



Staff Report

Administration

Report To: Committee of the Whole
Meeting Date: April 4, 2018
Report Number: FAF.18.36
Subject: Followup to Public Meeting to Receive Comments on the Procedural By-law
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.18.36 "Followup to Public Meeting to Receive Comments on the Procedural By-law";

AND THAT Council provide direction to staff regarding paragraph 14 of this staff report and the placement of the Public Comment Period at Council Meetings;

AND THAT Council provide direction to staff regarding paragraph 16 of this staff report as to whether the "Accounts and Invoices" summary should be removed from the Council Agenda;

AND THAT Council direct staff to bring the new Procedural By-law to a future Council Meeting for consideration and adoption.

B. Overview

The purpose of this report is to provide Council with the comments received in response to the March 5, 2018 Public Meeting regarding the proposed changes to the Procedural By-law. The Procedural By-law governs the calling, place and proceedings of meetings of the Municipal Council of the Town of The Blue Mountains.

C. Background

Pursuant to the provisions of the Municipal Act, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

At the February 5, 2018 Special Committee of the Whole Meeting staff provided Council with a presentation on the proposed updates to the Procedural By-law. Staff confirmed the recommendations from the February 5, 2018 Special Committee of the Whole Meeting with Staff Report FAF.18.32 "Proposed Changes to the Town Procedural By-law 2009-59, Followup to Staff Report FAF.18.13", see Attachment #1.

The Public Meeting to receive comments on the proposed changes to the Procedural By-law was held on March 5, 2018. Attachment #2 is a compilation of the comments received at the Public Meeting.

Due to the technical difficulties experienced with the webcasting at the March 5 Council Meeting, those that provided comments at the Public Meeting that evening were asked if they wished to provide their comments to Council at a future meeting so that their comments would be webcasted and recorded for future reference.

Attachment #3 to this staff report is the draft Procedural By-law with the revisions made to date. Staff confirm that further revisions will be made to the draft Procedural By-law following receipt of direction from Council as requested in this staff report.

D. Analysis

In response to the comments received, staff have the following recommendations regarding the proposed changes to the Procedural By-law.

1. Updated “Meeting” definition, in accordance with the Municipal Act. Staff confirm that the definition of “Meeting” refers to *any* meeting where a quorum is present, as noted below:

“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. Inclusion of a definition of “Alternate Council Member”. Staff confirm that should Council appoint an Alternate Council Member, that remuneration to the Alternate Council Member would be from Grey County in accordance with Grey County, Corporate Policy “Council Alternate Member Policy”, Policy Number G-GEN-011 (Attachment #4)

3. Paragraph 3.0 of the draft Procedural By-law “Locations, Meeting Times and Notice”. The regularly scheduled Council and Committee of the Whole meeting schedule for the following year is set a number of months before the end of the previous calendar year. The meeting schedule considers all statutory holidays and, when a meeting falls on a statutory holiday, the meeting is moved to the Wednesday of that same week.

4. Paragraph 4.7 of the draft Procedural By-law provides direction as to who may cancel a regularly scheduled meeting, and the circumstances under which a meeting may be cancelled. No changes are proposed to paragraph 4.7. Paragraph 4.7 is included below for reference:

4.7 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. Paragraph 4.2 of the draft Procedural By-law states that “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...:”. Staff confirm that the inclusion of “may” is in accordance with the Municipal Act, and that, as referenced above, a meeting *may* be closed to the public for the reasons listed in the Municipal Act, and included in the draft Procedural By-law.

6. Paragraph 4.5 of the draft Procedural By-law will be revised to include reference to “Public Comment Periods” as noted below:

4.5 With the exception of the Inaugural Session, no person but a member of Council or support staff shall be allowed to approach Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 13, or to speak in a Public Comment Period as described in Section 13.

7. Staff recommend revising paragraph “13. Deputations” of the draft Procedural By-law to “13. Deputations and Public Comment Periods”, and to include a new paragraph 13.4 and 13.5, as follows:

13.4 Any person may speak during a Public Comment Period at a Committee of the Whole Meeting, regarding staff reports included on the Agenda. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address the Committee.

13.5 Any person may speak during the Public Comment Period at a Council Meeting, regarding Town matters. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address Council.

8. Staff are satisfied with the wording of paragraph 4.8 regarding webcasting meetings. Staff recognize that technical issues may arise that are out of the control of staff. However, as indicated in paragraph 4.8, inability to record a meeting will not prohibit the meeting from commencing or continuing. Section 4.8 is included below for reference:

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.

9. The role of the Mayor as referenced in paragraph 6 of the draft Procedural By-law is defined in the Municipal Act. Staff recommend revision to bring the Procedural By-law in-line with the Act, as follows

6.0 ROLE OF THE MAYOR

1. It is the role of the Mayor as the Head of Council:
 - a) to act as Chief Executive Officer of the municipality;
 - b) to preside over council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to the council;
 - c.1) without limiting clause (c) above, to provide information and recommendations to the council with respect to the role of council described in paragraph 7.1(d) and (d.1) below);
 - d) to represent the municipality at official functions; and
 - e) to carry out the duties of the head of council under the Municipal Act or any other Act; and
 - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Blue Mountains.

2. As Chief Executive Officer of a municipality, the Head of Council shall,
 - a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in the municipality's activities;
 - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

10. The role of Council as referenced in paragraph 7 of the draft Procedural By-law is defined in the Municipal Act. Staff recommend a minor revision to paragraph 7 to bring the Procedural By-law in line with the Act, as follows:

7.0 ROLE OF COUNCIL

1. It is the role of council,
 - a) to represent the public and to consider the well-being and interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - e) to maintain the financial integrity of the municipality; and
 - f) to carry out the duties of council under the Municipal Act or any other Act.

11. The provisions of paragraphs 9.1d) and 9.2d) regarding Declaration of Conflict of Interest are taken directly from the Municipal Conflict of Interest Act. Staff do not recommend revision to the draft Procedural By-law, other than that presented at the February 5, Special Committee of the Whole meeting.

12. Public Comment Period at the Committee of the Whole Meeting (included at paragraph 9.1i) of the draft Procedural By-law). As previously discussed, Staff recommend a ten minute Public Comment Period at the beginning of each section of the Committee of the Whole meeting to receive comments on staff reports included on the Agenda.

13. Moving the start time for Statutory Public Meetings at the Committee of the Whole meeting from 5:00 pm to 7:00 pm. Staff confirm that Statutory Public Meetings can be scheduled at 5:00 pm at Committee of the Whole Meetings, or at 7:00 pm at Council Meetings. Staff do not recommend revising the draft Procedural By-law regarding the start time of Statutory Public Meetings at Committee of the Whole meetings.

14. Public Comment Period at Council Meetings. Staff recommend that Council Meetings commence at 6:45 p.m. for the purposes of a Public Comment Period to receive public comments regarding Town matters. The Public Comment Period would be scheduled from 6:45 p.m. to 7:00 p.m. With Council direction, the relevant portions of the draft Procedural By-law will be revised to reflect this revised meeting start time.

Alternatively:

A 15 minute Public Comment Period could be included at the Council Meeting to immediately follow the "Deputations" section of the Council Meeting Agenda.

15. Release of Council and Committee of the Whole Agendas. Paragraphs “9.2i) Motions and Staff Reports”, “9.2j) Consent Agenda” and “9.2k) By-laws” note that the materials will be circulated to members of Council for review no later than 3:00pm on the Wednesday previous to the subject meeting. Staff confirm that the same timelines are followed for the release of both Council and Committee of the Whole Agendas.

16. Consent Agenda – “Accounts and Invoices” . In accordance with the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”) the Town is required to protect the privacy of individuals with respect to personal information about themselves, that is held by the Town. Personal information means recorded information about an identifiable individual, including the individual’s name if it appears with other personal information relating to the individual such as information relating to financial transactions with the Town in which the individual has been involved. The Town has a legal obligation to protect such personal information, including when it appears in the “Accounts and Invoices” statement.

Staff recommend removing the “Accounts and Invoices” summary from the Council package and confirm there are internal processes in place to ensure that payments made are appropriate and are in accordance with the approved Town budget, and purchasing policy. Staff will improve the monthly financial reporting that will provide an analysis of expenditure categories (i.e. County School Board levies, legal, advertising, etc.)

Alternatively:

Should Council direct staff to continue including the Accounts and Invoices summary in the Council package, that Council will be required to see staff in advance of the Council meeting to view the “clean copy” (copy with no redactions) of the Accounts and Invoices statement to determine if they are required to declare a conflict under the Municipal Conflict of Interest Act. Council should be aware that failure to declare a conflict could lead to other Municipal Conflict of Interest issues to arise.

17. Paragraph 16.8 of the draft Procedural By-law provides that any member present at a meeting, except a member who is disqualified from voting, may request a recorded vote. As referenced in paragraph 14.2 of the draft Procedural By-law, a recorded vote is not permitted in Committee of the Whole.

E. The Blue Mountains Strategic Plan

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

F. Environmental Impacts

None

G. Financial Impact

None

H. In consultation with

Senior Management Team

I. Attached

1. Staff Report FAF.18.32 Proposed Changes to the Town Procedural By-law 2009-59
2. Comments received in response to March 5, 2018 Public Meeting
3. Draft Procedural By-law
4. Grey County Corporate Policy "Council Alternate Member Policy", G-GEN-011

Respectfully submitted,

Corrina Giles
Town Clerk

Shawn Everitt
Interim Chief Administrative Officer

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

This document can be made available in other accessible formats as soon as practicable and upon request



Staff Report

Administration – Clerk’s Department

Report To: Council
Meeting Date: February 12, 2018
Report Number: FAF.18.32 **REVISED**
Subject: Proposed Changes to the Town Procedural By-law 2009-59.
Followup to Staff Report FAF.18.13
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.18.32 “Proposed Changes to the Town Procedural By-law 2009-59. Followup to Staff Report FAF.18.13”;

AND THAT Council direct staff to proceed to a Public Meeting, as is required by the Provision of Notice and Manner of Giving Notice Policy POL.COR.07.03, to receive comments from the public on the proposed revisions to the Procedural By-law, as attached to Staff Report FAF.18.32.

B. Overview

This staff report seeks confirmation of the direction provided to staff at the February 5, 2018 Special Committee of the Whole Meeting regarding the revisions to the Procedural By-law, and requests direction from Council to proceed to the Public Meeting.

C. Background

Further to the direction provided to staff at the February 5, 2018 Special Committee of the Whole, for ease of reference, staff have further revised the draft Procedural By-law as directed.

- 1. Updated “Meeting” definition included in the draft Procedural By-law, as follows:**
“**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. Definition of “Alternate Council Member”.

Staff will bring a report to a future Committee of the Whole meeting for Council to consider the appointment of an Alternate Council Member to attend Grey County Council/Committee Meetings. The definition of “Alternate Council Member” will be included in the Procedural By-law at this time, as follows:

“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. Definition of “Registry” included in draft Procedural By-law

“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 removing paragraph 2.3 of the Procedural By-law as the corporate policies stand alone, and need not be included in the Procedural By-law.

5. Locations, Meeting Times and Notice

Section 3.1 of the Procedural By-law will be updated to read as follows:

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:

Paragraph 4.2 of the Procedural By-law is revised to include all closed session clauses, as follows:

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” will be referenced in paragraph 4.8 of the Procedural By-law, as follows:

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 has been updated as noted below. The words, “at the meeting or as soon as possible” have been included in ii) below as is referenced in the *Municipal Conflict of Interest Act*.

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, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;
 - iii) shall not take part in the discussion of, or vote on any question in respect of the matter. (NOTE: Effective March 1, 2019, members may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*);
 - iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;
 - v) where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;

- vi) where the interest of a member has not been disclosed by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the next meeting of the council or local board, as the case may be, attended by the member.

9. Consent Agenda – Remove “Accounts and Invoices”

Staff recommend removing the “Accounts and Invoices” from the Council Package as Council are not approving the accounts and invoices, it is just an information statement. Staff confirm there are internal processes in place to ensure that payments made are appropriate and are in accordance with the approved Town Budget, and Purchasing Policy.

Effective immediately, staff will be redacting personal information from the Accounts and Invoices Summary. Personal payments could include overpayment of taxes or utility bills, reimbursement of a deposit. Council will be required to see staff in advance of the Council meeting to view the “clean” copy of the accounts and invoices statement to determine if they are required to declare a conflict under the Municipal Conflict of Interest Act. Failure to declare a conflict could lead to other Municipal Conflict of Interest issues to arise.

With the adoption of the revised Procedural By-law, the “Accounts and Invoices” will be removed from the Council Meeting Agenda. Staff confirm that moving forward, the monthly financial staff reports will be enhanced to include more detail. Paragraph 9.2k) will be revised to read as follows:

9.2k) Consent Agenda – 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 Committee of the Whole Meetings

Section 9.1i) of the Procedural By-law will include a section for “Public Comment Period” during the Committee of the Whole as follows:

9.1i) 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.)

“Open Mic” – Public Comment Period at Council Meetings

9.2h) Public Comment Period - Fifteen minutes allotted at the Council Meeting to receive public comments regarding Town matters. (NOTE: Comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)

11. Housekeeping Matter – Committee of the Whole start time

The first bullet under Section 3.2 will read as follows:

- 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”

Sections 9.1b) and 9.2b) will read as follows:

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

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

New paragraph 9.1f) to include a Consent Agenda section in the Committee of the Whole meeting, as follows:

- 9.1f) Adoption of Consent Agenda

14. Housekeeping Matter – Department Structure

Section 9.1g) will read as follows to accurately reflect the current department structure:

9.1g) 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

Section 9.1j) will be revised to remove the word “Planning” as all Public Meetings are scheduled for the set time of 5:00 pm. Section 9.1j) will read as follows:

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

16. Written Comments

Staff recommend revising Section 9.2i) of the Procedural By-law to read as follows:

Recommendation:

9.2i) 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

Section 13.1 of the Procedural By-law be revised to read as follows to extend the time to submit deputation requests:

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

Section 14.1 will read as follows:

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

Staff will bring a staff report to a future Committee of the Whole meeting for Council to consider electronic participation of members, as is now permitted under the *Municipal Act*. No changes to the Procedural By-law is required at this time regarding electronic participation.

D. Analysis

The paragraph numbering in the Procedural By-law has been updated to reflect the above revisions. With Council direction, Staff will continue with the timeline noted below:

- 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

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

None

G. Financial Impact

None at this time

H. In consultation with

1. Senior Management Team

I. Attached

1. Draft Procedural By-law
2. Draft Notice of Public Meeting

Respectfully submitted,

Corrina Giles
Town Clerk

Shawn Everitt
Interim Chief Administrative Officer

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

Public Meeting March 5, 2018 Re Public Participation
Proposed changes to the Town Procedural By-law 2009-59

Good Evening Mayor, Deputy Mayor, Councilors, and Staff.

My name is Rosemary Mesley, I am a full-time resident of Blue Mountains and reside on a farm in Ravenna. I will be speaking before you today on behalf of Citizens Forum.

Thank you for receiving our Deputation on February 5, 2018 about Public Participation at Council and Committee of the Whole meetings. We are encouraged by the staff report recommendations (Item C10, FAF.18.32) that supports allocating 10 minutes per section at Committee of the Whole meetings and 15 minutes at Council meetings. One concern however is the recommendation that public comments be restricted to only staff reports included on the agenda at Committee of the Whole meetings.

We would also ask:

- 15 minutes **at or near the beginning** of council meetings.
- 10 minutes for each section of Committee of the Whole meetings be designated for comments/ questions **to include any items discussed or received in that section.**
- Each person is allowed 2 to 5 minutes dependent on number of participants in the time allotted.
- For items not on the agenda, members will hear the question and answer if appropriate.
- If comment/questions are on the agenda, the option to speak after the item has been read, in addition to the 15 minute time slot allotted at the beginning of the meeting, may be granted at the discretion of council.
- We encourage public participation at both meetings to accommodate urgency or a person's limited availability. It would be beneficial if the website could promote that the public can attend the more informal meetings of the Committee of the Whole.

We have conducted research to survey several nearby municipalities' practices.

Please refer to Appendix A for further details.

We do look forward to your questions and comments should you require further understanding and clarity.

Sincerely,
Rosemary Mesley
Ravenna, Ontario

Appendix A

Owen Sound

Owen Sound just updated their By-law to include “on any matter”:

Public Question Period

63. A person may ask a question of the Members on any matter.

64. Questions may be preceded by a brief statement that provides background for the question.

65. Questions are limited to a time period of five (5) minutes.

66. Members will hear the question and answer if appropriate.

[Owen Sound By-law No. 2018-18 \(2018\)](#)

Municipality of Meaford

Meaford is recommending the following update to their By-law:

Public Participation

The public participation section of the agenda should be amended to allow for Deputations on any agenda items, rather than only on Committee of the Whole reports. This will allow members of the public to contribute on matters that have been added to the Council agenda without Committee of the Whole consideration, and to make their case for a particular decision following a previous Committee of the Whole discussion. [Municipality of Meaford Procedural By-law Updates \(2018\)](#)

The current By-law which allows any question is:

30.0 Public Question Period

30.1 A maximum of 15 minutes will be set aside for Public Question Period, with each questioner limited to two minutes.

30.2 When called upon by the Chair, the questioner will identify themselves by name and address the question to the Chair.

30.3 Questions will be responded to with a brief response from the Chair who may also request a response from staff. A written response can be issued depending on the specifics of the question.

30.4 Questions shall only be made in respect of matters within Council's purview and jurisdiction while maintaining decorum in keeping with the following four principles:

- a) Treatment of every person with dignity, understanding and respect;*
- b) Behaviour that is not discriminatory;*
- c) Actions free of slander, harassment or bullying;*
- d) Protection of privacy.*

[Municipality of Meaford Procedural By-law Number 78 \(2015\)](#)

Township of Clearview

Clearview has the following By-law:

6.2 Public Participation Period

As part of each regularly scheduled Council Meeting, a Public Participation Period will be included on the agenda and limited to fifteen (15) minutes or less as necessary. Any interested person in attendance will be invited to make inquiry or comment on matters of municipal business. Speakers will be asked to limit their participation to a maximum of five (5) minutes each subject to the following:

- Questions or comments to be directed to the Mayor/Chair.*
- Questions shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.*

Any person providing information and/or comments at public or open meetings will be considered by the Township of Clearview as consent to the individual's personal information and comments and that this information may become part of the public record. [Township of Clearview By-law Number 12-19 Procedural By-law \(2012\)](#)

Citizens Forum Presentation to Public Meeting Monday March 5th regarding Procedural Bylaw

Through you Mr. Mayor I am pleased to provide these comments to Council, Staff and the Community at large from the Citizens Forum. The Citizens Forum is a community association open to all who seek effective ways to improve the management and governance of The Blue Mountains.

My name is John White, my address is [REDACTED] in Town of Blue Mountains.

Representatives of the Citizens Forum have previously interacted with both members of staff and council on particular points and we appreciate these continued interactions. There are several Citizens Forum members in the audience this evening.

A Copy of this evenings presentation will be forwarded electronically to the Town Clerk after tonight's meeting.

Our Comments follow the nomenclature of the By-law itself.

Section 1.0 Definitions

- 1.0 1 Alternate Council Member for County Council – we think this is a positive development but want to insure that a provision is made for the appropriate remuneration and expense coverage for this council member for these added responsibilities and we feel that these costs should be covered by each constituent municipality for their own representative.

- 1.0 12 Pleased to see that the definition does not include social or other volunteer organization meetings since under the current definition of conflict of interest some of these activities could be seen to constitute a conflict position.

- 1.0 14 Registry – we are in favour of this

Section 3.0 Locations, Meeting Times and Notice

- 3.0 2 Timing – This bylaw in its totality introduces many time lines which we welcome but we find no provision to adjust these time lines to the realities of life such as holidays, weather, power failure shutting

down town hall or an emergency proclamation which may insert itself into the rotational meeting deadline timing without impacting an actual meeting time.

Section 4.0 Meetings of Council

- 4.0 2 Pleased to see “may” has been preserved into the introduction as one or more of the enumerated conditions should not automatically invoke meeting closure.
- 4.0 2 e To this point we note the area of litigation – it is important that council is not constrained in their ability to disseminate the facts and their view of cases in which the Town is a participant.
- 4.0 2 n We question if Training events need to be closed and if so the conditions justifying doing so need to be more fully defined.
- 4.0 5 in addition to 13 this should also reference 9.0 1 I and 9.0 2 h
- 4.0 8 Change the “may “ to “shall” be recorded – there is no reason to inject a subjective and unaccountable reason to avoid recording which will only serve to diminish Transparency and Clarity.

Sections 6 Role of Mayor and Section 7 Role of Council

6.0 and 7.0 Role of Mayor and Council need to be expanded and have their wording aligned. There should be a responsibility specified for all positions to instill integrity and honesty not only for all officers of the corporation but to create a culture of integrity throughout the entire organization applicable to all staff however retained.

The council should also have a stated role to satisfy itself as to the integrity of the Chief Executive Officer (the Mayor). Both positions also require a stated obligation to develop the Corporations approach to corporate governance and its associated principles and guidelines.

Both positions also require a stated obligation to the integrity of the fiscal management of the Corporation and to ensure that they collectively meet the obligation to provide for the appropriate

personnel management and professional development of the employee(s) and or persons in any other role who report to them. (CAO as one example)

Section 9 Agenda

9.0 1 d & 9.0 2 d Conflict of Interest

The definition as presented presents a very broad scope which could as written in practical terms be unrealistically difficult to administer.

For instance, in a small town such as ours it is possible that the otherwise volunteer activities of elected officials could unrealistically preclude their involvement at council.

Current example could be involvement in the Curling initiative. We do not believe the intent of this disclosure would be to block community participation by elected officials.

For that reason, we recommend that the Town make use of the free legal services provided by the Ministry of Municipal Affairs to modify and as necessary expand upon the language to prevent these types of associations becoming an issue.

9.0 1 i Public Comment in Committee of the Whole

- The Public Comment should occur at the end of each section as defined in 9.0 1 g.

- The scope of permitted comments should include everything which is said, reported or presented in the session and not limited only to staff reports.

9.0 1 j Statutory Public Meetings – adjust the time from 5 pm to 7 pm which is outside the regular work day to facilitate more citizens being able to attend.

9.0 2 h Public Comment at Council Meetings

- timing needs to be defined to occur after deputations made to council but before other business commences – not at the end of a council meeting.

- Council would not be prohibited from adding a further period of comment at their discretion.

Clarification - Point of Order – on or about this point in the By-law there needs to be an obligation for the Chair or Clerk to define any new term or acronym which comes into use at the meeting.

9.0 2 l Correspondence 2nd Paragraph - It is not defined when the Agenda is to be released and needs to be.

9.0 2 k Consent Agenda

The Citizens Forum strongly oppose the direction to staff herein contained to stop the publishing of the Towns Accounts and Invoices and their circulation as a part of the public documents for any Council (or any other) meeting. We view this as a blow to the preservation of Openness and Transparency which has characterized the conduct of Town Business for decades.

As per the text of the Staff report – as noted

“Staff recommend removing the “Accounts and Invoices” from the Council Package as Council are not approving the accounts and invoices, it is just an information statement. Staff confirm there are internal processes in place to ensure that payments made are appropriate and are in accordance with the approved Town Budget, and Purchasing Policy.

Effective immediately, staff will be redacting personal information from the Accounts and Invoices Summary, Personal Payments could include overpayment of taxes or utility bills, reimbursement of a deposit. Council will be required to see staff in advance of the Council meeting to view the “clean”

copy of the accounts and invoices statement to determine if they are required to declare a conflict under the Municipal Conflict of Interest Act. Failure to declare a conflict could lead to other Municipal Conflict of Interest issues to arise.

With the adoption of the revised Procedural By-law, the “Accounts and Invoices” will be removed from the Council Meeting Agenda. Staff confirm, that moving forward, the monthly staff reports will be enhanced to include more detail. “ This them provides for the text you see in the staff report.

We welcome the enhancement of staff reports and look forward to seeing what this actually demonstrates.

Regarding Privacy concerns which have been raised in relationship to this change, we would point out to Council that Provincial Legislation, Regulation or Ministerial Interpretative Guidance neither creates nor supports any such Privacy Right. In fact Ministerial Guidance is very clear and direct to the contrary. I quote from the Privacy Manual

“One factor in determining where disclosure of personal information constitutes an unjustified invasion of privacy is whether disclosure is desirable for subjecting the activities of government institutions to public scrutiny. In such cases, access to information and internal scrutiny of the internal working of government will prevail over the protection of individual privacy.”

If the Town were to enact Staff recommendations in this respect, there is every likelihood that the clerk’s office would receiving multiple ongoing requests for release of this information as mandated in numerous places in various Provincial Statute,

Regulation and Ministerial Guidance. We do not believe that establishing such a foundation is in the best interest of the Town.

We would also ask if the documentation which has historically been released is a “clean” version or not and what does “clean” mean.

Public confidence in and professional respect for public administration is always undermined when conditions are created whereby the scrutiny as to the administration, expenditure and accountability of public funds is curtailed which adoption of this staff recommendation would do.

Section 11.0 Council Meetings

We believe a provision needs to be added requiring all council votes to be recorded votes. This is important both for transparency and accountability but also to the integrity and credibility of individual elected officials record.

Section 13.0 Deputations

13.0 1 We agree with and support the continued separation of the two paragraphs and the individual points made therein. The extension of the time to Friday at noon is a positive development.

END

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

2.0 INTENT OF BY-LAW

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

3.0 LOCATIONS, MEETING TIMES AND NOTICE

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

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

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

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

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

4.0 MEETINGS OF COUNCIL

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.
2. All meetings shall be open to the public, but a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:
 - a) the security of the property of the municipality or local board;
 - b) personal matters about an identifiable individual, including municipal or local board employees;
 - c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
 - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
 - l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
 - m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
 - n) the meeting is held for the purpose of educating or training the members, and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

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

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

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

8. Council and Committee of the Whole Meetings held in the Council Chamber, that are not closed to the public, may be recorded for the purpose of webcasting the meetings to the public. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of a meeting, shall be the minutes as adopted by Council or Committee of the Whole, and retained in the Clerks Department.

5.0 SPECIAL MEETINGS OF COUNCIL

1. The Mayor shall if requested in writing by any three members of Council call a special meeting of Council other than as described in Section 3.0 of this By-law.
2. The Mayor may call a special meeting other than as described in Section 3.0 of this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.
3. Special meetings require minimum notice of one clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

6.0 ROLE OF THE MAYOR

1. It is the role of the Mayor as the Head of Council:
 - a) to act as Chief Executive Officer of the municipality;
 - b) to preside over council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to the council;
 - c.1) without limiting clause (c) above, to provide information and recommendations to the council with respect to the role of council described in paragraph 7.1(d) and (d.1) below);
 - d) to represent the municipality at official functions; and
 - e) to carry out the duties of the head of council under the Municipal Act or any other Act; and
 - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Blue Mountains.

2. As Chief Executive Officer of a municipality, the Head of Council shall,
 - a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in the municipality's activities;
 - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

7.0 ROLE OF COUNCIL

1. It is the role of Council:
 - a) to represent the public and to consider the well-being and interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - e) to maintain the financial integrity of the municipality; and
 - f) to carry out the duties of council under the Municipal Act or any other Act.

8.0 CONDUCT OF MEMBERS

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
3. No person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.
4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.

5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

9.0 AGENDA

1. **The Committee of the Whole Order of Business** shall be as follows:

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

Comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)

- j) Statutory Public Meetings will be scheduled for the set time of 5:00 pm.
- k) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion.
- l) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Committee to consider, including Motions for which notice or recommendation has not been given prior to the meeting. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

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

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

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

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

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

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

- j) Motions and Staff Reports - as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
- k) Consent Agenda - Committee of the Whole 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.
- l) By-laws - as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith.
- m) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion.
- n) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Council to act upon, including Motions for which notice or recommendation has not been given prior to the meeting and shall be presented at the meeting but shall not include matters requiring a financial commitment by Council unless agreed to by a majority of Council. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

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

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

10.0 ORDER OF BUSINESS

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

11.0 COUNCIL MINUTES

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

12.0 CORRESPONDENCE and COMMUNICATION

1. Correspondence directed to the Mayor and Council shall be referred by the Mayor and/or Clerk to the appropriate Department before or after presentation to Council at a Council Meeting. Correspondence for which no action has been directed nor discussion taken place shall be deemed to have been received by Council.
2. Correspondence addressed to Council may be presented by a Council member in place of the author.
3. Correspondence addressed to Council or directed to any Public Meeting forming part of a Council or Committee or Board meeting, including names and addresses, become part of the public record and may be published in a Staff Report or a Council Agenda and may be viewed by the general public upon release of the Agenda addressing the matter.

13.0 DEPUTATIONS and PUBLIC COMMENT PERIODS

1. Any person desiring to present information orally on matters of fact or to make a request of Council shall submit a completed Deputation and Procedure Request Form 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.
4. Any person may speak during a Public Comment Period at a Committee of the Whole Meeting, regarding staff reports included on the Agenda. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address the Committee.
5. Any person may speak during the Public Comment Period at a Council Meeting, regarding Town matters. Each speaker shall provide their name and address, and is required to address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker shall be allotted three minutes to address Council.

14.0 COMMITTEE OF THE WHOLE

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

Each Chair shall be appointed for a one year term.

2. The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council, excepting the Rules relating to the vote being recorded. A recorded vote is not permitted in Committee of the Whole. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.
3. Whenever it shall be resolved for Council to move into Committee of the Whole upon any questions, the Mayor shall appoint another member as Chair for Committee purposes unless permission to remain is given by a majority of Council.

4. A Motion in Committee of the Whole to rise and report on a matter or matters to Council, or to rise and beg leave to sit again on a matter or matters without reporting to Council, shall be in order and shall be decided without debate.

15.0 BY-LAWS AND AGREEMENTS

1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 9.21) 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 9.21) 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

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

20.0 PROCEDURAL APPEALS

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

21.0 COMMITTEES

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

22.0 ACCESSIBILITY

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

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

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

Enacted and passed this day of , 2018

John McKean, Mayor

Corrina Giles, Town Clerk



Corporate Policy

Council Alternate Member Policy

Approved by: County Council
Last Revision Date: N/A
Scheduled for Review by: 2023

Date Approved: January 25, 2018
Replaces: N/A

Policy Number: G-GEN-011
Sub Section: General

Section: Governance

References and Related Documents

Municipal Act, 2001-Section 268

Policy Statement

Bill 68 permits a lower tier municipality to appoint one alternate member per term to sit at the upper tier council in the absence of one of their members.

Purpose

This purpose of this policy is to provide consistent application of an alternate member policy for members from a lower tier municipality appointed for the term of council to attend an upper tier council/committee of the whole meeting in place of a regular upper tier member.

Scope

Notice

It is recommended that at least ten (10) days' notice be provided to the Grey County Clerk's department if the alternate member is attending in order to schedule time to review the agenda package and provide any additional information to the member as required. It is understood that in some cases, such as illness, the notice period can be waived. In these cases, notice should come to the Clerk's department as soon as practicable.

Compensation

Alternate members who attend a council/committee of the whole meeting will be compensated for their time. Mileage and a per diem, based on the County's current per diem rates, will be paid to the alternate member.

Voting

An alternate member attending a council/committee of the whole meeting will have the same number of weighted votes that the member they are representing would normally have.

Orientation

An orientation to Grey County and its operations will be provided to alternate members. If several lower tier municipalities appoint an alternate member within a similar time frame (i.e. after the beginning of a new term of council) there will be an orientation meeting scheduled for these members to familiarize themselves with Grey County. Additional orientation meetings will be scheduled as necessary throughout the term of council.

Meeting Preparation

In order to provide the alternate member with as much information as possible prior to a meeting in order for them to feel prepared and participate in the discussions, staff will schedule a meeting with an alternate member within one week of the meeting in order to review the agenda, reports and answer any questions or provide clarification on issues.

Other Items

Alternate members will need to be sworn in. This can occur at their first meeting or if there are several appointed within a similar time frame, it can be completed during orientation.

If the alternate member is required to have a copy of closed meeting minutes or reports for the purpose of participating in discussions, these will be provided to the member on paper, to be returned at the end of the meeting. Access to the Council portal will not be provided for alternate members unless they are appointed to cover a long-term absence (illness, maternity etc.).

The alternate member will continue to use their lower tier email address and necessary agenda items will be sent to that address for review.

Grey County will not provide alternate members with an iPad or cell phone.

Seats declared vacant by a lower tier council will be dealt with as outlined in the Municipal Act.