

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**BY-LAW NO. 2023-18 PROCEDURAL BY-LAW**

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Being a By-Law to Govern the Calling, Place and Proceedings of the Meetings of  
Council and its Committees

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WHEREAS subsection 238(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meeting;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF POWASSAN  
HEREBY ENACTS AS FOLLOWS:

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## 1.0 DEFINITIONS:

For the purposes of this Bylaw:

- 1.1 “Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time;
- 1.2 “Acting Committee Chair/Co-Chair” means the Member appointed by the members of the Committee to act as Chair/Co-Chair of the Committee in the place of the Committee Chair/Co-Chair;
- 1.3 “Ad Hoc Committee” means an Advisory Committee of specified duration, established by Council to undertake the review of a special issue or short-term project. Such a Committee shall be governed by clear terms of reference including a clause indicating when the Committee will cease to exist;
- 1.4 “Advisory Committee” means any board, commission or committee established by Council, other than a Standing Committee, which has at least one (1) Member appointed from Council. The member(s) appointed by Council may be Member(s), staff of the Municipality, and/or member(s) of the public;
- 1.5 “Agenda” shall mean a list of all items to be considered by the Council at the meeting for which the agenda was published;
- 1.6 “Business Day” shall mean Monday to Friday inclusive, except for Statutory or Civic Holidays observed in the Province of Ontario or any other day the Municipal office is not opened for business;
- 1.7 “Call the question” means that the vote on the motion shall be taken;
- 1.8 “Chair” means the Mayor or the Presiding Officer of a meeting;
- 1.9 “Chief Administrative Officer” shall mean the Chief Administrative Officer (CAO) of the Corporation as defined by the Municipal Act, S.O. 2001, c. 25, as amended and any successor legislation thereto or their designate;
- 1.10 “Clerk” means the Clerk of the Municipality of Powassan appointed under the Act and shall include a “Deputy Clerk” and any other employee of the Municipality to whom the Clerk has delegated any of the Clerk’s powers and duties under the Act, to the extent that they are authorized to perform any of the duties of the Clerk under this Bylaw;
- 1.11 “Closed Session” (also known as an “in-camera meeting”) means a Meeting or part of a Meeting of Council, a Committee or Committee of the Whole, which is not open to the public in accordance with the Act;
- 1.12 “Committee” means any Standing, Ad Hoc, Steering or Advisory Committee, Sub-Committee or board and any other similar group composed of individuals appointed by Council, or similar entity established by Council

and composed of Members;

- 1.13 "Committee Chair/Co-Chair" means the chair or co-chair of a Committee;
- 1.14 "Committee of the Whole" means a Standing Committee composed of all the members of Council;
- 1.15 "Committee Vice-Chair" means the vice-chair of a Committee;
- 1.16 "Conflict of Interest" shall mean a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, and any successor legislation thereto;
- 1.17 "Corporation" means The Corporation of the Municipality of Powassan;
- 1.18 "Council" means the Council of the Municipality of Powassan;
- 1.19 "Councillor" means a person elected or appointed as a member of Council;
- 1.20 "Defer", "Deferred" or "Deferral", when used in connection with a matter or item before the Council or a Committee, means that the matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that it specified in the motion to defer;
- 1.21 "Delegation" means a person intending to address the Council or Committee on a matter where a decision to the Council may be required;
- 1.22 "Deputy Mayor" means the Councillor appointed by Council to act in the absence of the Mayor in accordance with this Bylaw;
- 1.23 "Emergency Meeting" means a meeting where the health or welfare of the community is involved;
- 1.24 "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;
- 1.25 "Holiday" shall mean any holiday as defined in the Interpretation Act, R.S.O. 1990, c.1.11 or Boxing Day;
- 1.26 "Improper conduct" means conduct which offers any obstruction to the deliberations or proper action of Council;
- 1.27 "Inaugural Meeting" means the first meeting of Council held after a municipal election in a regular election year;
- 1.28 "Local Board" means a local board as defined in the *Municipal Act, 2001*.
- 1.29 "Majority Vote" means the vote of more than half of the members present

at a properly constituted meeting at which a quorum is present;

- 1.30 “Mayor” means the Head of Council acting as the Chief Executive Officer of the Corporation;
- 1.31 “Meeting” means any regular, special or other meetings of a Council, or a local board or of a committee of either of them;
- 1.32 “Member of Council” means any Councillor or the Mayor of the Council;
- 1.33 “Motion” means a proposal by a Member for the Council to adopt a resolution;
- 1.34 “Municipal Election” shall mean a general municipal election held pursuant to the *Municipal Elections Act*;
- 1.35 “Notice of Motion” means a signal of intent to have a motion dealt with at a subsequent meeting;
- 1.36 “Officer” includes the Clerk and Treasurer employed by The Municipality of Powassan;
- 1.37 “Open Session” means any part of a meeting not in “closed session”;
- 1.38 “Pecuniary 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 and any subsequent legislation thereto;
- 1.39 “Petition” means a written request signed by one or more persons;
- 1.40 “Point of Order” means an issue to which a member calls attention to:
- a) Any breach of the rules of order pursuant to this Procedural By-law; or
  - b) Any defect in the constitution of any meeting; or
  - c) The use of improper, offensive or abusive 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 proceeding of the meeting;
- 1.41 “Point of Personal Privilege” means a matter that a member of Council considers to impugn the integrity of the Council or the individual member;
- 1.42 “Procedural Motion” means any Motion concerning the manner or time of consideration of any matter before the council, as opposed to the substance thereof, and includes, without limitation, the following:
- a) To extend the time of the meeting;
  - b) To refer;
  - c) To defer to a specific date;
  - d) To recess;
  - e) To adjourn;
  - f) To move the question be put; or

g) To suspend the Rules of Procedure;

- 1.43 “Public Meeting” means a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public Meeting;
- 1.44 “Public Notice” means a public notice published in accordance with this By-Law and the Municipality of Powassan Notice By-Law;
- 1.45 “Published” means published on the Municipal website, and on any Municipal social media sites or other means of notice, that in the opinion of the Clerk has such circulation within the Municipality as to provide reasonable notice to those affected thereby;
- 1.46 “Quorum” means the minimum number of members who must be present at the meetings for business to be legal transacted;
- 1.47 “Recorded Vote” shall mean the recording of the name and vote of every Member of Council on any matter of question, subject to the *Municipal Conflict of Interest Act*;
- 1.48 “Regular Meeting” means the recording of the name and vote of every Member of Council on any matter of question, subject to the Act;
- 1.49 “Resolution” means the decision of the Council on any motion;
- 1.50 “Rules of Procedure” means the rules and procedures set out in this Bylaw for the calling, place, and proceedings of the meetings of Council and its Committees;
- 1.51 “Special Meeting” means a meeting other than a regularly scheduled meeting, called pursuant to the Act or the provisions of this Bylaw;

## 2.0 GENERAL PROVISIONS

- 2.1 The rules and regulations contained in this Bylaw shall be observed in all proceedings of the Council and Committees of Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all committees of Council, unless otherwise prescribed.
- 2.2 Notwithstanding Section 2.1, these rules and procedures may be relaxed in a Committee meeting if the subject matter so permits.
- 2.3 The Mayor shall be addressed as Mayor (surname inserted) or Your Worship.
- 2.4 The Councillors shall be addressed as Councillor (surname inserted).
- 2.5 All matters not specifically provided for in this Bylaw shall be regulated in accordance with parliamentary procedures.

- 2.6 In the absence of any statutory obligations, the Rules of Procedure may be suspended by Council by an affirmative vote of two-thirds of the Members present.
- 2.7 This Bylaw shall not be amended or repealed except by an affirmative vote of two-thirds of the Members present, but no such amendment or repeal may be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The requirement to give notice shall not be waived.
- 2.8 If any section or part of this Bylaw is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable, and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

### **3. ROLE OF COUNCIL**

3.1 It is the role of Council:

- a) to represent the public and to consider the well-being and interests of the Municipality;
- b) to develop and evaluate the policies and programs of the Municipality;
- c) to determine which services the Municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) to ensure the accountability and transparency of the operations of the Municipality, including the activities of Municipal senior management;
- f) to maintain the financial integrity of the Municipality;
- g) to carry out the duties of Council under the Act or any other statute.

3.2 In accordance with Section 259(1) of the Act, the office of a Member becomes vacant if the Member is absent from the meetings of Council for three (3) successive months without being authorized to do so by a resolution of Council.

This section does not apply to a Member who is absent for 20 consecutive weeks or less if the absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.

3.3 A Member who takes a pregnancy or parental leave shall notify the Clerk in writing and will continue to be compensated under the Council Compensation Policy for the duration of their leave up to 20 consecutive weeks.

### **4. ROLE OF THE MAYOR**

4.1 It is the role of the Mayor:

- a) to act as Chief Executive Officer of the Municipality;
- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- d) without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council described in clauses 3.1(d) and 3.1(e) of this Bylaw;
- e) to represent the Municipality at official functions; and
- f) to carry out the duties of the head of Council under the Act and any other statute.

4.2 As Chief Executive Officer of the Municipality, the Mayor shall:

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

4.3 It shall be the duty of the Mayor, with respect to any meetings over which they preside, to:

- a) preserve order and decide all questions of order, subject to appeal, and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- b) receive and submit to a vote all Motions presented by the members of Council or Committee, as the case may be, which do not contravene the Rules of Procedure;
- c) announce the results of the vote on any Motions so presented;
- d) decline to put to a vote Motions which are contrary to the Rules of Procedure or which are beyond the jurisdiction of Council;
- e) enforce on all occasions the observance of order and decorum among the Members;
- f) authenticate by their signature, when necessary, all Bylaws, minutes and resolutions of Council or Committee;
- g) adjourn the meeting when business is concluded;
- h) adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- i) represent and support Council, declaring its will and implicitly obeying its decisions in all things; and
- j) perform other duties when directed to do so by resolution of Council.

4.4 The Mayor shall be the chair of the Committee of the Whole meetings except for Budget Review Committee of the Whole Meetings. The Mayor may also select another Member to Chair Committee of the Whole meetings.

4.5 The Mayor shall be a member of all Committees and shall have full privileges, including the right to vote at meetings thereof, but shall not be eligible to be the Committee Chair/Co-Chair or Committee Vice-Chair.

- 4.6 The Mayor shall only vote in a Council meeting to break a tie vote.
- 4.7 In accordance with the Act, in each term, as soon after the commencement of the term as is reasonably possible, Council shall appoint by Bylaw or Resolution, the member of council to serve as Deputy Mayor. The Deputy Mayor shall serve in circumstances where the Mayor is absent or refuses to act or the office is vacant and while so acting in the place of the Mayor, such Member shall have all powers and duties of the Mayor.
- 4.8 If both the Mayor and 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. In this instance, the Clerk shall call the meeting to order and conduct the meeting to allow Council to appoint an Acting Mayor.

## **5. REGULAR MEETINGS OF COUNCIL AND COMMITTEE OF THE WHOLE**

- 5.1 Unless otherwise authorized by Council, all meetings of Council and Committee of the Whole shall be held in Council Chambers at 252 Clark Street, Powassan. The alternate location for Council Meetings will be 250 Clark Street, Powassan. The Clerk will ensure the Public is made aware of any change as soon as possible.
- 5.2 Regular meetings of Council shall commence at 6:30 p.m. in Open Session and be held twice a month on the first and third Tuesday, with the exception of July, August and December, with one meeting planned per month. This schedule shall be established by Resolution at the Inaugural Meeting of Council.
- 5.3 Council may change the date of any regular meeting by Resolution.
- 5.4 If a date designated for the holding of a Council meeting falls on a public holiday, or on a day when the Municipal office is closed for business, Council shall meet at the designated hour on the first day following, which is not a public holiday.
- 5.5 All Closed Session items for discussion at Regular Council Meetings shall be discussed in Closed Session following Notice of Schedule and Board Meetings.
- 5.6 The curfew for each regular meeting of Council is 10:30 p.m. The meeting shall stand adjourned at that curfew, unless the curfew is extended to 11:30 p.m. at the latest, by an affirmative vote of the majority of Members present.
- 5.7 Council may, by Resolution, go into Committee of the Whole and the Mayor shall chair the meeting and shall maintain order during the meeting.
- 5.8 Municipal Staff will make every effort to record all Meetings of Council, including Closed Session Meetings, will be recorded by the Municipality. Recordings will only be in the possession of the Clerk and/or CAO. The



recordings of Closed Session Meetings will only be viewed upon notification of a Closed Session Investigation, or by unanimous vote of Council.

- 5.9 A Member of Council may participate electronically in a Meeting that is either open or closed to the public should they be unable to participate in person for medical reasons, illness, or in the event of a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies, and in doing so may be counted in determining whether or not a quorum of members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 5.10 A Member of an Advisory or Ad-Hoc Committee may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 5.11 The Clerk may provide for electronic participation of staff at any Meeting, including the Clerk. Participants must be visible during the entirety of the Meeting.
- 5.12 Electronic meetings are those held by means of telecommunication instruments including but not limited to telephones, video conferencing, computers with internet access and conferencing platforms and programs. The means used to facilitate an electronic meeting shall be determined by the Clerk and will ensure all participants in the meeting are visible.
- 5.13 A Member must provide sufficient notice to the Clerk, their designate, or the Staff Liaison of a Committee, of their intent to participate electronically in a Meeting to ensure the proper technology is enabled to make electronic participation possible. The Member must give at least 48 hours' notice of their intent to join the meeting electronically unless extraordinary circumstances apply. The Member must be visible to others in the Meeting at all times.
- 5.14 Members who are participating electronically in a closed session meeting must ensure that no other person is in the location from which they are taking part in the meeting or make appropriate arrangements to that any other persons cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member must withdraw from the meeting until it has reconvened in open session.
- 5.15 A member of the public may delegate via electronic participation due to a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial, or federal public health agencies.
- 5.16 The Clerk shall arrange for such delegations, and any members of the public who wish to make a verbal delegation to a Standing Committee or Council via electronic participation shall inform the Clerk when requesting delegation by noon on the Thursday prior to the Meeting. Delegates shall be provided

with instructions on how to join the Meeting; all participants of the delegation must be visible to Council. Delegations who have not registered by the deadline will not be permitted to delegate.

- 5.17 Subject to these provisions for electronic participation, all other provisions of the Procedural Bylaw continue to apply and the Chair shall determine and maintain order as needed.

## **6. SPECIAL MEETINGS**

- 6.1 Upon notice as set out in Section 6.2, the Mayor may, at any time, call a Special Meeting of Council or the Committee of the Whole and upon receipt of a petition of the majority of the Members, the Clerk shall call a Special Meeting of Council for the purpose and at the time and place set out in the petition. Every effort should be made to circulate a petition for a call for a Special Meeting to all members of Council.
- 6.2 The Clerk shall provide all Members with notice of a Special Meeting at least forty-eight (48) hours before the time appointed for such meeting by personal delivery, telephone, email, or other electronic means to the Members.
- 6.3 No business may be transacted at a Special Meeting of Council other than that specified in the notice or agenda.
- 6.4 The lack of receipt of a notice of, or an agenda for, a Special Meeting by any Member shall not affect the validity of the Special Meeting, or any action taken.

## **7. EMERGENCY MEETINGS**

- 7.1 Notwithstanding any other provision of this Bylaw, an Emergency Meeting of Council may be called by the Mayor without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- 7.2 The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
- 7.3 The lack of receipt of a notice of, or an agenda for, an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting, or any action taken.

## **8. QUORUM**

- 8.1 A majority of all Members is necessary to form a quorum of Council.

- 8.2 As soon as there is a quorum after the time set for the Meeting, the Chair shall call the meeting to order.
- 8.3 If a quorum is still not present within fifteen (15) minutes after the time set for the Meeting, then the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting.
- 8.4 If a quorum is lost during a Meeting and is not regained within fifteen (15) minutes, the Meeting shall stand adjourned until the next Meeting.
- 8.5 Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, are disabled from participating in a meeting, is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 8.6 Whereby reason of an approved Authorized Leave by the Committee Chair, a member(s) is disabled from participating in a meeting, the number of Members shall be reduced temporarily to determine quorum, provided such number is not less than two (2).

## **9. PUBLIC ACCESS TO MEETINGS**

- 9.1 Except as otherwise provided in this Section, all Meetings shall be open to the public.
- 9.2 When determined necessary by the Clerk and/or Mayor, security personnel (third party, Bylaw enforcement officer, or Ontario Provincial Police) shall be present to oversee the media and public areas of the Council Chambers.
- 9.3 If a member of the public or media is deemed to be disruptive by the Mayor or presiding officer, they shall direct the person to stop being disruptive. In the event that the disruptive behaviour continues, the person will be served with a warning. If the warning is not adhered to by the person, the Mayor or presiding officer will expel that person from the meeting. If the person is noncompliant to the request to leave the room, a Member or Municipal staff will contact local police services for assistance.
- 9.4 A Meeting or part of a Meeting may be closed to the public if the subject matter being considered is:
- a) the security of the property of the Municipality;
  - b) personal matters about an identifiable individual, including Municipal employees;
  - c) a proposed or pending acquisition or disposition of land by the Municipality;
  - d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
  - f) advice that is subject to solicitor-client privilege, including communications

- necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 9.5 A Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:
- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, if Council is designated as head of the institution for the purposes of that act; or
  - b) an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of the Municipal Act, 2001, or the investigator referred to in subsection 239.2(1) of the Municipal Act, 2001.
- 9.6 A Meeting of Council or of a Committee may be closed to the public if the following conditions are both satisfied:
- a) the meeting is held for the purpose of educating or training the Members.
  - b) at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council or Committee.
- 9.7 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or Committee shall state by resolution:
- a) the fact of the holding of the Closed Session and the general nature of the matter to be considered at the Closed Session; or
  - b) in the case of a meeting under Section 9.6, the fact of the holding of the Closed Session, the general nature of its subject-matter and that it is to be closed under that Section.
- 9.8 Only items contained in the resolution provided for in Section 9.7 shall be considered by the Council or Committee in closed session.
- 9.9 A Meeting shall not be closed to the public during the taking of a vote except where:
- a) the provisions of this Bylaw or the Act permit or require the Meeting to

- be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under a contract with the Municipality.

- 9.10 After the Council agenda has been adopted by resolution, a motion to move into closed session is only in order if the motion relates to an item already on the approved agenda and a closed session is permitted in accordance with the provisions of this bylaw.
- 9.11 After the motion to move into closed session has been adopted, the Mayor or presiding officer shall provide sufficient time to accommodate the public and media (and designated staff) to orderly vacate the room, up to a maximum of five (5) minutes.
- 9.12 If an emergency occurs during a closed session meeting, the meeting will be automatically deemed suspended for staff to manage the emergency.
- 9.13 If a non-emergency event occurs during a closed session meeting, the Mayor or Chair of Committee will openly declare the meeting suspended for staff to manage the event.
- 9.14 If an unauthorized recording device is located during a closed session meeting, the meeting will be declared suspended for staff to manage the event. The Clerk (or designate) shall attempt to locate the owner of the device. The owner will be asked to demonstrate that the device did not record the closed session meeting to the satisfaction of the Clerk. If the device inadvertently recorded the closed session meeting, the Clerk will request the owner of the device to erase the recording to the satisfaction of the Clerk. If the owner of the device is non-compliant with the request of the Clerk, local police services may be called for assistance.
- 9.15 All deliberations while in Closed Session shall remain confidential unless otherwise agreed upon by a Majority vote of Council. Only the final results of deliberations may be made public when such disclosure is authorized by Council.
- 9.16 Recordings of Open Council Meetings will be made available to the public upon request, within 72 hours of the meeting. As Regular Council Meetings are open to the public, any posting, livestreaming, or broadcasting of a meeting shall be considered an enhancement to public attendance, and the inability to provide this enhancement shall not be considered as prohibiting public attendance. Boards and Committees of Council are not required to livestream nor record their meetings, as they are open to the public.

In the event of a situation in which public gatherings cannot, or should not happen, as required by local, provincial, or federal public agencies, the Clerk will provide for electronic participation of the public. All participants must be visible to others in the Meeting at all times. Livestreaming of a Regular Meeting of Council will be considered an enhancement to public attendance when electronic participation is provided.

Access to recorded proceedings shall follow the *Municipal Freedom of Information and Protection of Privacy Act*.

Video files from live streaming that are on the internet are part of the public realm and as such are subject to alteration by a member of the public with no municipal control over such alterations. The Municipality assumes no liability associated with any alterations that are made by a member of the public on the internet.

A notation will be added to Council and any other recorded meeting agendas to make presenters and members of the public aware that proceedings are being recorded and/or available on the internet.

- 9.17 To ensure that all members of the public are comfortable participating in Meetings signs, banners, emblems, flags, cameras, audio, and video recordings by the public are prohibited in the Chambers except by permission of the Chair.

Notwithstanding the foregoing, Municipal Staff, approved media, and approved broadcasting or webstreaming service providers, will have permission to record and may use cameras, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record open session proceedings of Council and Committees. These devices may not be used in such a way as to obstruct or disrupt the proceedings of the meeting.

## **10. PUBLIC NOTICE OF MEETINGS**

- 10.1 The Clerk shall provide public notice of all meetings of Council and Committee by posting a notice on the Municipal website which includes the place, date and time of the Meeting and the Meeting agenda.

## **11. COUNCIL AGENDA**

- 11.1 The Clerk shall prepare the agenda for all regular meetings of Council. The order of proceedings shall be as follows, or as otherwise determined by the Clerk:

- a) Call to Order;
- b) Land Acknowledgement Statement;
- c) Roll Call
- d) Disclosures of Pecuniary Interest
- e) Approval of Agenda:
  - (i) Addition of Items;
  - (ii) Changes in Order of Items
- f) Delegations to Council;
- g) Adoption of Minutes of Previous Open Session Meeting(s) of Council;
- h) Minutes and Reports from Committees of Council

- i) Minutes and Reports from Appointed Boards
- j) Staff Reports
- k) By-Laws
- l) Unfinished Business
- m) New Business
- n) Correspondence
- o) Addendum
- p) Notice of Schedule of Council and Board Meetings
- q) Closed Session
- r) Adjournment

- 11.2 The business of each Meeting shall be dealt with in the order in which it stands in the agenda, unless otherwise decided by a Majority vote of the Members present.
- 11.3 All reports, notices, motions, and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk, by 12:00 p.m. on the Thursday preceding the regular Council meeting.
- 11.4 The deadline for the submission of matters permitted for inclusion in the addendum to the Council agenda shall be 9:00 a.m. on the day of the Council meeting. Any Item requested to be added to the Regular Agenda open to the public, after the Council Agenda has been published by the Clerk, must be done in writing to the Clerk. The written request must explain the importance of the Item and explain timeliness of the request. Verbal discussion and/or presentations from Staff or Members are not permissible as agenda items.
- 11.5 The Clerk shall distribute the agenda for each regular Council meeting to every Member by providing a printed copy for pickup, e-mail, or other electronic means, not less than seventy-two (72) hours before the scheduled meeting.

## **12. DISCLOSURE OF PECUNIARY INTEREST**

- 12.1 In accordance with the Municipal Conflict of Interest Act, where a Member has any Pecuniary Interest in any matter and is present at a Council meeting or Committee meeting at which the matter is the subject of consideration, the Member shall:
- a) disclose their Pecuniary Interest as per the Council agenda;
  - b) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
  - c) not take part in the discussion of, or vote on, any question in respect of the matter; and
  - d) not attempt in any way, whether before, during or after the Meeting, to influence the voting on any such question.
- 12.2 Where a meeting is not open to the public, in addition to complying with the requirements of Section 12.1, the Member shall forthwith leave the meeting for that part during which the matter is under consideration.

- 12.3 Where the interest of a Member has not been disclosed by reason of their absence from the Meeting, the Member shall disclose their interest at the next Meeting at which such Member attends.
- 12.4 The Clerk shall record in reasonable detail the particulars of any disclosure of Pecuniary Interest made by members of Council or Committees and any such record shall appear in the minutes of that Meeting of Council or of Committee.

### **13. DELEGATIONS AND PRESENTATIONS**

- 13.1 The maximum number of presentations, for any meeting unless agreed to by the Mayor and Clerk, shall be one (1).
- 13.2 It is Council's preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at Council meetings with respect to items on the Council agenda provided a written request is made to the Clerk by 12:00 p.m. on the Thursday prior to the meeting. Delegations that have previously presented to Council or before a Standing Committee can only appear as a delegation at Council to present new information on the matter involved.
- 13.3 Written notice to the Clerk from a delegation shall include:
- a) The presenter's name, address, telephone number and e-mail address;
  - b) Full names of all presenters;
  - c) Date they wish to present;
  - d) A brief statement of the subject matter, the outcome that is sought and what action they are requesting from Council;
  - e) An overview of the delegation;
  - f) Acknowledgement that they have read and understand the guidelines as informed by the Clerk.
- 13.4 The Clerk shall inform the presenter of the guidelines affecting the presentation (e.g. maximum time, and adherence to subject) and obtain an acknowledgement by the presenter of his understanding of those guidelines.
- 13.5 Delegations and presentations shall be limited to a presentation of not more than ten (10) minutes, unless otherwise determined by the Committee Chair/Co-Chair or Mayor. A delegation of not more than five (5) persons, representing a group or organization, shall be limited to two (2) speakers, permitted to speak not more than ten (10) minutes in total. Only new information is to be presented by successive speakers of such delegation.
- 13.6 At the discretion of the Mayor or presiding officer the presentation time limit may be extended. Such decision shall be decided without debate.
- 13.7 No presenter shall:
- a) speak disrespectfully of any person;
  - b) use offensive words or unparliamentarily language;
  - c) speak on any subject other than the subject for which they received



- approval to address;
- d) disobey the rules of order or a decision of the Presiding Officer.
- 13.8 After the presenter has completed the presentation, members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- 13.9 The Presiding Officer may curtail any presenter, any questions of a presenter or debate during a presentation, for disorder or for any other breach of this Procedural By-law and, should the Presiding Officer rule that the presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.
- 13.10 Delegations concerning labour relations, union negotiations and any employee relations will not be heard at any Standing Committee or Council meetings. All signed submissions received by the Clerk concerning these matters shall be referred to the head of Municipal Administration.
- 13.11 Delegations shall not be permitted at Council meetings to address planning matters that were considered at a public meeting pursuant to the provisions to the Planning Act.
- 13.12 The Clerk, in consultation with the Mayor, shall decide which Delegations will be heard orally, in person or electronically, at any given meeting and may defer or decline to place any delegation on the agenda having regard to the time available and:
- a) The express desire of any member or members of Council that a particular delegation be heard;
  - b) The desirability that different points of view on any issue be heard;
  - c) The desirability that persons who support a particular position be encouraged to combine to make a joint oral presentation usually through a single spokesperson;
  - d) The desirability that new issues not on the subject of previous delegations should be heard.
- 13.13 The Mayor or Clerk may decline to approve a Delegation. Reasons to decline include but are not limited to:
- a) More time is required to prepare staff reports for Council;
  - b) The Delegation request was not submitted by the deadline;
  - c) The Delegation request form is incomplete;
  - d) The subject matter of the Delegation is outside the jurisdiction of Council;
  - e) The subject matter is with respect to a matter that should be discussed in Closed Session;
  - f) The Meeting Agenda is already too lengthy;
  - g) The subject matter is set to be discussed on another Agenda;
  - h) The issue is frivolous or vexatious;
  - i) The issue has been or is to be considered by the Committee of Adjustment;
  - j) Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
  - k) Council previously indicated that it will not hear further from this

- Delegation; or
- l) The issue should be referred to Municipal staff for action;
  - m) Council has previously signed a resolution on the issue and no further action can be taken within the next 364 days.

## **14. MINUTES OF MEETINGS**

- 14.1 The minutes of every Meeting, whether it is closed to the public or not, shall be recorded by the Clerk, in the case of meetings of Council, or appropriate officer, in the case of meetings of Committee. For the purposes of this Section 14.1, "Clerk" means the Clerk, Deputy Clerk or designate.
- 14.2 The minutes of all meetings of Council and Committees shall record:
  - a) the place, date and time of meeting;
  - b) the name of the presiding officer and the record of the attendance of the Members present and those who have sent their regrets, and the name of the recording secretary and senior staff present; and
  - c) without note or comment, all resolutions, decisions and other proceedings of the meeting.
- 14.3 The Members may inform the Clerk's office where reasonable of all planned absences, late arrivals and early departures from Council and Committee meetings.
- 14.4 The minutes of each Council meeting shall be presented to Council at the next regular meeting for approval.
- 14.5 After the Council minutes have been approved by Council, they shall be signed by the Mayor and the Clerk.
- 14.6 The public Committee report of each Committee meeting shall be presented to Council at the next regular Council meeting for consideration and adoption of Committee recommendations contained in it.
- 14.7 Recordings of Meetings shall be retained in accordance with the Municipality's Records Retention By-law.
- 14.8 The closed session Minutes of each closed session of Council shall be presented to Council at their next closed session meeting and that the minutes of closed session of the respective Council held on the meeting date be adopted and the recommendations contained therein be approved.

## **15. CONDUCT**

- 15.1 The Mayor will ensure that members of the Public shall be respectful of Council, staff, delegations, and all attendees at the Meeting by not heckling, speaking disruptively while debate is in progress, making comments or applauding.

- 15.2 Members of Council shall:
- a) act in accordance with their Oath of Elected Appointed Officials and the Municipal Code of Conduct;
  - b) treat the Chair, other Members, staff and delegates from the public with courtesy, respect and good faith;
  - c) hold in strict confidence all information concerning matters dealt with in Closed Meetings;
  - d) not speak disrespectfully of the Reigning Sovereign, or of any of member of the Royal Family, or of the governor-general, the Lieutenant-Governor of any Province, of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
  - e) not use offensive words or unparliamentarily language in or against Council or against any Member;
  - f) not speak on any subject other than the motion being debated;
  - g) not criticize any decision of Council except for the purpose of moving a motion to reconsider a previous decision of Council.
- 15.3 The Mayor may Call the Member to Order and take one or more of the following actions:
- a) decide that there was no breach of the rule;
  - b) ask the Member in breach of the rules to stop the behaviour;
  - c) ask the Member to withdraw what was said; or
  - d) ask the Member to apologize.
- 15.4 If previous attempts to call the member to order have failed, the Mayor may decide, not to recognize the Member, for the balance of that meeting, in which case the Member shall not speak or vote for the remainder of that Meeting.

## **16. RULES OF DEBATE**

- 16.1 Any Member who wishes to speak must raise his or her hand and be recognized by the Mayor. Once recognized, the Member, if able, shall stand to speak to the matter.
- 16.2 When two (2) or more Members raise their hands, the Mayor shall designate the order in which they may speak.
- 16.3 No Member may speak more than once on the same matter unless Council dispenses of this provision with an affirmative vote of at least two-thirds of the members present, except in explanation of a material part of that Member's remarks which may have been misunderstood, and in doing so, that Member shall not introduce any new matter.
- 16.4 No Member may speak to the same question or in reply for any longer than ten (10) minutes including comments, questions to staff and staff responses in Council and Committee of the Whole, without leave of the Council or Committee of the Whole.
- 16.5 When a Member is speaking, no other Member shall pass between that

Member and the Chair or interrupt that Member except to raise a point of order.

- 16.6 Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- 16.7 When the minutes of a Standing Committee meeting are presented to Council, the Committee Co-Chairs, Chairs or Vice Chairs shall have the first opportunity to speak to the matters included and may explain the basis for the Standing Committee's recommendations.

## **17. POINTS OF PRIVILEGE AND ORDER**

- 17.1 When a Member believes that their rights, privileges or integrity, or those of the Members collectively have been prejudicially affected, that Member may ask leave of the Mayor to raise a question of privilege and after leave is granted, the Member shall state the point of privilege to the Mayor and the point of privilege shall be immediately decided by the Mayor.
- 17.2 When a Member desires to call attention to a deviation or departure from the Rules of Procedure, that Member shall ask leave of the Mayor to raise a point of order and after leave is granted, the Member shall state the point of order to the Mayor and the point of order shall be immediately decided by the Mayor.
- 17.3 It shall be the duty of the Mayor to decide all points of privilege and order and, if called upon to do so, to state the rule applicable to any point of order, practice or procedure. The Mayor's ruling on a point of order shall be made without debate and shall be final subject only to an immediate appeal from such ruling by a Member.
- 17.4 In the case of an immediate appeal by a Member from the decision of the Chair on a point of order, practice or procedure, such Member shall state the grounds for the appeal and such appeal must be decided, without debate, by the concurring votes of a majority of Members present on "Shall the ruling of the Chair be sustained".
- 17.5 When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion, without the permission of the Mayor, unless to appeal the ruling.
- 17.6 When the Mayor considers that the integrity of a member of the staff has been impugned or questioned, the Mayor may permit a staff member present to make a statement to the Council.

## **18. NOTICES OF MOTION**

- 18.1 Except as otherwise provided in this Bylaw, all notices of Motion shall be:
- a) presented at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
  - b) delivered to the Clerk not less than seven (7) days prior to the date of the Meeting at which the Motion is to be introduced.
- 18.2 A Motion may be introduced without notice if Council, without debate, dispenses with the requirement for notice on the affirmative vote of two-thirds of the Members present.

## **19. MOTIONS**

- 19.1 Every motion:
- a) shall be in writing, shall be seconded and shall be read by the Mayor or the Clerk before debate or before being put from the Chair;
  - b) where the question under consideration contains separate propositions then, at the request of any member of Council, any separate matter shall be put separately.
- 19.2 After a motion is read by the Mayor or Clerk, it shall be deemed to be in the possession of the Council, but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

## **20. VOTING PROCEDURES**

- 20.1 A Motion shall be put to a vote by the Mayor immediately after all Members desiring to speak on the Motion have spoken in accordance with the Rules of Procedure.
- 20.2 Unless otherwise provided in the Bylaw or requested by the Mayor, a vote may be by voice, show of hands, standing, or otherwise.
- 20.3 Unless otherwise provided in the Bylaw, every Member shall have one (1) vote.
- 20.4 Except for the election of the Chair of a Committee, no vote shall be taken by ballot or by any other method of secret voting.
- 20.5 Except as otherwise required under the Act, any other statute or this Bylaw, all Motions, Resolutions, and Bylaws shall be carried, passed and enacted, as the case may be, by a Majority vote.
- 20.6 After a Motion is put to a vote, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Mayor.

- 20.7 No Member shall leave their seat or make any noise or disturbance while a vote is being taken until the vote is declared.
- 20.8 Unless otherwise provided in the Bylaw, when a question or Motion is put to a vote, every Member present at a Council meeting shall vote thereon, except where the Member is disqualified from voting by reason of a declared Pecuniary Interest or is absent from the Council Chambers when the question or Motion is put to a vote.
- 20.9 Every Member who is not disqualified from voting by reason of a declared Pecuniary Interest shall be deemed to vote against the Motion if the Member declines or abstains from voting.
- 20.10 A Member present at the time of a vote may call for a Recorded Vote immediately before or after the taking of the vote.
- 20.11 Unless otherwise provided in the Bylaw, each Member present, except a Member who is disqualified from voting by reason of a declared Pecuniary Interest, shall indicate their vote openly during the taking of a recorded vote and the Clerk shall record each vote. The names of those who voted for and those who voted against the Motion shall be entered in the minutes.
- 20.12 The Mayor shall announce the result of every vote. If all of the Members present when a vote is taken vote unanimously, the Mayor shall announce the vote accordingly.
- 20.13 If a Member doubts the result of a vote as announced by the Mayor, that Member may object immediately to the Mayor's declaration and, upon the affirmative vote of the Majority of the Members present, the vote shall be retaken.
- 20.14 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any act.
- 20.15 Notwithstanding Section 20.14, the Mayor shall vote to break a tie vote at Council.
- 20.16 In a vote, the number of Members constituting the Council shall be determined by excluding the number of Members who are present at the Meeting but who are disqualified from voting by reason of a declared Pecuniary Interest.

## **21. ENACTMENT OF BY-LAWS**

- 21.1 No Bylaw shall be presented to Council unless there is a resolution to authorize the Bylaw and each member shall be supplied with a copy of every Bylaw prior to consideration of the Bylaw by the Council.
- 21.2 No Bylaw shall be introduced for first reading in blank or in imperfect form.

- 21.3 A Bylaw shall be passed by being given three (3) readings, as such:  
a) a Bylaw shall be given each reading by reference to its Bylaw number;  
b) a Bylaw shall be deemed to have been read upon the number, title or heading being read or taken as read, unless a member requires the Bylaw or any portion thereof to be read in full;  
c) the minutes of the meeting shall reflect both the number and the title of the Bylaw, notwithstanding that the motion refers only to the number of the Bylaw.
- 21.4 The first reading of a Bylaw shall be decided by resolution without amendment or debate.
- 21.5 The second reading of a Bylaw shall be decided by resolution at which time the contents of the Bylaw shall be debated. The contents of the Bylaw may be changed by an amending resolution to authorize the third reading.
- 21.6 The third reading of a Bylaw will be the final reading. No Bylaw shall be changed during the third reading.
- 21.7 Unless directed by the Clerk or Treasurer as required for the immediate well being of the Municipality, no Bylaw shall receive third reading at the same meeting as it received first and second readings.
- 21.8 The Clerk shall endorse on every Bylaw the dates of the three (3) readings thereof.
- 21.9 Every Bylaw enacted by Council shall be signed by the Mayor and the Clerk, numbered, and sealed with the seal of the Corporation.
- 21.10 No Bylaw, except a Bylaw to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been considered and approved by Council.

## **22. COMMITTEES**

- 22.1 The Mayor shall be a member of each Standing Committee of Council ex-officio.
- 22.2 The Mayor shall assign all members of Council to committees for the term of council prior to the first regular meeting of the term.
- 22.3 The members of all Committees of Council shall be named through Resolution or Bylaw at the first regular Meeting for each council term.
- 22.4 The Chair of the Public Works Committee shall be a member of Council. The Chair of the Public Works Committee will be rotated on an annual basis, so that every member of Council, excluding the Mayor, holds the Chair position for one (1) year during the term of Council.
- 22.5 The quorum of all Committees, except for Committee of the Whole, shall be a

majority of its members.

- 22.6 As soon as there is a quorum after the time set for the Meeting, the Committee Chair or Co-Chair shall call the meeting to order.
- 22.7 If a quorum is still not present within thirty (30) minutes after the time set for the Meeting, then the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting.
- 22.8 If a quorum is lost during a Meeting and is not regained within fifteen (15) minutes, the Meeting shall stand adjourned until the next Meeting.
- 22.9 If proper notice of the meeting has been given and a quorum as set out in Section 22.5 is not in attendance at a Committee meeting and therefore, the meeting stands adjourned due to lack of quorum, any emergent items upon the approval of the Committee Chairs or Co-Chairs can be considered directly at the next Council Meeting under Committee Reports.
- 22.10 The Rules of Procedure contained in this Bylaw shall be observed in Committee meetings, with necessary modifications, except that:
- a) the number of times a Member may speak on any question shall not be limited;
  - b) the length of time a Member may speak on any question shall not be limited;
  - c) written Notices of Motion are not required; and
  - d) Members shall not be required to stand to speak.
- 22.11 A Member who is not a member of a Standing Committee may attend the meetings of that Committee.
- 22.12 With the consent of the Co-Chair, Chair or Vice Chair of the Standing Committee, a Member who is not a member of the Committee may speak and participate at a meeting of the Committee, but such Member has no vote on the Committee.
- 22.13 All recommendations and requests of an Advisory Committee shall be directed to its respective Standing Committee.
- 22.14 Every Committee is advisory to Council unless otherwise stated in the terms of reference, by-law or resolution governing the Committee.
- 22.15 No Committee has the power to pledge the credit of the Municipality, to commit the Municipality to any particular action or to give specific direction to any staff member, unless specifically granted such power in the terms of reference, Bylaw or resolution governing such Committee.
- 22.16 All resolutions received from other municipalities that are of relevance to the Municipality of Powassan shall be circulated by the Clerk to Council and if a Member of Council so requests, the Clerk shall include the resolution on the next Council Meeting Agenda under New Business to be received and endorsed.



## **23. POST-ELECTION PROCEDURE**

- 23.1 The Inaugural Meeting date shall be held the Monday prior to the first Tuesday in December following the Municipal Election at 6:30 p.m.
- 23.2 The Inaugural Meeting shall be ceremonial in nature for purposes of the members of Council taking their Oath of Allegiance and Declaration of Office, and shall be Chaired by the Clerk.
- 23.3 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 23.4 At the inaugural meeting, each person who has been elected to Council is entitled to speak and participate and to have one vote.
- 23.5 The principal business of the first Council meeting held after the inaugural meeting shall consist of:
- a) The establishment of the size of each Standing Committee of Council;
  - b) The appointment of Councillors to Standing Committees, Advisory Committees, Agencies, Boards and Commissions; and
  - c) Appointment of Acting Chair(s) until appointment of Chairs and Co-Chairs of Standing Committees as Acting Chairs.
- 23.6 Prior to the inaugural meeting, each person who has been elected to Council shall submit to the Clerk their preferences for the Standing and Advisory Committees of Council (including agencies, boards and commissions) upon which they wish to serve.
- 23.7 If the number of Members wishing to serve on any Standing or Advisory Committee of Council (including agencies, boards and commissions) is greater than the number of positions available, then the selection shall be conducted by open ballot.
- 23.8 Each Member shall serve on at least one (1) Standing Committee.

## **24. CONTINGENCIES**

- 24.01 In all contingencies not provided for in this Bylaw, the question shall be decided by the Mayor and in making such a ruling, the decision shall be based on Robert's Rules of Order.

## **25. SHORT TITLE**

- 25.1 The short title of this Bylaw is "The Procedural By-law".

**26. SEVERABILITY**

26.1 Should any section, subsection, clause, paragraph or provision of this Bylaw 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.

**27. REPEAL**

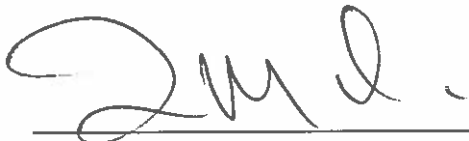
27.1 Bylaw 2015-31 and all amendments thereto are hereby repealed.

**28. EFFECT**

28.1 This By-law shall take force and effect upon being passed.

**READ a FIRST and SECOND time September 5, 2023**

**READ a THIRD and FINAL time and considered passed as such in open Council on the 19<sup>th</sup> day of September 2023.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk