

**THE CORPORATION OF THE CITY OF ELLIOT LAKE**

***B*Y-LAW NO. 16-6**

**Being a By-law to establish the  
Procedures of Council and its Committees  
and to Repeal By-law No. 07-36**

Office Consolidation - (16-34)(16-58)(17-40)(17-59)(18-11) (18-22) (19-04) (19-63)

**WHEREAS** section 238 of the Municipal Act, 2001 as amended (the “Municipal Act”), authorizes Council to pass a procedure by-law governing the calling, place and proceedings of meetings;

**AND WHEREAS** section 23.1 of the Municipal Act provides municipalities with the power to delegate their powers and duties under the Municipal Act or any other Act to a person or body subject to certain restrictions;

**NOW THEREFORE** The Council of The Corporation of the City of Elliot Lake hereby ENACTS as follows:

**PART I - INTERPRETATION**

**APPLICATION**

1. The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business conducted by the Council.
2. The rules and regulations contained in this by-law shall be observed in the proceedings of any committee of Council. Despite this section, in creating the mandate for any Committee Council may elect to dispense with or alter these rules and regulations with the exception of 81(4) and any prescribed by law.

## Table of Contents

<b>1. Definitions</b>	<b>4</b>
<b>2. Council Meetings</b>	<b>6</b>
2.1 Inaugural Meeting	6
2.2 Regular Meetings	6
2.3 Special Meetings	6
2.4 Quorum – Council And Committees	7
2.5 Closed Meetings	8
2.6 Notice	9
<b>3. Rules of Order and Debate</b>	<b>9</b>
3.1 Role of the Chair	9
3.2 Appeal the Ruling of the Chair	10
3.3 Conduct of Members	11
<b>4. Public Decorum at Meetings</b>	<b>11</b>
<b>5. Order of Business</b>	<b>12</b>
<b>6. Requests for Presentations and Delegations</b>	<b>13</b>
6.1 Public Question Period	14
<b>7. Motions- Council and Committees</b>	<b>15</b>
7.1 Requirement for Disposition	16
7.2 Motion to Amend	17
7.3 Divided Motion	17
7.4 Motion to Call the Vote on a Question	17
7.5 Motion to Defer	17
7.6 Motion Finally Put	18
7.7 Motion to Reconsider	18
7.8 Motion to Adjourn	19
<b>8. Voting</b>	<b>19</b>
8.1 Rules of Voting for Members	19
8.2 Request Separate Votes on a Motion Containing Distinct Parts	19
8.3 Recorded Vote	19
8.4 Tie Votes	20
8.5 Order for Voting on Motions	20

<b>9. Minutes.....</b>	<b>19</b>
<b>10. Committees of Council .....</b>	<b>21</b>
10.1 Standing Committees/COW .....	21
10.2 Jurisdiction – Standing, Advisory and Ad Hoc Committees.....	22
10.3 Composition .....	23
10.4 Appointments .....	23
10.5 Terms of Office.....	24
10.6 Vacancies.....	24
<b>11. Exceptions, Rules of Order and Debate in Committee Meetings.....</b>	<b>25</b>
11.1 Procedures.....	25
11.2 Chair .....	26
11.3 Scheduling of Committee Meetings.....	26
11.4 Open Meeting.....	27
11.5 Quorum .....	28
11.6 Notice of Meeting .....	28
11.7 Unfinished Business.....	28
11.8 Reporting .....	29
11.9 Minutes .....	29
11.10 Disbanding .....	30
11.11 Clerk’s Duties .....	30
<b>12. General Provisions .....</b>	<b>30</b>

## **DEFINITIONS**

3. In this By-law:

“**ACTING MAYOR**” [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant;

“**AGENDA**” means the order of proceedings for a meeting setting out the business to be considered at the meeting;

“**CAO**” shall refer to the Chief Administrative Officer of the Corporation of the City of Elliot Lake;

“**CHAIR**” means the person presiding at a meeting, and includes the Mayor, Acting Mayor, or Committee Chair while they preside at a meeting or such other person as may be authorized to preside in their absence;

“**CLERK**” means the City Clerk, or his/her designate;

“**CLOSED SESSION**” means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain;

“**COMMITTEE**” means a committee of Council or an advisory or ad hoc committee established by Council from time to time;

“**COUNCIL**” means the Council of The Corporation of the City of Elliot Lake;

“**COUNCIL FLOOR**” means that part of the Council Chambers in the foreground and between the podium and the seats of the Mayor and Members of Council;

“**HEAD OF COUNCIL**” means the Mayor who shall preside at all meetings of the Council, and who is the Chief Executive Officer of the City;

“**DELEGATION**” means an appearance before City Council or Committee for the purpose of directly addressing an item listed on the agenda as being under consideration at that meeting; (16-34)

“**MAYOR**” means the head of the Council of The Corporation of the City of Elliot Lake;

“**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; (18-11)

“**MEMBER**” means a member of Council or Committee as the context warrants;

“**MOTION**” means a proposal by a Member, received by the Clerk, in writing, moved by a Member and seconded by another member, for inclusion on an agenda of a meeting of Council and includes proposals by a Member moved verbally in a meeting, that Council or Committee resolve and effect a decision;

“**MUNICIPAL ACT**” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

“**POINT OF ORDER**” means a question by a member with the view to calling attention to any departure from the Procedural By-law or in the practiced conduct of the Council's business;

“**POINT OF PERSONAL PRIVILEGE**” means a question by a Member who is concerned and believes that another member has spoken disrespectfully towards that Member, or who considers that his or her integrity has been impugned;

“**POINT OF PRIVILEGE**” means a question affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives;

“**POINT OF PROCEDURE**” means a question to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion;

“**PRESENTATION**” means an appearance before City Council or Committee for the purpose of addressing a new issue or an issue which may be of general interest or concern to a committee or the general public; (16-34)

“**QUORUM**” means the number of Members required to be present at a meeting to validate the transaction of its business;

“**RECORDED VOTE**” means the recording by the Clerk of the name and the vote of each Member present at a meeting on any matter or question;

“**REGULAR ELECTION**” means a regular election as defined in section 1 of the Municipal Elections Act, 1996, as amended from time to time;.

“**SUBCOMMITTEE**” means a committee consisting of at least two (2) Members of the committee establishing the sub-committee, to consider one or more matters;

“**STANDING COMMITTEE**” means a committee established by Council and consisting solely of Members of Council.

## **PART II - COUNCIL MEETINGS**

### **INAUGURAL MEETING**

4. (1) The first meeting of Council shall be held on such date and at such time and place as may be fixed by resolution of the previous Council and not later than thirty-one (31) days after the Council's term commences
- (2) At the first meeting the Council shall organize as a Council, and the first order of business shall be the declarations of office in accordance with the Municipal Act.

### **REGULAR MEETINGS**

5. Regular meetings of the Council shall be held at 7:00 p.m. on the second and fourth Mondays of each month, or such other time and/or interval as determined by the Clerk.
6. When the day for a regular meeting of Council falls on a public, statutory or civic holiday, the meeting shall be rescheduled, or cancelled, with public notice provided by the Clerk.
7. All Meetings of Council and Committees shall be convened at the City Hall unless the notice of meeting stipulates the Meeting shall be held at another location.
8. A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 11:00 p.m. local time. (19-04)

### **SPECIAL MEETINGS**

9. The Clerk shall summon a special meeting of Council:
  - (a) Upon receipt of a request from the Mayor; or
  - (b) Upon the direction given by Council at a regular meeting; or
  - (c) Upon receipt of a petition from a majority of the Members of Council.

10. a) The notice calling a special meeting of Council shall state the business to be considered at the special meeting;  
b) except with the consent of a majority of the Members present and voting no other business other than that stated in the notice shall be considered. (17-56)
11. Written notice of all special meetings of Council must be delivered to the Members of Council, not less than twenty-four (24) hours before the time set for the meeting to all Members of Council by mail or electronically.
12. Despite the provisions of Sections 10 and 11, a meeting of Council may be called by the Mayor, or Acting Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members about the meeting as soon as possible and in the most expedient manner available as so determined by the Clerk.

### **QUORUM – COUNCIL AND COMMITTEES**

13. A majority of Members of Council is necessary to form a quorum at a meeting of Council.
14. A majority of voting members is necessary to form a quorum at a meeting of any committee.
15. As soon as there is a quorum after the time appointed for the start of the meeting, the Mayor or Chair will call the Members to order.
16. If no quorum is present twenty (20) minutes after the time appointed for a meeting of Council or Committee, the Mayor, or the Committee Chair shall call the roll and the Clerk shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
17. (1) Where the Mayor does not attend within ten (10) minutes after the time appointed for the meeting, the Acting Mayor shall call the members to order and, if a quorum is present, preside during the meeting or until the arrival of the Mayor at that meeting.  
(2) Where neither the Mayor nor Acting Mayor are in attendance ten (10) minutes after the appointed meeting time, the Clerk shall call the meeting to order, if a quorum is present, and shall preside until a Chair is chosen from amongst the Members present.
18. If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within twenty (20) minutes, the Clerk will record the names

of the Members present and the meeting shall be adjourned to the next appointed time.

19. If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of that body.
20. Despite any other provision in this section, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present, except submissions or information in respect of a hearing or public meeting required by statute.
- 20.1 Electronic Participation: A member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public by conference / teleconference provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. (18-11)

### **CLOSED MEETINGS**

21. All Meetings shall be open to the public; however a meeting or part of a meeting may be closed if the subject matter being considered is:
  - (a) the security of the property of the municipality;
  - (b) personal matters about an identifiable individual, including a municipal employee;
  - (c) a proposed or pending acquisition or disposition of land by the municipality;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
  - (g) a matter in respect of which the Council or Committee may hold a closed meeting under another Act;
  - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial or financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;



- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- (l) an educational or training session for the members of Council or Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision-making of Council or the Committee;

A meeting or part of a meeting shall be closed if the subject matter being considered is:

- (m) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (n) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, a municipally appointed Ombudsman or Investigator.

(79.1) If a report is received from the closed meeting investigator reporting an opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by the investigator appears to have been closed to the public contrary to Section 239 of the Municipal Act, or to this by-law, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report..

(18-11)

### **NOTICE**

22. Official notice shall be provided of meetings of Council by posting the date and time of the meeting on the public bulletin board located at the front of City Hall two business days prior to the meeting. Every effort shall be made to post notice of meetings on the City website but such posting shall be as a matter of convenience, and failure to do so shall not constitute a breach of this notice provision.

(16-34)

23. Notice shall be provided to the public respecting matters coming before Council for decision in the manner required by the City's Notice By-law or as otherwise required by statute.

### **PART III - RULES OF ORDER AND DEBATE**

24. The Chair shall:

- (1) maintain order and preserve the decorum of the meeting;
- (2) rule upon points of order, points of procedure, points of privilege and points of personal privilege, without debate or comment;

- (3) rule whether a Motion or proposed amendment is in order;
  - (4) rule upon all other procedural matters;
  - (5) maintain a speaker's list of those members who have signaled the Chair that they wish to speak or ask questions, and recognize such members in the order in which they appear;
  - (6) call a Member to order where appropriate;
  - (7) be permitted to speak both first and last on any matter before Council;
  - (8) adjourn the meeting when the business of the meeting is concluded;
  - (9) adjourn the meeting without question in the case of grave disorder arising in the Council chambers.
25. (1) Any Member may appeal the ruling of the chair according to the following:
- a) The appeal must be lodged immediately following the ruling of the Chair;
  - b) The appeal must be seconded;
  - c) The wording of the question is "Shall the decision of the Chair be sustained?"
  - d) The Chair shall have the right to speak first and last to the motion.
  - e) A majority or tie vote shall sustain the decision of the Chair.
26. No Member shall:
- (1) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any member of Council, any employee of the City, or of any individual;
  - (2) use indecent, offensive or insulting language;
  - (3) speak on any subject other than the subject in debate;
  - (4) where a matter has been discussed in a meeting or part of a meeting closed to the public and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the in-camera meeting;

- (5) disobey the rules of the Council or a decision of the Chair on questions of order or practice or the interpretation of the Rules;
  - (6) fail to represent and support the Council, its procedures and decisions.
27. Where a Member persists in any such disobedience or conduct contrary to the provisions of this section, after having been called to order by the Chair:
  - (1) the Chair shall forthwith put the question that the member be ordered to leave his/her seat for the duration of the Meeting, and adjournments, amendments or debates shall not be allowed upon such question;
  - (2) if the question carries, the Chair will order the Member to leave the Council Chamber for the remainder of the Meeting; and
  - (3) if the Member advises the Clerk that the Member wishes to apologize to Council, the Clerk will inform the Chair, who will permit the Member to do so, and with Council's consent, the Member may return to his/her seat.
28.
  - (1) A Member may initially speak on an item of business or motion for five minutes unless otherwise determined by the Chair.
  - (2) No Member shall speak more than once on an item of business until every member who desires to speak has spoken. The Chair may, however, permit a Member who has already spoken to respond to a direct question of the Member having the floor.
  - (3) Any Member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five minutes, unless determined otherwise by the Chair.

### **PUBLIC AT COUNCIL AND COMMITTEE MEETINGS**

29. Members of the public present during a Council or Committee meeting shall maintain order and quiet.
30. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee.
31. No person shall bring into the Council Chamber or Committee meeting room, food or drinks that are considered by the Mayor or Chair of the Committee to be disruptive to the meeting.
32. No person shall bring into the Council Chamber or Committee meeting room cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced.

33. Audio and videotape recording of public meetings is permitted, under the following guidelines:
- a) Walking on the Council floor for the purposes of a photograph, video-taping, etc. is not permitted;
  - b) Cameras and video cameras can be used in the floor area near the entrances into the Council Chambers;
  - c) All recording equipment must be completely muted and operated in a manner which does not interfere with the ability of the public or the participants to hear or view the meeting proceedings;
  - d) Recording equipment must not interfere with corporate computer/AV systems; and
  - e) Recording must not compromise confidential materials or discussions.
34. When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal or Provincial Governments, any Member of Council, any employee of the City, or of any individual;
35. No person shall enter the Council Floor without the expressed permission of the Chair.
36. Any person, not being a member of Council, who contravenes any provision of this section may be expelled from the Meeting by the Chair.

### **ORDER OF BUSINESS**

37. The Clerk will prepare an Agenda for regular meetings of Council and the business of Council shall be taken up in the order in which it appears on the Agenda, under the following headings:
- a) Call to Order;
  - b) Roll Call;
  - c) Declarations of Conflict of Interest;
  - d) Adoption of Previous Minutes;
  - e) Public Presentations;

- f) Introduction and Consideration of Corporate Reports;
  - g) Presentation of Committee Reports;
  - h) Outside Board and Committee Reporting (17-59)
  - i) Unfinished Business;
  - j) Petitions;
  - k) Correspondence;
  - l) Notices of Motion;
  - m) Council Reports and Announcements;
  - n) Addendum;
  - o) Introduction and Consideration of By-laws; (19-63)
  - p) Public Question Period; (19-63)
  - q) Closed Session (if applicable);
  - r) Confirmatory By-Law (19-63)
  - s) Adjournment
38. Prior to the posting of the agenda, the clerk shall ensure that the agenda has been reviewed by the CAO.
39. Notwithstanding the Order of Business set out in Section 37, Council may otherwise direct that business be considered in a different order.
40. Where the same or related subject-matters appear in more than one place on the Agenda, Council may deal with all items related to the matter together, deal with such items in the order they appear on the Agenda or refer the items for consolidation into one report.

### **REQUESTS FOR PRESENTATIONS AND DELEGATIONS**

41. Any person wishing to make a Presentation to Council shall submit a request to the Clerk by 4:00 pm three business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed. (16-34)

42. (1) For the purposes of Section 41, the Clerk shall determine the appropriate committee or meeting date that a request for delegation may be listed.
43. Any person wishing to appear as a Delegation to a Council or Committee shall submit a request to the Clerk by 4:00 pm on the business day immediately preceding the meeting at which the person desires to be heard. (16-34)
44. A person granted permission to address Council shall confine their remarks to the stated business. No information pertaining to a third party may be disclosed unless that party is present, or has provided written permission for the disclosure of the information. (16-58)
45. Each delegation to Council shall be limited to speaking not more than ten minutes in total. (16-58)
46. Despite Section 45, a motion passed by a majority of the Council Members present may extend the length of time allotted to a delegation.

### **PUBLIC QUESTION PERIOD**

47. The Agenda for all Council meetings shall include a Public Question Period for Which pre-registration shall not be required, subject to the following provisions:
  - (1) persons invited to address Council during Public Question Period shall be restricted to questions pertaining to subjects that appear on the Agenda for that specific Council meeting;
  - (2) persons invited to address Council with a question shall:
    - i) state their name for the record;
    - ii) identify the specific agenda item(s) being questioned; (17-59)
    - iii) succinctly state the question;The Chair shall direct more extensive comments or presentations to the Clerk for addition to a future agenda as a delegation; (16-34)
  - (3) Public Question Period shall be limited to a total of 15 minutes; and each individual addressing Council shall be limited to speaking not more than five minutes in total.
  - (4) despite subsection (3), a motion passed by a majority of the Council Members present may extend the length of time allotted to the Public Question Period at any meeting.

**MOTIONS - COUNCIL AND COMMITTEES**

48. A Notice of Motion shall be in writing accompanied by a report or memo from the contributing Councillor and shall be received by the Clerk by 4:00 p.m. on the Wednesday preceding a regular meeting of Council for inclusion on the Agenda for that meeting of Council. (17-59)
49. The Mover of a Motion submitted under Section 48 may, when the Motion is called by the Chair for Council's consideration, request the matter be deferred to the next regular meeting of Council and if the matter is not deferred, the motion shall be considered by Council.
50. When a Notice of Motion has been on the Agenda for two successive meetings after notice has been given, and not proceeded with, it shall be deemed withdrawn unless Council decides otherwise.
51. A Motion or an Amendment to a Motion shall be moved and seconded before a Member speaks to the Motion.
52. Motions respecting the following matters may be introduced orally without written notice and without leave:
  - (1) a Point of Order or Personal Privilege;
  - (2) a Motion to defer decision on a question;
  - (3) a Motion to refer a matter;
  - (4) a Motion to withdraw a Motion before the Chair;
  - (5) a Motion to recess;
  - (6) a Motion to call the vote on a question;
  - (7) a Motion to divide the question;
  - (8) a Motion to request short reading of a Motion which is provided to Council in written format;
  - (9) a Motion to continue a Council Meeting beyond 11:00 p.m.; (19-04)
  - (10) a Motion to move into, or out of, Closed Session;
  - (11) a Motion to change the Order of Business;
  - (12) a Motion to Adjourn.

- (13) a Motion to adopt the Minutes of a meeting.
53. The following are deemed to be procedural Motions and shall be considered in the following order:
    - (1) to change the Order of Business;
    - (2) to adjourn or to fix the time to adjourn;
    - (3) that the vote be taken now;
    - (4) Motions to refer;
    - (5) Motions to defer.
  54. No Member shall present a Motion on any matter to Council for its Consideration unless:
    - (1) the Motion is relevant to a matter that appears on the Agenda for that meeting of the Council; or
    - (2) Leave is granted, through unanimous consent of the Members present, to deal with a matter not on the agenda; or
    - (3) the Motion relates to a matter which for reasons of emergency, health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
    - (4) where the Motion is to be proposed by the Mayor, the Mayor has relinquished the chair to the Acting Mayor.
  55. After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn with the leave of Council and only prior to a decision or amendment on such Motion has been rendered by the Council.

### **REQUIREMENT FOR DISPOSITION**

56. A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
  - (1) a motion on procedure has been made to amend, to defer decision on the question, to refer the matter, to call the vote on the question, or to extend the hour of closing proceedings; or



(2) the Meeting has failed for lack of a quorum.

### **MOTION TO AMEND**

57. (1) A motion to amend the main question shall:
- (a) be relevant to the main question received by the Chair;
  - (b) not be a direct negative to the main question;
  - (c) receive the disposition of Council before any prior motion for amendment; and
  - (d) receive disposition of Council before the main question.
- (2) Only one motion to amend an amendment motion shall be allowed.
- (3) A motion of referral may be amended to identify an alternate body to which the matter be referred, or for the purpose of giving additional instructions to the body to which the matter is referred.

### **DIVIDED MOTION**

58. When a question has been divided with the leave of Council, debate shall be restricted to each proposal in its turn.

### **MOTION TO CALL VOTE ON A QUESTION**

59. (1) A motion to call the vote on a question shall:
- (a) not be amended;
  - (b) not be proposed when there is a motion for amendment under consideration; and
  - (c) preclude the introduction of any amendments of the main question, once made.
- (2) When a motion to call the vote on a question is resolved in the affirmative, the vote is to be taken without debate or consideration of amendment.

### **MOTION TO DEFER**

60. A motion to defer or adjourn debate shall:

- (1) always be in order, except as provided in this Section;
- (2) be put immediately without debate;
- (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
- (4) be deemed not to be in order in any of the following circumstances:
  - (a) when a Member is speaking;
  - (b) during the verification of a vote;
  - (c) immediately following the affirmative vote on a motion to call the vote on a question.
- (5) Shall give a reason and a time certain to which the matter is deferred  
(18-22)

### **MOTION FINALLY PUT**

61. After a question is finally put by the Chair:
  - (1) no Member shall speak to the question nor shall any other motion be made, until after the vote is taken and the result declared by the Mayor, Acting Mayor, or Chair; and
  - (2) no Member absent from the Council Chamber when the question is put shall vote on the question.
62.
  - (1) On the result of a vote taken pursuant to Section 61 of this by-law, a Member may request that the vote be taken again, provided that the request is made immediately after such declaration of the results.
  - (2) When requested by a Member, the Chair, shall again take the vote on the question.

### **MOTION TO RECONSIDER**

63.
  - (1) A Motion to Reconsider may not be made at the same meeting that the decision proposed for reconsideration was made.
  - (2) No discussion of the main question shall be allowed until the Motion for reconsideration is carried.

- (3) Once the matter is reopened, it is reopened in its entirety unless the Motion to Reconsider specifies otherwise.
- (4) If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.
- (5) New, pertinent information must be provided in order for a matter to be brought forward for reconsideration.(18-22)

### **MOTION TO ADJOURN**

64. A motion to adjourn Council shall:

- (1) be in order, except:
  - (a) when a Member is speaking;
  - (b) during the verification of a vote; or
  - (c) immediately following the affirmative vote on a motion to call the vote on a question.
- (2) be put immediately without debate;
- (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
- (4) not be amended.

### **RULES OF VOTING**

65. (1) Every Member present at a Meeting must vote on all matters unless he or she declares a personal conflict on the matter. If a Member refuses to vote and has not declared a personal conflict, the Member is deemed to have voted in the negative.
- (2) If a motion contains distinct parts, a Member may request separate votes on any or all parts.
  - (3) The vote will be recorded when required by law or when any Members requests, and otherwise the manner of determining the decision of council on a Motion shall be by a signal from the voter, and the result of the vote declared by the Chair.
  - (4) If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately to require that the vote be retaken.

- (5) Unless provided otherwise, if there is an equality of votes on any question, the vote shall be deemed to be lost.
66. A motion “that the vote be taken” may be moved at any time by the Member who is speaking and will be put to a vote immediately, without debate, and, if carried, the motion will be voted on without further debate.
67. When the Chair calls for a vote on a question, each Member shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair, and during such time no Member shall leave his/her seat or speak to any other Member or make any noise or disturbance.
68. Motions will be voted on in the following order:
  - (1) Receipt motion
  - (2) Referrals
  - (3) Deferrals
  - (4) Amendments, in the order moved.
  - (5) Main motion.

## **MINUTES**

69. (1) Unless otherwise decided by the Council, the Minutes of each Meeting of the Council shall be submitted for confirmation or amendment to the Council at its next regular meeting or as soon thereafter as is reasonably practicable.
  - (2) Minutes shall record;
    - a) the place, date and time of meeting and the hour of adjournment;
    - b) the names of members, staff and resources in attendance; and
    - c) all decisions of the meeting without note or comment.
  - (3) Once adopted by Council, the Minutes shall be signed by the Mayor or Acting Mayor and the Clerk.
  - (4) The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted by Council, with appropriate notation included in the minutes identifying the correction, so

long as the intent and integrity of the information and /or resolution is not changed.

- (5) The Clerk shall make every reasonable effort to maintain audio and/or video recordings of all public meetings of Council and Standing Committees to serve as an official meeting recording. Such recording shall be done in a continuous manner with the exception that recording shall cease during closed sessions.
  - a) Notwithstanding the above, a failure to create an audio/video record, regardless of the cause of such failure, shall not in any way invalidate any business conducted at the meeting.

## **PART IV – COMMITTEES OF COUNCIL**

### **STANDING COMMITTEE**

70. (1) There shall be the following Standing Committees of Council:
    - (a) Finance and Administration Committee;
    - (b) By-laws and Planning Committee;
    - (c) Public Services Committee;
    - (d) Recreation and Culture Committee;
    - (e) Economic Development Committee.
  - (2) Council may establish one or more Advisory Committees subject to the criteria established in Schedule A to this by-law.
  - (3) Council may establish one or more Ad Hoc Committees.
  - (4) A Committee of Council may establish a Subcommittee.
- (1.1) The Standing Committees may be replaced by a Committee of the Whole, consisting of all members of Council, and the Committee of the Whole meetings shall begin at 7 pm and may continue until 11 pm unless a motion is passed by a majority of the members present to continue beyond 11 pm. (17-40)

**JURISDICTION**

71. (1) Any Standing Committee established pursuant to subsection 70(1) of this by-law:
- (a) shall be responsible for formulating major and general policies for recommendation to Council;
  - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council;
- (2) Any Advisory Committee established pursuant to subsection 70(2) of this by-law:
- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Advisory Committee, adopted by Council from time to time.
  - (d) shall report to the appropriate Standing Committee, as detailed in its mandate.
- (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this by-law:
- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Ad Hoc Committee, adopted by Council.
- (4) Unless authorized by by-law, no committee or member of a committee shall:
- a. incur any expense or liability in the name of the Corporation;

- b. become involved in any of the day-to-day departmental operations or direct any Municipal employee.

## **COMPOSITION**

72. (1) Any Standing Committee established pursuant to subsection 70(1) of this by-law shall consist only of Members of Council.
- (2) Any Advisory Committee established pursuant to subsection 70(2) of this by-law shall consist of such number of Council Members and citizen representatives, as determined by Council.
- (3) Any Ad Hoc Committee established pursuant to subsection 70(3) of this by-law shall consist of such number of Council Members, citizen and staff representatives, as determined by Council.
- (4) Any Subcommittee established, pursuant to subsection 70(4) of this by-law, shall consist of such Members of the parent Committee, as may be determined by such parent Committee and any other member approved by Council.
  - b. The Mayor shall be an *ex officio* (voting) member of any Advisory, Ad Hoc or other Committee struck by Council, however the Mayor's presence shall not be used in determining quorum.
  - c. The CAO shall be an *ex officio* (non voting) member of any Advisory, Ad Hoc or other Committee struck by Council, however the CAO's presence shall not be used in determining quorum.
  - d. The CAO shall render assistance to Council and any committee by attending meetings or assigning appropriate staff to serve in this capacity.

## **APPOINTMENTS**

73. (1) The Members of a Standing Committee established pursuant to subsection 70(1) of this by-law shall be appointed by Resolution of Council.
- (2) The Members of an Advisory Committee established pursuant to subsection 70(2) of this by-law shall be appointed by Resolution of Council.
- (3) (a) The Members of an Ad Hoc Committee established pursuant to

subsection 70(3) of this by-law shall be appointed by Resolution of Council.

- (b) Despite clause (a) of this subsection, Council may direct the appointed Members to invite additional members of the public to participate in a non-voting volunteer capacity on an Ad Hoc Committee, with leave from the requirement that these volunteers be formally appointed by Resolution of Council.
- (4) Committee Chairpersons shall be determined by:
- (a) a resolution of Council; or
  - (b) Chosen from amongst the committee membership. A Committee cannot replace a Council appointed Chairperson

and shall serve for the term of Council, or until a successor is appointed.

#### **TERM OF OFFICE**

74. (1) The term of office for Members of any Standing Committee shall be the term of the Council, or until successor(s) are appointed.
- (2) The Members of an Advisory Committee shall hold office for the term as may be determined by the Council in its Resolution of appointment, or until appointment of successor(s).
- (3) The term of office for Members of an Ad Hoc Committee, including both appointed and volunteer Members, shall end upon completion of the assigned task(s) and the subsequent reporting by such Ad Hoc Committee of its findings to Council.
- (4) The term of office for Members of a Subcommittee shall end upon completion of the assigned task(s) and the subsequent submission of the Subcommittee's findings to the parent Committee, unless otherwise directed by Council.

#### **VACANCIES**

75. (1) Except where the Terms of Reference of a Committee provide otherwise, the seat of a Member of a Committee may be declared vacant if the Member is absent from the meetings of the Committee for three (3) consecutive months without first being authorized to be absent by a resolution of the Committee.



- (2) In any case where the seat of an appointed Member of an Advisory or an Ad Hoc Committee is declared vacant, the filling of the vacancy shall be made by Resolution of Council.
- (3) Subsections (1) and (2) of this Section shall not apply to Members of the Accessibility Advisory Committee or volunteer Members of an Ad Hoc Committee.

## **EXCEPTIONS, RULES OF ORDER AND DEBATE IN COMMITTEE MEETINGS**

### **PROCEDURES**

76. (1) For Meetings of a Committee of Council, the following exceptions to the rules of order and debate apply:
- (a) the vote on any particular item shall not be recorded.
  - (b) despite clause (b) of this subsection, a Member may request that his/her vote be recorded in the minutes of the meeting, as being opposed to a motion.
  - (c) a Notice of Motion, as contemplated in Section 48 of this by-law, shall not be presented at a meeting of a Committee.
- (2)
- (a) Any person wishing to address a Committee on any matter prior to the posting of the relevant meeting's Agenda, shall submit a written request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
  - (b) Any person wishing to address a Committee on a matter on the relevant meeting's Agenda shall submit a written request to the Clerk by 4:00 p.m. one business day prior to the meeting. (16-34)
  - (c) A person granted permission to address a Committee shall confine their remarks to the stated business.
  - (d) Each delegation to a Committee shall be limited to speaking not more than ten minutes in total. (16-58)
  - (e) Despite clause (d) of this subsection, a motion passed by a majority of the Committee Members present may extend the length of time allotted to a delegation.
  - (f) Clause (b) of this subsection, does not apply to a person afforded to be heard on a matter by the authority of statute, including:

- (i) a person addressing the Council on a matter which is the subject of a public meeting or hearing for which notice was required pursuant to the Planning Act, R.S.O. 1990, c.P-13 as amended;

## **EXCEPTIONS, PROCEDURES IN COMMITTEE MEETINGS**

### **CHAIR, STANDING COMMITTEES**

77. (1) The Chair of a Committee may vote on all questions submitted to the Committee.
- (2) In the absence of both the appointed Chair and Vice-Chair of any Committee, the Members may appoint from among those Members present at the Meeting, an Acting Chair to preside that particular meeting.

## **SCHEDULING COMMITTEE MEETINGS**

### **STANDING COMMITTEES**

78. (1) Meetings of the Standing Committees of Council shall be scheduled by the Clerk on the following basis:
- (a) Finance and Administration – 3<sup>rd</sup> Monday of each month
  - (b) Recreation and Culture—1<sup>st</sup> Monday of each month
  - (c) Economic Development—2<sup>nd</sup> Monday of each month
  - (d) By-law and Planning—1<sup>st</sup> Monday of each month
  - (e) Public Services—3<sup>rd</sup> Monday of each month
- (2) Meetings of Advisory Committees and Ad Hoc Committees of Council shall be scheduled by the Clerk on the following basis:
- (a) The date and time of the first meeting of any such Committee shall be determined by the Clerk after first canvassing the Committee's membership.
  - (b) Unless otherwise set in the Terms of Reference for any such Committee, the next and each succeeding meeting of the committee shall be held on a regular basis as determined by the Committee, or at the call of its Chair.
- (3) Despite the guidelines in subsections (1) and (2) of this Section, the scheduling of Committee meetings may be amended from time to time by

the Clerk to recognize insufficient agenda items or identified scheduling conflicts.

## **PROCEEDINGS FOR COMMITTEE MEETINGS**

### **OPEN MEETINGS**

79. All Meetings shall be open to the public; however a meeting or part of a meeting may be closed if the subject matter being considered is:
- (a) the security of the property of the municipality;
  - (b) personal matters about an identifiable individual, including a municipal employee;
  - (c) a proposed or pending acquisition or disposition of land by the municipality;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
  - (g) a matter in respect of which the Council or Committee may hold a closed meeting under another Act;
  - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial or financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or

- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (18-11)
- (l) an educational or training session for the members of Council or Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision-making of Council or the Committee;

A meeting or part of a meeting shall be closed if the subject matter being considered is:

- (m) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (n) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, a municipally appointed Ombudsman or Investigator.

(79.1) If a report is received from the closed meeting investigator reporting an opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by the investigator appears to have been closed to the public contrary to Section 239 of the Municipal Act, or to this by-law, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

(18-11)

### **QUORUM COMMITTEES**

- 80. (1) A quorum for each Committee is established by the presence of a majority of the voting Members of such Committee, unless the terms of reference for the Committee establish otherwise.
- (2) A quorum for a Subcommittee shall be established by the presence of a majority of its Members.

### **NOTICE OF MEETING, COMMITTEES**

- 81. (1) The Clerk shall give notice of each regular and any special meeting of a Committee, to the Members of such Committee by delivery of an Agenda, identifying the date, time and location at which the meeting is scheduled, and listing the matters to be considered at the meeting.

- (2) The Agenda required under Subsection (1) of this Section, shall be delivered to the Members two business days preceding the time at which the meeting is scheduled to commence. (16-34)
- (3) Despite subsections (1) and (2) of this Section, the time of delivery of the notice for a Sub-committee meeting may be altered by the direction of the Sub-committee.
- (4) Notice of meetings of Committees shall be given to the public by posting the date and time of the meeting on the public bulletin board at City Hall and, as a matter of convenience only, on the City website.

### **UNFINISHED BUSINESS, COMMITTEES**

82. Unless otherwise directed by the Committee, an item of business not disposed of by a Committee, shall be placed on the Agenda of the next regular meeting of the Committee, under the heading "Unfinished Business".

### **REPORTING, COMMITTEES**

83. (1) Standing Committees shall report to Council.
- (2) Advisory Committees shall report to the Standing Committee as determined by their Mandate.
- (3) Ad Hoc Committees shall report to Council unless indicated otherwise by their Mandate.
- (4) A Subcommittee shall report directly to the parent Committee.

### **MINUTES, COMMITTEE**

84. (1) The Minutes of a Committee meeting shall be presented at the next succeeding meeting of such Committee for adoption by that Committee.
- (2) The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution in not changed.

**DISBANDING, COMMITTEES**

85. (1) An Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings, or by resolution of Council
- (2) A Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

**CLERK'S DUTIES**

86. (1) The Clerk shall be the Secretary of all Committees of the Council and may assign any such duties as Secretary of any Committee to an employee, but may continue to exercise the duties despite the delegation.
- (2) The Clerk may assign to any employee, the Clerk's duties related to the giving of notice and the recording of the proceedings of meetings of Council and its Committees, but may continue to exercise the duties despite the delegation.
- (3) Every by-law, upon enactment, shall be signed by the Mayor or the Acting Mayor, and, the Clerk or Deputy Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the City of Elliot Lake affixed thereto.

**GENERAL PROVISIONS**

87. (1) This by-law shall not be amended or repealed except by a majority vote of all Members of Council.
- (2) No amendments or repeal of this by-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and in accordance with section 22.
- (3) *Robert's Rules of Order* shall prevail in all circumstances not covered by this by-law or where there is a conflict between any two or more provisions of this by-law.
- (4) Any reference in this by-law to one or more sections of legislation of the Province of Ontario includes any successor section of legislation enacted from time to time.
- (5) Council, or a Committee of Council, shall not waive the notice requirement set out in subsection (2) of this Section.

- 88. Upon enactment of this by-law, by-law 07-36, as amended, is hereby repealed.
- 89. This by-law may be referred to as the “Council Procedure By-law”.
- 90. This by-law shall be in force and effect upon the date of enactment.

**ENACTED and PASSED this 11<sup>th</sup> day of January, 2016**

\_\_\_\_\_  
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
\_\_\_\_\_  
CLERK

### **Schedule 'A' to Procedural By-law No. 16-6**

#### **CRITERIA TO FORM A NEW ADVISORY COMMITTEE:**

There is a statutory requirement requiring the Committee

If there is not a statutory requirement, the establishment of the Committee must fulfill five (5) of the following Criteria:

1. Aligns with Strategic Plan (and other Master Plans or guiding documents).
2. Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate.
3. Broad subject matter is handled by multiple internal divisions and or external stakeholders.
4. Emerging issue of clear importance to the municipality.
5. Significantly helps stream-line discussion and decision-making at Standing Committees.
6. Handles work that staff do not perform.
7. Needed for the long-term (minimum of five years).
8. Mandate and work plan can be clearly articulated.