To not debate any question on the floor while in seat of the Chair, and to confine their role to the proper conducting of the meeting unless:
  - i) The Chair has vacated the Chair position and a temporary Chair has been appointed by the Head of Council or the Chair of the Committee; and this shall be recorded by the Clerk or Recording Secretary; or
  - ii) A majority of Members of Council or the Committee present have consented to the Head of Council/Chair of Committee to remain in the Chair for that purpose; this shall also be recorded by the Clerk or Recording Secretary.
- i) To enforce on all occasions the observance of order and decorum among the Members.
- j) To call by name any Member persisting in breach of the rules of order of the Council thereby ordering the Member to vacate the Council Chambers.
- k) To authenticate by signature all by-laws, resolutions and minutes of the Council.
- l) To inform the Council, when necessary or when referred to for the purpose, on a point of order or usage.
- m) To select the Member of Council, if more than one Member wishes to serve on a Committee.
- n) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.

#### 4. **DUTIES AND ROLES OF MEMBERS AND OFFICERS** – Continued

##### 4.3 Role of Chair – Continued

- o) To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Municipality.
- p) To adjourn the meeting without the question being put in the case of grave disorder arising in the Council Chambers.
- q) To order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting, and to order the individual or group to vacate the Council Chambers where such behaviour persists.
- r) To advise on transparency and accountability and administrative policies.
- s) Shall vote on all motions.
- t) To adjourn the meeting when the business is complete.

##### 4.4 Duties of Councillors

It is the duty of Councillors to attend all meetings of Council, Committee of the Whole and Committees, in addition to the requirements in the *Act* to:

- a) Prepare for meetings, including reviewing the agenda and background information prior to the meeting.
- b) Speak only to the subject on debate.
- c) Vote on all motions before Council unless prohibited from voting by law by clearly raising your hand.
- d) Observe proper procedure and decorum at all meetings.
- e) State questions to be asked through the Mayor or Chair.
- f) Support the decision of Council.
- g) Attend Board and Committee meetings to which the member has been appointed by Council.
- h) Carry out the duties of Council under the *Act* or any other Act and act in accordance with their Oath of Allegiance and Oath of Elected Office.

## 5. **NOTICE OF MEETINGS**

### 5.1 Notice – Form - Agenda

A meeting notice shall be in the form of an agenda and shall indicate the day, date, time and place of commencement of the meeting.

In case of an emergency, notice may also be provided by telephone or personal contact.

An annual meeting schedule (which will be updated accordingly) may also be posted on the Municipal Office doors and Municipal website ([www.redlake.ca](http://www.redlake.ca)) and may serve as notice to all residents.

### 5.2 Public Notice - Regular Meeting of Council or Committee of the Whole

The published agenda shall be considered as adequate public notice and deemed to have been given by its being posted on the Municipal website ([www.redlake.ca](http://www.redlake.ca)) and available for public review in the office of the Clerk no later than 4:00 p.m. on the business day preceding the regularly scheduled meeting.

The Clerk or designate may provide each Member of Council with an electronic copy of the agenda with supporting reports and correspondence by 12:00 p.m. on Thursday immediately prior to every regular meeting of Council and Committee of the Whole meetings.

### 5.3 Public Notice - Special Meeting of Council or Committee of the Whole

The Clerk shall deliver to the Members of Council, an agenda for any Special Meeting called in accordance with this By-Law by either electronic mail, hand delivered, or in the established mail pick-up area for Member of Council, a minimum of 24 hours in advance of such meetings. The agenda may be posted to the website and notice of meeting shall be posted on the Municipal Office doors.

The notice shall specify the purpose for the meeting and the only business to be dealt with at a Special Meeting is that which is listed in the notice.

For purposes of a Special Council Meeting, the Rules of Order contained herein with respect to the confirming previous Minutes, etc. are deemed to be suspended, unless a majority of the Members deem otherwise.

## 5. **NOTICE OF MEETINGS** - Continued

### 5.4 Public Notice - Special Closed Meeting

Should it be required to hold a closed meeting of Council or Committee of the Whole that is not on a regularly scheduled meeting date, a minimum of twenty-four (24) hours public notice shall be given to Council, affected parties, the public and media and shall state the general nature of the business to be considered and not already provided for on any meeting agenda where notice is deemed to have been given.

### 5.5 Public Notice – Public Hearings/Meetings

Notice of Public Meetings held to consider applications under the Planning Act or to obtain public input shall be given in accordance with required legislation.

The Clerk may also post notice on the Municipal Office doors and Municipal website.

### 5.6 Public Notice – Council Committee(s)

The notice of meeting shall be posted on the Municipal Office doors and the Agenda may be posted on the website.

### 5.7 Public Notification – Other Meetings

Notice shall be given for any meeting, open or closed, and such notice shall be determined by the Clerk in accordance with this By-Law.

### 5.8 Notice – Emergency - Not Required

If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor or Acting Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Municipality of Red Lake, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-Law may be waived and the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances. Failing to provide notice prior to the action, the Clerk shall provide notice as soon as practicable following the action.

### 5.9 Public Notice – Adoption of Procedural By-Law

Before passing a Procedural By-Law, or amendment, the Council shall give notice of intention to pass such by-law by providing notice on the applicable agenda preceding the meeting and/or publishing in the Municipal Newsletter.

## 5. **NOTICE OF MEETINGS** – Continued

### 5.10 Minimum Requirements

The notice requirements set out in this By-Law are minimum requirements only and the Clerk may give notice in an extended manner if in the opinion of the Clerk and/or Council, the extended manner is reasonable and necessary in the circumstances.

### 5.11 Notice – Not Received – Validity of Meeting – Upheld

Failure of any person to receive notice of the meeting to whom notice of the meeting is required to be given, shall not affect the validity of the holding of the meeting or any action taken thereafter.

### 5.12 Closed Meeting and Confidential Reports

Notwithstanding anything in this Article, all closed meeting agendas and confidential reports shall be distributed in hard copy and not electronically and shall be distributed in a manner that ensures confidentiality. All agenda/reports shall be returned to the Clerk immediately following the meeting, for destruction.

Closed Meeting and confidential reports shall be picked up by Council or distributed as per direction of the Clerk.

### 5.13 Notice – Meeting Time, Date, Place – Altered by Members

Subject to the provisions of the *Act*, the Members may by resolution alter the time, date, or place of any given meeting.

### 5.14 Notice – Cancellation of Meetings

The Clerk, in consultation with the Mayor or the Chief Administrative Officer, may cancel any meeting prior to its scheduled commencement and shall provide appropriate notice of the cancellation forthwith.

## 6. **MEETINGS OF COUNCIL & SCHEDULE**

### 6.1 Governance Model – Municipality of Red Lake

The Governance Model for The Corporation of the Municipality of Red Lake is attached as per Schedule “1”. The Clerk is authorized to replace this Schedule at any time the provisions are amended.



**6. MEETINGS OF COUNCIL & SCHEDULE - Continued**

**6.2 Inaugural Meeting**

The Inaugural Meeting of Council shall be held on the first Tuesday in December, following a regular election, at 11:00 a.m. or such hour as may be fixed by resolution, or on such day in December prior to the first Tuesday and at such hour as may be fixed by resolution of the existing Council.

**6.3 Regular Meeting**

a) Regular Meetings of Council shall be held in the Council Chambers as follows:

- on the third Monday of every month commencing at 6:00 p.m.; or
- on such other day and place as may be determined by a majority of Council upon the passing of a Resolution; or
- when the day for a Regular Meeting of Council falls on a public or civic holiday, the Council shall meet at the established hour on the next following day which is not a public or civic holiday nor a Saturday or Sunday.

b) Regular Meetings of Council shall stand adjourned at 9:00 p.m., unless extended by a motion. In any event, the meeting shall adjourn at 10:00 p.m. Such adjourned meeting shall stand adjourned until the date of the next Regular Meeting or until re-scheduled, at such time the unfinished business of the adjourned meeting shall be transacted.

**6.4 Committee of the Whole Meeting**

a) Committee of the Whole Meetings shall be held in the Council Chambers as follows:

- on the second Monday of every month commencing at 12:00 noon; or
- on such other day and place as may be determined by a majority of Council upon the passing of a Resolution; or

**6. MEETINGS OF COUNCIL & SCHEDULE - Continued**

**6.4 Committee of the Whole Meeting – Continued**

- when the day for a Committee of the Whole Meeting falls on a public or civic holiday, Committee of the Whole shall meet at the established hour on the next following day which is not a public or civic holiday nor a Saturday or Sunday.
  
- b) Committee of the Whole Meetings shall stand adjourned at 3:00 p.m., unless extended, by a motion. In any event the meeting shall adjourn at 4:00 p.m. Such adjourned meeting shall stand adjourned until the date of the next Committee of the Whole Meeting or until re-scheduled, at such time the unfinished business of the adjourned meeting shall be transacted.

**6.5 Open Meeting**

Open Meetings shall be held prior to any Closed Meeting.

**6.6 Closed Meeting**

- a) All Meetings of Council shall be open to the public except where a Meeting or part of a Meeting may be closed to the public in accordance with *Section 239 of the Act* (see Schedule II) or any other Statute.
  
- b) During a closed meeting only those items set out in the resolution required by s. 239(4) of the *Act* may be discussed and debated.
  
- c) Voting shall take place in open session, however Council may vote during a closed meeting pursuant to Section 239(6) of the *Act* if:
  - i) the meeting was permitted or required by Section 239(2) or 239(3) of the *Act*; and
  
  - ii) the vote relates to:
    - A procedural matter; or
  
    - Directions or instructions to officers, employees or agents of the Municipality, a Local Board, a Committee, or to persons retained by the Municipality or a Local Board.

**6. MEETINGS OF COUNCIL & SCHEDULE - Continued**

**6.6 Closed Meeting – Continued**

- d) No Member, Officer or employee of the Corporation shall disclose the content of the matter or substance of the deliberations of a Closed Meeting, unless expressly authorized to do so by Council as required by law.
- e) The Clerk, Chief Administrative Officer, and the Treasurer shall be present at all closed sessions.

**6.7 Special Meeting**

- a) The Mayor may, at any time, call a Special Meeting of the Council, or upon receipt of a petition signed by a majority of the members, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition. (Appendix “A” – Petition for a Special or Public Hearing/Meeting of Council may be used for this purpose.)
- b) In either case noted above, the Special Meeting shall not be held sooner than twenty-four (24) hours following the Mayor summons or receipt of the petition, as the case may be, and the Clerk shall provide written or verbal notice of the Special Meeting immediately following receipt of the petition or summons.

**6.8 Joint Council Meeting**

- a) A Joint Council Meeting may be called by the Mayors of the applicable municipalities. The Joint Council Meeting shall be for the purpose and at the time agreed upon by all parties.

**6.9 Public Hearings/Meetings**

A public hearing/meeting shall be held as prescribed by prevailing legislation.

## 6. MEETINGS OF COUNCIL & SCHEDULE - Continued

### 6.10 Committee Meetings

- a) Council shall, by resolution or by-law, establish Committees.
- b) The purpose of Committees of Council or local boards may be determined from time to time by Council as established by terms of reference or mandates.
- c) At least one (1) Member of Council shall serve on each Committee.
- d) The Chair of the Committee is to be selected by the Committee, as per the Committee mandate.
- e) Staff may provide assistance to the Committees and serve as resource persons for Committees.
- f) All Committees shall submit an annual meeting schedule to the Clerk by December 15<sup>th</sup> of each year.
- g) All Committees shall be encouraged to follow all rules and procedures of the Procedural By-Law.

### 6.11 Sub-Committee Meetings

- a) Committees shall, by Committee resolution, establish Sub-Committees.
- b) The purpose of Sub-Committees of a Committee may be determined from time to time by a Committee as established by terms of reference or mandates.
- c) At least one (1) Member of the Committee shall serve on each Sub-Committee.
- d) The Chair of the Sub-Committee is to be selected by the Sub-Committee, as per Sub-Committee mandate.
- e) All Sub-Committees shall submit an annual meeting schedule to the Committee by December 15<sup>th</sup> of each year.
- f) All Sub-Committees shall be encouraged to follow all rules and procedures of the Procedural By-Law.

## **7. AGENDAS AND SUPPORTING MATERIAL**

- 7.1 The Clerk and resource persons shall prepare Agendas of Council, Committee of the Whole, Special, Committee and Public meetings as assigned. (A paperless agenda format may be used for all types of meetings, except Committees may use paper Agenda.)
- 7.2 Closed Meeting Agendas of Council and Committee of the Whole shall be in hard copy as provided for in Article 5.12.
- 7.3 Any Member, at any time prior to the completion of the Agenda, may advise the Clerk of an item for inclusion on the Agenda by completing and filing of the form Appendix "B" – Item for Inclusion on Agenda, attached hereto and forming a part of this By-Law.
- 7.4 Any items for inclusion on the Council or Committee of the Whole Agenda, including administrative reports shall be submitted to the Clerk's Office by 4:30 p.m. on the Wednesday immediately preceding the Council or Committee of the Whole meetings.
- 7.5 Insofar as is practicable, Council and Committee of the Whole Agendas, along with supporting material, shall be prepared and made available for Members on the Thursday prior to the week in which the meetings are scheduled.
- 7.6 Following the delivery of the agenda and support material as per Subsection 7.5, should changed circumstances warrant a revision to the Agenda in order to ensure its accuracy, the Clerk may make such revisions as are necessary up until 3:00 p.m. on the Friday prior to the meeting, after which time changes will only be permitted at the meeting in accordance with Subsection 2.6.
- 7.7 The business of each meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by a majority vote of the members present.
- 7.8 Any agenda items not dealt with at a meeting shall be placed by the Clerk on the agenda for the next regular meeting, unless decided otherwise.
- 7.9 If any member discloses any direct or indirect Pecuniary Interest with an Agenda Item listed on the Consent Agenda, that item shall be transferred to the regular agenda for separate consideration.

**7. AGENDAS AND SUPPORTING MATERIAL - Continued**

7.10 The regular order of business for Agendas is as follows:

a) Agenda for a Regular Meeting of Council

1. Call to Order
2. Disclosure of Pecuniary Interest and the General Nature Thereof
  - (a) For the agenda for this meeting; and
  - (b) For minutes of a meeting at which a member was not in attendance.
3. Delegations/Deputations

Part 1 – Consent Agenda

4. Minutes of Previous Meeting(s)
5. Correspondence for Information
6. Petitions
7. Routine Administrative Reports
8. Motions
9. By-Laws

Part 2 – Regular Agenda

10. Referred and Deferred Items
11. Reports of Council
12. Administrative Reports
  - 12.1 CAO
  - 12.2 Clerk
  - 12.3 Treasurer
13. New Business
14. Notices of Motion
15. Adjournment

b) Agenda for an Open Meeting of Council and Committee of the Whole

1. Call to Order
2. Adjourn to Closed Meeting
3. Report from Closed Session
4. Adjournment

- c) Agenda for a Closed Meeting of Council and Committee of the Whole
1. Call to Order
  2. Disclosure of Pecuniary Interest and the General Nature Thereof
    - (a) For the agenda for this meeting; and
    - (b) For minutes of a meeting at which a member was not in attendance.
  3. Minutes of Previous Meeting(s)
  4. Matters for Deliberation approved by Public Resolution
  5. Adjournment

- d) Agenda for a Committee of the Whole Meeting
1. Call to Order
  2. Disclosure of Pecuniary Interest and the General Nature Thereof
    - (a) For the agenda for this meeting; and
    - (b) For minutes of a meeting at which a member was not in attendance.
  3. Delegations/Deputations
  4. Minutes of Previous Meeting(s)
  5. Administrative Reports (*and motions if required*)
  6. Referred and Deferred Items
  7. New Business
  8. Motions (*to be brought forward after applicable item*)
  9. Adjournment

- e) Agenda for Special Meeting of Council
1. Call to Order
  2. Disclosure of Pecuniary Interest and the General Nature Thereof
  3. Matters for which Special Meeting was Called
  4. Adjournment

f) Agenda for Public Hearing/Meeting

The Clerk and/or Resource Person, in accordance with the applicable Department, are to prepare necessary agenda for the public hearing/meeting in accordance with various legislation.

g) Agenda for Committee Meetings

Unless otherwise indicated, all agendas prepared by the Clerk and Resource Person for committee meetings may be in the same format as Council Agendas, provided however, that the Clerk and Chair of the Committee include only those headings relevant to the particular Committee meeting and shall include declarations of pecuniary interest.

## 8. CONSENT AGENDA

### 8.1 Contents

A Consent Agenda shall be utilized for Regular Meetings of Council for items identified in the Agenda under Part 1 – Consent Agenda.

### 8.2 Process for Consent Agenda (Section(s) 4 to 8 of Part 1 – Consent Agenda)

- a) The Chair shall introduce by way of a motion properly moved and seconded those items contained in Section(s) 4 to 8 of Part 1 – Consent Agenda.
- b) The Chair shall then inquire whether any Members wish to ask a question or vote on any items set forth in the motion.
- c) Any Member who wishes to ask a question or vote separately on any item set forth in the motion shall advise the Chair of the item or items that the Member wishes to debate.
- d) Any items that have been identified for debate or amendment shall be debated or amended by Council.
- e) If, at the conclusion of the debate, no amendments have been proposed to any of the items, the Chair shall then call for the vote on the Consent Agenda motion.
- f) If, at the conclusion of the debate, amendments have been proposed to any of the items, the Chair shall report all such amendments to Council. The Chair shall then call the vote on each amended Motion and then call the vote on the Consent Agenda Motion, excluding items that have already been resolved.
- g) The Chair shall separately introduce any item on which a member has declared a pecuniary interest in accordance with the *Municipal Conflict of Interest Act* prior to vote on the Consent Agenda.
- h) A Member may request a separate vote on an item listed in the Consent Agenda. These items will be removed from the Consent Agenda and dealt with after a vote on the Consent Agenda.

Each item contained in Section(s) 4 to 8 of the Consent Agenda shall include its own appropriately worded, properly moved and seconded motion.



## 8. CONSENT AGENDA - Continued

### 8.3 Process for Consent Agenda (By-Laws - Section 9 of Part 1 of the Consent Agenda)

- a) The Chair shall introduce all by-laws (Section 9 of Part 1 – Consent Agenda) by way of one written motion properly moved and seconded without amendment or debate providing that all by-laws shall be read a first and second time.
- b) The Chair shall, after the introduction of a by-law, inquire if there are any Members who wish to ask a question or vote separately on a by-law or by-laws set forth in the motion.
- c) Any Member who wishes to do so shall advise the Chair of a by-law or by-laws that the Member wishes to question or vote separately on, and any Members may move an amendment to a by-law during the course of the debate on that by-law.
- d) If, at the conclusion of the debate, no amendments have been proposed to any of the by-laws, the Chair shall then call for a reading of the motion, properly moved and seconded, that all by-laws named therein shall be considered to have been read a third time and passed.
- e) If, at the conclusion of the debate, amendments have been proposed to any of the by-laws, the Chair shall report such amendments to Council.
- f) Each amendment shall then be voted on separately without further amendment or debate following which the Chair shall call for a reading of a motion properly moved and seconded providing that all by-laws named therein shall be considered to have been read a third time and passed as amended.
- g) A Member may request a separate vote on a By-Law or By-Laws listed in the Consent Agenda. These items will be removed from the Consent Agenda and dealt with after the vote on the Consent Agenda.
- h) Each by-law heading shall appear on the Consent Agenda of the Council Agenda of the meeting where it is to be proposed.
- i) The Agenda may make reference to the original source of the by-law, Council or Committee resolution or accompanying report, and shall include the by-law number and the number of readings to be given.

By-Laws shall be numbered, signed by the Mayor and Clerk and embossed with the Seal of the Corporation.

**8. CONSENT AGENDA - Continued**

**8.4 Administrative Amendments**

The Clerk is hereby authorized to make such minor deletions, additions or other changes in form to any resolution, minutes or by-law before it is signed or sealed for the purpose of ensuring complete implementation of the actions of Council forming the subject matter.

**9. RULES OF PROCEDURE - QUORUM**

- 9.1 As soon after the hour fixed for the holding of the meeting of the Council and a quorum is present, the Mayor shall call the meeting to order. A quorum is required to commence and continue a meeting of Council or a Committee, and shall be more than fifty percent (50%) of the members.
- 9.2 If a Member arrives at a meeting after the Mayor has called the meeting to order or leaves before a meeting is adjourned, the Clerk shall note the Member's name and the time of arrival or departure in the Minutes.
- 9.3 If no quorum is present fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present, and the meeting shall stand adjourned until the date of the next open meeting.
- 9.4 If at any time during the meeting there is not a quorum, the meeting shall stand recessed. Should the lack of a quorum continue for (10 minutes) from the time of its occurrence, then the meeting shall automatically be adjourned either until the next regular meeting day or until a special meeting is called to deal with the matters still to be dealt with at the adjourned meeting.
- 9.5 The Clerk shall record the name of the Member and the time the Member left the meeting.
- 9.6 A Member shall contact the Clerk to advise that he/she will not be present at the meeting.
- 9.7 If the Clerk has been notified by Members prior to the scheduled meeting that there will be no quorum; the Clerk may, on direction of the Mayor, cancel any meetings of Council or Committees. The Clerk shall post the notice of cancellation on the Municipal Office Door(s) and may post on the Municipal website.

**9. RULES OF PROCEDURE – QUORUM - Continued**

- 9.8 Quorum During Conflict of Interest Declaration – Where one or more members of the Council or Committee have declared a Conflict of Interest, and the remaining number of members do not constitute a quorum by their numbers, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- 9.9 Rules of Quorum shall not apply during an emergency meeting. Proceedings must still comply with the Section 11 – Open and Closed Meetings.

**10. ABSENCE OF MAYOR**

- 10.1 Subject to the provisions of the *Act*, and in case the Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Deputy Mayor/Vice Chair shall call the Members to order, and he/she shall preside until the arrival of the Mayor, and while so presiding, the Deputy Mayor/Vice Chair shall have all the powers of the Mayor and shall vote as a member.
- 10.2 Should the Mayor or Deputy Mayor not attend within fifteen (15) minutes after the time appointed, the Clerk shall call the Members to order, and if a quorum is present, a Councillor shall be chosen by the Members present and shall preside as Acting Chair until the arrival of the Mayor, and in the continued absence of the Mayor or Deputy Mayor, the Member so appointed shall continue as the Presiding Officer. The Presiding Officer shall have all the powers of the Mayor and shall vote as a member.

**11. OPEN AND CLOSED MEETINGS**

11.1 Open Meetings

Subject to the *Act*, all Council and Committee meetings shall be open to the public. The section of the *Act* which authorizes when a meeting or part of a meeting may be closed to the public is attached hereto as Schedule “II”. The Clerk is authorized to replace this Schedule at any time the provisions of the *Act* are amended.

## 11. OPEN AND CLOSED MEETINGS - Continued

### 11.2 Commencement – Adjournment – Time for

Unless otherwise determined by the Clerk, in consultation with the Mayor, closed meetings may be scheduled immediately prior to the Regular or Special Meeting of Council, Committee of the Whole, or Committee and may adjourn at least ten (10) minutes prior to the time scheduled for the commencement of the Regular or Special Meeting of Council, Committee of the Whole or Committee.

### 11.3 Incomplete Items – to Council Agenda

Any matters not completed at the adjournment of the Closed Meeting held immediately prior to the meeting of Council, Committee of the Whole or the Committee shall be completed at the conclusion of the Council, Committee of the Whole or Committee meeting in accordance with Section 11.1.

### 11.4 Request – By Member – Requirements

If, during a meeting of Council, Committee of the Whole or a Committee, a Member wishes to move “into a closed session”, the Member shall either move a motion to refer the matter to the closed item on the agenda or move a motion which would require a two-thirds vote of those Members present to immediately convene into the Closed Meeting.

### 11.5 Closed Meeting – Resolution

Before all or part of a meeting is closed to the public, the Council, Committee of the Whole or a Committee thereof, shall state by public resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

### 11.6 Closed Meeting – Vote

A meeting of Council, Committee of the Whole or a Committee thereof shall not be closed to the public during the taking of a vote unless the *Act* permits or requires a meeting to be closed to the public, and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.

### 11.7 Direction to Staff or Consultants – Closed Meeting

Direction to staff or consultants retained by the Municipality may be provided at closed meetings when permitted under the *Act*, by consensus of Members by motion.

## **11. OPEN AND CLOSED MEETINGS - Continued**

### **11.8 Motion – For Adjournment – Not Entertained**

A motion for adjournment shall not be entertained by the Chair at a closed meeting.

### **11.9 Motion – To Rise and Report – Always in Order – Exception**

Except when a Member is in possession of the floor or during the taking of a vote, a motion to rise and report progress shall always be in order during a closed session and shall not require a seconder and shall be decided without debate.

### **11.10 Completion – Reconvene – Public Session – Report**

Upon completion of the Closed Session, the Council, Committee or Committee of the Whole, as the case may be, shall immediately reconvene into an Open Session and the Clerk shall identify the general topic of discussion and instructions for disposition without revealing any confidential information.

### **11.11 Disclosure – Closed – Meeting**

No Member, officer or employee shall disclose the content of the matter or substance of the deliberations of a closed meeting, unless expressly authorized to do so by Council or as required by law.

## **12. DELEGATIONS/DEPUTATIONS**

12.1 Individuals or groups wishing to appear before Council at a Regular Meeting (6:00 p.m.) or Committee of the Whole Meeting (12:00 noon) may submit a written or verbal request to the Clerk not later than 4:30 p.m. on the Wednesday prior to the meeting. The individual or group's request shall state the nature of the business to be discussed and to which the said person shall confine their remarks. (Appendix "C" – Request for Delegation Form, attached hereto and forming a part of this By-Law may be used for this purpose.)

The submission of a written request to be a delegation does not guarantee the request will be approved. The Municipality reserves the right to schedule or deny a request for a delegation.

Depending on the situation, delegations shall be encouraged by the Clerk or Chief Administrative Officer to first resolve the issue with staff. Matters which are operational or administrative only shall be referred to the appropriate Senior Management Team/Resource Person for resolution.

## 12. DELEGATIONS/DEPUTATIONS - Continued

A delegation, once heard, shall not be entitled to be heard either at Council, Committee of the Whole or Committee on substantially the same business for a period of twelve (12) months from the date of its first hearing.

New information required for Subsequent Delegations – Requests from delegations who have previously addressed Council on the same matters at a Regular or Public Meeting shall not be granted unless there is new information to present. Such proof shall be submitted to the Clerk in writing no later than 4:30 p.m. on the Wednesday preceding the scheduled meeting. If, in the opinion of the Clerk, the written submission does not provide any new information, the request shall be forwarded to the Mayor for determination on whether a delegation may be scheduled. If, in the opinion of the Mayor, the written submission does not appear to provide any new information, the submission may be provided to Council as Correspondence.

- 12.2 In consideration of time restraints, the number of delegations may be limited and rescheduled at the discretion of the Clerk and Chief Administrative Officer.
- 12.3 A person who is not a Member shall not be allowed to address Council except upon approval of Council or as may be provided by law.
- 12.4 A person who has complied with Subsection 12.1 of this By-Law, may address Council for a period not exceeding five (5) minutes, except with the permission of the majority of Council Members present at the meeting.

The Chair shall advise the delegation when there is one minute remaining and once the time allotted to a delegation has expired, the Chair shall inform the delegation and the delegation shall immediately cease its presentation.

- 12.5 A delegation consisting of more than two (2) persons shall be limited to two (2) speakers, and each shall be limited to speaking for not more than five (5) minutes.
- 12.6 Council may make a decision in response to a Delegation/Presentation during or directly following the Delegation/Presentation. Members of Council or a Committee may seek clarification from the presenter(s), but will not enter into a debate or discussion on the subject matter. If a decision is not made immediately following the Delegation/Presentation a response will be provided at a later date, if required.
- 12.7 Subsections 12.1 to Subsections 12.5 do not apply for any persons invited by Council to attend the meeting as a delegation.

### 13. **MINUTES**

#### 13.1 Adoption of Minutes

At each Regular scheduled Council Meeting, minutes shall be submitted to Council as follows, unless otherwise decided by Council:

- a) The minutes of the preceding Regular Council Meeting, Open Meeting of Council, Committee of the Whole Meeting, Special Meeting(s) and any Public Hearing/Meeting(s) shall be submitted for adoption and, once approved by a majority of Members present, shall be signed by the Mayor and Clerk and or designates.

The minutes as approved shall be available for public inspection in the Clerk's Office during regular business hours and posted on the Municipal Website.

- b) The minutes of Internal Committees shall be received and/or accepted by Council.
- c) The minutes of External Committees shall be received by Council.

#### 13.2 Regular Meeting/Open Meeting/Special Meeting

The minutes of the Council shall be taken by the Clerk or designate, and shall consist of a record of all proceedings taken during a Council meeting pursuant to the Act. The Clerk or designate shall record or make record of, without note or comment, the following information for the purpose of the official Minutes:

- a) Date, place and time of meeting.
- b) To record all resolutions, decisions and other proceedings of the Council.
- c) If required by any member present at a vote, record the name and vote of every member voting on any matter or questions.
- d) Any Member who makes a Declaration of Pecuniary Interest and General Nature Thereof.
- e) To keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council.
- f) Time of adjournment.

## 13. **MINUTES** - Continued

### 13.3 Closed Meeting & Adoption

Closed meeting minutes shall be recorded on coloured paper so that they are distinguishable from Regular Minutes. For the purpose of a Closed Meeting, the Clerk or designate shall record the following, without note or comment:

- a) The starting time of the closed meeting and fact of the holding.
- b) Those in attendance.
- c) Any Declarations of Pecuniary Interest & General Nature Thereof; and any declarations of pecuniary interest, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next Council meeting that is open to the public.
- d) The general nature of the matter considered at the closed meeting.
- e) Personal information shall not be recorded.
- f) The disposition of the matter.
- g) Any reports/recommendations to be moved into Open Meeting for a vote.
- h) The concluding time for the closed meeting.

A Closed Meeting held only to approve the minutes of another Closed Meeting will be deemed to be automatically approved, and a statement of the automatic approval will be stated in the minutes immediately prior to adjournment.

Minutes of Closed Meeting are not available for public inspection under *Section 253(1) of the Act*.

### 13.4 Public Hearings/Meetings

The Clerk or designate is to record the date, time, place, reason for meeting and persons in attendance. The following process shall be adhered to:

- a) Chair to advise why public meeting is being held.
- b) Clerk or designate to read the Notice giving date that it appeared in the municipal newsletter or newspaper.
- c) Chair to ask if anyone wishes to receive written notice for the adoption of the By-Law(s) and to leave name with Clerk.



**13. MINUTES – Continued**

13.4 Public Hearings/Meetings - Continued

- d) Chair to ask if anyone wishes to express any view on the amendments(s) or matter.
- e) Report to be given describing amendments(s) or matter at hand.
- f) Chair to ask if anyone wishes to speak in favour or in opposition to the amendment(s) or matter.
- g) Chair to ask if there are any questions.
- h) Chair to declare public hearing/meeting closed.

**14. PETITIONS AND COMMUNICATIONS**

14.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one (1) person and filed with the Clerk.

**15. REPORTS OF DEPARTMENT HEADS AND/OR SENIOR STAFF - COUNCIL**

15.1 Staff Reports - Approvals

All Staff Reports shall be completed by Department Heads and may be forwarded and approved by their respective Senior Staff, prior to forwarding to the Chief Administrative Officer, or designate, for final approval prior to their inclusion on an agenda.

15.2 All completed and approved Staff Reports to be included on an agenda shall be submitted to the Clerk's Department no later than 4:30 p.m. on the Wednesday prior to the meeting.

15.3 Staff Report – Presented to Council/Special/Public/Committee Meetings

The author of the Staff Report or a designate shall present the Staff Report at the appropriate Meeting where the item is identified on the agenda.

## 16. MOTIONS

### 16.1 Addressing Council

Members may rise to read motions presented.

### 16.2 Disposition of Motion

Every motion must be voted on and either carried, defeated or deferred before any other motion (other than a motion to amend), can be introduced; deferred; amended, etc.

### 16.3 Motion – Introduced Orally

Motions may be introduced orally, pertaining to the following:

- a) a Point of Order or Point of Personal Privilege;
- b) a Motion to defer;
- c) a Motion to refer;
- d) a Motion to withdraw a Motion before the Chair;
- e) a Motion to recess;
- f) a Motion to resolve itself into Closed Session;
- g) a Motion to separate a question;
- h) a Motion to continue a Council Meeting beyond 9:00 p.m.;
- i) a Motion to continue a Committee of the Whole Meeting beyond 3:00 p.m.; and
- j) a Motion to adjourn a Meeting.

### 16.4 Motion – To Amend

- a) shall be presented in writing;
- b) must be moved and seconded;
- c) shall receive disposition of Council before a previous amendment on the question;
- d) shall not be further amended more than once, provided that further amendment may be made to the main question;
- e) shall be relevant to the question to be received;
- f) shall be decided or withdrawn before the question is put to the vote; and
- g) shall not propose a direct negative to the question.

### 16.5 Friendly Amendment

After discussion, a motion on the floor may be altered by friendly amendment with the approval of the mover and seconder and the agreement of a majority of Council. If a majority does not indicate their support of a friendly amendment, a formal motion to amend may be brought forward.

## 16. **MOTIONS** – Continued

### 16.6 Motion to Defer (later in same meeting)

This motion provides a mechanism whereby a motion can be set aside and taken up again at any time later in the meeting by moving a procedural motion to resume consideration of the matter and shall:

- a) not be amended;
- b) not be debated; and
- c) require approval of two-thirds majority of votes cast.

### 16.7 Motion to Defer (to subsequent meeting)

This motion enables the discussion of a substantive issue to be put off to a subsequent meeting and shall:

- a) state the substantive issue and the date and/or time of the postponement;
- b) be debatable only with respect to the date and time;
- c) have a seconder;
- d) have amendments restricted to the stated date/and or time; and
- e) be approved by majority.

### 16.8 Motion to Defer (indefinitely)

This motion provides a mechanism whereby an issue can be fully discussed, although no decision is to be taken and shall:

- a) be debatable and is not restricted so substantive issues can be fully discussed; and
- b) be approved by majority.

### 16.9 Motion to Withdraw

A motion shall only be withdrawn by the Mover and Secunder and only with the consent of the majority of Council.

### 16.10 Motion – Ultra Vires

Council shall not consider a motion that is ultra vires (beyond Council's authority).

### 16.11 Motion to Receive

A motion to acknowledge the particular item with no additional action being taken. This motion is for informational purposes only.

**16. MOTIONS – Continued**

16.12 Motion to Accept and/or Approve

A motion to agree and/or to authorize the particular item and additional action may be required.

16.13 Motion to Reconsider

A motion to reconsider a decided matter at the same meeting shall require the approval of two-thirds support of the whole Council.

A motion to reconsider a decided matter at a subsequent meeting shall require the approval of a majority of Council. A motion to reconsider:

- a) is not debatable;
- b) is not amendable;
- c) cannot be considered if the action approved in the motion cannot be reversed; and
- d) suspends action on the motion to which it applies until it has been decided.

An issue shall not be brought back for reconsideration more than once during a period of twelve (12) months following the date on which the question was decided.

16.14 Motion to Refer

A motion to refer, or to refer back to a Committee or a member of staff with instructions may be put forth and amended, but shall be disposed of by Council before the original motion or any other motion pertaining to the original motion.

16.15 Notice of Motion

Notice shall be given at one Council Meeting that a Member will introduce a motion in writing at the next or subsequent Council meeting. The notice is a statement of intention and can be made by a member at an appropriate time in the proceedings. When such Notice is given, the motion requires no seconder, nor is it debatable until such time it is presented at the subsequent meeting. (Appendix "D" – Notice of Motion, attached hereto and forming a part of this By-Law, may be used for this purpose.)

16. **MOTIONS** – Continued

16.15 Notice of Motion - Continued

A Notice of Motion, in writing, may also be received by the Clerk prior to the closing of the Regular Meeting and in this event the Chair shall either read the Notice of Motion or declare the Notice of Motion as read and it shall be duly recorded in the minutes and shall form part of the Agenda for the subsequent Regular Meeting under the item, “Motions”.

**Subject to 16.15, an item that has been presented before Council for disposition can not be re-introduced unless presented by way of Notice of Motion.**

16.16 Motion – Under Debate – Read – At Any Time

A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

16.17 Motion under Debate – Questions – Before Vote

When a motion is under debate, a member may ask a concisely worded question of another member, the CAO, the Clerk, through the Mayor, prior to the motion being put to a vote by the Mayor in accordance with this By-Law.

17. **VOTING**

17.1 Mandatory Vote – All Members

All Members present are required to vote by a show of hands when a question is put forth, unless they have declared a Pecuniary Interest on a particular item.

A member not present in the Council Chambers when the question is called shall not be entitled to vote on that question.

17.2 Amendment – To Amendment – Voted on First

A motion to amend an amendment to a motion shall be voted on first.

**17. VOTING - Continued**

**17.3 Voting – Order**

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) a motion to amend a motion to amend the main motion;
- (b) a motion (as amended or not) to amend the main motion; and
- (c) the main motion (as amended or not).

**17.4 Motion to Vote – Immediately – After all have Spoken**

A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with the provisions of this By-Law.

**17.5 Speaking – After Motion – Before Vote Announced**

After a motion is put to a vote, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.

**17.6 No Vote – Deemed Negative – Exception**

Every Member who is not disqualified from voting by reason of a Declaration of Pecuniary Interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.

**17.7 Secret Voting – On Motion – Prohibited**

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

**17.8 Result – Announced**

The Mayor shall announce the result of every vote, except in the case of a recorded vote in which the Clerk shall announce the result.

**17.9 Tie Vote – Deemed negative**

When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.

**17. VOTING - Continued**

**17.10 Recorded Vote – Required – When called for – Other**

Any member present may request before or after that a vote be recorded. Each Member present, except a Member disqualified from voting by any Act, shall announce his or her vote openly when asked by the Clerk. The Clerk will request Council Members to announce their vote in alphabetical order, and then will request the Mayor to announce his/her vote last. The names of those present who voted for and against shall be noted in the Minutes. If any Member does not advise of their vote, they shall be deemed as voting in the negative. The Clerk shall announce the result of the vote.

**17.11 Recorded Vote – All Members to Vote – Exception**

All Members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a Declaration of Pecuniary Interest.

**17.12 Open Voting Only**

No voting shall take place at any meeting that has been closed to the public in accordance with Section 239 of the *Act*, except as it may pertain to a procedural matter or for giving direction or instructions to municipal officials/employees.

**18. CONFIRMATORY BY-LAW**

**18.1 Proceedings – All Matters**

The proceedings at every open, regular, special and public hearing/meeting of Council, shall be confirmed by by-law at the next regular meeting of Council so that every decision of the Council at the meeting and every resolution adopted at such meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

**19. DISCLOSURES OF PECUNIARY INTEREST**

19.1 Where a Member has a pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*:

- (a) prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof;

**19. DISCLOSURES OF PECUNIARY INTEREST - Continued**

- (b) not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

A Member who knows that he or she will be declaring an interest at an upcoming meeting shall advise in writing and submit to the Clerk prior to the meeting. (Appendix "E" - Declaration of Pecuniary Interest Form, attached hereto and forming a part of this By-Law, may be used for this purpose.)

- 19.2 Where a meeting is not open to the public, in addition to complying with the requirements set out in (19.1) above, the Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- 19.3 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of Council or Committee (with the exception of Special meetings), as the case may be, attended by the Member after the particular meeting.
- 19.4 The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes of that meeting.
- 19.5 The Clerk shall maintain a registry in which shall be kept,
  - a) A copy of each statement filed under Section 19.1; and
  - b) A copy of each declaration recorded under section 19.4.

The registry shall be available for public inspection on the Municipal website ([www.redlake.ca](http://www.redlake.ca)).

**20. GENERAL PROVISIONS/AMENDMENT AND REVIEW**

- 20.1 Following a regular or new election, the Clerk shall provide each Member of Council with a copy of this By-Law, including any amendments thereto.

This By-Law shall be reviewed by Council during the first year of the term and thereafter as required.