

## BY-LAW NO. 10384-2022

### A BY-LAW TO REGULATE THE PROCEEDINGS OF THE MUNICIPAL COUNCIL AND COMMITTEES OF COUNCIL OF THE CORPORATION OF THE TOWN OF SMITHS FALLS

**WHEREAS**, Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS**, Section 238 (2.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that the procedure by-law shall provide for public notice of meetings;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of The Town of Smiths falls enacts as follows:

#### 1.0 DEFINITIONS

For the purpose of this By-Law:

**“Abstain”** means to refrain from voting. Members who abstain for reasons other than a declared conflict of interest shall be deemed to vote in opposition of the question or matter.

**“Act”** means the Municipal Act, 2001, c.25 as amended or replaced from time to time.

**“Acting Chair”** – shall mean the Member who is temporarily appointed to serve in the Chair’s place.

**“Acting Mayor”** – see “Presiding Officer”

**“Advisory Committee”**- means a body that provides non-binding strategic advice to the municipality. The informal nature of an advisory board gives greater flexibility in structure and management. Advisory board/committee members do not have authority to vote on municipal matters or have any legal fiduciary responsibilities

**“Agenda”** – shall mean the written Order of Business.

**“Attendee”** – shall mean a person, other than a Member or Staff, who is present at a meeting.

**“By-Law”** – shall mean a local law that has been enacted by Council in order to exercise a power provided in an Act.

**“Chair (Presiding Officer)”** – shall mean the Member who presides at a Council or Committee Meeting.

**“Chief Administrative Officer”** – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Clerk”** – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Close Debate (Call the Question)”** – shall mean a motion requiring that debate be closed and the vote on the motion be taken immediately.

**“Closed Session (In-Camera)”** – shall mean a meeting or part of a meeting closed to the public as prescribed in Section 239 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Code of Conduct”** – shall mean the Code of Conduct for Members of Council and Local Boards as prescribed in Section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Committee”** shall mean Committee of the Whole.

**“Committee of Council”** shall mean Committee, Board, Task Force, Working Group or other body constituted and appointed by Council, not including Committee of the Whole, the Smiths Falls Police Services Board or the Smiths Falls Public Library Board.

**“Committee of the Whole Meeting (COW)”** – means a Standing Committee Meeting of Council in which the entire Council becomes a committee for the purpose of conducting business and providing recommendations to Council.

**“Confirmatory By-Law”** – shall mean a By-Law passed prior to adjournment of every Council Meeting to confirm by By-Law the resolutions and actions of Council taken at that meeting.

**“Consent Agenda”** – shall mean a list of items on the agenda that are repetitive or routine in nature which may be adopted by one motion of Council but any of which may be separated from the consent agenda and added to the regular agenda for consideration.

**“Council”** – shall mean the Council of the Town of Smiths falls.

**“Council Meeting(s)”** - includes Regular, Special and Emergency Meetings of the Council of the Municipality.

**“Councillor”** – shall mean a person elected or lawfully appointed to the Council of the Municipality.

**“Delegation”** – shall mean a person or group of persons who are not Members of Council or municipal Staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group, with respect to a topic listed on the Agenda for that Meeting in accordance with the provisions of this By-Law.

**“Emergency Meeting”** – shall mean a meeting which happens with little warning or planning in a time of crisis and is called by the Mayor.

**“Information Listing”** shall mean a section of the regular Committee of the Whole Agenda that lists communications to Council and recommendations from the Clerk as to their disposition.

**“Land Acknowledgement”** shall mean an act of reconciliation that involves giving a statement at the start of an event or meeting to recognize the indigenous inhabitants of our land and to show respect to Indigenous peoples and their enduring connection with their traditional territories and its histories.

**“Local Board”** - shall mean a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under the Municipal Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

**“Main Motion”** – shall mean a Motion whose introduction brings business before the Meeting.

**“Majority Vote”** – shall mean a vote where over half of the Members present, and eligible to vote, vote in the same manner.

**“Mayor”** - shall mean the Member of Council elected by general vote as the Mayor and is the Head of Council, and who normally presides at all Council Meetings.

**“Meeting”** – means any regular, special or other Meeting of a Council, of a Local Board or of a Committee of either of them, where,

- a) a Quorum of Members is present; and
- b) Members discuss or otherwise deal with any matter in a way that materially advances or is intended to advance the business or decision-making of the Council, Local Board or Committee.

**“Member”** – shall mean a Member of Council (including the Mayor) or a Member of a Committee or Local Board.

**“Minutes”** – shall mean a record of the proceedings of a meeting and shall be made by the Clerk without note or comment.

**“Motion”** – shall mean a recommendation, moved by a Member and seconded by another Member, for the consideration of Council or a Committee. See also Schedule “C”.

**“Municipality”** – shall mean the Corporation of The Town of Smiths Falls.

**“Notice”** – shall mean an announcement by the Clerk under this by-law or the Public Notice Policy.

**“Notice of Motion”** – shall mean a written notice, given by a Member, advising Council that the Motion described therein will be brought forward at a subsequent Meeting.

**“Pecuniary Interest”** – shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

**“Point of Order”** - shall mean any alleged breach of the rules or irregularity in the Proceedings of a Meeting.

**“Point of Privilege”** – shall mean a statement by a Member calling attention to a matter where the integrity of an individual (personal) or the entire Council or Committee is perceived to be in question.

**“Presentation”** – shall mean the occurrence when, Staff, an individual or group have been invited or have requested to attend a Council Meeting honour outstanding citizens, organizations, charitable causes and town-wide initiatives that contribute to the health and vitality of the Town of Smiths Falls.

**“Presiding Officer”** - shall mean the Mayor or alternate. Alternate shall mean the Acting Mayor or Presiding Mayor, duly appointed and acting in accordance with the provisions of this by-law. The Presiding Officer shall have all the rights, powers and authority of the Mayor, while acting in the Mayor’s stead.

**“Proceedings of Council”** - means the proceedings of Council and the Committees / Boards thereof, the conduct of the Members and the calling of meetings shall be governed by the provisions of the Municipal Act, 2001 and the rules and regulations contained in this By-law, and, except as provided herein, the rules of parliamentary procedure as contained in Robert’s Rules of Order, shall be followed for governing the proceedings of Council and the Committees/Commissions thereof and the conduct of its Members.

**“Proclamations”** – shall mean ceremonial documents signed by the Mayor containing a message of importance, interest or benefit to a significant number of citizens of Smiths Falls.

**“Professional Development Event”** – shall mean any conference, convention, seminar, training session and workshop.

**“Public Meeting (Statutory)”** – shall be deemed a meeting held for the purpose required under an Act or Regulation.

**“Quorum”** - shall mean the number of Members required to be present in the Meeting

room, in order that business may be conducted. A quorum shall mean a majority of the Members.

**“Recorded Vote”** – shall mean documenting in the Minutes of a Council Meeting the name of each Member and the Members’ vote on a matter or question.

**“Registered Delegate”** means an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or Committee in relation to a matter appearing on the agenda.

**“Resolution”** – shall mean a Motion that has been passed by Council.

**“Regular Meeting”** – shall mean a Meeting of Council or Committee held at the times and dates specified in this By-law and approved by Council or Committee as part of an annual calendar.

**“Special Meeting”** – shall be deemed a Council or Committee Meeting which is in addition to the Meeting Schedule and which is focused on one or more particular and specific items or subjects.

**“Standing Committee”** – shall be deemed a Committee of Council constituted to perform a continuing function and which has a continuous existence. For the purpose of this by-law the Committee of the Whole is deemed to be a Standing Committee.

**“Task Force”** – shall be a group established to work on a single defined task or activity. See also Committee of Council definition.

**“Two-Thirds’ Vote”** – shall mean a vote where at least two-thirds’ of the Members present, and eligible to vote, vote in the same manner. This voting basis is equivalent to the number of votes in favour being at least twice the number of votes against.

## **2.0 INTERPRETATION**

**2.1** The rules and regulations contained in this By-Law shall be observed in all Proceedings of Council to which they apply and shall be the rules and regulations for the order and dispatch of business at Meetings of Council and its Committees.

**2.2** This By-law sets out processes that are open and transparent.

**2.3** Subject to the requirements of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the rules and regulations contained herein may be suspended by Resolution for a single occasion by an affirmative vote of at least two-thirds of the Members present and voting, unless otherwise provided by law.

- 2.4** Subject to the right of appeal by a Member, the Chair shall be responsible to interpret the rules of procedure under this By-Law with the advice and assistance of the Clerk.
- 2.5** The Clerk, Deputy Clerk or the Clerks' designate shall be the secretary of Council and Committees of the Whole Meetings and shall be in attendance at all Meetings.
- 2.6** Where procedural matters of Council or Committee of the Whole are not provided for in this by-law and are not governed by the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*, Robert's Rules of Order shall apply.

### **3.0 PRINCIPLES**

- 3.1** Each member has the right to:
  - i. One vote, subject to the declaration of pecuniary interest;
  - ii. Information to help make decisions, unless otherwise prevented by law;
  - iii. An efficient meeting; and
  - iv. Be treated with respect and courtesy.
- 3.2** No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or Committee. The Mayor and/or chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or committee.
- 3.3** In the event of conflict between the provisions of this by-law and the Act, or any other legislation, the provisions of the legislation shall prevail.

### **4.0 COUNCIL/STAFF ROLES AND RESPONSIBILITIES**

#### **4.1 The Role of Members of Council**

Refer to the Municipal Act S.O. 2001, c.25, Sec. 224.

- 4.1.1 No individual Council member shall have the authority to interfere with staff's assigned duties. See also Schedule "B".
- 4.1.2 Requests for substantive reports shall be by a Committee of the Whole directive.
- 4.1.3 Members of Council shall respect and adhere to policies set out by Council and shall not circumvent established policies.
- 4.1.4 Members of Council/Committees are encouraged to notify the Clerk/Recording Secretary, when the member is aware that he/she will

be absent from any meeting.

4.1.5 Members of Council shall participate and come prepared to every meeting having read all the material supplied, including agendas and staff reports, to facilitate discussion and determination of action at the meeting. Whenever possible, the member(s) shall make inquiries of staff regarding materials supplied in advance of the meeting.

4.1.6 Issues surrounding operational concerns, or complaints, shall be directed to the Chief Administrative Officer, or the Department Head, as appropriate.

## **4.2 Head of Council (Mayor)**

Head of Council: Refer to the Municipal Act S.O. 2001, c.25, Sec. 225

4.2.1 Shall be ex-officio member of all Committees of the Council;

4.2.2 Shall direct administrative and operational matters to the attention of the Chief Administrative Officer;

4.2.3 Shall be permitted to wear the "Chain of Office" only when conducting official Council business.

4.2.4 Shall chair Council Meetings unless by reason of absence, due to illness or otherwise, unable or refuses to do so.

## **4.3 Role of Acting Mayor/Chair**

4.3.1 At the inaugural meeting, or as soon thereafter as is practicable, Council shall appoint, by by-law a Councillor as Acting Mayor for each month during the term of Council.

4.3.2 Such appointments shall be made in alphabetical order by the Councillor's surname, and shall commence at the beginning of the term of Council.

4.3.3 In the case of the absence of the Mayor due to illness or otherwise, refusal by the Mayor to act or vacancy in the Mayor's seat on Council, the Acting Mayor shall act in the place and instead of the Mayor and the Acting Mayor shall have all the rights, powers and authority of the Mayor while so acting.

The Acting Mayor or Chair shall:

4.3.4 Preside over Committee of the Whole Meetings. All members of Council, with the exception of the Mayor, are eligible to Chair the Committee of the Whole.

- 4.3.5 Review and understand the Agenda in consultation with the Clerk.
- 4.3.6 Preside over Council Meetings when the Mayor is absent;
  - 4.3.6.1 open the Meeting by calling the Meeting to order;
  - 4.3.6.2 announce the business in the order in which it is to be considered;
  - 4.3.6.3 direct discussion in such a manner that all questions and comments shall be presented through the Chair;
  - 4.3.6.4 receive and submit, in the proper manner, all Motions to the Clerk;
  - 4.3.6.5 put to vote all Motions which are moved, and seconded when necessary, or all motions that arise in the course of the proceedings, and to announce the result of each vote;
  - 4.3.6.6 decline to put to vote Motions which infringe upon the rules under this By-Law or the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
  - 4.3.6.7 ensure the Members, Staff and Attendees, conform to the rules of order under this By-Law;
  - 4.3.6.8 maintain an appearance of impartiality on all matters;
  - 4.3.6.9 undertake all matters required to ensure the Meeting proceeds in an orderly and efficient manner;
  - 4.3.6.10 expel any person for improper conduct at a Meeting;
  - 4.3.6.11 authenticate by signature, when necessary, all applicable by-laws and resolutions;
  - 4.3.6.12 adjourn the Meeting when the business is concluded, or at the designated time.
- 4.3.7 The Chair shall vote on all Motions.
- 4.3.8 The Chair may answer questions and comment in a general way during discussion, but if the Chair wishes to participate in debate, make a Motion, speak to a Motion under consideration or leave the chair for any other reason, the Chair shall first delegate the duties of the Chair to a Member of Council or Member of the Committee in accordance with the provisions of this By-Law, until the Member resumes the position of the Chair.
- 4.3.9 The Chair shall not resume the position of the Chair until the Chair has finished debating the issue, Motion, etc., at which time the Acting Chair shall relinquish the position of the Chair.
- 4.3.10 Provide Council or the Committee direction when required regarding Meeting conduct and procedures with assistance from the Clerk, when required;



- 4.3.11 Represent Council initiatives and decisions to the public, where appropriate;
- 4.3.12 Represent Mayor and Council at public functions and events when the Mayor is unable to attend.
- 4.3.13 Where a quorum is present and the Mayor and Acting Mayor are unable to legally participate or do not attend within fifteen (15) minutes after the hour fixed for a meeting of Council, the Clerk shall call the Members of Council to order and a Presiding Mayor shall be appointed by reverting backwards on the Acting Mayor Listing. The Presiding Mayor shall act in the place and stead of the Mayor until the arrival of the Mayor or until immediately after the adjournment of that meeting of Council whichever occurs sooner and while so acting the Presiding Mayor shall have all the rights, powers and authority of the Mayor.

#### **4.4 Role of Chief Administrative Officer (CAO)**

- 4.4.1 The CAO shall be appointed by by-law.
- 4.4.2 In addition to those roles and duties assigned by Council and specified in Sections 227 and 229 of the Municipal Act S.O. 2001, c.25, Section 229 the CAO shall have the following responsibilities:
- 4.4.3 Review and guide all policy recommendations prior to submission to Council;
- 4.4.4 Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties;
- 4.4.5 Attend Council Meetings with the right to speak, subject to the consent of the Chair, but not to vote; and
- 4.4.6 Exercise general control and management of the affairs of the Municipality to ensure its efficient and effective operation.

#### **4.5 Role of Clerk**

- 4.5.1 The Clerk shall be appointed by by-law and shall be deemed a municipal officer in accordance with the Municipal Act S.O. 2001, c.25, Section 228(1) and for any other purpose as required.
- 4.5.2 In addition to those roles and duties specified under Section 228 of the Municipal Act, the Clerk shall have the following responsibilities:

- 4.5.3 Retain the official records of the Municipality, including the minutes of the proceedings of Council, and Committees, original by-laws, and executed agreements;
- 4.5.4 Attend all Meetings (whether closed or open to the public) of Council and ensure that a record of the proceedings is kept and that all resolutions are recorded without note or comment;
- 4.5.5 Make such minor clerical, typographical or grammatical deletions, additions or other changes to any by-law, motion, resolution or minutes as may be required
- 4.5.6 For the purpose of ensuring correct and complete implementation of Council direction;
- 4.5.7 Include all reports of Committees on the Agenda of the next Regular Meeting;
- 4.5.8 Effect notice to each Member and the public of every Regular Meeting and Special Meeting of Council, together with the Agenda and attachments in electronic format;
- 4.5.9 Notify appropriate Municipal Staff of any resolution passed by Council that is to be acted or reported upon by staff, as well as other individuals or groups that have expressed their desire to be notified of a particular subject matter and that have provided contact information for same;
- 4.5.10 By way of delegated authority, place housekeeping or consolidation by-laws directly on the Agenda for Council approval or consideration;
- 4.5.11 Appoint Deputy Clerk(s) by by-law and assign duties to same as required, pursuant to Subsection 228(2) of the Municipal Act;
- 4.5.12 All powers and duties under the Municipal Freedom of Information and Privacy Act are delegated to the Clerk; and
- 4.5.13 Perform such other duties as are prescribed by law, regulation, by-law or by direction of Council.

## **5.0 RULES OF CONDUCT FOR MEMBERS, STAFF AND ATTENDEES**

### **5.1 Questions**

- 5.1.1 All Members, Staff and Delegations shall address their questions and comments through the Chair.

- 5.1.2 A Member or Delegation, while asking questions through the Chair, shall at no time put into question the personal or professional integrity of a Staff member or Member of Council of the Municipality.

## **5.2 Speaking at Meetings**

- 5.2.1 When two or more Members wish to speak, the Chair shall name the Member who is to speak first.
- 5.2.2 When a Member is recognized by the Chair, the Member shall confine his/her remarks to the Motion under consideration.
- 5.2.3 When a Motion is under debate, a Member may ask a question through the Chair of another Member, CAO, Manager or other employee of the Municipality.
- 5.2.4 Any Member may require the Motion under debate to be read at any time during the debate, but in doing so shall not interrupt a Member while speaking.
- 5.2.5 When a member of the public or another attendee wishes to speak at a meeting, the Chair is delegated authority to use his/her discretion on whether or not permission is granted.

## **5.3 Materials**

- 5.3.1 All materials shall be distributed through and by the Clerk or designate.

## **5.4 Rules of Order**

- 5.4.1 No person shall:
- a) disturb a Meeting by any disruptive or distracting conduct, including private conversations among Members, Staff or Attendees at a meeting;
  - b) use profane or offensive words or insulting expressions;
  - c) disobey the rules of procedure;
  - d) rise from their seat or make any noise or disturbance while a vote is being taken;
  - e) speak until they have been recognized by the Chair;
  - f) speak on any matter other than the matter under debate;
  - g) consume food in the Council Chambers during Meetings;
  - h) display signs, place cards, applaud, heckle or engage in telephone or other conversation or any behaviour which may be considered disruptive.
- 5.4.2 An Attendee shall not participate in a Meeting, unless listed on the Agenda as a Delegation, Presentation or submitted a request as a Registered Delegate, and shall be subject to the rules and procedures of this By-Law.

- 5.4.3 No Member shall interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege.
- 5.4.4 No Member shall permanently leave the Meeting without advising the Chair or the Clerk.
- 5.4.5 In the event that a Member or Attendee persists in a breach of Subsection 5.4.1 above, after having been called to order by the Chair, the Chair shall without debate call the question "Shall the Member or Attendee be ordered to leave their seat for the duration of the Meeting?", and this question shall not be debatable.
- 5.4.6 If Council or a Committee decides the question set out in Subsection 5.4.5 above in the affirmative by a majority vote of the Members present, the Chair shall order the Member or Attendee to leave their seat, and the Meeting room, for the duration of the Meeting.
- 5.4.7 If the Member or Attendee apologizes, the Chair, with the approval of Council or the Committee, may permit them to resume their seat.
- 5.4.8 If a Member or Attendee does not leave their seat after being ordered to do so by the Chair, and if the Member or Attendee does not apologize, then the Chair shall for a second time without debate call the question "Shall the Member or Attendee be ordered to leave their seat for the duration of the Meeting?", and this question shall not be debatable.
- 5.4.9 If Council decides the question set out in Subsection 5.4.8 above in the affirmative by a majority vote of the Members present, the Chair shall again ask the Member or Attendee to leave their seat for the duration of the Meeting and if the person still refuses to leave, the Chair shall direct the Clerk to seek the appropriate assistance from the Smiths Falls Police Service (SFPS) to have the Member removed from the Council Chambers.
- 5.4.10 No Member shall use cell phones and electronic devices not required for conducting a Meeting. The device shall be either turned off or otherwise set so as not to emit any audible sound during a Meeting.
- 5.4.11 During a Council or Committee meeting, Councillor laptops (or equivalent) shall be used exclusively for Municipal business.
- 5.4.12 Concealed recording devices shall not be permitted.
- 5.4.13 Videotaping and/or audio recording by Attendees may be permitted at Council and/or Committee of the Whole meetings that are open to the

public provided that it is not disruptive to the proceedings and does not interfere with municipal computer and audio-visual systems.

5.4.14 If Attendees wish to record a Meeting, they shall notify the Clerk in advance of the Meeting. If the Clerk has been notified that a recording will occur, the Clerk shall notify the Chair who shall make the following announcement at the start of the Meeting, "Please be advised that this Meeting may be recorded".

5.4.15 Business Casual attire is preferable, and persons attending a meeting must dress in a respectful manner.

## **6.0 COMMITTEES OF COUNCIL STRUCTURE AND REPORTING**

- 6.1** Committees of Council may be established by Council from time to time.
- 6.2** A draft Terms of Reference shall be presented for Council's consideration at the time a Committee of Council is being established.
- 6.3** Delegation of authority may be provided by Council. Committees of the Council shall only consider matters referred to them by Council unless authority to do otherwise has been delegated by Council.
- 6.4** Councillors and Citizens may be appointed to Committees of Council by resolution at the beginning of the term of Council and appointments shall be at the pleasure of Council.
- 6.5** Citizens interested in being appointed to a Committee of Council must do as by submitting an application.
- 6.6** When a Committee of Council is established and comprised of public members, or a vacancy of a public member occurs on a Committee of Council, Council may review any applications containing personal matters about an identifiable individual during a Closed Session prior to deciding on the nominations, which are then adopted at a Regular Meeting.
- 6.7** The authority of any Committee of Council is limited to the making of recommendations to Council on items referred to them by Council unless authorized by by-law to do otherwise. No decision to take any action or do anything other than that authorized by the approved Terms of Reference or administrative in nature, shall be recognized as emanating from any Committee of Council, except as otherwise legislated.

- 6.8** The membership/Chair on all Committees of the Council shall end with the term of Council, or until a new committee is appointed via resolution.
- 6.9** The Clerk shall maintain a list of Advisory Committees and Task Forces and the resolution that appoints same, as well as their Terms of Reference.
- 6.9.1 Task Forces may be established by Council to consider a specific matter.
- 6.9.2 Once the task has been completed, a final report shall be presented to Council.
- 6.9.3 When a Task Force has made its final report to Council, it shall be deemed to be dissolved, unless otherwise determined by Council.
- 6.9.4 The Chair of the Advisory Committee/Task Force, unless otherwise prescribed by Council resolution or set out in the Committee's Terms of Reference, is chosen by the Members of the Committee.
- 6.10** The Chair shall preside over the conduct of the Meeting as outlined in this by-law and Members shall respect the Chair's efforts to do so.
- 6.11** If the Chair desires to vacate the chair role for any reason, the Chair shall call on another Member to temporarily fill the chair role.

## **7.0 COUNCIL AND COMMITTEE MEETINGS**

- 7.1** An orientation meeting shall be at the beginning of each new term for members of Council. This meeting shall allow the CAO, Clerk, Management Team and any other external subject matter experts of the Municipality i.e. Integrity Commissioner, Ministry Staff, Solicitors, etc. to provide members with an overview of the expectations of their elected office (e.g. inaugural meeting, Committee expectations, processes of Council, protocol at meetings, Procedure By-law, policies, dress codes, payroll and a general overview of the Corporation's role and function).
- 7.2 Inaugural Meeting**
- 7.2.1 Following a Municipal election, the inaugural meeting of Council shall be held at 5:00 p.m. no sooner than the first Monday of the new term of Council commences and no later than 31 days after the term commences in the Council Chambers of the Town of Smiths Falls.
- 7.2.2 The Inaugural Meeting shall be conducted in accordance with Schedule "F".

7.2.3 Declaration of Office Seat Assignment: The first seat, to the right of the Chair shall be occupied by the Clerk/Deputy Clerk. Remaining seats for members of Council are conducted via random draw. The CAO sits to the far right of the Chair. In the event of a vacancy on Council, the new member shall occupy the vacant seat.

7.2.4 Council members must be physically present for the Inaugural Meeting

### **7.3 Council Meetings**

7.3.1 Council Meetings shall generally be held in the Council Chambers at the Town Hall, 77 Beckwith St, Smiths Falls, on the first and third Monday of each month commencing at 5:00 p.m.

### **7.4 Committee of the Whole**

7.4.1 Council shall conduct its business using a Committee of the Whole System. Committee of the Whole Meetings shall generally be held in the Council Chambers at the Town Hall, 77 Beckwith St. Smiths Falls, on the second and fourth Monday of each month.

7.4.2 The Chief Administrative Officer shall determine the Priority Items and In-Camera items that are presented to Committee of the Whole and review and approve the reports to be delivered by the appropriate staff member(s).

7.4.3 The authority of the Committee of the Whole is limited to the making of recommendations to Council. No decision to take any action or do anything other than matters administrative in nature shall be recognized as emanating from the Committee of the Whole, and all affirmative Committee of the Whole recommendations shall be referred to the next regularly scheduled Council Meeting.

### **7.5 General Provisions**

7.5.1 When the day for a regular meeting of Council or Committee of the Whole is a public or civic holiday, the Council shall meet at the same hour and place as stated in clause 7.3.1. on the next following day which is not a public or civic holiday and no notice as stated in clause 7.5.2 shall be required.

7.5.2 Changes to the date, time or location of the meeting shall be posted with the agenda package. Notice of the change shall also be posted on the website, social media and Council Chamber door at the Town Hall.

7.5.3 The Clerk, in consultation with the Mayor and the Chief Administrative Officer may re- locate the meeting due to a special circumstance. The location of the meeting must be included on the agenda and posted by

giving forty eight (48) hours (not including weekends or holidays) prior to the meeting. The location of the meeting must be advertised on social media, the website and through the regular agenda release procedure. Notice will also be posted on the public door to the Council Chambers.

## **7.6 Special Meetings**

- 7.6.1 The Mayor or Chair of the Committee of the Whole, at any time, may call a Special Meeting of Council or Committee that is in addition to the published Meeting Schedule approved annually by Council.
- 7.6.2 A Special Council or Committee of the Whole meeting may be called by the Clerk in consultation with the Mayor and the Chief Administrative Officer to deal with time sensitive items and in effort to balance agendas.
- 7.6.3 The only business to be dealt with at a Special Meeting shall be that stated on the Agenda of the Meeting.
- 7.6.4 A minimum of forty-eight (48) hours' notice of all Special Meetings shall be given to the Members and the public by posting the notice of the Meeting on the website and distributed via the newsfeed feature on the Town's website.

## **7.7 Emergency Meetings**

- 7.7.1 The Mayor at any time may, in the event of an Emergency, call an Emergency Meeting of Council without giving forty-eight (48) hours' notice of the Meeting, provided that the Clerk has diligently attempted to advise all Members immediately upon being advised of the intention of the Mayor to hold an Emergency Meeting.
- 7.7.2 The only business to be dealt with at an Emergency Meeting of Council shall be with respect to that Emergency.
- 7.7.3 In the case of an Emergency Meeting, Council may hold its Meeting(s) and keep its public office at any convenient location within or outside of the Municipality.
- 7.7.4 Notice of all Emergency Meetings of Council shall be given to the Members and the public by posting the Meeting on the website and distributed via the newsfeed feature on the Town's website. Notice may be given after the Emergency Meeting.

## **7.8 Closed Session ("In Camera")**

- 7.8.1 Except as provided in this By-Law, all Meetings of Council, Committee of the Whole and Committees or Local Boards shall be open to the public.
- 7.8.2 No person shall be excluded from a Meeting except for:



- a) improper conduct determined by the Mayor/Chair or;
- b) where a Meeting or portion of a Meeting is closed to all persons other than the Members of that body and those identified to remain in the room.

- 7.8.3 The Clerk or designate shall remain in the room for all Closed Sessions.
- 7.8.4 In accordance with the provisions in the Municipal Act S.O. 2001, c. 25 Section 239(2) the Municipal Act or other Act, a Meeting or part of a Meeting may be closed to the public.
- 7.8.5 Prior to moving into Closed Session or upon a members' immediate realization of the topic being discussed, Declarations of Pecuniary Interest, shall be made by Members.
- 7.8.6 Council or Committee shall move into Closed Session by resolution/motion passed in open session and listing the reason(s) for the Closed Session under the Municipal Act.
- 7.8.7 Closed Meetings are to be listed on the Agenda in such a way as to provide the most information possible without compromising confidentiality or adversely affecting the Municipal position.
- 7.8.8 A Meeting shall not be closed to the public during the taking of a vote except where:
  - 7.8.8.1 the vote is for a procedural matter or giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.
- 7.8.9 Confidential discussion during a Closed Session shall be limited to the issue described in the authorizing public resolution/motion and nothing in this By-law confers the power of any Member or Members of Council to make any decision or take any action unless, or until such action is presented and decided upon at a duly called and constituted open Meeting of Council.
- 7.8.10 No Member, Staff or other person present during a Closed Session shall in any way, notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential or that have been obtained or considered in a closed session without approval of such release by Council or unless authorized under *Municipal Freedom of Information and Protection of Privacy Act*.

- 7.8.11 All electronic devices not required for conducting a Closed Session shall be surrendered to the Clerk for the duration of the Closed Session.
- 7.8.12 Upon returning to open session, the Chair shall rise and provide:
- a) a statement resulting from the Closed Session;
  - b) any declarations of pecuniary interest during the Closed Session.
- 7.8.13 The Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to Closed Sessions.
- 7.8.14 A separate set of Closed Session Minutes shall be kept for each Closed Session.
- 7.8.15 Copies of any confidential documents, including Minutes, circulated during the Meeting shall be returned to the Clerk at the end of the Closed Session and destroyed.
- 7.8.16 Minutes of Closed Sessions shall be circulated by the Clerk at the next Closed Session Meeting for adoption. The adoption of the Minutes is a procedural matter and does not affect the validity or affect the resolutions/motions recorded in the Minutes.
- 7.8.17 The Minutes and Closed Session materials shall be kept in a secure and confidential location under the control of the Clerk and shall only be open to those in attendance at the Meeting, to others approved by the Council or as legislated.
- 7.8.18 Where practical, Closed Sessions shall be scheduled at the end of the Meeting.
- 7.8.19 The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or a Committee or Staff ceases to be employed by the Municipality.
- 7.8.20 When closed sessions include advice by paid Town consultants or solicitor, the “in camera” session may be held at a time suitable to conduct the “in camera” business prior to the start of the regular Council Meeting; and if required, may impact the regular start of the meeting.
- 7.8.21 Members are permitted to attend a closed session electronically but must adhere to Sections 7.14.10 and 7.14.11.

## **7.9 Public Meetings (Statutory)**

- 7.9.1 Public Meetings shall be scheduled as prescribed for the purpose of meeting the requirements of an Act, Regulation or By-Law.

7.9.2 A Public Meeting shall be called by the Clerk as requested by Council or as required under an Act or Regulation. The notice shall clearly state the purpose, date, time and location of the meeting, and will provide a brief description of the purpose of the meeting.

7.9.3 The Clerk shall prepare an Agenda for the Meeting and keep a record of the proceedings.

## **7.10 Notice of Meetings**

7.10.1 The Clerk shall give notice of each Meeting to the Members and the public.

7.10.2 The Meeting Agenda shall constitute notice, except for Public Meetings (Statutory).

7.10.3 Notice for Public Meetings shall be as prescribed by an Act, Regulation or By-Law.

7.10.4 Council and Committee Agendas shall be made available by 4:00 p.m. on the Thursday prior to the Meeting.

7.10.5 Agendas shall be posted on the Town's website.

7.10.6 Council and Committee of the Whole Meetings may be cancelled in consultation with the Mayor or Chair, Chief Administrative Officer and Clerk if insufficient business will be before Council or the Committee of the Whole. Notice of cancellation should be provided as soon as possible via the Town's website.

7.10.7 For Council and Committee of the Whole Meetings, if it appears that inclement weather, or like occurrence, or an Emergency situation may prevent the Members from attending a Meeting, the Mayor or Chair may direct the Clerk to postpone that Meeting by contacting as many Members as can be reached. Generally, Meetings will be postponed by 4:00 p.m. on the day of a Meeting and shall be posted on the Town's website.

## **7.11 Meeting Schedule**

7.11.1 The Meeting Schedule will outline the dates of Regular Council and Committee of the Whole Meetings and Professional Development Events.

7.11.2 Regular Council Meetings are held the first and third Monday of the month unless a statutory holiday falls on the Monday in which case the meeting will be held on the Tuesday.

- 7.11.3 Committee of the Whole Meetings are held on the second and fourth Monday of the month unless a statutory holiday falls on the Monday in which case the meeting will be held on the Tuesday.
- 7.11.4 Special and Emergency Meetings may be called by the Mayor in consultation with the Clerk and Chief Administrative Officer.
- 7.11.5 Any Council or Committee of the Whole Meeting that is not on the Meeting Schedule shall be deemed to be a “Special” or “Emergency” Council or “Special” or “Emergency” Committee of the Whole Meeting.
- 7.11.6 A rescheduled meeting shall not be considered a “Special” Council or “Special” Committee of the Whole Meeting.
- 7.11.7 A proposed Meeting Schedule will be presented by the Clerk to Council for approval by December of each year, for the subsequent year.

## **7.12 Election Year**

- 7.12.1 In the year of a municipal election, after the election an orientation shall be held for all Members of Council to provide an overview of the expectations of elected office and administrative matters.
- 7.12.2 Once training/education has been provided during Council orientation or otherwise, Members shall sign off that they have taken the training/education.
- 7.12.3 Members of Council will be given the Code of Conduct for Elected Officials and Committee Members during this orientation and it will be reviewed during orientation.
- 7.12.4 The orientation shall be conducted by the Chief Administrative Officer, the Clerk, Managers and/or external subject matter experts of the Municipality i.e. Integrity Commissioner, Ministry Staff, Solicitors, etc.

## **7.14 Hybrid Meetings**

- 7.14.1 Electronic participation of members in meetings taking place at the Council Chambers will be permitted for the following meeting types:
- 7.14.2 Council, Committee of the Whole, all Town Board, Advisory, or Committee meetings.
- 7.14.3 Quorum includes all members whether participating in person or electronically.
- 7.14.4 Members can participate in meetings electronically for an unlimited period of time.

- 7.14.5 All members participating electronically shall be responsible for maintaining their own internet connection to effectively participate in the meeting. The Town shall supply Council members with devices to allow them to participate electronically.
- 7.14.6 Members participating electronically shall remain subject to all provisions of this bylaw, legislation or policies that pertain to conduct, ethics etc during the proceeding of Council meetings.
- 7.14.7 Members shall provide as much notice as is practical to the Clerk that they will be participating electronically prior to the meeting.
- 7.14.8 Members participating electronically are encouraged to register in advance with the Clerk or Secretary of the meeting in regards to items which the member wishes to speak.
- 7.14.9 Members are permitted to attend a closed session electronically.
- 7.14.10 Members participating electronically during a closed or in camera session shall ensure that they are in a private space with no opportunity for household members or others to overhear or otherwise violate the confidentiality of the information being discussed or presented.
- 7.14.11 Any members attending electronically must attest that they recognize that they will be in a closed session and are able to ensure confidentiality.

## **8.0 ORDER OF BUSINESS AND GENERAL RULES**

### **8.1 Format of Agenda**

Format of agenda shall be the same for “Emergency” or “Special” Council or Committee of the Whole meetings.

#### **8.1.1 Council Agenda**

The Clerk shall have prepared for the use of the Members at Council Meetings, an Agenda as follows:

- (i) Land Acknowledgement
- (ii) Call to Order
- (iii) Approval of Agenda

- (iv) Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
- (v) Approval of Minutes
- (vi) Council Reports and Updates
- (vii) Presentations / Proclamations
- (viii) Consent Agenda
- (ix) Motions
- (x) By-Laws
- (xi) Enquiries/Announcements
- (xii) Confirmatory By-Law
- (xiii) Adjournment

#### **8.1.2 Committee of the Whole Agenda**

The Clerk shall have prepared for the use of the Members at all Meetings, an Agenda as follows:

- (i) Land Acknowledgement
- (ii) Call to Order
- (iii) Approval of Agenda
- (iv) Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
- (v) Minutes to be Approved and Received
- (vi) Delegations
- (vii) CAO/Director Verbal Reports
- (viii) Committee of the Whole Consent Reports
- (ix) Priority Issues/Reports
- (x) Closed Session (this item may be moved before

Priority Items if item needs to be discussed as a Priority Issue.

- (xi) Committee, Board and External Organization Updates
- (xii) Information Listing
- (xiii) Notice of Motions
- (xiv) Adjournment

## **8.2 General**

- 8.2.1 The business of each Meeting will generally proceed in the order in which it appears on the Agenda unless the Chair, in consultation with the Members, determines otherwise.
- 8.2.2 The Clerk shall determine the appropriate Meeting at which items of business shall be considered in accordance with this By-Law.
- 8.2.3 Where further information or reports are necessary for Council or Committees to review an item of business, the Clerk or CAO may postpone the placement of an item on the Agenda.
- 8.2.4 The Clerk, or Deputy Clerk, shall be present at all Regular Meetings, Closed Sessions, and Special Meetings.
- 8.2.5 The CAO shall attend Council and Committee of the Whole Meeting (both open and closed session) unless otherwise excluded.
- 8.2.6 Directors/Managers shall attend Council and Committee of the Whole Meetings as required.
- 8.2.7 Links to all livestream feeds to be advertised on the agenda.

## **8.3 Land Acknowledgement**

- 8.3.1 The Mayor or Chair shall deliver the land acknowledgment included in the agenda package.
- 8.3.2 A land acknowledgment shall be read at all Council, Committee and Committee of Council meetings regardless of the size of the meeting.

## **8.4 Call to Order**

- 8.4.1 The Mayor or Chair shall call the Members to order as soon after the appointed time of the Meeting if there is a quorum present.
- 8.4.2 Upon being called to order, all Members, Staff and Attendees shall immediately take their seats.

- 8.4.3 If, during the course of a Meeting, quorum is lost, the Chair shall declare that the Meeting shall stand recessed temporarily or be adjourned until the date of the next Meeting called in accordance with the provisions of this by-law.

## **8.5 Approval of Agenda**

- 8.5.1 After the Agenda has been posted, additions, excluding Delegations, shall only be made to the Agenda at the Meeting by a vote of at least Two-Thirds' of the Members present and voting.
- 8.5.2 Additions to the Agenda shall only be made during the Amendments/Approval of Agenda portion of the Meeting.

## **8.6 Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof**

- 8.6.1 Prior to a particular matter being addressed, Members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended. Such Members shall then be precluded from participating in any way regarding the matter in question.
- 8.6.2 A Member shall declare a direct or indirect pecuniary interest or a conflict of interest by using the form in Schedule "E" prior to any consideration of a matter where the Member has a pecuniary interest or conflict of interest and shall file it with the Clerk.
- 8.6.3 If the declared pecuniary interest or conflict of interest is with respect to an item on a Closed Session Agenda, in addition to complying with the requirements of this subsection, the Member shall forthwith leave the Closed Session, or that part of the Closed Session during which the matter is under consideration.
- 8.6.4 Where the interest of a Member has not been disclosed as required by Section 8.6.1 or 8.6.2 above, by reason of the Member's absence from the Meeting, the Member shall disclose the interest at the first subsequent Meeting thereafter.

## **8.7 Approval of Minutes**

- 8.7.1 The Clerk shall prepare the minutes of the Meeting with copies available to all Members. The minutes shall record:
- (a) the place, date and time of the Meeting;
  - (b) the names of the Chair, the Members and staff in attendance;
  - (c) any declarations of Pecuniary Interest;
  - (d) the reading, if requested, correction and adoption of the minutes of the prior Meeting(s);
  - (e) each item considered by Council and the decisions of the Meeting,



without note or comment; and  
(f) the results of any Recorded Vote(s).

8.7.2 Unless otherwise decided by Council, the minutes of each Meeting shall be submitted to Council for confirmation or amendment at its next Regular Meeting or as soon thereafter as is reasonably practicable.

8.7.3 Once adopted by Council, the minutes shall be signed by the Chair and the Clerk.

## **8.8 Council Reports and Updates**

8.8.1 Any Member of a Committee of Council and/or a Standing Committee, to which a Councillor has been appointed may make a verbal report regarding the status of any issue currently under debate by that body.

8.8.2 The maximum time allotted to each Member for the presentation of each report shall be limited to five (5) minutes.

8.8.3 No discussion or debate regarding the topic(s) of the report shall be permitted.

8.8.4 During the Members report time allotment, the Member may request that a specific senior staff official expand upon the subject matter of the report or any part thereof.

8.8.5 Only major points of each report shall be recorded by the Clerk without note of comment.

## **8.9 Presentations / Proclamations**

8.9.1 Public presentations are for information only.

8.9.2 Presentations and/or recognitions at Council Meetings honour outstanding citizens, organizations, charitable causes and town-wide initiatives that contribute to the health and vitality of the Town of Smiths Falls. Requests for presentations that do not fit the above noted criteria will be reviewed and direction provided by the Chief Administrative Officer and/or the Clerk.

8.9.3 Presentations to Council are scheduled to take place during the "Presentations/Proclamations" portion of the agenda and are limited to a maximum of 10 minutes.

8.9.4 The number of presentations to take place at any given Council meeting is subject to approval by the Chief Administrative Officer and the Clerk's Office depending on the length of the agenda.

- 8.9.5 Requests for presentations to Council must be submitted in writing, detailing the topic, format and meeting date to the Clerk's Office prior to 12:00 noon. on the Monday preceding the meeting requested to speak at.
- 8.9.5 When requests for a presentation to Council originate from an external organization, the originator will be responsible for providing background information to be used in the creation of speaking notes for the Chairperson?. The background information is to be received by the Clerk's Office prior to 12:00 noon on the Monday preceding the meeting requested to speak at with the written request.
- 8.9.6 When requests for a presentation to Council originate from an internal department or a Councillor, it will be the responsibility of the internal department or the Councillor to provide speaking notes for the Chairperson . The speaking notes must be provided by the originator of the request to the Clerk's Office prior to 12:00 noon on the Monday preceding the meeting requested to speak at with the written request.
- 8.9.7 Any materials that are to be distributed as part of the presentation to Council must be approved by the Clerk's Office and received by the Clerk's Office within sufficient time.

## **8.10 Proclamations**

- 8.10.1 Proclamations are ceremonial documents signed by the Mayor containing a message of importance, interest or benefit to a significant number of citizens of Smiths Falls. The purpose of a proclamation is to provide a means that will encourage public awareness and provide recognition for events, achievements, and activities that are significant to the Town of Smiths Falls. It provides an opportunity to acknowledge individuals who have achieved national or international distinction, or whose contribution to the community warrants significant recognition.
- 8.10.2 Proclamations are scheduled to take place during the "Proclamations and Presentations" portion of the agenda.
- 8.10.3 The number of proclamations to take place at any given Council meeting is subject to approval by the Mayor and the Clerk's Office depending on the length of the agenda.
- 8.10.4 The decision to issue proclamations is based on the recognition that the Mayor represents all citizens. In doing so, acknowledgement is given to the commitment of individuals and organizations within the town whose efforts enhance our community. It does not, however, constitute a personal or civic endorsement.

- 8.10.6 A proclamation must be requested by an individual or organization that resides/works within the boundaries of the Town of Smiths Falls and may be issued for a day, a week or a month.
- 8.10.7 A proclamation can be issued annually; however, a new request must be submitted by the requestor each year.
- 8.10.8 A request for a proclamation, and the text for inclusion in the proclamation, must be received in the Clerk's Office prior to 12:00 noon on the Wednesday preceding the meeting.
- 8.10.9 All proclamation text is subject to approval by the Clerk's Office, and will be reviewed to ensure its compliance with the policy.
- 8.10.10 The Town will not incur any expenses relating to the advertising or promotion of a proclamation unless a Town department initiates the proclamation. Recipients are responsible for the promotion of the proclamation, organization of related activities and for all associated costs.
- 8.10.11 An organization does not have exclusive rights to the day, week or month of their proclamation.
- 8.10.12 A congratulatory letter or certificate may be considered as an alternative where the proclamation criteria has not been met.
- 8.10.13 A proclamation may be issued:
- 8.10.13.1 to an individual or organization residing within the boundaries of the Town of Smiths Falls who has achieved national or international distinction, or whose significant contribution to the community deserves recognition;
  - 8.10.13.2 to artistic, athletic, historical and cultural celebrations held within the boundaries of the Town of Smiths Falls;
  - 8.10.13.3 to charitable and non-profit fundraising events held within the boundaries of the Town of Smiths Falls;
  - 8.10.13.4 as a special recognition/honour on the recommendation of the Mayor.
- 8.10.14 A proclamation will not be issued for:
- 8.10.14.1 matters that are politically or religiously motivated or represent individual conviction;
  - 8.10.14.2 campaigns, events or activities that are contrary to the Town of Smiths Falls policies or bylaws;
  - 8.10.14.3 individuals or organizations that espouse discrimination, hatred, violence or racism;

- 8.10.14.4 individuals or organizations that are not directly related to the Town of Smiths Falls;
- 8.10.14.5 events or activities intended for profit-making purposes.

## **8.11 Consent Agenda – Council Meeting**

8.11.1 For the purpose of convenience and for expediting the meeting, matters of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

8.11.2 A Member of Council may request that an item to be singled out from the Consent Agenda to allow debate or for a separate vote. The remaining matters of business contained in the Consent agenda are voted on collectively. Any item for which a Member has declared a pecuniary interest shall be introduced and voted on separately and not included in a Consent Agenda.

### **8.11.3 Introduction by Motion**

The following procedure shall be applied for the introduction of consent agenda items:

- (1) The Clerk shall bring one consent agenda motion to pass and receive all of the items referred to in Section 8.7.1
- (2) Each item referred to in Section 8.7.2 shall also require its own separate motion.
- (3) Each item for which a Member declares a pecuniary interest shall be introduced and voted on separately.

### **8.11.4 Invitation to Debate**

The Chair shall then invite debate on any item(s) set forth in the consent agenda motion.

### **8.11.4 Member Wishing to Debate**

Any Member who wishes to debate any item(s) set forth in the consent agenda motion shall so advise the Chair, following which:

- (1) The item(s) shall be separated from the consent agenda motion without question or debate;
- (2) The consent agenda motion shall be voted and adopted separately;
- (3) Amendments to the separated item(s) may be proposed during the course of the debate; and
- (4) Each separated item shall be voted on individually.

## **9.0 MOTIONS**

- 9.1** All motions shall be moved and seconded before being read and then debated.
- 9.2** Shall be read aloud by the Clerk after which the Chair shall call for a mover and seconder.
- 9.3** Only motions that have been moved and seconded shall be recorded in the Minutes.
- 9.4** After a Motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee and open for debate. Council or Committee may consent to the withdrawal of the Motion at any time before amendment or decision.
- 9.5** Where members of the public are to be heard on a matter, no Motion shall be received until they have been heard, and no further public participation shall be allowed at that Meeting after the Motion has been duly moved and seconded.
- 9.6** Whenever the Mayor or Chair is of the opinion that an amending Motion is contrary to the main Motion, the Mayor or Chair shall apprise the Members thereof immediately. A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee. If there is no appeal, the decision of the Mayor or Chair shall be final. The Council or Committee, if appealed to, shall vote on the motion without debate and its decision shall be final.
- 9.7** Council Motions shall be provided in writing and shall contain the signatures of the mover and seconder.
- 9.8** All Members present, including the Chair, are entitled to vote on every Motion, unless the Member has declared a pecuniary interest or conflict of interest.
- 9.9** Every Member present, shall be deemed to vote against the Motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary or conflict of interest.
- 9.10** No Member shall speak more than once until every Member has had an opportunity to speak towards the Motion.
- 9.11** A Motion on which the voting results in a tie shall be considered defeated.
- 9.12** When the Motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each proposal. (See the motion to "Divide" in the Motion Table)

**9.13** The Chair shall call the vote immediately after all Members desiring to speak to the Motion have spoken.

**9.14** Upon the Chair calling for a vote, no further speakers shall be permitted.

9.14.1 The manner of determining the vote on a Motion shall be by show of hands.

9.14.2 No vote shall be taken at any Meeting by any method of secret voting, except where permitted or required by law.

9.14.3 The Chair shall announce the result of every vote.

9.14.4 If a Member disagrees with the announcement of the result of any vote, the Member may object immediately to the announcement and require that a recorded vote be called.

**9.15 Reconsideration of a Motion  
General Provisions**

9.15.1 Reconsideration of a Motion shall only be permitted at Council Meetings.

9.15.2 Any proposal to reconsider a decision of Council made within its current term shall require a motion of reconsideration.

9.15.3 A motion to reconsider may only be introduced by a Member who voted on the prevailing side and shall require a Two-Thirds' vote of Members present.

9.15.4 A motion to reconsider shall be introduced by way of a Notice of Motion to Council.

9.15.5 Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.

9.15.6 No delegations shall be permitted to speak on a Notice of Motion to reconsider.

9.15.7 If a motion to reconsider is decided in the affirmative, reconsideration of the original motion shall become the next order of business.

9.15.8 During the term of Council, a motion to reconsider on a particular item shall not be permitted more than once nor shall a vote to reconsider be reconsidered.

- 9.15.9 A Motion to reconsider shall not be in order if Council is made aware the question or By-law has been implemented, resulting in legally binding commitments as of the date the Motion to reconsider is moved.

**9.16 Notice of Intention**

- 9.16.1 A notice of the intention to reconsider a Motion shall be placed on the next Council Agenda. At the next Meeting after Notice is given a Motion to reconsider may be brought forward.

**9.17 Motion to Reconsider**

- 9.17.1 When a Motion for reconsideration is introduced, no discussion of the original Motion shall be allowed unless the Motion for reconsideration is approved by at least Two-Thirds' of the Members present and voting.
- 9.17.2 A Motion to reconsider shall not be amended but may be debated.
- 9.17.3 Debate on a Motion for reconsideration shall be confined to reasons for or against reconsideration or to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate.
- 9.17.4 A Motion to reconsider shall include the date of when the original Motion was passed. The original motion may be reconsidered as the next order of business.
- 9.17.5 Should a Motion to reconsider be defeated, the original motion shall remain in force and effect.

**9.18 Original Motion**

- 9.18.1 The original Motion being reconsidered shall be stated in the exact manner in which it was first presented and voted on.
- 9.18.2 The debate on the original Motion being considered as a result of an affirmative Motion of reconsideration shall proceed as though it had never previously been voted on.

**9.19 Recorded Votes**

- 9.19.1 Except for matters that are determined at the Committee level only (i.e. Development Permits), recorded votes shall only be permitted at Council Meetings.
- 9.19.2 A recorded vote shall be taken when called for by any Member or when required by law. A Member may call for a recorded vote prior or immediately subsequent to the taking of the vote.

- 9.19.3 All Members, including the Mayor, shall be required to vote when a recorded vote is called for, except when absent from the meeting or disqualified by a declared pecuniary or conflict of interest.
- 9.19.4 When a recorded vote is permitted and required, the Chair will pose the question and the Clerk will call upon each Member, beginning with the requester of the recorded vote, followed by each Member in subsequent alphabetical order thereafter, at which time the Clerk shall record the Members' votes. The Clerk will also record the number of Members absent.
- 9.19.5 On a recorded vote, failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- 9.19.6 When a recorded vote is taken, the names of those who voted for and those who voted against the Motion and those absent shall be entered in the Council minutes.
- 9.19.7 The Clerk shall tabulate and announce the results of the vote.

## **9.20 Point of Privilege**

- 9.20.1 A Member may raise a point of privilege directing attention to a matter that affects the rights of the Member or Members.
- 9.20.2 A point of privilege shall take precedence over any other matter except during verification of a vote.
- 9.20.3 A Member shall state the point of privilege to the Chair at the time of occurrence.
- 9.20.4 A Member shall not be permitted to enter into any argument or introduce any Motion not related to the point of privilege.
- 9.20.5 The Chair shall decide upon the point of privilege and advise the Members of the decision.
- 9.20.6 Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 9.20.7 If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.
- 9.20.8 When the matter has been determined to be a point of privilege, the



Member shall be afforded an opportunity to propose a Motion in relation to that point of privilege.

- 9.20.9 When the integrity of the CAO or other employee of the Corporation has been questioned, the CAO shall be permitted to make a statement to the Members.

#### **9.21 Point of Order**

- 9.21.1 A Member may raise a point of order to a perceived violation of the rules of procedure, except during verification of a vote.
- 9.21.2 A Member shall state the point of order to the Chair at the time of the occurrence and shall quote the appropriate section of this By-Law.
- 9.21.3 The Chair shall decide upon the point of order and advise the Members of the decision.
- 9.21.4 Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 9.21.5 If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.

### **10.0 BY-LAWS**

#### **10.1 By-Law Approval Process**

- 10.1.1 A by-law in excess of three pages in length may be circulated to Members of Council with the Notice of Agenda. By-laws less than three (3) pages in length, which contain significant detail, may also be copied and circulated with the Agenda.
- 10.1.2 Every By-Law shall be listed on the Agenda by an identifying number, followed by a brief description of the intent of the By-Law.
- 10.1.3 No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered by Committee of the Whole or unless otherwise directed by the Mayor.
- 10.1.4 Every by-law shall be introduced by the Mayor or Acting Mayor and seconded by any other Councillor.
- 10.1.5 Every by-law shall be considered and read at least three times prior to

its passage. The reading of by-laws may be by title only.

10.1.6 The motion for first reading of a by-law shall include that the by-law be taken as read a second time and shall be decided without amendment or debate. The by-law shall immediately be open for debate and amendment before being presented for third reading.

10.1.7 When all motions for amendments have been disposed of, the by-law may be presented for third reading and final passage at the current meeting of Council or at such time as may be appointed by the Council.

10.1.8 Upon a Two-Thirds' Vote of the Members present and voting, third reading of any by-law may be postponed until the next Meeting.

10.1.9 Every By-Law passed by Council shall be serially numbered, signed by the Mayor, or the Deputy Mayor in the absence of the Mayor, and the Clerk, sealed with the seal of the Corporation, show the date of all readings, be kept in a volume for the year in which it was passed and shall be recorded in the electronic By-law index.

10.1.10 The Clerk shall be authorized to make minor corrections to any By-law resulting from technical, or typographical errors prior to the By-law being signed.

## **10.2 Enquiries and Announcements**

10.2.1 Each Member of Council may make any enquiries, announcements, and extend any invitations that have been received since the previous Council Meeting.

## **10.3 Confirmatory Bylaw**

10.3.1 The proceedings at every regular and special Meeting of Council shall be confirmed by By-law, so that every decision, unless required by an Act, Regulation or By-Law, of Council at that Meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

## **10.4 Adjournment (See Section 11.3)**

## **10.5 Committee of the Whole**

10.5.1 The Committee of the Whole is a mechanism to allow freer debate and consideration of reports, by-laws, and other business matters.

10.5.2 Any matter debated at Committee of the Whole may be held for further consideration, one time only, at the following Meeting based on a vote of

at least four Members present.

10.5.3 The Chair shall announce the action to be taken following discussion.

**10.6 Land Acknowledgement** (See Section 8.3)

**10.7 Call to Order** (See Section 8.4)

**10.8 Approval of Agenda** (See Section 8.5)

**10.9 Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof** (See Section 8.6)

**10.10 Minutes to be Approved/Received** (See Section 8.7)

**10.11 Delegations**

10.11.1 The delegation shall be permitted a maximum of (10) minutes to make the presentation unless and until the Presiding Officer has extended such time allotment. Any person addressing Council as a delegation shall rise, state his/her name and make his/her presentation from the podium provided. Following the presentation, the Presiding Officer may ask for questions from Council which shall be addressed by the spokesperson to the best of his/her ability.

10.11.2 For the purpose of Council and Committee of the Whole Meeting agendas, Delegates have until 12:00 noon on the Monday of the week preceding the meeting to notify the Clerk that they wish to be a Delegate or to submit written submissions on items on the agenda. Delegation Request Form may be used as attached as Schedule "D".

10.11.3 Delegates must submit all presentation and handout material to the Clerk by 4:00 p.m. on the Wednesday preceding the meeting.

10.11.4 Notwithstanding Section 10.11.7, designated representatives of senior levels of government or the County of Lanark appearing before Council or Committee shall have no time limitations placed on their delegation.

10.11.5 The Clerk shall assign Delegations to a Committee of the Whole Agenda only.

10.11.6 A Delegate may only address Committee with respect to the item on the agenda.

10.11.7 No Delegate shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chair in consultation with

the Clerk will determine if a matter is within the jurisdiction of the Council or Committee. No operational matter will be permitted.

- 10.11.8 Delegations with time sensitive issues or in regard to items on the Agenda that have not submitted a request within the specified time may be heard by the Committee of the Whole as an addition to the Agenda by a Two-Thirds' Vote.
- 10.11.9 Delegations shall either be received as information or added to the Committee of the Whole Meeting as a Priority Issue.
- 10.11.10 The number of Delegations per Agenda shall be limited to two (2) unless otherwise approved by the Chair.
- 10.11.11 The role of Delegations is to provide information and not enter into debate with Committee or Staff.
- 10.11.12 Delegations shall be limited to appearing once per year on the same subject matter.
- 10.11.13 Questions directed to Staff by any delegate shall be received through the Chair.
- 10.11.14 Delegations requesting to appear at a Meeting may be declined if they have failed to follow established by-laws, policies, procedures or protocols or as prescribed in an applicable governing statute
- 10.11.15 Delegations requesting to appear at a Meeting regarding operational matters may be declined in order that the matter be referred to Staff.

## **10.12 CAO/Director Verbal Reports**

- 10.6.1 The CAO and Directors may give verbal information/updates from the areas within their responsibility.

## **10.13 Committee of the Whole Consent Report**

- 10.13.1 The report from Committee of the Whole to Council shall be submitted to Council in the form of a Consent Report, and shall be dealt with by Council as follows:
  - 10.13.1.1 The Committee of the Whole Consent Report shall be presented by the respective Chair or, in his or her absence, by the Acting Mayor who shall move the adoption of their report.
  - 10.13.1.2 Council Members shall identify any items contained on the Committee of the Whole Consent Report which they wish to speak to and the matter shall be extracted from the Consent Report to be dealt with separately under Items for Discussion. Any item for which a Member has declared a pecuniary interest

shall be introduced and voted on separately and not included in a in this report.

10.13.1.3 The balance of items on the Committee of the Whole Consent Report, which have not been extracted, shall be voted on in one Motion

10.13.1.4 In the event that Council adopts a Motion referring an item back to Staff, Staff shall report back at the next Regular Committee of the Whole Meeting.

#### **10.14 Priority Issues/Reports**

10.14.1 Staff Reports will be grouped together on the Agenda by Department.

10.14.2 Reports are due to the Chief Administrative Officer for approval by noon on the Wednesday preceding the meeting.

10.14.3 If the report deadline (noon on the Thursday preceding the meeting) is not met, the report will be placed on the subsequent Meeting Agenda.

#### **10.15 Closed Session (See Sec 7.8)**

#### **10.16 Committee Board and External Organizational Updates**

10.16.1 Reports from Local Boards and Advisory Committees shall be submitted in writing by the Chair or Secretary. When such reports are requesting Council action, they shall include appropriate Motions for consideration.

10.16.2 Verbal updates may be provided to the Committee by respective Council representatives who are members on Advisory Committees, Boards or External Organizations.

#### **10.17 Information/Correspondence Items Listing**

10.17.1 Information Items are matters that are principally for the information of Council and may not require action or response from Council. All correspondence and petition items are due to the Clerk by 12 noon on the Wednesday prior to the meeting.

10.17.2 Correspondence intended to be presented to Council or a Committee must be legible, signed by the author(s), include their address and must not contain any defamatory allegations, or impertinent or improper information or be vexatious and frivolous. The Clerk may return Communications that do not comply with this Section. Correspondence that does not comply will not be included on the agenda.

10.17.3 Communications are generally considered public documents and are therefore subject to the Municipal Freedom of Information and Protection of Privacy Act.

- 10.17.4 The Clerk shall list all the correspondence items addressed to Council or of a general nature applicable to Council business to the Committee of the Whole Meeting agenda.
- 10.17.5 Petitions for presentation to Council. See Schedule A for the Petition Policy.
- 10.17.6 Any Member of Council may request that an item of Information may be pulled for discussion at the next Committee meeting.

## **10.18 Notice of Motions**

- 10.18.1 Any member of Council, or a Director may submit a Notice of Motion to the Clerk for inclusion on the Agenda before 4:00 p.m. on the Wednesday preceding the regular meeting of Council.
- 10.18.2 Notices of Motion shall:
  - a) be in writing; and
  - b) include the name of the mover and seconder.
- 10.18.3 All Notices of Motion received by the Clerk prior to or at the Notices of Motion segment of the Agenda may be read out by the mover or the Mayor during that segment.
- 10.18.4 Copies of the Notices of Motion that have been read out shall be distributed to Members at the first available opportunity.
- 10.18.5 Consideration of a motion, of which notice was given pursuant to this section, shall be in order at the next regular meeting or at a special meeting of Council called for that purpose.
- 10.18.6 Prior to Council's consideration of a motion of which notice has been given previously, a revised motion on the same subject, approved by both the mover and seconder, may be substituted for the original one contained in the Notice of Motion.
- 10.18.7 Final determination of inclusion of any item on the Agenda, not previously discussed by Committee, shall be the responsibility of the Mayor or Acting Mayor in his/her absence.
- 10.18.8 The Clerk shall cause to be printed and available a copy of the Notice of Meeting and Agenda. The Clerk's summary of the subject matter of each item on the Agenda and any Notice of Motions drafted for presentation, including the name of the intended mover, shall be attached to each Notice of Meeting and Agenda for a regular meeting of Council.

10.18.9 The Clerk shall make copies of the Notice and Agenda available to members of the public upon request.

10.18.10 The business of Council shall in all cases be taken up in the order in which it stands upon the Agenda unless additions, deletions or changes to the order thereof have been approved by the verbal consent of Council. Requests for amendments to the Agenda shall be received by the Presiding Officer prior to the meeting of Council being called to order. Additions to the Agenda shall be placed at the end of the appropriate section of the Agenda.

10.18.11 All motions called pursuant to the Agenda and not disposed of shall be placed on the Agenda for the next meeting of Council unless otherwise directed by Council.

## **10.19 Adjournment (See Section 11.3)**

### **10.20 Other/New Business**

Under Other/New business Council shall consider:

10.20.1 Items that are circulated on the agenda

10.20.2 Items raised by a Member that, in the opinion of the Member, are of urgent concern and within the jurisdiction of Council or are of general interest.

10.20.3 Proposed motions for which Notice of Motion has been given.

10.20.4 The request to hear New/Other Business shall not be debatable.

## **11.0 COMMENCEMENT AND ADJOURNMENT OF MEETINGS**

### **11.1 Quorum**

11.1.1 If no quorum is present fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting; regular, special or emergency.

11.1.2 When quorum is lost as a result of declarations of pecuniary interest by one or more Members, the remaining Members shall be deemed to constitute Quorum, provided the number of Members is not fewer than two (2).

11.1.3 The Chair shall call the Meeting to order as soon after the hour fixed for the holding of the Meeting that a Quorum is present.

- 11.1.4 If the Chair is not available at the time appointed for a Meeting of Council, the Deputy Mayor will conduct the Meeting until the arrival of the Mayor.
- 11.1.5 If the Chair is not available at the time appointed for a Meeting of Committee, the meeting shall be called to order by the Clerk and the Committee shall appoint an Acting Chair, by motion, to conduct the meeting until the arrival of the Committee Chair.
- 11.1.6 Members shall notify the Clerk when intending to be absent from a Council, Committee, Special or Emergency Meeting for the purpose of ensuring Quorum at the meeting.
- 11.1.7 When a Quorum is lost, the Meeting shall stand recessed and no further action shall be taken. If a Quorum is regained within ten (10) minutes the Meeting shall proceed. However, if Quorum is not regained within ten (10) minutes, the Meeting shall stand adjourned.

## **11.2 Recess**

- 11.2.1 At a Council Meeting, a Motion to recess shall be brought forward and shall set a time (ex. recess for 5 minutes) or state “until called to order by the Chair”.
- 11.2.2 At a Committee Meeting, the Committee may recess by majority consent and shall set a time (ex. recess for 5 minutes) or state “until called to order by the Chair”.

## **11.3 Adjournment**

- 11.3.1 All Meetings shall adjourn no later than 10:00 p.m., unless a Motion to proceed beyond 10:00 p.m. is approved.
- 11.3.2 Notwithstanding Subsection 10.4.1 above, no Meetings shall proceed beyond the hour of 11:00 p.m. All items on an agenda adjourned by the deadline, shall be moved to the next regularly scheduled Meeting.
- 11.3.3 There shall be no updates, questions or discussions once a Meeting has been adjourned.

## **12.0 AMENDMENT OF PROCEDURAL BY-LAW**

- 12.1** No amendment or repeal of this By-law or any part thereof shall be considered at any Meeting of Council unless:



- a) Notice of intention of proposed amendment or repeal has been given at a previous Committee of the Whole Meeting and amended at the Council meeting; and
- b) One notice in a local paper, a minimum of ten (10) days prior to passing the By-law is given.

**13.2** The waiving of this notice by Council is prohibited.

**13.3** The Clerk shall be responsible for reviewing this By-law at least once every term of Council.

**13.4** Schedules may be amended at the discretion of the Clerk and form part of this bylaw without a Council meeting.

### **13.0 ULTRA VIRES**

Should any sections of this By-law, including any section or part of any schedules attached hereto, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

### **14.0 BY-LAWS TO BE REPEALED**

**14.1** THAT By-law 7852-2004 be hereby repealed.

**14.2** All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

### **15.0 EFFECTIVE DATE**

**15.1** THAT the provisions of this by-law shall come into force and take effect upon the inaugural in-person meeting in the Council Chambers, 77 Beckwith Street North, Smiths Falls.

Read a first and second time this 11<sup>th</sup> day of October, 2022  
Read a third time and passed this 11<sup>th</sup> day of October, 2022

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**Mayor**

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**Clerk**