

*Amended  
Bylaw 97-410*

## **THE CORPORATION OF THE TOWNSHIP OF TEMAGAMI**

### **BYLAW NO. 93-330**

A bylaw of the Corporation of the Township  
of Temagami to govern the  
proceedings of Council.

WHEREAS SECTION 102, Chapter M-45 of the Municipal Act, R.S.O. 1990, as amended, authorizes the council of every municipality to pass by-laws governing the proceedings of the council, the conduct of its members and the calling of meetings;

AND WHEREAS the Council of the Corporation of the Township of Temagami deems it advisable to pass a by-law to reflect current practice, procedures and statutory requirements.

NOW THEREFORE the Council of the Corporation of the Township of Temagami hereby enacts as follows:

#### **1. DEFINITIONS**

For the purpose of this by-law the following words shall have the meaning given herein:

- 1.1 "Calendar Year" means the period from January 1st of any one year to and including December 31st of the same year;
- 1.2 "Chair" means the Reeve;
- 1.3 "CAO" means the Clerk of The Corporation of the Township of Temagami;
- 1.4 "Committee of the Whole" means all members of the Council present at a meeting sitting in Committee headed by the Presiding Officer;
- 1.5 "Consent Agenda" means a list of items on the agenda of Council or Committee thereof containing recommendations from the CAO as to their disposition, all of which may be adopted by one motion of the Council or Committee thereof, but any of which may be transferred to the regular agenda for consideration upon the request of a member;

## 2.

- 1.6 "Council" means the Council of the Corporation of the Township of Temagami;
- 1.7 "Head of Council" means the Reeve of the municipality;
- 1.8 "Holiday" means any holiday as defined in the Interpretation Act, R.S.O.1980, Chapter 219, Boxing Day and Civic Holiday;
- 1.9 "Member" means a member of the Council or of a Committee of Council and includes the Head of Council;
- 1.10 "Municipality" shall mean the Corporation of the Township of Temagami;
- 1.11 "Presiding Officer" shall mean the head of council unless otherwise appointed with the provisions of this By-law;
- 1.12 "Quorum" means the majority of full Council;
- 1.13 "Recorded Vote" means the recording of the name and vote of every member on any matter of question;
- 1.14 "Special Committee" means a committee appointed by Council under the areas of jurisdiction established under Section 19.2 of this by-law.

## 2. GENERAL

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees thereof and shall be the rules and regulations for the order and dispatch of business in Council and Committees thereof.
- 2.2 All meetings of the Council and Committee of the Whole shall be open to the Public, except that they may be closed when the subject matter under consideration involves:
  - 2.2.1 Personnel matters involving one or more identifiable employees or prospective employees of the Municipality;
  - 2.2.2 Matters affecting labour relations and contract negotiations with employees of the Municipality;
  - 2.2.3 The acquisition or disposal of Municipal property;
  - 2.2.4 Initial explanatory meeting (s) and discussion (s) respecting a future develop-

ment within the Municipality, not previously discussed at an open meeting of the Council, Committees thereof or Committee of the Whole;

2.2.5 Litigation or potential litigation affecting the Municipality including matters before administrative tribunals, and any matter respecting the investigation of a possible contravention of a Municipal by-law or Provincial statute or regulation;

2.2.6 Discussions or negotiations in relation to Municipal boundary adjustments;

2.2.7 Any matter required to be discussed at a meeting closed to the public by any Provincial or Federal statute or regulation thereto;

2.2.8 Any matter involving the security of the property of the Municipality;

2.2.9 Discussions concerning the comparison of content details related to bids, quotations or tenders submitted to or by the Municipality for any contracted work, services or equipment, following the public opening thereof.

2.3 When a meeting is necessary to be closed, it will be the requirements that a report will be presented to Council or Committee of the Whole to consider the recommendations thereon.

2.4 Except as provided by law, a person not a member of the Council shall not be allowed to address the Council or Committee of the Whole except upon approval of the Council or Committee. Any person desiring to be heard should submit a request in writing to the Clerk prior to the printing of the agenda of the meeting at which said person desires to be heard. The written request shall state the nature of the business to be discussed. Persons addressing the Council or Committee of the Whole shall confine their remarks to the stated business. All requests shall be made pursuant to and in accordance with the provisions of the by-law.

### 3. INAUGURAL MEETING .

*amended for 1997 election only. #97-410*

3a The First or Inaugural meeting of the newly elected Council after a regular election shall be held on the 1st Monday in December at 11:00 a.m.

3.2 The Reeve-elect and the Clerk shall be responsible for the content and format of the agenda for the Inaugural Meeting and all arrangements for the Inaugural proceedings including the selection of the officiating clergy person.

### 4. MEETINGS OF COUNCIL

4.1 The Council shall hold its regular meetings on the second Thursday of each

4.

month at 7:00 p.m. and as otherwise established by Council or on such other day as may be determined from time to time by resolution of the Council. In the event that such day is a public holiday, civic holiday, or a day on which a municipal election is being held, in which case the Council shall meet at the same hour on the first day thereafter, the same not being a public holiday, civic holiday or a day on which a municipal election is being held.

4.2 Where a regular meeting of the Council is to be held at a time or day other than as set out in Section 4.1 above, the Council shall give notice at least seven days in advance of such meeting by posting a notice at the Township's office.

4.3 It shall be the responsibility of the CAO to have prepared all notices and agendas for regular Council meetings a minimum of 31 hours in advance.

#### 5. MEETINGS OF COUNCIL - SPECIAL

5.1 The Head of Council may at any time summon a special meeting of the Council and it shall be his duty to call a special meeting whenever requested in writing by a majority of the members of the Council. In addition, the Clerk shall, upon receipt of a written petition signed by the majority of the members of the Council, summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four hours notice of all special meetings of the Council shall be given to the members through the Clerk's office.

5.2 The notice calling a special meeting of the Council shall state the business to be considered at the special meeting. No business other than that stated in the notice shall be considered at such meeting except with unanimous consent of full Council.

#### 6. ADJOURNMENT

The hour for adjournment for evening meetings shall be 11:00 p.m. The Council and Committees thereof shall always adjourn at that hour unless this rule be temporarily suspended by a resolution concurred by the majority of the members present.

#### 7. ORDER OF PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

7.1 As soon after the hour fixed for the meeting and there is a quorum present, the Reeve shall take the Chair and call the members to order. A majority of the whole number of members required to constitute a council is necessary to form

a quorum. The concurrent votes of at least three of them are necessary to carry any resolution or other measure.

- 7.2 In case the Reeve does not attend within fifteen minutes after the time appointed, the Acting Reeve shall call the members to order and if a quorum is present, shall preside during the meeting or until the arrival of the Reeve. In the absence of the Reeve and the Acting Reeve, the Clerk shall be present and if a quorum is present, shall call the members to order. A Chair shall be chosen, from the members, who shall preside during the meeting or until the arrival of the Reeve or the Acting Reeve.
- 7.3 While presiding, the Chair chosen by the Council shall have all the powers of the Reeve and shall be entitled to vote as a member.
- 7.4 If there is no quorum within thirty minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

#### 8. DUTIES OF THE PRESIDING OFFICER OR CHAIR

The Presiding Officer shall:

- 8.1 Preserve order and decorum, decide questions of order (subject to an appeal to the Council thereof by any member) and, without unnecessary comment, cite the rule or authority (as commonly accepted under parliamentary procedures) applicable to the case if called upon to do so.
- 8.2 Open the meeting of the Council thereof by taking the Chair and calling the members to order.
- 8.3 Announce the business before the Council thereof in the order in which it is to be acted upon;
- 8.4 Receive and submit, in the proper manner, all motions presented by the members of the Council thereof;
- 8.5 Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results;
- 8.6 Decline to put to vote motions which infringe on the rules of procedure;

- 8.7 Restrain the members, within the rules of order when engaged in debate;
- 8.8 Enforce on all occasions the observance of order and decorum among the members;
- 8.9 Call by name any member persisting in breach of the rules of order of the Council thereof, thereby ordering that member to vacate the Council Chamber;
- 8.10 Receive all messages and other communications and announce them to the Council thereof;
- 8.11 Authenticate, by his signature when applicable, all by-laws, resolutions, minutes of the Council and Committees;
- 8.12 Represent and support the Council or Committee thereof, declaring its decision in all things;
- 8.13 Ensure that the decisions of the Council or Committee thereof are in conformity with the laws and by-laws governing activities of the Council and Committees thereof;
- 8.14 Adjourn the meeting when the business is concluded;
- 8.15 Adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

## 9. CONDUCT OF MEMBERS OF COUNCIL AND COMMITTEES OF COUNCIL

No member shall:

- 9.1 Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario;
- 9.2 Use offensive words or unparliamentary language in or against the Council or Committees thereof, or any member thereof;
- 9.3 Speak on any subject other than the subject in debate;
- 9.4 Criticize any decision of the Council or Committee thereof except for the purpose of moving that the question be reconsidered;

- 9.5 Disobey the rules of the Council or Committee thereof or a decision of the Head of Council or Chairman of the Council or Committee thereof, on questions of order or practice, or upon the interpretation of the rules of the Council or Committee thereof;
  - 9.6 Disturb another, or the Council or Committee thereof itself, by any disorderly deportment disconcerting to any member speaking;
  - 9.7 Be permitted to retake his seat at any meeting after being ordered by the Head of Council to vacate after committing a breach of any rule of order of the Council or Committee thereof, without making apology and the consent of the Council or Committee thereof expressed by a majority vote of the other members present, determined without debate;
  - 9.8 Speak until he has addressed himself to the Presiding Officer;
  - 9.9 Walk across or out of the Chamber or make any noise or disturbance when the Head of Council is putting a question and shall occupy his seat while a vote is being taken and until the result thereof is declared.
10. RULES OF DEBATE IN COUNCIL AND COMMITTEES OF COUNCIL
- 10.1 Every member when speaking to any question or motion shall respectfully address the Presiding Officer.
  - 10.2 The Reeve shall designate the member who has the floor when two or more members rise to speak.
  - 10.3 When a member is speaking, no other member shall pass between him and the Chair, or interrupt him except to raise a point of order.
  - 10.4 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.
  - 10.5 No member shall speak to the same question for longer than five (5) minutes. With the leave of the Council or Committee thereof, a supplementary question with a further three (3) minutes may be granted.
  - 10.6 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.

10.7 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

10.8 Questions may be asked only of the previous speaker, the Reeve, or an official or staff of the Township.

## 11. VOTING ON QUESTIONS

11.1 When a Reeve calls for the vote on a question, each member shall occupy his seat and shall remain there until the result of the vote has been declared by the Reeve, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.

11.2 If a member who has voted on a question disagrees with the declaration of the Reeve that the question is carried, or lost, he may, but only immediately after the declaration by the Reeve, object to the Reeve's declaration and require a Recorded Vote to be taken in the manner prescribed in Subsection 11.3 of this by-law.

11.3 When a member of the Council or Committee thereof requests a Recorded Vote, each Councilor or member, in alphabetical order followed by the Presiding Officer, shall announce his vote upon request openly and individually in the Council thereof unless otherwise prohibited by statute, and the clerk shall record the same and shall announce the result of the said vote. In the event that the Chairman is other than the Reeve, the Chairman shall always vote last. In the event that the Reeve has left the Chair to present and vote on a motion, he shall announce his vote in the order of voting in the position left vacant by the person named to act in his place.

11.4 Every member present at a meeting of the Council or Committee thereof when a question is put shall vote thereon, except that if he has any pecuniary interest, direct or indirect in the question, he shall at the first opportunity disclose his interest and shall refrain from taking part in the discussion and from voting on the particular question. Every member present who is required to vote on a question, but in fact does not vote thereon, shall be deemed to be voting in the negative and shall be so recorded.

11.5 Chapter M.50, being the Municipal Conflict of Interest Act shall be referred to for remedy for lack of quorum.

11.6 The Reeve (except where disqualified from voting by reason of interest or otherwise) may vote with the members on all questions. Any questions on which



there is an equality of votes shall be deemed to be negative.

12. AGENDA

12.1 The Clerk shall have prepared and printed for the use of the members at the regular meetings of the Council an agenda under the following headings:

12.1.1 Opening of Meeting by Reeve;

12.1.2 Minutes;

12.1.3 Deputations;

12.1.4 Correspondence (for Council Comment);

12.1.5 Correspondence (for Council Information);

12.1.6 Committee Reports;

a) Public Works and Water

b) General Government and Finance

c) Planning and Development

d) Parks and Recreation

e) Protection to Persons and Property

12.1.7 Bylaws;

12.1.8 Other Business;

12.1.9 Schedule of Accounts;

12.1.10 Adjournment;

12.2 The business of Council and Committees thereof shall in all cases be taken up in the order in which it stands upon the agenda, unless otherwise decided upon by Council or the Committee thereof.

13. MOTIONS AND ORDER OF PUTTING QUESTIONS TO COUNCIL AND COMMITTEES OF COUNCIL

13.1 The following matters may be introduced orally without written notice and without leave:

13.1.1 A point of order or personal privilege;

- 13.1.2 Presentations of petitions;
- 13.1.3 A motion to suspend a rule of procedure or in compliance with a rule of procedure;
- 13.1.4 A motion to adjourn (no debate);
- 13.1.5 A motion that the vote now be taken;
- 13.1.6 A motion that the Council resolve itself into a Committee of the Whole (not debatable).
- 13.2 Except as provided in Subsection 13.1 above, all motions and notices thereof shall be in writing.
- 13.3 A motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.
- 13.4 Any motion may be introduced without notice if the Council or Committee thereof, without debate, dispenses with notice on the affirmative vote of at least two thirds of the members present and voting.
- 13.5 All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, it shall be read or stated by the Reeve before debate.
- 13.6 After a motion has been read or stated by the Reeve, it shall be deemed to be in the possession of the Council or Committee thereof but it may with the majority consent of the Council members or Committee members present, be withdrawn at any time before decision or amendment.
- 13.7 A Motion to Amend:
  - 13.7.1 Shall be presented in writing;
  - 13.7.2 Shall receive disposition of the Council or Committee thereof before a previous amendment or the question;
  - 13.7.3 Shall not be further amended more than once provided that further amendment may be made to the main question;
  - 13.7.4 Shall be relevant to the question to be received;

- 13.7.5 Shall not be received proposing a direct negative to the question;
- 13.7.6 May propose a separate and distinct disposition of a question;
- 13.7.7 Shall be put in the reverse order to that in which it is moved.
- 13.8 When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer, that the vote now be taken or to adjourn the meeting. A motion that the vote be now taken shall take precedence over any other motion except a motion to adjourn the meeting, and, subject to Section 13 .3, shall be put immediately without debate.
- 13.9 No member shall speak to a resolution more than once, without leave from the Head of Council, or except an explanation of the material part of his report, which may have been misunderstood but otherwise shall not be permitted to introduce another matter. A reply shall be allowed to a member who has made a substantive resolution, to any member who has moved an amendment, the previous question and /or instruction to a Committee. Each member shall confine his remarks to a limit of three (3) minutes.
- 13.10 Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced. If required by a member, except when a motion for the previous question has been resolved in the affirmative, he shall state the question in the precise form in which it will be recorded in the minutes.
- 13.11 After a question is finally put by the Reeve no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
- 13.12 Any resolution shall require a majority of votes in order to be valid and binding on the Council or Committee thereof. This section must also refer to section 56(2) where concurrent votes are required when there are only three members present.
- 13.13 After any question has been decided the following shall prevail:
  - 13.13.1 Any member of the Council or Committee thereof may give notice within the calendar year in which the question was decided for a reconsideration of the Council or Committee thereof. A majority vote will be required to carry the motion for reconsideration;
  - 13.13.2 No discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once in the calendar year.

## 14. PROCEEDINGS IN COMMITTEE OF THE WHOLE

### 14.1 General

Members of the Council may meet from time to time in addition to the time specified in this by-law, as a Committee of the Whole, for the purpose of considering any matter or thing referred to or brought before the Committee for consideration and/or report. The Reeve may call a Committee of the Whole meeting at any time and, when so requested by a majority of the members of the Council, shall call a meeting of the Committee. Twenty four hours notice to all special meetings of the Committee of the Whole shall be given to the members by the Clerk's Office, stating the purpose of the meeting and matters to be considered. All Committee of the Whole meetings may be closed to the public at the discretion of Council.

### 14.2 Committee Meeting Procedure

The Council may determine from time to time such procedures for the governing of Committee meetings as may be determined necessary for the effective conduct and administration of the operations of the Committee.

### 14.3 Effect of Committee Recommendations

Any recommendation of a Committee, when adopted by the Council, shall be considered and deemed to be the proceedings of the Council. All Committee of the Whole Reports shall be available to members of Council within four working days of the meeting.

## 15. MINUTES

### 15.1 The Council and Committees thereof minutes shall record:

15.1.1 The place, date and time of meeting;

15.1.2 The name (s) of the Presiding Officer(s) and record of attendance of the members;

15.1.3 The reading, if requested, correction and adoption of the minutes of the prior meetings;

15.1.4 All other proceedings of the meeting without note or comment.

### 15.2 Minutes of Council and Committee meetings shall be available to members

of Council or Committee thereof within five working days of the meeting.

16. PETITIONS AND COMMUNICATIONS

- 16.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language, and shall be signed and dated by at least one person, filed with the clerk, and shall include an address and telephone number where return correspondence or contact is to be directed.
- 16.2 Every petition or communication shall be delivered to the Clerk's Office by 12:00 noon on the fourth working day prior to the Council or Committee thereof, or Committee of the Whole meeting.
- 16.3 Recording devices either audio or visual will only be allowed in the chambers after a request in writing is reviewed at the Committee of the Whole, it is only after a clear majority approves the use of these items by a Council Resolution are they allowed. This requirement is not binding on members of the recognized media.

17. DEPUTATIONS/DELEGATIONS

- 17.1 A person desiring to present information on any matter or make a request of the Council shall give notice to the Clerk's Office by 12:00 noon on the fourth working day prior to the Council Meeting, stating the purpose of the deputation and providing a general outline of the subject matter of the presentation. Written copies of their submission shall be provided to members of Council and the Clerk's Office at the time of the deputation. Deputations/delegations may be heard by leave of the Council but shall be limited to ten (10) minutes, except that delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes. Persons requesting to appear before Council shall be advised of the time limitation in advance of their presentation.
- 17.2 Notwithstanding the provisions of Section 17.1, the Council may, at their sole discretion, entertain deputations or delegations with less notice as the circumstance may warrant.

18. READING OF BY-LAWS AND PROCEEDINGS THEREON

- 18.1 Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law.

the number and date thereof.

18.3 The Council may permit the presentation of a synopsis in place of the complete reading of the by-law.

18.4 Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of The Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his Office for safekeeping.

#### 19. COUNCIL COMMITTEE PERSONS

19.1 The Reeve, following consultation with such other members of the Council as may be deemed necessary, shall appoint the Council Committee Persons as the Inaugural Meeting of the Council.

19.2 The Council Committee Persons shall be appointed for the following areas of jurisdiction:

19.2.1 Public Works and Water;

19.2.2 General Government and Finance;

19.2.3 Planning and Development;

19.2.4 Parks and Recreation;

19.2.5 Protection to Persons and Property;

19.3 The Council Committee Person shall be Chairman of a Special Committee established and of meetings necessarily called to deal with matters relating to the specific jurisdiction.

#### 20. APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, SPECIAL PURPOSE BODIES AND OTHER STATUTORY POSITIONS

20.1 All Council appointments to various Boards, Commissions, Special Bodies and other statutory positions shall be made at the required time by resolution of Council except where specifically required by by-law.

## 21. AMENDMENT TO THIS BY-LAW

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

## 22. SUSPENSION OF RULES

Except as specifically noted to the contrary, any procedure required by this by-law may be temporarily suspended with the consent of two thirds of the members of the Council or Committee present.

## 23. SEVERABILITY

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

## 24. REMARKS

In this By-Law, words in the singular include the plural, words in the plural include the singular and words importing the masculine gender include the feminine and neuter genders where the context so requires.

## 25. EFFECTIVE DATE

This By-law shall come into force and effect upon the final passing thereof.

This Bylaw rescinds By-law 68-5.

By-law read a first and second time this 14<sup>th</sup> Day of October 1993

By-law read a third time and passed in open Council this

14<sup>th</sup> Day of October 1993.

REEVE

CLERK