

**THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 17-1361**

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**Being a by-law to amend By-law 16-1279, being a by-law to regulate the proceedings of the Council of the Municipality of Temagami.**

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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, place and proceedings of meetings;

AND WHEREAS the Municipal Council of the Corporation of the Municipality of Temagami passed Procedure By-law 16-1279 on the 25<sup>th</sup> day of February 2016;

AND WHEREAS Council passed Resolution 17-424 on the 29<sup>th</sup> day of June 2017 to receive Memo 2017-M-072 regarding Audio Recording and to give staff direction to proceed, and Resolution 17-465 on the 20<sup>th</sup> day of July 2017 to adopt the Audio Recording of Council Meetings Policy as presented and to direct staff to prepare an amendment to Procedure By-law 16-1279 to incorporate this policy for the August 10, 2017 regular council meeting;

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

1. That the following subsection be added to section 1: Definitions, with the remaining subsections renumbered accordingly:

“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.
2. That the following subsection be added to section 2: General, with the remaining subsections renumbered accordingly:

“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.”
3. That this By-law shall take effect upon the final passing thereof.
4. That 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 10th day of August, 2017.

READ A SECOND AND THIRD TIME AND FINALLY PASSED on this 10<sup>th</sup> day of August, 2017.

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Mayor

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Clerk

**THE CORPORATION OF THE  
Municipality of Temagami**

**APPENDIX 1 to BY-LAW NO. 17-1361**

**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 through 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.

#### **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.
- Archiving and storing the audio recordings of Council meetings electronically.
- Ensuring the confidential storage of closed session recordings

### **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.

## **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 and disposed of in accordance with the Municipal Record Retention Schedule.

## **11. ACCESS TO RECORDINGS**

Audio recordings of Council meetings can be accessed through the municipal website for a period of up to six (6) months.

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.