



**CORPORATION OF THE MUNICIPALITY OF EAST FERRIS**

**BY-LAW NO. 2023-55**

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, LOCAL  
BOARDS AND COMMITTEES OF EITHER, THE CONDUCT OF ITS  
MEMBERS THE CALLING OF THE MEETINGS AND TO ESTABLISH RULES  
OF ORDER.**

**WHEREAS** pursuant to Section 238(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended that every Municipality and Local Board pass a Procedure By-law for governing the calling place and proceedings of meetings;

**AND WHEREAS** pursuant to Section 238(2.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended requires public notice of meetings;

**BE IT HEREBY RESOLVED THAT** the Council of the Corporation of the Municipality of East Ferris hereby enacts as follows:

## PROCEDURAL BY-LAW

### Contents

ARTICLE 1 – INTERPRETATION .....	3
1.1 Short Title of By-law.....	3
1.2 Definitions.....	3
1.3 Use of Gender .....	4
1.4 Preamble .....	4
ARTICLE 2 - GENERAL PROVISIONS .....	4
2.1 Rules and Regulations.....	4
2.2 Rules – Suspended by Resolution .....	4
2.3 Rules of Order – Governing Proceedings .....	4
2.4 Rules of Order – Robert’s application .....	4
2.5 Conflict – Rules of Procedure .....	4
ARTICLE 3 - ROLE OF HEAD OF COUNCIL.....	4
3.1 Role of Mayor .....	4
3.2 Mayor – Chief Executive Officer.....	5
3.3 Ex-officio – all Committees .....	5
3.4 Mayor – Appointed by Council – Member of Board .....	5
3.5 Absence of Mayor.....	5
3.6 Selection Criteria .....	5
3.7 Absence of Mayor and Deputy Mayor .....	5
ARTICLE 4 - ROLE OF COUNCIL .....	5
4.1 Role of Council .....	5
4.2 Disqualification (Ref 258(2)) .....	6
4.3 Vacant Seat (Ref 259(1)) .....	6
ARTICLE 5 - LOCATIONS, MEETING TIMES AND NOTICE .....	6
5.1 Inaugural Meeting – Date – Time – Location.....	6
5.2 Regular Meetings of Council – Date – Time - Location .....	6
5.3 Council Meetings - July, August & December .....	7
5.4 Special Meeting Summoned by Head of Council .....	7
5.5 Special Meeting Summoned by Majority Petition .....	7
5.6 Committee or Local Board meetings – Date, Time, Location .....	7
5.7 Notice of Regular Meetings.....	7
5.8 Notice of Special Meeting .....	7
5.9 Committee Meetings – Notice of Meeting .....	7
5.10 Notice of Meetings – Provided to the Public.....	7
5.11 Location of Meetings.....	7
5.12 Attendance at Meetings .....	7
5.13 Electronic Meetings During Emergencies .....	8
5.14 Proxy Voting .....	8
5.14.1 Appointment of Proxy .....	8
5.14.2 Rules for Appointing Proxy .....	8
5.14.3 Pecuniary Interests – Appointing Member .....	8
5.14.4 Pecuniary Interest – Proxyholder .....	9
5.14.5 Revocation of Proxy.....	9
5.14.6 Participation of Proxyholder .....	9
ARTICLE 6 - MEETINGS OF COUNCIL.....	9
6.1 Calling the Meeting to Order .....	9
6.2 No Quorum.....	9
6.3 Curfew.....	9
6.4 Meetings Open to the Public.....	10
6.5 Closed Session or Meeting.....	10
6.6 Closed Session – Resolution .....	10
6.7 Votes of Council .....	10
6.8 Closed Session – Confidentiality.....	11
6.9 Closed Session or Meeting – Release of Information.....	11
6.10 Conflict of Interest – Duty of Member.....	11
ARTICLE 7 - AGENDAS.....	11
7.1 Preparation of an Agenda.....	11
7.2 Items for Inclusion on the Agenda - Deadlines.....	12
7.3 Items for Inclusion on the Agenda – Notices of Motion .....	12
7.4 Items for Inclusion on the Agenda – Other Business.....	12
7.5 Preparation of Agenda – Special Meetings .....	12
7.6 Circulation of Agenda – Council Meetings .....	13
7.7 Correspondence and Communication.....	13
7.8 Order of Business.....	13
7.9 Agenda – Local Board/Committee .....	13

ARTICLE 8 - MINUTES OF MEETINGS.....	13
8.1 Content of Minutes.....	13
8.2 Language of Minutes .....	13
8.3 Minutes Available for Public Review .....	13
8.4 Reading of Minutes.....	13
8.5 Minutes – Kept in Clerk’s Office .....	13
ARTICLE 9 - DELEGATIONS.....	14
9.1 Notice to Clerk.....	14
9.2 Further Hearing .....	14
9.3 Length of Delegations.....	14
9.4 Repetitive or Frivolous Topics.....	14
9.5 Committee Review and Consideration .....	14
9.6 Submissions of Petitions.....	14
9.7 Invitation to Appear Before Council.....	14
ARTICLE 10 - BY-LAWS AND AGREEMENTS.....	14
10.1 Circulation of By-laws and Agreements .....	14
10.2 Introduction of By-laws .....	15
10.3 First and Second Reading .....	15
10.4 By-law – Debate or Amendment .....	15
10.5 By-law – Third Reading .....	15
10.6 By-law – Constitutes Reading.....	15
10.7 By-law – Reading in its Entirety .....	15
10.8 By-law – Number of Readings .....	15
10.9 By-law – Date of Readings .....	15
10.10 By-law – Signing – Sealing – Filing.....	15
ARTICLE 11 - MOTIONS/RESOLUTIONS .....	15
11.1 Motion – Possession of Council .....	15
11.2 Motion – Introduction .....	15
11.3 Form of Motion .....	15
11.4 Priority of Disposition .....	16
11.5 Motion – Amendment.....	16
11.6 Motion – Voting.....	16
11.7 Motion – Recorded Vote .....	16
11.8 Motion – Abstention or Failure to Signify Vote .....	16
11.9 Motion – Support of Resolution Received from another Municipality.....	16
11.10 Motion – One Member – One Vote .....	16
11.11 Motion – Open Voting.....	16
11.12 Motion – Tie Vote.....	16
11.13 Motion – No Seconder .....	16
11.14 Motion – Declaration of Results.....	17
11.15 Motion – Reconsideration .....	17
11.16 Motion – Out of Order.....	17
11.17 Motion – Privilege .....	17
ARTICLE 12 - RULES OF DEBATE .....	17
12.1 Speaking on a Motion .....	17
12.2 Points of Order and Privilege .....	17
12.3 Matters of Personal Privilege .....	17
ARTICLE 13 – CONDUCT OF MEMBERS.....	18
13.1 Code of Conduct.....	18
13.2 Ejection of Member - Disobedience .....	18
ARTICLE 14 - GENERAL .....	18
14.1 Notices Referred to in this By-law .....	18
14.2 Variation from Provisions .....	18
14.3 Severability .....	18
14.4 Repeal of Previous Procedural By-law and Amendments .....	18
14.5 Date of Effect.....	18
14.6 Review.....	18
SCHEDULE “A” to By-law No. 2023-55.....	20
SCHEDULE “B” to By-law No. 2023-55.....	21

## **ARTICLE 1 – INTERPRETATION**

### **1.1 Short Title of By-law**

This By-law shall be known as the Municipality of East Ferris Procedural By-law.

### **1.2 Definitions**

In this By-law:

- a) “CAO” means the Chief Administrative Officer reporting to Council. The Chief Administrative Officer (CAO) is the senior administrator providing information, advice, and recommendations to Council on issues that affect the municipality in order to ensure that Council makes informed decisions and to fulfill such duties as may be assigned by the Municipality from time to time. The CAO attends all Council meetings.
- b) “Chair” means the person presiding at a meeting and sees that the rules of procedure are observed whether that person is the regular presiding officer or not.
- c) “Clerk” means that person appointed by the Council of the Municipality of East Ferris to fulfill such duties as may be assigned by the Municipality from time to time.
- d) “Committee” means any advisory or other Committee, Subcommittee or similar entity of which at least 50 percent of the members are also members of one or more Councils or Local Boards. Committees are established by Council and are governed by the Terms of References in the Boards and Committees Policy.
- e) “Council” refers to elected members of Council.
- f) “Head of Council” means the Mayor of the Corporation of East Ferris or in the case of the absence of the Mayor from the Municipality or if they are absent through illness, or their office is vacant, a Councillor shall be appointed as Deputy Mayor to act from time to time in the place and stead of the Mayor and they shall have all the rights, powers and authority of the Head of Council while so doing.
- g) “Local Board” means a municipal service board, transportation commission, board of health, planning board and 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 conservation authority, a police services board or a public library board.
- h) “Meeting” means any regular, special or other gathering of Council, a Local Board or of a Committee of Council, for which a quorum is required in order to make a decision on any matter over which it has jurisdiction and does not include participation at workshops, training sessions or conferences;
- i) “Member” as it relates to Council means a member of the Corporation of the Municipality of East Ferris Council and as it relates to Committees as defined in 1.2(d) shall mean a person elected or appointed to the Committee and includes the Head of Council and the Chair of any Committees;
- j) “Municipal Act” means the Municipal Act S.O. 2001, c.25 as amended or replaced.
- k) “Present” means physically in attendance at the meeting.
- l) “Presiding Officer” means the Head of Council or the Chair of a Committee unless otherwise appointed in accordance with the provisions of this By-law.

- m) “Quorum” as it relates to Council means three members of Council and as it relates to Committees means a majority of the applicable membership.
- n) “Recording Clerk” shall mean the Clerk or Deputy Clerk as appointed by Council who shall record the meeting proceedings of Council, Local Boards and Committees constituted pursuant to this By-law.
- o) “Corporation” means the Corporation of the Municipality of East Ferris.

### **1.3 Use of Gender**

A word in this By-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to inclusive of all genders and/or observations.

### **1.4 Preamble**

In addition to this By-Law, Members of Council are governed by the following documents and legislation:

- Communications Policy (By-law No. 2020-96)
- Community Engagement Policy (Resolution No. 2021-353)
- Council Code of Conduct (By-law No. 2018-50)
- Council-Staff Relations Policy (By-law No. 2020-40)
- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act

## **ARTICLE 2 - GENERAL PROVISIONS**

### **2.1 Rules and Regulations**

Subject to the provisions of the Municipal Act, the rules and regulations contained in this By-law shall be the rules of procedure governing the proceedings of Council, the Local Boards, and the Committees thereof.

### **2.2 Rules – Suspended by Resolution**

Any rules established by this By-law, other than a quorum requirement, may be suspended upon resolution by a quorum of Council, a Local Board or Committee members provided that the suspension of the rules does not result in a contravention of any prescribed statute or law.

### **2.3 Rules of Order – Governing Proceedings**

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 Council, a Local Board or Committees and the conduct of the members of same.

### **2.4 Rules of Order – Robert’s application**

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.

### **2.5 Conflict – Rules of Procedure**

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.

## **ARTICLE 3 - ROLE OF HEAD OF COUNCIL**

### **3.1 Role of Mayor**

It is the role of the Mayor as the Head of Council: (Ref. 225)

- a) to Act as Chief Executive Officer of the municipality;

- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224(d) and (d.1) of the Municipal Act
- d) to represent the Municipality at official functions; and
- e) to carry out the duties of the Head of Council under the Municipal Act or any other statute or regulation; and

### **3.2 Mayor – Chief Executive Officer**

As Chief Executive Officer for the Corporation, the Head of Council shall:  
(Ref.226.1)

- a) uphold and promote the purposes of this municipality;
- b) promote public involvement in the Corporation's activities;
- c) act as the representative of the Corporation both within and outside the Municipality and promote the Corporation locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

### **3.3 Ex-officio – all Committees**

The Head of Council shall be an ex-officio member of all Local Boards or Committees of Council and shall be entitled to vote as a member of such Committees. Notwithstanding the above, the Head of Council is not considered a member of the Committee when determining a quorum.

### **3.4 Mayor – Appointed by Council – Member of Board**

Unless otherwise prohibited, whenever the Mayor is appointed by Council as a member of a Local Board or Committee, the Mayor may, from time to time, appoint a member of Council as a designate to attend a meeting of the Local Board or Committee, as the case may be.

### **3.5 Absence of Mayor**

A Deputy Mayor shall act from time to time in the place and stead of the Mayor while the Mayor is absent from the municipality or is absent through illness or their office is vacant.

### **3.6 Selection Criteria**

The Deputy Mayor when acting in the place and stead of the Mayor shall be a Councillor appointed by Council and they shall have all the rights, powers and authority of the Head of Council while so doing.

### **3.7 Absence of Mayor and Deputy Mayor**

In the absence of both the Mayor and the Deputy Mayor, an Acting Deputy Mayor shall be appointed by Council from the remaining members of Council to act in the capacity of Head of Council and they shall have all the rights, powers and authority of the Mayor.

## **ARTICLE 4 - ROLE OF COUNCIL**

### **4.1 Role of Council**

It is the role of Council: (Ref. 224)

- a) to represent the public and consider the well-being and interests of the Corporation;
- b) to develop and evaluate the policies and programs of the Corporation;
- c) to determine which services the Corporation provides;
- d) to ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- d.1) to ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality
- e) to maintain the financial integrity of the Municipality;

- f) to carry out the duties of Council under the Municipal Act or any other statute or regulation.

#### **4.2 Disqualification (Ref 258(2))**

A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member,

- a) ceases to be a Canadian citizen;
- (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality, in the case of a member of council of a local municipality, or in a lower-tier municipality within the upper-tier municipality, in the case of a member of council of an upper-tier municipality; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of member of council of the municipality if an election was held at that time. 2001, c. 25, s. 258 (2); 2005, c. 5, s. 44 (3).

#### **4.3 Vacant Seat (Ref 259(1))**

The office of a member of council of a municipality becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- (b) fails to make the declaration of office before the deadline in section 232;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from their office and the resignation is effective under section 260;
- (e) is appointed or elected to fill any vacancy in any other office on the same council;
- (f) has their office declared vacant in any judicial proceeding;
- (g) forfeits their office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

#### **Exception**

259 (1.1) Clause (1) (c) does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member. 2017, c. 10, Sched. 1, s. 30.

### **ARTICLE 5 - LOCATIONS, MEETING TIMES AND NOTICE**

#### **5.1 Inaugural Meeting – Date – Time – Location**

The inaugural meeting of Council in an election year shall be held on the 15<sup>th</sup> of November of an election year at 11:00 a.m. in Council Chambers. If the 15<sup>th</sup> of November falls on a Saturday, Sunday or a Statutory Holiday, the meeting will be held on the next business day. This meeting shall be for the purpose of swearing in the new Council and the appointment of Deputy Mayor. Council shall appoint, by resolution, the Councillor who placed first in the Municipal Election as Deputy Mayor.

#### **5.2 Regular Meetings of Council – Date – Time - Location**

Regular meetings of Council shall be held in the Council Chambers or other designated location beginning at 5:00 p.m. local time and shall be held on the second and fourth Tuesday of each calendar month. When the day of the regular meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next following day which is not a public or civic holiday.

**5.3 Council Meetings - July, August & December**

Notwithstanding the provisions of Subsection 5.2, during the months of July, August and December there shall be only one regular meeting of Council held on the second Tuesday of each of those months.

**5.4 Special Meeting Summoned by Head of Council**

The Head of Council may, at any time call a special meeting of Council to be held on such day, time and location as is chosen by the Head of Council.

**5.5 Special Meeting Summoned by Majority Petition**

Upon receipt of a petition of a majority of Council members, the Clerk shall summon a special meeting of Council for the purpose stated in the said petition and to be held on such day, time and location mentioned in the petition. Once such petition is received by the Clerk, no member may remove their name.

**5.6 Committee or Local Board meetings – Date, Time, Location**

Committee meetings shall be called by the appointed Chair with notice given by the staff resource person to be held on such day, time and location mentioned in a written or verbal notice to all members of the Committee.

**5.7 Notice of Regular Meetings**

Notice to members of Council shall not be required to be given of regular meetings of Council unless the day of the meeting is other than that provided for by this By-law or by Council resolution. It is understood that provision of the Agenda for regular Council meetings by the Clerk will be done in electronic format and shall be considered adequate notice of such regular meetings.

**5.8 Notice of Special Meeting**

In either circumstance, the Clerk shall give every member of Council at least 24 hour notice of the special meeting which shall include the date, time, location and purpose of the said meeting. Notice of said meeting shall be either verbal or written and unless otherwise specified on the notice shall be held in the Council Chambers. Notwithstanding the above, the 24 hour notice requirement may be waived with the majority of Council.

**5.9 Committee Meetings – Notice of Meeting**

The recording clerk for the Committee shall give every member of the Committee at least 48 hours notice of said meeting. Such notice shall be either verbal or written and shall include the agenda for a regular meeting or the purpose for a special meeting. This 48 hour notice requirement may be waived with the majority of Council.

**5.10 Notice of Meetings – Provided to the Public**

Notices of all meetings of Council shall be provided to the public by posting a notice of the date, time and location of such meetings on the Corporation website not less than twenty-four (24) hours prior to the said meeting, exclusive of non-business days. Notwithstanding the foregoing, where such meeting is a special meeting called pursuant to this By-law and it is not possible to provide the aforementioned notice, the Municipal Clerk shall make reasonable efforts to provide notice to those concerned.

Public notices of Local Board and Committee meetings shall be given by the recording clerk by posting a notice of the date, time and location of such meetings on the Corporation Website as soon as is practicable after notice of the meeting has been given.

**5.11 Location of Meetings**

Unless otherwise specified in the notice of meetings, all Council meetings shall be held in Council Chambers at the Municipal Office.

**5.12 Attendance at Meetings**

Members of Council, Local Boards and Committees shall be physically present for meetings. Should a situation arise where a member cannot be physically present at a meeting, the member may join electronically, so long as there is a quorum of members physically present at the meeting.



### **5.13 Electronic Meetings During Emergencies**

During emergencies declared locally or provincially under the *Emergency Management and Civic Protection Act*, all Members of Council, Local Boards and Committee may participate electronically in open and closed meetings and shall be counted for the purposes of quorum.

### **5.14 Proxy Voting**

#### **5.14.1 Appointment of Proxy**

Notwithstanding any other provision of Procedural By-law No. 2023-55, a member of Council may appoint another member of Council as a proxy to act in their place when they are absent from a meeting in accordance with section 243.1 of the *Municipal Act, 2001* by notifying the Clerk of such appointment in accordance with the Proxy Form - Schedule "A".

#### **5.14.2 Rules for Appointing Proxy**

The following rules apply with respect to the appointment of another member of council to act as a proxy under Article 5.13:

- a) A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
- b) A member shall not act as a proxy for more than one member of council at any one time.
- c) A member who has a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.
- d) A member who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* shall not, if the interest is known to the member, accept a proxy appointment in respect of the matter.
- e) For the purpose of determining whether a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
- f) Where a recorded vote is requested under section 246, the Clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
- g) A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259(1)(c).

#### **5.14.3 Pecuniary Interests – Appointing Member**

If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- b) request that the Clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the Clerk.

For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5(3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

#### **5.14.4 Pecuniary Interest – Proxyholder**

If, after accepting a proxy, the proxyholder discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the proxyholder shall, as soon as possible,

a) notify the appointing member of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and

b) request that the Clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the Clerk.

For greater certainty, if, after accepting a proxy, a proxyholder discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the proxyholder shall comply with subsection 5(3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

#### **5.14.5 Revocation of Proxy**

A proxy may be revoked by the appointing member or the proxyholder in accordance with the process established by the Clerk.

#### **5.14.6 Participation of Proxyholder**

A proxyholder participating in a meeting of Council shall identify when he or she is voting, speaking or asking a question on behalf of the appointing member.

### **ARTICLE 6 - MEETINGS OF COUNCIL**

#### **6.1 Calling the Meeting to Order**

At the hour appointed when a quorum is present, the Presiding Officer shall call the Council meeting to order.

#### **6.2 No Quorum**

If a quorum is not present within fifteen (15) minutes after the hour appointed, the meetings shall be considered cancelled and the Clerk or recording clerk shall record the names of those members present and the matters listed on the agenda shall be listed on the agenda at the next regular meeting or special meeting.

Under the Municipal Conflict of Interest Act, where compliance with that Act disables a number of members from participating in a meeting such that the remaining members are not of sufficient number to constitute a quorum, the remaining number of members shall be deemed to constitute a quorum, provided that such number is not fewer than two.

#### **6.3 Curfew**

Council shall adjourn its meeting at the hour of 9:00 p.m., if in session at that hour, save and except with the unanimous consent of members present.

#### **6.4 Meetings Open to the Public**

All Council, Local Board and Committee meetings shall be open to the public unless otherwise provided for in the Municipal Act or any other statute or regulation.

#### **6.5 Closed Session or Meeting**

A meeting or part of a meeting of Council, Local Board or any Committee of either may be closed to the public if the subject matter being considered is set out in Subsection 239(2) or Subsection 239(3) of the Municipal Act, 200 as follows:

- (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.

A meeting of Council, Local Board or Committee of either may be closed to the public if the following conditions are both satisfied:

- a) the meeting is held for the purpose of educating and 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 Committee.

Meetings or sessions which are closed to the public may be referred to as in-camera meeting or sessions.

#### **6.6 Closed Session – Resolution**

Before holding a meeting or part of a meeting that is to be closed to the public, Council, a Local Board or a Committee of either of them shall state by resolution:

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

#### **6.7 Votes of Council**

All votes of Council, Local Boards and Committees of either shall be open to the public except those decisions taken during a meeting or part thereof that is closed to the public in accordance with Subsection 6.5 of this By-law and if said decision is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under

contract agents of the Municipality, Local Board or Committee or to rise from closed session.

#### **6.8 Closed Session – Confidentiality**

All information, documentation or deliberations received, reviewed or provided in a closed session or meeting is confidential. Members of Council, Local Board or Committee shall not release, reproduce, copy or make public any information or material considered at a closed session or meeting, or discuss the content of such a meeting with persons other than members of Council or relevant staff members present at the closed session or meeting. All closed session or meeting materials shall be returned to the Clerk after each closed session.

#### **6.9 Closed Session or Meeting – Release of Information**

All materials considered in closed session or meeting shall not be released to the public in advance of the closed session or meeting, and release upon request from the public of such items after the closed session or meeting shall be subject to the Municipal Freedom of Information and Protection of Privacy Act.

Notwithstanding the above, members of Council and relevant staff shall release information discussed in a closed session or meeting to an investigator appointed by the municipality under Subsection 293(2)(1) of the Municipal Act, 2001 or the Ombudsman appointed under the Ombudsman Act if the municipality has not appointed an investigator, for the purpose of determining if Council, a Local Board or a Committee has complied with Section 239 of the Municipal Act, 2001 or a Procedure By-law under Subsection 238(2) of the Municipal Act, 2001.

#### **6.10 Conflict of Interest – Duty of Member**

Members of Council shall abide by the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*.

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 local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter;
- (c) shall vacate the meeting room until the matter has been discussed, and the vote has taken place, if applicable; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

### **ARTICLE 7 - AGENDAS**

#### **7.1 Preparation of an Agenda**

The Clerk shall prepare an agenda for all regular meetings of Council in the following format:

- 1) Call to Order
- 2) Adoption of Agenda
- 3) Accepting the minutes of previous meetings
- 4) Business Arising from the Minutes
- 5) Declarations of Conflict of Interest
- 6) Chairs Comments
- 7) Delegations to Council
- 8) Committee Reports
- 9) Board Reports
- 10) Departmental Reports and Resolutions
- 11) Notices of Motion
- 12) By-laws
- 13) Correspondence and Information
- 14) Action Items

- 15) Approval of Accounts Payable
- 16) Other Business
- 17) In-Camera Session (if required)
- 18) Confirmatory By-law
- 19) Adjournment

## **7.2 Items for Inclusion on the Agenda - Deadlines**

Any member of Council may have an item placed on the agenda by submitting in writing this item to the Clerk no later than 12:00 noon the Thursday preceding the date of the meeting. Any correspondence or information addressed to Council received by the Clerk's Office prior to 4:30 p.m. the Wednesday preceding the date of the meeting will be placed on the agenda. Correspondence and information received after the deadline will be placed on the agenda for the next regular session of Council.

## **7.3 Items for Inclusion on the Agenda – Notices of Motion**

Tabling a Notice of Motion is the means by which a member brings topics forward for consideration at a meeting. If a Member wishes to move a motion at a future meeting, the member must deliver their Notice of Motion in written or electronic format to the Clerk, copying the Mayor and Chief Administrative Officer, at least one week prior to the Council meeting where it shall be introduced. The Member must stipulate the date of the regular meeting at which the Council member intends to move the motion. If a date is not stipulated when the Notice of Motion is delivered, the motion shall be placed on the next regular Council meeting agenda immediately following the meeting where it was introduced. The Clerk shall add the Notice of Motion to the agenda under "Notices of Motions". The member shall introduce their Notice of Motion at the meeting, for future Council debate and consideration, by stating the motion and the date of the meeting which the member intends to move the motion. The Clerk shall record it in the meeting's minutes and place it on the subsequent meeting agenda under "Action Items".

Members shall not be allowed to provide any introductory remarks when introducing their Notice of Motion. Members shall not be permitted to ask clarifying questions when the Notice of Motion is introduced. A Notice of Motion is not debatable until the motion has been moved and seconded at the subsequent meeting. Notices of Motion shall be referred to staff where there are policy implications, statutory requirements, a financial or budgetary impact, staff resource requirements, or where Council would like to consider alternative options at the same time. Notices of Motion may be amended for any reason. Notices of Motion may be withdrawn at any time prior to the subsequent meeting date where it will be debated and voted on by Council.

Should a member of Council wish to bring a motion forward at a meeting without prior notice given, the motion shall be considered by Council with the unanimous consent of members present.

## **7.4 Items for Inclusion on the Agenda – Other Business**

Any member of Council wishing to discuss a matter that does not require Council consideration by vote shall request in writing to the Clerk, by the deadline, that the matter be placed on the agenda under "Other Business" prior to the meeting. To ensure members receive proper notice of matters to be discussed at meetings, matters under "Other Business" shall not be added to the agenda at the meeting.

## **7.5 Preparation of Agenda – Special Meetings**

The Clerk shall prepare an agenda for all special meetings of Council in the following format:

- 1) Adoption to agenda
- 2) Declaration of Conflict of Interest – Disclosure of Pecuniary Interest
- 3) Correspondence and Information
- 4) In Camera Session (if required)

- 5) Resolution as a result of In-Camera session (if any)
- 6) Adjournment

**7.6 Circulation of Agenda – Council Meetings**

The Clerk shall prepare and forward the agenda and make it available to Council members not less than forty-eight (48) hours before the commencement of a regular meeting of Council and not less than twenty-four (24) hours before the commencement of a special meeting of Council except that Council may waive the circulation requirement with the consent of majority of Council.

**7.7 Correspondence and Communication**

The Clerk shall list all correspondence and petitions on the agenda with a note as to subject and may append to the agenda copies of the correspondence or communication that the Clerk determines is important and should be attached thereto. All other correspondence not attached to the agenda will be made available for review at the municipal offices to members of Council at least 48 hours prior to commencement of the regular meeting of Council. Any correspondence or communication may be, at the discretion of the Clerk, referred to a Committee of Council or Local Board for response thereto rather than directed to Council.

**7.8 Order of Business**

The business of Council shall be conducted in the order listed on the agenda unless otherwise decided by quorum of Council.

**7.9 Agenda – Local Board/Committee**

The rules of procedure for the Agendas under Article 7 shall be the same for Local Boards or Committees except where they may be changed by the Local Board or Committee.

**ARTICLE 8 - MINUTES OF MEETINGS**

**8.1 Content of Minutes**

The minutes of all Council, Local Board and Committee meetings shall be prepared by the Clerk or the Recording Clerk or their designate and shall record without note or comment all resolutions, decisions and other proceedings at the meeting whether it is closed to the public or not. The minutes of each meeting shall also record the date, place and time of the meeting, the name of the Presiding Officer and members present and the adoption correction and any amendments to the minutes of the previous meeting(s).

**8.2 Language of Minutes**

The minutes of the proceeding of Council, Local Boards and Committees shall be kept in English.

**8.3 Minutes Available for Public Review**

Minutes of meetings shall be prepared by the Clerk or Deputy Clerk and shall be made available to the respective members for consideration, revision and adoption at the next meeting. Minutes will be made available to the public save and except those minutes recorded during a meeting or part thereof that was closed to the public in accordance with Subsection 6.5 of this By-law and subject to the provisions of any applicable By-law, Act or Statute.

**8.4 Reading of Minutes**

Minutes of previous meetings that have been circulated to members at least 24 hours before the meeting shall be considered for adoption without reading.

**8.5 Minutes – Kept in Clerk’s Office**

All minutes of Council, Local Board and Committee following adoption shall be kept in the Clerk’s office and shall be made available for viewing during normal office hours and shall be posted on the Corporation website, save and except those minutes recorded during a meeting or part thereof that was closed to the public in accordance with Section 6.5 of this By-law and subject to the provisions of any applicable By-law, Act or Statute.

## **ARTICLE 9 - DELEGATIONS**

### **9.1 Notice to Clerk**

Any person(s) who wishes to appear before Council, a Local Board or Committee shall complete the "Request for Delegation Form" shown on Schedule B to this By-law and provide to the Clerk at least six (6) business days preceding the meeting. All presentation materials, including PowerPoint presentations, shall be provided to the Clerk in electronic format at least four (4) business days prior to the meeting. All information submitted will be considered public information and therefore subject to full disclosure under the *Municipal Freedom of Information and Protection to Privacy Act*.

There shall not be more than three (3) delegations entered on the agenda for the meeting, inclusive of invited delegations. Requests to be heard at the meeting without prior notification may be considered by Council, the Local Board or the Committee regarding time sensitive matters or as otherwise deemed appropriate upon unanimous approval of all members present at the meeting. The set time limit for such a delegation shall be limited to 5 minutes.

The Clerk in consultation with the CAO may make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Department Head.

### **9.2 Further Hearing**

After a delegation has been heard at Council, a Local Board or Committee and Council, a Local Board or Committee feels that a further hearing on the same topic is warranted, it may so recommend and it shall set the time and date of such further hearing.

### **9.3 Length of Delegations**

Persons who are allowed to address Council, a Local Board or Committee shall be limited to 10 minutes in length. It will be the responsibility of the Clerk to measure the time of each presentation and to advise the Presiding Officer when 10 minutes has elapsed.

### **9.4 Repetitive or Frivolous Topics**

The Presiding Officer has the discretion to limit deputations on repetitive topics, or topics that are deemed frivolous.

### **9.5 Committee Review and Consideration**

The Clerk or designate may direct that a deputation be received by a Local Board or Committee for consideration and recommendation to Council on a particular matter rather than addressing Council directly.

### **9.6 Submissions of Petitions**

Petitions shall be signed by the subscribers and presented to Council, a Local Board or a Committee by an appointed representative who has knowledge of the information stated therein.

### **9.7 Invitation to Appear Before Council**

A delegation may be invited to appear before Council to speak on a subject matter with an upset presentation time limit of 30 minutes. Any invited delegation shall be filtered through the Clerk's Office not less than six (6) business days preceding the meeting and by providing the Clerk with a written copy of the presentation at least four (4) business days preceding the meeting. There shall not be more than two (2) invited delegations entered on the agenda for the meeting.

## **ARTICLE 10 - BY-LAWS AND AGREEMENTS**

### **10.1 Circulation of By-laws and Agreements**

Every proposed By-law and/or Agreement other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council, or a Local Board or Committee and by such circulation to members shall be deemed to have been known to the public.

**10.2 Introduction of By-laws**

Every proposed By-law and/or Agreement shall be introduced by the Presiding Officer specifying the title of the By-law and in so doing, shall request a motion for the first and second reading of the By-law under consideration.

**10.3 First and Second Reading**

The First and Second Reading of the By-law shall proceed without amendment or debate.

**10.4 By-law – Debate or Amendment**

Each By-law may, after its Second Reading, be debated or amended.

**10.5 By-law – Third Reading**

A Third and Final Reading of a By-law shall direct that the By-law be signed and sealed with the seal of the Corporation.

**10.6 By-law – Constitutes Reading**

The reading of the title of the By-law under consideration shall constitute the first reading, second reading and third reading of the By-law subject to Subsection 10.7.

**10.7 By-law – Reading in its Entirety**

The By-law shall be read in its entirety on the Second Reading unless copies of the By-law have been circulated to members.

**10.8 By-law – Number of Readings**

Every By-law shall have three readings prior to being passed by Council. A By-law may be read three times at the same meeting unless otherwise provided by statute or by Council. If any member objects to the third reading being given, a majority vote of all members present is necessary to proceed with the third reading.

**10.9 By-law – Date of Readings**

The Clerk shall endorse on all By-laws enacted by Council the date of each of the readings of the By-law.

**10.10 By-law – Signing – Sealing – Filing**

Every By-law enacted by Council shall be numbered and dated, signed by the Presiding Officer and the Clerk, and sealed with the seal of the Corporation. The Clerk shall be responsible for the classifying, indexing, numbering, filing and custody of all By-laws once they have been passed by Council.

**ARTICLE 11 - MOTIONS/RESOLUTIONS**

**11.1 Motion – Possession of Council**

Every motion as herein provided when duly moved and seconded and placed under the direction of the Presiding Officer, shall be considered to be in the possession of Council, Local Board or Committee but may be withdrawn with the consent of the mover and the support of a majority of members.

**11.2 Motion – Introduction**

Every motion as herein provided when duly moved and seconded shall be read by the Presiding Officer in the precise form in which it was introduced and in which it will be recorded in the minutes and the question shall then be open for discussion and consideration.

**11.3 Form of Motion**

Any resolution adopted by Council, Local Board or Committee shall be in writing under the signature of the mover and seconder and over the signature of the Presiding Officer.



#### **11.4 Priority of Disposition**

A motion properly before Council, a Local Board or a Committee for decision must receive disposition before any other motion can be introduced except a motion to adjourn, to amend, to extend the hour of adjournment or to decide a point of order or privilege.

#### **11.5 Motion – Amendment**

A motion to amend when duly moved and seconded:

- a) May be made verbally but when requested by the Presiding Officer shall be confirmed in writing;
- b) Shall receive disposition of Council, Local Board or Committee before the original motion;
- c) Shall not be amended more than twice before voting;
- d) Shall be relevant to the motion to be received;
- e) Shall not be received proposing a direct negative to the motion;
- f) May propose a separate and distinct disposition of a motion;
- g) May propose to separate two or more components contained in the original motion.

#### **11.6 Motion – Voting**

After the motion is deemed to be finally put to a vote by the Presiding Officer, 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. The decision of the Presiding Officer as to whether the motion has been finally put to a vote shall be final except any member may require any motion to be repeated from the Chair prior to voting on such motion.

#### **11.7 Motion – Recorded Vote**

If a member present at a meeting at the time of the 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 their vote openly and the Clerk or Recording Clerk shall record each vote (Ref. 246(1) of the Municipal Act, S.O. 2001, c.25) with the Presiding Officer voting last. The call of the recording of the vote shall be in the order as elected with the Presiding Officer voting last.

#### **11.8 Motion – Abstention or Failure to Signify Vote**

A failure to vote by a member under section 11.7 of the Procedural By-law or subsection (1) of section 246 of the Municipal Act, S.O. 2001 c. 25 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.

#### **11.9 Motion – Support of Resolution Received from another Municipality**

A motion of support in response to any resolution received from another municipality requesting support shall be voted on at the meeting where the requesting municipality's resolution forms part of the correspondence for that meeting.

#### **11.10 Motion – One Member – One Vote**

Every member of Council, Local Board or Committee shall have one vote.

#### **11.11 Motion – Open Voting**

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

#### **11.12 Motion – Tie Vote**

Any motion on which there is a tie vote shall be deemed to be lost except where otherwise provided by any Act.

#### **11.13 Motion – No Second**

In the event a motion is moved by a member of Council and no other member seconds the motion, the motion shall be recorded in the Minutes as such.

#### **11.14 Motion – Declaration of Results**

The Presiding Officer shall declare the vote on all motions and should their declaration be stated by any member to be in doubt, the vote shall be retaken in an alternative manner and the results of this vote shall be final.

#### **11.15 Motion – Reconsideration**

A Motion to reconsider shall require notice at the meeting the question is decided. After such notice is given, no action shall be taken by the Council on the main Motion until such reconsideration is disposed of. After any question has been decided, any Member may, if the required notice has been given, at the first regular Meeting held thereafter, move for reconsideration thereof.

No discussion of the main question shall be allowed unless reconsidered. If a Motion for reconsideration is made at a subsequent meeting, the question shall not be considered unless a majority of the whole Council votes therefore and such vote shall be by a recorded vote. No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered. No Motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

#### **11.16 Motion – Out of Order**

Any motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

#### **11.17 Motion – Privilege**

A question on a point of order shall be dealt with immediately upon receipt by Council, Local Board or Committee and when decided upon, Council, Local Board or Committee shall return to the matter before Council, Local Board or Committee when such point of order arose. A question of privilege relates to any matter affecting rights and immunities of the Council, Local Board, or Committee collectively, or to the position, reputation, and conduct of members in their respective character.

### **ARTICLE 12 - RULES OF DEBATE**

#### **12.1 Speaking on a Motion**

Every member prior to speaking to any question or motion must first be recognized by the Presiding Officer. 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. The mover of a motion shall have the privilege of being the first speaker in the debate on the motion and shall have the further privilege of speaking once more to conclude the debate.

#### **12.2 Points of Order and Privilege**

The Presiding Officer shall preserve order and decide questions of order and points of privilege. When a member rises to a point of order, they shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order or point of privilege. Thereafter, a member shall only address the Presiding Officer for the purpose of appealing to the Council the decision of the Chair. If no member appeals the decision of the Presiding Officer shall be final. The Council, Local Board or Committee if appealed to, shall decide the question without debate and its decision shall be final.

#### **12.3 Matters of Personal Privilege**

When a member considers that their integrity has been impugned, they may as a matter of personal privilege, rise at any time, with the consent of the Presiding Officer for the purpose of drawing the attention of the Council, a Local Board or a Committee to the matter. If the Presiding Officer determines that the matter is not a point of privilege, such determination shall be final and binding and shall not be subject to appeal. If the Presiding Officer rules that the matter is a point of privilege they shall request the member who made the offending remark to withdraw such remark. If the member fails or refuses to withdraw such remark, the Presiding Officer may deal with such member in accordance with Subsection 3.2 herein. If the Presiding Officer rises on, or is the subject of a point of privilege,

the Deputy Mayor or Vice Chair shall deal with the point of privilege involving the Presiding Officer. If the Deputy Mayor or Vice Chair is absent or cannot take the chair, the Presiding Officer shall call for a motion to appoint an Acting Chair to deal with the point of privilege involving the Presiding Officer.

## **ARTICLE 13 – CONDUCT OF MEMBERS**

### **13.1 Code of Conduct**

The Code of Conduct approved under By-law No. 2018-50, November 27<sup>th</sup>, 2018, is applicable to this Procedural By-law.

### **13.2 Ejection of Member - Disobedience**

Any member who disobeys the rules of Council, Local Board or Committee of either, question of order, or practice or upon the interpretation of such rules; and in the case a member persists in such disobedience after having been called to order by the Presiding Officer, the Presiding Officer shall require such member to vacate their seat and the chambers for the duration of the meeting.

## **ARTICLE 14 - GENERAL**

### **14.1 Notices Referred to in this By-law**

Any notice referred to in this By-law shall include a notice in writing personally delivered to the recipient or sent by facsimile transmission, or by electronic mail, or a telephone call to the member's residence or to the member's place of business.

### **14.2 Variation from Provisions**

The provisions of this By-law are intended to govern the conduct of the meetings of Council, a Local Board or a Committee of either but any variation therefrom shall not vitiate or render void any action taken at a constituted meeting of Council, a Local Board or a Committee of either and Council, a Local Board or a Committee of either can waive any provision of this By-law by a majority vote of members present.

### **14.3 Severability**

Each and every one of the provisions of this By-law is severable and if any provisions of this By-law should for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

### **14.4 Repeal of Previous Procedural By-law and Amendments**

By-law No. 2020-17 and By-law No. 2020-27 are hereby repealed.

### **14.5 Date of Effect**

This By-law shall come into effect on the date it receives third reading by the Council of the Corporation of the Municipality of East Ferris.

### **14.6 Review**

To proactively manage this By-law review, it is desirable to set a review date. Therefore, a review of this By-law shall be performed in the year following a Municipal Election in order to maintain its accuracy and applicability. Should legislation that governs this Procedural By-law change prior to the year of a Municipal Election, the policy shall be reviewed and revised accordingly.

READ A FIRST AND SECOND TIME in open Council this 12th day of December, 2023.

READ A THIRD TIME AND FINALLY passed this 12<sup>th</sup> March, 2024.

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Mayor  
Pauline Rochefort

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Clerk  
Kari Hanselman

SCHEDULE “A” to By-law No. 2023-55

MUNICIPALITY OF EAST FERRIS



PROXY FORM

*(This form must be original handwritten)*

I \_\_\_\_\_ hereby appoint \_\_\_\_\_ to  
*(Councillor making appointment)* *(Councillor appointed)*  
serve as my proxy and to vote on my behalf at the Council Meeting to be held  
\_\_\_\_\_.  
*(Specify meeting)*

This proxy shall be valid for all matters to be voted on at the Council Meeting of  
\_\_\_\_\_.  
*(Meeting date)*

A voting member of Council wishing to vote via proxy shall personally contact the Council member of their choice to be their voting proxy.

The duly executed hand-written proxy form shall be delivered to the Clerk by the appointed Council Member by 12:00 p.m. prior to the applicable Council meeting date. A separate proxy form shall be completed for each individual Council meeting.

The proxy may be revoked at any time by the appointing member or the proxyholder by presenting in writing to the Clerk prior to the set time of the Council meeting date.

<u>Councillor making the Appointment</u>	<u>Councillor appointed as Proxy</u>
Name: _____	Name: _____
Signature: _____	Signature: _____
Date: _____	Date: _____
_____	
_____	Date Received: _____
Kari Hanselman Dipl. M.A. Clerk	Time Received: _____

SCHEDULE “B” to By-law No. 2023-55

MUNICIPALITY OF EAST FERRIS



Request For Delegation Form

Name: \_\_\_\_\_

Title/Organization (if applicable)\_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Person(s) to Appear (If different than above):  
\_\_\_\_\_

Preferred Date: \_\_\_\_\_Alternate Date: \_\_\_\_\_

General Outline of Subject Matter (10 Minutes allotted for Delegation):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Request Form submitted together with handouts or material submitted with request:  
yes:\_\_\_\_\_ no:\_\_\_\_\_

I would like to use projector: yes:\_\_\_\_\_ no:\_\_\_\_\_

Presentation materials will be shared with Council prior to the meeting and will form part of the public agenda.

Anyone that has submitted a Microsoft PowerPoint presentation with their request will be required to provide an electronic version four (4) business days in advance of the meeting to the Clerk, otherwise you will NOT be permitted to make a PowerPoint presentation.

PowerPoint or PDF of presentation received four (4) business days prior to meeting:  
yes:\_\_\_\_\_ no:\_\_\_\_\_

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Signature of Person Requesting  
Appearance

*Disclaimer: Please note that submission of this form does not guarantee the approval of your request for a delegation. In addition, all information submitted will be considered to be public information and therefore subject to full disclosure, under the Municipal Freedom of Information and Protection of Privacy Act.*