BY-LAW NO. 62-18

(as amended by By-laws 10-19, 40-19, 23-20, 66-20, 28-21, 79-24, 84-24, 12-25, 49-25 and 78-25)

Regulation establishing rules of order and procedure for the Town of Hearst Municipal Council

WHEREAS section 238 of the Municipal Act, S.O. 2001, provides that a council or local council shall adopt by-laws governing the deliberations of the council, and the calling of meetings, and

WHEREAS it is desirable to revise the rules governing the order and procedure of Council following the Legislative Assembly of Ontario's adoption of Bill 68,

BE IT THEREFORE ORDERED by the Corporation of the Town of Hearst Municipal Council:

1. DEFINITIONS

(a) "**Clerk**" means the Clerk of the Corporation of the Town of Hearst;

(b) "**Committee**" means any committee that may be established by the Council from time to time for consideration and recommendation of municipal business;

(c) "**Corporation"** means the Corporation of the Town of Hearst;

(d) "**Council**" means the Council of the Corporation of the Town of Hearst;

B-L 66-20 (e) "**Electronically**" includes any device, software or technology that reasonably enables a person to hear and participate at a meeting by videoconferencing or teleconferencing.

B-L 66-20 (f) "**Electronic Participation/Participating Electronically**" means participation at a meeting at which a Member participates by videoconference or teleconference;

(g) "**Procedural Motion**" means the rules and regulations provided in this By-law;

(h) "**Substantive Motion**" means any motion other than one of the following :

(i) to extend a meeting
(ii) to refer
(iii) to amend
(iv) to postpone to a later date, scheduled or not
(v) to adjourn
(vi) motion on previous question
(vii) to temporarily interrupt the rules of procedure
(viii) to consider a point of order or a matter of privilege
(ix) a procedural motion
(x) a motion to put aside

(i) "**2/3 Vote** " means the affirmative vote from two thirds of the members present at a meeting.

PART 1: ROLE OF THE MAYOR

2. DUTIES OF THE MAYOR

It shall be the duty of the Mayor or other presiding officer:

(a) to open the meeting by taking the Chair and calling the Members to order;

(b) to announce the business before the Council in the order in which it is to be acted upon;

(c) to receive and submit, in the proper manner, all motions presented by the Members of Council;

(d) to put to a vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;

(e) to decline to put to a vote, motions which infringe upon the rules of procedures;

(f) to restrain the Members, when engaged in debate, within the rules of procedures;

(g) to enforce on all occasions, the observance of order and decorum among the Members;

(h) to call by name, any Member persisting in a breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;

(i) to ensure Members of Council have in their possession all information relevant to the Town business;

(j) to receive all messages and other communications and announce them to Council;

(k) to authenticate by his signature, when necessary, all by-laws, resolutions, and minutes of Council;

(l) to inform the Council when necessary, or when referred to, for the purpose of a point of order or usage;

(m) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;

(n) to adjourn the meeting when the business is concluded;

(o) in the case of serious disorder arising in the Council Chamber, the Mayor may, without a vote, postpone the sitting for a time to be named by him.

3. DUTIES AS HEAD OF COUNCIL

(1) STATE FACTS AND POSITION

The Mayor may state relevant facts and his position on any matter before the Council without leaving the Chair, but it shall not be permissible for him to debate a question without first leaving the Chair.

(2) LEAVING THE CHAIR

If the Mayor wishes to leave the Chair for the purpose of taking part in the debate or for any other reason, he shall call on one of the Members to fill his place until he resumes the Chair.

PART 2 : HOLDING OF COUNCIL MEETINGS

4. INAUGURAL MEETING

Following municipal elections, the inaugural meeting of Council shall be held no later than thirty-one (31) days after the new term of office commences, on such a date and at such time as determined by the Clerk.

5. REGULAR MEETING

B-L 79-24 The regular meetings of the Council shall commence at 6:00 p.m. and regular meetings as well as special meetings shall adjourn no later than 11:00 p.m. Regular meetings shall be held every fourth Tuesday unless otherwise changed by resolution of Council.

6. REGULAR MEETING – HOLIDAY

6.1 If the day scheduled for a regular meeting of Council is a holiday, the meeting shall be held on the following business day, unless otherwise provided by resolution of the Council.

B-L 79-24

6.2 If a regular meeting of Council is scheduled to take place on the Tuesday of a long weekend (where Monday is a holiday), the meeting shall be rescheduled to the Wednesday of the same week, unless otherwise provided by resolution of the Council.

7. PLACE OF REGULAR MEETINGS

All regular meetings of Council shall be held at the Town Hall, or at such other place as Council decides by resolution.

8. ELECTRONIC PARTICIPATION

B-L 66-20

8.1 A Member may participate by electronic means at a Regular or Special Meeting of Council, provided he/she is unable to attend physically:
a) for health reasons;
b) because of a work-related impediment;
c) because he/she is out of town.

B-L 78-25

Requests to participate in a meeting electronically must be submitted to the Clerk in writing at least twenty-four (24) hours before the scheduled meeting, or the Friday preceding a regular Council meeting scheduled for the following Tuesday.

A Member participating in a meeting electronically shall be available at least thirty (30) minutes in advance to assist staff in establishing the electronic connection.

A Member participating electronically will mute his or her electronic device when he or she is not speaking.

B-L 78-25

8.2 A Member participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present.

8.3 The Mayor or Acting Mayor must be physically present at a meeting.

8.4 The Mayor shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.

8.5 A Member participating electronically shall be permitted to vote. The vote shall be noted by the show of hand, if participation by videoconference and verbally, if participation by teleconference.

8.6 A Member participating electronically is not permitted to participate in a closed session.

B-L 78-25

8.7 Should a technical failure occur during a meeting in which quorum relies on the electronic participation of one or more members, a recess of up to twenty (20) minutes may be taken to allow time to restore the connection. If a quorum is not reached within the 20-minute recess, the meeting shall be deemed automatically adjourned and a subsequent meeting to address any unfinished business shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting

9. ELECTRONIC PARTICIPATION DURING A DECLARED EMERGENCY OR PANDEMIC

B-L 28-21
B-L 84-24

i) Meetings of Council

Notwithstanding the paragraphs within Section 8 hereabove, electronic participation shall be permitted to all Members upon a provincial or federal declared emergency. In such event, the criteria pertaining to electronic participation in Section 8 apply, with the following exceptions:

B-L 78-25

a) Members participating electronically are authorized to attend a closed session.

10. SEATING ARRANGEMENTS

The order of the seats of the members in the Chambers shall be at the discretion of the Mayor.

11. NOTICE OF COUNCIL MEETING

The Clerk or his assistant shall publish the date and time of regular meetings of Council on the Town of Hearst website, at least one week in advance, and shall give a minimum of twelve (12) hours' notice for a special meeting of Council.

12. DISTRIBUTION OF AGENDA

Regular Meetings

B-L 84-24

No later than 5:00 p.m., two working days in advance of each regular meeting of Council, the Clerk shall deliver the following documents to Council members through their respective CivicWeb account and shall make the documents available to the public by means of the CivicWeb portal on the municipal website:

B-L 66-20

(1) the agenda;
(2) a copy of each report of a standing committee, advisory committee, commission, board or other committee to be considered.

Special Meetings

B-L 84-24

No later than 5:00 p.m. on the day preceding each special meeting, the Clerk shall deliver the aforementioned documents to Council members through their respective CivicWeb account and shall make the documents available to the public by means of the CivicWeb portal on the municipal website.

13. MEETINGS OPEN TO PUBLIC

B-L 66-20

(a) All Council meetings are broadcasted live on the community cable and on the "Corporation of the Town of Hearst" YouTube channel.

(b) Council meetings are open to public and no person shall be excluded therefrom except for misconduct.

(c) The Mayor may expel or exclude from a meeting any person who has been guilty of misconduct.

(d) Notwithstanding clause 11 (b), a meeting or part of a meeting may be closed to the public if one of the subject matters defined under section 239 (2) of the Municipal Act is to be considered, including:

i) the security of the property of the municipality's or local board;

ii) personal matters about an identifiable individual, including municipal or local board employees;

iii) a proposed or pending acquisition or disposition of land by the municipality or local board;

iv) labour relations or employee negotiations;

v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

viii) 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;

ix) 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;

x) 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

xi) 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.

(e) Before prohibiting the public from part or all of a meeting, Council shall specify by resolution:
i) the holding of a meeting closed to the public;
ii) the general nature of the issue considered at the meeting closed to the public.

(f) Subject to paragraph d), a meeting may not be closed to the public during a vote.

(g) Despite paragraph d), a meeting may be closed to the public during a vote:
i) if paragraph d) permits or requires that a meeting be closed to the public; and
ii) if the vote concerns a procedural matter or guidelines or instructions to be given to officials employed, or agents of the Municipality or persons hired under a contract with the Municipality.

(h) Meetings or sessions that are closed to the public may be called closed meetings or sessions.

14. SPECIAL MEETINGS OF COUNCIL

(1) The Mayor, or in his absence the Acting Mayor, may at any time summon a special meeting of Council.

(2) Upon receipt of a petition of the majority of the members of Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.

(3) Once received by the Clerk, no member may remove his name from a petition filed under this section.

(4) Notice of a special meeting of Council setting forth the matters to be considered at such special meeting shall be given to all members of Council by email at their hearst.ca address, by telephone, or in person, not less than twelve hours in advance of the time fixed for the meeting.

(5) During a special meeting, Council shall consider only matters set forth in the notice calling the meeting and that are listed on the agenda.

15. COMMENCEMENT OF MEETING

(1) Immediately after the hour set for the meeting and once a quorum is present, the Mayor shall take the chair and call the members present to order.

(2) The Clerk will ensure the names of all the members present appear in the meeting minutes.

16. MAYOR'S ABSENCE

(1) If the Mayor and designated Acting Mayor are still absent within thirty minutes after the time set for a meeting of Council, the Clerk shall ask the Members to proceed with the appointment of an Acting Chairman among the Members present, who shall preside the meeting until the arrival of the Mayor or Acting Mayor.

(2) While presiding, an Acting Mayor shall have all of the powers of the Mayor and shall be so addressed, and shall be entitled to vote as a Member, but he shall not have a second or casting vote.

17. NO QUORUM

(1) If no quorum is present thirty minutes after the time set for a meeting of Council, the Clerk shall, at the request of a majority of the Members present, call the roll and record the names of the Members present then declare the meeting adjourned.

(2) If a meeting is adjourned because of the lack of a quorum under subsection (1), Council shall meet at the next date and time scheduled for a meeting of Council, or at such other time as herein provided.

18. ACCESS WITHIN COMPOUND OF COUNCIL

(1) No person, except members of Council, the Clerk and the Chief Administrative Officer, shall be allowed to come within the Council compound during the meeting of Council.

(2) No person shall, before or during a meeting of Council, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Mayor or Acting Mayor.

19. LEAVING THE CHAMBERS ON ADJOURNMENT

Members of Council shall not leave their seats after adjournment until the Mayor has left the chair. A member of Council who wishes to leave the chambers before the adjournment of the meeting must first ask the Mayor to be excused. Any member of Council who leaves the room without the authorization of the Mayor, will not be entitled to the remuneration provided under By-law No. 20-01 for the meeting. This section will apply until 23:00, as stipulated in section 5 of this by-law.

B-L 84-24

PART 3 : HOLDING OF COMMITTEE AND LOCAL BOARD MEETINGS

20. SCHEDULE OF MEETINGS

(1) The schedule for meetings of standing committees, advisory committees and local boards shall be established together with the calendar of Council meetings, prior to the beginning of the year.

(2) The Chairperson of a committee or local board may modify the date and/or time of a meeting or convene additional meetings as necessary to exercise their responsibilities.

(3) No committee/local board shall meet while Council is in session.

21. PLACE OF MEETINGS

All meetings shall be held at the Town Hall or at such other place as is specified in the notice of the meeting.

22. NOTICE OF MEETINGS

Public notice of each scheduled meeting shall be deemed to be given by posting the date and time of the meeting on the CivicWeb portal on the municipal website at least one (1) week prior to the scheduled meeting, and no later than twelve (12) hours prior to a special meeting.

23. DISTRIBUTION OF AGENDA

The meeting agenda and related documents shall be made available to committee/local board members and the public no later than 5:00 p.m., two (2) working days in advance of each scheduled meeting, and no later than 5:00 p.m. on the day preceding each special meeting.

24. QUORUM

(1) A majority of the members of a committee/local board shall constitute a quorum.

(2) If no quorum is present thirty (30) minutes after the time set for a meeting, the meeting shall be declared adjourned and the committee/local board shall meet at the next date and time scheduled for a meeting, or at such other time determined by the committee/local board.

25. MEETINGS OPEN TO PUBLIC

(1) Meetings shall be open to the public and no person shall be excluded therefrom except for improper misconduct.

(2) Committee and local board meetings are not recorded and/or livestreamed.

(3) Notwithstanding clause (1), a meeting or part of a meeting may be closed to the public if one of the subject matters defined under section 239 (2) of the Municipal Act is to be considered.

(4) Before going into a closed meeting, the committee/local board shall declare the general nature of each matter to be considered in closed session, in accordance with clause (3) hereabove.

(5) Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to the closed session shall vacate the place of meeting.

(6) A meeting or part of a meeting shall not be closed to the public during a vote except as provided in the Municipal Act, Subsections 239(5) and (6).

26. PECUNIARY INTERESTS

Any member who has a pecuniary interest on a subject to be discussed:
a) Shall, before any discussion, declare his interest and specify its nature in general;
b) May not take part in the debate or vote on any question;
c) Cannot attempt, before or after the meeting, to influence in any way the vote on the question.

27. DELEGATIONS

(1) Any group or person wishing to appear before a committee or local board for a delegation must make a written request stipulating the subject of the presentation, to the Clerk or the committee/local board's Secretary, at least eight days before the scheduled meeting.

(2) Delegations are generally heard at the beginning of a committee/local board meeting and delegates have a maximum of ten (10) minutes to speak.

(3) Following the delegation, members may ask questions of clarification but shall not enter into a debate with the delegate. Any request made during a delegation will be set aside and will only be considered at a later meeting.

28. MINUTES

(1) Meeting minutes provide a concise account of the committee/local board's business without capturing every dialogue. They serve as an official and permanent record of the proceedings and recommendations/decisions made. At a minimum, minutes of a meeting, whether it is closed to the public or not, shall include:

1. The place, date and time of the meeting;

2. The names of the members in attendance;

3. Declarations of pecuniary interest;

4. All resolutions, recommendations, decisions and other proceedings that take place during the meeting, without note or comment.

(2) Minutes of committee/local board meetings shall be presented to Council and made accessible to the public through the CivicWeb portal on the municipal website.

29. ELECTRONIC PARTICIPATION

(1) A Member may participate by electronic means provided he/she is unable to attend physically:
a) for health reasons;
b) because of a work-related impediment;
c) because he/she is out of town.

(2) Requests to participate in a meeting electronically must be submitted to the Clerk or to the committee/local board's Secretary at least twenty-four (24) hours before the scheduled meeting.

(3) A Member participating in a meeting electronically shall be available at least fifteen (15) minutes in advance to ensure a proper connection.

(4) A Member participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present.

(5) Members participating electronically shall be given the same opportunity to speak to each question as they would have been given participating in person.

(6) A Member participating electronically shall be permitted to vote.

(7) A Member participating electronically is not permitted to participate in a closed session.

B-L 78-25

(8) Should a technical failure occur during a meeting in which quorum relies on the electronic participation of one or more members, a recess of up to twenty (20) minutes may be taken to allow time to restore the connection. If a quorum is not reached within the 20-minute recess, the meeting shall be deemed automatically adjourned and a subsequent meeting to address any unfinished business shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.

30. ELECTRONIC PARTICIPATION DURING A DECLARED EMERGENCY OR PANDEMIC

Electronic participation shall be permitted to all committee and local board members upon a provincially or federally declared emergency and/or during the period a pandemic is deemed to be in effect by the provincial or federal government. In such event, the criteria pertaining to electronic participation in Section 29 apply, with the following exceptions:

B-L 78-25

a) Members participating electronically are authorized to attend a closed session.

31. PROCEDURES

Where procedures are not explicitly stated in this section, a committee or local board shall follow the rules governing procedures of Council.

PART 4: VOTING IN COUNCIL

32. SECRET BALLOT PROHIBITED

No vote shall be taken by ballot or by any other method of secret voting.

33. RECORDING OF VOTES

(1) Any member who is present before a question may require that the vote be recorded before proceeding to another item or business.

(2) When a vote is taken, and no objection is declared, such vote shall be deemed to be unanimously in favor of the question approved.

(3) If a vote is to be recorded as herein provided, the Clerk shall call out and record the names of those opposed in the minutes of the meeting.

34. MOTION DISTRIBUTION

When the motion under consideration contains distinct propositions, upon the request of any member, the vote on each proposition may be taken separately.

35. VOTE OF MEMBERS

Once a motion is presented, every member present at the meeting of Council shall vote thereon, unless prohibited by this by-law or by an Act of the Legislative Assembly or the Parliament, in which case it shall be recorded.

Any abstention from voting will represent a negative vote.

BL 49-25

Any motion to which the vote is equal is deemed to be rejected. Consequently, no action is taken and existing conditions are preserved (status quo maintained).

36. DISPUTE VOTING

If a member disagrees with the announcement of the Mayor that a motion is carried or rejected he may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken, including the Mayor's vote.

37. VOTE – MEMBERS SEATED

When the Mayor calls for the vote on a given motion, each member shall occupy his seat until the result of the vote has been declared by the Mayor, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance. A member who is not in his seat shall not be entitled to vote.

PART 5: ORDER OF PROCEEDINGS

38. COUNCIL AGENDA

1. The Clerk shall have prepared and printed for the use of the members at each regular meeting of Council, an agenda under the following headings:
   (i) Opening of meeting
B-L 10-19 (ii) Moment of Silence
   (iii) Adoption of the order of business
   (iv) Pecuniary interests
   (v) Adoption of Council meeting minutes
   (vi) Delegations and presentations

(vii) Hearings and public meetings
(viii) Correspondence
(iv) Reports and minutes from committees and boards
(x) Report from Chief Administrative Officer
B-L 66-20 (xi) Report from standing committees
(xii) Notice of motion
(xiii) Unfinished business and/ or deferred resolutions
(xiv) Others
(xv) Closed meeting
(xv) Adjournment

2. Council business shall be considered in the order set forth on the agenda, provided. However, the Mayor may, with the approval of the Council, vary the order of business to better deal with matters before Council.

3. Council shall not consider any by-law which is not listed on the agenda, nor any report of a committee that has not been distributed to the members before the beginning of the meeting.

4. Minutes which have been delivered to members of Council need not be read, and a resolution that the minutes be adopted as if read shall be presented.

5. Once the minutes of a meeting of Council have been adopted, they shall be signed by the Mayor and the Clerk.

6. When an unforeseen case of proceedings arises during a Council meeting or closed meeting, it is the Mayor's responsibility to decide on the procedure to be taken, said decision being subject to an appeal to Council upon a point of order.

39. PECUNIARY INTERESTS

Any member who has a pecuniary interest on a subject to be discussed:
d) Shall, before any discussion, declare his interest and specify its nature in general;
e) May not take part in the debate or vote on any question;
f) Cannot attempt, before or after the meeting, to influence in any way the vote on the question.

Any member with a pecuniary interest must, before or immediately after the meeting, complete and sign a form describing the nature of the conflict, and remit it to the Clerk.

All completed and signed forms will be made available to the public on the Corporation of the Town of Hearst's website: www.hearst.ca.

40. COUNCIL MEETING MINUTES

Minutes shall record:

1. The place, date and time of the meeting;

2. The names of the presiding officer(s) and a list of members in attendance;

3. As needed, the reading, the correction and the adoption of the minutes of prior meetings;

4. All resolutions, decisions and all other meeting proceedings without note or comment.

41. PETITIONS AND COMMUNICATIONS

1. Every communication, including a petition to be presented to the Council, shall be legibly written or printed, shall not contain any impertinent matter or language and shall be signed.

2. The Clerk shall list on the agenda every petition delivered, at least two working days preceding the meeting of the Council.

B-L 66-20 3. Petitions on any subject within the cognizance of a standing committee or a Council committee shall be presented then referred to appropriate committee without any motion or debate, unless otherwise ordered by Council.

42. DELEGATIONS

1. Any group or person wishing to appear before Council for a delegation must make a written request stipulating the subject of the presentation, to the Clerk's office, at least eight days before the meeting of Council.

2. The Council and / or Clerk may refuse to hear a delegation when, in its opinion, the subject to be presented falls outside the competence of Council.

B-L 12-25
B-L 40-19
3. Delegations and / or presentations will be heard in the order they appear on the meeting agenda. The duration of the delegation / presentation shall be limited to ten (10) minutes.

B-L 66-20
4. Any request made during a delegation will be set aside and will only be considered at the next Council meeting, or referred to the standard committee to which the subject of the request relates.

43. UNFINISHED BUSINESS

Items listed in the order of business of a prior meeting which have not been disposed of by Council, shall be placed on the agenda of the next meeting under "unfinished business", unless removed from the agenda by Council.

PART 6: RULES OF CONDUCT AND DEBATE

44. RIGHT TO SPEAK

Any member wishing to speak must raise his hand and, upon being recognized by the Mayor, shall address himself to the Mayor.

45. SIMULTANEOUS REQUESTS FOR RIGHT TO SPEAK

When two or more members raise their hand to speak, the Mayor shall recognize the member who first made the request and take note of the order in which other members have made the request.

46. RULES OF CONDUCT OF MEMBERS OF COUNCIL

No member shall :

(a) Use indecent, offensive or insulting language to or about Council, about any member of Council, or any department head or employee of the Municipality, nor any member of the public ;

(b) Speak on any subject other than the subject matter;

(c) Criticize any decision of Council, except for the purpose of proposing that the question be reconsidered, in accordance with Section 58;

(d) Disobey to this regulation or a decision of the Mayor or of Council on questions of order or practice. Where a member persists in any such disobedience after having been called to order by the Mayor, the Mayor may order "that such Member leave his seat for the duration of the meeting of Council". However, if the Member apologizes he may, by vote of Council, be permitted to return to his seat.

47. POINTS OF ORDER

1. The Mayor shall maintain order and decide on questions of order.

2. (a) When a Member raises a point of order, he shall ask for the Mayor's permission to raise a point of order, and once granted, he shall state the

point of order to the Mayor and sit down and remain seated until the Mayor decides the point of order. Thereafter, a Member shall only address the Mayor for the purpose of appealing the Mayor's decision to Council.

(b) If no member appeals, the Mayor's decision shall be final.

(c) If an appeal is lodged, Council shall decide on the question, without debate, and its decision shall be final.

48. OBTAINING THE RIGHT TO SPEAK

When a Member is speaking, no other Member shall interfere or interrupt him and the Mayor, except to raise a point of order.

49. READING OF MOTION

Any Member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while he is speaking.

50. SPEAK ONCE - REPLY

No Member shall speak more than once on the same motion without authorization from the Mayor. A Member who has presented a substantive motion rather than an amendment can however respond. The Member proposing the motion has the privilege of concluding the debate on the motion by being the last Member to speak on the motion.

51. TIME LIMIT

No Member shall speak on the same question, or in reply, for longer than ten minutes, unless authorized by the Mayor.

52. PERSONAL PRIVILEGE

Where a Member considers that his integrity or that of Council as a whole has been impugned, he may as a matter of personal privilege, rise at any time, with the consent of the Mayor, for the purpose of drawing Council's attention on the matter.

53. CALL TO VOTE - END OF DEBATE

When the Mayor has decided to proceed with a vote, it is prohibited for members to pursue discussion and no motion may be made until the result is declared; the Mayor's decision shall be conclusive.

54. QUESTIONS

1. A Member may ask a question to the Mayor for the purpose of obtaining information relative to the matter being discussed and such question must be brief.

2. When questions are called for on the agenda or a specific item is under discussion, enquiries may be made to the Mayor, or through him to any Member of the Council or Department Head, concerning any matter connected with the business of the Municipality, but no argument or opinion is to be offered, or facts to be stated.

55. UNEXPECTED CASES

Any unexpected matter pertaining to Council procedures are the Mayor's jurisdiction, subject to an appeal upon a point of order.

PART 7: CLOSED MEETING

56. MAYOR'S DEBATE DIRECTIONS

1. Whenever it is moved and carried that Council go into closed meeting, the Mayor shall preside the debate as Head of Council, or he may appoint another Member to take his place while he is speaking on a question or while he is absent from the meeting.

2. The Mayor shall maintain order during a closed meeting and report the proceedings to Council.

3. Rules governing procedures of Council and the conduct of Members of Council apply for closed meetings, except that :
   (i) a motion may be moved orally or in writing;
   (ii) a seconder is not necessary.

4. Members may speak as many times as they wish, unless the Mayor calls for a vote.

5. No Member shall speak more than once, except to make an explanation, until every Member who wishes to speak has spoken.

57. ADJOURNMENT OF CLOSED MEETING

A motion in closed meeting to rise and report shall be put immediately and shall be decided without debate.

PART 8: RESOLUTIONS AND MOTIONS

58. WITHDRAWAL

After a motion is read or stated by the Mayor, it shall be deemed to be in possession of Council, and it may only be withdrawn before a decision is made, with the permission of Council.

59. READING

Every motion, once seconded shall be received and read by the Mayor or the Clerk, except in the cases of motions that may be presented orally under these rules.

60. NO DEBATE UNTIL READ

No member shall speak on any motion until it is first read, and the mover is entitled to speak first thereon if he so desires, and the question or motion if debated, may be read again before the vote.

61. MOTIONS CONTRARY TO REGULATION

Whenever the Mayor is of the opinion that a resolution is contrary to the rules and privileges of Council, he shall immediately advise the members thereof and shall cite the rule or authority applicable.

62. JURISDICTION OF COUNCIL

The Mayor will not accept any motion that does not fall within the jurisdiction of Council.

63. MOTIONS

(1) The following matters and motions related thereto may be introduced orally without written notice and without leave, except as otherwise provided by these rules of procedure :
   (i) a point of order or personal privilege;
   (ii) presentation of a petition related to the subject under consideration;
   (iii) a motion to lay on the table;
   (iv) a request for vote on the previous motion.

(2) The following motions may be introduced without notice, and shall not be deferred, but such motions shall be in writing signed by the mover and seconder except as otherwise provided by these rules of procedure:
(i) to refer;
(ii) to postpone indefinitely or to a definite date;
(iii) to adjourn;
(iv) to amend;
(v) provisional interruption of the rules of procedure;
(vi) extension of the meeting duration;
(vii) request for reconsideration;
(viii) any other procedural motion.

(3) All motions and resolutions shall commence with the words "Be it resolved that", and shall be moved and seconded.

64. PRIVILEGE

A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled, the question so interrupted shall be moved to the point where it was suspended.

65. SETTING ASIDE

1. A motion simply to set aside a question is not debatable under this rule.

2. No motion to set aside may be reconsidered during the same meeting. The matter tabled shall not be considered again by Council until a motion has been made to take up the tabled question.

3. A subject that was set aside and not discussed for a period of three months is considered withdrawn.

66. THE INITIAL QUESTION

A motion to vote on the initial question:
(a) cannot be amended;
(b) cannot be proposed while there is an amendment under consideration;
(c) shall preclude all amendments of the main question;
(d) when resolved in the affirmative, the question is to be put forward without debate or amendment;
(e) can only be moved in the following words: "that the question be now put".

67. MOTION TO REFER

B-L 66-20 1. When a motion simply "to refer" and not referred to a standing committee, advisory committee or other body or official to whom the matter is referred to the Clerk of the Corporation, or whoever he may designate for its consideration of the matter and report back to Council.

B-L 66-20 2. A motion to refer to a specific standing committee, advisory committee, commission or administrative staff shall preclude all amendments to the main question, any motion to postpone, or to set aside.

68. MOTION TO POSTPONE TO A DEFINITE DATE

A question which has been postponed at a specific date shall have precedence over all business on that date.

69. MOTION TO ADJOURN

The motion to adjourn shall always be accepted, except as provided by this Rule:
- when adopted in the negative, it cannot be proposed again until intermediate proceedings have been taken by Council ;
- cannot be carried when a Member is speaking or during the verification of a vote;
- cannot be carried when submitted immediately after the adoption of a motion requesting a vote on the previous question.

70. AMENDMENT

1. A motion to amend:
   a) shall have been received and debated by Council prior to a previous amendment to the question;
   b) shall be relevant to the main question;
   c) shall be rejected if it directly contravenes with the question.

2. Only one motion to amend an amendment to the question shall be allowed and any further amendment must relate to the main question.

3. A separate and distinct disposition on a question may not be proposed by way of amendment.

71. PRECEDENCE TO PROCEDURAL MOTIONS

When a question is under consideration, no motion shall be received except a procedural motion.

72. NOTICE OF MOTION

1. Notices of motion shall be presented in writing and shall be received by the Clerk not later than 3:00 p.m. on the Friday preceding the regular meeting of Council.

2. The notice of motion shall be incorporated into the Council meeting agenda under the heading "Notice of Motion", and a copy of the notice will be part of the documentation presented to Council members and the public.

B-L 66-20 3. The motion in question must be seconded by another member of Council. A notice of motion that has been moved and seconded will be referred to the standing committee to which the subject relates, to allow municipal staff to conduct research and make a recommendation.

B-L 66-20 4. Once the subject is considered by the standing committee in question, the subject of the notice of motion will be brought to a regular meeting of Council for a vote.

5. The person presenting a motion, with the consent of the person who seconds it, may withdraw the motion at any time, to the extent that the debate on the motion has not yet begun.

73. RECONSIDERATION

1. Only a substantive motion may be reconsidered.

2. Once a substantive motion has been voted on, any member who voted thereon may, at any time prior to adjournment of the meeting at which such substantive motion was voted, give notice that he will move at the next meeting held thereafter for a reconsideration thereof.

3. Council shall, immediately after such notice has been given, vote as to whether or not such notice of reconsideration shall be accepted.

4. Where one-third or more of the members present have voted in favor of the reconsideration, it shall be accepted.

5. If such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the motion to reconsider has been settled.

6. If a notice of reconsideration is accepted by Council, then the consideration of the motion to reconsider shall be added on the next regular meeting of Council agenda, unless Council decides to deal with the motion at some earlier time.

7. Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the whole of Council votes in favor.

8. Debate on a motion for reconsideration must state the reasons for or against reconsideration.

9. No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider, unless and until the Council has voted to reconsider same.

10. No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

11. In the case of notice given under subsection 2 at a special meeting of Council "the first meeting held thereafter" shall mean the next special meeting called to deal with the general subject matter under reconsideration or the next regular meeting of the Council, whichever shall first occur.

PART 9: MUNICIPAL BY-LAWS

74. READINGS OF BY-LAWS AND PROCEEDINGS THEREON

i) Every by-law which has been enacted by Council shall be numbered and dated by the Clerk, and shall be retained at the Town Hall for safekeeping.

ii) All by-laws enacted by Council shall be indexed and filed for the year in which they are passed.

PART 10: GENERAL PROVISIONS

75. TIME

Time, in this by-law shall be governed by Eastern Standard Time, except that Eastern Daylight Saving Time shall govern when it is in common usage in Hearst.

76. INTERRUPTION OF RULES OF PROCEDURE

Rules of procedure may not be interrupted except as otherwise decided by a two-third vote of members of Council present at a Council meeting. Council may not suspend a provision of the Act relating to procedures.

77. RULES OF MEETINGS

Any procedure of Council or committees not included in these provisions shall be dealt with in accordance with the *Roberts Rules Of Order*.

78. EXECUTION OF DOCUMENTS

Whenever needed to give effect to a resolution or by-law of the Corporation or to perform any of the statutory duties of the Corporation, the Mayor and the Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to such documents.

79. REPEAL

By-law No. 12-96 and amendments thereto are hereby repealed.

80. EFFECT

This By-law shall be considered as effective December 1st, 2018.

81. SHORT TITLE

This By-law may be referred to as the "Council Procedure By-law" or the "Procedure By-law".

READ AND PASSED IN OPEN COUNCIL

THIS 18TH DAY OF SEPTEMBER 2018.

(Signed Roger Sigouin)
MAYOR

(Signed Janine Lecours)
CLERK