



**THE CORPORATION OF THE  
TOWN OF COBALT**

**BY-LAW NO. 2022-25**

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**Being a By-Law to govern the proceedings of  
Council and Committee meetings in the Town of Cobalt**

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**WHEREAS** subsection 238 (2) of the *Municipal Act, 2001* requires every Council and local board to adopt a Procedure by-law for governing the calling, place and proceedings of Meetings;

**AND WHEREAS** subsection 11 (2) of the *Municipal Act, 2001* provides that upper and lower tier municipalities may pass By-Laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations;

**AND WHEREAS** it is Council's desire to follow a process of municipal governance that reflects an open, transparent government;

**AND WHEREAS** Council, in the interest of good governance, recognizes a Procedure By-law as a hallmark of accountability and transparency;

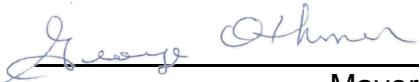
**NOW THEREFORE BE IT RESOLVED THAT:**

1. Council adopts By-Law 2022-25 being a By-Law to govern the proceedings of Council and Committee meetings in the Town of Cobalt ;
2. That the Clerk of the Town of Cobalt is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedules as may be deemed necessary after the passage of this By-Law;

**AND FURTHER THAT** Procedural By-law No. 2018-36, as amended be repealed;

**TAKEN AS READ** a first, second and third time and finally passed this 18<sup>th</sup> day of October 2022;

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

  
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Mayor

  
\_\_\_\_\_  
Clerk



THE CORPORATION OF THE  
**TOWN OF COBALT**

# PROCEDURAL BY-LAW 2022-25

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## 1. Short Title

1.1 This By-law shall be cited as the “Procedural By-law”.

## 2. Definitions

“**Ad Hoc Committee (Working Group)**” means a Committee created by Council with a defined ending, to report directly to Council or Committee on a specific matter.

“**Audio Communication**” means a type of electronic communication which transmits audio only without picture to the participant.

“**Audiovisual Communication**” means a type of electronic communication which transmits both audio and video, allowing the participant to both hear and see the other participants.

“**By-Laws**” mean laws created by the Municipality exercised by Council authority in accordance to the *Municipal Act, 2001*.

“**Chair**” means the Mayor or Deputy Mayor of any Meeting of Council any meeting of a Committee.

“**Town Manager**” means the Town Manager of the Corporation of the Town of Cobalt.

“**Clerk**” means the Clerk of the Corporation of the Town of Cobalt.

“**Closed Meeting**” means a meeting, or part of a meeting of the Council or a Committee, which is closed to the public as permitted by the *Municipal Act, 2001*.

“**Committee**” means any “ad hoc” or other committee, sub-committee or similar entity of which at least 50 per cent (50%) of the members are also members of council.

“**Committee of the Whole**” means the entire Council, sitting in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting legislative action.

“**Conflict of Interest**” means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990*, chapter M.50 as amended (MCIA), and any successor legislation thereto.

**“Corporation”** means The Corporation of the Town of Cobalt.

**“Council”** means the Town’s elected representatives, comprised of the Mayor and Councillors.

**“Deputation / Delegation”** means an individual/group who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or Committee.

**“Deputy Mayor”** means the Councillor appointed to act in the absence of the Mayor in accordance with this By-law.

**“Electronic Meeting”** means a meeting called and held via electronic means (including, but not limited to, audio communication, audiovisual communication, or via means of the internet).

**“Emergency”** means any period of time during which an emergency has been declared to exist in all or part of The Corporation of the Town of Cobalt by the Mayor or all or part of the Province under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;

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

**“Ex-officio”** means by virtue of office or position and carries with it the right to participate fully in all committee meetings and to vote unless prohibited by law, but does not count towards a quorum unless required.

**“Holiday”** means any holiday as defined in *the Legislation Act, 2006, S.O. 2006, c. 21, Sched. F.* including any holiday as declared by the Government of Canada.

**“Hybrid Meeting”** means a meeting which is held both in-person and through electronic participation, where members may choose to attend through either method.

**“Local Board”** means a local board of the Town as defined within the *Municipal Act, 2001.*

**“Mayor”** means the Head of the Council and includes the Deputy Mayor when acting in place of the Mayor.

**“Majority”** means for the purpose of voting, more than half of the members of Council or Committee present at the vote and not prohibited by statute from voting.



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

- a. A quorum of members is present, and
- b. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**“Member”** means a Member of Council including the Mayor, or a Member of Committee, including the Chair.

**“Municipal Act”** means the *Municipal Act S.O. 2001, c. 25*, as amended and any successor legislation thereto.

**“Municipal Conflict of Interest Act”** (MCIA) means regulations under the *Municipal Conflict of Interest Act R.S.O. 1990, c. M.50* as amended, and where Members shall declare any pecuniary interest in common with electors within the area of jurisdiction and/or where the matter under consideration affects only part of the area of jurisdiction.

**“Public Meeting”** means a portion of a meeting for either public hearings on a planning matter, or a matter added to the already adopted Agenda to allow for free public delegation.

**“Quorum”** means a majority of the Members present at a meeting.

**“Recorded Vote”** means the recording of the name and vote of every Member on any matter or question. In the case of a Member who has declared a conflict of interest in the matter or question, the minutes shall reflect the Members declaration and the general nature thereof.

**“Regular Meeting”** means any regular Council or Committee meeting when a quorum is present.

**“Resolution”** means a motion that has been carried.

**“Special Meeting”** means a meeting other than a regularly scheduled or rescheduled meeting as outlined in the “Term of Council - Council and Committee Calendar” adopted by Council, pursuant to the Act or the provisions of this By-law.

**“Term of Office”** means as defined in Section 6. of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*

### **3. General Provisions**

#### **3.1 Purpose**

- 3.1.1 The rules and regulations contained in this By-law shall be observed in all meetings and shall be the rules and regulations for the order and dispatch of business before Council, and Committees.

#### **3.2 Principles**

- 3.2.1 Each Member of Council and Committee has the right to:
  - a. One vote, subject to the declaration of conflict of interest;
  - b. Information to help make decisions, unless otherwise prevented by law;
  - c. An efficient meeting; and
  - d. Be treated with respect and courtesy.
- 3.2.2 In the event of conflict between the provisions of this By-law and any standing or special rules of order adopted by Council or any other legislation, the provisions of the Act or any other legislation shall prevail.
- 3.2.3 Where procedural matters of Council or Committees of Council are not provided for in this by-law and are not governed by the Municipal Act, 2001 and the Municipal Conflict of Interest Act, Robert's Rules of Order shall apply.
- 3.2.4 No item shall be placed on an agenda with respect to a matter which is not within the area of jurisdiction of Council or Committee.

#### **3.3 Suspension of Rules**

- 3.3.1 No provision of this By-law shall be suspended except by a majority two-thirds vote in the affirmative by the Members in attendance at a meeting of Council for each incidence of

suspension and shall not be debatable or amendable. The two-thirds vote shall be rounded up to the next full number. When unqualified, a "majority vote" is taken to mean more than half of the votes cast.

- 3.3.2 The suspension shall only apply to the suspension of the procedure(s) or rule(s) for the stated purpose and only during the meeting in which such motion was introduced.
- 3.3.3 The following procedure(s) or rule(s) shall not be suspended:
  - a. No additional business to be added to a previously called special meetings.
  - b. The requirement of a Majority of Members to make a quorum.
- 3.3.4 No motion to suspend the rules is required to allow a new motion to be presented without notice under New Business at a meeting. However, the motion being presented shall require a two-thirds vote.

#### **4. Roles of Members**

##### 4.1 Role of Council

- 4.1.1 Shall be to develop and evaluate policies but shall not include the development of strategies to implement those policies.

##### 4.2 Limits on Role of Individual Members of Council

- 4.2.1 No Member of Council or Committee has direct authority to interfere or circumvent the performance of any work being performed for the Town, by Town Administration or Consultants.

##### 4.3 Limits on Committee

- 4.3.1 No Committee shall have authority over a Town department.

#### 4.4 Role of Chair

- 4.4.1 The Chair shall preside over the conduct of a meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any member from any ruling of the Chair.
- 4.4.2 The Chair shall call meeting participants to order for behavior that breaches the rules of decorum in accordance with the provisions of this By-law. Where circumstances warrant, the Chair may recess or suspend a meeting until order is restored and/or request any participant persisting in a breach of decorum to leave the meeting.

#### 4.5 Role of Deputy Mayor

- 4.5.1 The role of the Deputy Mayor or Designate shall include the following:
  - a. In the absence of the Chair, preside at meetings as the acting Chair and while so acting shall have all the powers and duties of the Chair with respect to the role of presiding at the meeting;
  - b. During a meeting of the Council, and at the request of the Chair, take the Chair as the acting Chair and while so acting shall have all the powers and duties of the Chair with respect to the role of presiding at the meeting.

#### 4.6 Role of Members of Council or a Committee

- 4.6.1 Members are responsible for:
  - a. Attending scheduled meetings;
  - b. Carefully considering and making decisions about meeting business;
  - c. Voting on motions put to a vote.

4.6.2 Members shall:

- a. Govern themselves according to Council's Code of Conduct in accordance with the Town's Procedural By-law;
- b. Cooperate with the Chair in preserving order and decorum;
- c. Raise their hand in order to be recognized by the Chair.
- d. Comments shall be addressed through the Chair.

4.6.3 Members will not:

- a. Leave an ongoing meeting unless first advising the Chair;
- b. By conversation or otherwise, disturb, delay or disrupt the conduct of business at the meeting;
- c. Interrupt another participant who is speaking, except to raise a point of order or point of privilege;
- d. Use un-parliamentary, rude or offensive language, or engage in un-parliamentary, rude or offensive conduct;
- e. By words, tone, manner of speaking, or gesture, express any opinion or make any allegation that, directly or indirectly, reflects upon the character of any person or group of persons;
- f. Speak disrespectfully to or about another Member of Council, Committee, Administration or the public;
- g. Engage in debate with citizens appearing as delegates or presenters;
- h. Question the motives of another Council or Committee Member;
- i. Fail to abide by the rules of Council or a decision of the Chair on questions of order or practice or the interpretation of the rules.

## **5. Conduct at Meetings**

### **5.1 Head Covering**

5.1.1 During the conduct of any meeting of the Council or Committee, wearing of any hats, other than for religious purposes, are strictly forbidden by any Member of the Council, or Administration.

### **5.2 Lunch Break**

5.2.1 If a meeting progresses over the lunch hour, the Chair is encouraged to take a recess of at least thirty (30) minutes to allow Members and Staff to leave to eat their lunch. After the time allotted has passed, the meeting shall reconvene to continue the Agenda.

### **5.3 Adjournment**

5.3.1 Council shall adjourn its meeting at 10:30 p.m. unless otherwise voted on before that hour by two-thirds vote in the affirmative of the Members present that the meeting be extended.

5.3.2 Only one motion to extend the automatic adjournment of 10:30 p.m., shall be permitted per meeting, and the maximum allowable extension shall be no later than 11:00 p.m.

### **5.4 Use of Audio, Still Camera and Video Equipment (Electronics)**

5.4.1 The use of audio, still camera or video recording equipment, during a meeting, is permitted within the designated areas providing it is not disruptive to the conduct of the meeting at which the recording privileges are granted. All audio / camera / video recordings recorded other than by the municipality under any circumstances, shall not be deemed to be the official records. Designated areas shall include the audience / public gallery and/or the press table.

### **5.5 Rules of Debate**

5.5.1 The Chair may state relevant facts and their position on any matter before the Council without leaving the Chair, but shall not be permitted to debate a question without first leaving the Chair.

5.5.2 If the Chair wishes to take part in the debate of any matter before Council or for any other reason, the Chair shall first relinquish the Chair to the Deputy Mayor. In the absence of the Deputy Mayor or should the Deputy Mayor decline to take part in the debate, the Chair shall designate another Member to fill the seat until the matter being debated has been disposed of, after which the Chair shall continue chairing the meeting.

## 5.6 Breach of the Rules

- 5.6.1 If a Member persists in a breach of the rules of this By-law, after having been called to order by the Chair, the Chair shall:
- a. Put the question “shall the Member be ordered to leave their seat for the duration of the meeting?” and such a question is not debatable;
  - b. Should the Council or Committee decide the question in the affirmative by a majority vote of the Members, the Chair shall order the Member to leave their seat for the duration of the meeting;
  - c. Should the Member apologize, the Chair may, with the approval of the majority of Council or Committee, permit the Member to resume their seat;

## 5.7 Speaking Order and Limit

- 5.7.1 Council and Committee of the Whole Meetings
- a. Before a member may speak to any matter, they shall first be recognized by the Chair.
  - b. When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.
  - c. Members speaking on a motion shall be limited to a maximum of five minutes.
  - d. Any Member, including the mover of the motion, wishing to speak on the same item a second and final time, may do so for a maximum of five (5)

additional minutes, unless otherwise decided by the Chair.

- e. When a Member is speaking to a Motion, they shall confine their remarks to the Motion.

## 5.8 Point of Order and Point of Privilege

### 5.8.1 Point of Order (see Sec.10.6.1(b))

- a. A Member may raise a point of order at any time, the Chair shall:
  - i. interrupt the matter under consideration;
  - ii.
  - iii. ask the Member raising the point of order to state the substance of and the basis for the point of order; and,
  - iv. rule on the point of order immediately without debate by Council or Committee of the Whole.
- b. A Member of Council or Committee may appeal the ruling of the Chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the Members present. If there is no appeal, the decision of the Chair shall be final.

### 5.8.2 Point of Privilege

- a. A Member may raise a point of privilege at any time if they consider that their integrity, the integrity of Council or the Committee as a whole or staff has been impugned, the Chair shall:
  - i. interrupt the matter under consideration;
  - iii. ask the Member raising the point of privilege to state the substance of and the basis for the point of privilege;
  - iii. rule on the point of privilege immediately without debate by Council or Committee;
  - iv. a Member of Council or Committee may appeal the ruling of The Chair to Council or Committee;



- v. if there is no appeal, the decision of the Chair shall be final. The Council or Committee, if appealed to, shall decide the question without debate and its decision shall be final; and
- vi. where the Chair considers that the integrity of any Town employee has been impugned or questioned, the Chair may permit staff to make a statement to Council or Committee.

## 5.9 Electronic Devices

5.9.1 Each Member of Council and Committee shall place all electronic devices on an inaudible setting during any meeting except for “on call/on duty” medical or emergency personnel (Council/Committee or employees). Such personnel shall advise the Chair and place their electronic devices on audible setting in order to be notified and upon notification, leave the room to respond.

5.9.2 No Member shall use an electronic device as a recording device during any meeting.

5.9.3 No Member shall use an electronic device to broadcast or otherwise publish or post audio, video or photographs of any Meeting.

## 5.10 Conduct of Public

5.10.1 Members of the public who constitute the audience at a meeting shall not:

- a. Address Council or Committee without prior permission granted through the deputation process;
- b. Engage in any activity or behavior that may affect the Council or Committee deliberations.

## 5.11 Disorderly Conduct

5.11.1 The Chair may request that any member of the Assembly be expelled from the meeting in the event of disorderly conduct.

## **6. Rules and Procedures for Council and Committee Meetings**

### **6.1 Schedule of Meetings (Order of Business) – Regular Council Meeting**

6.1.1 The Agenda for Council shall be prepared using the following headings:

- a. Call to Order
- b. Disclosure of Conflict of Interest
- c. Public Meetings
- d. Deputations/Delegation
- e. Adoption of the Agenda
- f. Adoption of the Previous Council Minutes
- g. Items for Council consideration
- h. Items for Council Information
- i. By-Laws and Agreements
- j. Other Business / Unfinished Business
- k. New Business
- l. Closed Meeting (if applicable)
- m. Business Arising from Closed Meeting (if applicable)
- n. Adjournment

### **6.2 Schedule of Meetings (Order of Business) – Committee of the Whole**

6.2.1 The agenda for Committee of the Whole, shall be prepared using the following headings:

- a. Call to Order
- b. Disclosure of Conflict of Interest
- c. Deputations
- d. Adoption of the Agenda
- e. Staff Reports
- f. Items for Council Consideration
- g. Items for Council Information
- h. Other Business / Unfinished Business
- i. New Business
- j. Closed Meeting (if applicable)
- k. Business Arising from Closed Meeting (if applicable)
- l. Adjournment

6.2.2 The business of each meeting shall be taken up in the order in which it stands on the agenda unless otherwise decided by a consensus of the majority of the Members present.

### 6.3 Notice of Meetings

6.3.1 Public Notice of meetings shall be given by posting the meeting schedule, as per the Term of Council –Calendar as adopted by Council, on the Town’s official website at the beginning of the Term of Council. The meeting schedule shall include the date, time and location of Council. The meeting schedule is subject to change where necessary.

6.3.2 Notwithstanding Section 6.3.1 Committee Meetings shall not be noted on the Term of Council – Council and Committee Meeting Calendar but shall be held at the call of the Chair.

6.3.3 The Clerk will give public notice by way of agenda of all regular public Council and Committee meetings as well as meetings closed to the public by:

- a. Inclusion on the Town’s website no later than 48 hours before the hour appointed for the holding of such meeting;
- b. Posting outside the doors of the Municipal Office;
- c. Failure to post the agenda to the Town’s official website or outside the Council Chambers, shall not affect the validity of the meeting or any action lawfully taken thereat.

6.3.4 Notice to Members will be given by electronic mail no later than 48 hours before the hour appointed for the holding of such meeting.

6.3.5 Closed Meeting materials shall be provided to Council in confidence, no later than 24 hours before the hour appointed for the holding of such meeting.

6.3.6 Only Closed Meeting materials related to Human Resources may be handed out at the table must be printed on coloured paper and returned to the Clerk immediately following the meeting.

- 6.3.7 Lack of receipt of a notice of an Agenda by the Members of Council shall not affect the validity of the meeting or any action lawfully taken thereat.

#### 6.4 Meetings - Location, Date and Time

- 6.4.1 Unless otherwise stipulated on the Agenda, all meetings of Council and Committees shall take place *in the Municipal Council Chambers at the second floor of the Community Centre* at 18 Silver Street in the Town of Cobalt. In the event the regular Meeting date falls on a public holiday, the Council or Committee shall meet at the same hour on the next day, *or as rescheduled by Council*, but not being on a public holiday.

#### 6.4.2 Other Meetings:

- a. The Inaugural Meeting Sec. 8.1, shall take place in the Cobalt Community Centre;
- b. Emergency Meetings sec. 8.4, shall take place as stipulated on the Agenda.
- c. Electronic Meetings shall take place as per Sec. 8.11.5 a).

- 6.4.3 All Council and Committee dates and times shall be as set out in the Term of Council – Council and Committee Meeting Calendar adopted by Council.

- 6.4.4 In the event that an emergency has been declared and where the Municipal Council Chambers is not available as a meeting location, an alternate site shall be selected as the meeting location.

#### 6.5 Quorum and Commencement of Meetings

- 6.5.1 The majority of Members of Council and Committees shall constitute a quorum.

- 6.5.2 As soon after the hour fixed for the meeting as there is a quorum present, the Chair shall call the meeting to order.

- 6.5.3 In the event that the Chair does not attend the Meeting within fifteen minutes after the time appointed, the Deputy Mayor designate shall call the Members to order and if a quorum is present, shall preside as Chair and who shall have all the powers and duties required to conduct the meeting.
- 6.5.4 In the absence of the Mayor or Deputy Mayor the Clerk shall call the Members to order and the Members shall choose a Chair from amongst the Members present and that person shall preside over the Meeting or until the arrival of the Mayor or Deputy Mayor-
- 6.5.5 Should there be no quorum within fifteen minutes after the time appointed for the meeting, the Chair shall call the roll, the names of the Members present shall be recorded and the items included on the agenda shall be included on the agenda of the next regular meeting or to a special meeting, if called for that purpose.
- 6.5.6 If during the course of a meeting, the quorum is lost, then the meeting shall stand adjourned to reconvene as determined by the Chair.
- 6.5.7 Quorum is not lost due to a declaration of conflict of interest unless the number of members remaining is two (2) or less.
- 6.5.8 Members of Council or Committee are requested to notify the Clerk when the member is aware that they will be absent from any meeting of Council of Committee.
- 6.5.9 In the event that the appointed Chair is absent for a portion of a meeting and upon arrival or return at the ongoing meeting, they shall have the option of assuming the Chair. The option may be exercised immediately following the completion of the item under consideration.

## 6.6 Disclosure of Conflict of Interest

- 6.6.1 All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the *Municipal Conflict of Interest Act R.S.O. 1990*.
- 6.6.2 It is the responsibility of the Member to identify and disclose any interest and complete a Declaration of Conflict of Interest form to be filed with the Clerk prior to the meeting.
- 6.6.3 The Member shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 6.6.4 Where a Member has declared a conflict of interest, and the matter is being discussed at a public meeting, the Member shall sit back from the table and not participate in any debate or vote.
- 6.6.5 Where the meeting is not open to the public, the member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.
- 6.6.6 Where a member is absent from a meeting which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.
- 6.6.7 The Clerk shall record every declaration of interest and general nature thereof made by a Council Member under the Municipal Conflict of Interest Act (MCIA) in the minutes of a Council meeting which is open to the public and maintain the declaration within a registry to be made available for public viewing.
- 6.6.8 The Clerk shall record every declaration of interest, but not the general nature thereof, made by a Council Member under MCIA in the minutes of the Council meeting, which is not open to the public.

## 6.7 Delegation / Deputation - Communication with Council

6.7.1 "Schedule A" attached to and forming part of this By-law – A Guide to Communicating with Council as attached provides for information on:

- a. Council correspondence;
- b. Deputation/Delegations and Invited Presentations;
- c. Public Meetings; and
- d. Petitions.

## 7. Meetings

### 7.1 Inaugural Meeting

- 7.1.1 The Inaugural Meeting of Council, considered to be its first meeting, shall be held on the first Tuesday after November 14 of an election year at an hour determined by the Mayor-Elect and Clerk.
- 7.1.2 The Inaugural meeting shall be held in the Cobalt Community Centre.
- 7.1.3 At the Inaugural Meeting, each Member elected, shall make their declaration of office and sign or be provided with the *Council Code of Conduct Policy By-law, the Social Media Policy By-law, Municipal Conflict Information Act, and Workplace Harassment Policy By-law*.
- 7.1.4 In consultation with the Mayor-elect, the Clerk, shall extend invitations to all former Heads of Council, the immediate family members of the Council-elect, Town Staff and other dignitaries and other guests as determined.

7.1.5 The Agenda for the Inaugural Meeting shall have the following Items:

- a. Welcome and call to order – Municipal Clerk
- b. Inaugural Ceremony:
  - i. Introduction of the Council-Elect by the Town Manager
  - ii. Introduction of Any Dignitaries
  - iii. Administration of Declaration of Oath of Office to the Mayor-Elect
  - iv. Administration of Declaration of Oath of Office to Council-Elect
  - v. Presentation of Chain of Office to the Mayor
  - vi. Invitation for Mayor to Assume the Chair
  - vii. Inaugural Addresses
- c. Adjournment
- d. Other items as determined by the Clerk and Mayor-Elect

## 7.2 Special Meetings

7.2.1 A Special Meeting of Council or Committee may be called at any time as follows:

- a. By the Chair giving direction to the Clerk stating the date, time and purpose of the Special Meeting; or
- b. By receipt of a petition to the Clerk signed by a majority of members of the date, time and purpose mentioned in the petition.

7.2.2 The Mayor to set a mandatory Council Training Session to be held within two months of the inaugural Meeting and annually thereafter. This meeting or part of the meeting may be closed to the public in accordance with Section 239 of the *Municipal Act, 2001*



7.2.3 Meetings outlined in subsection 6.3.2:

- a. shall not be considered a Special Meeting, for the purposes of subsection 8.2.4.

7.2.4 No business except the business dealing directly with the purpose provided on the Agenda shall be transacted at a Special Meeting.

7.2.5 There shall be no Addendums to the Special Meeting Agenda once it has been posted and circulated.

7.2.6 The Clerk shall give all Members notice of a Special Meeting of Council at least twenty-four (24) hours before the time appointed for such meeting.

7.3 Joint Meetings (Section 236 (2) of the *Municipal Act, 2001*):

7.3.1 Joint Council Meetings:

- a. The procedural By-law of the hosting municipality shall prevail.
- b. A quorum for the joint meeting of two or more Councils will be a majority of Members from each Council.

7.4 Emergency Meetings

7.4.1 In the event of a disaster or emergency as defined in the Town's Emergency Plan, an emergency meeting may be held without notice, to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Clerk or their designate to notify the Members about the meeting as soon as possible and in the most expedient manner available.

7.5 Closed Meetings

7.5.1 A meeting or part of a meeting may be closed to the public in accordance with Section 239 (2), (3) and (3.1) of the *Municipal Act, 2001*.

7.5.2 Unless otherwise directed by the Town Manager, attendance at the Closed Meetings is limited to the Town Manager, Senior Management Team, Clerk, Deputy Clerk and/or designate and any third party to the Town with direct input on matter(s) to be discussed. Staff are to remain outside the Closed Meeting room until called upon to speak to their specific matter and vacate the meeting once the matter has been dealt with.

7.5.3 Resolution

- a. Prior to holding a Meeting closed to the public, Council or Committee shall state by resolution in a meeting open to the public, that Council or Committee will be holding a Closed Meeting, the subject matter and as the allowed closed meeting exemption under the *Municipal Act, 2001*.

7.5.4 Recording of Minutes

- a. The Clerk and/or their designate shall attend all Public and Closed Meetings and shall record, without note or comment, all of the proceedings, including procedural motions and directions to staff.
- b. The Clerk may delegate its duties with respect to recording minutes within a public or within a Closed Meeting of Council or Committee, to a staff person who has been delegated this task under Section 228 (4) of the *Municipal Act, 2001* only.
- c. Minutes of a closed meeting of Council or a Committee of council shall be presented for adoption at the next closed meeting portion of a regular meeting of council / committee.
- d. The adoption of the minutes is a procedural matter and does not affect the validity or affect the resolutions recorded in the minutes.

7.5.5 Reporting in Open Meeting

- a. In an open meeting immediately following the Closed Meeting, the Clerk or Town Manager shall summarize

the actions taken in the Closed Meeting.

- b. Only matters discussed in a Closed Meeting and directed to be brought forward for voting in public meeting, will be brought forward to an Open Meeting of Council immediately following the Closed Meeting and will be presented under Business Arising from Closed Meeting.

#### 7.5.6 Closed Meeting Voting

- a. In relation to a matter considered in a Closed Meeting pursuant to Section 8.5.1 Council or Committee may vote on:
  - i. Procedural motions;
  - ii. To give direction without a vote to staff or a third party of the Town.

#### 7.5.7 Preservation of Confidentiality

- a. All information, documentation or deliberations received, reviewed or taken in a closed meeting shall remain confidential. No member or staff person shall release, make public or comment in any way on information considered during a closed meeting.
- b. Release of closed meeting information may be executed by a resolution of council.

### 7.6 Regular Meetings of Council

- 7.6.1 Regular Council Meetings shall be held in accordance with the Term of Council - Council & Committee Meeting Calendar adopted by Council.

### 7.7 Committee Meetings

- 7.7.1 The Committee structure of Council shall be determined by the Mayor and adopted by Council.
- 7.7.2 Council shall appoint Members to Committees.

- 7.7.3 Notwithstanding Section 6.3.1, Committee meetings shall be held in accordance with the Term of Council - Council & Committee Meeting Calendar adopted by Council.
- 7.7.4 Unless otherwise identified in the Town Appointing By-law, the Mayor shall select Chairs of Committees for adoption by Council. In appointing the Chairs, consideration shall be given to workload balance, individual interests and Councillor development.
- 7.7.5 The Mayor shall be ex-officio on all committees, with the exception of Committee of Adjustment.
- 7.7.6 Each Committee may make recommendations to Council through the meeting minutes presented at the next regular Council meeting.

#### 7.8 Ad-Hoc Committees (Working Groups)

- 7.8.1 Council, from time to time, may appoint Ad Hoc Committees to consider a specific matter and who shall report to Council or Committee.
- 7.8.2 When an Ad-Hoc Committee is established the appointment resolution shall include:
  - a. The name of the Ad-Hoc Committee;
  - b. A mandate;
  - c. Member composition, including staff member(s) who shall be responsible for the administration of the Ad-Hoc Committee;
  - d. A sunset provision being the date of which the Ad-Hoc Committee must report back and will cease to exist; and
  - e. The meeting in which the report will be brought back to.
- 7.8.3 If an Ad-Hoc Committee requires extra time, the Chair may request the additional time to Council/Committee.

- 7.8.4 Meeting times and locations shall be as determined by the Ad-Hoc Committee.
- 7.8.5 The method and manner of distribution of the agendas shall be determined by the staff support person.
- 7.8.6 Only the Members of an Ad Hoc Committee shall participate in, debate or ask questions at Ad Hoc Committee meetings.

## 7.9 Electronic Meetings

### 7.9.1 Determination of Meeting

- a. The Chair shall determine whether to hold an electronic meeting.
- b. A regular meeting or Special Meeting of Council or Committee may be conducted by Electronic Meeting in accordance with this section and any Electronic Meeting Protocol, as developed and amended as necessary, by the Clerk.

### 7.9.2 Electronic Participation

- a. All members may participate in an electronic meeting. Only the Chair, Recording Secretary, Clerk or production staff may be physically present in the Council Chambers, or in the designated physical meeting location.

### 7.9.3 Quorum and Voting for Electronic Meeting

- a. Members participating in either an open or closed Electronic Meeting, either in person or by electronic means, shall be counted for purposes of quorum at the commencement and at any point in time during the meeting. Members shall be entitled to vote, as if they were attending the meeting in person through a vote tallied by the Chair, noting only if a vote was made in favour or opposed, and shall not be deemed a recorded vote unless requested by a member.

#### 7.9.4 Closed Meeting

- a. An Electronic Meeting may include a Closed Meeting, which shall be conducted in the absence of the public and in accordance with this Section and the Electronic Meeting Protocol.

#### 7.9.5 Public Notice of Electronic Meeting

- a. A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open meeting of such Electronic Meeting.

#### 7.9.6 Delegations

- a. All delegations shall take place electronically, or in writing, if the Chair has called for the meeting to be held electronically.

#### 7.9.7 Invited and Ceremonial Presentations

- a. All invited and ceremonial presentations shall take place electronically if the Chair has called for the meeting to be held electronically.

#### 7.9.8 Application and Conflict

- a. Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Provincial legislation or order shall prevail to the extent of any conflict.

## **8. Reports from Municipal Officers**

### 8.1 Report Templates

- 8.1.1 Unless otherwise approved by the Town Manager, all Staff presentations and material shall be provided to the Clerk for the agenda and in a structured format that can include recommendations for Council consideration.

## **9. Motions**

### **9.1 Filing a Motion**

- 9.1.1 A member of Council may file a motion to be placed on the agenda through the Clerk's office, no later than 1:00 p.m. on the Thursday of the week prior to the regular Council meeting, as deemed appropriate.

### **9.2 Filing a Notice of Motion**

- 9.2.1 A member may introduce a notice of motion at a meeting regarding a matter that would not otherwise be considered at such meeting.
- 9.2.2 Notice of motions introduced shall not be debated and shall be recorded at the next appropriate meeting under New Business.
- 9.2.3 A notice of motion shall not be considered or otherwise disposed of unless the mover and seconder of the motion are in attendance at the meeting.
- 9.2.4 If a motion is introduced and not brought forward at the next meeting, the motion expires.
- 9.2.5 No delegation shall be permitted to speak on a notice of motion.

### **9.3 Putting a Motion**

- 9.3.1 Council shall not debate any motion until it has been duly moved and seconded.
- 9.3.2 After a motion has been moved and seconded and stated by the Chair, it shall be deemed to be in the possession of Council. Council may consent to the withdrawal of the motion at any time before amendment or decision.
- 9.3.3 A motion relating to a matter not within the jurisdiction of the Council is not in order and shall not be entertained by the Chair.

9.3.4 Whenever the Chair is of the opinion that an amending motion is contrary to the main motion, the Chair shall apprise the members therefore immediately.

9.3.5 The Chair and or the Clerk may assist the Member to rephrase the suggested amendment to conform with an amending motion.

#### 9.4 Various Motions

9.4.1 When a motion is under debate, no other motion shall be received unless it is a motion to:

- a. Adjourn the meeting.
  - i. is not debatable;
  - ii. is not amendable;
  - iii. shall always be in order except when a member is speaking or during the verification of a vote on a motion.
- b. **Raise a question of privilege.**
  - i. Where a member considers that the integrity of Council as a whole has been called into question, the member may rise at any time, with the consent of the Chair for the purpose of drawing the attention of the Council to the question;
  - ii. 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;
  - iii. Such a motion to raise a question of privilege:
    - is not debatable;
    - is not amendable;
    - does not require a seconder.
- c. **Call the question.**
  - i. is not debatable;
  - ii. is not amendable;
  - iii. requires 2/3's vote;
  - iv. when resolved in the affirmative, shall be forwarded



- by putting the question without debate or amendment;
  - v. when resolved in the negative, shall be followed by a resumption of debate;
  - vi. shall always be in order;
  - vii. cannot be used in Committees.
- d. **Motion to take from the table.**
- i. is not debatable;
  - ii. is not amendable;
  - iii. cannot be reconsidered;
  - iv. if the motion laid on the table is not taken from the table by the end of the next regular meeting, the motion dies;
  - v. all tabled motions will be listed on the subsequent meeting for information only.
- e. **Postpone to a certain time or definitely.**
- i. must include a time or date;
  - ii. is debatable;
  - iii. is amendable;
  - iv. suspends action on the main motion and any
  - v. amendments to which it applies until it has been decided;
  - vii. cannot be postponed beyond the next regular meeting.
- f. **Postpone indefinitely.**
- i. is debatable (can include merits of the main motion);
  - ii. is not amendable;
  - iii. cannot be reconsidered;
  - iv. an only be applied to a main motion;
  - v. if adopted, the motion may not be considered until a future date.
- g. **Refer (commit).**
- i. is debatable (debate restricted to the pros and cons of making the referral);
  - ii. is amendable;
  - iii. shall include to whom the matter is to be referred and instructions respecting the terms upon which the matter is to be to be referred;
  - iv. shall preclude amendment or debate of the preceding

motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

h. **Amend.**

- i. is debatable;
- ii. can be reconsidered;
- iii. shall be relevant to the main motion;
- iv. is subject to only one further amendment which must be relevant to the primary amendment;
- v. if more than one motion, they shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main question is put to the vote.

i. **Substitute.**

- i. is debatable;
- ii. is amendable.

9.5 Motions to bring a question before Council again

9.5.1 At the Same Meeting

a. Motion to Reconsider:

- i. can occur without notice and only at the meeting it was originally considered;
- ii. requires a majority vote of Council;
- iii. is debatable;
- iv. is not amendable;
- v. can only be moved by a member who voted on the prevailing side of the decision (also cannot be moved by one who was absent or who did not vote at all);
- vi. cannot be reconsidered;
- vii. suspends action on the motion to which it applies until it has been decided.

9.5.2 At a Subsequent meeting – Motion to Amend Something Previously Adopted

- a. Resolutions that have been passed that have the same matter adopted by By-law, only the resolution shall be reconsidered. If the decision resulting from the reconsideration warrants, the By-law will be amended or repealed accordingly.

- b. Resolutions cannot be reconsidered after something has been done as a result of that vote that cannot be undone; or where it is in the nature of a contract and the other party is informed of the fact.
- c. Motion to rescind or amend something previously adopted.
  - i. is debatable;
  - ii. is amendable;
  - iii. shall require a two third vote of council members present if no notice is given;
  - iv. can be reconsidered if motion fails.
- d. A motion to renew.
  - i. Shall not be made more than once in the twelve month period from the date the matter was decided, unless a regular election has occurred following the decision;
  - ii. Shall be deemed to be new business and not a matter of reconsideration if brought before a succeeding Council;
  - iii. is debatable;
  - iv. is amendable;
  - v. shall require a two third vote of council members present should no notice is given;
  - vi. can be reconsidered if motion fails.

## 9.6 Incidental Motions

9.6.1 Incidental motions have no order of precedence among them and take precedence over any pending question out of which they arise.

- a. to divide the question. Such a motion to divide the question;
  - i. is not debatable;
  - ii. is amendable;
  - iii. shall always be in order.

- b. to call a point of order. Such a motion;
  - i. is not debatable;
  - ii. is not amendable
  - iii. shall always be in order;
  - iv. is resolved by decision of the chair.
  
- c. to suspend the rules. Such a motion to suspend the rules;
  - i. is not debatable;
  - ii. is not amendable;
  - iii. shall always be in order; and
  - iv. requires a two-thirds vote.

## **10. Voting**

### 10.1 Request to Call the Question

- 10.1.1 A Member of Council may request that the Chair “call the question” and the Chair may accept or deny the request. Unless a member immediately appeals the decision to the Council, the decision of the Chair shall be final.

### 10.2 Calling the Vote

- 10.2.1 Once all motions relating to the main motion have been dealt with, and once the question has been called on the main motion, there shall be no further discussion or debate and the motion shall be immediately voted on.
  
- 10.2.2 A motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the motion have spoken.
  
- 10.2.3 After a motion is put to a vote by the Chair, no Member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced.

### 10.3 Determining the Decision

- 10.3.1 The manner of determining the decision of the Council or Committee on a motion shall be by a show of hands, unless otherwise stated by the Chair.

- 10.3.2 All motions shall require votes from a majority of the Members present in order to be valid and binding on Council or Committee.
- 10.3.3 No vote shall be taken by Council by straw vote, ballot or by any other method of secret voting and every vote so taken is of no effect.

#### 10.4 Counting the Vote

- 10.4.1 Except as otherwise provided, every member of Council or Committee shall have one vote.
- 10.4.2 Every Member present shall vote on every motion unless the Member has declared a pecuniary interest in the matter. Every Member who is not disqualified from voting by reason of a declared conflict of interest and who declines or abstains from voting shall be deemed to be a negative vote.
- 10.4.3 The Chair shall announce the result of every vote taken.
- 10.4.4 When a vote is taken and a tie results, the motion is deemed to be defeated for want of a majority.
- 10.4.5 The Clerk shall not note dissenting votes in the Minutes, unless a request has been made by a member of Council for a recorded vote.

#### 10.5 Recorded Vote

- 10.5.1 A recorded vote shall be taken when called for by any Member or when required by law. The Clerk shall call upon each Member of Council entitled to vote on the motion, to answer "Yea" or "Nay".
- 10.5.2 A member may call for a recorded vote immediately prior to or immediately after the taking of the vote.
- 10.5.3 A recorded vote shall be taken in alphabetical order by last name of the Members present starting with the mover and then back to the beginning of the alphabet, until all Members have voted, save and except the Chair who shall vote last.

- 10.5.4 When a recorded vote is taken, the names of the Members of Council who voted in support and those who voted in opposition to the motion shall be entered in the minutes.
- 10.5.5 All Members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a declared conflict of interest.
- 10.5.6 The mover and seconder of a motion, once put, may vote against the motion.

## **11. Minutes**

### 11.1 Preparing the Minutes

- 11.1.1 The Clerk or Clerk's designate prepares the minutes for all Council and Council Committee meetings.
- 11.1.2 The minutes shall include:
  - a. All decisions and other proceedings;
  - b. The names of all member attending and absent;
  - c. For recorded votes, a record of the way each Member present voted for every motion;
  - d. A record of Members, if any, who declared a conflict of interest and the reason for the conflict of interest; and
  - e. The time a Member arrives (if late) or the time a Member leaves the meeting, if before the meeting is adjourned.

### 11.2 Adopting the Minutes

- 11.2.1 Unless Council decides otherwise, the Clerk or Clerk's designate shall submit and add to the Agenda the minutes of the previous meeting(s) at the next regular meeting or as soon as possible afterwards, for adoption or amendment.
- 11.2.2 Committee Chairs may outline the minutes before the minutes are adopted or amended.

- 11.2.3 Council or Committee passes a motion to amend the minutes to correct any errors or omissions and then adopts the amended minutes.
- 11.2.4 If there are no errors or omissions in the minutes, Council adopts the minutes as prepared.
- 11.2.5 All minutes shall be signed by the Chair and Clerk, once adopted by Council.
- 11.2.6 Once signed, the Town Seal, shall be applied over the Mayor's signature.

## **12. By-Laws**

### 12.1 Preparation of By-Laws

- 12.1.1 All By-Laws shall be prepared by the Staff Member responsible for the By-law and sent to the Clerk for verification and inclusion to the next meeting of Council.

### 12.2 Content of By-Laws

- 12.2.1 All By-Laws, must:
  - a. Have a concise title;
  - b. Be numbered;
  - c. Refer to the decision on the By-law's subject matter;
  - d. Give the date of the meeting at which the By-law is to be introduced.

### 12.3 Introducing and Passing By-Laws

- 12.3.1 All By-Laws shall receive three readings, and all three readings may be provided at the same meeting, unless otherwise directed by various Acts or by direction by Council.
- 12.3.2 All By-Laws may be introduced and passed together in one motion and referred to only by number.

12.3.3 Council, must, at the request of any member, deal separately with any By-law.

#### 12.4 Limitations on Debating the Motion

12.4.1 A motion to introduce and pass a By-law is debatable and may be amended, but only as to:

- a. Form;
- b. To ensure that it correctly implements the decision that it is intended to implement.

#### 12.5 Upon Passage of a By-law

12.5.1 The By-law is printed in the form of a By-law;

12.5.2 The By-law shall be signed by the Mayor and Clerk;

12.5.3 The Clerk affixes the By-law number and the corporate seal of the Town over the Mayor's signature.

#### 12.6 Effective Date

12.6.1 A By-law is effective on the day it is enacted, unless the By-law specifies otherwise.

#### 12.7 Clerk's Authority to Make Minor Changes

12.7.1 The Clerk may correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or are of similar nature to any By-law before the By-law is signed, sealed, numbered, and enacted as.

12.7.2 Any changes made under subsection 13.7.1 are for the purpose of ensuring correct and complete implementation of the actions that form the subject matter of the By-law in accordance with the Procedural By-law.



**13. Amendments to this By-law**

13.1.1 If the proposed By-law is not passed at the council meeting specified in the notice, but consideration of the matter is deferred, no further notice is required, if a public statement is made at the meeting that the matter has been deferred and that the municipality intends to adopt or amend the By-law at a later council meeting specified in the public statement. This also applies to any further deferrals of the matter.

**14. Severability**

14.1.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

**15. Appendices, Repeal and Enactment**

15.1.1 Schedule A, *A Guide to Communicating with Council*, as attached, shall form part of this By-law.

15.1.2 By-Laws and any other By-law inconsistent with this By-law are hereby repealed.

15.1.3 That this By-law shall come into force and effect on the day of passing.

# Schedule A – A Guide to Communicating with Council

## A Guide to Communicating with Council

The public has the right to participate in the decision-making process by writing to Council or Committee, by submitting a public petition, or by making a deputation, as the Procedural By-law describes.

The Town of Cobalt is committed to ensuring that members of the public have prompt, efficient and effective opportunities to contact and communicate with members of Council.

To assist in achieving this commitment, the Town has developed a number of communication tools to assist members of the community to provide public input and to communicate with Council.

### 1. Council Correspondence

Written correspondence, mail and email, should be submitted to the Town Manager identifying the Member(s) of Council to which correspondence is to be circulated.

#### 1.1 General Provisions

- 1.1.1 Any correspondence received from a public entity, association or government organization will be listed as Council Correspondence on the next regular Council meeting agenda.
- 1.1.2 Letters or electronic mail containing profanity or submitted anonymously will not be circulated.

#### 1.2 Mail

- 1.2.1 All correspondence must include the following information:
  - a. author's name;
  - b. complete mailing address, including postal code;
  - c. a home, cell or business phone number; and/or
  - d. an email address.
- 1.2.2 All Council correspondence is submitted to Council via the Town Manager.

- 1.2.3 Correspondence received from members of the public that is addressed to Council will be recorded and forwarded to the appropriate members.
- 1.2.4 Correspondence received from members of the public that is addressed to the Mayor will be recorded and submitted to the Mayor.

1.3 Electronic Mail

- 1.3.1 Electronic correspondence submitted to Council via the Town Manager will be recorded and distributed to Council via email.

2. **Invited Presentations**

- 2.1 Council or Committee may invite specific persons, experts, organizations, or groups to make a public presentation to any meeting open to the public on any matter within its jurisdiction.
- 2.2 In presenting, any person may represent himself or herself, an organization or a group.
- 2.3 The Chair may request that the Clerk place on the agenda an invited presentation no later than five (5) full business days prior to, and not including, the date of the meeting.
- 2.4 The time limit for each Invited Presentation shall be as determined by the Chair.

3. **Statutory Hearings**

- 3.1 Delegating a Statutory Hearing
  - 3.1.1 Council may delegate to a Committee the power to conduct a statutory hearing, if legislation allows Council to do so.
- 3.2 General Provisions
  - 3.2.1 Delegations will be permitted from the gallery without prior registration to hear during a public hearing portion of a meeting under the provisions of the *Planning Act, R.S.O. 1990* or other legislation or regulation requiring a public hearing.

3.2.2 A matter previously discussed under a public hearing cannot be subject to further delegation unless through another public hearing or where new information has been received.

3.3 Notice on Outer Door of Meeting Room

3.3.1 Notice of Public Hearings shall be posted on the bulletin Board outside the Town Office

3.4 Sign in Form

3.4.1 Delegates who wish to speak before Members, will be requested to sign the Public Hearing – Presentation Sign in Form located at the deputation table should they wish to speak.

3.4.2 Notwithstanding subsection 3.4.1, Public Hearing – Presentation Sign in Forms are not required for non-statutory public hearings.

3.5 Communications

3.5.1 Communications given to the Town Manager may be made public:

- a. All communications about a matter on a meeting agenda that the Town Manager receives becomes part of the public record.
- b. All communications are available to members before the meeting or, if necessary, distributed directly to members during the meeting.

3.6 Requirements for Communications given to Council, or the Town Manager

3.6.1 All communications must:

- a. Be delivered in person or sent by regular mail or e-mail;
- b. Be addressed to the Staff Member in charge of the matter, Council, or to the Town Manager;
- c. Be legible;

- d. Include the name and complete mailing address, including postal code, as well as:
  - i. home, cell or business phone number; or
  - ii. email address;
- e. Not be defamatory or contain offensive language.

### 3.7 Communications Part of Public Record

- 3.7.1 Personal information and opinions in communications are part of the public record, unless the author of the communication requests the removal of their personal information when submitting it or the Clerk determines the personal information contravenes the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990*.

### 3.8 Procedures for Statutory Hearings

- 3.8.1 The following procedures apply to statutory hearings:
  - a. The Chair provides an overview of the purpose and procedure of the Public Hearing.
  - b. Staff shall outline the matter and present their Staff Report.
  - c. Following the staff member's presentation, the applicant or the applicant's representative may provide additional comments. Prior notification is not required.
  - d. The applicant or applicant's representative may provide additional comments, after which the Chair asks if there are members of the public who wish to make a presentation on the matter. Members of the public will be required to state their name and address for the record and confine their remarks to the stated business.
  - e. Following the presentation, each Member may provide comments or ask questions of any presenter for no more than three (3) minutes.

- f. Following comments and/or questions by Members, the Chair asks if anyone has further questions or comments.
- g. After hearing all presentations on the matter and asking any related questions, the Chair will provide a final summation of instructions in relation to the Public Hearing.
- h. After the final summation, members may immediately consider the matter or defer consideration to a future meeting.

#### 4. **Rules for Non Statutory Hearings (Public Meetings)**

##### 4.1 General Provisions

- 4.1.1 During a Non Statutory Hearing (Public Meeting) portion of a meeting, Delegations may be permitted from the gallery without prior registration.

##### 4.2 Communications

- 4.2.1 All communications about a matter on a meeting agenda that the Clerk receives, becomes part of the public record.
- 4.2.2 All communications are available to members before the meeting or, if necessary, distributed directly to members during the meeting.

##### 4.3 Requirements for Communications given to Council, or the Town Manager

- 4.3.1 All communications must:
  - a. Be delivered in person or sent by regular mail or e-mail;
  - b. Be addressed to the Staff Member in charge of the matter, Council, or to the Clerk;
  - c. Be legible;
  - d. Include the name and complete mailing address, including

postal code, as well as:

- i. home, cell or business phone number; or
  - ii. email address;
- e. Not be defamatory or contain offensive language.

#### 4.4 Communications Part of Public Record

- 4.4.1 Personal information and opinions in communications are part of the public record, unless the author of the communication requests the removal of their personal information when submitting it or the Town Manager determines the personal information contravenes the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990*.

#### 4.5 Disorderly Conduct or Failure to Follow the Rules

- 4.5.1 The Chair may end a presentation if there is disorder or a failure to follow the rules.

- 4.6 The procedures set out in 3.9.1 apply to Non Statutory Hearings (Public Meetings), with the exception of subsection 3.9.1 c).

### 5. **Deputations**

#### 5.1 General Provisions

- 5.1.1 Members of the public are encouraged to contact their member of Council to speak on their behalf on any matter of concern within its jurisdiction. The purpose of a deputation is to provide information to Council. As a delegation you are there to make a presentation.
- 5.1.2 The public may make a deputation at any open meeting of Council or Committee on any matter within its mandate.
- 5.1.3 No delegates shall be permitted to speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chairs in consultation with the Town Manager will determine if a matter is within the jurisdiction of the Committee of

Council.

- 5.1.4 All deputation requests shall only appear on an agenda upon approval of the Chair.
- 5.1.5 Presenters addressing Council or Committee shall contain their remarks to the stated business.
- 5.1.6 Delegates shall be limited to not more than ten (10) minutes.
- 5.1.7 Designated representatives of senior levels of government appearing before Council shall have no time limits placed on their delegation.
- 5.1.8 Delegates appearing before Council shall provide a copy of their presentation and all materials to the Town Manager to be placed in the Agenda as follows:
  - Regular Council– 4 full business days in advance

Unless approved by the Town Manager, any presentations and materials received after this time will not be accepted.

- 5.1.9 Presenters must:
  - a. Not speak disrespectfully about anyone;
  - b. Not use offensive language;
  - c. Speak only about the subject as approved on the Agenda;
  - d. Obey the Procedural By-law and any ruling from the Chair.
- 5.1.10 The Chair may end a delegation if there is disorder or a failure to follow the rules.
- 5.1.11 If the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw from the delegation table.
- 5.1.12 No more than two people shall be permitted to delegate on a matter.



## 5.2. Delegations on the Agenda

### 5.2.1 Any person desiring to be heard must:

- a. Submit to the Town Manager the request for delegation form by email, regular mail, fax or in person;
- b. Clearly state the purpose of the deputation;
- c. Submit the form no later than four full business days prior to, and not including, the date of the meeting.

5.2.2 Delegation requests will be reviewed by the Town Manager and directed to the appropriate Staff and / or Member of Council for review. Should the matter require a meeting with Staff and / or a Member of Council, the meeting shall take place prior to appearing before Council or Committee as a delegation.

## 5.3 Denial

### 5.3.1 The Chair has the authority to deny a delegation request:

- a. If it is in contravention to other legislation or contractual obligations (i.e. *Planning Act, R.S.O. 1990*);
- b. In order to not give one person or group an unfair advantage over another person or group, requests by persons or groups to appear as a deputation or delegation after a statutory public hearing has been held to speak to the matter that was subject of the public meeting shall not be permitted. Written submissions shall be received in accordance with the directions given by the Council at the public meeting;
- c. If the delegate has already delegated on generally the same subject within a 12-month period;
- d. If the delegation is with the sole purpose of generating publicity or promotion for a for-profit organization/business;

- e. If the delegation is with respect to a by-law on a Council Agenda;

## 6. **Petitions – Communication**

### 6.1 How to Submit a Public Petition

6.1.1 An organizer of a public petition may deliver the petition in person or send it by mail, fax, or e-mail to:

- a. A Council member, if the public petition does not relate to a matter on the agenda; or
- b. The Town Manager, if the public petition relates to a matter on the agenda.

6.1.2 If the petition is to be received as part of a delegation, the presenter shall make note of the petition and provide the original copy to the Clerk.

6.1.3 Only those petitions which pertain to matters of Council or Committee business shall be received.

### 6.2 Rules for a Public Petition

6.2.1 A public petition must:

- a. Be in legible handwriting, in printed form, or in printable form;
- b. Contain a contact name, physical address, telephone and email of the organizer for confirmation;
- c. Contain a statement or position that the signatories are supporting on each page;
- d. Contain each petitioners name (printed), physical address and signature;
- e. Not contain any duplicate names, obscene or improper matter or language.

### 6.3 Public Petitions Relating to Matters on the Agenda

- 6.3.1 If a public petition relates to a matter on the agenda of a meeting, the Member shall provide it to the Town Manager.
- 6.3.2 A public petition is considered to be a communication related to the matter on the agenda as per subsection 3.5.1 a).

### 6.4 Introducing New Business Public Petitions

- 6.4.1 If a public petition does not relate to a matter on the agenda of a meeting, the Member may introduce the public petition at a meeting without written notice or permission under General Information.
- 6.4.2 Prior to introducing a public petition under subsection 6.4.1, the Member must examine the public petition to ensure that it complies with subsection 6.2.1.

### 6.5 Council's or Committee's Actions on a Public Petition

- 6.5.1 After a member has introduced a public petition under subsection 6.4, Council or Committee may, without debate:
  - a. Receive the public petition; or
  - b. Refer the public petition to the appropriate Council Committee or Town official.