

**BY-LAW 2023/27**

**BEING A BY-LAW TO GOVERN THE PROCEEDING OF THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

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## BY-LAW 2023/27

### BEING A BY-LAW TO GOVERN THE PROCEEDING OF THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

**WHEREAS**, *The Ontario Municipal Act, 2001*, authorizes the Council of every municipality to pass By-laws for governing the proceedings of its Council, the conduct of its Members and the calling of meetings; and

**WHEREAS** Section 238 (2) further indicates that every municipality and local board shall pass a procedure By-law for governing the calling, place and proceedings of meetings; and

**WHEREAS**, The Council of The Corporation of The Municipality of West Nipissing considers it advisable to pass such a By-law; and

**WHEREAS**, The Council shall also follow the regulations as set out within the *Municipal Conflict of Interest Act*; and the parliamentary authority of “*Robert’s Rules of Order*”, latest edition,

**BE IT THEREFORE RESOLVED THAT THE COUNCIL OF THE MUNICIPALITY OF WEST NIPISSING ENACT AS FOLLOWS:**

#### ARTICLE 1 - SHORT TITLE

##### 1. SHORT TITLE

This By-law may be referred to as the “Procedural By-law” or the “Rules of Procedure”.

#### ARTICLE 2 - INTERPRETATION

##### 2. DEFINITIONS

- 2.1** Act – Means the Municipal Act, 2001, as amended from time to time.
- 2.2** Deputy Mayor – Means the Member of Council appointed by By-law to act from time to time in the place and stead of the Mayor.
- 2.3** Ad Hoc Committee – Means a Special Purpose Committee of limited duration, created by Council to inquire into and report on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council.
- 2.4** Agenda – Means the order in which business is taken up within a meeting.
- 2.5** Assembly – Means a group of elected people gathered together in one place for a common purpose to make laws or decisions for the Municipality of West Nipissing.
- 2.6** Chair – Means the Mayor or Acting Mayor or Presiding Officer or Chairman at a meeting.
- 2.7** Chief Administrative Officer – Means the Chief Administrative Officer of The Municipality of West Nipissing, designated by By-law and as referred to under Section 229 of *The Municipal Act*.
- 2.8** Clerk – Means the Clerk of The Municipality of West Nipissing, appointed by By-law and as referred to under Section 228 of *The Municipal Act*.
- 2.9** Closed Meeting – Means a meeting of the Council or Committee, which is not opened to the public and which is provided for under Section 239(2)(3),(3.1) of *The Municipal Act*. See Item 4.13.
- 2.10** Committee – Means any advisory or other committee, subcommittee or similar entity appointed by the Council of The Municipality of West Nipissing.
- 2.11** Committee Chair – Means the Chair of a Committee of the Whole Committee or Advisory or Special Committee appointed by Council.
- 2.12** Committee of the Whole means a meeting where all members of Council are invited to discuss specific matters in greater detail. Its purpose is to allow all members of Council an opportunity to engage in informal discussion on ideas and proposals which may eventually result in a recommendation to Council. Items for discussion will be divided into committee categories which shall include, but not be limited to, General Government, Community Services, Public Works, Planning, Emergency Measures and Public Safety, Environmental, Sewer and Water and Social Services and Health and Economic Development.

- 2.13** Consent Agenda – means an Agenda which groups routine business into a single Agenda item.
- 2.14** Consent Items Resolution – Means a Resolution, which allows a grouping of items on an Agenda, which do not require discussion or debate, and to be dealt with under one resolution of Council.
- 2.15** Council – Means the Council of the Corporation of The Municipality of West Nipissing which was elected by registered voters or who has/have been appointed by virtue of a vacancy.
- 2.16** Council Chamber – Means the Council Chamber located in the Municipal office at 225 Holditch Street, Sturgeon Falls, Ontario.
- 2.17** Days – Means consecutive days of a week, taking into account working days, Monday to Friday and weekend days, Saturday and Sunday.
- 2.18** Debate – Means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.
- 2.19** Hours – Means consecutive hours, that follow each other, during the course of 24 hours in a seven-day period.
- 2.20** Local Board – Means a municipal service board, public library board, board of health, cemetery board, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.
- 2.21** Majority – Means “more than half”; meaning more than half of the votes cast by persons entitled to vote, excluding abstentions, at a regular or properly called meeting. For example, if 5 votes are cast, a majority (more than 2 ½) is 3.
- 2.22** Mayor – Means the Head of Council and Chief Executive Officer of The Corporation of the Municipality of West Nipissing or the Deputy Mayor in his/her absence.
- 2.23** 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.
- 2.24** Member – Means a Member of The Council of The Municipality of West Nipissing.
- 2.25** Minister – Means the Minister of Municipal Affairs and Housing for the Province of Ontario or any other ministry of the Province of Ontario who may become responsible for overseeing the affairs of municipalities in the Province of Ontario.
- 2.26** Municipal Office – Means the Municipal office located at 225 Holditch Street, Sturgeon Falls, Ontario.
- 2.27** Municipality – Means the Corporation of the Municipality of West Nipissing.
- 2.28** Notice of Motion – Means a written notice, including the names of the mover and seconder, advising Council that the motion described therein is to be brought at the next meeting of Council.
- 2.29** Personal Privilege – Means the raising of a question, which concerns a Member of Council, or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole have been disputed or questioned.
- 2.30** Point of Information – Means a request directed to the Mayor or through the Mayor to another Member or to Members of Administration for information relevant to the business at hand, but not related to a point of procedure.
- 2.31** Point of Order – Means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council.
- 2.32** Position or opinion – Means something believed or accepted as true by a person.
- 2.33** Presiding Member – Means the Mayor or Deputy Mayor or Chair of the meeting.
- 2.34** Question of Privilege – Means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the Assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.
- 2.35** Quorum – Means a majority of Members of Council or Committee present at the meeting for business to be validly transacted.
- 2.36** Recorded Vote – Means the recording of the name and vote of every Member voting on any matter or question.

- 2.37** Resolution – Means a formal determination made by the Council or a Committee on the basis of a motion or resolution, duly placed before a regularly constituted meeting of the Council or a Committee for debate and decision, and duly passed.
- 2.38** Rule or Rules of Procedure – Means the rules and special rules and regulations as provided for within this Procedural By-law.
- 2.39** Special Committee – Means a Special or Ad Hoc Committees of the Council of The Municipality of West Nipissing, where one or more Members of the Council may participate, but not all Members of the Council, as well as the appointment of non-Members and who assemble to discuss a particular subject matter of interest to the Council.
- 2.40** Time – Means that the “Time Act” shall govern the time within this Procedural By-law.
- 2.41** Two-Thirds Vote – Means that a motion of 2/3’s of Members present and voting should be required and where the votes cast are in the Affirmative – meaning that the affirmative votes are at least twice the negative votes. (see 3.2).

### ARTICLE 3 - GENERAL PROVISIONS

#### 3.1 SUSPENSION – RULES REGULATIONS – APPLICABLE – TWO-THIRDS VOTE

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

**3.1.1** The suspension of rules and regulations shall not apply to a Notice of Motion.

#### 3.2 CALCULATION – TWO-THIRDS VOTE (2/3)

A two-thirds vote, shall be deemed to have been accomplished with the following voting in the affirmative:

- Six of nine members
- Six of eight members
- Five of seven members
- Four of six members
- Four of five Members

Two thirds of the votes cast in the Affirmative, shall be at least two times more than the negative votes and the votes shall be rounded upwards to the next highest decimal.

#### 3.3 PARLIAMENTARY AUTHORITY

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

#### 3.4 OFFICIAL LANGUAGES OF BUSINESS

Any person participating in a meeting of the Council, Committee of the Whole, Committee or Special Committee may address themselves in English or French after the Chair has recognized them.

#### 3.5 SEATING OF COUNCIL MEMBERS – CHAMBERS

The seating of elected Members of Council, at the Council table, shall be at the discretion of the Mayor. The Mayor shall have the deciding voice as to the seating arrangements of members of Council who shall maintain such seating arrangement for the term of Council or until otherwise directed by the Mayor.

#### 3.6 COMMITTEE OF THE WHOLE CHAIRS – DEPUTY MAYOR - SELECTION

The Mayor will, in consultation with Members of Council, select the Committee Chairs for the Committee of the Whole and the Deputy Mayor. The Members will support the final decision of the Mayor.

#### 3.7 SEVERABILITY OF BY-LAW

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

## ARTICLE 4 - MEETINGS

### 4.1 INAUGURAL MEETING

The Inaugural Meeting of a new Council after a regular election and after a by- election, shall be considered the Council's first meeting and shall be held no later than 31 days after its term commences. Following a regular election, the Inaugural Meeting will be held in the Council Chambers of The Municipality of West Nipissing Municipal Office on the first Tuesday of November, commencing at 6:30 p.m.

- 4.1.1** The Clerk shall be responsible for the content of the agenda of the Inaugural Meeting and the arrangements for the Inaugural Proceedings. The contents of the Agenda shall be as follows:
- a)** Opening of the Meeting (opening ceremonies)
  - b)** Mayor's Declaration of Office and Oath of Allegiance
  - c)** Councilors' Declaration of Office and Oath of Allegiance
  - d)** Mayor's Inaugural Address
  - e)** Adjournment
  - f)** Inaugural Reception (*meet & greet*) for elected Council Members and invited guests
- 4.1.2** At the first meeting of a new Council after a regular election and after a by-election, pursuant to Section 232(1) of *The Municipal Act, 2001*, a Member of Council shall not take a seat on the Council, until the person takes the Declaration of Office in the English or French version of the form established by the Minister for that purpose.

### 4.2 MEETING LOCATION

Meetings of the Council of The Municipality of West Nipissing shall generally be held in the Council Chambers of The Municipality of West Nipissing Municipal Office. Notwithstanding, Council Meetings may be held from time to time in other locations, as agreed upon in advance by Council.

### 4.3 MEETING SCHEDULE

Regular meetings of council shall be held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of every month, commencing at 6:30 p.m. With the exceptions of the months of July and August where there will be one (1) regular meeting held on a date to be selected by Council on or before the first regular meeting in June of that Year.

### 4.4 CHANGES TO MEETING TIMES

In the event of extenuating (emergency) circumstances, the date, place and time of any meeting may be changed by the Mayor or by a majority vote of the Members of Council.

### 4.5 STATUTORY HOLIDAYS

In the event that a meeting is scheduled on a statutory holiday, Council shall meet at the same hour on a date following the Statutory Holiday, to be agreed upon by the Mayor in consultation with the CAO.

### 4.6 NOTICE – MEETING

Notice shall be given of all meetings of Council in the form of an Agenda detailing the order of business, which Agenda will be published on the municipality's website and provided to all members of Council before end of day on the Thursday of the week preceding the Meeting to be held unless the day of meeting is other than that provided by this By-law as identified under Sections 4.1, 4.2 and 4.3.

### 4.7 SPECIAL MEETINGS

- 4.7.1** The Mayor, in consultation with the CAO and after consulting with Members to ensure that Quorum can be achieved, may summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.
- 4.7.2** The Mayor may not summon a Special Meeting if it is known that a Quorum of Council cannot be achieved.
- 4.7.3** Upon receipt of the petition of the majority of the Members of Council, the Clerk shall summon a Special meeting for the purpose and at the date and time mentioned in the petition.
- 4.7.4** The Clerk shall give all Members notice of a Special Meeting of Council not less than forty-eight (48) hours in advance of the appointed time for such a meeting.
- 4.7.5** Notice of the meeting shall be provided to Members of Council, by electronic mail and attempt to contact the Members by telephone or as otherwise practical within the circumstances. In addition, notice of all Special Meetings of Council shall be posted on the Municipality's website not less than forty-eight (48) hours in advance of the time fixed for the meeting. Notice shall also be given to the local media by electronic mail.

- 4.7.6** The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special Meeting.
- 4.7.7** No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting.
- 4.7.8** All Special Meetings of Council shall be held in the Council Chambers, unless an alternate location is specified in the notice of meeting as provided for under section 4.4.

#### **4.8 EMERGENCY MEETING – NOTICE NOT REQUIRED**

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

#### **4.9 LOCATION – EMERGENCY COUNCIL MEETINGS**

In the event of an emergency declared by the head of Council or any other Lead Agency, as identified in the “*Emergency Management Act*” within the confines of a declared emergency, where The Municipality of West Nipissing Municipal Office is not accessible, the Municipal Office may be relocated and Council Meetings may be held at any other convenient location, within or outside the geographical boundaries of the municipality, which is accessible to Members of Council and staff.

#### **4.10 OPEN TO PUBLIC**

Meetings of the Council and Committee of the Whole shall be opened to the public except as provided for in Section 4.12 of this Bylaw.

- 4.10.1** All Council Meetings opened to the public shall be recorded by the Clerk or his or her designate, without note or comment on all resolutions, decisions and other proceedings and shall also be electronically recorded and kept for archival purposes.
- 4.10.2** All meetings of Council and Committee of the Whole shall, in so far as is possible, be live-streamed by YouTube or other streaming service as may be used by the municipality from time to time. Inability to live stream any meeting due to technical reasons or internet availability or interruption shall not invalidate or nullify any business arising from such meeting.

#### **4.11 ABSENCE OF NOTICE OF MEETINGS**

- 4.11.1** Notwithstanding the provisions of Sections 3.1, 3.2, and 3.3, lack of receipt of the notice by any member shall not affect the validity of the Meeting nor any action taken at the Meeting so long as Quorum can be achieved for the called Meeting
- 4.11.2** Where proper notice is not possible, the Clerk will endeavour to make the Agenda and/or details of the Meeting public as soon as possible after the Meeting has taken place.

#### **4.12 CLOSED MEETING**

Except as provided in this section, all meetings shall be open to the public. (*Municipal Act s.239(1)*).

Exceptions – As provided for under all sub-sections of section 239 of the current *Municipal Act*.

#### **4.13 CLOSED TO PUBLIC – RESOLUTION**

Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting

#### **4.14 CLOSED TO PUBLIC – LEAVE OF MEETING**

Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to remain by the Council shall take leave from the Council Chambers. When in closed session, no one shall leave or re-enter the meeting room without the approval of the Mayor or Committee Chair.

#### **4.15 CLOSED MEETING - RECORDS**

All meetings closed to the public shall be recorded without note or comment on all resolutions, decisions, and other proceedings. In the event that a member of Council or staff attends a closed session virtually the Mayor will ask if any person has any restrictions to comply with the closed session meeting.

#### **4.16 CONFIDENTIAL MATTERS**

Members are to ensure that confidential matters disclosed to them during meetings closed to the public are kept confidential. Any Member, who contravenes the confidentiality clause may be subject, by majority vote of the Council, to penalties in accordance to ARTICLE IX - Code of Ethics.

#### **4.17 CANCELLATION – RESCHEDULING OF MEETINGS**

In the event of extraordinary circumstances, including but not limited to road closures and/or extreme weather conditions, the Head of Council in consultation with the Chief Administrative Officer (CAO), or designate, may cancel a Meeting and the Clerk shall forthwith notify members of Council in the most expedient manner available. The Clerk shall post notice of the cancellation immediately on the municipal website.

#### **4.18 BREAK – MOTION TO**

A 10-minute break shall be called at 8:00 p.m., or as soon as possible, following the conclusion of current item on the Agenda. Should the meeting be close to termination the Chair may request a continuance in order to conclude the meeting.

#### **4.19 CURFEW – MEETING ADJOURNED**

Meetings of the Council shall stand adjourned at the hour of 21h30 (9:30PM). Should Members of Council wish to continue dealing with business beyond the curfew, a motion of two-thirds (2/3) of Members present and voting shall be required to suspend the rule and to continue the meeting. In the event that a meeting is extended beyond curfew as provided for herein, in no circumstances shall the meeting extend beyond the hour of 22h30 (10:30PM).

#### **4.20 LEAVE OF CHAMBERS**

Members shall not leave their place within the Council Chambers, until the Chair has declared the meeting adjourned.

#### **4.21 ELECTRONIC PARTICIPATION**

- 4.21.1** Members shall endeavor at all times to meet, in-person, insofar as is practical or possible.
- 4.21.2** Members may participate electronically in a Meeting, which is open or closed to the public in the event of a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies;
- 4.21.3** When a member or members wish to meet electronically for a reason other than provided for in 4.21.2, such member shall, in advance of the time fixed for the meeting, request permission from the chair to participate electronically, which permission shall not be unreasonably withheld,
- 4.21.4** Any Member participating electronically shall be counted in determining whether or not a quorum of Members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 4.21.5** The technology used shall enable electronic participation of Members in decision-making and ensure the meeting can be open to the public, for example, but not limited to, telephone, video or audio-conferencing.

### **ARTICLE 5 - ROLES**

#### **5.1 COUNCIL**

It is the role of Council to:

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

**5.1.1** No individual Council Member may direct staff, to perform such duties that have not been authorized by Resolution of the Council.

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

**5.1.3** Members of Council – Members of Council may request information from the Clerk or Members of Staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information on standard operating procedures.

- 5.1.4** Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in section 5.1.3 shall be directed to the Chief Administrative Officer or his or her designate, who will then direct the questions or issues to the appropriate Manager.

## **5.2 HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

As Chief Executive Officer of a municipality, the head of council shall

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

## **5.3 HEAD OF COUNCIL – MAYOR**

It is the role of the Head of Council to:

- a.** Act as chief executive officer of the municipality
- b.** Preside over Council meetings so that its business can be carried out efficiently and effectively
- c.** Provide leadership to the Council
- d.** Without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in Section 5.1 (d) and (e) of this By-law
- e.** To represent the municipality at official functions;
- f.** To act as Council's representative when dealing with other levels of government, their agencies and the private sector and the media on matters relating to Council supported decisions;
- g.** To carry out the duties of the head of Council under this or any other Act; and

## **5.4 ROLE OF MUNICIPAL ADMINISTRATION**

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

- a.** Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions
- b.** Undertake research and provide advice to Council on the policies and programs of the municipality; and
- c.** Carry out other duties required under this or any other Act and other duties assigned by the Council.

## **5.5 CLERK**

It is the role of the Clerk to:

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

## **5.6 CHIEF ADMINISTRATIVE OFFICER**

It is the role of the Chief Administrative Officer to:

- a.** Exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- b.** Perform such other duties as assigned by the municipality.

# **ARTICLE 6 - DUTIES**

## **6.1 COUNCIL**

- 6.1.1** It is the responsibility of every Member of Council to come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Wherever possible, the Member(s) shall make inquiries of staff, through the CAO, regarding materials supplied in advance of the meeting.
- 6.1.2** All requests for substantive reports shall be by Council Resolution, which shall identify the appropriate Department or Manager and objectives of the report.
- 6.1.3** No Member(s) shall have the authority to direct or interfere with the performance of any work by administration of the Municipality of West Nipissing. All inquiries shall be directed through the office of the Chief Administrative Officer.

- 6.1.4 All members of Council shall represent and support Council, declaring its will and implicitly obeying its decisions in all things.
- 6.1.5 Members of Council shall clearly qualify any statement which deals with matters which have not been approved or adopted by Council either by resolution or by-law as being their own personal opinion and not that of Council as a whole when addressing other levels of government, the private sector or media.

## 6.2 MAYOR AND COMMITTEE CHAIR

- 6.2.1 The Mayor or Committee Chair shall preside over the conduct of meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council or Committee, as the case may be.
- 6.2.2 The Mayor or Committee Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determine the order of the speakers.
- 6.2.3 The Mayor or Committee Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which are duly moved, and to announce the result.
- 6.2.4 The Mayor or Committee Chair may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating the Deputy Mayor, and if the Deputy Mayor is absent, by designating another Member to act in their stead until the issue has been fully resolved, after which the Mayor may resume the Chair. (Also see section 8.12)
- 6.2.5 It shall be the duty of the Mayor or Committee Chair to restrain the Members, within the rules of procedure when engaged in debate.
- 6.2.6 It shall be the duty of the Mayor or Committee Chair to enforce on all occasions the observance of order and decorum among the Members.
- 6.2.7 It shall be the duty of the Mayor or Committee Chair to inform the Members on any point of order.
- 6.2.8 It shall be the duty of the Mayor or Committee Chair to adjourn the meeting without the question being put forward, or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.
- 6.2.9 The Mayor and Committee Chair shall represent and support Council, declaring its will and implicitly obeying its decisions in all things.
- 6.2.10 The Mayor or Committee Chair shall clearly qualify any statement which deals with matters which have not been approved or adopted by Council either by resolution or by-law as being their own personal opinion and not that of Council as a whole when addressing other levels of government, the private sector or media.

## 6.3 HEAD OF COUNCIL –DEPUTY MAYOR

- 6.3.1 The Council shall, immediately following a new municipal election, appoint by By-law, Member(s) of Council, to act in the place and stead of the Head of Council (recommendations from the Mayor) when the Head is absent from the Municipality, is absent through illness, or refuses to act on a one (1) year term to be re- evaluated for another recommendation by the Mayor after the one (1) year period.
- 6.3.2 The Deputy Mayor while performing the duties in the place of the Head of Council shall have all of the duties, rights, powers and authority of the Head of Council during the absence, illness or refusal to act by the Head of Council.

## ARTICLE 7 - CONDUCT DURING MEETINGS - DECORUM

The following rules of conduct and decorum shall be adhered to at all times during all meetings of Council or Committee of the Whole.

### 7.1 COUNCIL FLOOR – ENCROACHMENT

No person, with the exception of a Member of Council or an authorized employee of the Municipality shall be allowed to come on the Council floor within the Council's seating area during a meeting of the Council, without permission of the Mayor.

### 7.2 DISTRIBUTION OF INFORMATION – HANDOUTS

No person except a Member of Council or an authorized employee of the Municipality shall before or during a

meeting of the Council, place on the desks of Members or otherwise distribute any material whatsoever. All material, without exception, shall be submitted to the Clerk (or delegate) for distribution to Members of Council.

### **7.3 MEMBERS OF COUNCIL – MUNICIPAL STAFF**

No Member shall speak disrespectfully or shall they use offensive words in or against any Members of the Council or municipal employees.

### **7.4 SPEAKING – SUBJECT OF DEBATE ONLY**

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

### **7.5 CRITICIZE – DECISION – EXCEPTION – RECONSIDERATION**

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

### **7.6 PROFANE REMARKS - EXPELLED**

Any individual (Member of Council or other), making personal impertinent, slanderous and profane remarks, against a Member of Council, Administration or other, may be expelled from the meeting room by the Mayor/Chair.

- 7.6.1** No individual shall complain to the Chair by using offensive or abusive language, and if the individual refuses to apologize, the individual will be ordered to vacate the room immediately.

### **7.7 RULES OF PROCEDURE – DISOBEY**

No Member shall disobey the Rules of Procedure or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

### **7.8 BREACH – SEAT VACATED**

Where a Member has been called to order by the Mayor for failing to observe the provisions of the Rules of Procedure and the Member persists in any such disobedience after having been called to order by the Mayor, the Mayor may immediately call to a vote, with no amendment, adjournment or debate being allowed, that such Member be ordered to leave his/her seat for the duration of the meeting of the Council. But if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.

### **7.9 MEMBERS OF THE PUBLIC - CODE OF CONDUCT**

Members of the public in attendance shall:

- 7.9.1** remain seated, except for the person who has been given permission to speak, through the Chair
- 7.9.2** refrain from making noise or engage in a conversation between one another
- 7.9.3** listen to the person who is speaking and shall not interrupt said person
- 7.9.4** respect the fact that no person shall address Council without having been recognized by the Chair
- 7.9.5** if requested, address questions and remarks to the Chair
- 7.9.6** Any member of the public, found to be disrespecting the code of conduct during a meeting, shall be removed from the ongoing meeting.

### **7.10 USE OF ELECTRONIC DEVICES**

All Electronic Devices shall be set to silent mode during a Meeting. Electronic Devices shall be permitted at the Council table for the purpose of accessing the Agenda electronically and for obtaining such information as is required by the member to conduct the business of Council. Electronic Devices shall not be for the purpose of exchanging emails, texting, posting on social media or digital communication amongst members during the Meeting.

## **ARTICLE 8 - RULES OF DEBATE**

### **8.1 CHAIR PRESERVE ORDER**

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

### **8.2 ADDRESSING THE CHAIR**

Any Member wishing to speak on any motion or resolution shall indicate his/her desire to speak by the raised hand and shall not speak until recognized by the Chair.

### **8.3 ORDER OF SPEAKERS**

When two or more Members wish to address the Chair, the Mayor shall recognize the Member, who in his/her opinion, was first recognized followed by the other members in such order as the Mayor may determine.

#### **8.4 DISTURBANCE BY MEMBER**

No Member shall disturb another Member, or the Council itself, by any disorderly behavior disconcerting to any Member speaking.

#### **8.5 OFFENSIVE WORDS**

No Member shall use offensive words during any meeting of Council or Committee meeting against any Member of Council or staff.

#### **8.6 VOTING – MEMBERS – SEATED**

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

#### **8.7 SPEAKING INTERRUPTION**

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

#### **8.8 MOTION READ UPON REQUEST**

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

#### **8.9 SPEAKING - DURATION TIME LIMIT – FIVE (5) MINUTES**

No Member shall speak to the same question or in reply for longer than five (5) minutes and no Member shall speak more than once to the main question without approval of the Council, except, in explanation of a material part of his or her comments which may have been misunderstood, but they may not introduce new matter. A right of reply shall be allowed to a Member who has made a substantive motion to Council. It is understood that during Committee of the Whole discussions, member may, at the discretion of the Chair, speak more than once on a topic, provided that such opportunity is for the purpose of asking for clarification or providing information not already shared, but not for the purpose of arguing.

#### **8.10 QUESTION – MOTION UNDER DISCUSSION**

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

#### **8.11 QUESTION INTEGRITY OF STAFF**

A Member, while asking questions of staff through the Chair, shall at no time put into question the Municipal Employee's personal or professional integrity.

#### **8.12 CHAIR PARTICIPATION - STEP DOWN - OTHER DESIGNATED**

If the Chair desires to leave the Chair for the purpose of debate or moving a motion, the Chair shall designate another Member to Chair the meeting until such time as the motion(s) and any subsidiary motion(s) applicable to the main motion are decided.

#### **8.13 MOTION – SECONDED – BEFORE DEBATE**

All motions shall be seconded before they are debated or voted on.

#### **8.14 MOTION – STATED BY THE CHAIR**

After the Mayor/Chair puts any question, no Member shall speak to the question, nor shall any other motion be introduced until the result of the question has been declared, and the Chair has stated as to whether the question has been adopted or defeated.

### **ARTICLE 9 - CODE OF ETHICS - CONFIDENTIALITY**

#### **9.1 CLOSED MEETINGS - SUBJECTS – PUBLIC INTEREST**

Upon completion of Council meetings that are closed to the public, the decisions of the Council with respect to any of the enumerated items listed in Section 4.11, and directions to Municipality Administration in accordance therewith, shall then be reported publicly by Council to the extent that the public interest permits.

#### **9.2 COUNCIL RESPONSE – CLOSED MEETING ENQUIRIES**

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

- 9.2.1** Any violation of order to this regulation, may result in exclusion of the offending Council Member, upon a two-thirds vote of Council from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with Members of Council at a closed meeting.
- 9.2.2** The determination of whether or not a violation of orders to the closed meeting provisions of this By-law and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by a two-thirds vote. The results of Council's deliberation shall be reported out publicly.
- 9.2.3** If the purported violation of the order to the closed meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.
- 9.2.4** Notwithstanding Section 9.2.1 the Member affected shall not be permitted to vote on a motion respecting his purported violation of the closed meeting provision of the Procedural By-law, his exclusion from closed meetings, or the length of any such exclusion.
- 9.2.5** The release of any information about matters dealt with by Council at a closed meeting shall be by the Mayor or his delegate only upon direction of the majority of Council.
- 9.2.6** Notwithstanding Section 9.2.2 unless Council by vote determines otherwise, upon the public disclosure of any confidential report discussed during a Council meeting closed to the public, any individual Member, may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of Municipality staff.
- 9.2.7** Agendas or any items thereon for consideration by Council at a closed meeting shall not be released to the public.
- 9.2.8** It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the Member ceases to be a Member of Council. A Member of Council absent at a closed meeting is not to be provided with the information or details of the discussion; only the minutes, however, the Member of Council has the option to contact the CAO and Mayor to discuss or bring him/her up to speed if necessary.

## ARTICLE 10 - GENERAL ORDER OF BUSINESS

### 10.1 AGENDA – CONTENT

The business of the Council shall be considered in the order set forth on the Agenda however, the Chair or Mayor, with the approval of the majority of the Members of Council present, may vary the order in which the items are presented, prior to approval, to better deal with matters before the Council.

### 10.2 ADDITIONS TO AGENDA

- 10.2.1** The Clerk shall prepare Agendas of Council and Committee of the Whole Meetings as applicable and when expedient, may extend this responsibility to another member of the administration staff.
- 10.2.2** Items for Council and/or Committee of the Whole shall be brought to the Mayor and/or CAO (or designate).
  - a)** Agenda items for which staff research, supporting items or report is required shall be submitted a minimum of 14 days (two weeks) in advance of the date on which the Agenda will be distributed.
  - b)** Agenda items which do not require staff input, supporting items or reports, shall be submitted a minimum of 7 days (one week) in advance of the date on which the Agenda will be distributed.
- 10.2.3** Notwithstanding 10.2.2, in the interest of ensuring that proper consideration is provided to all items, certain items may be moved to subsequent Agendas to ensure that they are dealt with appropriately. In such case the requestor shall be advised, in advance, of the date on which the item will appear.
- 10.2.4** Requests for items to be included on the Agenda shall be in the required form, attached as Schedule "A" - Agenda Item Request Form, accompanied by any supporting documents. Such items may be provided to the CAO or directly to the Mayor who shall then forward to the CAO for inclusion.
- 10.2.5** Notwithstanding Paragraph 10.3, below, it is understood that any unfinished Agenda items shall

be dealt with

**10.2.6** The CAO and the Mayor shall meet to discuss upcoming Agendas.

### 10.3 MODIFICATIONS TO AGENDA

Agendas shall be generally as follows but modifications to the matters to be included in the order of business may be effected without requiring amendment to this By-law, particularly with respect to the Closed Session portions which may be held at the beginning of the meeting, immediately following Delegations and Petitions, if a Decision arising out of the Closed meeting is to be dealt with under New Business. Items on the Agenda shall be taken in the order in which they stand on the Agenda unless otherwise decided by a Resolution of 2/3 of the members present.

- 10.3.1 Roll Call** - The Clerk shall record and include in the minutes, all Members of Council, present or absent at all Council meetings
- 10.3.2 Opening** –Territorial Land Acknowledgement Statement shall be recited at every Regular Council Meeting;
- 10.3.3 Disclosure of Pecuniary Interest** - Members of Council shall disclose any possible conflict of interest, and its general nature dealing with any business item on the agenda or with a matter discussed at a previous meeting from which a Member was absent. The Member shall also file a written statement of pecuniary interest and its general nature with the Clerk.
- 10.3.4 Adoption of the Addendum and Agenda** including amendments and/or additions  
The Agenda, in its original presentation or its amended state, shall be approved by majority vote of Members of Council present and voting.
- 10.3.5 Delegations and Petitions** (Article 13);
- 10.3.6 Unfinished Items from Prior Meeting** – in the event that Committee of the Whole or Regular meeting items were not dealt with at the preceding meeting due to curfew having been reached, those items shall be dealt with immediately following Delegation before any other items on the current agenda.
- 10.3.7 Proclamations** – Requests for Proclamations shall be filed with the Municipality not less than 5 business days in advance of the meeting at which such Proclamation is requested to be made in order to have such matter included to the Agenda for Council’s adoption;
- 10.3.8 Committee of the Whole** shall generally proceed in the following order however the order of the Committee of the Whole portion of the Agenda may be adjusted, at the discretion of the CAO in consultation with the Mayor, in order to accommodate guests and staff whose presence is not required for the duration of the meeting to leave.
  - a) General Government (first Tuesday of each month)
  - b) Planning
  - c) Emergency Measures and Public Safety
  - d) Economic Development
  - e) Social services and Health
  - f) Public Works (second Tuesday of the month)
  - g) Community Services (second Tuesday of the month)
  - h) Sewer and Water
  - i) Environmental
- 10.3.9 REGULAR MEETING:**
- 10.3.10**
  - a) **Consent Agenda** - All items listed under the Consent Agenda will be enacted by one motion. A majority vote is required for the adoption of Consent Items. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion that a consent item is to be separated from the motion. The separated item(s) shall be considered immediately thereafter.  
Consent items include but not necessarily limited to are as follows:
    - 1. Routine matters such as Road Assumption By-Laws.
    - 2. Minutes from Council, Committees and Boards
  - b) **Planning** - Resolutions arising out of meetings of the Planning Advisory Committee, Municipal Drainage, Road Closures and Assumptions and other land related matters;
  - c) **Correspondence** – correspondence directed to Council requiring no action or for information purposes only.

- d) **Unfinished Business** – matters deferred or referred at a prior meeting.
- e) **New Business** – all Resolutions and By-Laws (Article 18)
- f) **Notice of Motion** (Article 15.13)
- g) **Addendum** – time sensitive matters arising after the publishing of the Agenda and requiring Council’s attention prior to the next scheduled meeting
- h) **Mayor’s Report / Announcements**
- i) **Closed Session** – Refer to Article IV “Meetings” at sections 4.11 to 4.15 for further details on the procedures of closed session meetings and note the time the meeting was adjourned.
- j) **Confirming By-law** – At the conclusion of all Regular and Special Council Meetings and prior to adjournment, a By-law shall be brought forward to confirm the proceedings of the Council at that meeting in respect of each motion, resolution and other action taken. A Confirming By-law then introduced, shall be adopted without debate.
- k) **Adjournment** – When all business listed on the Agenda has been completed and disposed of, the Mayor may declare the meeting Adjourned, until the next regular meeting, without motion.

#### 10.4 DELIVERY OF AGENDA

The Clerk or her/his delegate shall, insofar as is practicable, prepare and make available to members of Council an agenda package by 4:30 p.m. on the Thursday preceding a regularly scheduled Council Meeting. The agenda packages shall be distributed by e-mail with a link to the Municipality’s web-site to all Members of Council and heads of departments.

- 10.4.1** Delivery of Special Meeting Agenda – The Agenda package for a Special Meeting, where practicable, shall be sent to all Members of Council at least 48 hours prior to the scheduled meeting by e-mail with a link to the Municipality’s website.
- 10.4.2** Preparation of Special Meeting Agenda – For Special Meetings, called by the Mayor/CAO (as per Section 4.7) or by a petition of the majority of the Members of Council, the Agenda shall be prepared by the Clerk for the purpose stated by the Mayor/CAO (as per Section 4.7) or within the petition.
- 10.4.3** Preparation of Regular Agenda – For Regular Meetings, the Agenda shall be prepared by the Clerk and the subjects approved by the CAO or designate in consultation with the Mayor.

### ARTICLE 11 - QUORUM

#### 11.1 CALL TO ORDER – QUORUM PRESENT

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

#### 11.2 QUORUM

A majority of Members of the Council, shall constitute a quorum.

#### 11.3 QUORUM – NOT PRESENT - TIME LIMIT

If there is no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall call the roll and take down the names of the Members present, and the meeting shall stand adjourned until the next regular meeting, or at the call of the Chair.

#### 11.4 RESCHEDULED MEETING

Where required, the Clerk shall attempt to provide notice of any re-scheduled meeting to Members of Council by telephone, e-mail, or as is otherwise practical within the time available. The media and public at large shall also be notified as detailed within section 10.4.1.

#### 11.5 UNFINISHED BUSINESS – RESUME

All business listed on the Agenda, where the meeting has been adjourned for lack of a quorum, shall be added to the adjourned meeting, or to the next regularly scheduled meeting, whichever is first.

#### 11.6 MAYOR – ABSENT

In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of

the Council, and provided that a quorum is present, the Deputy Mayor shall take the Chair and call the Members to order; and he/she shall preside until the arrival of the Mayor.

#### **11.7 MAYOR – DEPUTY MAYOR – ABSENT**

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

#### **11.8 MUNICIPAL CONFLICT OF INTEREST – REMEDY FOR LACK OF QUORUM**

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

### **ARTICLE 12 - MINUTES**

#### **12.1 CONTENTS – RECORDED BY CLERK**

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

- a) The place, date and time of the meeting(s)
- b) The name(s) of the presiding officer or officers and the record of the attending Members of Council and Administration. Should a Member enter after the commencement of a meeting or leave prior to adjournment, the time shall be noted by the Member's name
- c) Every declaration of interest and the general nature thereof
- d) All other proceedings of Council without note or comment
- e) The time that the meeting is adjourned

#### **12.2 INCLUDED IN AGENDA**

Minutes of the last regular meeting(s) of Council and of all Special Council Meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council.

#### **12.3 MINUTES – GENERAL**

No motion to amend the Minutes shall be brought unless a substantive error or omission is noted. A motion to amend the Minutes must be seconded and supported by a majority of members present. Minor typographical errors shall be corrected, without the requirement of a formal amendment.

#### **12.4 MINUTES – SPECIAL MEETINGS**

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

#### **12.5 CLOSED MEETING - MINUTES – ADOPTION**

All minutes generated by a meeting closed to the public shall be presented to Council Members for adoption at the next scheduled meeting closed to the public.

#### **12.6 MINUTES – CONFIRMATION**

When the minutes have been adopted, the minutes shall be posted on the municipal website for public viewing.

### **ARTICLE 13 - PRESENTATIONS - DELEGATIONS - PETITIONS**

#### **13.1** A delegation may be heard by Council or Committee at a Meeting provided that the following requirements are complied with:

##### **13.1.1** One (1) delegations shall be permitted at each Meetings of Council:

- a) A delegation request, in the form of Schedule “B” attached hereto, shall submit to the Clerk a written request to be placed on the Agenda, together with a written submission to be included in the Agenda, outlining the matters that the delegation wishes to present to Council or Committee;
- b) Such requests must be submitted to the Clerk no later than ten (10) business days prior to the regular Meeting, and the Clerk, in consultation with the CAO may decide as to deferral of delegations to subsequent Meetings or referral to the

appropriate Committee or Department Head;

- c) The Clerk shall reply to such requests in writing or by telephone, as time permits, indicating approval, refusal, deferral or referral of the delegation and the reasons thereof;
- d) A delegation shall be listed on the Agenda;
- e) No more than two (2) persons shall be permitted to address Council or Committee for each delegation representing a group or organization. If additional persons are required, they would do so only with the permission of the Chair;
- f) There shall not be more than one (1) delegation at any Meeting of Council unless approved by the CAO in consultation with the Chair;
- g) No delegation will be permitted to address the Council or Committee with respect to a specific issue dealt with during Closed Sessions, under the provisions of the *Municipal Act, 2001*, as amended;
- h) Delegations are not allowed on employer/employee matters from individuals or unions/organizations representing employees where the matter to be presented are part of a collective agreement or where there is a contractual agreement with the Municipality of West Nipissing;
- i) Delegations are not allowed on any matter which may be deemed to be political or religious in nature or relate to a decision or matter over which the municipality has no authority or which is within the scope and authority of another governing body or level of government;
- j) Delegations shall not be permitted for the purpose of questioning the professional or personal integrity of staff or any Member of Council or for the purpose of lodging complaints. Such enquiries will be re-directed to the appropriate venue for handling such concern;
- k) Delegations may be followed by questions to the delegation from members of Council.

### **13.2** Petitions will be received by Council at the meeting at which the Petition is presented:

- 13.2.1** Petitions intended for presentation to Council shall be legibly written or printed and shall be signed by at least one person, giving his or her address. The Petition shall clearly state the matter for which the Petition is being brought. If required, a blank form of Petition can be obtained from the Clerk's office;
- 13.2.2** The request conveyed in the Petition will be considered at the next Committee of the Whole Meeting under the Committee to which the Petition's subject matter relates.
- 13.2.3** It is understood that the names and addresses included with the Petition will be provided to members of Council and published in the Agenda. Only information which may be of a personal nature, such as dates of birth or Social Insurance Numbers shall be redacted from the Petition;
- 13.2.4** Staff may prepare recommendations related to the Petition's subject matter for Council's or Committee's consideration;
- 13.2.5** The Municipality is not responsible for the accuracy or reliability of any information contained in any petition submitted.

## **ARTICLE 14 - MOTIONS-RESOLUTIONS IN GENERAL**

### **14.1 ONE MOTION-RESOLUTION AT A TIME**

There shall not be more than one main motion or resolution before the Council at one time.

### **14.2 MOTIONS-RESOLUTIONS READ**

Every motion introduced and duly seconded, shall be received and read by the Clerk.

### 14.3 DEBATE

No Member shall speak on any motion or Resolution until it has first been read.

### 14.4 STATE THE QUESTION

Immediately prior to voting, the Chair shall state the question in its precise form as it is to be recorded in the minutes, including any amendments (if any) to the question.

### 14.5 READING OF THE MOTION

Any Member, during debate, may require that the question under discussion be read a second time, however the Member may not interrupt another Member speaking.

## ARTICLE 15 MOTIONS - CONSIDERATION - INTERPRETATION

### 15.1 POINT OF ORDER – RULES OF PROCEDURE – BREACHED

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

- 15.1.1 A point of order may be called by a Member to bring attention to the use of improper offensive or abusive language.
- 15.1.2 A point of order may be called by a Member to bring notice of the fact that the matter under discussion is not within the scope of the proposed motion.
- 15.1.3 A point of order may be called by a Member to bring attention to any other informality or irregularity in the proceedings of the Council.
- 15.1.4 When a Member raises a point of order, the Chair shall recognize the Member and address the point of order. No further business shall be conducted until the Chair has ruled on the point of order.
- 15.1.5 In the event that the Member disagrees with the Chair's ruling, he or she may appeal the ruling by stating the reasons for the appeal and the Chair may indicate why the appeal should be rejected and the ruling should be upheld.
- 15.1.6 Without debate the members by roll call will then vote on the appeal and its decision is shall be final.
- 15.1.7 If the appeal is upheld, the Chair shall change his or her ruling accordingly; if the appeal is rejected, the Chair's original ruling shall stand.

### 15.2 POINT OF INFORMATION

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

### 15.3 QUESTION OF PRIVILEGE – INTEGRITY OF MEMBER

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

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

### 15.4 APPEAL - MOTION TO

A motion to appeal from the decision of the Chair shall be made only at the time the ruling is made by the Chair. If any debate or business has intervened, it is too late to appeal. Must be seconded.

### 15.5 POSTPONE INDEFINITELY - MOTION TO

A motion to postpone indefinitely may be introduced when an embarrassing, frivolous or vexatious main motion has been brought before the Members and the Members do not want to deal with it. At this point, any Member can propose to dispose of the question, without bringing a direct vote to the matter. A motion to postpone indefinitely may be introduced, immediately before the main motion has been made and before debate has begun, after which it is too late to bring this motion forward.

### 15.6 AMEND - MOTION TO

A motion to Amend is a proposal to alter the information contained within the Main Motion, by changing its wording.

- 15.6.1** A motion to amend is debatable, unless the motion to which it adheres to is undebatable.
- 15.6.2** A motion to amend shall be germane to the main motion.
- 15.6.3** A motion to amend shall not be in order if it is contrary to the main motion.
- 15.6.4** A main motion may have a Primary and Secondary amendment applied to it.
- 15.6.5** A Secondary motion to Amend the Primary motion to amend shall receive the disposition of the Council, before dealing with the main motion in its amended form or not.

## **15.7 COMMIT OR REFER - MOTION TO**

A motion to Commit or Refer may be introduced to send a pending question back to staff or to a relatively small group of selected persons – a committee – so that the question may be carefully investigated and put into better condition for the assembly to consider.

- 15.7.1** Debate on Motion to refer can extend only to the desirability of committing the main question and to the appropriate details of the motion to refer, not to the merits of the main questions.

## **15.8 POSTPONE TO A CERTAIN TIME – DEFINITELY (MOTION TO DEFER)**

The motion to Postpone is the motion by which action on a pending question can be put off, within limits, to a definite day, meeting, or hour, or until after a certain event. A motion to defer is applied to a question either so that it may be considered at a more convenient time, or because debate has shown reasons for holding off a decision until later.

## **15.9 CALL THE QUESTION – PUT – PREVIOUS QUESTION - MOTION TO**

The motion to call the previous question is used to bring the assembly to an immediate vote on one or more pending questions. This motion requires a mover and seconder and requires 2/3's of the assembly for its adoption. This motion, immediately closes the debate on, and stops amendments to the immediately pending question and such other pending motions as the motion may specify.

## **15.10 ADJOURN - MOTION TO**

The motion to adjourn means to close the meeting. This motion is generally used at the end of a detailed and prepared Agenda when business has been completed.

## **15.11 RECONSIDERATION – MOTION TO**

The motion to reconsider enables the majority of Council, within a limited time and without notice, to bring back for further consideration a motion that has already been voted on. The purpose of a reconsideration vote is to permit correction of a hasty decision, or to consider added information or changed situation that has developed since the taking of the vote.

- 15.11.1** A motion to reconsider a matter already decided upon may not be brought within the ensuing 12-month period following the date the decision was made unless the motion to reconsider is brought by a member who voted on the prevailing side of the issue or a member who did not vote;
- 15.11.2** A motion to reconsider must be passed by 2/3 of the members present.
- 15.11.3** Discussion on Motion of Reconsideration – there shall be no discussion on the main question permitted until the motion for reconsideration is adopted.
- 15.11.4** If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion, and consideration of the original matter shall become the next order of business.
- 15.11.5** A motion to reconsider a motion shall be out of order under the following conditions:
  - a)** When the provisions of the motion have been partially carried out
  - b)** When a vote has caused something to be done that cannot be undone
  - c)** When a contract has been made and the other party has been notified of the vote

## **15.12 NOTICE OF MOTION**

- 15.12.1** A Notice of Motion must be presented in the appropriate motion format on the Notice of Motion form attached hereto as Schedule "C".
- 15.12.2** A Notice of Motion may be delivered to the Clerk no later than 4:00 p.m., three (3) days in advance of the date on which the Agenda is prepared in order to be included to the final agenda in order to be introduced, or be read during the Notice

of Motion segment of the Agenda of a regularly scheduled meeting of the Council.

- 15.12.3** A Notice of Motion may be introduced by a Member at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover to the Clerk, who shall read it during the segment on the Agenda reserved for Notices of Motion.
- 15.12.4** Notice of Motion, of which notice was given prior to the deadline set out in 15.12.2, shall be considered at the Council's next meeting.
- 15.12.5** Notice of Motions introduced at a public meeting of Council shall not be debated, but be duly recorded in the minutes, and shall be added to the Agenda for the next meeting of Council under Notices of Motion.
- 15.12.6** A Notice of Motion shall not be considered or otherwise disposed of by the council unless the mover of the motion attends the meeting, where the Notice is being considered.
- 15.12.7** Any Member may agree to second a notice of motion when the notice of motion is called for by the Chair.

### **15.13 WITHDRAWAL OF THE MOTION**

- 15.13.1** Before the Chair states the motion, it belongs to the mover of the motion and he/she may ask to withdraw or modify the motion without permission. The Chair shall either repeat the motion in its modified version or state that the motion has been withdrawn.
- 15.13.2** After a motion is received by the Chair, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover at any time before decision or amendment, however permission by the Members must be given to do so.
- 15.13.3** If any Member objects to the withdrawal of the motion, a motion to maintain the question may be entertained and become a main motion.
- 15.13.4** If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of neither a seconder nor a vote.
- 15.13.5** Prior to the Chair stating the motion, another Member may ask the Chair if the mover of the motion will accept a change to the motion. The mover may either accept or reject the proposed change. If the mover rejects the proposed change, the Member suggesting the change, may propose an amendment after the motion has been read by the Chair.
- 15.13.6** Second withdraws – If the person who seconds the motion withdraws as second from the modified form, the Chair may ask for another second.
- 15.13.7** Recording of withdrawal – A withdrawn motion need not be recorded in the minutes unless the motion has been carried over as unfinished business from a previous meeting.

## **ARTICLE 16 - VOTING**

### **16.1 SIMPLE MAJORITY – REQUIRED – EXCEPTION**

The vote required to pass a motion or resolution shall be a simple majority which is 50% plus 1 with the exception as otherwise provided for within this By-law, by Statute or by your Parliamentary Authority of *"Robert's Rules of Order, newly revised"*.

### **16.2 TIE VOTE – MOTION DEEMED NEGATIVE**

In the case where a resolution on which the voting results are equal, the motion shall be deemed defeated or lost for want of a majority.

### **16.3 FAILURE TO VOTE – DEEMED NEGATIVE**

Failure to vote by a Member, who is not disqualified, shall be deemed to be a negative vote.

### **16.4 UN-RECORDED VOTE**

The manner of determining the decision of the Council on a vote, shall be by show of hands.

### **16.5 RECORDED VOTE - REQUEST**

Any Member, prior to the taking of the vote, may require that the vote be recorded. Recorded votes are recorded within the minutes.

## 16.6 RECORDED VOTE – PROCESS

If a request for a recorded vote is made, the Clerk or his or her designate, shall call each Member by name, in alphabetical order, save and except for the Chair, whose name shall be called last. Upon being called by name, the Member shall state their vote by a “yes” or a “no”. No discussion shall be permitted during the taking of a recorded vote. Should a member abstain from voting during a recorded vote, the Clerk shall record such vote as a “no”.

## 16.7 VOTE TAKEN – UNANIMOUS

When an un-recorded vote has been taken, and the vote has been adopted, the vote is deemed to be unanimously in favor of the question approved.

## 16.8 DIVISION OF A QUESTION

**16.8.1** When a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition if the others are removed, the parts can be separated to be considered and voted on as if they were distinct questions – by adoption of the motion for “*Division of a Question*” (or *divide the question*).

**16.8.2** A Member may request that a motion be separated when a series of independent resolutions or main motions dealing with different subjects, is offered in one motion and where one more resolution must receive separate consideration.

**16.8.2.1** Upon a majority vote, the vote on each recommendation or proposition shall be taken separately and no vote shall be required to be taken on the matter as a whole.

## 16.9 DISPUTED VOTE

Should a Member disagree with the announcement of the Mayor that a question is carried or defeated, the Member may, but only immediately after the declaration of the vote by the Mayor, object to the Mayor’s decision and may request a recorded vote be taken.

## 16.10 MAYOR (CHAIR) VOTE

The Chair has the choice to participate in any vote, however he/she must vote when the vote is to be recorded.

# ARTICLE 17 - BY-LAWS

## 17.1 DESCRIPTION – LISTED ON AGENDA

All By-laws, together with a brief description, shall be listed on the agenda for the meeting at which they are to be presented.

## 17.2 FORM – TYPEWRITTEN COMPLIANCE – RELEVANT ACT

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

## 17.3 READING – BY-LAWS

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

## 17.4 DEBATE – BY-LAWS

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

## 17.5 BY-LAW ADOPTION – ONE MOTION

Each By-law shall be adopted by a separate resolution. After By-laws have passed, the Clerk shall be responsible for their correctness to ensure they reflect the will of the Council.

## 17.6 ENDORSEMENT AND ENACTMENT – BY-LAWS

The Clerk shall indicate on all By-laws enacted by the Council, the dates of all readings and shall include the consecutive number and annual date. All By-laws shall be maintained and kept by the office of the Clerk for archival purposes.

# ARTICLE 18 - NEW BUSINESS

## 18.1 NEW BUSINESS – ROUTINE NATURE

Any item of business requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business.

## 18.2 NEW BUSINESS – VOTED ON INDIVIDUALLY

All New Business motions shall be voted on individually.

## 18.3 MATTERS NOT UNDER COUNCIL JURISDICTION

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

# ARTICLE 19 - DISCLOSURE OF INTEREST

## 19.1 CONFLICT OF INTEREST

At all times and under all circumstances, Members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.

## 19.2 DECLARATION OF INTEREST

Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member:

- a) Shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) Shall not take part in the discussion of, or vote on any question in respect of the matter; and
- c) Shall not attempt in any way before, during or after the meeting to influence the voting on any such question.

**19.3** Closed Meeting Declaration – When a meeting is not opened to the public, in addition to complying with the requirements of Section 19.2 above, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

## 19.4 PECUNIARY INTEREST WHEN ABSENT

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 interest and otherwise comply with the requirements of Section 19.2 at the first meeting attended by the Member after the particular meeting.

## 19.5 WRITTEN STATEMENT RE DISCLOSURE AND INFLUENCE

- a) At a meeting at which a Member discloses a pecuniary interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk of the Municipality, on the prescribed form attached hereto as Schedule "D".
- b) Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the Municipality or Local Board, or by a person or body to which the Municipality or Committee or Local Board has delegated a power or duty, the Member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

## 19.6 RECORD OF DISCLOSURE

- a) Every declaration of interest and the general nature thereof shall be recorded in the minutes of the meeting by the Clerk of the Municipality.
- b) Every declaration of interest made, 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 meeting that is open to the public.

## 19.7 REGISTRY

**19.7.1** Requirement to Establish Registry – Every Municipality and Local Board shall establish and maintain a registry in which shall be kept:

- a) a copy of each statement filed under Section 19.4; and
- b) a copy of each declaration recorded under Section 19.2.

**19.7.2** Access to Registry – The registry shall be available for public inspection in the manner and during the time that the Municipality may determine.

## 19.8 FAILURE BY ANY MEMBER OF COUNCIL TO COMPLY

The failure of one or more Members to comply with the declaration, shall not affect the validity of the meeting in regard to the said matter.

## ARTICLE 20 - COMMITTEES

### 20.1 COMMITTEE

Committee means a Statutory or Ad Hoc Committee established by Council.

### 20.2 AD HOC COMMITTEE OF COUNCIL

Council may, at any time, appoint an Advisory or Ad Hoc Committee to enquire into and report on any matter specific to one subject matter and that does not have a continuous nature. It is a Committee established for the purpose of dealing with a special project with a clear mandate and a start and finish date.

### 20.3 STATUTORY COMMITTEE

A Statutory Committee means committees established pursuant to a specific enabling statute such as a Committee of Adjustment established pursuant to the *Planning Act*, a Property Standards Committee established pursuant to the *Building Code Act*, a Municipal Election Compliance Audit Committee established pursuant to the *Municipal Elections Act* and any other body established pursuant to enabling legislation which services in an arms-length (quasi-Judicial) capacity on behalf of or in cooperation with the municipality.

## ARTICLE 21 - GENERAL PROVISIONS - COUNCIL AND COMMITTEES OF COUNCIL

### 21.1 BROADCASTING AND RECORDING

- 21.1.1** Live Broadcast of all Meetings of Council and Committee of the Whole, save and except Closed Session Meetings shall, when and where possible, be broadcast live to the public by live video streaming.
- 21.1.2** Technical or other failure to broadcast shall not be construed as to invalidate any proceedings of any Meeting and the written minutes, as recorded by the Municipal Clerk, shall constitute the permanent official Meeting record in accordance with the *Municipal Act, 2001*.
- 21.1.3** Closed Session Meetings shall be video and audio recorded however such recordings will not be available to the public nor broadcast in any way.
- 21.1.4** Closed Meeting recordings shall be retained by the Clerk on a secure storage device in accordance with the Municipality's by-law regarding retention of records.
- 21.1.5** The Clerk shall be authorized to release a recording of a closed Meeting only to:
  - a)** The office of the Ombudsman or Closed Meeting Investigator, only in those instances where they are relevant to a closed Meeting investigation and do not breach solicitor-client, or other privilege.
  - b)** The Municipality's solicitor for the purpose of providing solicitor client advice with respect to the contents of a recording; or
  - c)** Any additional party authorized by the Municipal Council.

### 21.2 GENERAL NOTICE REQUIREMENTS

The Corporation of the Municipality of West Nipissing will provide notice of Council Meetings, Committee Meetings, Budget Meetings, financial statements, committee schedules, and changes to the Rules of Procedure by posting such notices via The Municipality's website at [www.westnipissingouest.ca](http://www.westnipissingouest.ca)

- 21.2.1** Notices on Social Media – Upon the Municipality's participation in social media such as Facebook, Twitter etc., notices of meetings may also be posted thereon.

### 21.3 EXECUTION OF DOCUMENTS

Whenever the execution of any document, endorsed by Council is required, to give effect to any Resolution or By-law of the municipality, duly endorsed by motion of Council, the Mayor and Clerk shall have general authority for and in the name of the municipality to execute and to affix the Corporate Seal of the Municipality to such documents.

### 21.4 PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL

- 21.4.1** Any member of Council shall provide the Municipal Clerk written notice of an absence of 20 consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the *Municipal Act, 2001*.
- 21.4.2** When such notice is provided, the following process would be followed and the resulting information brought forward for Council consideration by way of Motion at the Council Meeting immediately following the Clerk's receipt of the written notice:

- a) In the written notice, a Ward Councillor shall indicate the Member(s) of Council whom he/she wishes to provide concurrence under the *Delegation of Authority By-law* for matters in the Ward Councillor's Ward during the Ward Councillor's absence; and
- b) In the written notice, the Ward Councillor shall indicate the Member(s) of Council whom he/she recommends Council appoint as a Member of any Committee(s) on which the Ward Councillor sits, on an interim basis for the duration of the Ward Councillor's leave; and
- c) The Motion to Council shall recommend that Council delegate to the Municipal Clerk the interim authority to approve the payment of expenses of the Member(s) of Council to whom concurrence has been delegated in accordance with (a), above

## ARTICLE 22 - REPEAL - ENACTMENT

### 22.1 BY-LAWS – PREVIOUS

That By-law 2019-94 known as the Municipality of West Nipissing Procedural By-law, previously approved on November 2, 2020, and any amendments thereto are hereby repealed.

### 22.2 AMENDMENT OR REPEAL

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council, unless notice of the proposed amendment or repeal has been given at a Regular Meeting of the Council with a vote of approval of two-thirds vote of Members of Council, present and eligible to vote. The waiving of the notice is prohibited.

ENACTED AND PASSED THIS 21<sup>st</sup> DAY OF MARCH 2023, AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS OFFICERS.




KATHLEEN THORNE-ROCHON,  
MAYOR




MELANIE DUCHARME,  
CLERK

## SCHEDULE "A" OF BY-LAW 2023/27

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:			
Name of Requestor:			Date submitted:
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:			
Additional details / background information: <input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the Municipality.</i>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular Meeting <input type="checkbox"/> Committee of Whole Meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

## SCHEDULE "B" OF BY-LAW 2023/27

 <b>REQUEST FOR DELEGATION / WRITTEN SUBMISSION</b>			
<p>A request for a delegation or presentation before Council must be in the form of a written submission to the Municipal Clerk. The following background information form must be duly completed and submitted by not later than 4:30 p.m. on the Wednesday prior to the requested Meeting.</p>			
<b>PLEASE PRINT CLEARLY:</b>			
Council Meeting Date:			
Subject:			
Name:			
Address:			
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Name of Group or Person(s) being represented <i>(if applicable)</i> :			
Details of nature of the business/purpose <i>(additional information can be attached separately)</i> :			
Presentation Requirements:	<input type="checkbox"/> Easel		<input type="checkbox"/> Projection Equipment
	<input type="checkbox"/> Other:		
<p><i>Please be advised that your delegation/presentation will be recorded in video and audio format as part of Council Meetings and will be subject to media broadcast (YouTube). Personal information on this form will be used for the purpose of sending correspondence relating to matters before Council and Committee of the Whole. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a report that is available to the general public in a hard copy format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.</i></p>			
Submit your completed form to:		Municipal Clerk Office Municipality of West Nipissing 101 – 225 Holditch Street Sturgeon Falls, ON P2B 1T1 Tel: 705-753-2250 • Fax: 705-753-3950	
Visit ... <a href="http://www.westnipissingouest.ca">www.westnipissingouest.ca</a>			

## SCHEDULE "C" OF BY-LAW 2023/27



# NOTICE OF MOTION FORM

In accordance with Item 15.12 "NOTICE OF MOTION" of the Corporation of the Municipality of West Nipissing Procedural By-Law 2023/27:

Member of Council: \_\_\_\_\_  
(print name)

Hereby files a **NOTICE OF MOTION** to be included on the Agenda for the meeting of Council, which is scheduled to be held on: \_\_\_\_\_  
(enter date)

**SUBJECT:** \_\_\_\_\_

and which **NOTICE OF MOTION** to read as follows:

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Member of Council: \_\_\_\_\_  
(signature)

### FOR CLERK'S OFFICE USE ONLY:

Date received:		
Time received:		
Entered in Council Agenda for meeting date of:		

## SCHEDULE "D" OF BY-LAW 2023/27



### DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST FORM

#### COUNCIL / COMMITTEE MEMBER

As required under Section 6 of the *Municipal Conflict of Interest Act*, I, \_\_\_\_\_  
*Print Name*

declare a conflict of interest with the following:

- ☐ Council Agenda item  
☐ Committee Agenda item

ITEM(S)		AGENDA DATE
	<i>on the</i>	

REASON FOR DISCLOSURE:

Date:	Signature:
-------	------------