

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW 23-33

BEING a by-law to govern the proceedings of the municipal council, the conduct of its members and the calling of meetings.


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

NOW THEREFORE, the Council of the Corporation Town of Mattawa enacts as follows:

1. **THAT** Procedure By-law 11-08 be amended to include Policy 3 Council Meetings as "Appendix A" and forms part of this By-law.
2. **THAT** the duties and responsibilities for conducting a meeting are defined in "Appendix A".
3. **THAT** By-law 11-08 sections 3 to 11, 13 to 41, 50 to 55 and 57 to 62 are hereby repealed and replaced with Policy 3 Council Meetings.
4. **THAT** By-laws 18-02 and 20-08 are hereby repealed.
5. **THAT** this By-law come into force on the day of its final passing.

READ A FIRST and SECOND TIME, this 18th day of December, 2023.

READ THIRD TIME and FINALLY PASSED, this 18th day of December, 2023.



Mayor



Clerk

POLICY 3 Council Meetings
(October 9, 2023)

Council, its committees and Boards of Council will conduct their meetings in a predictable and standard manner that provides for the effective governance of the Town of Mattawa and reflects compliance with the laws of Ontario. Unless otherwise determined by Council, all meetings are open to the public.

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PROCEDURES

3.1 AGENDAS

3.1.1 PREPARATION

The Clerk shall draft the forthcoming agendas for all Council and Committee meetings for the endorsement of the Chair and approval by Council or Committee by:

1. Emailing all Members of Council and Committees one week preceding a next meeting to request agenda items:
 - a. To be returned two days later by 12:00 noon and
 - b. In the required format (Appendix 3.1.2)
2. Ensuring correspondence and petitions received from the public and meriting attention are, at the Clerk’s discretion, included in the same or subsequent agenda
3. Including any staff reports related to an agenda item
4. Sharing the current draft agenda with the Chair prior to said meeting
5. Distributing the draft agenda and supporting documents by email to the membership by that Thursday, 4:00pm
6. Accepting, at the Clerk’s discretion, a notice received of new business from a Member or a delegation after Wednesday, 12:00 noon to:
 - a. Include the item on the agenda as an addendum for
 - b. A motion to address the new business or delegation at said meeting
7. Recording the Chair’s acknowledgement of a written notice of motion received during a meeting and
 - a. Including the motion on the agenda for a subsequent meeting.

3.1.2 FORMATS

As reflected in [Appendix 3.1.2 agenda formats](#), the Clerk shall ensure draft agendas are proposed in a standard format for the following:

- Council Meetings:
 - Regular
 - Committee of the Whole
 - Special
- Standing Committees Meetings
- Closed Meetings

The Clerk shall draft flexible agendas for Ad Hoc Committee meetings pursuant to their Terms of Reference.

3.1.3 ADOPTION

As the agenda is being considered for adoption, the membership may approve a motion by a majority vote to:

- Adopt the agenda, or
- Alter the order of business at said meeting, or
- Accept an addition to the agenda, or
- Delete an item, or
- Defer and item.

The Chair may not exclude any matter from a distributed agenda or rule any item out of order until that item is placed before the Council or Committee.

3.1.4 DEFERRAL

The membership shall determine by resolution its action on agenda items not addressed during a meeting. (Procedure 3.10.1)

3.2 CONVENING MEETINGS

3.2.1 OCCURRENCE OF MEETINGS

The time and place listed below can be altered by a 2/3 majority vote of Members attending provided that:

- Adequate notice of the change is posted on the municipal website, and
- The location is within the boundaries of the municipality.

All meetings shall occur at the Dr. S. F. Monestime Municipal Council Chambers.

Prior to the commencement of the first Regular Meeting following a new Council's Inauguration, the Clerk, in consultation with the Head of Council, shall:

- Establish for Council and Committee meetings, the seating arrangement for Members during the term of that Council, and
- Designate the seating arrangement for the media, municipal staff and the public at Council meetings

Any person who contravenes the established seating arrangement shall be subject to censure by the Chair pursuant to Procedure 3.10.1

3.2.2 MEETING DATES

The following meetings will be re-scheduled to the business day following a statutory holiday.

Inaugural Meeting

On the first Monday following the confirmation of official results of a municipal election the Clerk will:

- Administer the:
 - declarations of office
 - oaths of allegiance, and
 - the Code of Conduct for all Members, and

The Head of Council will deliver the Inaugural speech, and
The meeting will conduct no other business.

Regular Meetings of Council:

- 6:00pm on the second & fourth Monday of each month except for:
 - Only on the second Monday of the month of July, August and December

Special Meetings

1. The Head of Council may, at any time, summon an open or closed Special Meeting for a specified purpose by:
 - Ensuring the Clerk provides a notice of the Meeting to Members a minimum of twenty-four (24) hours before the meeting.
2. Upon receiving a petition by majority of Council, the Clerk shall summon an open or closed Special Meeting for the purpose set out in the petition by providing a Notice of the Meeting to Members a minimum of twenty-four (24) hours before the Meeting.
3. No business other than that specified in the notice shall be addressed.

Committee of the Whole

Shall meet at 6:00pm on the third Monday of each month, excluding July, August and December.

Standing Committees

Shall meet on the first Monday of each month.

AD HOC Committees

Pursuant to their Terms of Reference at any time that is not in conflict with a meeting of Council or its Committees.

3.2.3 NOTICE OF MEETINGS

The Clerk shall, as required, email notice of each meeting to:

- All Council Members
- All Committee Members
- The Chief Administrative Officer, and
- Managers and senior staff of the Town of Mattawa

AND

- For open meetings, post the Notice on the municipal:
 - Website
 - Facebook, and
 - Mattawa App.

The notice shall:

- State the time, date and place of the meeting,
- Provide:
 - An agenda, and
 - Needed documents that have not been previously available to those being notified
- Not provide an agenda or documents for a closed meeting.

For special meetings, the Head of Council will identify additional persons for the Clerk who will:

1. Email notice as above, and
2. If necessary, attempt notice by telephone or personal service.

Failure of any person to receive notice of a meeting shall not affect the legitimacy of the meeting or its outcomes.

3.2.4 NON-ATTENDANCE

Any Member of Council or committee of Council shall, if possible, notify the Clerk of non-attendance by email through info@mattawa.ca, 24 hours before a scheduled meeting.

3.2.5 CANCELLATION OF MEETINGS

The Chair or Clerk will:

1. Cancel a meeting of Council or a Committee when:
 - a. A lack of quorum is confirmed
 - b. An emergency or disaster supersedes the need for a meeting
 - c. There is no business to be addressed and
2. Notify the Members accordingly.

3.3 QUORUM

3.3.1 MINIMUM

The quorum required to commence and continue a meeting of Council or a committee shall be more than 50% of its members.

Procedure 3.11 applies if quorum is not maintained.

3.3.2 Conflict of Interest

When a member declaring a conflict-of-interest (Procedure 5.3) results in less than the number constituting a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

Guideline 3.3.2

3.4 ELECTRONIC PARTICIPATION

When in-vivo participation is not feasible, Members of Council or a committee shall use electronic conferencing (IE: Microsoft Teams, GoToMeetings, Zoom etc.):

- Preferably with a visual connection or as a lesser alternative ...
 - With an audio connection and
- They shall
 - If possible, notify the clerk 24 hours prior to the meeting, and
 - Connect to the meeting 15 minutes prior to the meeting.

AND

Members shall limit their use of electronic participation to 12 meetings per calendar year.

Members participating electronically during meetings shall:

- Count as quorum
- Have the right to vote pursuant to Procedure 3.5.1
- Unless approved otherwise by the Chair, remain online for the entirety of the meeting to maintain quorum and merit full remuneration.

When matters are to be addressed in a closed meeting, Members shall:

- Attend the meeting in-vivo if notified prior to a meeting, or
- If participating electronically:
 - Disconnect themselves from the meeting
 - ⊖ Remain, at their discretion, in the online waiting room to wait for re-connection at the end of the closed session
- Merit remuneration for the duration of the entire meeting.

The Clerk will ensure microphones are muted for public participants unless

- They are recognised by the Chair

The Chair and the Clerk will conduct the meetings as otherwise normally, pursuant to procedures 3.5 “decisions by council or committee” and 3.6 “minutes”.

3.5 DECISIONS

3.5.1 REPORTS TO COUNCIL OR COMMITTEE

When a report from a delegation or employees is itemised on an agenda, the Chair shall:

1. Introduce the report to Members
2. Invite the presenter to speak to the report
3. Invite comments or questions from the Members
4. Accept the report as tabled and included in the minutes, and
5. Proceed as required by procedures 3.5.2 and 3.5.4

3.5.2 VOTING

All votes are open unless cast during In Camera meetings

All voters are recorded pursuant to their votes.

When needed to break a tie, the Chair shall be the last to cast a vote

The Chair shall call for a vote:

- With a simultaneous show of hands, or firstly by the voice of a Member participating by phone, and
- Any Member, may request the vote to be recorded by the Clerk who shall request the vote of each Member, starting with the Member who requested the recorded vote.

3.5.3 VICE CHAIR

The Deputy Mayor shall replace the Head of Council and a Vice Chair shall replace a committee Chair as needed.

If the Head of Council and Deputy Mayor or Committee Chair and Vice Chair are absent at the commencement of a meeting:

1. The Clerk shall call the meeting to order and
2. The Members present shall appoint one of their own as temporary Chair
3. Upon arrival during the meeting the formal Chair will automatically replace the temporary Chair to assume their duties.

3.5.4 DUTIES OF CHAIR

The Chair shall

- Preside over the conduct of the meeting to preserve good order and decorum
- Rule on:
 - Points of order
 - Questions of privilege
 - Points of information and
 - All questions relating to the meeting's process
- Ensure the Clerk enters all decisions requiring action in Council's Tracking System ([3.5.4](#))

Pursuant to a meeting's agenda the Chair of a meeting shall address the motions reflected therein by:

- Opening discussion on an information item by directing the Member and seconder filing the motion to speak to its content,

or

- Calling for a vote on a motion not requiring debate by:
 1. Directing the Member filing the motion to speak to its content
 2. Calling for a vote and ensuring:
 - 1) The motion at hand is clearly stated
 - 2) All discussion on the motion is terminated
 - 3) The Clerk:
 - a. First calls the other Members to vote to be registered and follows with the Chair's vote
 - b. Ensures all Members present register a vote, or
 - c. Registers a non-vote as against the motion, and
 - d. Announces the results of the vote

or

- Opening the meeting to debate on a motion requiring a debate by
 1. Ceding the Chair to an alternate Member for the duration and closure of a debate if
 - a. The Chair chooses to participate in the debate or
 - b. The Chair leaves the Council chamber when in conflict of interest (procedure 5.3)
 2. Speaking to the matter as Chair before the start of the debate
 3. Directing the Member or delegate filing the motion to speak to its content
 4. Directing the seconder to the motion to speak
 5. Recognising each Member wishing to speak to the motion
 6. Soliciting a reply from the mover of a main motion
 7. Confirming, any changes to the motion
 8. Closing the debate with comments, and
 9. Calling for a vote and ensuring:
 - A. The motion at hand is clearly stated
 - B. All discussion on the motion is terminated
 - C. The Clerk:
 - 1) First calls the other Members to vote to be registered and follows with the Chair's vote
 - 2) Ensures all Members present register a vote, or

- 3) Registers a non-vote as against the motion, and
- 4) Announces the results of the vote

3.5.5 APPEAL ON RULING

Should a Member appeal a ruling by the Chair:

1. The Member shall table a motion to appeal and explain the reason for the appeal
2. The Chair shall:
 - a. Reject the appeal with reasons, or
 - b. Call for a recorded vote without debate and
 - i. Accept or reject the appeal as determined by the vote

3.5.6 RECONSIDERATION

Once a motion has been carried, or lost, a Member who voted with the prevailing side may move for reconsideration either during the same meeting or at a subsequent meeting.

If such a motion is seconded, the Chair shall open a debate on the motion to reconsider and the debate will be resolved by

- A simple majority vote if addressed during the same meeting, or by
- A 2/3 majority vote if addressed during a subsequent meeting.

3.6 MINUTES

Pursuant to their approved agendas, the Clerk shall record:

- The start and end times of meetings, and
- The proceedings in a standard format for Council and Committee meetings, per [Appendix 3.6 example minutes](#)
- Each Member's vote when a vote has been called
- The decision on the Tracking System – (App. [3.5.4](#))
- A written notice of motion received during a meeting once declared as read by the Chair.

The Clerk shall ensure the minutes of closed meetings are secured to be adopted at the next scheduled, closed meeting

The Clerk shall record the attendance of the membership as follows:

- For adjournments - Members present at the expiration of the fifteen (15) minute time limit
- Temporary absence during a meeting - Member with time of departure and return
- Late arrivals – Member and time of arrival
- Early departure – Member and time of departure
- Electronic arrival - Member and time of arrival – with notification to the Chair
- Early departure from electronic presence – Member and time of departure with notification to the Chair
- A Council Member visiting a committee as a non-member of that committee as a, “visiting Council Member”.

The Clerk shall ensure live recordings of meetings are:

- Posted on the Town of Mattawa YouTube channel, or
- When possible, live streamed on the channel, with

- Reference on the Town of Mattawa social media Pages.

3.7 CLOSED MEETINGS

Closed meetings are restricted to Members of Council or a Committee and they may include, by invitation, any persons who are deemed to be relevant to the subject at hand.

3.7.1 REASONS

All or part of a Council, Committee or Board of Council meeting shall be closed to the public:

- If the subject matter being considered involves:
 - A. The security of the property of the municipality or local board;
 - B. Personal matters about an identifiable individual
 - C. A proposed or pending acquisition or disposition of land
 - D. Labour relations or employee negotiations;
 - E. Litigation or potential litigation,
 - F. Advice and information that is subject to solicitor-client privilege,
 - G. A matter respecting closed meetings under another Act;
 - H. Information explicitly supplied in confidence by Canada, a province or territory or their Crown agency;
 - I. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality
 - J. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
 - K. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
 - L. A request under the Municipal Freedom of Information and Protection of Privacy Act,
 - M. An ongoing investigation by the Ombudsman

Prior to commencing an In Camera meeting, the Chair shall ask the non-participants to retire to a location beyond the hearing of the meeting room.

3.7.2 CONDITIONS

All or part of a Council, Committee or a Board of Council meeting may be closed to the public:

- If the following conditions are **both** satisfied:
 - The meeting is held for the purpose of educating or training the Members.
 - At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, Board of Council or committee.
- To give direction to staff or consultants by consensus of Members present.

3.7.3 TRANSITION TO AND FROM

During a meeting of Council, a Committee or board of Council, a Member wishing to recess into an In Camera session on an agenda item being addressed by the Chair shall require a two-thirds vote on a motion to:

- Either defer a matter to the agenda of a closed session or
- Immediately recess to a closed session

Before all or part of a meeting is closed to the public, the Council or a Committee shall state by resolution the fact of the closed meeting and the general nature of the matter to be considered.

A meeting of Council, a Committee or board shall not be closed to the public during the taking of a vote unless:

- The Municipal Act requires a meeting to be closed to the public
- The vote is for:
 - A procedural matter, or
 - Giving directions or instructions to officers, employees, agents or persons retained by the municipality

3.7.4 CONDUCT

A Member may speak more than once during a closed meeting provided that all Members have spoken in turn.

The Chair shall not entertain a motion to adjourn during a closed meeting.

Upon completion of the closed session the Chair shall:

- Reconvene in public session, and
- Provide a verbal report to the public on the disposition of items discussed without revealing any confidential information, and
 - The Clerk shall note the outcome of said disposition.

AND

- No person participating in a closed meeting shall disclose the content of the matter or substance of the deliberations unless expressly authorized to do so by Council or committee or as required by law.

3.8 NOTICE OF MOTION

Pursuant to procedure 3.1.1, a Notice of Motion may be submitted to the Clerk by a Member

1. Before the Clerk's Agenda deadline to be included on the agenda under the item "Motions"
2. After the deadline, but prior to a meeting to be included on the agenda as an addendum requiring a 2/3 vote for inclusion on the meeting's agenda
3. During a meeting to be read by the Chair or declared as read, recorded by the Clerk and deferred to the agenda of a subsequent meeting.

The submission of a written notice of Motion does not require:

- A seconder at the time of submission, or
- The presence of the Motion's author during the meeting when the Motion is read.

Every motion included on a meeting's agenda with or without debate must be moved and seconded at said meeting and first addressed by the mover.

3.9 POINTS OF ORDER

A member who believes a rule is being contravened shall:

1. Call for recognition by the Chair on a "Point of Order", and then
2. Clearly explain what and how a rule is being contravened

The Chair, upon responding to a Point of Order shall:

1. Rule upon the alleged contravention to
2. Determine the rule is not contravened and
 - a. Resume the matter at hand, or
 - b. Accept the explanation and accordingly adjust the proceedings on the matter at hand
3. Call for a vote if the ruling is appealed (Procedure #3.5.5)
4. Confirm the results of the vote and
 - a. Resume the matter at hand, or
 - b. Adjust the proceedings by applying the rule as previously questioned

3.10 CONDUCT OF MEMBERS AND VISITORS

3.10.1 MEMBERS, EMPLOYEES AND VISITORS

Members, Employees and visitors shall:

- Obey the procedural rules or the decisions of the Chair
- Respectfully acknowledge the Chair and address all remarks to the Chair
- Not:
 - Speak disruptively aloud during a meeting
 - Speak unless recognised by the Chair
 - Interrupt a Member while speaking except to raise a point of order.
 - Display signs or placards or engage in behaviour that may disrupt debate.
 - Disrupt a vote being taken and until the result is declared
 - Speak to the motion after a vote has been called and registered.
 - Speak disrespectfully to and of others
 - Be accompanied by a pet that is not registered as a support aid.

The Chair shall:

- Restrict questions and supplementary comments to items specific to an agenda item, motion or presentation
- Determine if the conduct of a Member, employee or visitor is improper and, if, so
 - Expulse the person from the meeting or exclude the person from future meetings, and
 - Adjourn the meeting without any motion if such person refuses to leave – until said person leaves.

3.10.2 MEMBERS

In addition to the above, Members shall not:

- Speak more than once on a matter or for more than 10 minutes unless:
 - Questioned by another Member
 - To offer an additional explanation
 - Granted leave by the membership

- Engage in private conversation while in the Council Chamber that interrupts the proceedings of Council;
- Speak on any subject other than the subject in debate
- Enter the meeting while a vote is being taken.
- Leave their seat while a vote is being taken and until the results are declared.
- Where a matter has been discussed in closed session, disclose the content of the matter or substance of deliberations, except as required by law.

Presentations

A member presenting to Council on behalf of a Council committee shall remain at the Member's chair, but:

- A Member presenting on behalf of a delegation, shall take a position away from the Council table.

If a Member persists after having been called to order by the Chair, the Chair shall:

- Forthwith put the motion: "that such Member be ordered to leave his or her seat for the duration of the meeting of the Council".
- Entertain a vote without amendment, adjournment or debate or
- If the Member apologizes at any time, that Member may, by undebated and unanimous vote of Council, be permitted to retake the Member's seat.

3.11 ADJOURNMENT

A motion to adjourn a meeting by any Member shall be in order unless:

- Another Member is in possession of the floor.
- A vote has been called
- Votes are being recorded by the Clerk

The Chair shall adjourn a meeting when:

- A lack of quorum for a meeting is confirmed 15 minutes after the scheduled commencement time
- The Chair has called a recess for lack of quorum that lasted more than 15 minutes
- Quorum has been reduced below 2 Members when Members have been recused by declarations of Conflict of Interest
- A meeting is in session at the hour of 9:00pm
 - Unless a 2/3 majority vote supports a continuation
- A meeting is in session at the hour of 10:00pm
 - After which the Chair shall call a special meeting if needed within 24 hours
- A person ordered to leave a meeting does not leave.

3.12 DELEGATIONS

3.12.1 EARLY RESOLUTION

The Chief Administrative Officer (CAO) or the Clerk shall:

- Determine if an attempt has been made to resolve an administrative or operational matter with the appropriate Department Head, or
- Refer the delegation to the same as needed

3.12.2 REQUEST

Provided that earlier attempts at resolution have failed and subject to the exception

below, any person shall be allowed to ask the Clerk for a hearing by Council as a delegation as follows:

- Prior to 12:00 p.m. (Noon) on Wednesday of the week preceding the meeting of Council,
 - In writing, electronically or by hard copy as:
 - Printed, typewritten or legibly written;
 - Clearly setting out the matter at issue and the request being made of Council;
 - Indicating an electronic presentation or otherwise
 - Signed by the name of the writer; and
 - Containing the mailing address, street address, telephone number and email address (where possible) of the writer, and
 - In the case of a petition:
 - Signed by at least two (2) citizens resident in the municipality;
 - Setting out the civic address of each petitioner; and
 - Indicating the name of a spokesperson, his or her mailing address, street address, telephone number and email address (where possible).

Exception: Where a public hearing is held by a Committee pursuant to the Municipal Act, no person shall be permitted to appear otherwise before Council in respect of that matter.

The Clerk's decision on the request to add, deny or defer the matter to an agenda shall be final.

3.12.3 PRESENTATION BY DELEGATION

A delegation shall present its submission to Council or a Committee as follows:

- As indicated on the meeting's agenda
- Electronically, upon prior approved by the Clerk
- Within a 10-minute time frame unless extended or reduced by the Chair
- With the use of visual aids provided that arrangements have been made with the Clerk 1 day prior for the required equipment
- Without
 - speaking disrespectfully of any person;
 - using offensive language; and/or
 - speaking on any subject other than the one at hand
- By withdrawing from the delegation table upon the Chair calling the discussion as concluded.

The Clerk shall advise the meeting when there is one (1) minute remaining.

After the presentation, the membership and Department Heads shall:

- As needed, ask questions of clarification from the delegation
- Address questions of Department Heads
- Not enter into debate with the delegation respecting the presentation

3.12.4 LIMITATIONS

There shall be not more than four (4) delegations at any meeting.

The Chair shall:

- Curtail any discussion on the delegation's matter for misconduct

- Determine when the delegation is concluded.

A delegation, once heard, shall not be entitled to be heard either at Council or a Committee on substantially the same matter for a period of twelve (12) months from the date of its first hearing – unless:

Council’s decision to deal with a matter is not concluded or substantive changes in the circumstances surrounding the matter have occurred.

3.13 TRACKING SYSTEM

Pursuant to Appendix 3.5.4, the Clerk shall work with Council’s tracking record by:

- Maintaining a record for each type of meeting on a quarterly basis
- Entering the required data during meetings
- Bringing action items forward for review as “old business” on future agendas
- Noting progress at each review date
- Adjusting review or completion dates as required
- Archiving the record at a quarter’s end to start a new record for the forthcoming quarter, and
- Reviewing the records as needed for year-end or end-of-term reports.

GUIDELINE

3.3.2

Municipal Conflict of Interest Act, section 7 states:

7 (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).