

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 2604-24

**A By-Law to Amend the Procedural By-Law for the Corporation
of the Township of Ear Falls and Repeal By-Law No. 2528-23.**

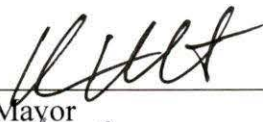
WHEREAS Section 238 (2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, requires that every Council shall adopt a Procedural By-Law for governing the calling, place and proceedings of Meetings; and

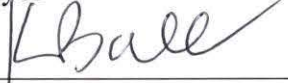
WHEREAS By-Law No. 2528-23, dated October 18, 2023, amended the Procedural By-Law for the Corporation of the Township of Ear Falls;

NOW THEREFORE Council of the Corporation of the Township of Ear Falls
HEREBY ENACTS AS FOLLOWS:

1. **THAT** By-Law No. 2528-23 is hereby repealed.
2. **THAT** the purpose of this By-Law is to amend the Procedural By-Law for the Corporation of the Township of Ear Falls as per Schedule "A" attached hereto and forming part of this By-Law.
3. **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

PASSED this 4th day of December, 2024.



Mayor


Clerk

SCHEDULE "A"
PROCEDURAL BY-LAW

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1 PURPOSE

To establish the Township of Ear Falls' procedures for governing the calling, place and proceedings of Meetings and provide notice of Meetings to the public.

2 DEFINITION(S)

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

"Administrator" – shall mean the Clerk Treasurer Administrator or designate of the Township of Ear Falls.

"Chair" – shall mean the Mayor, Deputy Mayor, Acting Mayor or person Chairing the Meeting.

"Committee" – shall mean any advisory or other Committee, Sub-Committee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or Local Boards.

"Committee of the Whole" – shall mean all the Members of Council present at a Meeting sitting in Committee.

"Consent Agenda" – shall mean items on an Agenda that may be dealt with by Council or Committee in accordance with Section 9 of this By-Law.

"Corporation" – shall mean the Corporation of the Township of Ear Falls.

"Council" – shall mean the Council of the Corporation of the Township of Ear Falls.

"Delegation" – shall mean a person(s) addressing Council, Board or Committee at a Meeting for the purpose of making a request or recommendation.

"Head of Council" – shall mean the Mayor of the Corporation.

"Holiday" – shall mean any holiday as defined in Section 1 of the Retail Business Holidays Act, R.S.O. 1990, Chapter R30.

"Closed Meeting" – shall mean a Meeting closed to the public in accordance with Section 5.4 of this By-Law.

"Emergency" – shall mean the declaration of a Municipal Emergency under Section 4 or a Provincial Emergency under Section 7.0.1 of the *Emergency Management and Civil Protection Act*.

"Investigator" – shall mean a person appointed by the Corporation to consider requests for investigation of a Closed Meeting.

"Majority" – shall mean more than half of the Members present and voting on an issue. The count shall include only those present including the Chair of the Meeting.

"Meeting" – shall mean any Regular, Special or other Meeting of Council, of a Local Board or of a Committee of either of them.

"Member" – shall mean a Member of Council, Local Board or a Committee as the case may be.

"Main Motion" – shall mean a question to be considered by Council, Local Board or Committee which is moved, seconded, presented, read by the Chair and is subject to debate.

“Municipal Act” – shall mean *the Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

“Petition for Special Meeting” – shall mean the completing and filing of the form affixed as Appendix “A” to the By-Law.

“Presentation” – shall mean a person(s) providing information to Council, Board or Committee at a Meeting on an issue that impacts the community in a broad manner (e.g. Ontario Provincial Police Annual Report).

“Point of Order” – may be called by any Member of Council and means to call attention to:

- (a) any breach of the Rules of Debate of Council; or
- (b) any defect in the constitution of any Meeting of the Council; or
- (c) the use of improper, abusive or offensive language; or
- (d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
- (e) any other informality or irregularity in the proceedings of Council.

“Quorum” – shall be the minimum number of Members of Council, Board or Committee that must be present at a Meeting to vote on motions and by-laws. This number shall be equal to a majority of members of the whole of Council, Board or Committee as the case may be.

“Recorded Vote” – shall mean the recording of the name and vote of every Member present on any matter or question.

“Resolution” – shall mean a motion that has been voted on by Council, a Local Board or a Committee.

“Special Circumstances” – shall mean a situation or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public or the property of the residents of the Township of Ear Falls, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

3 GENERAL PROVISIONS

- 3.1 Where rules are not provided within this By-Law for the proceedings of the Council or Committees, Roberts Rules of Order shall prevail.
- 3.2 In the event of any conflict between the provisions of this By-Law and those contained in any of the authorities set out previously, the provisions of this By-Law shall apply.
- 3.3 Subject to the Municipal Act, the rules established in this By-Law shall be the rules governing the proceedings of the Council and its Committees.
- 3.4 An amendment, suspension or repeal of this By-Law shall be considered at any Meeting of Council, where Notice of the proposed amendment, suspension or repeal was given at a previous Regular Meeting of Council. Council may not waive such Notice. Notice will be provided to the public by posting on the Municipal Office bulletin board seven (7) days prior to the Meeting. In addition, other methods of Notice may be provided by the Administrator.

- 3.5 Council may suspend the Notice Provisions of this By-Law where there are Special Circumstances.

4 NOTICE OF COUNCIL MEETINGS

- 4.1 The Administrator shall give Notice of each Regular Meeting to all residents of the Municipality by posting on the Municipal Office bulletin board, a notice which lists:
- the type of Meeting
 - date and time of Meeting
 - location of Meeting
- 4.2 The Administrator shall give 24 hours' Notice of each Special Meeting to the public by posting on the Municipal Office bulletin board a Notice which lists:
- the type of Meeting
 - date and time of Meeting
 - location of Meeting
 - the issue(s) to be discussed
- 4.3 The Administrator shall give Notice of each Meeting to all members of Council and to other persons as the Administrator deems advisable verbally or in writing.

5 MEETINGS

5.1 Inaugural Meetings

- 5.1.1 The Inaugural Meeting of Council, after a Regular Municipal Election, shall be held no later than 31 days after its term commences, and will be set at the discretion of the Administrator.
- 5.1.2 The Inaugural Meeting of a Committee, after a Regular Municipal Election, shall be called at the discretion of the Head of Council or Chair.

5.2 Regular Meetings

- 5.2.1 Regular Meetings of Council shall be held in the Municipal Council Chambers as follows:
- on the first and third Wednesday of each month at 2:30 p.m. with the following exceptions:
 - the Meeting scheduled for the first Wednesday in January will be cancelled;
 - the Meeting scheduled for the third Wednesday in July will be cancelled;
 - the Meeting scheduled for the third Wednesday in August will be cancelled; and
 - the Meeting scheduled for the third Wednesday in December will be changed to the third Monday in December.
 - on such other day and place as may be determined by a majority of Council upon the passing of a Resolution.
 - when the day for a Regular Scheduled Meeting of Council falls on a Holiday, Council shall meet at the established hour on the next following day which is not a Holiday, Saturday nor Sunday.

5.2.2 Regular Meetings of Council may continue after 5:30 p.m. with a motion carried by a majority vote by Council.

5.2.3 Regular Meetings of Council may continue past 6:30 p.m. with a motion carried by a unanimous vote by Council.

5.3 Special Meetings

5.3.1 A majority of Members of Council may request that a Special Meeting of Council be held by completing the prescribed form (e.g. Appendix "A"). Forty-eight (48) hours' notice shall be provided to all Members of Council by the Administrator and Notice shall be provided verbally or in writing and must state the nature of the business to be discussed.

5.3.2 A majority of Members of a Committee may request that a Special Meeting of the Committee be held by completing the prescribed form (e.g. Appendix "A"). Forty-eight (48) hours' notice shall be provided to all Members of the Committee by the Administrator and Notice shall be provided verbally or in writing and must state the nature of the business to be discussed.

5.3.3 The Administrator shall summon a Special Meeting upon the receipt of the Petition for Special Meeting for the purpose and at the time stated.

5.3.4 The only business to be dealt with at a Special Meeting is that which is given in the Notice of the Meeting.

5.3.5 In the event of a Special Circumstance, a Special Meeting may be held as soon as practicable, and Notice may be given by telephone, personal contact or as determined by the Administrator. Notice to the public shall be given as determined by the Administrator.

5.3.6 Special Meetings of Council may continue after 10:00 p.m. with a motion carried by a majority vote by Council.

5.3.7 Special Meetings of Council may continue past 11:00 p.m. with a motion carried by a unanimous vote by Council.

5.4 Closed Meetings

5.4.1 All Meetings shall be open to the public except that a Meeting or part of a Meeting may be closed to the public in accordance with Section 238 and 239 of the Municipal Act.

5.4.2 No Member, Officer or employee of the Corporation shall disclose the content of the matter or substance of the deliberations of a Closed Meeting, unless expressly authorized to do so by Council as required by law.

5.4.3 The Administrator shall be present at all Closed sessions.

6 DUTIES AND ROLES OF OFFICERS AND MEMBERS

6.1 Role of Chair

6.1.1 It shall be the role of the Chair to:

- a) open the Meeting by taking the Chair and calling the Members to order.

- b) advise that anyone present may not record (video or audio) without permission.
- c) announce the business before Council in the order in which it is to be acted upon.
- d) receive and submit, in the proper manner, all motions presented by the Members.
- e) put to a vote all motions which are moved and seconded, or necessarily arise in the course of the proceedings and to announce the result.
- f) decline to put to a vote motions that infringe upon the rules of procedure.
- g) designate the Member who has the floor when two (2) or more Members wish to speak at the same time.
- h) restrain the Members within the rules of order when engaged in debate.
- i) enforce on all occasions order and decorum.
- j) call by name any Member persisting in breach of the rules of order of the Council and order the Member to vacate the Council Chambers.
- k) authenticate by signature all By-Laws, Resolutions and Minutes of the Council.
- l) inform the Council, when necessary or when referred to for the purpose, on a Point of Order.
- m) select the Member of Council, if more than one Member wishes to serve on Committees.
- n) represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- o) ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the Municipal Corporation.
- p) adjourn the Meeting without the question being put in the case of grave disorder arising in the Council Chambers.
- q) order any individual or group in attendance at the Meeting to cease and desist any behaviour which disrupts the order and decorum of the Meeting,
and to order the individual or group to vacate the Council Chambers where such behaviour persists.
- r) adjourn the Meeting when the business is complete.
- s) shall vote on all motions.

7 CONDUCT OF MEMBERS AND GUESTS

7.1 No Member shall:

7.1.1 speak disrespectfully of:

- a) the reigning Sovereign or any of the Royal Family;
- b) the Governor-General of Canada;
- c) the Lieutenant-Governor of the Province of Ontario;
- d) the Government of Canada;
- e) the Government of the Province of Ontario;
- f) a current or previous member of Council of the Corporation; or
- g) a current or previous employee of the Corporation.

7.1.2 use indecent, offensive or insulting language;

7.1.3 speak on any subject other than the subject in debate;

7.1.4 disobey the rules of Council or a decision of the Chair regarding order or practice or upon the interpretation of the rules of Council. If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith put the question "that such Member be

ordered to leave his / her seat for the duration of the Meeting of the Council”, and there shall be no amendments, debate or adjournment allowed on the question, but if the Member apologizes, he/she may, by vote of the remaining Members of Council, be permitted to retake his/her seat.

7.2 No Member or Guest shall:

- a) record (video or audio) any Meetings without the prior permission of the Council;
- b) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
- c) disturb the Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the Assembly;
- d) speak on any subject other than the subject in debate;
- e) disobey the rules of Council or the decisions of the Head of Council, other Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of Council; or
- f) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next Meeting and without making an apology to Council.

7.3 Persons shall be allowed to address Council, Board or Committee with the permission of the Council, Board or Committee.

8 CALL TO ORDER

- 8.1 Within fifteen (15) minutes after the time set for a Meeting, and if the Chair does not attend, the designate shall call the Members to order if a quorum is present, and shall preside during the Meeting or until the arrival of the Chair. Where the Chair has advised the Administrator that he/she will not be at the Meeting the designate will be advised as soon as practicable.
- 8.2 If no quorum is present within twenty (20) minutes after the time set for a Meeting, the Administrator shall record the names of those present and the Meeting shall stand adjourned until 2:30 p.m. of the following day which is not a Holiday, Saturday nor Sunday. If no quorum is present at the rescheduled Meeting, the Meeting shall stand adjourned until the next Regular Meeting.
- 8.3 A Member shall contact the Administrator to advise that he/she will not be present at the Meeting.
- 8.4 If the Administrator has been notified by a sufficient number of Members prior to the scheduled Meeting that there will be no quorum; the Administrator may cancel any Meetings of Council or Committees. The Administrator shall post the Notice of Cancellation on the Municipal Office bulletin board as soon as practicable.

9 PROCEEDINGS OF COUNCIL MEETINGS

- 9.1 The Administrator shall have prepared, for the use of Members, an Agenda as set out below for Regular, Special, Special / Closed and Closed Meetings. Amendments to the Agenda format may be made by the Administrator for Committee Meetings.

9.1.1 Agenda for a Regular Meeting of Council

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

A G E N D A of the Regular Meeting of Ear Falls Council # _____
Location
Month / Day / Year @ Time

- 1 CALL TO ORDER**
- 2 ROLL CALL**
- 3 DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4 DELEGATIONS AND PRESENTATIONS**

PART I – CONSENT AGENDA

- 5 MINUTES**
 - 5.1 The review and passing of the Minutes of the previous Meetings.
 - 5.2 Minutes of Committees
 - 5.3 Minutes from other Agencies / Organizations
- 6 TENDERS / PROPOSALS / QUOTES**
- 7 MISCELLANEOUS MOTIONS**
- 8 BY-LAWS**

PART II – OTHER ITEMS

- 9 ITEMS FOR DIRECTION**
- 10 REPORTS OF MEMBERS OF COUNCIL**
- 11 CLOSED MEETING**
- 12 CLOSED MEETING REPORT**
- 13 ADJOURNMENT**

9.1.2 Agenda for a Special Meeting of Council

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

A G E N D A of the Special Meeting of Ear Falls Council

Location

Month / Day / Year @ Time

- 1 CALL TO ORDER**
- 2 ROLL CALL**
- 3 DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE
THEREOF**
- 4 MATTERS FOR WHICH SPECIAL MEETING WAS CALLED**
- 5 ADJOURNMENT**

9.1.3 Agenda for a Special / Closed Meeting of Council

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

A G E N D A of the Special / Closed Meeting of Ear Falls Council
Location Under Section 239
of the Municipal Act, 2001, S.O. 2001, c. 25, as Amended.
Month / Day / Year @ Time

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
4. **MATTER FOR WHICH SPECIAL MEETING WAS CALLED**
5. **CLOSED MEETING REPORT**
6. **ADJOURNMENT**

9.1.4 Agenda for a Closed Meeting of Council

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

A G E N D A of the Closed Meeting of Ear Falls Council
Under Section 239 of The Municipal Act, 2001, c. 25, as amended
Location
Month / Day / Year @ Time

- 1 CALL TO ORDER**
- 2 ROLL CALL**
- 3 DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE
THEREOF**
- 4 MINUTES OF PREVIOUS MEETINGS**
- 5 MATTERS FOR DELIBERATION APPROVED BY PUBLIC RESOLUTION**
- 6 ADJOURNMENT**

- 9.2 The Administrator is responsible for the creation of Agendas for all Meetings of Council.
- 9.3 The business of Council shall, in all cases, be taken up in the order in which it stands upon the Agenda, or unless otherwise decided by a majority of Council.
- 9.4 With the approval of Council, a matter of an urgent nature may be added to the Agenda for Council's consideration subject to compliance with the Notice By-Law. This must be completed via a Resolution of Council. The item shall be provided in writing to the Clerk Treasurer Administrator prior to the commencement of the Meeting.
- 9.5 At each Meeting, the Minutes of the preceding Meeting(s) shall be submitted for adoption and, once approved by a majority of Members present, shall be signed by the Chair and the Administrator.
- 9.6 A Consent Agenda shall be utilized for Regular Meetings of Council for items identified in the Agenda under PART I or PART II – CONSENT AGENDA. The process shall be as follows:
- 9.6.2 The Chair shall introduce by way of a Motion, duly moved and seconded, the items contained in the Agenda under PART I or PART II – CONSENT AGENDA.
- 9.6.3 The Chair shall then inquire whether any Members wish to debate any items set forth in the Motion.
- 9.6.4 Any Member who wishes to debate or amend an item set forth in the Motion shall advise the Chair of the item(s) number.
- 9.6.5 Any items that have been identified for debate or amendment shall be debated or amended by Council.
- 9.6.6 If at the conclusion of the debate, no amendments have been proposed to any of the items the Chair shall then call the vote on the Consent Agenda Motion.
- 9.6.7 If at the conclusion of the debate amendments have been proposed, the Chair shall report all amendments to Council. The Chair shall then call the vote on each amended Motion prior to a vote on the Consent Agenda Motion.
- 9.6.8 The Chair shall separately introduce any item on which a Member has declared a Pecuniary Interest in accordance with The Municipal Conflict of Interest Act prior to a vote on the Consent Agenda.
- 9.6.9 A Member may request a separate vote on an item listed in the Consent Agenda. These items will be dealt with prior to a vote on the Consent Agenda.
- 9.6.10 All items that are identified for clarification, amendment, pecuniary interest or separate vote shall be addressed in the order the items appear on the Agenda.
- 9.6.11 The Chair shall then call for a vote on the Consent Motion excluding the items that have already been resolved.
- 9.7 Each item contained in a Consent Agenda shall include its own appropriately-worded, properly moved and seconded Motion.
- 9.8 The Administrator is hereby authorized to make minor deletions, additions or other changes in form to any Resolution or By-Law before it is signed or sealed for the purpose of ensuring complete implementation of the actions of Council forming the subject matter.

10 DELEGATIONS AND PRESENTATIONS

- 10.1 A person who would like to appear as a Delegation or Presentation in a Meeting of Council, Board or Committee must complete and submit the prescribed form

(e.g. Appendix “B”) and a copy of their Delegation Report / Presentation Report to the Administrator by 12:00 noon on Wednesday, one week prior to a Council Meeting.

- 10.2 The subject matter of Delegation / Presentation must be a matter within municipal jurisdiction.
- 10.3 A Delegation / Presentation consisting of one (1) person shall have five (5) minutes to address Council. Members or Officers may ask questions or seek additional information from the presenter beyond the five (5) minute time limit.
- 10.4 A Delegation / Presentation consisting of more than two (2) persons shall be limited to two (2) speakers, and each shall have five (5) minutes to address Council. Members or Officers may ask questions or seek additional information from the presenter(s) beyond the ten (10) minute time limit.
- 10.5 Council shall not make a decision in response to a Delegation / Presentation during the Delegation / Presentation. Members of Council or a Committee may seek clarification from the presenter(s) but will not enter into a debate or discussion on the subject matter.
- 10.6 A presenter shall be limited to two (2) Delegations / Presentations in a calendar year on the same subject matter.
- 10.7 The Administrator shall have the discretionary authority to determine whether sufficient detail has been provided in the prescribed form (e.g. Appendix “B”) and to request additional information as required from the presenter or an employee of the Corporation.
- 10.8 The Administrator shall have the authority to determine the Meeting at which a Delegation / Presentation will be scheduled, having regard to time sensitive issues.
- 10.9 The Administrator reserves the right to deny a Delegation / Presentation request where the subject matter includes content which falls within Section 239 of The Municipal Act or matters covered by The Municipal Freedom of Information and Protection of Privacy Act.

11 MOTIONS AND ORDER OF PUTTING QUESTIONS

- 11.1 All Motions must be properly moved and seconded and shall be in writing.
- 11.2 Notwithstanding Section 11.1 of this By-Law, Motions that are properly moved and seconded may be introduced verbally, pertaining to the following:
 - a) a Point of Order or Point of Personal Privilege;
 - b) Motion to defer; (see Section 11.9)
 - c) a Motion to commit (referral);
 - d) a Motion to withdraw a Motion before the Chair;
 - e) a Motion to recess;
 - f) a Motion for the previous question which shall not be passed without a majority vote of all Members; (see Section 11.7)
 - g) a Motion that the Council resolve itself into Committee of the Whole, and/or to rise into Council;
 - h) a Motion to separate a question;
 - i) a Motion to continue a Regular Council Meeting beyond 5:30 p.m.;
 - j) a Motion to continue a Regular Council Meeting beyond 6:30 p.m.;
 - k) a Motion to adjourn a Meeting.

- 11.3 Motions that have been introduced in accordance with Section 11.2 shall be duly recorded in the Minutes.
- 11.4 After a Motion is read or stated by the Chair, it shall be deemed to be in possession of the Council and can be withdrawn before decision or amendment, only with leave of Council expressed by a Motion put forth by the mover of the original Motion.
- 11.5 A Motion properly before Council for decision, must receive disposition before any other Motion can be received except a Motion to amend, defer (adjourn debate) for the previous question, to adjourn a Meeting, to extend the hours of closing proceedings, to commit (referral) or on a matter of a quorum.
- 11.6 A Motion to amend:
- a) shall be presented in writing;
 - b) shall receive disposition of Council before a previous amendment on the question;
 - c) the question shall be allowed only once;
 - d) shall be relevant to the question to be received.
- 11.7 A Motion for the previous question (to call the question):
- a) cannot be amended;
 - b) on the main Motion, cannot be proposed when there is an amendment under consideration;
 - c) shall preclude all amendments of the main question;
 - d) when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
 - e) can only be moved in the following words, "That the question be now put".
- 11.8 A Motion to adjourn the Council Meeting:
- a) shall always be in order, except as provided in this Section, and shall be put immediately without debate;
 - b) when resolved in the negative, cannot be made again until after some intermediate proceeding has been completed by Council;
 - c) is not in order when a Member is speaking, nor during the verification of a vote;
 - d) cannot be amended; and
 - e) is not in order immediately following the affirmative Resolution of a Motion for the previous question.
- 11.9 A Motion to defer:
- a) shall always be in order, except as provided in this Section and shall be put immediately;
 - b) shall be debated only on the date or time to which the item will be deferred;
 - c) when resolved in the negative, cannot be made again until after some intermediate proceeding has been completed by Council;
 - d) is not in order when a Member is speaking, nor during the verification of a vote; and
 - e) is not in order immediately following the affirmative Resolution of a Motion for the previous question.
- 11.10 After a question is finally put by the Chair, no Member shall speak to the question, nor shall any other Motion be made until after the vote is taken and the result has been declared.

- 11.11 If a Member disagrees with the declaration of the Chair on the result of a vote, such Member must object immediately after such declaration, and request that the vote be retaken, and when so requested, the Chair shall have the vote retaken.
- 11.12 Debate shall be restricted to each proposal in its turn when a question has been separated upon the agreement of Council.
- 11.13 The manner of determining the decision of Council on a Motion shall be indicated by visual or vocal means as declared by the Chair, except for recorded votes.
- 11.14 Upon enactment, every By-Law shall be endorsed by the Chair and the Administrator with the date of enactment thereof and the Corporate Seal shall be affixed thereto.

12 RULES OF DEBATE

- 12.1 Any question on which there is an equality of votes shall be deemed to be negative.
- 12.2 Every Member at a Council Meeting, including the Chair, shall vote when a question is put, except where he/she is prohibited by statute from voting or disqualified to vote by reason of a Declared Interest, or is absent from the Council Chambers when the question is put.
- 12.3 If any Member present at a Meeting of Council does not vote when a question is put, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by statute or disqualified by reason of a Declared Interest.
- 12.4 Any Member who is not disqualified from voting by any Act may request that a recorded vote be taken prior to, or immediately subsequent to the taking of a vote.
- 12.5 Upon a recorded vote being requested by a Member on any matter or question, the Administrator shall ask those Members voting in favour of the question to indicate in a vocal or visible manner until their vote has been recorded. The Administrator shall then ask those Members voting in opposition to the question to indicate in a vocal or visible manner until their vote has been recorded. Any Member who does not indicate his/her vote at the time of a recorded vote shall be deemed to be voting in the negative.
- 12.6 The Administrator shall record the manner in which each Member voted in the Minutes by listing the Members in alphabetical order by last name.
- 12.7 Every Member speaking on any question or Motion shall address the Chair.
- 12.8 When two (2) or more Members wish to speak, the Chair shall designate the Member who is to have the floor and the Member, who in the opinion of the Chair, first requested to speak shall have the floor.
- 12.9 Each Member shall be allowed to speak only once on the question for a maximum period of five (5) minutes, except the Member who has made a Motion and/or an amendment to such Motion, shall be permitted the final reply to close the debate, and such final reply shall be limited to three (3) minutes.
- 12.10 A Member may speak a second time to a question, upon the concurrence of the Members present, but only if the question has not yet been put to a vote, and the Member shall be permitted an additional three (3) minutes, after which the Member who has made the Motion being debated, shall be granted a final reply which shall be limited to three (3) minutes.

- 12.11 No Member shall interrupt the Member who has the floor, except to raise a Point of Order or a question of quorum.
- 12.12 When a Member rises a Point of Order, the Member shall ask leave of the Chair to raise a Point of Order, and after a leave is granted, shall state the Point of Order to the Chair and the Chair shall then state and decide upon the Point of Order; and
- a) thereafter, the Member shall address only the Chair for the purpose of appealing to Council from the decision of the Chair; and
 - b) if no Member appeals, the decision of the Chair shall be final; and
 - c) Council, if appealed to, shall decide the question, without debate, and its decision shall be final.
- 12.13 No person except Members and Officers of the Corporation shall be allowed to come to the Council table during the sittings of Council without permission from the Chair or Council.
- 12.14 When the Chair is putting a question, Members shall remain in their seat and make no noise or disturbance.
- 12.15 When a Member is speaking to an issue, Members shall remain in their seat and make no noise or disturbance.

13 RECONSIDERATION

- 13.1 Any Member may bring forward a Motion for reconsideration.
- 13.2 An issue shall not be brought back for reconsideration for a period of 12 months from the date that the Motion was originally determined.
- 13.3 A request for reconsideration by a majority of members of Council will override the reconsideration rule set out in section 13.2. This will require the completion of the Form in Appendix D and submission of it to the Administrator who will include it on the next Regular or Special Meeting of Council, as necessary.

14 ACCESS TO INFORMATION FOR COUNCIL

- 14.1 Members of Council shall have access to information through the Administrator in order to fulfill their mandate as a Member, provided he/she is not prohibited by statute from having such information.
- 14.2 Files and documents may not be removed from the care and control of the Administrator and, under no circumstances, shall such material be removed from the Municipal Office, except as required by Statute.

15 ELECTRONIC PARTICIPATION AT MEETINGS

- 15.1 Members of Council or Committee may participate electronically in Meetings that are open or closed to the public, and their participation will be included in determining whether or not a quorum of members is present at any point in time.
- 15.2 The Administrator shall determine the method of electronic participation that will be utilized and will consider the method based on available technology, budgetary considerations and transparency of the method to the public.
- 15.3 Members of Council that wish to participate in a Meeting electronically shall make arrangements with the Administrator as soon as possible prior to the Meeting. The Administrator will endeavour to make this option available, however precedence shall be given to the Members participating in person.

- 15.4 The Administrator and Council shall ensure that the Meeting is not unnecessarily delayed or interrupted due to a Member's participation via an electronic means including the following:
- if a telephone line is staticky making it difficult for Council or the public to hear the Member, who is participating electronically, the method will cease to be utilized at that Meeting;
 - if an internet or WIFI connection does not have sufficient speed to allow for viewing/hearing the Member, who is participating electronically, the method will cease to be utilized at that Meeting;
 - if a Member or Council is experiencing technical difficulties in setting up or keeping a connection with a Member who is participating electronically, precedence will be given to the Members participating in person and the method will cease to be utilized at that Meeting;
 - If a member(s), who is participating electronically, is required for the purposes of quorum, and their electronic connection is lost, the meeting shall be recessed for a period of not more than 15 minutes to re-establish the connection. If a connection cannot be re-established, then the meeting is deemed to be over.
- 15.5 A Member's electronic participation in a Meeting shall be recorded in the Minutes of the Meeting as such. Electronic participation shall be considered in determining Council Member attendance in the calculation of vacancies as identified in Section 259(1)(c) of the *Municipal Act*.
- 15.6 Members shall not be permitted to participate electronically for a period of more than three months without being authorized to do so by a Resolution of Council.
- 15.7 Members participating electronically in a Closed Meeting will take all measures possible to ensure that their participation does not permit non-members to hear, see or participate in the Meeting proceedings. Security of Closed Meeting information is paramount. If a Member is unable to abide by this provision, they should not participate in the Closed Meeting.

16 EMERGENCY MEETING PROVISIONS

- 16.1 The following Emergency Meeting provisions are in effect only during an emergency declared by the Premier, Cabinet or the Municipality under the *Emergency Management and Civil Protection Act*.
- 16.2 Council Meetings, both Open and Closed, may be conducted electronically during an emergency.
- 16.3 Members participating electronically will be counted in determining whether or not a quorum of members is present at any time during the Meeting.
- 16.4 Members participating electronically in a Closed Meeting will take all measures possible to ensure that their participation does not permit non-members to hear, see or participate in the Meeting proceedings. Security of Closed Meeting information is paramount. If a Member is unable to abide by this provision, they should not participate in the Closed Meeting.
- 16.5 The Administrator shall determine the method of electronic participation that will be utilized and will consider the method based on available technology, access to technology by Council Members, budgetary considerations and transparency of the method to the public. If a member of the public is unable to access the technology selected for a Meeting, the Administrator shall provide a record of the Meeting to the member of the public as soon as practical following the Meeting. This may include unapproved minutes or a video / audio recording of the Meeting and will be determined at the discretion of the Administrator. The member of the

public is required to notify the Administrator as soon as possible of the inability to access the technology.

- 16.6 If electronic participation is proposed to be used for all members of Council, the Chair and the Clerk will determine the most effective option to ensure that all corporate documents and records are signed as soon as possible following the Meeting.
- 16.7 The Administrator and Council shall ensure that the Meeting is not unnecessarily delayed or interrupted due to a Member's participation via an electronic means.
- 16.8 Meetings held under the Emergency Meeting Provisions shall still require compliance with other non-conflicting Meeting Rules including provision of notice to the public, documentation protocols, and public access for accountability and transparency purposes.

APPENDIX “A” TO BY-LAW NO. 2604-24

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

PETITION FOR SPECIAL MEETING

WHEREAS Section 5.3 of the Township of Ear Falls’ Procedural By-Law requires that the majority of the Members of Council or Committee is required to file a petition with the Administrator to summon a Special Meeting; and

WHEREAS forty-eight (48) hours’ notice shall be provided to Members and twenty-four (24) hours’ notice shall be provided to the public, notwithstanding a Special Circumstance;

NOW THEREFORE the following Members of Council of the Township of Ear Falls / Members of the _____, representing a majority of the Council / Committee summon a Special Meeting, subject to the provisions in Section 3.3 of the Procedural By-Law, to be held on _____, 20____, at _____ a.m. / p.m. in the _____ for the purpose of:

NAME OF MEMBER	SIGNATURE OF MEMBER
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Administrator Use Only:
Date:
Time Received: a.m. / p.m.

APPENDIX “B” TO BY-LAW NO. 2604-24

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS
DELEGATIONS AND PRESENTATIONS REQUEST

By completing and signing this form I agree that I have received and reviewed the rules for giving a Delegation or Presentation and understand that I will be required to follow the procedures laid out in the Township of Ear Falls’ Procedural By-Law.

I understand that this Delegation / Presentation Request Form is a public document and will be part of the Agenda Package for Council and the public.

Presenter(s) Name(s): _____

Presenter(s) Signature(s): _____

Phone Number(s): _____

Date Request Submitted: _____

Available Dates to Present: _____
(Note: Actual Presentation date to be determined by Administrator)

Nature of Business (please attach additional information as required)

Delegation / Presentation Submitted: Yes / No
~~~~~

FOR ADMINISTRATOR USE:

Delegation or Presentation (circle one)

Staff Report / Recommendation Required: Yes / No      Staff Person: \_\_\_\_\_

Delegation / Presentation Approved: Yes / No

Date of Meeting: \_\_\_\_\_

Administrator: \_\_\_\_\_      Date: \_\_\_\_\_

## DELEGATIONS AND PRESENTATIONS

1. A person who would like to appear as a Delegation or Presentation in a Meeting of Council, Board or Committee must complete and submit the prescribed form (e.g. Appendix “B”) and a copy of their Delegation Report / Presentation Report to the Administrator by 12:00 noon on Wednesday, one week prior to a Council Meeting.
2. The subject matter of Delegation / Presentation must be a matter within municipal jurisdiction.
3. A Delegation / Presentation consisting of one (1) person shall have five (5) minutes to address Council. Members or Officers may ask questions or seek additional information from the presenter beyond the five (5) minute time limit.
4. A Delegation / Presentation consisting of more than two (2) persons shall be limited to two (2) speakers, and each shall have five (5) minutes to address Council. Members or Officers may ask questions or seek additional information from the presenter(s) beyond the ten (10) minute time limit.
5. Council shall not make a decision in response to a Delegation / Presentation during the Delegation / Presentation. Members of Council or a Committee may seek clarification from the presenter(s) but will not enter into a debate or discussion on the subject matter.
6. A presenter shall be limited to two (2) Delegations / Presentations in a calendar year on the same subject matter.
7. The Administrator shall have the discretionary authority to determine whether sufficient detail has been provided in the prescribed form (e.g. Appendix “B”) and to request additional information as required from the presenter or an employee of the Corporation.
8. The Administrator shall have the authority to determine the Meeting at which a Delegation / Presentation will be scheduled, having regard to time sensitive issues.
9. The Administrator reserves the right to deny a Delegation / Presentation request where the subject matter includes content which falls within Section 239 of The Municipal Act or matters covered by The Municipal Freedom of Information and Protection of Privacy Act.
10. A presenter will be advised that Council will not make a decision on my delegation topic immediately following the delegation. Council may ask questions for clarification. Delegation requests are commonly placed on the next Regular Council Agenda for Council’s consideration and decision.

**APPENDIX “C” TO BY-LAW NO. 2604-24**

**TOWNSHIP OF EAR FALLS GOVERNANCE MODEL**

**Council of the Corporation**

- Composed of one Mayor and four Councillors elected by general Election.
- Mandate to provide responsible and accountable government to matters within their jurisdiction.

**Standing Committees**

**Committee of Adjustment:**

- Composed of all members of Council
- Mandate is to review and make decisions on Land Use Applications and plans.

**APPENDIX “D” TO BY-LAW NO. 2604-24**

**COUNCIL REQUEST FOR RECONSIDERATION**

WHEREAS Section 13.3 of the Township of Ear Falls’ Procedural By-Law requires that the majority of the Members of Council is required to Reconsider an Item prior to the 12 month timeline set out in Section 13.2.

NOW THEREFORE the following Members of Council of the Township of Ear Falls, representing a majority of the Council, wish to reconsider the Resolution or By-Law No.:

| NAME OF MEMBER | SIGNATURE OF MEMBER |
|----------------|---------------------|
| 1. _____       | _____               |
| 2. _____       | _____               |
| 3. _____       | _____               |
| 4. _____       | _____               |
| 5. _____       | _____               |

|                                   |
|-----------------------------------|
| <b>Administrator Use Only:</b>    |
| <b>Date:</b>                      |
| <b>Time Received: a.m. / p.m.</b> |