

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW NO. 17-1365

Being a by-law to regulate the proceedings of Council of the Municipality of Temagami.

WHEREAS under Section 238 (2), the Municipal Act, S.O., 2001, c.25, c.M. 45, as amended, requires every municipality and local board to pass a procedure by-law governing the calling, notice, place and proceedings of meetings;

AND WHEREAS under Section 239, the Municipal Act, S.O., 2001, c.25, as amended, provides exceptions and procedures prior to and for the holding of meetings that are closed to the public;

AND WHEREAS the Municipal Council of the Corporation of the Municipality of Temagami deems it advisable to enact a By-law to govern the proceedings of Council, the conduct of its members and the calling and place of meetings;

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

1. DEFINITIONS:

In this By-law:

- 1.1 “Advisory Committee” shall mean any Committee, or similar entity composed of a member or members of Council along with members of the public; and municipal staff.
- 1.2 “Audio recording” shall mean any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by digital audio files and stored on a computer, or in any other format.
- 1.3 “Chair” shall mean the person presiding at the Meeting whether it be the Head of Council or any other Member.
- 1.4 “CAO” shall mean the Chief Administrative Officer of the Municipality of Temagami.
- 1.5 “Clerk” shall mean the Municipal Clerk of the Municipality of Temagami.
- 1.6 “Committee of Council” shall mean any Committee, or similar entity composed of the Members of Council.
- 1.7 “Committee of the Whole” shall mean the Members of Council present at a Meeting sitting in Committee.
- 1.8 “Consent Agenda” shall mean the grouping of items in a section of the agenda to be voted upon in a single motion.
- 1.9 “Council” shall mean the Council of the Municipality of Temagami.
- 1.10 “Corporation” shall mean The Corporation of the Municipality of Temagami.
- 1.11 “Delegation” shall mean a person or persons making a verbal presentation to Council or Committee, who have previously registered with the Clerk and are scheduled to be heard at a council or committee meeting and are listed on the agenda of said meeting.
- 1.12 “Designated Area” shall mean the spectator areas within the Council Chambers.
- 1.13 “Deputy Mayor” shall mean the member appointed, as per subsection 3.2 of this by-law, to act in the place of the Mayor, when the Mayor is absent, unable or refuses to act.
- 1.14 “Head of Council” shall mean the Mayor.

- 1.15 “Holiday” shall mean any Statutory, Public or Civic holiday observed by the Municipality of Temagami.
- 1.16 “Invited Presentation” shall mean a Delegation that has been invited by the Clerk or delegate on behalf of the Council or Committee to make a presentation on a specific topic at a council or committee meeting and shall be listed on the agenda of said meeting.
- 1.17 “Member” shall mean a member of Council or member of a committee appointed by Council and includes the Head of Council.
- 1.18 “Meeting” shall mean any Regular, Special, Committee or other meeting of Council.
- 1.19 “Municipal Election” shall mean a general, Municipality-wide municipal election.
- 1.20 “Recorded Vote” shall mean the recording of the name and vote of every Member on any matter or question.
- 1.21 “Two working days” shall mean the time period that starts and finishes at the same time of day over two days that the Temagami Municipal Office is open for business, and shall not include weekends or holidays. (For example from 2:00 p.m. on Thursday until 2:00 p.m. on the following Monday of a normal weekend, or until 2:00 p.m. on the following Tuesday if the Monday is a holiday.)
- 1.22 “Unregistered Presentation” shall mean a person who speaks to Council in the designated portion of a regular council meeting in accordance with Section 7 of this by-law and who is not listed on the agenda of said meeting.

2. GENERAL

- 2.1 The rules and regulations contained in this By-law shall be observed and shall be the rules and regulations for order and dispatch of business in all Meetings of Council and Committees of Council which meet the criteria for a Committee as defined in the Municipal Act, 2001, as amended, including Committee of the Whole. In the Municipal Act, 2001 as amended, “committee” means “any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.” Where a Standing Advisory Committee or other Advisory Committee does not meet the criteria for a Committee as defined in the Municipal Act, 2001, as amended, then the rules of procedure for such a committee shall be as specified in section 18.6 of this bylaw.
- 2.2 Subject to provisions of this By-law, all Meetings shall be open to the public.
- 2.3 Notwithstanding section 2.2, meetings may be closed under the authority of section 239 of the Municipal Act, S.O., 2001, c.25, as amended.
- 2.4 Council shall not hear or deal with issues over which it does not have jurisdiction or influence.
- 2.5 Audio Recording of all Council meetings shall be done by the Municipality of Temagami in accordance with the Audio Recording Policy found in Appendix 1 to this By-law. Committees of Council may also audio record committee meetings if the committee so wishes in accordance with the audio recording policy with necessary modifications to apply to committees.
- 2.6 The use of recording equipment or devices during an open meeting is not permitted within the Designated Area unless the Chair or the majority of the Council Members permit the use of such equipment or devices and it is not disruptive to the conduct of the Meeting at which the recording privileges are granted. Requests shall be made to the clerk in sufficient time for the motion to be included as an agenda item on the main agenda in accordance with section 7.4.

3. MEETINGS OF COUNCIL – Inaugural

- 3.1 The inaugural meeting of Council shall be held in the evening of the first Thursday in the month of December at the hour of 6:30 p.m. This meeting shall be in addition to the scheduled regular council meetings.

- 3.2 At the Inaugural Meeting, Council shall by by-law appoint a Deputy Mayor, as follows:
- (a) Prior to the inaugural meeting, the Mayor shall consult with individual Council Members regarding the position of Deputy Mayor;
 - (b) At the inaugural meeting the Mayor shall recommend for Council's consideration a Councillor as Deputy Mayor;
 - (c) The term of Deputy Mayor shall be the term of Council.
- 3.3 At the Inaugural Meeting, Council shall by by-law appoint Council Members to Committees and Boards, as follows:
- (a) Following the municipal election, the Mayor shall canvass all Councillors to determine their committee interest, preferences and qualifications;
 - (b) The Mayor shall disclose the results of that canvassing in a briefing note to Council and recommend a list of committee Chairs that best reflects a balance of skills, preferences and the needs of the Municipality;
 - (c) At the inaugural meeting, Council shall receive the Mayor's recommendations and shall consider a by-law to appoint Committee Chairs;
 - (d) The Mayor may, but shall not be required to, chair a Committee;
 - (e) Every Councillor shall be required to chair at least one Committee;
 - (f) A Councillor shall not be entitled to sit on a second standing Committee until said Councillor has accepted the Chair position on a Committee as appointed by by-law.
 - (g) On those committees where the by-law permits two Councillors as members, the second member shall be selected on the basis of electoral finish, so that the person with the highest number of votes gets the first choice of committee to be the second Councillor on.
 - (h) In the event that a Councillor refuses the Chair position determined by by-law, said Councillor shall forfeit one half of his or her honorarium.
 - (i) Council shall review the portfolios after two years to determine if they are working in the best interest of the Municipality and change portfolios if there is cause to do so.
 - (j) The Mayor shall be appointed as an ex-officio member of all committees and local boards, except where legislation or the governing by-laws of the Municipality or local board provide otherwise. When the Mayor is serving as an ex-officio member under this clause, he or she may participate in the meeting and vote, but shall not be counted in determining quorum, unless legislation or the governing by-laws of the Municipality or local board provide otherwise.

4. REGULAR MEETINGS – Council and Committee of the Whole

- 4.1 The Council shall hold its Regular Meetings at on the Fourth Thursday of each month, with the Committee of the Whole meeting on the Tuesday of the week prior. If there is a closed session on the agenda, the closed session shall be scheduled to commence at 6:30 p.m. and the regular session to commence at 7:00 p.m. If no closed session is on the agenda, the regular session shall commence at 6:30 p.m. In the event that the closed session business is not completed by 7:00 p.m., the closed session shall be adjourned until later and resumed after the regular session business has been dealt with.
- 4.2 In the event that the fourth Thursday is a Holiday or a day on which a Municipal Election or municipal by-election is being held, the Council shall meet at the same hour on the first Thursday thereafter which is not a Holiday or a day on which a Municipal Election or municipal by-election is being held, unless otherwise provided by motion of Council, with the Committee of the Whole meeting date adjusted accordingly.

- 4.3 The schedule of Regular Meetings shall be posted for the current calendar year on the website and on the bulletin board at the Municipal Office, no later than the last working day of the previous year. Where a Regular Meeting is rescheduled and held on a day other than the fourth Thursday of the month, or a Committee of the Whole meeting is rescheduled and held on a day other than the Tuesday of the week prior to the regular council meeting, this shall not change the schedule of subsequent meetings in that year.
- 4.4 Subject to section 4.5 Meetings shall take place in the Council Chambers or other meeting rooms at the Municipal Office at 7 Lakeshore Drive in the Municipality of Temagami unless a motion is passed. (See Section 4.5)
- 4.5 Where a Regular Meeting is to be held at a time, day or place other than set out in Section 4.1 to 4.4 above, Council shall give notice, at least two working days in advance of such Meeting, to be posted on the Municipal website and placed on the bulletin board of the Municipal Office.
- 4.6 The Committee of the Whole shall be used to have a more fulsome debate than would be practical to have in a regular council meeting and to permit Members time following this debate before making decisions on council matters.
- 4.7 The Committee of the Whole shall determine which items on the agenda will be placed on the consent agenda for the regular council meeting and, for items other than staff and committee reports and notices of motion, shall formulate draft, proposed motions to be considered and voted upon at a regular council meeting.
- 4.8 The Chair of the Committee of the Whole may be the Head of Council, or another Member as delegated by the Head of Council, suitable to the topic(s) of discussion.
- 4.9 When Council sits in committee as a Committee of the Whole, it shall be subject to the requirements in this by-law for council meetings with respect to notice, open meetings, minutes, quorum etc., but shall have relaxed rules of debate as outlined in Section 4.10.
- 4.10 When Council sits in committee as a Committee of the Whole, the general decorum required in Section 11 of this by-law shall be maintained. The requirements to address and ask questions through the Chair may be relaxed to in order to facilitate debate; however, Members shall not speak at the same time and if not acknowledged by the Chair prior to them speaking, each Member shall identify himself or herself for the purpose of audio recording. The limit on the number of times that Members may speak shall not apply. The Chair shall permit debate to continue on a topic as long as it is productive, within the time constraints of the meeting. The Chair shall ensure that all members have an equal opportunity to speak to the matter under debate.
- 4.11 The Committee of the Whole shall not be used for the purpose of a public input meeting (see section 5.6 – Town Hall Meetings); however, members of the public may speak or answer questions of Council, when recognized by the Chair.
- 4.12 Minutes of the regular Committee of the Whole meeting shall be presented for adoption at a subsequent regular council meeting.

5. MEETINGS OF COUNCIL - Special

- 5.1 The Mayor, at any time, may summon a Special Meeting of Council under section 240 of the Municipal Act, with two working days' notice through the Clerk's office to the Members of Council, or upon receipt of a petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and the time mentioned in the petition.
- 5.2 The only business to be dealt with at a Special Meeting is that which is listed in the notice of the meeting or petition.
- 5.3 In the absence of a petition fixing the location of a Special Meeting, that Meeting shall be held at the place where council meetings are regularly held (i.e. the Council Chambers).

- 5.4 It shall be the responsibility of the Clerk to forward to Members all notices and agendas for Regular and Special Council Meetings a minimum of two working days in advance of such Meetings.
- 5.5 Statutory Public Meetings: Special council meetings may be called to fulfill the requirements set out in Provincial legislation for statutory public meetings for hearings or open houses. The rules of procedure set out in this by-law shall be followed so far as they do not conflict with provincial statute or regulations. Notice requirements for such meetings set out in the applicable legislation shall be followed.
- 5.6 Town Hall Meetings: From time to time, at a frequency determined by Council to suit the needs of the Municipality, special “Town Hall” meetings may be called for the purpose of receiving public input on matters on which Council has deemed public input would be desirable as follows:
 - 5.6.1 A minimum of two working days in advance of the meeting, notice of the meeting and the purpose for which public input is being sought shall be posted on the municipal website and municipal office bulletin board. Such notice shall also be given by such other means as the Clerk shall deem appropriate to the purpose of the meeting.
 - 5.6.2 The meeting may be held at a location other than the Council Chambers, provided that notice of the location is provided with notice of the meeting.
 - 5.6.3 The Head of Council may Chair or delegate another Member to Chair the meeting.
 - 5.6.4 A facilitator, other than a Member of Council or Staff, may be appointed to assist with receiving public comments.
 - 5.6.5 Public comments shall be restricted to the posted purpose of the “Town Hall” meeting.
 - 5.6.6 Public comments shall be received following the parameters in section 7.3.3 of this by-law regarding Unregistered Delegations; any exceptions to such procedure shall be published along with the notice of the meeting.

6. CALL TO ORDER

- 6.1 As soon after the hour fixed for the Meeting and there is a quorum present, the Head of Council shall take the chair and call the Members to order.
- 6.2 In the event the Mayor does not attend the Meeting within fifteen minutes after the time appointed, or in the event of prior notice to the Clerk of his/her absence, the Deputy Mayor shall call the Members to order and if a quorum is present, shall preside as Chair during the Meeting or until the arrival of the Head of Council. In the absence of the Head of Council and the Deputy Mayor, the Clerk or designate shall be present and, if a quorum is present, shall call the Members to order. A Chair shall then be chosen by the Members present from amongst the Members and shall preside during the Meeting or until the arrival of the Head of Council or the Deputy Mayor
- 6.3 While presiding, the Deputy Mayor or Chair chosen by the Members shall have all the powers and obligations of the Head of Council and shall be entitled to vote as Members.

7. AGENDA

7.1 Preparation of Agendas and Addendums

- 7.1.1 The Clerk, in consultation with the Mayor or designate and CAO, shall prepare the Committee of the Whole agenda. The Clerk shall prepare the regular council meeting agenda using a consent agenda format, and shall place on the consent agenda all items determined by the Committee of the Whole at the meeting the week prior.
- 7.1.2 The Committee of the Whole agenda shall be prepared using the following headings:
 - 1. Call to Order and Roll Call

2. Adoption of Agenda
3. Disclosure of Conflict or Pecuniary Interest and general nature thereof
4. Closed Session (if required)
5. Motion to Move to Committee of the Whole
6. Review of the Minutes
7. Business Arising from the Minutes
8. Staff Reports
9. Council Committee Reports
10. Announcements and Verbal Reports from Mayor and Councillors
11. Correspondence
12. Review of Proposed By-laws
13. Review of Approved Minutes of Committee meetings
14. Unfinished Business
15. New Business
16. Notices of Motion
17. Motion to return from Committee of the Whole to Consider Urgent Items (if required)
18. Continuation of Closed Session (if required)
19. Adjournment

7.1.3 The Regular Meeting of Council agenda shall be prepared using the following headings:

1. Call to Order and Roll Call
2. Adoption of Agenda
3. Disclosure of Conflict or Pecuniary Interest and general nature thereof
4. Closed Session if required
5. Delegations or Presentations
 - 5.1 Registered Delegations/Presentations
 - 5.2 Unregistered Presentations (Maximum 15 Minutes in Total)
6. Consent Agenda Items

Items to be considered separately:

7. Adoption of Council / Committee of the Whole Minutes
8. Business Arising from the Minutes
9. Staff Reports
10. Council Committee Reports
11. Announcements and Verbal Reports from Mayor and Councillors
12. Correspondence
13. By-laws
14. Approved Minutes of Committee meetings
15. Unfinished Business
16. New Business
17. Notices of Motion
18. Continuation of Closed Session (if required)
19. Confirmation Bylaw
20. Adjournment

7.1.4 Due to the amount of time between regular council meetings, it may be necessary to add items to the regular council agenda that were not on the Committee of the Whole meeting agenda. These items will be identified as new items on the regular council agenda. They shall be included as

items to be considered separately from the consent agenda, except where the Clerk deems them to be clearly items for information only.

- 7.1.5 After the posting of the agenda as set out in section 7.6, changes may be made by issuing an addendum or revision to the agenda. Addendums shall be produced by the Clerk in consultation with the Mayor and CAO; be limited to items deemed to be of an urgent nature; may be produced up to and including the date of the council meeting to which the agenda pertains, and must be adopted by resolution of Council. Revisions shall be produced in the case of the removal of an item or items from the agenda or changes to an item or items already on the agenda and must be adopted by resolution of Council.

7.2 Delegations/Presentations - General

- 7.2.1 Any person who is not a Member of Council shall not be allowed to address Council or a Committee of Council except as a delegation, invited presentation or unregistered presentation in accordance with Sections 7.2, and 7.3, or in accordance with Sections 4.11, 11.3.10 and 11.3.11. Council may hear Delegations, Unregistered Presentations, and Invited Presentations, as defined in Section 1 of this By-law. Delegations/Presentations may be heard at Regular and Special meetings of Council, but shall not be heard at regularly scheduled Committee of the Whole meetings. All Delegations/Presentations shall be subject to the following general parameters in this section as well as the specific parameters in Section 7.3.
- 7.2.2 No presenter shall:
- (a) speak disrespectfully of any person;
 - (b) use offensive words or language;
 - (c) disobey the rules of order or a decision of the Chair;
- 7.2.3 The Chair may curtail any presenter for disorder or for any other breach of this Procedural By-law and, should the Chair rule that the presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.
- 7.2.4 Despite any other provision of this Bylaw, no member of and no candidate for federal, provincial, or municipal government, or any person speaking on behalf of or concerning such candidate or their platform, shall be permitted to appear before Council or any Committee as a Delegation or Unregistered Presentation during the 12 months prior to which an election is required to be held or, in other instances, after an election has been called for the level of government in which that person is seeking election or re-election.

7.3 Delegations/Presentations – Specific

7.3.1 Registered Delegations

- (a) Council may hear a maximum of two registered delegations at each Regular Council Meeting.
- (b) Any person desiring to register a delegation shall submit to the Clerk a signed, written request, or email including his or her name and contact information, stating the full content of the delegation, by Wednesday at 4:30 p.m., eight days prior to the regular meeting at which the person desires to be heard. Staff shall respond by fax, email, or letter to advise if Council will hear them and to outline the necessary details.
- (c) Delegations are not allowed to appear on an issue that has already been heard by Council unless there is new information.
- (d) Prior to a delegation being heard at Council, a staff report may be prepared to accompany it.
- (e) Delegations may also be heard at Committees of Council upon making prior arrangements through the Clerk.
- (f) Persons addressing Council or Committee of Council shall confine their remarks to the stated business.

- (g) Delegations shall limit their presentations to not more than ten (10) minutes, except that delegations consisting of more than two (2) persons shall be limited to two (2) speakers and limited to speaking not more than fifteen (15) minutes in total.
- (h) Council shall receive delegations by resolution and may address or refer the matter under New Business on that Agenda.

7.3.2 Invited presentations

- (a) Persons or groups invited by Council to make a special presentation to Council on a specific subject shall not be constrained by the time limits prescribed for other delegations. They shall be allowed sufficient time as required to present their information to Council and to answer questions from Council. The Clerk, in consultation with the Mayor and CAO, shall determine at the agenda meeting whether or not the Invited Presentations shall count toward the maximum number of delegations allowed.
- (b) Depending on the need and nature of the presentation, Council may choose to schedule a special meeting, or to schedule the regular council meeting to commence at an earlier than usual time in order to accommodate the presentation.

7.3.3 Unregistered Presentations

- (a) At a regular council meeting, following any Registered Delegations and Invited Presentations, Council shall allow a further fifteen (15) minutes maximum in total to hear unregistered presentations.
- (b) Unregistered Presenters shall not be individually listed on the Agenda, but shall clearly state their name (and spelling if necessary) at the start of the presentation.
- (c) The Minutes of the meeting shall list only the name of the presenter and the subject of their presentation.
- (d) Council will hear phone-in presenters under this section of the agenda, in accordance with the provisions of the procedure found in Appendix 2 of this by-law, which procedure may be amended by a resolution of Council.
- (e) Unregistered Presenters shall be heard in the order designated by the Chair; the Chair shall give precedence to presenters that have not been heard at previous council meetings; the Chair shall give precedence to phone-in presentations as outlined in Appendix 2 of this by-law.
- (f) Each presenter shall be limited to a maximum of five (5) minutes per meeting.
- (g) Once the maximum of fifteen (15) in total has been reached, no further unregistered presenters shall be heard at that meeting.
- (h) Presenters may only address matters of municipal jurisdiction or influence, or make announcements to inform Council of events of interest to the community.
- (i) Presenters appearing before Council who have previously appeared before the same Council on the same subject shall be limited to providing ONLY new information in their second or subsequent appearances.
- (j) Presenters shall not be permitted to address a matter or matters for which a statutory public meeting has been or will be held under any Act.
- (k) Presenters shall not be permitted to address a matter or matters that relate to a hearing or recommendation of any tribunal including, but not limited to, the Ontario Municipal Board (OMB).
- (l) Presenters shall not be permitted to address a matter or matters that relate to a labour management dispute or issue.

- (m) No Presenter shall criticize staff for implementing the policies of the Municipality or for actions taken in the discharge of their duties.
- (n) After the presenter has completed the presentation, Members may ask questions for clarification purposes only, and shall not debate the matter(s).
- (o) When Council deems it appropriate to act on information provided by Unregistered Presentations made at the beginning of the meeting, it shall be considered/referred by Council under New Business on the Agenda of that meeting.

7.4 Petitions, Communications and Correspondence

- 7.4.1 Every communication, including a petition designed to be presented to Council or a Committee of Council, shall be legibly written or printed and shall be signed and dated by at least one person, filed with the Clerk, and must provide to the Clerk an address and telephone number where return correspondence or contact is to be directed. Correspondence submitted by email shall include, at a minimum, the name of at least one person submitting the correspondence and an email address where return correspondence can be directed.
- 7.4.2 Every petition or communication shall be delivered to the Clerk by 4:30 p.m. on the Tuesday of the week prior to the Committee of the Whole meeting, but where that Tuesday falls on a public holiday, every petition or communication shall be delivered to the Clerk by 4:30 p.m. on the Monday of the week prior to the Committee of the Whole meeting. New items for the regular council meeting, not considered at the Committee of the Whole Meeting, shall be delivered to the Clerk by 4:30 p.m. on the Wednesday of the week prior to the regular council meeting. An exception may be made by the Clerk for urgent matters, subject to the issuing of an Addendum in accordance with Section 7.1.5 of this By-law.

7.5 Committee Reports

All Committee and Staff reports shall be written. All written reports shall be to the Clerk by 4:30 the Wednesday preceding the Council Meeting. In addition to written reports, Members may give verbal updates under Item 8 on the Agenda - “Announcements and Verbal Reports from Mayor and Councillors”. The minutes of the meeting shall list only the Member’s name and the subject of any announcements or verbal reports. Members shall be encouraged to submit written reports where a more complete, permanent record of the report is desirable.

7.6 Agenda Packages

- 7.6.1 The Municipality shall provide agenda packages for all of Council in electronic form.
- 7.6.2 The draft Committee of the Whole agenda and supporting documents shall be posted on a secure section of the municipal website accessible by Council by 4:30 p.m. on the Thursday, two weeks prior to the regular Council meeting. When that Thursday falls on a holiday, the draft agenda package shall be posted for Council by 4:30 p.m. on the Wednesday.
- 7.6.3 The Agenda for regularly scheduled Committee of the Whole meetings shall be posted on the municipal website and one paper copy shall also be posted on the Municipal Office notice board by 4:00 p.m. on the Friday prior to the Committee of the Whole meeting, or if that Friday falls on a holiday, by 4:00 p.m. on the next working day. The Agenda for regular Council meetings shall be posted on the municipal website and one paper copy shall also be posted on the Municipal Office notice board by 4:00 p.m. on the Monday prior to the Council meeting, or when the Monday falls on a holiday, by 4:00 p.m. on the Tuesday.
- 7.6.4 Public agenda packages (which shall not contain items of a confidential nature to be dealt with in camera or other items deemed as confidential by the Clerk or CAO) shall be posted as follows:

- (a) For the Committee of the Whole: shall be available on the municipal website for public viewing by 4:00 p.m. on the Friday prior to the Committee of the Whole Meeting, or by Thursday if the Friday falls on a holiday.
- (b) For the Regular Council Meeting: shall be available on the municipal website for public viewing by 4:00 p.m. on the Monday prior to the Council Meeting. When the Monday prior a Council Meeting falls on a holiday, the public agenda packages shall be made available by 4:00 p.m. on the Tuesday.
- (c) Draft minutes shall be posted for the public in draft form within 3 business days of the meeting.

7.6.5 When a special meeting of Council is called with more than seven (7) days notice, the agenda package shall be posted on the website for viewing by members of Council by 4:30 p.m. at least five (5) days prior to the meeting, and public agenda packages shall be posted by 4:00 p.m. at least two days prior to the meeting. When a special meeting of Council is called with seven (7) days notice or less, the agenda package shall be posted on the website for viewing by members of Council as soon as possible after a special meeting has been called. The Clerk shall post public notice of the special meeting for the public as soon as possible after the meeting has been called. The Clerk, in consultation with the Mayor and CAO, shall determine the timing for posting any supporting documentation (that is not confidential) for public viewing on the website, suitable to promote accountability and transparency, yet allow council members the opportunity to preview material as appropriate.

7.6.6 When an addendum to the agenda is added pursuant to section 7.1.5 of this by-law, the addendum and supporting documents shall be posted on the appropriate section of the website and the Clerk shall notify members of Council of the addendum via email. If the agenda package has already been made available on the municipal website for public viewing, the addendum shall be added as soon as it is produced. The Clerk, in consultation with the Mayor and CAO, shall determine the timing for posting any supporting documentation (that is not confidential) for public viewing on the website, suitable to promote accountability and transparency, yet allow council members the opportunity to preview material as appropriate. In the event that an addendum is produced on the same day as the Council meeting, in addition to the email notification, the Clerk shall provide each member of Council at the meeting with a paper copy of the addendum and supporting documents.

7.7 Notices of Motion:

A Member may use a notice of motion to introduce new business involving a matter not already on the Council or Committee of the Whole agenda, by filing a written notice of motion duly seconded by another member, with the Municipal Clerk, in accordance with the timing set out for correspondence in subsection 7.4.2 of this procedure by-law.

Said written notice shall contain the wording of the proposed motion for Council to consider and may be submitted to the Municipal Clerk in hard copy or by email. The seconder may also submit their concurrence with the motion in hard copy or by email.

The motion shall be placed on the agenda under the heading “Notices of Motion”.

Council may decide, before dealing with a notice of motion, to refer it to a committee or other body.

7.8 Confidential and Closed Session Items

Closed session agendas and agenda packages shall be provided to the Committee of the Whole by 4:30 on the Friday prior to the meeting for regularly scheduled meetings, or the Monday if the Friday is a holiday. Any new items for closed session agendas and agenda packages shall be provided to Council by 4:30 on the Monday prior to the meeting for regular meetings, or the Tuesday if the Monday is a holiday. For special meetings the timing for providing these shall be the same as for special meetings as outlined in sections 7.6.6 and 7.6.7. The closed session agenda along with reports and correspondence for Council’s consideration on that agenda shall be provided to Council in written or electronic format; however, staff

may provide verbal updates to closed session agenda items when more timely information is deemed appropriate. Electronic copies of confidential and closed session items shall be provided to Council members by posting on a secure section of the Municipal website. These documents shall be stamped confidential before scanning to create an electronic document, or shall contain a “confidential” water mark if created internally. At the discretion of the Clerk, in consultation with the Mayor and CAO, closed session items of a highly sensitive nature may be provided to Council only in hard copy, on dark-coloured paper and stamped or watermarked “Confidential”.

7.9 Adjournment

7.9.1 Committee of the Whole meetings shall adjourn a maximum of three (3) hours after they commence.

7.9.2 Notwithstanding section 7.9.1, the Committee may pass motions to extend the meeting in increments of one hour or less.

7.9.3 The hour for adjournment for Regular Council Meetings shall be no later than 9:30 p.m.

7.9.4 Notwithstanding section 7.9.3, the Council may pass a motion to extend the meeting to 10:30 p.m. Additional motions to further extend the meeting shall require unanimous consent of the Members present.

8. QUORUM

8.1 Quorum shall be more than 50% of the members.

8.2 If there is not a quorum within fifteen (15) minutes after the time appointed for the Meeting, the Clerk or designate shall call the roll and record the names of the Members present and the Meeting shall stand adjourned until, in the case of Council, the next Regular Meeting or until a Special Meeting is called and, in the case of a Committee of Council, its next scheduled Meeting.

9. DUTY OF THE CHAIR

9.1 The chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council or Committee of Council by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case if called upon to do so.

9.2 In addition, it shall be the duty of the Chair to:

9.2.1 Open the Meeting by taking the Chair and calling the Members to order.

9.2.2 Announce the business before the Council or Committee of Council in the order in which it is to be acted upon.

9.2.3 Receive and submit, in the proper manner, all motions presented by the Members.

9.2.4 Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results.

9.2.5 Decline to put to vote motions which infringe on the rules of procedure.

9.2.6 Restrain the Members within the rules of order when engaged in debate.

9.2.7 Enforce, on all occasions, the observance of order and decorum among the Members.

9.2.8 Call, by name, any Members persisting in breach of the rules of order of the Council, thereby ordering any such Members to vacate the Council Chamber.

9.2.9 Receive all messages and other communications and announce them to Council or Committee of Council.

- 9.2.10 Where the Chair is Head of Council, authenticate, by his or her signature, all By-laws, motions and minutes of the Council.
- 9.2.11 Represent and support the Council or Committee of Council, declaring its decisions in all things.
- 9.2.12 In directing the course of debate, the Chair shall:
 - (a) Designate the Member who has the floor when two or more Members raise their hand to speak.
 - (b) Preserve order and decide questions of order.
 - (c) Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this By-law.
 - (d) May designate the CAO, Clerk or a Councillor to read motions or By-laws.
- 9.2.13 Ensure that the decisions of Council or Committee of Council are in conformity with the laws and By-laws governing activities of same.
- 9.2.14 Adjourn the Meeting when the business is concluded.
- 9.2.15 Adjourn the Meeting without questions put, in the case of grave disorder arising in the Council Chamber.
- 9.2.16 Perform the additional duties of the Chair included in the Appendixes to this By-law.
- 9.3 The Chair at a Council or Committee of Council Meeting may expel or exclude from the Meeting, any person or persons who, in the opinion of the Chair, have behaved improperly.
- 9.4 The Chair (except where disqualified from voting by reason of interest or otherwise) may vote with Members on all Questions. Any questions on which there is an equality of votes shall be deemed to be negative.
- 9.5 The Chair, including the Head of Council, may state his or her position on any matter before the Council prior to the commencement of debate and/or at the conclusion of the debate. Should the Chair wish to move or second a motion or take part in the debate, he or she shall vacate the Chair and shall call upon the Acting Chair to fill his or her place until he or she resumes the Chair.

10. DECORUM

No member shall:

- 10.1 Disturb another Member, or the Council or Committee of Council, by any disorderly deportment disconcerting to any Member speaking;
- 10.2 Resist the rules of Council or disobey the decision of the Chair or of the Council or Committee of Council on questions of order or practice or upon the interpretations of the rules of order;
- 10.3 After being expelled for improper behaviour, or after being ordered by the Chair to vacate after committing a breach of any rule of order, a member may be permitted to retake his or her seat at any Meeting, without making apology as long as he or she has the consent of the Council or Committee of Council expressed, without debate, by majority vote of the other Members present.
- 10.4 Speak until he or she is acknowledged by the Chair;
- 10.5 Walk across or out of the Council Chamber or make any noise or disturbance when the Chair is putting a question or shall leave his or her seat while a vote is being taken and until the result thereof is declared.

11. RULES OF DEBATE

- 11.1 Conflict of Interest

- 11.1.1 Every Member present at a Meeting where a question is put shall vote thereon, except that, if the Member has any pecuniary or other conflict of interest, direct or indirect in the question, he or she shall at the first opportunity disclose his or her interest and shall refrain from taking part in the discussion and shall vacate his or her seat and refrain from voting on the particular question. When a conflict is declared at any meeting, the Chair shall briefly explain the conflict of interest rules to any audience present. If a member declares a conflict of interest for the in camera session, the Councillor must vacate the chamber.
- 11.1.2 No member, after having disclosed a conflict of interest on any matter, may move, second, speak or vote on a confirmation by-law.
- 11.2 In addressing the Council or a Committee of Council, no Member shall:
 - 11.2.1 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, or the Canadian Flag;
 - 11.2.2 Use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member thereof;
 - 11.2.3 Speak on another topic beside the question in debate;
 - 11.2.4 Criticize any decision of Council or Committee of Council except for the purpose of moving that the question be reconsidered;
 - 11.2.5 Disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.
- 11.3 In Council:
 - 11.3.1 Every motion, when duly moved and seconded, shall be received by the Chair.
 - 11.3.2 The order of discussion shall be as follows:
 - 1) Mover
 - 2) Secunder
 - 3) Any other Member who wish to speak
 - 4) The mover may sum up his or her position.
 - 11.3.3 Every Member, when speaking to any question or motion, shall respectfully address the Chair;
 - 11.3.4 When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a point of order;
 - 11.3.5 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;
 - 11.3.6 No Member shall speak to the same question for longer than Five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with further two (2) minutes may be granted. Notwithstanding, the Chair may extend the total time and /or number of times that Members may speak if, in the opinion of the Chair, the topic under debate so warrants.
 - 11.3.7 A reply shall be allowed to a Member who has made a substantive motion, to any Member who has moved an amendment and/or instruction to a Committee.
 - 11.3.8 A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for clear understanding thereof;
 - 11.3.9 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions;

- 11.3.10 Questions may only be asked through the Chair and only of:
- (i) the previous speakers;
 - (ii) the Chair;
 - (iii) an Official or member of staff of the Municipality; or
 - (iv) a member of the public in accordance with section (i).

11.3.11 Members of the public may speak only with the unanimous consent of Council.

12. VOTING ON QUESTIONS

- 12.1 When the Chair calls for the vote on a question, each Member shall occupy his or her seat and shall remain there until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room or speak to any other Member or make any noise or disturbance.
- 12.2 Before a vote is taken, any Member may request a recorded vote. If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried, or lost, he or she may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken in the manner prescribed in Section 13 of this By-law.

13. RECORDED VOTE

- 13.1 When a Member present requests a recorded vote, the Clerk or designate shall conduct the vote and all Members present at the Meeting must vote in alphabetical order, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and others who voted against shall be noted in the minutes. The recording person shall call the names of the Members and announce the results.
- 13.2 If any Member at a Meeting does not vote when a question is called, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

14. MOTIONS

- 14.1 The following motions may be introduced orally:
- (a) A point of order or personal privilege
 - (b) Presentation of petitions
 - (c) Motion to adjourn (not debatable)
 - (d) Motion that the vote now be taken
 - (e) Motion that the Council resolve itself into a Closed Session (not debatable)

14.2 Splitting a Motion

When the motion under consideration concerns two or more matters, upon the request of any Member, the vote upon each matter shall be split.

14.3 Withdrawal of a Motion

After a motion has been received and/or read by the Chair, it shall be deemed to be in the possession of the Council or Committee of Council but it may, with the majority consent of the Members present, be withdrawn by the mover prior to amendment or voting thereon.

14.4 A Motion to Amend

- 14.4.1 Shall receive disposition of Council or Committee of Council before a previous amendment or the question
- 14.4.2 Shall not be further amended more than once; however, there is no limit on the number of amendments that may be made to the main question.

- 14.4.3 Shall be relevant to the question to be received
- 14.4.4 Shall not be received proposing a direct negative to the question
- 14.4.5 May not propose a separate and distinct disposition of a question

14.5 A Motion to Defer

- 14.5.1 Must be seconded and is debatable.
- 14.5.2 Shall receive disposition of Council or Committee of Council before a previous amendment or the question.
- 14.5.3 Shall state whether it is a motion to table, to defer to a specific time, or to defer indefinitely.
 - (a) A motion to table shall only be used to put aside a question so that more urgent business can be attended to and, if carried, may be resumed at any time on a motion that the matter be taken from the table.
 - (b) A motion to defer to a specific time, if carried, shall be reintroduced on the agenda of the meeting specified in the motion.
 - (c) A motion to defer indefinitely, if carried, shall not be reintroduced until it is later revived on motion.
- 14.5.4 Shall, if carried, cause the motion to which it applies to be removed from debate along with any amendments that have been moved.
- 14.5.5 Shall not be used to delay a question until more information is provided unless it is used to delay the matter to a specific meeting or where a subsequent report is anticipated and this fact is stated in the motion. If it should be decided that a subject demands fuller consideration than can be given in a regular meeting, a motion to amend the original motion can be made to refer the matter to staff or to a standing or special committee for further information or for recommendation to Council. Such a motion may be amended and debated, but only the issue of reference, not the main question.

14.6 Jurisdiction

A motion in respect of a matter, which is beyond the jurisdiction of Council or Committee of Council, shall not be in order.

14.7 Calling the Question

- 14.7.1 Immediately preceding the taking of the vote, the Chair may state the motion in the form introduced and shall do so if required by a Member. The Chair shall state the question in the precise form in which it shall be recorded in the minutes.
- 14.7.2 After a question is finally put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

14.8 Decision

- 14.8.1 The manner of determining the decision of the Council or Committee on a motion shall be by a show of hands.
- 14.8.2 Any motion shall require a majority of votes of those members present in order to be valid and binding on Council or Committee of Council. Where only a quorum is present, a motion, in order to carry or be passed, must be affirmed by the majority (i.e. three or more Members) present at the Meeting.

14.9 Reconsideration

After any question has been decided, the following shall prevail:

- 14.9.1 Any Member of Council who voted thereon with the prevailing side may give notice at any Regular Meeting of Council for a reconsideration of the question at any Regular Council Meeting. When notice is given for a reconsideration at the same meeting as a motion was passed, or when notice is given for a reconsideration of a motion from a previous meeting to be reconsidered at the same meeting as the notice was given, the motion shall be reconsidered in the Unfinished Business section of that meeting.
- 14.9.2 Any Member of Council who voted thereon with the prevailing side may move the motion to reconsider, any Member of Council may second it.
- 14.9.3 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 a calendar year.

15. CLOSED SESSION

15.1 Chair

- 15.1.1 Whenever the Council resolves itself into Closed Session, the Mayor or Chair may appoint the Deputy-Mayor as Chair of the Closed Session and vacate the Chair.
- 15.1.2 The Chair of the Closed Session shall maintain order and report the proceedings to the Council.

15.2 Referral of Matter

No Report of a Committee shall be referred to a Closed Session of Council unless such Committee Report has been provided to the Members in advance of the Closed Session.

- 15.3 The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Closed Session so far as they are applicable.

16. MINUTES

- 16.1 The minutes of all meetings shall record the following:

- (a) The place, date and time of Meeting;
- (b) The names of the Chair or Chairs and record of attendance of the Members;
- (c) The reading, if requested, correction and adoption of the minutes of the prior Meeting;
- (d) All other proceedings of the Meeting without note or comment.

- 16.2 When there are Unregistered Presentations or Announcements and Verbal Reports made at a meeting they shall be recorded in the minutes as stated in Sections 7.3.3(c) and 7.5 of this by-law respectively.

17. BY-LAWS

- 17.1 Every By-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedures or to comply with the provisions of any Act and shall be complete with the exception of the date of passing of readings and signature of the Mayor and Clerk.
- 17.2 Every By-law shall have three readings prior to it being enacted.
- 17.3 If council so determines, a By-law may be taken as read.
- 17.4 All three readings of the By-law may be introduced with the same motion, duly moved and seconded by a Member of Council, specifying the title and number of the By-law. In this case, amendments to the By-law shall be made as amendments to the original motion. Alternately, each of the readings may be read separately at the direction of the Clerk and, in that case, the By-law may be amended after the first reading

and after the second reading, without amendments to the original motion. Any remaining amendments to the By-law at third reading must be made as amendments to the motion for third reading.

- 17.5 The Clerk shall set out on all By-laws enacted by Council, the date of the reading thereof.
- 17.6 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 Mayor and the Clerk shall ensure that the By-law is properly stored for safekeeping.

18. STANDING COMMITTEES

18.1 There shall be the following Committees, which shall meet as requested and as set out by By-law:

- (a) General Government and Finance Advisory Committee
- (b) Public Works and Water Advisory Committee
- (c) Protection to Persons and Property Advisory Committee
- (d) Parks and Recreation Advisory and Service Committee
- (e) Economic Development Advisory Committee
- (f) Planning Advisory Committee
- (g) Social Services Committee

18.2 Quorum:

- 18.2.1 The majority of the Members of a Standing or Ad Hoc Committee shall constitute a quorum. Members shall be permitted to attend a Standing or Ad Hoc Committee meeting and vote by phone and such members in attendance by phone shall be counted when determining a quorum.
- 18.2.2 Notwithstanding section 18.2.1 when the Parks and Recreation Advisory and Service Committee is acting in the capacity of a service committee, quorum shall be three (3).

- 18.3 The membership of all Standing Committees referred to in the Section may be reviewed by Council on an annual basis. Should there be any vacancy on a Standing Committee between annual reviews, Council may fill that vacancy for the period of time prior to the next annual review.
- 18.4 The appointed Member of Council shall be the Chair of each Standing Committee. If the Chair is unable to attend at any meeting of a Standing Committee, an Alternate Chair may preside at that meeting. For Standing Committees where a second Member of Council is appointed, the second member shall be the "Alternate Chair"; where there is not a second Member of Council appointed, the Chair may appoint one of the committee members as "Alternate Chair" or leave it to the Advisory Committee to select the Chair for that meeting.
- 18.5 Council may, at any time, discontinue any Standing Committee referred to in this Section or replace any Standing Committee member.
- 18.6 Where Advisory Committees do not meet the criteria for a Committee as defined in the Municipal Act, 2001, as amended, (see section 2.1) they shall not necessarily be subject to the requirements of the rules of procedure set out in this by-law. They shall, however, still be obliged to follow the requirements for: notice of meetings; meetings open to the public; and records of meetings as follows:
 - 18.6.1 Notice of meetings: Where an Advisory Committee has regularly scheduled meetings, the notice requirements may be met by posting the schedule of meetings on the Municipal website and on the bulletin board in the lobby of the Municipal Office. When a meeting is to be held at a time, day or place other than that posted as above, the Advisory Committee shall give notice, at least 48 hours in advance of such meeting, to be posted on the Municipal website and on the bulletin board in the lobby of the Municipal Office.
 - 18.6.2 Meetings open to the public: All meetings of Advisory Committees shall be open to the public to observe the proceedings. No Advisory Committees shall be permitted to go into Closed Session

without the specific authorization of Council by resolution, in which case all rules of this by-law and the Municipal Act concerning closed meetings shall apply.

18.6.3 Records of meetings: Minutes of the proceedings of all meetings of Advisory Committees shall be recorded in accordance with section 16 of this by-law. Although formal motions shall not be required, they may be used as deemed advisable by the committee. If formal motions are not used, the amendment, if necessary, and the adoption of the minutes of the previous meeting may be by vote or by affirmation by consensus of the committee at the next meeting where a quorum is present and the manner of adoption shall be recorded.

18.6.4 Notwithstanding section 18.6.3, when the Parks and Recreation Advisory and Service Committee is acting in the capacity of a service committee, staff taking the minutes of the committee need, at a minimum, only to record the date, time, and place of the meeting, the names of those in attendance, and the event(s) being worked on. Such minutes shall not require adoption by the committee or to be provided to Council, but shall be provided to the Municipal Clerk.

18.7 Budget Process:

The General Government and Finance Advisory Committee (GG&F) shall assist with the annual municipal budget process as follows:

18.7.1 In the fall of the preceding year, GG&F shall draft preliminary budget guidelines for Council to consider in developing a budget strategy and in setting guidelines for annual budget submissions. Consideration of these may be done in a Committee of the Whole meeting.

18.7.2 After the deadline set in the budget guidelines, Council in a Committee of the Whole meeting shall consider the initial budget submissions from staff, committees and local boards and provide comment and strategic direction to GG&F regarding the draft budget.

18.7.3 GG&F shall work with staff to draft the budget, using the guidelines and any additional direction from Council resulting from their preliminary review of the budget submissions.

18.7.4 GG&F shall then bring the draft budget for discussion at a Council meeting. Once approved by Council, the final draft budget and by-laws shall be considered for adoption at a subsequent council meeting.

18.7.5 GG&F shall ensure that all department heads and local boards are kept informed during the process of any changes being recommended by GG&F to their budget submissions.

18.8 Attendance of Council Members at Committee Meetings:

Members of Council that are not appointed to a committee may attend any meeting open to the public as members of the public, provided that said meeting has met the requirements for notice of the meeting. When a quorum or more of Council attends a committee meeting, other than a Committee of the Whole meeting, the Chair shall ensure that Members not appointed to the committee do not participate in the meeting, thereby participating in advancing the business of the Municipality and inadvertently creating a council meeting.

19. OTHER COMMITTEES

19.1 The contents of this By-law shall apply to all Standing, ad hoc and Committees of Council. The general procedures to be followed by all Advisory Committees established shall be set out generally within the relevant terms of reference.

20. CONFIRMATION BY-LAW

20.1 There shall be enacted a By-law at the end of each Council Meeting to confirm each recommendation contained in any Report of Advisory Committees, and in respect of each motion, motion and other actions

passed and taken by the Council at the Meeting, except where the prior approval of the Ontario Municipal Board or any other body or agency is required.

20.2 That a motion for leave to pass a By-law to confirm the proceedings of a Meeting of Council shall be voted upon.

21. AMENDMENTS TO THIS BY-LAW

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

22. MATTERS NOT PROVIDED FOR IN THIS BY-LAW

22.1 Where any matter of procedure is not provided for in this By-law, Bourinot's Rules of Order, as revised, shall be followed by Council provided all provisions of this By-law are complied with.

23. SEVERABILITY

23.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of 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. FORCE AND EFFECT

24.1 By-law No. 16-1279 and all amendments thereto are hereby repealed.

24.2 This By-law shall take effect on the final passing thereof.

25. CITATION

25.1 This by-law may be cited as "the Procedure By-law".

26. MINOR CORRECTIONS

26.1 The Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

TAKEN AS READ A FIRST time on this 28th day of September 2017.

READ A SECOND AND THIRD TIME AND FINALLY PASSED on this 28th day of September 2017.

Mayor

Clerk

**THE CORPORATION OF THE
Municipality of Temagami**

**APPENDIX 1 to BY-LAW NO. 17-1365
AUDIO RECORDING POLICY**

1. PURPOSE

As stated in the Municipality of Temagami’s Accountability and Transparency Policy: “The Council of The Corporation of the Municipality of Temagami acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner ... Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders.”

A high percentage of Temagami’s taxpaying population resides outside the physical land base of Temagami, making attendance at council meetings difficult for the majority, therefore Council has decided to provide audio recordings of the public sessions of Council meetings to enhance transparency and accountability by providing an additional means for its residents to be fully aware of council proceedings.

This document is to specify the policy for creating, storing, accessing and disposing of audio recordings of Council meetings.

2. SCOPE

This policy will apply to the recording of both open and closed sessions Council meetings.

3. DEFINITIONS

For the purposes of this Policy:

- 3.1. Council meeting – means a regular or special meeting of Council as provided for in the Procedural By-law.
- 3.2. Audio recording – means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by digital audio files and stored on a computer, or in any other format.
- 3.3. Official Record of a Meeting – means the written minutes of the proceedings of the meeting as prepared by the Municipal Clerk.
- 3.4. Transitory Record – for the purpose of this policy means a record, that has only a temporary value and is not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt, or provide evidence of legal, financial, operational or other official decisions.

4. OFFICIAL RECORD

In accordance with the Municipal Act, 2001, minutes of meetings are to be recorded by the Clerk and approved minutes are the official record of the Municipality of Temagami meetings. The keeping of audio recordings of meetings in no way detracts or undermines the position of approved minutes as the official record of decisions and are considered to be transitory records.

5. PURPOSE OF RECORDINGS

Audio recordings of open sessions of Council meetings shall be for the primary purpose of making the recordings available to the public thorough the municipal website, and may also be used by the Clerk or designate for the purpose

of reference when compiling the minutes of the meeting.

Audio recordings of Closed Session meetings of Council shall be for the primary purpose of making the recordings available to an investigator from the Ombudsman's office (or other official closed meeting investigator appointed by Council in accordance with the Municipal Act) in the event of a formal investigation of a closed meeting complaint, and may also be used by the Clerk or designate for the purpose of reference when compiling the minutes of the meeting and for the reference of Members of Council only, to be confidentially accessed through a secure section of the municipal website

6. TECHNICAL DIFFICULTIES

The inability to record any meeting due to technical difficulties with recording equipment will not prohibit the meeting from commencing or continuing.

The Municipality shall not be liable for failing to publish or produce audio recordings of any meeting where recording the meeting was not viable due to technical difficulties.

Due to the nature of technical equipment, it is not guaranteed that audio recordings will be continuous or fault-free.

7. NOTICE

Notice shall be provided to ensure that presenters and members of the public are aware that the meeting proceedings are being audio recorded and made available through the municipal website.

The wording of the notice shall be as follows:

“An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government”.

“As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting”.

The Notice shall be displayed/expressed in the following manner:

- On the agenda for the relevant meeting of Council
- On notices posted at the entry doors to the meeting room
- On the municipal website
- On the information sheet for delegations
- Verbally to phone-in delegations

8. TERMINATION OR SUSPENSION OF RECORDING

The recording of Council meetings shall begin at the commencement of the meeting and conclude at the adjournment of the meeting. The Chair has the authority to request termination or suspension of the recording of a meeting if continuing the recording would prejudice the proceedings of the meeting. This would include:

- Public disturbance or other suspension of the meeting
- Exclusion of the public and press
- Any other reason as agreed by Council.

9. RESPONSIBILITY

9.1. Municipal Clerk and/or Designate

Shall be responsible for:

- Audio recordings of all open sessions and closed sessions of Council.
- Ensuring that closed sessions are recorded in separate files from open session recordings.

- Publishing the audio recordings of all open sessions so that they are accessible through the municipal website (by means of storage on the municipal website or a link to an outside provider such as SoundCloud) without alterations to the original recording of the meeting.
- Archiving and storing the audio recordings of Council meetings electronically in a secure manner.

9.2. Chair

Shall be responsible for:

- Clearly announcing all business before Council
- Maintaining order as outlined within the Procedural By-law, and acknowledging each member by name prior to him or her speaking.

9.3. Members of Council

Shall be responsible for:

- Ensuring that his or her microphone at the council table is turned on any and every time he or she has the floor to speak.
- Speaking directly into his or her microphone at the council table to ensure that his or her words are recorded.
- Refraining from speaking at the same time as another member is speaking to ensure that the member who has the floor is clearly recorded.
- Ensuring the confidentiality of closed session recordings made available to them.

10. STORAGE AND RETENTION

- Storage of audio recordings of Council meetings will be maintained by the Municipal Clerk.
- Archived audio meeting files will be maintained permanently and may only be disposed of if a shorter retention period is added to the Municipal Record Retention Schedule.

11. ACCESS TO RECORDINGS

Audio recordings of open sessions of Council meetings can be accessed through the municipal website for the remainder of the 4-year Term of Council. Audio recordings of closed sessions shall be made available in a secure password-protected format to Members of Council only through the secure council confidential section of the municipal website. Each and every Member of Council shall be responsible to maintain the confidentiality of closed session recordings.

Access to archived and stored recordings of Council meetings must be requested in writing to the Municipal Clerk.

Any costs for reproduction of audio recordings, including the cost of the medium they are recorded on and staff time involved shall be the responsibility of the requester and must be paid before an audio recording is released. These costs shall be included in the annual Municipal User Fees By-law.

Unless otherwise indicated, copyright to the records of council meetings made available on the Municipal website is owned by the Municipality. Permission is granted to produce or reproduce the recordings posted on the Municipal website, or any substantial part of such recordings, for personal, non-commercial, educational, and news reporting purposes only, provided that the copied material is not modified or altered and ownership of the material is attributed to the Municipality. For certainty, no person may use the recordings for political party advertising, election campaigns, or any other politically partisan activity. Unless expressly authorized herein, no part of the recorded materials posted on the Municipality’s website may be reproduced except in accordance with the provisions of the Copyright Act, as may be amended or replaced from time to time, or with the express written permission from the Municipality.

12. POLICY REVIEW

This policy shall be reviewed a minimum of once per Council term to ensure its effectiveness.

**THE CORPORATION OF THE
Municipality of Temagami**

APPENDIX 2 to BY-LAW NO. 17-1365

PROCEDURE FOR TELEPHONE OPTION FOR UNREGISTERED PRESENTATIONS

This appendix may be amended by a resolution of Council

Presenters shall be permitted to address Council via telephone as unregistered presentations subject to all the other rules for unregistered presentations and presentations/delegations in general and also subject to the following procedure:

Persons wishing to be heard via telephone shall phone the municipal office no earlier than the business day before the council meeting and no later than 3:00 p.m. on the day of the council meeting and speak with the Municipal Clerk or designate in person.

The Municipal Clerk or designate (“the Clerk”) shall record the person’s first and last name, address and contact telephone number where they may be reached during the council meeting.

The Clerk shall ensure the prospective presenter is aware of the rules for presentations. This may be done by directing them to the procedure on the website, emailing the procedure, or explaining it over the phone.

The Clerk shall inform the prospective presenter that there may or may not be time to hear the person during the time allotted and that they will only be phoned from the council chambers if there is time to hear their presentation.

During the Council meeting, the Chair shall give precedence to presenters that are present at the council meeting that have not been heard at previous council meetings, then to presenters by phone who have not been heard at previous council meetings.

When Council is to hear a presenter by phone, the Clerk shall call the contact telephone number when directed by the Chair. Once the Clerk has verified that the prearranged presenter is on the line, the Chair shall invite the presenter to commence speaking to Council.

If there is no answer, or the presenter is not available at that time, the call shall be terminated and the next presenter shall be given the opportunity to speak. If there is time remaining after all other presenters have participated, a second attempt may be made to a presenter who could not be reached on the first attempt.

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