

CORPORATION OF THE TOWNSHIP OF MATTICE – VAL CÔTÉ

BY-LAW #1017

BEING A BY-LAW TO ESTABLISH RULES GOVERNING THE PROCEEDINGS OF COUNCIL, THE CALLING OF MEETINGS AND THE CONDUCT OF MEMBERS.

WHEREAS a Municipality is a level of government and requires some formality and procedure in meetings so that clear, informed, written decisions, directions, resolutions and by-laws can be adopted and implemented;

AND WHEREAS, pursuant to section 238 (2) of the *Municipal Act, 2001*, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

NOW THEREFORE the Council of the Corporation of the Township of Mattice – Val Côté enacts as follows:

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Part 1
DEFINITIONS

Definitions

In this By-Law:

- 1.1 **"Act"** means the *Municipal Act, 2001*, as amended from time to time.
- 1.2 **"Ad-Hoc Committee"** means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference set out in a resolution or By-Law and include language indicating when the Committee will cease to exist.
- 1.3 **"Chair"** means the person presiding at a Meeting.
- 1.4 **"Clerk"** means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act* and other relevant legislation.
- 1.5 **"Chief Administrative Officer"** means the person appointed by the Municipality as Chief Administrative Officer (CAO) pursuant to Section 229 of the *Municipal Act*.
- 1.6 **"Council"** means the elected Members of the Municipal Council.
- 1.7 **"Council Package"** means a copy of the agenda, documents, reports and all other information that Members require prior to a meeting.

- 1.8 **“Closed Meeting”** means a meeting of Council or Committee that is not open to the public pursuant to Section 239 (2) (3) (3.1) of the *Municipal Act* or other legislation.
- 1.9 **“Deputy Mayor”** means a Member of Council appointed in accordance with the Municipality’s policies to act in the place of the Mayor when the Mayor is absent.
- 1.10 **“Electronic participation in a meeting”** means a meeting where one or two Members are not physically present but participate via electronic means of communication. Said Member do not count for Quorum. The Members participating electronically can vote but may not participate in a Closed Meeting.
- 1.11 **“Emergency Meeting”** means an URGENT meeting (*see s. 1.26*) held without written notice to deal with an emergency situation confronting the Municipality.
- 1.12 **“Ex Officio”** means that the Mayor is a Member of all Committees of Council and is entitled to attend, participate and vote, but is not counted in quorum unless specifically appointed to a seat on the Committee.
- 1.13 **“Head of Council”** means the Mayor or the Deputy Mayor in the absence of the Mayor.
- 1.14 **“Meeting”** means any regular, special or other meeting of Council or Committee where a quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that

materially advances the business or decision-making of the Council or Committee.

1.15 "Member" means a Member of Council or Committee.

1.16 "Motion" means a question presented to Council on which Council must vote. When a motion passes, it becomes a Resolution or By-Law.

1.17 "Municipality" means the Corporation of the Township of Mattice – Val Côté.

1.18 "Officers" means a person such as the Clerk, Treasurer, Chief Building Official and Fire Chief who holds a position of responsibility with definite rights and duties prescribed by statute or By-Law.

1.19 "Order of Business" means the sequence of business to be introduced and considered in a Meeting. Commonly referred to as the agenda.

1.20 "Presentation" means a person or group (including a Member, staff or Public) who provides information to Council or Committee.

1.21 "Quorum" means a majority of Members of Council or Committee.

1.22 **“Recorded Vote”** means a vote in Council where the names of the Members and the position in favour or against a Motion are recorded in the minutes.

1.23 **“Regular Meeting”** means a scheduled meeting held at regular intervals.

1.24 **“Resolution”** means a Motion that has been approved by Council.

1.25 **“Special Meeting”** means a meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings.

1.26 **“Urgent”**, for the purposes of calling an Emergency Meeting, means a situation that is occurring or imminent, and if not brought immediately, could result in or cause:

- a) Danger to the life, health or safety of individuals;
- b) Damage to property;
- c) An interruption of the essential services provided by the Municipality;
- d) Loss of revenue by the Municipality;
- e) Prejudice to the Municipality; and/or
- f) Legal action.

1.27 **“Virtual meeting”** means a scheduled meeting wherein all Council members and staff participate by using a virtual platform such as Zoom or Teams.

Part 2
ROLES AND RESPONSIBILITIES

2.1 Head of Council (*Act s.225*)

It is the role of the Head of Council to:

- a) *Act* as Chief Executive Officer ("CEO") of the Municipality (*Act s. 226.1*);
- b) Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c) Provide leadership to Council;
- d) Provide information and recommendations to Council with respect to the role of Council;
- e) Represent the Municipality at official functions;
- f) Carry out the duties of the head of Council under the Municipal Act or any other Act;
- g) Uphold and promote the purposes of the Municipality;
- h) Promote public involvement in the Municipality's activities;
- i) *Act* as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- j) Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

2.2 Chair

It is the role of the Chair to:

- a) Open Meetings by calling the Meeting to order;
- b) Address the business listed on the Agenda;
- c) Receive all motions and have them presented to Council;

- d) Put to a vote all Motions which are moved and seconded, and to announce the result of a vote;
- e) Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- f) When, in the opinion of the Chair, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- g) Provide information to Members on any matter relating to the business of the Municipality;
- h) Authenticate by signature all By-Laws, Resolutions and Minutes;
- i) Rule on any points of order raised by Members;
- j) Maintain order, and, where it is not possible to maintain order, adjourn meetings to a time to be named by the Head of Council without any Motion being put forward; and
- k) Call for the adjournment of the Meeting when business is concluded.

2.3 Deputy Head of Council (*Act. S. 242*)

In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council.

2.4 Council (*Act. S. 224*)

It is the role of Council to:

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

2.5 Clerk (*Act s. 228*)

It is the duty of the Clerk to:

- a) Record, without note or comment, all resolutions, decisions and other proceedings of Council;
- b) If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- c) Keep the originals or copies of all By-Laws and of all minutes of the proceedings of Council;
- d) Perform other duties required under the *Municipal Act* or any other Act;

- e) Perform such other duties as are assigned by the municipality, and

The Clerk shall prepare and circulate Council Packages to all Members.

2.6 Staff (*Act s. 227*)

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

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

2.7 Chief Administrative Officer (*Act s. 229*)

It is the duty of the Chief Administrative Officer to:

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

Part 3
GENERAL MEETING RULES

3.1 Rules – to be observed at all times

The rules contained in this By-Law shall be observed in all meetings of Council and with necessary modifications in every committee meeting.

3.2 Mayor

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her authority to Chair any meeting.

3.3 Absence of Mayor

In the absence of the Mayor, if he or she refuses to act, if the office is vacant or if the Mayor is participating electronically, the Deputy Mayor shall carry out the Mayor's duties and have all the rights, powers and authority of the Head of Council.

3.4 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to act as Head of Council for a meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that meeting.

3.5 Meeting Location

Unless otherwise authorized by Council, all meetings of Council shall be held in Council Chambers at the Municipal Complex located at 500 Highway 11 in Mattice.




3.6 Clerk

A Clerk or Deputy Clerk must be present at all Council Meetings or other meetings where there is a quorum of Council.

3.7 Quorum

Quorum is required for all Council Meetings.

If there is no Quorum fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting. The Clerk shall record the names of the Members present at the fifteen (15) minute time limit and will include those names on Minutes for the adjourned meeting and will include those Minutes on the agenda for the next Meeting.



If at any time during a Meeting there is no Quorum, the Meeting shall automatically be recessed until there is a Quorum again or until the Chair adjourns the Meeting.

3.8 Minutes

Minutes of all Meetings will be recorded without note or comment.

After approval, minutes of all meetings, except closed meetings, will be posted on the municipal website.

If a Member, a staff member or a member of the public arrives during a meeting or leaves before the end of the meeting, the Clerk will record same, including the time in the minutes. If a

Member needs to leave before the end of a Meeting, they must inform the Chair and be excused.

3.9 Staff Attendance

Staff has a statutory duty to provide advice to Council. As such, the Chief Administration Officer, the Clerk and the Treasurer are expected to attend Council meetings and to provide advice on a regular basis. Other Staff and Officers shall attend meetings of Council when required to do so by the Chief Administrative Officer.

3.10 Declarations of Conflicts of Interest

Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will provide a written statement of the interest and its general nature to the Clerk, will leave the Council Meeting while the issue is considered and will take no steps to influence the decision in any way, either prior to, during or after the Meeting. The Member may however answer questions asked of him or her on the subject-matter.

3.11 Rules of Debate

The Chair shall preside over the meeting, ensure good order and decorum and rule the procedural questions.

All agenda items will be addressed and either be filed, deferred, agreed to or become the subject of a motion.

When no action needs to be taken, the matter will be filed. When further clarifications are required, the matter will be deferred.

When Council simply provides direction, the matter will be agreed to.

When a decision is otherwise being made by Council, the matter will be decided by way of motion.

The Chair or the Clerk will present the question to Council. The Chair will then canvas each Member for their opinion on the matter.

Each Motion requires a moving Member and a seconding Member. If no Member agrees to move or second the Motion, the item will be classified as a filed matter.

If the motion is moved and seconded, the other members of Council will be asked to vote in favor or against said motion in order to determine whether or not the motion becomes a Council resolution or by-law.

No Member, without permission of Council, shall speak to a matter or in reply for longer than five (5) minutes.

While the Mayor has the right to vote, he or she shall vote last.

3.12 Conduct

Members are required to follow the Municipality's Code of Conduct in all Meetings.

No Member shall:

- a) Speak disrespectfully of a Member or of the Staff;
- b) Engage in a private conversation while in the Council Chambers during the meeting in such manner as to interrupt the proceedings of Council;
- c) Speak on any subject other than the subject in debate;
- d) Speak in open Council about matters discussed in a Closed Meeting, and;
- e) Interrupt a Member while speaking, by speaking out, making a noise or causing a disturbance, except to raise a procedural question.

No person at a meeting shall:

- a) Speak disrespectfully of a Member or of any staff person;
- b) Use offensive words;
- c) Disobey the procedural rules or the decisions of the Chair or of Council;
- d) Make any disruptive noise or disturbance during a Meeting;
- e) Display signs or placards, applaud, engage in conversation or other behavior, which may disrupt debate.

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

No person, except Members or the Clerk, may approach Members without permission from the Chair.

Members of the Public present at the beginning of the meeting will be welcomed by the Mayor and informed that they cannot participate therein. The right to address Council will not be recognized unless consent is given by a majority of Council and they are speaking to an item on the agenda.

No person shall speak out loud at a meeting or address Members without first receiving permission to do so from the Chair. All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate.

Any person who contravenes any of the rules in this By-Law is guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair. If such person refuses to so leave, the Chair may adjourn the Meeting without any motion to do so until such time as the person has left the meeting room.

3.13 Questions during Debate

A Member may ask questions or request an explanation to a previous speaker arising out of those speaker's remarks.

A Member may ask questions during the discussion on any particular item on the agenda and ask questions on the item to any staff of the municipality in attendance at the meeting.

A Member may request that a Motion under discussion be formulated by the Chair at any time during the debate but may not interrupt another Member while they are speaking.

3.14 Voting – General

Voting shall be by way of a “show of hands” in favour or against, except when a recorded vote is requested.

A Member may request a recorded vote on any Motion. When a recorded vote is requested, the Clerk shall call each Member’s name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a recorded vote. After completion of a recorded vote, the Clerk shall announce the result.

If a Member present at a meeting fails or refuses to vote, their vote will be counted as a vote against the Motion.

The Chair shall announce the results of the vote once the vote is completed.

If a Member disagrees with the announcement by the Chair of the results of any vote, except a recorded vote, the Member may object immediately to the Chair’s declaration and require a recorded vote to be taken.

If there is a tie vote, the Motion will be defeated.

When the question under consideration contains multiple options/issues, any Member can request the Motion to be split and each option/issue to be voted on separately.



Part 4

SCHEDULE AND NOTICE OF MEETINGS

4.1 Notices

- 4.1.1** At the end of each regular meeting, taking into account the availability of all Members, Council will determine the date of the next regular meeting.
- 4.1.2** Notice of all meetings shall be posted on the municipal Facebook page. The date of the next meeting will also be inserted in the calendar found on the municipal website. These postings will constitute notice to the public of the Meetings.
- 4.1.3** The Clerk and/or Council may amend the schedule from time to time to reflect scheduling conflicts and holidays. Such an amendment shall be circulated to all Members and will be posted on the Facebook page and on the website as soon as possible after the amendment is made.
- 4.1.4** The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings.
- 4.1.5** Where required by statute, notice will be published in accordance with the statute in addition to the notice posted on the municipal website and Facebook page.

4.1.6 Nothing in this Procedural By-Law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

4.1.7 Lack of receipt of notice or failure to comply with the notice provisions of this Procedural By-Law shall not invalidate the holding of the Meeting or any decision of Council made at the Meeting.

Part 5
AGENDA

5.1 Agenda

- 5.1.1** It shall be the duty of the Clerk to prepare the agenda of all meetings. Where there is a dispute about including or excluding an item from the agenda, the Clerk's decision shall be final.
- 5.1.2** All items to be included on the agenda will be provided to the Clerk by Members, Staff or the Public no later than 11:00 am on the Friday preceding the meeting. Reports for a meeting will be finalized and filed with the Clerk no later than 11:00 am on the Friday preceding the meeting.
- 5.1.3** If a Member wishes to add an item that is not otherwise on the agenda, when Council is considering that meeting agenda, the Member shall advise Council of the item.
- 5.1.4** The Council meeting shall consider the items to be dealt with in accordance with the order that is set out in the agenda unless otherwise decided by Members present at the meeting.
- 5.1.5** When members of the public or an organization wish to make a presentation before Council or to address a particular issue, a delegation request, outlining the content of the presentation or the issue, must be submitted in writing to the Clerk one week before the scheduled date of

the meeting. The Clerk will then seek authorization from the Mayor to add the delegation to the agenda and advise accordingly. If the delegation request is accepted, delegates will be allowed a maximum of 15 minutes to talk during the meeting.

5.1.6 The reasons to decline a delegation request include, but are not limited to, the following:

- a) not submitted by the deadline
- b) incomplete
- c) the subject matter of the Delegation is outside of the jurisdiction of Council;
- d) the subject matter pertains to a matter that should be discussed in a Closed Meeting;
- e) the meeting agenda is already too lengthy;
- f) the subject matter is set to be discussed on another agenda;
- g) the issue is frivolous or vexatious;
- h) the issue has been or is to be considered by the Committee of Adjustment;
- i) Council has previously considered or made a decision on the issue and a delegation has appeared before Council with respect to the same issue;
- j) Council previously indicated that it will not hear further from this Delegation; or
- k) the issue should be referred to the Administrative Department for action.

5.2 Council package

5.2.1 Insofar as is practicable, Council packages will be provided to Council by 4:30 pm on the Friday prior to the regular meeting.

Part 6
MEETINGS

6.1 First Meetings

6.1.1 The First Meeting of the newly elected or acclaimed Council after a regular election shall be held on the first Tuesday of December at the Municipal Complex and, in any case, no later than 31 days after its terms commences.

At the First Meeting, the Clerk shall administer the declarations of office and oaths of allegiance, and the Code of Conduct for all Members.

No business shall be conducted at the First Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members.

6.2 Regular Meetings

6.2.1 Time and Place

Regular Meetings shall be held in Council Chambers at the Municipal Complex. Meetings will usually start at 7 pm. The exact schedule of meetings will be determined based on the availability of the majority of Members. Council will make every effort to meet at least once every 3 weeks from January to June and from September to November and at least once per month in July, August and December.

6.2.2 Election Year

Following a regular election, Council shall only meet as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

6.2.3 Curfew

Council meetings shall stand adjourned at 10:00 p.m. unless otherwise determined by resolution.

6.3 Special Meetings

A Special Meeting is a meeting that is called for a specific time and for a specific purpose to deal with an important matter that cannot be dealt with at a Regular Meeting.

6.3.1 The Head of Council

The Head of Council may, at any time, summon a Special Meeting by providing a Notice of the Meeting to Members forty-eight (48) hours before the Meeting.

6.3.2 Upon receipt of a petition from the majority of Council, the Clerk may summon a Special Meeting by providing a Notice of Meeting to Members and the public forty-eight (48) hours before the Meeting.

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

6.3.4 Special meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act, 2001*.

6.4 Emergency Meeting

6.4.1 An Emergency Meeting may be called by the Head of Council without written notice, to deal with an Urgent matter.

6.4.2 An Urgent Matter pertains to a situation that is occurring or imminent, and that, if not brought forward immediately could result in or cause:

- a) Danger to the life, health or safety of individuals;
- b) Damage to property;
- c) An interruption of the essential services provided by the Municipality;
- d) Substantial loss of revenue by the Municipality;
- e) Prejudice to the Municipality; and/or
- f) Legal action.

6.4.3 The Clerk will attempt to notify all Members and the appropriate staff Members about the Urgent Meeting in the most expedient manner available and as soon as possible.

6.4.4 Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

6.4.5 Quorum is still required at an Emergency Meeting.

6.5 Closed Meetings

- 6.5.1** A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.
- 6.5.2** A Meeting may be closed where the matter to be discussed is contemplated in Section 239(2) of the *Municipal Act*.
- 6.5.3** A Meeting may be closed if the Meeting is held for the purpose of educating or training the Members and at the meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- 6.5.4** A Meeting must be closed to the public if the subject matter being considered is as detailed in Section 239(3) of the *Municipal Act*.
- 6.5.5** A Meeting must be closed if the subject matter being considered is a harassment complaint or investigation, pursuant to the *Occupational Health and Safety Act*.
- 6.5.6** Before the start of a closed meeting, the Clerk shall indicate the general nature of the matters to be dealt with therein.
- 6.5.7** No Member, officer or employee shall disclose the subject matter or deliberation of a closed meeting, unless expressly authorized to do so by Council.

6.5.8 A Member that is participating electronically in the regular or special meeting will be disconnected during the closed portion of said meeting.

6.5.9 Once the closed meeting is adjourned, the general meeting will resume in open session and decisions made during the closed session may then be confirmed by resolution.

6.5.10 Despite subsection 6.5.9, a meeting may be closed during a vote if the Act permits or requires a meeting to be closed to the public and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality.

6.6 Electronic participation in meetings

6.6.1 The Municipality has equipment that enables Members to participate electronically in meetings when they are unable to physically attend because of work assignments, road conditions, medical reasons, etc.

6.6.2 A Member cannot attend a closed meeting or an emergency meeting electronically.

6.6.3 The Clerk cannot participate electronically in meetings.

6.6.4 There must be physical quorum at the meeting. The presence of the Member that is attending the meeting electronically does not count towards quorum.

6.6.5 If the member that attends the meeting electronically has adequately captured the discussion, he can vote on the matter at hand. However, if the electronic connection is weak or if the member missed a portion of the debate because of technical issues, the Member should refrain from voting.

6.7 Virtual meetings

6.7.1 Council should resort to virtual meetings only in the following circumstances:

- a) it is unsafe to meet in person;
- b) the meeting will be very brief because one or very few subject-matters need to be addressed quickly;
- c) to accommodate a third-party presentation or delegation.

6.7.2 Virtual meetings will be recorded and members of the public wishing to view the proceedings will be invited to do so at the municipal office.

6.7.3 Recordings of virtual meetings will be available for viewing until the next regular meeting of Council and will be deleted thereafter.

Part 7
OTHER MATTERS

7.1 Short Title

7.1.1 This By-Law may be cited as the "Procedural By-Law".

7.2 Repeal – Enactment

7.2.1 That By-Laws no. 462 and no. 851, and any amendments thereto, be and are hereby repealed.

7.2.2 This By-Law comes into force and takes effect upon adoption.



Mayor



CAO/Clerk