



# Staff Report

## Administration

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**Report To:** Committee of The Whole  
**Meeting Date:** April 29, 2019  
**Report Number:** FAF.19.041  
**Subject:** Procedural By-law Review  
**Prepared by:** Corrina Giles, Town Clerk

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### A. Recommendations

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THAT Council receive Staff Report FAF.19.041, entitled "Procedural By-law Review";

AND THAT Council provide direction to staff regarding suggested changes to the Town of The Blue Mountains Procedural By-law 2018-20, as amended.

### B. Overview

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This staff report provides Council with several recommendations for revisions to the Town's Procedural By-law and requests Council direction on revisions. The revisions are a result of suggestions made by members of Council. The procedural by-law sets out the rules and regulations for the proceedings of Council, Committees and Local Boards.

### C. Background

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At the January 30, 2019 Council meeting, Staff advised that a report would be brought back to Committee of the Whole for review of the current Procedural By-law 2018-20. Attachment #1 is the Office Consolidation of the current Procedural By-law 2018-20.

### D. Analysis

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Staff require Council direction regarding portions of the Procedural By-law and, once received, staff will then prepare a draft Procedural By-law for Council review. A number of Council members have provided suggested revisions to the Procedural By-law that are included below for Council consideration. It should be noted that not all minor revisions are listed below, and that a draft Procedural By-law will be provided to Council at the next Committee of the Whole meeting for review.

The proposed timeline for revision to the Procedural By-law is as follows:

April 29, 2019	Committee of the Whole Meeting: Staff report providing suggested revisions to the Procedural By-law and requesting direction to staff
May 13, 2019	Council Meeting to consider recommendations made at the April 29, 2019 Committee of the Whole meeting
May 22, 2019	Committee of the Whole Meeting: Staff report attaching the draft revised Procedural By-law for review, and to provide direction to staff to proceed to a public meeting to receive comments on the draft Procedural By-law
June 3, 2019	Council Meeting to consider recommendations made at the May 22, 2019 Committee of the Whole meeting
June 24, 2019	Public Meeting to receive comments on proposed changes to the Procedural By-law
July 3, 2019	Committee of the Whole Meeting: Staff report compiling comments from June 24, 2019 Public Meeting, and recommendation to Council to consider adoption of the new Procedural By-law at the July 15, 2019 Council Meeting
July 15, 2019	Council Meeting: Council to consider adoption of the new Procedural By-law.

The provisions of the Procedural By-law apply to Council, Committees and Committee of the Whole Meetings. It is recommended by staff that a Procedural By-law that applies only to the Committees of Council, (i.e. Transportation Committee, Sustainability Committee, Agricultural Advisory Committee, etc.) be developed later this year.

## **1. Traditional Territory Acknowledgement (Deputy Mayor Bartnicki)**

Staff are consulting with the local Indigenous communities to develop a comprehensive Territorial Acknowledgment that will be read at the beginning of each Council and Committee meeting. This statement will be provided to Council once finalized, and reference to the statement will be included in the current "Section 9.0 Agenda" of the Procedural By-law under "Committee of the Whole Order of Business" and "Council Meeting Order of Business".

## **2. Meeting Cycle:**

Council requested that alternative meeting schedules be provided to Council for consideration. The following are four options for Council consideration and direction to staff. Staff recommend that changes to the meeting rotation commence in January 2020. Attachment #2 to this report are proposed 2020 meeting schedules for each of the four options listed below. Note, that the dates of the Rural Ontario Municipal Association ("ROMA") Conference, Ontario

Good Roads Association (“OGRA”) Conference, Federation of Canadian Municipalities (“FCM”) Conference and Association of Municipalities (“AMO”) Conference have been included on each of the Options, together with a four-week summer vacation break.

It should be noted that the meeting schedules attached to this staff report include regularly scheduled Council and Committee of the Whole Meetings. Special Meetings of Council and Special Committee of the Whole Meetings are not included on the schedules, as Special Meetings are scheduled as required.

**Option #1 – Status Quo, Three Week Rotation**

Option #1 is a continuation of the current meeting schedule, being a three-week rotation, as follows:

- Week 1            Committee of the Whole (Monday, commencing at 1:00 pm or at the time as established by the Clerk)
- Week 2            No meeting
- Week 3            Council Meeting (Monday, commencing at 7:00 pm)

Option #1 provides for 15 Council and Committee of the Whole meetings in the 2020 Calendar year. When meetings fall on a Statutory Holiday. Meetings that fall on a statutory holiday shall meet at the same hour on the following Wednesday.

**Option #2 – Two Week Rotation**

Option #2 is a two week rotation, as follows:

- Week 1, Monday      Council Meeting with Public Meetings at 5:00 pm. Regular portion of the Council Meeting to commence at 7:00 pm
- Week 1, Tuesday      Committee of the of the Whole commencing at 9:00 am.
- Week 2                No meeting

Option #2 provides for 24 Council and 22 Committee of the Whole meetings in the 2020 Calendar year. Committee of the Whole recommendations will be considered one week earlier than the current rotation.

When Council Meetings fall on a Statutory Holiday, the Council Meeting will be scheduled for the Tuesday immediately after the Statutory Holiday, and will commence at 9:00 am. The Committee of the Whole meeting scheduled for the Tuesday will then commence following the rescheduled Council Meeting. Note, this situation occurs on May 18, 2020 and September 7, 2020.

**Option #3 –Status Quo with One Additional Committee Whole per Rotation**

Option #3 is a variation of the current meeting schedule, being a three-week rotation, as follows, with one additional Committee of the Whole meeting scheduled per rotation:

Week 1	Committee of the Whole (Monday, commencing at 1:00 pm or at the time as established by the Clerk)
Week 1	Committee of the Whole (Wednesday, commencing at 1:00 pm or at the time as established by the Clerk)
Week 2	No meeting
Week 3	Council Meeting (Monday, commencing at 7:00 pm)

Option #3 provides for 15 Council Meetings and 27 Committee of the Whole meetings in the 2020 Calendar year. Option #3 will shorten the length of each Committee of the Whole meeting. If the second Committee of the Whole meeting is not required, it will be cancelled for that rotation.

Council Meetings that fall on a statutory holiday shall meet at the same hour on the following Wednesday. Committee of the Whole meetings that fall on a statutory holiday will be cancelled, and just one Committee of the Whole meeting will be scheduled for that rotation. Note, this scenario occurs on May 18, 2020 and October 12, 2020.

**Option #4 –Meetings Every Second and Fourth Week of Each Month**

Option #4 schedules meetings on the Monday and Tuesday of the second and fourth weeks of each month, as follows:

Second Week of the Month, Monday	Council Meeting with Public Meetings at 5:00 pm. Regular portion of the Council Meeting to commence at 7:00 pm
Second Week of the Month, Tuesday	Committee of the of the Whole commencing at 9:00 am.
Fourth Week of the Month, Monday	Council Meeting with Public Meetings at 5:00 pm. Regular portion of the Council Meeting to commence at 7:00 pm
Fourth Week of the Month, Tuesday	Committee of the of the Whole commencing at 9:00 am.

Option #4 provides for 23 Council and 21 Committee of the Whole meetings in the 2020 Calendar year. Committee of the Whole recommendations will be considered one week earlier than the current rotation.

When Council Meetings fall on a Statutory Holiday, the Council Meeting will be scheduled for the Tuesday immediately after the Statutory Holiday, and will commence at 9:00 am. The Committee of the Whole meeting scheduled for the Tuesday will then commence following the rescheduled Council Meeting. Note, this situation occurs on April 13, 2020, September 7, 2020 and October 13, 2020.

### **3. Electronic Participation of Council Members**

Through changes to the *Municipal Act* introduced by Bill 68, Council has the option to allow Council Members to participate electronically in Council and Committee of the Whole meetings that are open to the public. Attachment #3 is Staff Report FAF.18.11 Electronic Participation of Council Members dated August 27, 2018. Council reviewed this staff report and provided direction to staff to bring electronic participation of Council Members forward during the Procedural By-law review in 2019 as noted in the September 5, 2018 resolution provided below:

THAT Council receive Staff Report FAF.18.11 “Electronic Participation of Council Members”;

AND THAT Council direct staff to include consideration for the electronic participation of council members at Council Meetings that are open to the public in the Procedural By-law review in 2019, **CARRIED**.

Should Council wish to consider electronic participation of Council members, staff will require direction as to the level of electronic participation (ie. telephone and/or Skype). Through discussions with the Town’s Manager of Information Technology, it should be noted that electronic participation will require an update to the Town’s current webcasting system as the sound on the webcasting is channeled through the use of the microphones.

### **4. Consent Agenda in Committee of the Whole**

Staff are seeking Council direction as to whether Council wishes to continue with the inclusion of the Consent Agenda in the Committee of the Whole. Information reports are considered individually by the Committee only if they are removed from the Consent Agenda for consideration. If the information reports are not removed from the Consent Agenda, the reports are adopted with one motion at the beginning of the meeting.

### **5. Definition of “Acting Head of Council” (Deputy Mayor Bartnicki)**

It is suggested that the definition of “Acting Head of Council” will be revised to read as follows:

“ACTING HEAD OF COUNCIL” shall first mean the Deputy Mayor and secondly another designate selected from time to time solely by the Mayor, who shall act in the Absence of the Mayor or Deputy Mayor. The Acting Head of Council will assume certain duties of the Head of Council outlined in Section 6 for the duration requested by the Head of Council. Notice of the delegation will be provided to the Clerk.

## **6. Definition of “Meeting” (Councillor Sampson)**

It is suggested that the “Meeting” definition will be revised to read as follows:

“MEETING” shall mean any regular, special or other scheduled meeting of a Council, Local Board or of a Committee where:

1. a quorum of members is present;
2. members deal with any matter in a way that materially advances the business or decision making of the council, local board or committee; and
3. the Clerk or another designated record keeping person is present to record such material advances of the business or decision making of the Council, Local Board or Committee.

For the purposes of clarity, it is not intended that a meeting of Council, Local Board or Committee shall automatically occur because a quorum of the members is present at a particular location.

## **7. Closed Session Video Recording (Mayor Soever, Councillor Bordignon)**

It is suggested that Closed Sessions be video recorded, and that a new paragraph be included in Section 4, following the current paragraph 4.8 that provides that open session meetings will be recorded for the purposes of webcasting. New paragraph suggested below:

Closed Sessions shall be recorded and securely archived so that a digital record is available should it be required by the Closed Meeting Investigator or Integrity Commissioner. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of the closed session meeting shall be the minutes as adopted by Council, and retained in the Clerks Department.

## **8. Reporting out of Closed Session (Mayor Soever)**

It is suggested that Council and Committees “report out” following each Closed Session. The following paragraph is suggested to be included

Upon returning to open session from a Closed Session, Council or Committee shall issue a statement confirming the general nature of the business conducted in Closed Session. The reporting out statement shall be included in the open session minutes.

## **9. Cell Phone Use During Council Meetings (Mayor Soever, Councillor Bordignon)**

The current paragraph 4.9 states that “Members of Council shall turn off all cell phones and pagers during Committee of the Whole and Council Meetings.” Staff have received two suggested revisions to this paragraph. One suggestion is to delete the current paragraph 4.9, and the other suggestion is to revise the paragraph to read:

“All communication devices shall be switched to “silent” upon entering the location of any Council or Committee of the Whole Meeting”

**10. Meeting Cancellation (currently paragraph 4.7 of the Procedural By-law)**

It is suggested that this paragraph will be revised to read as follows:

The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or a lack of corporate business requiring immediate attention. In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as it practicable via telephone, email, the Town website, radio and/or any other method, as well as the date of rescheduling, if known.

**11. Conduct of Members (currently paragraph 8.3) (Councillor Sampson)**

It is suggested that this paragraph be revised to read as follows. The section in bold below is an addition to the current paragraph 8.3.

**The Chair shall allow for a free and organized discussion at the meeting, however, in the event of a need to manage the meeting time or agenda items, the Chair shall declare that** no person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.

**12. Roll Call (Mayor Soever)**

It is suggested a new “Roll Call” section be included on Committee of the Whole and Council Agendas, immediately following “Moment of Reflection”. And, that a new paragraph be included under Sections 9.1 Committee of the Whole and 9.2 Council in the Procedural By-law that the Clerk will report at all meetings, the reason for a member’s absence. Council attendance records will be posted to the Town website.

Roll Call – if a member cannot be present at a meeting, they must notify the Clerk in advance of the meeting stating the reason for the absence. The Clerk shall note the reason for the absence during the Roll Call and will record the same in the minutes. Council attendance records will be posted on the Town website.

**13. Public Comment Period at Committee of the Whole (currently paragraph 9.1.i) (Deputy Mayor Bartnicki)**

It is suggested that an additional Public Comment Period be included on the Committee of the Whole Agenda at the end of each section. The revision is noted in bold print below:

Public Comment Period – as referred to in Section 13 of this By-law. Ten minutes is allotted at the beginning **and end** of each section of the Committee of the Whole

Meeting to receive public comments regarding matters included on the Agenda. (NOTE: comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)

**14. Good News and Celebrations (Mayor Soever)**

It is suggested that a new section entitled “Good News and Celebrations” be added to the Council Agenda under “New and Unfinished Business”.

**15. Deputations (currently paragraph 13.1)(Councillor Bordignon)**

It is suggested that the current paragraph 13.1 be revised to include an extra sentence to note that the Clerk or a countdown clock will provide the speaker when they have one minute to finalize their deputation. The suggested revisions are noted in bold below:

Any person desiring to present information orally on matters of fact or to make a request of Council shall submit a completed Deputation and Procedure Request Form, no later than 9:00 a.m. on the Monday before the subject meeting (one week in advance), together with their Deputation material, that provides an explanation of their deputation and their request of Council, if any. Any exceptions must be approved by a majority of Council **to be voted on before the deputation commences. The Clerk or a countdown clock shall alert the speaker when they have one minute remaining to address Council.**

**16. Recorded Votes (currently paragraphs 14.2 and 16.8) (Mayor Soever, Councillor Bordignon)**

It is suggested that all votes of Council and Committee of the Whole be recorded votes, removing the necessity for a Council Member to call for a recorded vote. To effect this revision, the current paragraph 14.2 will be revised to remove the reference that “A recorded vote is not permitted in Committee of the Whole”. The current paragraph 14.2 will then read as follows:

The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.

The current paragraph 16.8 will then read as follows:

All votes of Council and the Committee of the Whole shall be recorded, and each Member present, except a Member who is prohibited from voting by any Act, shall announce his or her vote openly or record it by electronic means and the vote shall be recorded by the Clerk, with the Chair voting last. Where a Member present is prohibited from voting by any Act, the Clerk shall record the name of the Member and the reason they are prohibited from voting.



### **17. Committee Members (current section 21.2) (Deputy Mayor Bartnicki)**

The current paragraph 21.2 notes that members of Committees shall be qualified electors within the municipality. It is suggested that this paragraph be revised as follows:

Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. **If legislated**, members of Committees and Boards shall be qualified electors within the municipality (i.e. Public Libraries Act).

### **18. Vacant Council Seat (Councillor Bordignon)**

It is suggested that Council provide direction as to how a vacant Council seat is filled. With Council direction, staff can provide a staff report, including options for consideration, to fill a vacant Council seat, to be included in a corporate policy. The following recommendation is provided for Council consideration:

THAT with respect to staff report “FAF.19.041 Procedural By-law Review”, Council direct staff to provide a staff report that includes options available to Council when a Council vacancy occurs, for the development of a corporate Council Vacancy Policy.

## **E. The Blue Mountains Strategic Plan**

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Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Goal #4: Promote a Culture of Organizational & Operational Excellence

Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

## **F. Environmental Impacts**

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N/A

## **G. Financial Impact**

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N/A

## **H. In consultation with**

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1. Shawn Everitt, Interim CAO
2. Revisions to the Procedural By-law recommended by Council Members as noted above.

## **I. Public Engagement**

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The topic of this Staff Report will be subject to a Public Meeting. The proposed timeline to receive public comment on the proposed changes to the Procedural By-law is noted above in this Staff Report.

**J. Attached**

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1. Office Consolidation of Procedural By-law 2018-20
2. Council Meeting Cycles, Options #1 to #4
3. Staff Report FAF.18.11 "Electronic Participation of Council Members"

Respectfully Submitted,

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Corrina Giles  
Town Clerk

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Shawn Everitt  
Interim Chief Administrative Officer

For more information, please contact:  
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# The Corporation of the Town of The Blue Mountains

## By-Law Number 2018-20

### Office Consolidation: Revised by 2018-60

#### Being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains

Whereas *Municipal Act, 2001, S.O. 2001, c. 25*, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas Council deems it expedient to pass such a by-law;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

#### 1.0 DEFINITIONS:

1. "ALTERNATE COUNCIL MEMBER" shall mean the council member appointed by Council of the Town of The Blue Mountains to attend Grey County Council Meetings in the place of the Mayor or Deputy Mayor of the Town of The Blue Mountains, when the Mayor or Deputy Mayor is unable to attend a Grey County Council/Committee of the Whole meeting for any reason. Such appointment shall be for the entire term of council.
2. "COUNCIL" means the elected and sworn members of the Council of the Town of The Blue Mountains.
3. "HEAD OF COUNCIL" means the Mayor.
4. "ACTING HEAD OF COUNCIL" shall first mean the Deputy Mayor and secondly another designate who shall act as presiding officer in the absence of the Mayor or Deputy Mayor.
5. "CLERK" shall mean the Clerk of The Corporation of the Town of The Blue Mountains or his/her designate who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and every other Act.
6. "CLOSED SESSION" shall mean closed to the public as defined in Subsection 4.2 of this By-law.
7. "COMMITTEE OF THE WHOLE" shall mean a meeting of Council in Committee format for discussion purposes.
8. "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
9. "COMMITTEE CHAIR" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
10. "CONFLICT OF INTEREST" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
11. "LOCAL BOARD" means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

12. "MEETING" shall mean any regular, special, committee or other meeting of a Council, of a local board or of a committee of either of them, where a quorum of members is present, and 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.
13. "QUORUM" shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum may be less than half plus one of the whole number of members but shall not be less than two.
14. "REGISTRY" means a Registry maintained by the municipality for the purposes of documenting every written statement of pecuniary interest, direct or indirect, in any matter, and includes a copy of each statement filed with the Clerk and a copy of each declaration recorded. The Registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

## **2.0 INTENT OF BY-LAW**

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees and Local Boards thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
2. All Points of Order of procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

## **3.0 LOCATIONS, MEETING TIMES AND NOTICE**

1. The First or Inaugural Meeting of the Council of a local municipality following the **2018** regular election, shall be held on the first Monday in December, at 11:00 a.m., in the Town of The Blue Mountains Council Chamber.

The First or Inaugural Meeting of the Council of a local municipality for regular elections following the **2022** regular election and subsequent elections, shall be held on the first Monday following November 15, at 11:00 a.m., in the Town of The Blue Mountains Council Chamber.

2. Council shall have Committee of the Whole and Council meetings on a three week rotation, as follows:
  - Week 1 – Committee of the Whole Meeting, Monday, commencing at 1:00 pm, or at the time as established by the Clerk
  - Week 2 – No meeting
  - Week 3 – Council Meeting, Monday, commencing at 7:00 pm
  - Repeat cycle

The above meetings shall be held in the Council Chamber or other designated location. Meetings that fall on a statutory holiday shall meet at the same hour on the following Wednesday.

3. Notice of Council Meetings, Committee and Local Board Meetings shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the Town website prior to the meeting and by publication of Council and Committee and Local Board Meetings in local newspapers having general circulation in the area. In the case of Special Meetings called in accordance with Section 5.0 of this By-law, notice shall be given by posting of the Agenda on the Town website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the timeframe.

#### 4.0 MEETINGS OF COUNCIL

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.
2. All meetings shall be open to the public, but a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:
  - 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;
  - 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;
  - l) 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;
  - m) 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 the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
  - n) the meeting is held for the purpose of educating or training the members, and 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.

3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.2 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, Committee or Local Board or persons retained by or under contract with the Town, Committee or local board or to rise from closed session.
4. Before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee or a Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.
5. With the exception of the Inaugural Session, no person but a member of Council or support staff shall be allowed to approach Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 13, or to speak in a Public Comment Period as described in Section 13.
6. Every meeting of Council shall be deemed to be adjourned at the hour of 11:00 p.m. save and except with the unanimous consent of Council.
7. The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or a lack of corporate business requiring immediate attention and where a statutory public meeting under the *Municipal Act, 2001*, the *Planning Act*, the *Development Charges Act* or any other Act as scheduled for the cancelled meeting, the public notice will indicate that the public meeting shall be held at the next regular meeting of Council or the Committee and any notice requirements shall be deemed to have been complied with.

In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as is practicable via either telephone or e-mail or the Town website or radio or any other method, as well as the date of re-scheduling.

Where a statutory public meeting has been scheduled, every reasonable effort shall be made to conduct the meeting subject to the provisions of this clause.

8. Council and Committee of the Whole Meetings held in the Council Chamber, that are not closed to the public, may be recorded for the purpose of webcasting the meetings to the public. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of a meeting, shall be the minutes as adopted by Council or Committee of the Whole, and retained in the Clerks Department.
9. Members of Council shall turn off all cell phones and pagers during Committee of the Whole and Council meetings.
10. During meetings that are closed to the public, no member of Council or staff (with the exception of the Clerk, or her designate) shall be permitted to have in their possession, any cell phone or electronic device that has the ability to record.

## **5.0 SPECIAL MEETINGS OF COUNCIL**

1. The Mayor shall if requested in writing by any three members of Council call a special meeting of Council other than as described in Section 3.0 of this By-law.
2. The Mayor may call a special meeting other than as described in Section 3.0 of this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.

3. Special meetings require minimum notice of one clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

## **6.0 ROLE OF THE MAYOR**

1. It is the role of the Mayor as the Head of Council:
  - 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 the council;
  - c.1) without limiting clause (c) above, to provide information and recommendations to the council with respect to the role of council described in paragraph 7.1(d) and (d.1) below);
  - 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 Act; and
  - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Blue Mountains.
2. As Chief Executive Officer of a municipality, the Head of Council shall,
  - a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the municipality's activities;
  - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## **7.0 ROLE OF COUNCIL**

1. It is the role of Council:
  - a) to represent the public and to consider the well-being and interests of the municipality;
  - b) to develop and evaluate the policies and programs of the municipality;
  - c) to determine which services the municipality provides;
  - d) to ensure that 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; and
  - f) to carry out the duties of council under the Municipal Act or any other Act.

## **8.0 CONDUCT OF MEMBERS**

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
3. No person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.

4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

## 9.0 AGENDA

1. **The Committee of the Whole Order of Business** shall be as follows:
  - a) Meeting called to order
  - b) Moment of Reflection
  - c) Approval of Agenda
  - d) Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member, either on his or her own behalf or while acting for, by, 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 the consideration, the member:
    - i) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
    - ii) shall, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;
    - iii) shall not take part in the discussion of, or vote on any question in respect of the matter. (NOTE: Effective March 1, 2019, members may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*);
    - iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;
    - v) where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;
    - vi) where the interest of a member has not been disclosed by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the next meeting of the council or local board, as the case may be, attended by the member.
  - e) Adoption of Previous Minutes
  - f) Adoption of Consent Agenda
  - g) Staff Reports – staff reports will be compiled as follows for consideration by the Committee of the Whole and recommendation to Council:
    - i) Finance, Administration, Enforcement & Fire Services
    - ii) Community Services and Infrastructure & Public Works
    - iii) Planning & Development Services
  - h) Deputations – as referred to in Section 13 of this By-law.



- i) Public Comment Period – as referred to in Section 13 of this By-law. Ten minutes allotted during each section of the Committee of the Whole Meeting to receive public comments regarding staff reports included on the Agenda. (NOTE: Comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)
- j) Statutory Public Meetings will be scheduled for the set time of 5:00 pm.
- k) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion.
- l) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Committee to consider, including Motions for which notice or recommendation has not been given prior to the meeting. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

Agenda Additions will be limited to matters as received in the Clerk's Office no later than 3:00 pm on the Friday preceding the next regular meetings and such Additions will be circulated to Council and Staff and shall be posted on the Town's website at that time. Agenda Additions received after this date and time shall be considered at the next regular Council meeting unless they are deemed to be of significant importance to the business of the municipality, at the sole discretion of the Clerk.

- m) Adjournment - a motion to adjourn is always in order and shall be decided upon.

2. **The Council Meeting Order of Business** shall be as follows:

- a) Meeting called to order
- b) Moment of Reflection
- c) Approval of Agenda
- d) Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member, either on his or her own behalf or while acting for, by, 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 the consideration, the member:
  - i) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - ii) shall, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;
  - iii) shall not take part in the discussion of, or vote on any question in respect of the matter. (NOTE: Effective March 1, 2019, members may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*);
  - iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;

- v) where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;
- vi) where the interest of a member has not been disclosed by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the next meeting of the council or local board, as the case may be, attended by the member.
- e) Adoption of Consent Agenda
- f) Adoption of Previous Minutes
- g) Deputations - as referred to in Section 13 of this By-law
- h) Public Comment Period – as referred to in Section 13 of this By-law. Fifteen minutes allotted at the Council Meeting to receive public comments regarding Town matters. (NOTE: Comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)
- i) Correspondence – as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting (one week in advance) and circulated to members of Council for review no later than 3:00 pm on the Wednesday previous to the subject meeting.

Following the release of a meeting agenda, any person wishing to submit correspondence regarding a matter included on the agenda, shall submit the correspondence to the Clerk's Office, no later than 12:00 p.m. noon on the Friday immediately before the subject meeting, for circulation to Council by the end of the business day Friday.

- j) Motions and Staff Reports - as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
- k) Consent Agenda - Committee of the Whole Reports and Committee and Board Minutes - shall be circulated by the Clerk by 3:00 p.m. on the Wednesday preceding the next regular meeting. A member may make brief comments to an item on the Consent Items list prior to the consideration of the adoption of the matters listed however, if a member wishes to debate, ask questions of staff or amend the recommendation of an item listed, the member shall request the item(s) be removed from the Consent Agenda items list for individual consideration.
- l) By-laws - as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith.
- m) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion.

- n) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Council to act upon, including Motions for which notice or recommendation has not been given prior to the meeting and shall be presented at the meeting but shall not include matters requiring a financial commitment by Council unless agreed to by a majority of Council. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

Agenda Additions will be limited to matters as received in the Clerk's Office no later than 12:00 pm noon on the Friday preceding the next regular meeting and such Additions will be circulated to Council and Staff and shall be posted on the Town's website at that time. Agenda Additions received after this date and time shall be considered at the next regular Council meeting unless they are deemed to be of significant importance to the business of the municipality.

- o) Confirmation By-law and Adjournment - a motion to adjourn is always in order and shall be decided upon.

## **10.0 ORDER OF BUSINESS**

1. The business of Council shall be taken in the order in which it stands upon the agenda unless otherwise agreed upon by a majority of the members present.
2. The Chair or designate of each Committee submitting a report shall field questions regarding same during discussions of that report as may be required.
3. When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

## **11.0 COUNCIL MINUTES**

1. The Minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
2. All Minutes and Committee Minutes and Reports following adoption by Council and all By-laws passed by the Council 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 Town website, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law and subject to the provisions of any applicable by-law, act or statute.
3. Minutes of Council meetings shall be prepared by the Clerk or Committee Secretary and be made available to the members prior to the next meeting for consideration and revision and adoption at the next meeting, following which they will be made available to the public save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law and subject to the provisions of any applicable by-law, act or statute.

## **12.0 CORRESPONDENCE and COMMUNICATION**

1. Correspondence directed to the Mayor and Council shall be referred by the Mayor and/or Clerk to the appropriate Department before or after presentation to Council at a Council Meeting. Correspondence for which no action has been directed nor discussion taken place shall be deemed to have been received by Council.

2. Correspondence addressed to Council may be presented by a Council member in place of the author.
3. Correspondence addressed to Council or directed to any Public Meeting forming part of a Council or Committee or Board meeting, including names and addresses, become part of the public record and may be published in a Staff Report or a Council Agenda and may be viewed by the general public upon release of the Agenda addressing the matter.

### **13.0 DEPUTATIONS and PUBLIC COMMENT PERIODS**

1. Any person desiring to present information orally on matters of fact or to make a request of Council shall submit a completed Deputation and Procedure Request Form, no later than 9:00 a.m. on the Monday before the subject meeting (one week in advance), together with their Deputation material, that provides an explanation of their deputation and their request of Council, if any. Any exceptions must be approved by a majority of Council.

Following the release of a meeting agenda, any person desiring to present information orally on a matter included on the agenda, shall submit a completed Deputation and Procedure Request Form as attached to this By-law, no later than 12:00 p.m. noon on the Friday immediately before the subject meeting, together with their Deputation material, that provides an explanation of their deputation and their request of Council, if any. The Deputation material will then be circulated to Council by the end of the business day Friday. Any exceptions must be approved by a majority of Council.

2. Each deputation shall be limited in speaking to not more than ten minutes. Extensions to these limits will be at the discretion of the majority of Council.
3. The Clerk or designate may direct that a deputation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.
4. Any person may speak during a Public Comment Period at a Committee of the Whole Meeting, regarding staff reports included on the Agenda. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address the Committee.
5. Any person may speak during the Public Comment Period at a Council Meeting, regarding Town matters. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address Council.

### **14.0 COMMITTEE OF THE WHOLE**

1. The Council shall, at its first Session following the inaugural meeting, nominate and elect a Chair to Chair the following sections of the Committee of the Whole meetings:
  - i) Finance, Administration, Enforcement & Fire Services
  - ii) Community Services and Infrastructure & Public Works
  - iii) Planning & Development Services

Each Chair shall be appointed for a one year term.

2. The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council, excepting the Rules relating to the vote being recorded. A recorded vote is not permitted in Committee of the Whole. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.
3. Whenever it shall be resolved for Council to move into Committee of the Whole upon any questions, the Mayor shall appoint another member as Chair for Committee purposes unless permission to remain is given by a majority of Council.
4. A Motion in Committee of the Whole to rise and report on a matter or matters to Council, or to rise and beg leave to sit again on a matter or matters without reporting to Council, shall be in order and shall be decided without debate.

## **15.0 BY-LAWS AND AGREEMENTS**

1. Every 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 as referred to in section 9.2l) of this By-law, and by such circulation to Council members shall be deemed to have been made known to the public.
2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.
3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
4. Every By-law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.
5. When a By-law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.
6. Every By-law once passed and / or Agreement once authorized shall be dated and duly signed and sealed by the Mayor or presiding officer at the meeting and Clerk or designate.
7. Any By-law that is not circulated to members of Council as referred to in section 9.2l) of this By-law shall be by Motion read a first time, read a second time, referred to Committee of the Whole and with the support of a majority of Council read a third time and passed.
8. At a Council or Committee meeting where a public meeting has been scheduled under the *Municipal Act, 2001, the Planning Act, the Development Charges Act* or any other Act to receive public input in the consideration of any By-law, the By-law shall not be later considered at the same meeting but may be considered at the next meeting.

## **16.0 MOTIONS / RESOLUTIONS**

1. After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.
2. Every Motion as herein provided when duly Moved and Seconded shall be read by

the Mayor or Chair 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.

3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat in respect of the vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.
4. A motion to amend when duly moved and seconded:
  - a) May be presented verbally or in writing;
  - b) Shall receive disposition of Council before the original question;
  - c) Shall not be amended more than twice before voting;
  - d) Shall be relevant to the question to be received;
  - e) Shall not be received proposing a direct negative to the question;
  - f) May propose a separate and distinct disposition of a question;
  - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Mayor or 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.
6. The decision of the Mayor as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
7. Any member may require any question to be repeated from the Chair prior to the voting on such question.
8. 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 with the Chair voting last. A member expressing preliminary intent to call for a recorded vote does not act to minimize, terminate or quash debate on a matter.
9. A failure to vote under Clause 8 above, 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.
10. The Mayor shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.

**17.0 NOTICE OF MOTION**

1. A member may introduce a notice of motion directly to a Council or Committee of the Whole meeting, following which a copy of the motion shall be filed with the Clerk and the motion shall form part of the next Council Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of a majority of the members present.

At the next Council meeting, the notice of motion will be treated as any other motion, requiring a Mover and Seconder for the Motion to be put before Council.

**18.0 RULES OF DEBATE**

1. Every member prior to speaking to any question or motion must first be recognized by the Chair.
2. 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.
3. The following motions may be introduced without notice and without leave and shall take precedent over the main Motion in the descending order in which they appear starting at a):

	Type of Motion
a) Fix the time for a continued meeting	Privileged
b) Adjourn	Privileged
c) Recess	Privileged
d) Raise a question of privilege – Council	Privileged
e) Raise a question of privilege – Individual	Privileged
f) Postpone temporarily	Subsidiary
g) Close debate	Subsidiary
h) Limit or extend debate	Subsidiary
i) Postpone to a certain time	Subsidiary
j) Refer to a Committee	Subsidiary
k) Amend	Subsidiary
l) Postpone indefinitely	Subsidiary
m) Motion(s)	Main

**19.0 RECONSIDERATION**

1. A motion to reconsider a Resolution entered upon the Minutes shall not be received or put unless agreed upon by two thirds of the full membership of Council (being five members) prior to the question being considered and any motion to reconsider shall be considered a main motion.

## **20.0 PROCEDURAL APPEALS**

1. Any member may raise a point of order.
2. The Chair shall decide all questions of order and the decision of the Chair shall be final, subject to appeal, with the Chair retaining the option of putting any question of order to Council and in such instances the decision of Council shall be final. Upon appeal of any decision of the Chair the question of order shall be decided by Council and the decision shall be final.

## **21.0 COMMITTEES**

1. The Rules of Procedure for Committee operation shall be those contained in this By-law unless otherwise prescribed by statute or law.
2. Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.
3. The Head of Council shall be an ex-officio member of all Town Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof and shall have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.

## **22.0 ACCESSIBILITY**

1. Documents can be made available in other accessible formats as soon as practicable and upon request.

AND FURTHER that this By-law does hereby repeal and replace By-law No. 2009-59 in its entirety and any previous By-laws of the former Town of Thornbury or former Township of Collingwood to govern the calling, placing and proceedings of Council meetings;

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 19<sup>th</sup> day of November, 2018

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John McKean, Mayor

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Corrina Giles, Town Clerk



# 2020 Council & Committee of the Whole Schedule – Option #1

FAF.19.041  
Attachment #2

January						
Su	Mo	Tu	We	Th	Fr	Sa
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	COW		ROMA	WEEK 1	COW
	COUNCIL		OGRA	WEEK 2	OFF
	STAT HOLIDAY		FCM	WEEK 3	COUNCIL
	COUNCIL VACATION		AMO	15 COW Meetings	15 Council Meetings

## 2020 Council & Committee of the Whole Schedule – Option #2

January						
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	<b>COW</b>		<b>ROMA</b>	<b>Monday – Public Meetings 5:00 p.m., Council 7:00 p.m.</b>	
	<b>COUNCIL</b>		<b>OGRA</b>	<b>Tuesday – COW 9:00 a.m.</b>	<b>Meeting Rotation – every 2 weeks</b>
	<b>STAT HOLIDAY</b>		<b>FCM</b>		
	<b>COUNCIL VACATION</b>		<b>AMO</b>	<b>22 COW Meetings</b>	<b>24 Council Meetings</b>

## 2020 Council & Committee of the Whole Schedule – Option #3

January						
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February						
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COW	ROMA	WEEK 1 – Monday and Wednesday 1:00 p.m.	COW
COUNCIL	OGRA	WEEK 2	OFF
STAT HOLIDAY	FCM	WEEK 3	COUNCIL
COUNCIL VACATION	AMO	27 COW Meetings	15 Council Meetings

## 2020 Council & Committee of the Whole Schedule – Option #4

January						
Su	Mo	Tu	We	Th	Fr	Sa
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August						
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September						
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October						
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November						
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December						
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27	28	29	30	31		

	<b>COW</b>		<b>ROMA</b>	<b>Monday – Public Meetings 5:00 p.m., Council 7:00 p.m.</b> <b>Tuesday – COW 9:00 a.m.</b> <b>Meeting Rotation – every 2<sup>nd</sup> &amp; 4<sup>th</sup> Weeks of Each Month</b> <b>21 COW Meetings</b> <b>23 Council Meetings</b>
	<b>COUNCIL</b>		<b>OGRA</b>	
	<b>STAT HOLIDAY</b>		<b>FCM</b>	
	<b>COUNCIL VACATION</b>		<b>AMO</b>	



# Staff Report

## Administration

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**Report To:** Committee of the Whole  
**Meeting Date:** August 27, 2018  
**Report Number:** FAF.18.11  
**Subject:** Electronic Participation of Council Members  
**Prepared by:** Corrina Giles, Town Clerk

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### A. Recommendations

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THAT Council receive Staff Report FAF.18.11 “Electronic Participation of Council Members”;

AND THAT Council endorse option 2 detailed below which prohibits electronic participation by Council members in Council Meetings that are open to the public.

### B. Overview

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The purpose of this report is to provide Council with information regarding changes to the *Municipal Act* introduced by Bill 68 which includes provision to allow Council members to participate electronically in Council Meetings that are open to the public.

### C. Background

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Through changes to the *Municipal Act* (“Act”) introduced by Bill 68, Council has the option to allow Council Members to participate electronically in Council Meetings that are open to the public, as noted below. The Act confirms that a Council Member participating electronically cannot be counted in determining a quorum, and that Council Members cannot participate electronically in a closed session meeting.

#### **Electronic participation**

238(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

At the February 5, 2018 Special Committee of the Whole meeting, the Committee made the following recommendation, which was then confirmed by Council at the February 12, 2018 Council Meeting:

THAT with respect to Staff Report FAF.18.13 “Proposed Changes to the Town Procedural By-law 2009-59, as revised”, Council directs Staff to bring a report to a future Committee of the Whole meeting to consider electronic participation of council members in accordance with section 238(3.1) of the *Municipal Act*, **CARRIED**.

For the purposes of this report, “**Electronic Means**” includes telephone, video or audio conferencing or other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

The Act further states that, should the Procedural By-law permit electronic participation by Council Members, that electronic participation in meetings which are closed to the public is not permitted.

## **D. Analysis**

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The Town’s “Provision of Notice and Manner of Giving Notice to the Public Policy”, POL.COR.07.07, provides that any amendments made to the Procedural By-law requires 21 days’ notice and a Public Meeting to allow the public an opportunity to comment.

The following two (2) options are considered:

### **Option 1: Authorize Changes to Town Procedural By-law and Endorse Electronic Participation by Council Members at Council Meetings open to the public**

This option requires amendments to the Town’s Procedural By-law, that would include a Public Meeting, and will require coordination with the Town IT staff to enable electronic participation. Council direction will be required as to the type of electronic participation permitted, i.e. telephone participation or via computer (i.e. Skype).

The following will be included in the revised Procedural By-law.

1. Members may participate in meetings by Electronic Means subject to the following:
  - a. Electronic Means of participating in a meeting are available only for meetings of Council or Committee of the Whole that take place in the Council Chamber, Town Hall, 32 Mill Street, Thornbury, Ontario.
  - b. Requests to participate in a meeting by Electronic Means must be made to the Clerk in writing at least five (5) business days before the meeting.
  - c. No more than one Council Member may participate in the same meeting by Electronic Means. Where more than one Member requests to participate in the same meeting by Electronic Means, the request will be granted to the first Member that made the request in writing.

- d. A Member may participate in a maximum of two (2) meetings per calendar year by Electronic Means.
  - e. Members may not participate electronically in any meeting that is closed to the public.
  - f. A Member participating in a meeting by Electronic Means shall be considered to be present at such meeting but shall not be counted towards quorum.
  - g. The Chair must be present in person at a meeting.
2. The following practices will be followed when a Member participates in a meeting by Electronic Means:
- a. The Member participating in a meeting by Electronic Means shall be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
  - b. The Member participating by Electronic Means will mute his or her electronic device when he or she is not speaking.
  - c. The Chair will canvass the Member participating by Electronic Means about their intention to speak to a matter on the floor and will notify the Member when it is his or her turn to speak.
  - d. After putting a motion to a vote, the Member participating by Electronic Means will be required to identify verbally how he or she wishes to vote.
  - e. A Member participating by Electronic Means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
  - f. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
  - g. In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect.

**Option 2: Prohibit Electronic Participation by Council Members in Council Meetings open to the Public**

This option does not require amendment to the Town's Procedural By-law and is the Staff-recommended option. Approval of Option 2 enables Council Meetings to continue with Council Members physically in attendance.

The Town offers live streaming of Council Meetings open to the public to facilitate openness and transparency for those who wish to view proceedings but cannot attend in person.

Staff are concerned with the sound quality for the Council Member participating electronically as the webcasting sound comes from use of the microphones, and confirm that the audio quality will be poor for those watching the webcasting.

At this time, Staff recommend that Council not allow electronic participation by Council Members. Electronic participation does not aid in achieving a quorum for meetings as the member attending by Electronic Means cannot be counted to achieve quorum.

## **E. The Blue Mountains Strategic Plan**

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Goal #4: Promote a Culture of Organizational & Operational Excellence

## **F. Environmental Impacts**

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N/A

## **G. Financial Impact**

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If Council selects Option 1, additional IT equipment will be required, including additional staff time to setup and manage the electronic connection, including overtime costs for IT to attend evening meetings, and additional coordination with the webcasting supplier to ensure the member participating electronically can be heard.

## **H. In consultation with**

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1. Shawn Everitt, Interim CAO
2. Ruth Prince, Director of Finance and IT Services
3. Cathy Bailey, Manager of IT

## **I. Public Engagement**

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The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre. If Council directs that electronic participating should be considered, a Public Meeting will be scheduled to receive public comment. Comments regarding this report should be submitted to Corrina Giles, [townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca).



**J. Attached**

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None.

Respectfully submitted,

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Corrina Giles  
Town Clerk

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Shawn Everitt  
Interim Chief Administrative Officer

For more information, please contact:  
Corrina Giles, Town Clerk  
[townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca)  
519-599-3131 extension 232