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# Staff Report

## Administration – Clerk’s Department

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**Report To:** Special Committee of the Whole  
**Meeting Date:** February 5, 2018  
**Report Number:** FAF.18.13  
**Subject:** Proposed Changes to the Town Procedural By-law 2009-59, as revised  
**Prepared by:** Corrina Giles, Town Clerk

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### A. Recommendations

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THAT Council receive Staff Report FAF.18.13 “Proposed Changes to the Town Procedural By-law 2009-59, as revised”;

AND THAT Council provide direction to staff on the proposed revisions to the Procedural By-law and direct staff to proceed to a Public Meeting to receive comments, as is required by the Provision of Notice and Manner of Giving Notice Policy POL.COR.07.03.

### 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 changes made to the *Municipal Act* through Bill 68, previous Council direction, and includes updates recommended by staff. 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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As is required by section 239 of the *Municipal Act*, The Town is required to pass a procedural by-law for governing the calling, place and proceedings of meetings. The procedural by-law provides the rules and regulations for the proceedings of Council, Committees and Local Boards.

The Town’s Procedural By-law was last updated in 2013. Attachment #1 is the current Office Consolidation of the Procedural By-law 2009-59.

A number of housekeeping items are also proposed to the Procedural By-law. Staff recommend repealing the current Procedural By-law 2009-59, as revised, and replace it with a new Procedural By-law.

At the March 6, 2017 Council Meeting, Council provided the following direction to staff regarding the Procedural By-law update. The suggestions included in the March 6, 2017 resolution are included below for Council consideration:

March 6, 2017 Council Resolution:

THAT Council of the Town of The Blue Mountains acknowledges receipt of correspondence from Alar Soever, For the Citizens at the Corner dated February 26, 2017 regarding "Open Mike" at Council meetings;

AND THAT Council direct staff to include in the Procedural By-law Update, for Council consideration:

- i) Friday deputation deadline;
- ii) "Open Mic" 15 minute comment period at each Council meeting;
- iii) Provision to allow the public an opportunity to submit written comments on the day of a Council Meeting, regarding matters on the Agenda, to be read by the Clerk at the meeting, **CARRIED**.

Staff confirm that the current Office Consolidated Procedural By-law is the template for the new Procedural By-law, and that the changes proposed are as listed below. Attachment #3 to this By-law is the draft Procedural By-law with the suggested revisions in red text.

**1. "Meeting" Definition**

The definition of "Meeting" has changed in the *Municipal Act* through Bill 68. Staff recommend replacing the previous definition of "Meeting" at paragraph 1.11 of the Procedural By-law to the following to comply with the legislation:

**Updated Definition:**

1.11 **"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.

**2. "Alternate Council Member" Definition**

Through Bill 68, effective January 1, 2018, Council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in the place of a person who is a member of the Councils of the local municipality and its upper-tier municipality (Mayor and Deputy Mayor), when the person is unable to attend a meeting of the upper-tier council for any reason.

Council may appoint one Alternate Council Member, for the entire term of Council, that would attend Grey County Council/Committee of the Whole meetings in the place of the Mayor or Deputy Mayor, when either are unable to attend.

Grey County is also amending its Procedural By-law to indicate that it is the responsibility of the County Council Member and the Alternate Council Member to coordinate meeting arrangements and participation, including notification to the Grey County Clerk's Department. Staff recommend including a definition of "Alternate Council Member" in the Definitions section of the Procedural By-law, it being noted that the numbering in the Definitions section will have to be updated for this added definition:

**New Definition:**

**"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.

**3. "Registry" Definition**

Through Bill 68, effective March 1, 2019, the *Municipal Conflict of Interest Act* (section 5.1) will be changed to include that at a meeting at which a Council Member discloses an interest under section 5, or as soon as possible afterwards, the Council member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board as the case may be. Section 6.1 and 6.2 of the *Municipal Conflict of Interest Act* states that every municipality and local board shall establish and maintain a registry in which shall be kept a copy of each statement filed by a Council Member under section 5.1 and a copy of each declaration recorded under section 6. Staff are recommending that a definition of "Registry" be included in the "Definitions" section at 1.13, as follows:

**New Definition:**

1.13 **"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.

**4. Intent of By-law**

Staff recommend revising paragraph 2.3 of the Procedural By-law to note that the Procedural By-law should be read in conjunction with the policies listed. As the policies are not updated concurrently with the Procedural By-law, staff recommend that the policies are not attached to the Procedural By-law, but are referenced. Corporate Policies are available upon request, and can be posted to the Town website for easy access. Staff recommend that paragraph 2.3 read as follows:

**Recommendation:**

2.3 This By-law should be read in conjunction with the following policies, as revised, which are declared to form part of this by-law:

- a) Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public;
- b) Corporate Policy POL.COR.07.07 Code of Conduct for Members of Council;
- c) Corporate Policy POL.COR.09.08 Closed Session Meetings

**5. Locations, Meeting Times and Notice**

Changes to the Municipal Elections Act, 1996 were made through Bill 68 to change the beginning of terms of all offices from December 1 to November 15 in the year of the regular election. A transitional rule applies with respect to the 2018 regular election that the term of all offices shall begin on December 1, 2018 and end on November 14, 2022. Staff recommend revising section 3.1 of the Procedural By-law to read as follows:

**Recommendation:**

3.1 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.

**6. Closed Meetings, section 239(2) of the Municipal Act:**

Additional clauses have been included in the *Municipal Act* through Bill 68 to allow a meeting or part of a meeting to be closed to the public. Paragraphs h), i), j) and k) are new closed session clauses. Staff recommend replacing paragraph 4.2 of the Procedural By-law with the following.

**Include all Closed Session Clauses, as follows:**

4.2 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.

## 7. **Webcasting Meetings**

At the November 27, 2017 Council Meeting, Council passed a motion that Council and Committee of the Whole Meetings that are not closed to the public, may be recorded for the purpose of providing a webcast of meetings to the public. Council directed that the following clause be included in the Procedural By-law. Staff recommend that the following clause be included as a new paragraph 4.8, as follows:

**Recommendation:**

4.8 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.

**8. Declaration of Conflict of Interest**

Sections 9.1d) and 9.2d) of the Procedural By-law references “Declarations of Conflict of Interest”. Through Bill 68 changes (as referenced above in section #3 “Registry”), Council members are required to file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board. Staff are recommending that sections 9.1d) and 9.2d) be revised to read as follows:

**Update Section:**

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 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 a 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.

**9. Consent Agenda – Remove “Accounts and Invoices”**

Staff recommend removing “Accounts and Invoices” from the Council Meeting, Consent Agenda. Council are not approving the expenditures listed and staff confirm there are internal practices in place to ensure that payments made are appropriate and are in accordance with the approved Town Budget, and Purchasing Policy.

Staff have concerns that there may be personal information included in the Accounts and Invoices Summary that is contrary to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Staff could start the practice of redacting payments that are deemed “personal”, but Council would not then know to be able to make any determinations under the *Municipal Conflict of Interest Act* if the information has been redacted, and failing to declare a conflict could lead to other *Municipal Conflict of Interest Act* issues to arise.

**Revise paragraph 9.2j) to read as follows:**

9.2j) Consent Agenda – ~~Accounts~~, Committee of the Whole Report 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.

**10. “Open Mic” - Public Comment Period**

At the March 6, 2017 Council Meeting, Council provided direction to staff to include consideration for a 15 minute “Open Mic” comment period at each Council Meeting. In response to this direction, Staff recommend that an opportunity for public comment periods be provided during each section of the Committee of the Whole meeting regarding reports that are included on the Agenda. Council should not receive comments regarding staff reports that are a follow-up to a public meeting as the commenting period has ended and the follow-up staff report is a compilation of the comments received. The three “Public Comment Periods” could add an additional thirty minutes to Committee of the Whole meetings.

Council has the option of allowing the public to speak regarding any matter during the Public Comment Period, or to limit comments to matters included on the Agenda.

**Council direction is required** as to whether a Public Comment Period should be included in the Procedural By-law.

Staff recommend revising section 9.1 of the Procedural By-law to include a section for “Public Comment Period” during the Committee of the Whole meeting to follow “g) Deputations” as follows:

**Recommendation:**

- 9.1h) Public Comment Period - 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.)

**11. Housekeeping Matter – Committee of the Whole start time**

The Clerk sets the start time of the Committee of the Whole meeting when the Agenda is developed. On occasion, the Committee of the Whole meeting will start later than 1:00 pm. Staff recommend the following minor housekeeping update to the Procedural By-law:

**Recommendations:**

Under section 3.2, Staff recommend replacing “Week 1 – Committee of the Whole Meeting, Monday, commencing at 1:00 pm”, with the following:

- Week 1 – Committee of the Whole Meeting, Monday, commencing at 1:00 pm, or at the time as established by the Clerk

**12. Housekeeping Matter – Remove “Personal Prayer”**

Staff recommend revising sections 9.1b) and 9.2b) of the Procedural By-law to remove the words “Personal Prayer or” to be in keeping with Council’s practice of a “Moment of Reflection” at the beginning of Committee of the Whole meetings, and Council meetings. Staff recommend sections 9.1b) and 9.2b) read as follows:

**Recommendation:**

- 9.1b) Moment of Reflection
- 9.2b) Moment of Reflection

**13. Housekeeping Matter - include “Consent Agenda” in Committee of the Whole**

Staff recommend the following minor housekeeping update to follow Section 9.1e), to include a Consent Agenda section in the Committee of the Whole meeting. Note the paragraph numbering will have to be updated to reflect this new paragraph:

**Recommendations:**

- 9.1f) Adoption of Consent Agenda

**14. Housekeeping Matter – Department Structure**

Staff recommend the following minor housekeeping update to Section 9.1f) of the Procedural By-law to accurately reflect the current department structure. Section 9.1f) will read as follows:



**Recommendations:**

9.1f) 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

**15. Housekeeping Matter – Public Meetings**

Staff recommend the following minor housekeeping update to Section 9.1h) of the Procedural By-law to remove the word “Planning” as all Public Meetings, including Statutory Public Meetings, are scheduled for the set time of 5:00 pm. Section 9.1h) will read as follows:

**Recommendations:**

9.1h) Statutory Public Meetings will be scheduled for the set time of 5:00 pm.

**16. Written Comments**

At the March 6, 2017 Council Meeting, Council provided direction to staff to include provision to allow the public an opportunity to submit written comments on the day of a Council Meeting, regarding matters on the Agenda, to be read by the Clerk at the meeting.

Staff confirm that comments received that are in response to a Public Meeting being held that day, are considered in accordance with the Public Meeting Comments Policy, POL.COR.15.02, (adopted by Council in 2015, Policy attached) including circulating the comments to Council. The Policy states that comments are not read verbatim, that just the key concerns are read at the Public Meeting. If the timing of receipt of comments does not allow circulation to Council in advance of the Public Meeting, the comments are acknowledged as soon as possible, forwarded to Council and included in the follow-up staff report. It should be noted that Public Meeting Notices request that comments be provided on the Friday before the Public Meeting. This timing allows staff to better prepare for the Public Meeting, and to allow Council to receive the comments in advance of the Public Meeting.

When comments are received on the day of the Council Meeting regarding a matter on the Agenda, staff make its best efforts to acknowledge the comments and forward the same to Council in advance of the meeting.

Staff have concerns with establishing the practice of encouraging comments to be submitted on the day of a Council Meeting regarding matters on the Agenda. Staff also have concerns with establishing the practice of reading the comments received on the day of the Council Meeting as this practice is contrary to the Public Meeting Comments Policy. Staff recommend extending the deadline to submit comments regarding matters included on an Agenda, to coincide with that proposed for Deputation Requests. Staff recommend revising Section 9.2h) of the Procedural By-law to read as follows:

**Recommendation:**

9.2h) 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.

**17. Extension of time to submit a Deputation Request**

As requested in the March 6, 2017 resolution, Staff recommend revising Section 13.1 of the Procedural By-law to extend the deadline to submit a Deputation Request regarding matters that are included on a meeting agenda, to 12:00 pm noon on the Friday immediately prior to the meeting. This will allow the public an opportunity to review the meeting agenda when released, and should they wish to address Council regarding a matter listed on the Agenda, they would have an opportunity to file a Deputation Request with the Clerk. Currently, Deputation Requests must be received in the Clerk’s Office by no later than 10:00 a.m. on the Wednesday before the subject meeting. Staff recommend that Section 13.1 of the Procedural By-law be revised to read as follows:

**Recommendation:**

13.1 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 as attached to this By-law, 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.

**18. Housekeeping Matter – Department Structure**

Staff recommend the following minor housekeeping update to Section 14.1 of the Procedural By-law to accurately reflect the current department structure. Section 14.1 will read as follows:

**Recommendations:**

14.1 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.

**19. Electronic Participation, section 238(3.1) of the Municipal Act**

Through Bill 68, the *Municipal Act* has been changed to allow Council members to participate electronically in a meeting that is open to the public, to the extent and in the manner set out in the Procedural By-law. Should Council wish to consider allowing electronic participation, the electronic meeting provisions allow a great deal of flexibility to Council. The Council member participating electronically cannot be counted to achieve quorum for the meeting. The *Municipal Act* states that the procedural 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.

**COUNCIL DIRECTION REQUIRED:** Staff require direction from Council as to whether electronic participation should be permitted, and included in the procedural by-law.

**D. Analysis**

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Though most of the current sections of the Procedural By-law will remain in place, because of the number of updates proposed, and the resulting impact on paragraph numbering, staff recommend repealing the previous Procedural By-law, and replacing it with a new Procedural By-law.

Staff are proposing the following timeline for Council to update the Procedural By-law, it being noted that the timeline may be revised following Council direction.

- February 5, 2018 Special Committee of the Whole meeting to receive direction from Committee
- February 12, 2018 Council will confirm the direction provided at the February 5, Special Committee of the Whole meeting
- March 5, 2018 Council Meeting, Public Meeting to receive comments on the proposed changes to the Procedural By-law
- March 12, 2018 Committee of the Whole, Committee will receive a follow-up staff report, including the comments received in response to the Public Meeting on the proposed changes to the Procedural By-law
- March 26, 2018, Council Meeting, Council will consider passing the Procedural By-law

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

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Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #2 Use Technology to Advance Engagement

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

Objective #2 Improve Internal Communications Across Our Organization

Objective #3 To Consistently Deliver Excellent Customer Service

Objective #5 Constantly Identify Opportunities to Improve Efficiencies & Effectiveness

## **F. Environmental Impacts**

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None

## **G. Financial Impact**

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If Council directs that electronic participation by Council members at Council/COW Meetings should be included in the Procedural By-law, there will be associated staffing and technology costs.

## **H. In consultation with**

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1. Senior Management Team
2. Manager of Information Technology
3. Ministry of Municipal Affairs
4. Grey County Clerks

## **I. Attached**

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1. Procedural By-law 2009-59, Office Consolidation (attachments are not attached)
2. Public Meeting Comments Policy, POL.COR.15.02
3. Draft Procedural By-law

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 NO. 2009 - 59

**Office Consolidation: Revised by 2009 – 78, 2012 – 53 and 2013-44**

**“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 the *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. “COUNCIL” means the elected and sworn members of the Council of the Town of The Blue Mountains
2. “HEAD OF COUNCIL” means the Mayor
3. “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.
4. “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
5. “CLOSED SESSION” shall mean closed to the public as defined in Subsection 4.2 of this By-law
6. “COMMITTEE OF THE WHOLE” shall mean a meeting of Council in Committee format for discussion purposes
7. “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
8. “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
9. “CONFLICT OF INTEREST” means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*
10. “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
11. “MEETING” shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them, 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. "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

## **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. This By-law should be read in conjunction with:
  - a) Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public as attached to this By-law as Schedule "A";
  - b) Corporate Policy POL.COR.07.07 Town Council Code of Conduct Policy attached to this By-Law as Schedule "B";
  - c) Corporate Policy POL.COR.09.08 Closed Session Meetings Policy attached to this By-Law as Schedule "C"

and which is hereby declared to form part of this By-law.

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

1. The First or Inaugural Meeting of the Council of a local Municipality after a regular election shall be held on the first Monday in December, at 11:00 a.m. in the forenoon, 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
  - 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 regular Council meetings and Committee and Local Board meetings shall be open to the public, but a meeting or any part thereof 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 for municipal or local board purposes;
  - d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - f) the receiving of 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 has authorized a meeting to be closed under another Act.
  - h) related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act.
  - i) the educating or training of Council or a Committee or a Local Board and at the meeting, and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.
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 or support staff shall be allowed to approach the Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 12.
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.

## **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 Council;
  - d) to represent the municipality at official functions;
  - e) to carry out the duties of the Head of Council under any 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 the Town, the Head of Council shall:
  - a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the Town's activities;
  - c) act as the representative of the Town both within and outside the municipality and promote the Town locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.



## 7.0 ROLE OF COUNCIL

It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Town;
- b) to develop and evaluate the policies and programs of the Town;
- c) to determine which services the Town 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;
- e) to ensure the accountability and transparency of the operations of the Town, including the activities of the senior management of the Town;
- f) to maintain the financial integrity of the Town; and
- g) to carry out the duties of Council under any 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 Personal Prayer or Reflection
  - c) Approval of Agenda
  - d) Declaration of Conflict of Interest - as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:

- i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
  - ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
  - iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
  - iv) during closed session, shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration; and
  - v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.
- e) Adoption of Previous Minutes
  - f) Staff Reports – staff reports will be compiled as follows: (Planning & Building, Finance & Administration, Engineering, Public Works & Recreation ) for consideration by the Committee of the Whole and recommendation to Council.
  - g) Deputations – as referred to in Section 13 of this By-law.
  - h) Planning Statutory Public Meetings will be scheduled for the set time of 5:00 pm.
  - i) 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.
  - j) 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.

- k) 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 Personal Prayer or Reflection
  - c) Approval of Agenda

- d) Declaration of Conflict of Interest - as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:
  - i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
  - ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
  - iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
  - iv) during closed session, shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration; and
  - v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting 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) Correspondence - as received in the Clerk's Office no later than 10:00 a.m. on the Wednesday 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.
- i) Motions and Staff Reports - as received in the Clerk's Office no later than 1:00 p.m. on the Wednesday 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.
- j) Consent Agenda - Accounts, Committee of the Whole Report 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.
- k) By-laws - as received in the Clerk's Office no later than 12:00 noon on the Wednesday 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.
- l) 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.

- m) 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 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.

- n) 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**

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 Form as attached to this By-law as Schedule "D" and which is hereby declared to form part of this By-law no later than 10:00 a.m on the Wednesday before the subject meeting and time before Council will be arranged for as soon as is practicable and appropriate. 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.

### **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 components of the Committee of the Whole meetings:

- a) Engineering & Public Works and Recreation
- b) Finance and Administration
- c) Planning and Building

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 8.0.1 k) 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 9.0 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. 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 Secunder 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.
5. 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.
6. 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**

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. 2007 - 29 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 tenth day of August, 2009

Original signed by:  
.....  
Ellen Anderson, Mayor

Original signed by:  
.....  
Corrina Giles, Deputy Clerk

## TOWN OF THE BLUE MOUNTAINS

## POLICY &amp; PROCEDURES

Subject Title: Public Meeting Comments

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.15.02
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	n/a
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved: November 9, 2015		Staff Report:	FAF.15.42

**Policy Statement**

Policy direction establishing guidelines on how written comments received in response to public meeting notices are received by Committees, Committee of the Whole, Council and the public.

**Purpose**

To promote transparency and efficiency in local government with respect to the consideration of written comments from the public and agencies at Committee, Committee of the Whole, and/or Council Meetings in response to public meeting notices.

**Application**

This Policy applies only to public and agency comments received in response to public meeting notices.

**Definitions**

“Originating Department” means the department responsible for circulating the public meeting notice.

**Procedures**

The following procedures assist in achieving transparency in local government and recognize the invaluable input provided by the public and agencies and promotes efficient Council and Committee meetings.

1. Written comments received in response to a public meeting notice will be compiled by the Administrative Assistant of the Originating Department.
2. On receipt of emailed comments, the Town Clerk will acknowledge receipt of the comments received, and will carbon copy Committee/Council, Senior Management Team and the Administrative Assistant of the Originating Department on the return email. The Administrative Assistant will compile the emails for inclusion in the record of the public meeting.
3. On receipt of mailed, couriered or personally delivered comments, the Clerk's office will scan the comments and send the same to Committee/Council, Senior Management Team and the Administrative Assistant of the Originating Department. The Administrative Assistant will compile the comments for inclusion in the record of the public meeting.
4. The day of the public meeting, the Administrative Assistant will provide the Town Clerk, or designate, with photocopies of all comments received. The Originating Department is responsible for highlighting the key concerns raised in each of the comments received.
5. At the public meeting, the Town Clerk, or designate, will read the names of the person/agencies providing comments, and will read the highlighted portion of the correspondence that states the concerns of the public/agencies. The written comments will not be read in their entirety at the meeting. The names of the public/agencies providing comments will form part of the public record.
6. Written comments received at the public meeting will be scanned and emailed to Committee/Council, Senior Management Team and the Administrative Assistant of the Originating Department immediately following the public meeting.
7. Staff will attach all comments received in response to the Notice of Public Meeting to the follow-up staff report that is provided to Committee/Council on a date subsequent to the Public Meeting for consideration in the matter.

## **Exclusions**

Nil

## **References and Related Policies**

1. POL.COR.07.01 Accountability and Transparency of Town Actions to the Public
2. POL.COR.07.03 Provision of Notice and Manner of Giving Notice to the Public

### **Consequences of Non-Compliance**

Consequences shall commensurate with the severity of non-compliance of this policy.

### **Review Cycle**

This policy will be reviewed each term of Council by the Chief Administrative Officer, Senior Management Team for report to Council in open session.

# The Corporation of the Town of The Blue Mountains

## By-Law Number 2018-

### 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 Council, of a local board or of a committee of either of them, 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. This By-law should be read in conjunction with **the following policies, as revised, which are declared to form part of this by-law:**
  - a) Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public ~~as attached to this By-law as Schedule “A”~~ ;
  - b) Corporate Policy POL.COR.07.07 Code of Conduct for Members of Council ~~Policy attached to this By Law as Schedule “B”~~;
  - c) Corporate Policy POL.COR.09.08 Closed Session Meetings ~~Policy attached to this By Law as Schedule “C”~~

~~and which is hereby declared to form part of this By law.~~

## 3.0 LOCATIONS, MEETING TIMES AND NOTICE

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

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 regular Council meetings and Committee and Local Board meetings shall be open to the public, but a meeting or any part thereof 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 for municipal or local board purposes;~~
  - ~~d) labour relations or employee negotiations;~~
  - ~~e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;~~
  - ~~f) the receiving of 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 has authorized a meeting to be closed under another Act.~~

~~h) related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act.~~

~~i) the educating or training of Council or a Committee or a Local Board and at the meeting, and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.~~

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 or support staff shall be allowed to approach the Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status 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.

## 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 Council;
  - d) to represent the municipality at official functions;
  - e) to carry out the duties of the Head of Council under any 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 the Town, the Head of Council shall:
  - a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the Town's activities;
  - c) act as the representative of the Town both within and outside the municipality and promote the Town locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

## **7.0 ROLE OF COUNCIL**

It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Town;
- b) to develop and evaluate the policies and programs of the Town;
- c) to determine which services the Town 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;
- e) to ensure the accountability and transparency of the operations of the Town, including the activities of the senior management of the Town;
- f) to maintain the financial integrity of the Town; and
- g) to carry out the duties of Council under any 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 ~~Personal Prayer or~~ Reflection
- c) Approval of Agenda
- d) ~~Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:~~
  - i) ~~shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;~~
  - ii) ~~shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;~~
  - iii) ~~shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;~~
  - iv) ~~during closed session, shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration; and~~
  - v) ~~where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.~~
- 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 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 a 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: (Planning & Building, Finance & Administration, Engineering, Public Works & Recreation) for consideration by the Committee of the Whole and recommendation to Council.~~
  - 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 - 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) ~~Planning~~ 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 ~~Personal Prayer or~~ Reflection

c) Approval of Agenda

d) ~~Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:~~

~~i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;~~

~~ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;~~

~~iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;~~

~~iv) during closed session, shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration; and~~

~~v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.~~

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 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 a 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) ~~Correspondence – as received in the Clerk’s Office no later than 10:00 a.m. on the Wednesday 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.~~
- h) 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.

- i) Motions and Staff Reports - as received in the Clerk’s Office no later than 9:00 a.m. on the ~~Wednesday~~ 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.
- j) Consent Agenda - ~~Accounts~~, Committee of the Whole Report 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.
- k) By-laws - as received in the Clerk’s Office no later than ~~12:00 noon~~ 9:00 a.m. on the ~~Wednesday~~ 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.
- l) 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.
- m) 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 ~~3:00~~ 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.

- n) 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**

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 Form as attached to this By-law as Schedule "D" and which is hereby declared to form part of this By-law no later than 10:00 a.m. on the Wednesday before the subject meeting and~~



~~time before Council will be arranged for as soon as is practicable and appropriate. Any exceptions must be approved by a majority of Council.~~

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 as attached to this By-law, 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.

#### **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 components of the Committee of the Whole meetings:~~

~~a) Engineering & Public Works and Recreation~~

~~b) Finance and Administration~~

~~c) Planning and Building~~

~~Each Chair shall be appointed for a one year term.~~

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 ~~8.0.1k~~ 9.2k) 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 9.2k) 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. 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**

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         day of                         , 2018

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John McKean, Mayor

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Corrina Giles, Town Clerk