

CORPORATION OF THE TOWNSHIP OF
ENNISKILLEN BY-LAW NUMBER 56
of 2024

**Being a By-Law to provide rules governing the
Proceedings of Council and Committees and the Conduct of its
Members**

WHEREAS Section 238 of the Municipal Act 2001, S.O. 2001, c.25, as amended, Provides that every Council shall adopt a procedure for governing the calling, place and proceedings of its meetings;

AND WHEREAS it is desirable that there be rules governing the order and procedure of the Council;

NOW THEREFORE the Council of the Corporation of the Township of Enniskillen enacts as follows:

1. DEFINITIONS

- a) "Chair" means the Mayor or Chairperson of the meeting;
- b) "Clerk" means the Clerk of the Corporation of the Township of Enniskillen;
- c) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;
- d) "Council" means the Council of the Corporation of the Township of Enniskillen;
- e) "Electronic meeting" means a meeting called by the Mayor and held in full or in part through such electronic means selected by the Mayor, in consultation with the Clerk, which may include but not limited to, audio telephone conference, video telephone conference, or online through the internet or otherwise via the internet, and with or without in person attendance;
- f) "Emergency" means any period of time during which an emergency has been declared to exist by the Mayor and/or the Province of Ontario pursuant to, as applicable, Section 4 and/or 7.0.1 of the Emergency management and Civil Protection Act, R.S.O. 1990, c.E.9;
- g) "Local Board" means a municipal service board, transportation commission, or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, a Police services board and a conservation authority;
- h) "Meeting" means any regular, special, committee or other meeting of a council or local board or committee or either of them, where,
 - (a) A quorum of members is present, and
 - (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- i) "Member" means a member of the Council or a Committee;
- j) "Municipality" means the Corporation of the Township of Enniskillen;
- k) "Recorded Vote" means the recording of the name and vote of every member present on any matter or question.

2. GENERAL PROVISIONS

- a) The rules and regulations set out herein shall be observed in all proceedings of the Council, and with necessary modifications, the committees of council;
- b) No standing rule or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings;
- c) A member shall declare a pecuniary interest at the appropriate time during a meeting where an interest may exist;
- d) When a member of Council requests clarification on any item the member of Council will reach out to the Administrator-Clerk.

3. MEETINGS OF COUNCIL

3.1. INAUGURAL MEETING AND ELECTION YEAR

- a) Following a regular municipal election the inaugural meeting of council shall be held at 7:00 p.m. on the first Monday on or after November 15 of an election year in the Council Chambers at the Municipal Hall

3.2. REGULAR MEETING

- a) Council shall meet for regular meetings, unless otherwise ordered by motion of council, as follows:
 - the first Monday and the third Monday of each month commencing at 4:30 p.m. By resolution Council may alter the time, day or place of any Council and or committee meeting.
 - January and August of each year, one meeting shall be held on the third Monday of the month commencing at 4:30 pm.
 - The Clerk may alter the starting time of a regular meeting to accommodate an In-Camera meeting;
- b) If a Monday designated for the holding of a council meeting shall fall on a public or statutory holiday or be deemed inconvenient due to special circumstances, the council shall meet on the Tuesday following the regular scheduled meeting (the next evening);
- c) Council dates will be set in advance for the calendar year and posted on the Township Website for public notice;
- d) Council may, by resolution, alter the time, day or place of any council and/or committee meeting.

3.3. SPECIAL MEETINGS OF COUNCIL

- a) The Mayor may at any time summon a special meeting of the Council. Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition;
- b) In the absence of the Mayor, or if the office is vacant, or if the Mayor refuses to act, a special meeting may be summoned by the Clerk or designate upon a request signed by a majority of the members of council;
- c) Notice of a special meeting should be in writing 48 hours prior to the meeting, except in the case of an emergency, and should be given in sufficient time to allow all members to attend, with a minimum of one day's clear written notice.

3.4. EDUCATION SESSIONS

- a) Under Section 239 (3.1) of the Municipal Act; Education Session meetings are to be held for the purpose of educating or training members. During an Educational meeting, no member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the council, local board or committee.

3.5. OPEN/CLOSED MEETING

- a) All meetings of the council and its committees shall be open to the public. Council may direct the meeting or part of the meeting be closed to the public if the subject matter being considered is:
 - i. the security of the property of the municipality 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.

Other criteria

- a) 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.

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;

- (a) the meeting is held for the purpose of educating or training the members;
 - (b) 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 committees
- b) Before holding a meeting or part of a meeting that is closed to the public, council or local board or committee shall state by resolution:
- i) the fact of the holding of the closed meeting; and
 - ii) the general nature of the matter to be considered at the closed meeting. (Property, Personal or Legal)

3.6. ELECTRONIC MEETING PARTICIPATION

- a) Council meetings will be held in person at the Municipal Hall. Meetings may be held electronically at the call of the Mayor. Notice shall be posted on the municipal website of any electronic meetings.
- b) Any member of Council may participate in a meeting electronically and may be counted to determine whether or not a quorum of members is present. A member of Council shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- c) Township staff may attend a meeting electronically as if they were attending in person.
- d) Any person may make a request to the Clerk present to Council electronically during in person meetings subject to sections 4.4 and 4.5. A link to attend the meeting electronically will be sent for the scheduled time. After the presentation the person will be removed from the electronic meeting and the in-person session will continue.

4. PROCEEDINGS

4.1. COMMITTEES

- a) Any member of council may be placed on a standing or other committee and the Mayor shall be ex-officio member of all committees.
In so far as is possible, the procedures of the committees shall be the same as those set out for council.

4.2. QUORUM

- a) A quorum of this council shall be a majority of the whole number of members required to constitute a council thereof, that is three (3) members, unless a two-third majority shall be required by

- statute or by-law;
- b) Unless there is a quorum present within one-half hour after the time appointed for the meeting of council there shall not be a meeting;
 - c) The Clerk or designate shall record the names of such members as are present;
 - d) A quorum of any of the committees appointed by the council shall be a majority of its members.

4.3. PRESIDING OFFICER

- a) The head of council shall preside at all meetings of the Council. In the absence of the head of Council, the Deputy Mayor shall preside over the meeting. If the Deputy Mayor is also absent a chairperson shall be chosen from the members present and shall preside over the meeting until the arrival of the Mayor or Deputy Mayor;
- b) The head of council or other presiding officer may expel any person for improper conduct at a meeting.

4.4. CORRESPONDENCE AND REPORTS TO COUNCIL

- a) All correspondence for agenda listing for a regular council meeting are to be provided to the Clerk's Office by 12:00 noon of the Tuesday preceding the council meeting.

4.5. DELEGATIONS TO COUNCIL

- a) Any person wishing to make a presentation to Council is required to register with the Clerk by completing the form attached to this by-law as "Schedule A – Delegation Request Form" by Noon on the Tuesday prior to the Council meeting and provide:
 - a. The name or names of the members of the delegation and the substance of the matters to be presented to Council.
- b) Members of the delegation will be contacted by the Clerk to confirm the date when the matter will be placed on the Council agenda.
- c) No delegation will be accepted to speak if the matter relates to a tender or request of proposal under current consideration before the municipality, insurance claims, legal matters including litigation, labour or staff relations.
- d) No delegation can address Council on the same item more than once every three months.
- e) Any person making a presentation shall only address members of Council through the head of Council.
- f) Members of Council shall only ask questions to the delegates through the head of Council.
- g) A presentation to Council shall be limited to 10 minutes.

4.6. VOTING

- a) Every member of the council shall vote.
- b) Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- c) If a member present at a 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.

- d) A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

4.7. BY-LAWS

Every bylaw of a municipality;
(a) shall be under the seal for the corporation; and
(b) shall be signed by the clerk and by the head of Council or presiding officer at the meeting at which the bylaw was passed

4.8 PUBLIC NOTICE OF MEETINGS

Subject to Section 3.1, 3.2 and 3.3 notice of meetings of Council shall be posted in the Township office.

Notice of meetings of committees and boards of Council shall be posted in the Township office.

Notice of meetings of Council, committees and boards of Council shall be listed on the municipal web site.

4.9 FILLING VACANT COUNCIL OFFICES

The filling of a Council vacancy shall conform to the provisions of Section 263 of the Municipal Act 2001.

4.10 VACANCY OF COUNCILLOR'S OFFICE

Where a Councillor office becomes vacant the Council shall first appoint the next runner up in the most recent election to fill the vacancy.

4.11 VACANCY OF MAYOR'S OFFICE

Where the office of Mayor becomes vacant the Council shall appoint the Deputy Mayor to fill the vacancy.

4.12 ADDITIONAL

Where it is not possible to comply with Section 4.10 or 4.11 the Council shall proceed to fill the vacancy by either appointing a person to the office or holding a by-election.

That Bylaw 68 of 2023 is hereby repealed.

This Bylaw shall come into full force and effect on third reading.

AND THAT this By-law shall come into force and effect upon final passing;

By-Law Read a First and Second Time this 18th day of November 2024;

By-Law Read a Third Time and Finally Passed this 18th day of November 2024.

Kevin Marriott
Mayor

Duncan McTavish
Clerk