THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2026- 44

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES - COMMONLY KNOWN AS THE PROCEDURE BY-LAW

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

AND WHEREAS Section 238 (3.3) of the *Act* was amended March 19, 2020 to provide that, during emergencies declared locally or provincially under the *Emergency Management and Civil Protection Act*, members of councils, local boards and Committees who participate electronically in open and closed meetings may be counted for purposes of quorum;

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. **DEFINITIONS**

CAO - the Chief Administrative Officer of the Corporation of the Municipality of Magnetawan.
Clerk - the Clerk of the Corporation of the Municipality of Magnetawan.
Closed Meeting - a meeting of Council or other Committee to which public access is restricted.
Confirmatory By-law - a by-law of Council that adopts all resolutions passed at a Council meeting.
Committee – an advisory group created by, and members appointed by Council, which may or may not have a member of Council appointed.
Council - the elected and sworn members of the Council of the Corporation of the Municipality of Magnetawan.
Deputation - an address to Council or Committee at the request of a person wishing to speak on a specific item.
Head of Council - the Mayor or in cases of a Committee - the Chair.
Member – an elected and/or appointed representative of Council or a Committee acting in their elected and/or appointed position.
Point of Order – a question by a Council member with the view to calling attention to any issue relating to the Procedure By-Law or the conduct of Council's business or in order to assist the member in understanding Council's procedures, making an appropriate motion or understanding the effect of a motion.
Point of Privilege or Personal Privilege – a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Municipal official has been impugned or questioned by a member.
Quorum - a majority of members of Council or Committee.
Recorded Vote - the recording in the minutes of the names and vote of every member present on any motion.
Resolution – the decision of Council on any motion.

2. **ROLE OF COUNCIL**

As outlined in *the Municipal Act,* 2001, Section 224, it is the role of Council:

2.1 to represent the public and to consider the well-being and interests of the Municipality,
2.2 to develop and evaluate the policies and programs of the Municipality;
2.3 to determine which services the Municipality provides;
2.4 to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
2.5 to ensure the accountability and transparency of the Municipality, including the activities of the senior management of the Municipality;
2.6 to maintain the financial integrity of the Municipality; and
2.7 to carry out the duties of Council under the *Municipal Act* or any other *Act*.

3. MEETINGS OF COUNCIL

3.1 **Regular Council Meeting** - Regular meetings of Council shall be held on the third Wednesday of the month starting between the hours of 1pm to 6pm, at Council's discretion or on any other day as may be determined by Council resolution.

3.2 Council meetings shall be held in the Community Centre, 4304 Highway 520, Magnetawan. Alternate locations may be considered with a Council resolution and appropriate public notice.

3.3 Notice of meetings shall be posted on the Municipal website. A meeting of Council may be cancelled or changed by Council resolution, with appropriate public notice to be provided as soon as possible. When a regular meeting of Council is cancelled or changed, the Clerk shall give notice at least seven (7) days in advance by posting on the website and, if possible, by publication in a local newspaper.

3.4 **Special Meeting of Council** - Any Member of Council may call a special meeting, with twenty-four (24) hours' notice if possible, through the Clerk's office. Public notice shall be given on the municipal website as soon as possible and by any other method that is possible within the time frame. The only item(s) of business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

3.5 **Inaugural Meeting** - The inaugural meeting of Council shall take place in accordance with the *Municipal Elections Act.*

3.6 **Closed Meeting** - All meetings of Council and all meetings of any Committee of Council shall be open to the public, except if the subject matter being considered is permitted by the *Municipal Act*, to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution the fact of holding a closed meeting and the general nature of the matter to be discussed at the closed meeting.

3.7 **Electronic Participation:** Committee meetings may offer electronic participation, at the discretion of the Chair, in accordance with the *Municipal Act*. Council may offer electronic participation for a Council meeting during an emergency declared by either the Provincial Government, the Municipal Head of Council (or appointed designate), under the *Emergency Management and Civil Protection Act.*, in accordance with the Municipal Act. Members participating electronically will be counted towards quorum. Members may fully participate and vote in both open and closed meetings. Members of the public may participate electronically in open meetings, as the chosen technology permits.

3.8 **Electronic Streaming:** Council meetings will be audio livestreamed with recordings available on the website for 21 days. It is understood that participants listening to live streaming will not have the ability to participate in the meeting or the ability to use the chat function. Recorded audio will be posted as recorded. Livestreaming/recording will be stopped for closed session with the livestreaming/recording restarting after Council returns to open session. The Municipality is not responsible for connectivity issues.

4. DUTIES OF THE HEAD OF COUNCIL

The Head of Council shall:

4.1 open the meeting of Council by taking the chair and calling the meeting to order;

4.2 announce the business before the Council in the order in which it is to be considered;

4.3 receive and submit, in the proper manner, all motions presented by the members of Council;

4.4 put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings and to announce the result;

4.5 decline to put to vote motions which are counter to the procedure by-law;

4.6 ensure that members follow the procedure by-law when engaged in debate;

4.7 be permitted to participate in any debate without leaving the chair;

4.8 enforce on all occasions the observance of order and decorum among the members and those present as observers;

4.9 if quorum agrees, Council may direct questions to the public during the meeting only if no disruption results to the decorum of the meeting;

4.10 call by name, any member or person who persists in breaching the procedure by-law of the Council, ordering him/her to vacate the Council chamber;

4.11 adjourn the meeting when the business is concluded; or adjourn the meeting without question put, in the case of serious disorder arising in the Council chamber;

4.12 authenticate by signature, all by-laws, resolutions, and minutes of Council.

5. ABSENCE OF HEAD OF COUNCIL

5.1 If the Mayor is absent from the meeting, the Deputy Mayor shall assume the role of Head of Council, with all the rights, powers, and authority. The acting Head of Council shall preside during the meeting or until the Mayor arrives. In the absence of the Mayor and the Deputy Mayor, the remaining members shall appoint by resolution, another member as acting Head of Council.

6. CONDUCT OF MEMBERS AND THOSE PRESENT

No member of Council or other person present shall:

6.1 speak disrespectfully or make allegations concerning another member of Council, staff or the public;

6.2 use offensive words or unparliamentary language;

6.3 disturb Council or other person(s) by using disorderly conduct that is disconcerting including calling out questions or addressing Council without permission;

6.4 criticize any decision of Council, except by a Member of Council for the purpose of moving that the question be reconsidered.

7. QUORUM

7.1 A majority of Council members present shall constitute a quorum.

7.2 If no quorum is present thirty (30) minutes after the time appointed for the meeting, the Clerk shall record the names of the members present and the meeting shall be adjourned until the date of the next regular meeting or until a special meeting is called.

8. REGULAR COUNCIL AGENDA

8.1 The Clerk shall prepare a Council agenda with the following items in an order deemed fit:

Opening Remarks/Announcements
Approval of Agenda
Disclosure of Pecuniary Interest
Minutes of Previous Meetings
Municipal Boards and Committees Minutes
Deputations and Presentations
Staff Reports, Motions and Discussion
By-laws
Correspondence Future Items
Accounts
Closed Session (if required)
Confirmatory By-law
Adjournment

8.2 Any item which is not on the agenda as set but has been determined by the Clerk to be of a nature which requires attention prior to the next scheduled meeting, the item may be added by addendum at the discretion of the Clerk.

8.3 Any items brought forward as a time-sensitive issue by other means shall require a majority vote of the members present to be added to the agenda.

8.4 All items not included in the agenda package and presented as an 'on desk item' will be included in the posted agenda.

8.5 **Regular Council Agenda Packages** – Agenda Packages will be available for Council pick-up and online by 3:00 pm on the Friday preceding a regular meeting of Council.

9. DISCLOSURES OF PECUNIARY INTEREST (CONFLICT OF INTEREST)

9.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee which the matter is the subject of consideration, the Member, shall govern themselves in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 and shall:

i. determine whether they may have a direct or indirect pecuniary interest

and to disclose the nature thereof;

ii. prior to any consideration of the matter at the meeting, disclose the interest verbally at the meeting and then in writing, in a form provided, to the Clerk, the general nature thereof;

iii. not take part in the discussion of, nor vote on any question in respect of the matter;

iv. not attempt in any way whether before, during or after the meeting to influence the voting on the matter;

v. where a meeting is open to the public, the Member shall, in addition to complying with the requirements of *Municipal Conflict of Interest Act,* R.S.O. 1990, c. M.50 forthwith leave the meeting or part of the meeting during which the matter is under consideration;

vi. where a meeting is not open to the public, the Member shall, in accordance with the *Municipal Conflict of Interest Act,* R.S.O. 1990, c. M.50 forthwith leave the meeting or the part of the meeting during which the matter is under consideration;

vii. where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.

9.2 Every declaration of interest and the general nature thereof, shall where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the Committee, as the case may be;

9.3 Every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public;

9.4 Where the number of members who, by reason of the Provisions of *Municipal Conflict of Interest Act,* R.S.O. 1990, c. M.50 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.

10. MINUTES

Minutes shall be recorded by the Clerk, or designate, and shall contain the following:

10.1 the date, time and place of meeting;

10.2 the names of members and staff present;

10.3 the adoption and any corrections of the minutes of prior meetings;

10.4 proceedings of the meeting which will include motions, resolutions, decisions, and directions, without note or comment.

11. DEPUTATIONS AND PRESENTATIONS

11.1 Persons who wish to make a presentation to Council on matters may request in writing providing an outline of the nature of the deputation by 12:00 noon on the Wednesday prior to the next regular meeting, that the Clerk place their name and the topic on the agenda as a deputation or presentation.

11.2 The Clerk, at his/her discretion will determine the eligibility, date and time of the deputation.

11.3 The Clerk may approve a deputation to Council with less notice than required in this section.

11.4 Deputations shall be limited in speaking to not more than ten (10) minutes.

11.5 A member of Council may ask questions only for the purpose of obtaining information relating to the matter under discussion and such questions must be stated concisely.

11.6 After Council has rendered a decision on the issue and written notification of that decision has been given, Council will not consider that issue again within six (6) months. An exception may be granted at the discretion of the Clerk, if substantially new and/or substantially significant information is provided.

11.7 The Clerk may limit the number of deputations heard at any meeting.

11.8 Any person giving a deputation or presentation shall not:

1. speak disrespectfully of any person;
2. use offensive words;
3. speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
4. disobey the rules of procedure or a decision of the Chair or Council.

12. CORRESPONDENCE

12.1 All correspondence, including petitions to be presented to the Council, shall be legible, shall not contain any improper language and shall be signed by at least one person, filed with the Clerk, and shall include the name, address, telephone number and/or email address of the author of the petition.

12.2 All correspondence shall be delivered to the Clerk during regular office hours, by 12:00 noon on the Wednesday prior to the next regular meeting of Council, so that the item may be included in the agenda circulated to members.

13. MOTIONS

13.1 **Voting on Motions** - Motions shall be in writing, showing the signature of the member who moved the motion and the member who seconded the motion.
When a motion is moved and seconded, it shall be read or stated by the Head of Council before debate.
A motion to call the vote by the Chair shall preclude all further amendments of the question.
A motion to the Chair to call the vote by a Member other than the Chair, requires consent of the majority of members.
After a motion is called to vote by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the vote is taken and the result has been declared.
When the Head of Council calls for a vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Head of Council.
Immediately preceding the vote, the Head of Council shall state the question in the precise form in which it will be recorded in the minutes.
The manner of determining the decision of Council on a motion shall be at the discretion of the Head of Council and may be by show of hands, verbal, standing, or any other method.

13.2 **Recorded Vote** - If a member present at a Council or Committee meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any *Act*, shall announce his or her vote openly and the Clerk shall record each vote.

13.3 Any resolution shall require a majority of votes in order to be valid and binding on the Council. If there is an equality of votes, the vote shall be deemed to be lost. A failure to vote by a member who is present at the meeting and who is qualified to vote, shall be deemed to be a negative vote.

13.4 **Notice of Motion** - When a member provides the Clerk with written notice of any motion, the matter shall be included on the agenda for the next regular meeting of Council.

13.5 **Motion to Reconsider** – A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a Member of Council who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.

14. READING OF BY-LAWS

14.1 Every by-law shall be introduced upon motion by a member of Council specifying the title of the by-law.

14.2 Every by-law shall be typed and contain no blanks except as required to conform to accepted procedure or to comply with provisions of any act.

14.3 Every by-law shall have three (3) readings prior to being passed. If Council so

determines, a by-law may be taken as read three (3) times.

14.4 Every by-law enacted by the Council shall be numbered and dated, signed by the Clerk and the Mayor, sealed with the corporate seal, and filed in the Municipal Vault.

14.5 No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter has been considered and approved by Council.

14.6 That the Clerk of the Municipality of Magnetawan is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the By-law as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

15. CONFIRMATORY BY-LAW

As the last item of business before adjournment, Council shall consider a confirmatory by-law to adopt, ratify and confirm all actions of Council at that meeting and to authorize the Mayor and municipal officers to take action as directed.

16. MISCELLANEOUS

16.1 **New Business** - Any matter arising from a deputation or presentation will be considered at a future Council meeting. However, a matter may be considered by Council during this time if sufficient information is available and time permits.

16.2 **Curfew** - No item of business shall be considered at a Council meeting after 10:00 p.m. unless approved unanimously by resolution.

16.3 **Electronic Recording Devices** - Electronic recording devices shall not be permitted in the Council Chambers, unless approved by the Head of Council.

17. SUSPENSION OF RULES

Any procedure required by this by-law may be suspended with consent of a majority of the members of Council present.

18. AMENDMENT

18.1 No amendment or repeal of this by-law or any part shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council.

18.2 Waiving of this notice by the Council is prohibited.

19. EFFECTIVE DATE

19.1 This by-law takes effect on the date of its passing.

19.2 By-law No 2025-54 and any other previous conflicting By-laws are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED, THIS 18th DAY OF November , 2026

Mayor

CAO/Clerk