

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 2037

A by-law to repeal By-Law No. 1941, being a
by-law to govern the proceedings of Council
and Committees of The Corporation of the
Town of Marathon.

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

AND WHEREAS if there is a conflict between this by-law and the
Municipal Act, the latter shall prevail.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1. THAT By-Law No. 1941 is hereby repealed and replaced with the following:
2. THAT in this by-law:
 - 1) "Chair" means the Head of Council or Acting Head of Council at the meeting who conducts the meeting and sees that the rules of procedure are observed and is actually presiding at the time, whether that person is the regular Presiding Officer or not.
 - 2) "Chief Administrative Officer" means the Chief Administrative Officer of the Corporation.
 - 3) "Chief Executive Officer" shall mean the Mayor in accordance with the *Municipal Act*.
 - 4) "Clerk" means the Clerk or Deputy Clerk of The Corporation of the Town of Marathon.
 - 5) "Corporation" means The Corporation of the Town of Marathon.
 - 6) "Committee" means any advisory or other Committee established by the Council of the Corporation.
 - 7) "Committee Chair" shall mean the Chair of a Committee established by the Council.
 - 8) "Committee of the Whole" means a Committee composed of all Members of Council.
 - 9) "Council" means the Council of The Corporation of the Town of Marathon.
 - 10) "Emergency" means a situation or the threat of an impending situation abnormally affecting the property and/or health, safety, welfare and well being of the Citizens of the Municipality or the Municipal government, which by its nature and magnitude requires a controlled and coordinated response and is by its nature and magnitude distinct from the routine daily operations of the Municipality.
 - 11) "Head of Council" means the Mayor or the Acting Mayor in the absence of the Mayor of the Corporation.
 - 12) "In-Camera" means a Committee sitting in a closed session that is not

open to the public.

- 13) "Majority" means more than half of the Members present and voting on an issue. The count shall include only those present and not excluded from voting by the provisions of the *Municipal Conflict of Interest Act* and the Mayor or Chair shall be included in the count.
- 14) "Mayor" means the Head of Council or the Acting Head of Council.
- 15) "Member" means a Member of Council, as the case may be and includes the Chair.
- 16) "Motion" means a question to be considered by the Council which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution.
- 17) "*Municipal Act*" means the *Municipal Act, 2001, S.O. 2001, as amended* or replaced.
- 18) "Municipality" means The Corporation of the Town of Marathon.
- 19) "Point of Order" means a point raised against any proceeding or motion that the member believes is a violation of the rules such as:
 - a) any breach of the Rules of Order of Council;
 - b) any defect in the constitution of any meeting of the Council;
 - c) the use of improper, abusive or offensive language;
 - d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - e) any other informality or irregularity in the proceedings of Council.

It must be raised at the time of the alleged infraction. The Chair rules on the validity of the point of order. This ruling may be appealed.

- 20) "Point of Personal Privilege" means a request for the immediate consideration of a matter affecting the comfort, safety or orderliness of a Member.
- 21) "Presiding Officer" means a person appointed by the Members present at a Council meeting in the event the Head of Council or the Acting Head of Council are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting, or in the event the Head of Council and/or the Acting Head of Council declare a conflict of interest with the subject matter in the meeting.
- 22) "Procedural By-Law" means this by-law as amended from time to time.
- 23) "Quorum" means the number of Members needed to conduct business. The quorum required to commence and continue a meeting of Council shall be more than fifty percent (50%) of the Members (three (3) Members of the five (5) Member Council).
- 24) "Recorded Vote" means the recording of the name and vote of every Member present on any matter or question.
- 25) "Two Thirds Majority" means a majority of two-thirds (2/3) of Members present and voting on an issue. The count shall include only those present and not excluded from voting by the provisions of the *Municipal Conflict of Interest Act* and the Mayor or Chair shall be included in the count.

Wherever the masculine gender is used throughout the clauses of this by-law, it is agreed the feminine gender is an acceptable substitute whenever and wherever it is applicable.

Subject to the provisions of the *Municipal Act*, the rules established by this By-Law shall be the rules governing the proceedings of the Council and its Committees. Any rules established by this By-Law, other than a quorum requirement, may be suspended at or for a particular meeting by resolution, provided a majority of all Members present vote in favour thereof, provided that the suspension of the rules does not result in a contravention of the *Municipal Act*. Subject to the provisions of the *Municipal Act* and any other Act and except as expressly provided in this By-Law, the Rules of Order of the Parliament of Canada shall be the rules governing the proceedings of the Council or Committees and the conduct of the Members of same. The most recent edition of Robert's Rules of Order in existence from time to time shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this By-Law or respecting the Rules of Order of the Parliament of Canada. In the event of any conflict between the provisions of this By-Law, and those contained in any of the authorities set out previously, the provisions of this By-Law shall apply.

A. APPOINTMENTS

1. The Mayor shall appoint an Acting Mayor. All members of Council shall be appointed as Acting Mayor for a minimum of one – twelve month term during the term of Council.

The Mayor shall appoint representatives to outside Boards and Committees.

An Acting Mayor shall act from time to time in the place and stead of the Mayor during any absence of the Mayor and such Member has and may exercise all the rights, powers and authority of the Head of Council, while so acting.

B. PROCEDURES - REGULAR OPEN COUNCIL MEETING

2. The first meeting of Council after a regular election shall be held on the fourth Monday in November at the hour of four o'clock (4:00 p.m.) in the afternoon.

After the Inaugural Meeting, the Council shall meet at the Council Chambers on the second and fourth Monday of each month at the hour of four o'clock (4:00 p.m.) in the afternoon, unless otherwise ordered by motion. Should the meeting days fall on a public holiday, the Council shall meet at the same hour on the following day. All meetings of Council must be open to the public except as provided under the Act.

3. The Mayor may at any time summon a Special Meeting of Council, and upon receipt of the petition of a majority of the members of Council, the Clerk, shall summon a Special Meeting for the purpose and time set out in the petition on 24 hour notice to the members of Council.

A Special Meeting may also be called for the purposes of the following and these meetings shall be scheduled whenever practical:

Public Town Hall Meeting
Council/Administration Strategic Planning Sessions
Budgetary Meetings
and any other such similar matters

The only business to be dealt with at a Special Meeting is that which is listed on the agenda of the meeting.

4. The Council shall adjourn no later than the hour of ten o'clock (10:00 p.m.) unless otherwise ordered by a motion of Council with a unanimous vote of members present.
5. Schedule of Meetings - during the months of July, August and December of each year, there shall be only one (1) meeting per month to be held at a date recommended by Administration.
6. As soon after the hour of meeting and there is a quorum present, the Mayor shall take the Chair and call the members to order.
7. Should the Mayor not attend within fifteen minutes after the time appointed, the Clerk shall call the members to order, and if a quorum is present, the Acting Mayor shall preside until the arrival of the Mayor, and in the continued illness or absence of the Mayor, the Acting Mayor shall continue.
8. If there is no quorum present within 15 minutes after the appointed time, the Clerk shall call the roll and record the names of those members present, and the Council shall stand adjourned until the next day of meeting, subject to the provisions of Section B, Clause 2 of this section.
9. Immediately upon the Mayor calling the meeting to order, the minutes of the preceding Regular Meeting, Closed Meetings and Special Meetings shall, unless otherwise decided by Council, be submitted for adoption and, once approved by a majority of Members present, shall be signed by the Head of Council and the Clerk.
10. The Mayor shall preserve order and decorum. All questions of order may be subject to an appeal only by a unanimous vote of Council. The Clerk shall interpret, when necessary, the Procedure By-Law and the ruling shall be final.
11. The Mayor votes with the other members on all questions, and any question resulting in an equality of vote shall be deemed to be negative.
12. Every Member shall address the Chair and comments or debate shall be no longer than three (3) minutes.
13. Every Member present when a motion is put, shall vote negatively or affirmatively and may not abstain except where otherwise provided by Statute or this by-law.
14. When the Mayor is presenting the motion, no Member shall walk across or out of the Chamber, and when a member is speaking, no Member shall hold discourse which interrupt or disturb the proceedings. No Member shall speak more than once to a question without permission from the Chair, and the debate will only pertain to the question. The mover of the motion reserves the right to present a summation of the motion.
15. 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.

16. Upon a division of the Council, the names of those who vote for and of those who vote against the question shall be entered upon the minutes when required by law, or when a Member shall call for a recorded vote. The taking of the vote shall be done in alphabetical order by the Clerk.
17. Questions may be put to the Mayor, or through him to any Member of the Council relating to any by-law, motion or other matter connected with the business of the Council or affairs of the Town. No argument or opinion is to be offered or facts to be stated except to explain the same, and in answering the questions, a Member is not to debate the matter to which it refers.
18. The Clerk shall have prepared an agenda for the use by Members at each Meeting of Council.
19. Any inclusions or deletions to the agenda must be accepted by a unanimous vote of Council and should be of a special emergency nature.
20. Members of Council may only access the Council agenda by notifying the Clerk and submissions should be received by the Clerk by 12:00 noon the Wednesday prior to the meeting. Any pertinent information relating to the inclusions must be forwarded to the Clerk before that time.
21. Every motion shall be in writing and shall be read by the Mayor before being debated.
22. Every motion will be moved and seconded by members of Council at the time of advancing the question.
23. No motion to rescind a resolution of Council shall be received or put, unless notice of such intention to introduce a resolution has been made in writing at a previous meeting, or appears on the notice calling the meeting.
24. When a member of Council has declared a possible conflict of interest, the member must clearly state his/her reasons for the conflict and then leave the room prior to any debate taking place and return after the completion of the debate.
25. All Regular Meetings of Council, if the means are available, shall be taped and televised.

C. ELECTRONIC PARTICIPATION

26. Legislation allows municipalities the ability to fully conduct Council, local board and committee meetings electronically when faced with local and province-wide emergencies, empowering the government's municipal partners to respond quickly when in-person meetings cannot be held. Municipalities may also utilize electronic meetings when this provision is included in their procedural by-law.
27. A Member is permitted to participate in a Meeting electronically that is open to the public once a request has been submitted to the Clerk's office outlining the need for electronic participation and permission has been received from the Clerk or designate at least forty-eight hours in advance of a scheduled meeting.

28. Where a Member participates in a Meeting electronically:

- (1) the Member shall be counted in determining whether or not Quorum of Members is present at any point in time; and
- (2) the Member:
 - (a) is permitted to vote in accordance with this by-law;
 - (b) is permitted to speak on an item of business or Motion in accordance with this by-law;
 - (c) is subject to the rules and order provisions of this by-law and may be asked to leave a Meeting and will no longer be permitted to participate electronically.
 - (d) Members cannot participate electronically in a closed meeting.

D. CLOSED MEETINGS OF COUNCIL

29. Section 239 of the Municipal Act states that meetings of Council may be closed to the public when the subject matter under consideration involves the following:

Exceptions:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- 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; or
- 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Other criteria

- l) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:
 - i) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
 - ii) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or training sessions

- m) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.
 - 2. 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, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Before all or part of a meeting is closed to the public, the Council shall state by resolution:

- a) the fact of the holding of the closed meeting; and
- b) the specific nature of the matter to be considered at the closed meeting.

No vote may be taken in a closed session. All motions must be considered in an open session ONLY.

E. THE CONDUCT OF PROCEEDINGS AT MEETINGS OF COUNCIL

- 30. It shall be the duty of the Mayor:
 - a) to open the Meeting of Council by taking the Chair and calling the Members to order.
 - b) to receive and submit, in the proper manner, all motions presented by the Members of Council.
 - c) to put to vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.
 - d) to decline to put to vote motions which infringe the rules of procedure.
 - e) to restrain the Members, within the rules of order, when engaged in debate.

- f) to enforce on all occasions the observance of order and decorum among the Members.
- g) to order any Member persisting in the breach of rules of order of the Council, to vacate the Council Chambers for the duration of the meeting. If the member apologizes he may, by unanimous vote of Council, be permitted to take his seat.
- h) to receive all messages and other communications and announce them to the Council.
- i) to authenticate, by his signature when necessary, all by-laws, resolutions and minutes of the Council.
- j) to ensure that all members of Council implicitly represent and support the Council, declaring its will, and obeying its decision in all matters.
- k) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.
- l) to adjourn the meeting when the business is concluded.
- m) to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers.

F. AGENDAS

31. The Clerk shall have prepared and printed for the use of the Members at the Regular Meetings of Council, an agenda under the following headings:
 - a) Call to order.
 - b) Additions or Deletions to the Agenda (to be approved by a unanimous vote of Council).
 - c) Disclosure of Interest.
 - d) Minutes of the Previous Meeting.
 - e) Deputation/Presentation.
 - f) Unfinished Business.
 - g) Council Report.
 - h) Student Councillor Report.
 - i) C.A.O. Reports.
 - j) Administration Reports.
 - k) Report of Appointed Members to Boards and Committees.
 - l) By-Laws.
 - m) New Business.
 - n) Additional Council Information.

- o) Announcements.
 - p) Adjournment.
32. The Clerk shall finalize and distribute the agenda no later than the Thursday prior to the meeting.
 33. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by Council.
 34. Any changes to the agendas requested by a member of Council must be accepted by a motion of Council and by unanimous vote.

G. MINUTES

35. The minutes shall record:
 - a) the place, date and time of meeting;
 - b) the names of the Mayor, Officers and record of the attendance of the Members;
 - c) disclosure of interest;
 - d) the reading, if requested, correction and adoption of the minutes of prior meeting;
 - e) all other proceedings of the meetings without note or comment.

H. PETITION AND COMMUNICATION

36. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

I. DEPUTATION

35. Persons desiring to present information on matters of fact or make a request of Council shall give notice, in writing, to the Clerk not less than five (5) days before the commencement of the meeting of Council and may be heard by the Mayor and Council. The deputation shall appoint one (1) speaker who shall be allowed not more than ten (10) minutes to make a presentation on behalf of the deputation.
36. The notice from the deputation shall be legibly written and shall include a summary of the matter or matters that are to be presented.
37. Section H does not apply for any guest(s) invited by Council to attend the meeting.
38. Council will consider the information provided by the deputant. Council questions will be to Administration ONLY. The deputant issue may be referred to Administration for a report on the matter at a later date.
39. The Clerk shall have the authority to make an initial determination and refusal of an application for a deputation that is deemed repetitive. The Clerk shall refuse requests by individuals or associations who were previously represented as a coalition or co-ordinating group, unless new information is submitted. The Clerk shall provide Council with a copy of each letter in which a deputation has been denied under this provision.

J. MOTIONS

40. Notices of Motion:

Notice shall be given of all motions for introducing any new matter other than routine business proceedings arising from the Council agenda and no motion shall be discussed unless such notice was given at a previous meeting, or appears on the notice calling the meeting.

41. Dispensing with Notices:

Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote by a unanimous vote of Members present.

42. Moving and Seconding:

A motion must be formally moved and seconded before the Mayor can put the question forward or before a motion can be recorded in the minutes.

43. Presentation of Motion:

When a motion is presented to Council in writing, it shall be read by the Mayor to members before debate can begin.

44. Amendments:

A motion to amend:

- a) a motion to amend shall be presented verbally or in writing and must be accepted by a two-thirds (2/3) vote of Council present to be considered and debated;
- b) upon receipt of the required two-thirds (2/3) Council vote, the Rules of Debate will govern with the Mayor/Chair holding order.

45. Voting of Motion:

a) Questions Stated

Immediately preceding the taking of the vote, the Mayor shall state the question in the form introduced except when a motion has been amended.

The Mayor shall state the question in the precise form in which it will be recorded in the minutes.

b) No Interruption After Question

After a question is finally put by the Mayor, 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.

c) Unrecorded Vote

The manner of determining the decision of the Council on a motion shall be at the discretion of the Mayor and may be by voice or show of hands. Every Member present shall vote unless otherwise prohibited by law. In the absence of a clear indication on how a member is voting, the Mayor shall request the member to clearly indicate his vote as set out in this section.

d) Recorded Vote

When a Member present requests a recorded vote, all Members present at the Council Meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who vote for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. If any Member does not vote he shall be deemed as voting in the negative. A request for a recorded vote can only be made immediately prior or subsequent to an unrecorded vote being taken.

K. READINGS OF BY-LAWS AND PROCEEDINGS THEREON

46. Every by-law shall be introduced upon motion by specifying the title and number of the by-law.
47. Every by-law when introduced shall be typed form and shall contain no blanks.
48. Every by-law shall have three readings prior to it being passed.
49. The first reading of the by-law shall be received without amendment or debate.
50. If the Council determines that the by-law is to be considered in-depth, it shall be so considered previous to the third reading thereof.
51. If Council so determines, a by-law may be considered as being read.
52. The Clerk shall set out on all by-laws enacted by Council, the date of the several readings thereof.
53. A by-law shall be open to debate and amendment before it is ordered for third reading and at the request of a member:
 - a) by-laws may be considered separately;
 - b) may, with the majority vote of the Council, refer the by-law to the advisory committee cognizance of the subject matter, for further consideration;
 - c) may, with the majority vote of the Council, defer the by-laws to a subsequent meeting of date definite of the Council.
54. Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor and shall be deposited by the Clerk in an office for safekeeping.

L. RULES OF DEBATE

55. Every Member prior to speaking to any questions or motion shall address the Mayor. When two or more Members wish to speak, the Mayor/Chair shall designate the Member who is to have the floor and the Member, who in the opinion of the Mayor/Chair, first requested to speak shall have the floor.
56. When the Mayor calls for the vote on a question, each Member shall occupy his seat and shall remain in his place until the result of the vote has been declared by the Mayor and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
57. When a Member is speaking, no other Member shall pass between him and the Chair or interrupt him except to raise a point of order.
58. 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.
59. The following matters and motion with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
 - a) a point of order or personal privilege;
 - b) presentations of petitions;
 - c) to lay on the table;
 - d) to postpone indefinitely or to a day certain;
 - e) to move the previous question.
60. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
 - a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the Rules of Procedure.

M. POINTS OF ORDER AND PRIVILEGES

61. The Mayor shall preserve order and decide questions of order. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

N. CONDUCT OF MEMBERS OF COUNCIL

62. No member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or The House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

63. **No Member Shall:**
- a) use offensive words or unparliamentarily language in or against any Member or employee of the Corporation;
 - b) speak on any subject other than the subject in debate;
 - c) criticise any decisions of the Council except for the purpose of moving that the question be reconsidered;
 - d) disobey the rules of the Council or a decision of the Mayor on questions of order.
64. No person except Members and Officers of the Corporation shall be allowed to come within the bar during the sitting of the Council without permission of the Mayor.
65. When the Chair is putting the question, no Member shall leave or make a disturbance.

O. SUSPENSION OF RULES

66. Any procedure required by this by-law may be suspended with consent of a unanimous vote of the Members of the Council present.

P. AMENDMENTS

67. No amendments or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal is presented.
- For any amendment to this by-law, a two-thirds (2/3) vote of all Members of Council present is required.

Q. NOTICE

68. All meetings (including Regular, Closed and Special) will be posted on the Town Office doors a minimum of 24 hours prior to the meeting.
- THAT this by-law shall come into effect on the final day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF DECEMBER, A.D., 2022.

.....
Mayor

(SEAL)

.....
Clerk