OFFICE CONSOLIDATION
FOR INFORMATION PURPOSES ONLY

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THE CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW 2016-094

PROCEDURAL BY-LAW

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THE CORPORATION OF THE TOWN OF GANANOQUE

BY-LAW 2016-094

PROCEDURE BY-LAW

A Procedure By-law to establish rules governing the order and proceedings of Council, Committees and Advisory Panels of the Council of the Corporation of the Town of Gananoque

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 requires municipalities to pass a Procedure By-law governing the calling, place and proceedings of meetings;

WHEREAS it is necessary and expedient that there shall be rules governing the order and proceedings of the Council, Committees and the Advisory Panels of the Council of the Corporation of the Town of Gananoque; and,

WHEREAS Council desires that its governance processes and procedures facilitate, to the greatest extent possible, the understanding and participation of its citizens in the effective conduct of the Corporation's business;

AND WHEREAS Council provided the required notice, in accordance with the Municipal Act and the Municipality's Public Notice By-law of their intention to enact this by-law.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque enacts as follows:

GENERAL INTERPRETATION

1. SHORT TITLE:

1.1. This By-law may be referred to as the "Procedure By-law".

2. DEFINITIONS:

In this by-law, the following definitions apply:

2.1. **"ACT"** shall mean the Municipal Act, as amended from time to time.

2.2. **"Abstain"** means to refrain from voting. Failing to vote is considered an abstention and shall be considered a negative vote unless the member is not participating in the vote due to a declared pecuniary conflict of interest on the matter being considered.

2.3. **"Acting Mayor"** means the Deputy Mayor, when the Mayor is temporarily unable to Act, and if the Deputy Mayor is unable to Act temporarily, it shall mean the Councillor with the longest continuous service and if there is more than one, then the selection shall be made by motion. The Acting Mayor shall have all the rights, powers and authority of the Mayor, while acting in the Mayor's stead. (Also Ref. SCHEDULE 'E', Appointment Process to Fill a Vacancy on Council).

2.4. **"Acting Deputy Mayor"** means the Councillor next in line to hold the Deputy Mayor seat when the Deputy Mayor is temporarily unable to act, and shall have all the rights, powers and authority of the Deputy Mayor while acting in the Deputy Mayor's stead, as per the intent of the Procedure By-law.

2.5. **"Adjournment"** means to terminate a meeting.

2.6. **"Advisory Panel"** means any committee, special purpose committee or standing committee, established by Council that does not meet the definition of

"Committee" in the ACT, s. 238, that makes recommendations to Committee of the Whole or Council. (Ref. SCHEDULE 'G' – (For Reference Only).

2.7. **"Agenda"** means the written Order of Business to be discussed at a meeting and be considered one form of notice for a meeting.

2.8. **"By-law"** means a local law. A by-law is enacted by Council to exercise a power provided in an Act. It is the most formal document used for complex and legal matters providing authority and direction for the corporation to act on its own affairs.

2.9. **"Chair"** is the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceedings of Committees or Advisory Panels of the Council.

2.10. **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) of the Corporation of the Town of Gananoque who is duly appointed by by-law.

2.11. **"Civic or Public Holiday"** means those days listed as holidays in the Retail Business Holidays Act.

2.12. **"Clerk"** means the Municipal Clerk of the Corporation of the Town of Gananoque who is duly appointed by by-law.

2.13. **"Closed Session"** (In Camera) means a meeting or part of a meeting that is closed to the public in accordance with the ACT, s. 239. (2).

2.14. **"Committee"** means any Committee, or similar entity established by Council of which at least 50 per cent of the members are members of Council, which has been duly appointed by Council to deal with specific or general matters, provide advice and/or recommendations to Council.

2.15. **"Committee of the Whole**" (COW) means the participation of all members of the Council of the Corporation of the Town of Gananoque in a Committee meeting where members of the Council consider questions with greater freedom of debate.

2.16. **"Conflict of Interest"** means includes personal benefit and is not limited to only financial gain but also such motives as the desire for professional advancement, or the wish to do favours for family and friends.

2.17. **"Consent Agenda"** means a component of a meeting agenda that enables Council to group routine items, and motions and by-laws unanimously approved at Committee of the Whole, under one umbrella and is a single item that encompasses all the things Council would normally approve with little comment at a Council meeting. Items on the consent agenda are not discussed before a vote. Unless a member of Council feels that an item should be discussed and requests an item be saved and accepted ahead of the vote, the entire Consent Agenda is voted on at once without any additional explanations or comments.

2.18. **"Correspondence"** includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article etc.

2.19. **"Council"** means the Municipal Council of the Corporation of the Town of Gananoque and includes the Mayor, Deputy Mayor and five Councillors.

2.20. **"Councillor**" is the title given to a person elected or lawfully appointed to the seat of Councillor, and is the title assigned to a member elected in the most recent election to represent electors in the Town of Gananoque.

2.21. **"Delegation"** means a maximum of two persons representing a group, who wish to provide information to Council, Committee(s) or Advisory Panel(s). (Ref. s. 22, "Delegations").

2.22. **"Deputy Mayor"** means a person holding the seat of Deputy Mayor in the proper rotation. The Deputy Mayor's seat will be appointed for a one (1) year term. (*As amended by By-law No. 2019-023-19Feb2019*)

2.23. **"Direct Family Member"** means a spouse, mother, father, son or daughter of Council, for the purpose of appointment to Committee(s) or Advisory Panels. (Ref. Schedule "A")

2.24. **"Emergency"** means a situation that poses, in the opinion of the Council, an immediate threat to the municipality.

2.25. **"Ex-officio Member"** means an individual, by right of office, (holding one position by virtue of holding another) who is granted the right to sit as a member, is entitled to vote, make motions, and does not form part of the quorum.

2.26. **"Improper Conduct"** means conduct which offers any obstruction to the deliberations of proper action of Council, Committee(s) or Advisory Panel(s).

2.27. **"Head of Council"** means the Mayor.

2.28. **"Local Board"** means a "Local Board" as defined by the Act.

2.29. **"Majority Vote"** means more than 50 percent.

2.30. **"Mayor"** means a person elected to the seat of Mayor, and is the Head of Council and who normally presides at all Council meetings. (Ref. s. 2.3, Acting Mayor and s 2.41, Presiding Officer).

2.31. **"Meeting"** means any regular or special meeting of Council, Committee, Advisory Panel, or Local Board when a majority of the members are present. The minimum number of officers to conduct a meeting is the Chair/Presiding Officer and the Secretary/Clerk. (Ref. s. 10, "Quorum – Call to Order").

2.32. **"Member of Council"** means a person duly elected or appointed to serve on the Council for the Corporation of the Town of Gananoque.

2.33. **"Minutes"** shall mean the record of the proceedings of a meeting.

2.34. **"Miscellaneous Business"** means time sensitive issues or councils direction to staff.

2.35. **"Motion (main)"** means the basic form by which the introduction of a substantive question as a new subject brings business before the members for consideration.

2.36. **"Municipality"** means the Corporation of the Town of Gananoque.

2.37. **"Notice of Intent"** means an advance notice to members and the public on a matter which Council will be asked to take a position.

2.38. **"Notice of Motion"** means a written notice, including the names of the mover, advising Council that the motion described therein will be brought at a subsequent meeting.

2.39. **"Order of Business"** means the sequence of business under consideration at a meeting that has been duly called and constituted and is referred to as the "Agenda".

2.40. **"Pecuniary Interest"** (Disclosure of Interest) means a "Pecuniary Interest", direct or indirect, in any matter within the meaning of the Municipal Conflict of Interest Act. (Ref. s. 14., "Disclosure of Pecuniary Interest and General Nature Thereof").

2.41. **"Petition"** a formal written request, typically one signed by many people, appealing to authority with respect to a particular cause. (Ref. Schedule "D")

2.42. **"Presentation"** shall mean the presentation of information by staff or invited guests to Council, Committee(s) or Advisory Panel(s).

2.43. **"Presiding Officer"** shall mean the Mayor or alternate presiding at a Council meeting. Alternate shall mean the Deputy Mayor or the Councillor next in line to hold the Deputy Mayor seat when the Deputy Mayor is temporarily unable to act. The Presiding Officer shall have all the rights, powers and authority of the Mayor, while presiding in the Mayor's stead.

2.44. **"Quorum"** is the minimum number of members required to be present at a meeting in order to legally transact business, and it means the majority (half of the total members rounded up to the next whole number) of the total number of the members. The quorum for the purpose of the Town of Gananoque Council and Committee of the Whole meetings shall be 4 members. (Ref. s. 2.25., "Ex-officio Member" and s. 10, "Quorum-Call to Order").

2.45. **"Recorded Vote"** means when 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 by raising of hand and the Clerk shall record each vote.

2.46. **"Recording Secretary"** means a municipal officer appointed by Council that records, processes and distributes the minutes and agendas for Council, Committees of Council or Advisory Panels.

2.47. **"Regular Meeting"** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.

2.48. **"Resolution"** is a motion once it has been passed.

2.49. **"Rules of Order"** (Rules of Procedure) means the applicable procedural rules and rules of conduct contained in this by-law. The proceedings of the Council and its Committees and Advisory Panels, the conduct of the members, and the calling of meetings will be governed by the rules and regulations contained in this by-law.

2.50. **"Session"** means a series of connected meetings devoted to a single order of business, agenda, or announced purpose, in which, when there is more than one meeting, each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting. (Ref. s. 2.4., "Adjourned Meeting").

2.51. **"Special Meeting"** means a meeting not scheduled in accordance with the annual approved calendar/schedule of regular meetings.

2.52. **"Substantive"** means having substance; involving matters of major or practical importance to all concerned.

2.53. **"Two Thirds Vote"** means at least two thirds of those members voting. Two-thirds for the purpose of the Town of Gananoque Council and Committee of the Whole shall mean at least 5 members.

2.54. **Working Groups"** means *ad hoc* group working together to achieve specified goals formed by Council or Advisory Panels as they deem necessary. The lifespan of a working group will last until it has achieved its goal(s), or until the Council or Advisory Panel disbands the group. Working groups are not mandated to have agendas or minutes of their meetings.

3. COUNCIL/STAFF ROLES AND RESPONSIBILITIES

3.1. Council

3.1.1. **The Role of Members of Council:** Refer to ACT, s. 224.

3.1.2. **Individual Authority - Not Provided:** No individual Council member shall have the authority to interfere with staff's assigned duties without the prior approval of the CAO or Council.

3.1.3. **Member of Council – Request for Report:** All requests for substantive reports shall be by Council motion which shall identify the appropriate department or department head and objectives of the report.

3.1.4. **Established Policies – Members – Respect:** Members of Council shall respect and adhere to policies set out by Council and shall not circumvent established policies.

3.1.5. **Notification of Absence at Meeting:** Members of Council, Committees and Advisory Panels are encouraged to notify the Clerk/Recording Secretary, when the member is aware that he/she will be absent from any meeting.

3.1.6. **Preparation of Members:** Members of Council shall participate and come prepared to every meeting having read all the material supplied, including agendas and staff reports, to facilitate discussion and determination of action at the meeting. Whenever possible, the member(s) shall make inquiries of staff regarding materials supplied in advance of the meeting.

3.1.7. **Questions – Operational concerns – complaints:** Issues surrounding operational concerns, or complaints, shall be directed to the Chief Administrative Officer.

3.2. Head of Council (Mayor)

3.2.1. **Head of Council:**

a) **Role:** Refer to ACT, s. 225.;
b) **Ex-officio:** Shall be ex-officio member of all Committees of the Council and Advisory Panels;
c) **Administrative Matters:** shall direct administrative matters to the attention of the Chief Administrative Officer;
d) **Chain of Office:** Shall be permitted to wear the "Chain of Office" only when conducting official Council business.
e) **Joint Services:** to serve on the Joint Services Committee of the United Counties of Leeds and Grenville.

3.3. Chief Administrative Officer

3.3.1. Chief Administrative Officer:

a) **Responsibility:** Refer to the ACT, s. 229.;
b) **Provide Advice to Council:** Shall undertake and provide advice to Council on the policies and the programs of the municipality;
c) **Work with Senior Administrative Staff:** Shall work with senior administrative staff to develop strategies for the implementation of policies established by Council;
d) **Review Staff Reports:** Shall review and sign off on all staff reports to Committee of the Whole and Council to ensure accuracy, completeness, and to demonstrate approval thereof.

3.4. Clerk

3.4.1. Clerk:

a) **Duty:** Refer to the ACT, s. 228;
b) **Prepare Agendas:** Shall prepare the agenda/order of business for Council and Committee of the Whole meetings;
c) **Provide Clarification:** Shall provide advice on and clarification regarding the interpretation of this by-law or other parliamentary issues;
d) **Process:** Shall provide advice on and be responsible for the process of information going to Council;
e) **Review Staff Reports:** Shall coordinate and review all staff reports being presented to Committee of the Whole and Council for completeness.

3.5. Deputy Clerk: Refer to the ACT, s. 228.(2).

3.6. Administration - Officers, Staff

3.6.1. Officers and Staff of the Municipality:

a) **Role:** Refer to the ACT, s. 227.;
b) **Unable to Complete Task as Directed by Council:** Where staff have been tasked by Council to carry out specific action and it is determined subsequently that the action cannot be carried out in accordance with Council's direction, Council will be notified as soon as possible of these findings and further direction shall be requested of Council.

3.7. Vacancies - Council

3.7.1. Vacancies on Council: Refer to the ACT, s. 259 – s. 267).

3.7.2. Appointment Process to Fill a Vacancy: (Ref. SCHEDULE 'F').

4. COMMITTEES OF THE COUNCIL AND ADVISORY PANELS– STRUCTURE AND REPORTING:

4.1. Establish Committees of the Council and Advisory Panels:

4.1.1. Bound to Comply: Committees of Council and Advisory Panels are bound to comply with the terms of the Procedural By-law.

4.1.2. **Established from Time to Time:** Committees of Council and Advisory Panels may be established by Council from time to time. (Ref. SCHEDULE 'A').

4.1.3. **Terms of Reference:** A draft Terms of Reference shall be presented for Council's consideration at the time a Committee of Council or Advisory Panel is being established. (Ref. SCHEDULE 'B').

4.1.4. **Delegation of Authority:** Delegation of authority shall be provided by Council. Committees of Council and Advisory Panels shall only consider matters referred to them by Council unless authority to do otherwise has been delegated by Council.

4.2. **Appointments to Committees of the Council and Advisory Panels - Councillors and Citizens (**Ref. SCHEDULE 'A')

4.3. **Committee(s) of Council and Advisory Panels – Authority - Term**

4.3.1. **Committees of Council and Advisory Panels - Authority –- Limited to Recommendations**:
The authority of any Committee(s) of Council or Advisory Panels is limited to the making of recommendations to Council on items referred to them by Council unless authorized by by-law to do otherwise. No decision to take any action or do anything other than that authorized by the approved Terms of Reference or administrative in nature, shall be recognized as emanating from any Committee of Council or Advisory Panel, except as otherwise legislated.

4.3.2. **Term of Membership/Chair**: The membership/Chair on all Committees of Council or Advisory Panel shall be a Councillor and the committee will appoint a Deputy Chair. The term shall end with the term of Council, or the term of the Committee or Advisory Panel, whichever is shorter, except as otherwise legislated.

4.3.3. **Committee of the Whole:** When sitting as Committee of the Whole, the results of votes taken in Open Session are not final decisions of the Council but have the status of recommendations which the Council is given the opportunity to consider further at its formal Council meeting and in which it votes on finally under its regular rules (Exception: votes taken in Closed Session). Motions presented at COW and not approved by the members shall be considered defeated and shall not be brought forward to Council for consideration.

5. MEETINGS

5.1. **Orientation of New Members of Council**

5.1.1. **Orientation for New Councillors:** An orientation meeting shall be held with new members of Council. This meeting shall allow the CAO and Clerk to provide new members with an overview of the expectations of their elected office (e.g. inaugural meeting, Committee expectations, processes of Council, protocol at meetings, Procedure By-law, payroll and a general overview of the Corporation's role and function).

5.2. **Inaugural Meeting of Council**

5.2.1. **First Council Meeting:** Following a Municipal election, the inaugural meeting of Council shall be held at 6:00 PM. on the first Tuesday in December in the Council Chambers of the Town of Gananoque.

5.2.2. **Inaugural Agenda:** The Inaugural Agenda shall include:

a) Call to Order;
b) Disclosure of Interests;
c) Declaration of Office (Ref. ACT, s. 232.);
d) Adjournment.

No other business shall take place other than the Declaration of Office.

5.3. **<u>Regular Meetings</u>**

5.3.1. **Meeting Schedule – Council/Committees of the Council**: Regular Council and Committee of the Whole meetings shall be held in accordance with the Meeting Schedule. A proposed Meeting Schedule will be presented by the Clerk to Council for approval by December of each year, detailing the dates of meetings for all Regular Council, Committee of the Whole.

5.3.2. **Meeting Locations – Council/Committee of the Whole:** Regular Council and Committee of the Whole meetings shall generally be in the Council Chambers located at Town Hall at 30 King Street East, 2nd Floor, in accordance with the Council meeting Schedule. The venue may change from time-to-time due to items on the agenda for discussion.
(*As amended by By-law No. 2019-023-19Feb2019*)

5.3.3. **Cancellation of Meetings**: The Chief Administrative Officer, in consultation with the Mayor, has the authority to cancel any regular meeting of Council or Committee of the Whole, (or the Department head in the case of other Committee(s) of the Council and Advisory Panels) if it is determined there is not sufficient business to be conducted, provided notification has been given at a prior meeting or within twenty-four (24) hours (not including weekends, or holidays), of the meeting. Notice of cancellation shall be sent to all regular recipients on the agenda distribution list. Further they may make weather related cancellations due to unsafe conditions.

5.3.4. **Time of Meeting - Council:** All regular meetings of Council shall be held on the first (1st) and third (3rd) Tuesday of each month, unless otherwise determined by the Council. Call to Order and Closed Sessions of Council may vary depending on time needed for Closed Session of Council. Open Session of Council will commence at 6:00 PM.

5.3.5. **Time of Meeting - Committee of the Whole**: All regular meetings of Committee of the Whole shall be held on the first (1st) and third (3rd) Tuesday of each month, unless otherwise determined by the Council, and commence after the Regular Council meeting adjourns.

5.3.6. **Meetings to be Open to the Public:** Meetings of the Council and any Committee of the Council or Advisory Panel, except for internal working group, shall be open to the public except as provided in the ACT.

5.4. **<u>Special Meetings of Council/Committee/Advisory Panel</u>**

5.4.1. **Call of Special Meetings – Council/Committee of the Whole:**

a) In addition to regular scheduled meetings, the Mayor or the Acting Mayor may at any time call a special meeting of

Council/Committee of the Whole by providing written direction to the Clerk stating the date, time and purpose for the special meeting. Twenty-four (24) hours (not including weekends, or holidays) of written notice shall be given.

b) In addition, a majority of Council members may, at any time, petition the Clerk to call a special meeting of Council/Committee of the Whole by providing the written petition to the Clerk stating the date, time and purpose for the special meeting. Twenty-four (24) hours (not including weekends, or holidays) of written notice shall be given.

5.4.2. Call of Special Meetings – Committee/Advisory Panel:

a) In addition to regular scheduled meetings, the Chair or the Vice Chair or Staff representative may at any time call a special meeting of the Committee of Council/Advisory Panel by providing direction to the Recording Secretary stating the date, time and purpose for the special meeting. Twenty-four (24) hours (not including weekends, or holidays) of written notice shall be given.

b) In addition, a majority of Committee of Council/Advisory Panel members may, at any time, petition the Recording Secretary to call a special meeting of Committee of Council/Advisory Panel by providing the written petition to the Recording Secretary stating the date, time and purpose for the special meeting. Twenty-four (24) hours (not including weekends, or holidays) of written notice shall be given.

5.4.3. Restriction of Business stated on Agenda: The only business to be dealt with at a special meeting of Council/Committee of Council/Advisory Panel shall be that stated in the notice/agenda of the meeting.

5.5. <u>Emergency Meetings</u>

5.5.1. Call of Emergency Meeting without 24 hours' Notice: Notwithstanding this section, the Mayor or Acting Mayor may in the event of an emergency, call an emergency meeting of Council without giving the 24 hours written notice of the meeting provided that the Clerk has diligently attempted to advise all members of Council, staff and media immediately upon being advised of the intention of the Mayor or Acting Mayor to hold an emergency meeting.

5.5.2. Meeting Location – Council – Emergency: In the case of an emergency, Council in its sole discretion may hold its meetings and keep its public offices at any convenient location within or outside the municipality.

5.6. <u>Closed Meetings: (Ref. s. 17, – "Closed Session ("In-Camera")</u>

6. <u>GENERAL RULES OF MEETINGS</u>

6.1. Rules of Order: Shall be as provided for in this by-law and where not provided, as near as may be to that followed under the current version of Robert's Rules of Order Newly Revised.

6.2. Addressing – Members of Council: All members, except the Mayor and Deputy Mayor are to be addressed as: "COUNCILLOR" (surname inserted).

6.3. **Addressing** – **Mayor**: The Mayor shall be addressed as: "MAYOR (surname inserted) or as "YOUR WORSHIP".

6.4. **Addressing – Acting Mayor:** The Acting Mayor shall be addressed as: "ACTING MAYOR (surname inserted)".

6.5. **Addressing** – **Deputy Mayor:** The Deputy Mayor shall be addressed as "DEPUTY MAYOR (surname inserted)".

6.6. **Addressing – Chair:** Members will address the Chair as "Mr. / Madame Chair".

6.7. **Attendance:** Every member of Council shall attend all required meetings and other Committee(s) of the Council and Advisory Panels. Department Heads shall attend Committee of the Whole meetings. Municipal staff shall attend meetings of Council when directed by the CAO. The CAO and Clerk shall attend Committee of the Whole and Council meetings.

Every member of other Committee(s) of Council and Advisory Panels shall attend each meeting.

6.8. **Sovereign** – **To Be Respected:** No member shall speak disrespectfully of the Queen, Royal family, Governor General, the Lieutenant Governor or any province or any member of the Senate, the House of Commons of Canada, the Legislative Assembly of the Province of Ontario, or the Town Crier.

6.9. **Members of Council/Committee(s) of the Council** – **Municipal Staff:** No member shall speak disrespectfully of nor shall they use offensive language against any member of Council, Committee(s) of the Council, Advisory Panel(s) or municipal staff.

6.10. **Speaking** – **Subject in Debate Only:** No member shall speak on any subject other than the subject in debate.

6.11. **Pecuniary Interest – Exclusion** – Discussion**:** (Ref. s. 14, "Disclosure of Pecuniary Interest and General Nature Thereof").

6.12. **Criticize a Decision:** No member shall criticize any decision of Council/Committee(s) of the Council or Advisory Panel(s) except for the purpose of moving that the question be reconsidered.

6.13. **Breach of Conduct:** No member shall disobey the rules of procedure. In the case where a member persists in any such disobedience after having been called to order by the Presiding Officer/Chair, the Presiding Officer/Chair shall order that such member leave his/her seat for the duration of the meeting. Security may be employed by the Chair to enforce the exclusion order.

6.14. **Vacating Seat During Meeting:** A member shall not leave his/her seat or the meeting at any time without advising the Presiding Officer/Chair and shall be recorded as absent for that period of time, (Ref. s. 15.1, d)).

6.15. **Unfinished Business Dealt with in Future Meeting:** If in the Presiding Officer/Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, the Presiding Officer/Chair shall call for the motions to postpone (to a certain time/date) the unfinished business to the next regular meeting and to then adjourn the meeting.

6.16. **Boundary of Council – Exclusion:** No person except members of Council and staff shall be allowed to come within the boundaries of the Council sitting area without the permission of the Council.

7. ROLE OF PRESIDING OFFICER OR CHAIR

7.1. **Presiding Officer to Preside:** The Mayor shall preside over all meetings of Council, preserve order and decorum and decide questions relating to the rules of order subject to an appeal by a member to the Council.

7.2. **Chair to Preside – Committee of the Whole:** The Chair of the Committee of the Whole shall preside over all meetings of Committee of the Whole, preserve order and decorum and decide questions related to the rules of order subject to an appeal by a member to the Committee.

The Chair shall rotate among Councillors in alphabetical order, using the Councillor's surname, starting with A and moving forward to Z, with each member serving for a six (6) month period. That circulation will be continual until the end of the Term of Council. The Mayor shall not be included in the rotation.
(*As amended by By-law No. 2019-023-19Feb2019*)

7.3. **Chair to Preside - Other Committees of the Council or Advisory Panels:** The Chair of the meeting shall preside over all meetings, preserve order and decorum and decide questions relating to the rules of order subject to an appeal by a member to the Committee of the Council or Advisory Panel.

7.4. **Call the Meeting to Order – On Time:** The Presiding Officer/Chair will take the Chair and call the meeting to order on time.

7.5. **Order – Focus Debate:** The Presiding Officer/Chair shall set an example by keeping order, focusing, and summarizing the debate.

7.6. **Disorder:** It shall be the duty of the Presiding Officer/Chair to call for a motion to adjourn the meeting, or to recess the sitting, for a time to be named if considered necessary because of disorder arising in the meeting.

7.7. **Receive Motions:** The Presiding Officer/Chair shall receive and submit, in the proper manner, all motions presented by the members.

7.8. **Direct Enquiries:** The Presiding Officer/Chair shall receive all comments and refer those enquiries which, in his/her opinion, may best be addressed by a member, staff or other individual.

7.9. **Inform on Points of Order:** The Presiding Officer/Chair shall inform the members of a point of order.

7.10. **Adherence to Laws**: The Presiding Officer/Chair shall ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.

7.11. **Stating the Question:** The Presiding Officer/Chair shall state the question. The motion is then pending.

7.12. **Decline to Put to Vote:** (Ref., s. 28.6.).

7.13. **Signature for Authentication:** It shall be the duty of the Presiding Officer/Chair to authenticate, by his/her signature, the minutes of a meeting and when required, all motions. It shall be the duty of the Presiding Officer to authenticate by-laws by his/her signature.

7.14. **Adjourn Meeting**: The Presiding Officer/Chair shall call for a motion to adjourn the meeting when the business is concluded.

8. RULES OF DEBATE

8.1. **Addressing the Presiding Officer/Chair:** Any member, prior to speaking on any question or motion, shall indicate his/her desire to speak and be acknowledged by and address the Presiding Officer/Chair.

8.2. **Order – of Speaking – Determination:** The Presiding Officer/Chair shall recognize the members in the order they indicate their desire to speak.

8.3. **Speaking – Passing between Chair – Interruption:** When a member is speaking, no member shall pass between the speaker and the Presiding Officer/Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Presiding Officer/Chair, or raise a point of order.

8.4. **Speaking – Motion – Read – Upon Request:** Any member may require a motion under discussion to be read at any time during debate but not so as to interrupt a member while speaking.

8.5. **Speaking – Duration – Time Limit – 5 Minutes:** No member shall, without leave of the Presiding Officer/Chair, speak to the same question or in reply for longer than 5 minutes.

8.6. **Speaking – Limit – Two Opportunities:** No member shall speak more than twice to the main question without approval of the Presiding Officer/Chair, except in explanation of a material part of his/her speech which may have been misunderstood, but they may not introduce new information.

8.7. **Question – Integrity of Staff or Council Member:** A member, while asking questions through the Presiding Officer/Chair, shall at no time put into question the personal or professional integrity of a Councillor or a staff member of the Corporation or a Committee member.

8.8. **Motion – Introductory Remarks by Mover of Motion:** The mover shall have the opportunity to make the introductory remarks.

8.9. **Point of Order:** A point of order may be called by a member to bring attention to a matter that the member considers being a breach of the rules, procedures or generally accepted practices of the Council or Committee of the Council.

8.10. **Member-Ask Leave of Chair/Presiding Officer:** When a member raises a point of order he shall ask leave of the Chair/Presiding Officer to raise the point of order and after leave is granted he shall state the point of order to the Presiding Officer.

8.11. **Point of Personal Privilege:** A point of privilege may be called by a member to bring attention to a matter that the member considers is impugning his/her integrity or the integrity of the Council or Committee of the Council.

8.12. **Decision-Presiding Officer/Chair-final:** If no member appeals, the decision of the Presiding Officer/ Chair shall be final.

8.13. **Non-debatable**: After a point of order has been raised and decided, Council/ Committee of the Council shall resume its proceeding at the point immediately prior to the point at which the point of order motion was moved.

9. VOTING ON QUESTIONS

9.1. **Requirement to Vote**: Every member shall have one vote (Ref. ACT, s. 243) and is required to vote at the meeting, except as otherwise legislated.

9.2. **Member – Occupying Seat:** When the Presiding Officer/Chair calls for a vote on a question, each member shall occupy his/her seat until the result of the vote has been declared by the Presiding Officer/Chair.

9.3. **Member – Not in Seat – Deemed Absent:** A member not in their seat when the question is called by the Presiding Officer/Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

9.4. **Division – Separate Vote – Each Proposal:** (Ref. SCHEDULE 'D').

9.5. **Show of Hands:** The manner of determining the vote on a motion shall be by a show of hands.

9.6. **Recorded Vote – by Request – Vote Announced Openly:** Where a vote is taken for any purpose and a member requests that the vote be recorded immediately prior to or immediately subsequent to the taking of the vote, each member present, except where the member has declared a pecuniary interest in the matter or the question, shall, when called by the Clerk/Recording Secretary, and make his/her vote openly. The Clerk/Recording Secretary shall record each vote starting with the member who called for the vote and then moving clockwise around the table.

9.7. **Motion – Majority – Required:** A majority vote in the affirmative adopts any motion, except as otherwise provided in the by-law or any Act.

9.8. **Failure to Vote – Deemed Negative:** Refer to the ACT, s. 246.(2).

9.9. **Tie Votes – Deemed Negative:** Refer to the ACT, s. 245.

9.10. **Member Disagrees – Motion for Clarification:** If a member disagrees with the announcement of the Presiding Officer/Chair, that a question is Carried or Lost, he/she may immediately object to the declaration and request a vote be retaken, for purpose of clarification.

10. QUORUM – CALL TO ORDER

10.1. **Quorum – Call to Order:** As soon as there is quorum after the time set for the start of the meeting, the Presiding Officer/Chair shall take the chair and call the meeting to order.

10.2. **No Quorum – Meeting Adjourned:** In the event that a quorum is not present within fifteen (15) minutes after the designated start time of the meeting, the Presiding Officer/Chair shall take the chair and call the meeting to order, announce the absence of a quorum, and immediately adjourn the meeting. The Clerk/Recording Secretary shall record the names of the members present and the meeting shall stand adjourned.

10.3. **Council Meeting – Presiding Officer Absent:** In the case where a quorum is present at a Council Meeting and the Presiding Officer has not attended within fifteen minutes after the time appointed, the Deputy Mayor or Councillor next in line to hold the Deputy Mayor seat when the Deputy Mayor is temporarily unable to act shall assume the Chair, call the members to order, and shall preside for as long as necessary in absence of the Presiding Officer.

10.4. Committee(s) of the Council and Advisory Panel(s) – Meeting – Chair Absent: In the case where a quorum is present at a Meeting and the Chair has not attended within fifteen minutes after the time appointed, the Deputy Chair (or longest serving member of Committee in the absence of the Deputy Chair) shall assume the Chair, call the members to order, and shall chair the meeting for as long as necessary in absence of the Chair. If all remaining members are equal, the majority will appoint a Chair.

10.5. Meeting Adjourned – Not Ended: If during the course of a meeting a quorum is lost, then the meeting will stand adjourned, not ended, to reconvene at a time and place as called by the Presiding Officer/Chair.

10.6. Quorum – Municipal Conflict of Interest – "Remedy for Lack": Where the number of members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

11. AGENDA

11.1. Agenda: The business of each meeting will be considered in the order set forth on the agenda.

11.1.1. Staff Reports: All staff reports will generally be placed on the common drive for the CAO and Treasurer to review no later than 12:00 PM, 7 days in advance of the meeting to ensure inclusion on the agenda and timely publication of the agenda. The CAO or Mayor may from time to time may request a report be added on the agenda if there is a new matter of urgency.

11.1.2. Members - Notice of New Item:

a) Committee of the Whole: *A new item* being brought before the Committee of the Whole by a member for consideration shall be given in writing, in the form of correspondence, to the Clerk prior to 12:00 PM on the Friday preceding the Committee of the Whole meeting in order that it is included on the agenda under Correspondence For Action or Information. This will allow time for both members and staff to prepare for the matter prior to the meeting.

b) Council: *A new item* being brought before Council by a member for consideration shall be given in writing, in the form of correspondence, to the Clerk prior to 12:00 PM the Friday preceding the Council meeting in order that it is included on the agenda under Miscellaneous Business. This will allow time for both members and staff to prepare for the matter prior to the meeting.

11.1.3. Committee of the Whole/Council: The Clerk shall prepare for the use of the members at Meetings of the Committee of the Whole and Council, an agenda that will state the order in which the business of Council shall be conducted.

11.1.4. Council and Committee of the Whole:

a) **Regular Scheduled Meetings:** The Clerk shall post an agenda, including all associated reports and notice of closed session, for each meeting by 4 p.m. on the Friday preceding the date of the Council/Committee of the Whole meeting. If the Friday falls on a holiday, the agenda shall be posted on the Thursday. The agenda shall be posted on the Towns website for Council members, staff, media and the public.

b) **Special Meetings:** The Clerk shall post an agenda, including all associated reports and notice of closed session, for each meeting to Council members, staff and the media twenty-four (24) hours (not including weekends, or holidays) in advance of the meeting, except in the case of an emergency meeting being called (Ref. s 5.5 of this By-law). The agenda shall be posted to the Town website for access by the public.

11.1.5. Committee(s) of the Council/Advisory Panel: The Recording Secretary shall post an agenda for each meeting, including all associated reports and notice of closed session, to its members at least twenty-four (24) hours (not including weekends, or holidays) in advance of the meeting. The agenda shall be posted to the Town website for access by the public.

11.1.6. Copy of Agenda: Any person may be provided, upon request of the Clerk/Recording Secretary, with a hard (paper) copy of the agenda, not including supporting material unless requested. The individual must provide advance notice and pay applicable fees.

11.1.7. Further Information Required – Postponement: Where further information or reports are necessary for Council/Committee of the Whole to properly review an item of business, the CAO may postpone the placement of an item to a future agenda in order to arrange for the provision of the necessary information.

11.1.8. CAO Authorized to Determine: The CAO shall be authorized to determine the appropriate meeting at which items of business shall be considered in accordance with this by-law.

11.1.9. CAO to Determine Sufficient Information: Notwithstanding any other provision of this by-law, matters of a routine nature, where Council/Committee of the Whole is deemed by the CAO to be in possession of sufficient information to make a decision, or matters of an urgent nature, as determined by the CAO, may be presented directly to Committee of the Whole/Council.

11.1.10. Agenda – Closed Session: (Ref. s. 17, "Closed Session ("In-Camera")

12. ORDER OF BUSINESS – GENERAL FORMAT

12.1. Order of Business – Council and Committee of the Whole:

12.1.1. Regular Scheduled Meetings: The order of business on the agenda for regular scheduled meetings of Council and Committee of the Whole shall be as follows:

Council	Committee of the Whole (COW)
Call Meeting to Order	Call Meeting to Order
Disclosure of Pecuniary Interest and General Nature Thereof	Disclosure of Pecuniary Interest and General Nature Thereof
Closed Session	Approval of Minutes
Open Session:	Public Questions/Comments
Matters Arising from Closed Session	Unfinished Business
Presentations/Awards/Delegations	Disclosure of Additional Items/Notice of Motion
Mayor's Declarations	Public Meetings
Unfinished Business	Delegations
Consent Agenda	Presentations by Staff (others)
By-laws	Correspondence
Motions	Staff Reports
Notice Required under the Notice By-law	Discussion of Additional Items
Committee Updates (Council Reps)	Next Meeting
Miscellaneous Business	Questions from the Media
Confirmation By-law	Adjournment
Adjournment	

12.1.2. Consent Agenda - Request to Separate: Should a member of Council wish to discuss any matter listed under the Consent Agenda, the member shall ask immediately when the Presiding Officer calls "Any Amendments, Deletions or Corrections to the Order of Business / Agenda", at which time the member shall request that the item be separated and dealt with under its regular section.

12.1.3. Special Meetings: Shall be in a form that best allows for the most efficient conduct of business.

12.2. Committee(s) of the Council and Advisory Panel(s) – Order of Business: Shall follow the order of business as above in the Committee of the Whole format or in a similar form that best allows for the most efficient conduct of business.

12.3. Changes to Order of Business: The Presiding Officer/Chair, with the approval of the members by majority vote, may vary the order of business to better deal with a matter before the members.

13. CALL MEETING TO ORDER

13.1. Opening Remarks: The opening remarks of the Presiding Officer/Chair shall be at the sole discretion of the Presiding Officer/Chair and shall normally relate to items of special interest.

14. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

14.1. Member of Council: To determine possible Pecuniary Interest, the member shall consult the Municipal Conflict of Interest Act and shall be in compliance with said Act.

14.2. Member of Committees of the Council and Advisory Panels to Identify Pecuniary Interest: For the purposes of this by-law, "Member", as defined in the Municipal Conflict of Interest Act shall include a member of a Committee of the Council and Advisory Panel and it shall be his/her duty to comply with the requirements in the Act as if he/she were a member of Council.

14.3. Pecuniary Interest Form: Members shall complete and submit to the Clerk/Recording Secretary a Pecuniary Interest Form of the member's pecuniary interest for recording in the minutes. (Ref. SCHEDULE 'C 'of this By-law).

14.4. Indirect Pecuniary Interest: (Ref. to Municipal Conflict of Interest Act). For the purposes in the Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

14.5. Interest of Certain Persons Deemed that of a Member: (Ref. to Municipal Conflict of Interest Act). For the purposes in the Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

14.6. Exceptions: (Ref. to Municipal Conflict of Interest Act). Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act*, *2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

14.7. Disclose General Interest and Nature Thereof: (Ref. to Municipal Conflict of Interest Act). Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

14.8. Non-Participation: (Ref. to Municipal Conflict of Interest Act). Reference s. 14.7 of this By-law.

14.9. Influence: (Ref. to Municipal Conflict of Interest Act). Reference s. 14.7 of this By-law.

14.10. Where Member is to Leave Closed Meeting: (Ref. to Municipal Conflict of Interest Act). Where the meeting referred to in subsection (1) of the Act is not open 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. R.S.O. 1990, c. M.50, s. 5 (2).

14.11. When Absent from Meeting at Which Matter is considered: (Ref. to Municipal Conflict of Interest Act). Where the interest of a member has not been disclosed as required by subsection (1) of the Act, by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

14.12. Disclosure at Next Meeting: (Ref. to Municipal Conflict of Interest Act). Reference s. 14.11 of this By-law.

14.13. Disclosure to be recorded in the Minutes: (Ref. to Municipal Conflict of Interest Act). Every declaration of interest and the general nature thereof made under section 5 of the Act shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

14.14. Remedy for Lack of Quorum: (Ref. to Municipal Conflict of Interest Act). Where the number of members who, by reason of the provisions in the Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

15. APPROVAL OF MINUTES

15.1. Record of Meeting: The Minutes of a meeting of Council/Committee of the Council shall record:

a) The date, place and time of the meeting;
b) The name of the Presiding Officer/Chair and the attendance of the members present at the call of the meeting;
c) The names of the appointed staff;
d) Arrival and departure of members after the call of the meeting;
e) A member who has declared a pecuniary interest on the matter or question and the nature thereof;
f) All motions and the number of Yaes and Nays for each vote taken;
g) For meetings of: ***Council:*** Other proceedings of the Council without note or comment or ***Committee of the Council:*** Decisions and other proceedings;
h) Time of adjournment.

15.2. Draft Minutes:

15.2.1. Council/Committee of the Whole – Draft Minutes:
The Clerk shall post the draft minutes of each meeting of Council/Committee of the Whole on the Town's website no later than one (1) week following the meeting.

15.3. Approval of Minutes: The draft minutes of the last regular meeting and any special meetings held since the last regular meeting shall be presented for final approval no later than the next regular scheduled meeting of Council, Committee(s) of the Council or Advisory Panel(s).

15.4. Amendments to Minutes: If any member disagrees with any item printed in the minutes, that member shall state their objection and the reason therefore. The members shall determine the accuracy of the minutes and the Clerk/Recording Secretary shall note, in the minutes of the present meeting, both the existing text and changes requested and make the necessary amendments thereto to the minutes being adopted. If amendments are required, the question put by the Presiding Officer/Chair shall be to adopt the minutes of _____ meeting, held on _____, as amended.

15.5. Clerk/Recording Secretary Authorized to Make Corrections: The Clerk/Recording Secretary shall be authorized to make minor corrections to the minutes resulting from technical, or typographical errors provided the intent of the minutes are not changed prior to the minutes being signed.

15.6. Signature for Authentication: The Presiding Officer/Chair and Clerk/Recording Secretary shall authenticate the minutes with their signatures. (Also Ref. s. 15.3 and s. 7.13)

15.7. Adopted Minutes:

15.7.1. Council/Committee of the Whole – Adopted Minutes:
The adopted minutes of each meeting of Council/Committee of the Whole shall be posted to the website for the public. (Ref. s. 15.6 "Signature for Authentication")

15.7.2. Other Committees of the Council or Advisory Panels – Adopted (Signed) Minutes:
Once passed, by the committee, the original will be posted on the website and then provided to the Clerk to see that they are added to the Council agenda to be received by Council. The

15.8. Minutes – Closed Session: Ref. s. 17, "Closed Session ("In-Camera")

16. DISCLOSURE OF ADDITIONAL ITEMS/NOTICE OF MOTION

16.1. Committee of the Whole – Introduction of New Item/Motion Not on Agenda: A New Item/Motion which has not been listed on the agenda may be introduced at a Committee of the Whole meeting and accepted as an additional item. This item shall be spoken to later in the order of business under "Discussion of Additional Items".

16.2. Council – Introduction of New Item/Motion Not on Agenda – Disposition Later: Items/Motions permitted shall be considered under Miscellaneous however will be referred to the next COW. New items of an urgent nature may be considered if in the opinion of the Council they require an immediate decision. This shall be used only in urgent/extreme circumstances. (Ref. s. 29., Miscellaneous Business – Council Meeting).

17. CLOSED SESSION ("IN-CAMERA")

17.1. Following of Rules: The Procedure By-law shall apply during "Closed Session" meetings of Committees of Council, Advisory Panels and Council.

17.2. Meetings Open to the Public: All meetings shall be open to the public except as provided in the ACT, s. 239.

17.3. Resolution – Enter Closed Session – Include General Nature of the Matter: Refer to the ACT, s. 239. The resolution shall include a general description of all the subjects to be dealt with at the closed session.

17.4. Agenda: The Clerk/Recording Secretary shall prepare an agenda for presentation at the meeting. The agenda shall be kept in a secure and confidential location under the control of the Clerk/Recording Secretary.

17.5. Identification of Specific Section: The Clerk/Recording Secretary shall have the Closed Session agenda prepared, identifying the subject and qualifying section of the Municipal Act under which each matter is to be considered in the Closed Session. The agenda will be distributed to all members in attendance at the meeting.

17.6. Record of Meeting: The Clerk/Recording Secretary shall record without note or comment all resolutions, decisions and other proceedings at a meeting. Minutes shall be circulated by the Clerk/Recording Secretary at the following in-camera meeting for adoption.

17.7. Closed to Whom: For the purpose of this section "Closed Session" shall mean closed to any person not appointed or elected to the body calling the meeting. The sitting body may invite any person deemed appropriate to the closed portion of the meeting for a specific item of business.

17.8. Location of Meeting: The location of Closed Sessions for regularly scheduled Council meetings shall be at the designated Closed Meeting Room.

17.9. Disclosure of Interest: (Ref. s. 14, "Disclosure of Pecuniary Interest and General Nature Thereof").

17.10. Additional Items for Discussion: *Discussion during* a "Closed Session" shall be limited to that stated by resolution prior to holding the closed session. *Additional items* require public notice by resolution in open session prior to holding the closed session to discuss the additional item(s).

17.11. Discussion – Limited: Discussion during a "Closed Session" shall be limited to the issue.

17.12. Votes Taken in Closed Session – Procedural Matters – Giving Direction/Instructions: A meeting shall not be closed to the public during the taking of a vote except as provided in the ACT s. 239(5)(6). Votes may be taken in a closed meeting for giving directions or instructions to staff or agents or persons retained by or under a contract or for procedural matters.

17.13. Collection of Closed Session Documents: All documents handed out during a closed session shall be returned to the Clerk at the end of the closed session.

17.14. Calculations and Note Taking: Members and staff may do basic calculations and note taking on paper in the course of a closed session. Any such calculations or note taking shall be collected by the Clerk and destroyed following the adjournment of the meeting.

17.15. Confidentiality of Information:

17.15.1. Members, staff and invited guests shall keep confidential any information:

a) Disclosed or discussed at a meeting that was closed to the public. The obligation to keep information confidential applies even if the member ceases to be a member.
b) Received in confidence verbally in preparation of the closed session meeting.

17.15.2. Members and staff shall respond to any questions regarding an item from a closed session with a reply of "no comment" or words to that effect.

17.16. Securing Minutes: The Minutes shall be kept in a secure and confidential location under the control of the Clerk/Recording Secretary. These minutes shall only be open to those in attendance at the meeting, to others approved by the Council, or as legislated.

18. RETURN TO OPEN SESSION

18.1. Return to Open Session: Once the closed session has ended, the members shall return to open session and the Clerk/Recording Secretary shall record the time in the minutes.

19. PRESENTATIONS

19.1. Ceremonial Presentations/Awards – Council Meetings: Ceremonial presentations and/or awards shall be made at a Council meeting. A presentation or award may be given by the Presiding Officer, Town of Gananoque staff, a representative from another government or government agency, or, any person/organization invited by Council to make a presentation as may, from time to time, be considered appropriate.

19.2. Informal Presentations – Committee of the Whole: Emphasis will be to encourage the presentation of information to the Committee of the Whole. These presentations shall be given by Town of Gananoque staff, a consultant retained by the Town, a representative from another government or government agency, or, any person/organization invited by the Town to provide a presentation.

20. NOTICE REQUIRED UNDER THE NOTICE BY-LAW

20.1. Refer to the Town of Gananoque Public Notice By-law.

21. DELEGATIONS

21.1. Delegation – Presenting at a Meeting:

21.1.1. Delegation - Committee of the Whole: Delegations shall appear before the Committee of the Whole. This will enhance the ability of the delegation to provide information to both members of Council and staff prior to the item being advanced to Council for a decision, except as provided in s. 22.1.2 below.

21.1.2. Delegation - Council Meeting: Delegations requesting to appear at a Council meeting shall be limited to the issues on the agenda being considered for final adoption at that meeting. Repeat delegations shall not be allowed unless significant new information is being provided.

21.1.3. Delegation – Committee(s) of the Council or Advisory Panel(s): Delegations shall appear before the Committee of Council or Advisory Panel. This will enhance the ability of the delegation to provide information to both members of the Committee or Advisory Panel and staff prior to the item being advanced to Council for a decision.

21.2. Delegation – First Come – First Served – Limit of 5: A maximum of three (3) delegations shall be permitted at any Committee of the Whole and two (2) at Regular Council meetings. Repeat delegations shall not be allowed unless significant new information is being provided.

21.3. Delegation – Notice – Prior to Meeting:

21.3.1. Meeting of Committee of the Whole/Council: Persons wishing to address Committee of the Whole/Council shall make application in writing to the Clerk no later than 12:00 PM a minimum of 5 days (not including weekends or holidays) prior to the regular meeting, or as otherwise provided for in the notice of the meeting. Such application shall contain the subject matter to be discussed, and the name, address and telephone number of a spokesperson(s) chosen by the delegation to make the presentation.

21.3.2. Meeting of Committee(s) of the Council or Advisory Panel(s): Persons wishing to address Committee(s) of the Council or Advisory Panel(s) shall make application in writing to the Recording Secretary no later than 12:00 PM a minimum of 5 days (not including weekends or holidays) prior to the regular meeting, or as otherwise provided for in the notice of the meeting. Such application shall contain the subject matter to be discussed and the name, address and telephone number of the spokesperson(s) chosen by the delegation to make the presentation.

21.4 Delegation - Limit of One Appearance – Exception – New Information: Delegations shall be limited to one appearance, unless providing significant new information.

21.3.3. Meeting of Committee of the Whole/Council: Delegations wishing to present new information to members of the Council subsequent to appearing at an earlier Committee of the Whole/Council meeting shall

file same in writing with the Clerk no later than 12:00 PM a minimum of 5 days (not including weekends or holidays) prior to the next Committee of the Whole/Council meeting.

21.3.4. Meeting of Committee(s) of the Council/Advisory Panels: Delegations wishing to present new information to other Committees/Advisory Panels subsequent to appearing at an earlier Committee/Advisory Panel meeting shall file same in writing with the Recording Secretary no later than 12:00 PM a minimum of 5 days (not including weekends or holidays) preceding the next Committee/Advisory Panel meeting.

21.5. Delegation Refused – Chief Administrative Officer or Clerk: The Chief Administrative Officer or Clerk, is given the authority to refuse delegations under the following circumstances:

a) The request is not submitted within the stated time limits;
b) The subject matter is deemed to be beyond the jurisdiction of Council and/or Advisory Panel;
c) The issue is specific to a matter properly held in closed session;
d) The issue has been or is to be considered by the Committee of Adjustment;
e) Requests/issues where there is no perceived benefit for the Town of Gananoque.
f) Notwithstanding noted above in a) to e) the department head will have the authority concerning an Advisory Panels.

21.6. Delegation – Spokesperson: Delegations shall appoint up to 2 spokespersons.

21.7. Delegation – Not to Repeat: Delegations taking the same position on a matter shall be required to select a spokesperson(s) to present their views collectively.

21.8. Delegation – Limited to Subject Matter: Delegations shall be limited to the subject matter indicated in their application for a delegation.

21.9. Delegation Material:

21.9.1. Committee of the Whole/Council: All presentation material for consideration shall be legible and filed in the office of the Clerk no later than 12:00 noon, on the Wednesday prior to the day of the regular meeting. The material may be included as part of the support material attached to the agenda.

It is the responsibility of the presenter to supply the Clerk with the material that the presenter wishes to have distributed to members and staff.

21.9.2. Committee(s) of the Council or Advisory Panel(s): All presentation material for consideration shall be legible and filed in the office of the Recording Secretary no later than 12:00 noon, on the Wednesday prior to the day of the regular meeting. The material may be included as part of the support material attached to the agenda.

It is the responsibility of the presenter to supply the Recording Secretary with an electronic or hardcopy of the presentation material that the presenter wishes to have distributed to members and staff.

21.10. Restrictions on Delegations: Delegations shall not:

a) Address members directly without permission;
b) Interrupt any speaker or action of the members, or any other person addressing the members;

c) Display or have in their possession picket signs or placards in the Council Chamber or meeting room;
d) Speak disrespectfully of any person;
e) Use offensive words;
f) Disobey a decision of the Chair/Presiding Officer;
g) Enter into cross debate with other delegations, staff, members or the Chair/Presiding Officer.

21.11. Delegation – Time Limit – 10 Minutes:

a) The delegation shall be permitted a maximum of 10 minutes to make the presentation;
b) The Presiding Officer/Chair, in consultation with the members, may extend the 10 minute time limit.

21.12. Delegation – Addressing Members: Delegations shall state their name(s) and make their presentation to the members.

21.13. Matter Brought Forward: In the event that the subject brought to the members at a meeting by a delegation is also dealt with in any other item listed on the agenda, the Presiding Officer/Chair may call for a motion to amend the Order of Business so that the item may be brought forward for discussion at the same time as the consideration of the delegation item.

21.14. Curtail Delegation or Debate: The Chair/Presiding Officer may curtail any delegation or debate during a delegation for disorder or any other breach of this by-law and, if the Presiding Officer/Chair rules that the delegation is not in compliance with this by-law, the person(s) appearing shall withdraw from the delegation table and the decision of the Presiding Officer/Chair shall not be subject to challenge.

21.15. Questions by Members: Upon completion of a presentation by a delegation, any dialogue between members and the delegate shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Questions from members shall be addressed by the spokesperson to the best of their ability. Members shall not enter into debate with the delegation respecting the presentation.

21.16. Restrict Delegation – Motion Moved: Once a motion had been moved and seconded, no further representation or questions for the delegation shall be permitted.

22. PUBLIC QUESTIONS/COMMENTS

22.1 The public may only address reports posted on the agenda.

22.2 The public will have a total of 2 minutes to state their name, what report they wish to speak about and their questions or comments. If a member of the public wishes to speak longer than 2 minutes they are required to submit to be a delegation to Council.

23. RECEIVING CORRESPONDENCE AND OTHER COMMUNICATIONS

23.1 Correspondence – Signed – Legible – Public:

a) All correspondence addressed to members of Council shall be considered public information, except where subject to solicitor client privilege or where properly subject to a closed meeting protection as prohibited by legislation;
b) All correspondence addressed to all members of Council or all members of any Committee(s) of the Council or Advisory Panel(s) (letter, petition,

resolution, or other communication) shall be legible, signed by the author(s) and include a return address. Correspondence that does not include the above or that includes any illegible or defamatory allegations or derogatory remarks shall not be included on the agenda or responded to.

23.2 Correspondence – Circulated – Agenda:

a) The Clerk shall include on the agenda of Committee of the Whole or Council any correspondence addressed to all members of Council;
b) The Recording Secretary of a Committee of the Council or Advisory Panel shall include on the agenda any correspondence addressed to all members of the Committee of the Council or Advisory Panel;
c) Correspondence addressed to a single member shall be provided to the Clerk for distribution, at the discretion of that member.

23.3 Correspondence - Submission Prior to 12:00 p.m. (Noon): Every petition, letter or other written communications shall be deposited with the Clerk not later than 12:00 p.m. (Noon) four days (not including weekends or holidays) before the date of the Council/Committee of the Whole meeting in order that it is included on the agenda.

23.4 Correspondence – Late Submission – Consideration – Urgent Matter Only: A petition, letter or written communication that is received by the Clerk later than 12:00 noon four days (not including weekends and holidays) prior to the regularly scheduled Council/Committee of the Whole meeting may be brought before members of Council, if in the CAO's opinion, the matter is urgent.

23.5 Correspondence – Petitions – Requirements and Submissions of Petitions: All petitions that meet the standards set out in Schedule "D" will be presented to Council and listed as Correspondence on a Council agenda. Committee(s) of Council and Advisory Panels cannot formally accept petitions; therefore, petitions received at Committees of Council or Advisory Panels will be forwarded to the Clerk and presented to Council.

24 RECEIVING STAFF REPORTS

24.1 Committee of the Whole/Council – Staff Reports: All staff reports shall be in written format using the Report Template. The report shall include a recommendation in the form of a motion unless the report is for information purposes only. Reports shall be signed by the department head or his/her designate and the Chief Administrative Officer or his/her designate and Treasurer or his/her designate.

24.2 Committee(s) of the Council/Advisory Panels – Staff Reports: All staff reports shall be in written format using the Report Template where applicable. The report shall include a recommendation in the form of a motion unless the report is for information purposes only. Reports shall be signed by the department head or his/her designate.

25 RECEIVING COMMITTEE REPORTS

25.1 Committee Report – Members of Council:

a) All members of Council have the opportunity to report on their Town related activities that have occurred since the last Council Meeting or will be occurring before the next Council meeting; or to report on issue(s) currently under debate by the Committee(s) of the Council/Advisory Panel(s) they are a member of;
b) Each member of Council shall be given the opportunity to make a maximum of three enquiries related to the member's report;

c) Members shall make every effort to limit their report to a maximum of five (5) minutes.

26 UNFINISHED BUSINESS

26.1 Unfinished Business: The items set out in the agenda which have not been settled of, shall be included in a subsequent agenda under Unfinished Business.

27 BY-LAWS

27.1 By-laws – Title: The title of every by-law being presented to Council shall be provided on the agenda at which the by-law is being considered.

27.2 By-law – Consent Agenda: By-laws may be listed as part of a Consent Agenda.

27.3 Subject Matter - Previously Considered: No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered by Committee of the Whole or a Committee of the Council that reports directly to Council unless it fall under 28.4.

27.4 Urgent – Immediate Action Required: New by-laws of an urgent nature may be considered if in the opinion of the Council they require an immediate decision.

27.5 Confirm Proceedings of Council: A by-law to confirm the proceedings and reports of Council at its meeting shall be presented at the end of each Council meeting. Such by-law shall confirm any motion, resolution and other actions passed or taken by Council at the meeting indicated therein (Except where the prior approval of the Ontario Municipal Board or any other regulatory body is required).

27.6 Introduction of By-law – Purpose Specified – One Reading (1st, 2nd, 3rd Inclusive): Every by-law shall be introduced by written motion, and shall be considered to have been read a first, second and third time, (except those listed in a consent agenda [Ref. s. 2.19] or as required by other legislation). The by-law shall be introduced by the Chair. 1st and 2nd readings will be given when a by-law is required to give public notice or requires approval of a provincial ministry or board.

27.7 Chair – Read By-law Title and Short Description: The Chair shall read the by-law title and short description, with the exception of those included in a consent agenda.

27.8 Amendment – Debate on Motion: Debate shall be limited to the subject matter of the by-law. Amendments shall be made in writing by motion.

27.9 Amended By-law Passed – Corrections by Clerk: After an amended by-law has been adopted by Council, the Clerk shall be responsible for its correctness.

27.10 Reading – Date – Certified: When a by-law is read in Council, the Clerk shall certify upon it the number and date of each reading thereof.

27.11 By-law Passed – Deposited in Safe: Every by-law which has been passed by the Council shall, immediately after being signed by the Head of Council and the Clerk and sealed with the seal of the Corporation, be deposited by the Clerk in a secure location and scanned electronically for deposit on the server.

27.12 Clerk Authorized to Make Corrections: The Clerk shall be authorized to make minor corrections to any by-law resulting from technical, formatting or

typographical errors provided the intent of the by-law is not changed prior to the by-law being signed.

28 MAIN MOTIONS

28.1 Motions – Presentation:

28.1.1 Motion – Staff Items: Items shall be presented to Committee of the Whole for their consideration in the form of a Staff Report.

28.1.2 Motion – Committee(s) of the Council:
Committee(s) of the Council or Advisory Panel(s) reporting directly to Council, as approved by their terms of reference, shall provide a staff report and a copy of the motion(s) to be considered by Council, as recommended by the Committee of the Council to the preceding the Council meeting in order that it is included on the agenda.

28.1.3 Member's Own Motion – Property of its Maker: Before a motion, created and moved by its maker, has been stated by the Presiding Officer/Chair, it shall be the property of its mover, who may withdraw it or modify it without the consent of anyone. Another member may ask the maker of the motion to withdraw it or accept a change, which the maker can either accept or reject. After the question has been stated by the chair, the motion becomes the property of the Council, and the wording may only be changed by the process of amendment. (Ref. SCHEDULE 'E', 1.1)

28.2 Motions – Consent Agenda: Motions may be listed as part of a Consent Agenda.

28.3 Signature for Motion – Seconder:

28.3.1 Council Meeting: Council motions shall be signed by a mover and seconder. A seconder may not agree with the motion; however he/she agrees that the motion should come before the members.

28.3.2 Committee of the Whole: Committee of the Whole shall require a mover and the motion may be in writing. The motion does not require a seconder.

28.3.3 Other Committees of the Council or Advisory Panels: Other Committees of Council or Advisory Panels shall require a mover and a seconder and the motion may be in writing.

28.4 State the Motion - No Debate until Read – Question has been Stated: The Presiding Officer/Chair shall state the name of the mover and seconder of the motion and shall read the motion. A motion so put shall be considered the main motion.

28.5 Motion Ruled Out of Order: The Presiding Officer/Chair shall decline to put to vote motions which are not within the jurisdiction of Council, Committee(s) of the Council or Advisory Panel(s) or which infringe on the rules of order.

28.6 Motion Open to Debate: After the motion has been stated, it shall be deemed to be in possession of the members and, if applicable, immediately be open to debate or amendment. The mover is entitled to speak first if so desired.

28.7 No Other Motion Pending: A motion can only be made when no other motion is pending. No motion can be admitted that might conflict with one of the possible final decisions on a main motion raising the same or substantially the same question as something previously adopted. This includes a motion that has been

temporarily disposed of by being referred to a Committee of Council or Advisory Panel, postponed, or laid on the table, or by being the subject of a motion to reconsider that has not been called up.

28.8 Discussion on any Subject – Permitted Only with Reference to a Pending Motion: Discussion on any subject shall be permitted only with reference to a pending motion. A motion may only be prefaced by a few words of explanation of what the mover wishes to propose, and shall not become a speech or be debated.

28.9 Clerk to Make Revisions: The Clerk shall be authorized to make minor corrections to Motions resulting from technical, or typographical errors without changing the intent of the Motion.

28.10 Voting: (Ref. s. 9, "Voting").

28.11 Motions: Definition and Process: (Ref. SCHEDULE 'D").

29 MISCELLANEOUS BUSINESS – COUNCIL MEETING

29.1 Member – Notice – New Item – Council – To go to Next Committee of the Whole meeting: A notice of a New Item being brought before Council shall not be debated and shall be referred to the next Committee of the Whole meeting for discussion and recommendation to Council.

29.2 Urgent – Immediate Action Required: New items of an urgent nature may be considered if in the opinion of the Council they require an immediate decision.

30 QUESTIONS FROM THE MEDIA

30.1 Members of Media - Questions: The members of the media shall be given the opportunity to present enquiries. The period for media comments shall be limited to a maximum of ten (10) minutes. All such comments shall be directed to the Presiding Officer who shall, when necessary, determine the person who in his/her opinion is the best qualified to respond.

31 ADJOURNMENT

31.1 Adjournment – Motion – At Request of Presiding Officer/Chair: In a meeting a standard motion to adjourn shall be in order at the request of the Presiding Officer/Chair.

31.2 Time of Adjournment – Extend:

31.2.1 Council/Committee of the Whole: All regular Council/Committee of the Whole meetings shall stand adjourned when the Committee has completed all business as listed on the Order of Business or at 10:00 p.m., whichever is sooner. Unfinished business shall be postponed to the next regular meeting of Committee of the Whole unless a motion to proceed beyond the stated time has been passed by a vote of two-thirds of the members present.

31.2.2 Non-debatable – Length of Time – Non-Amendable: A motion to proceed beyond the normal times for adjournment shall not be debatable and shall not be amendable with respect to the length of the extension.

31.2.3 **Committee(s) of the Council and Advisory Panel(s)**: All other regular meetings of the Committees of the Council or Advisory Panels shall stand adjourned when the Committee or Advisory Panel has completed all business as listed on the Order of Business or at a time set by the Committee or Advisory Panel.

32 SUSPENSION OF RULES

32.1 **Suspension of Rules**: In rare instances, Council may suspend the rules of the Procedure By-law with a two-thirds vote of Council. In no circumstances may Council suspend any statutory procedures from the Act incorporated in this by-law.

33 AMENDMENT OF BY-LAW

33.1 **Repeal:** No repeal of this by-law shall be considered at any meeting of Council unless notice of intention of the proposed repeal has been given per the Notice By-law.

33.2 **Amendments:** From time to time, amendments to this by-law, or any part thereof, may be considered at any meeting of Council provided Notice is given at a prior meeting of Council.

34 SEVERABILITY

34.1 **Provisions – Severable:** The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

34.2 **Conflict:** Where the terms of any by-law passed prior to this by-law conflict with this by-law, the terms of this by-law shall prevail.

35 REPEAL

35.1 That any by-law inconsistent with this by-law is hereby repealed.

35.2 That this By-law come into force and effect January 1, 2017.

SCHEDULE 'A'
Appointments to Committee(s) of the Council – Members of Council and Citizens

1. **Appointments to Committees of the Council, Advisory Panels, other Boards and Bodies – Members of Council**

   Appointment of Council members to Committees of the Council, Advisory Panels, other Boards and Bodies will be for the term of office and will expire once the new Council has taken office in an election year, except as otherwise provided for by legislation. Appointments of members of Council will take place as follows:

   a) As soon as possible after the municipal election, the Council-elect shall receive a list of vacancies to which Council appoints its members to sit.

   b) By December 1st in an election year, members of Council-elect shall submit a list of vacancies to which they seek appointment.

   c) The Clerk shall compile a list of the requests of Council-elect members.

   d) The appointment of Council members to Committees of the Council, Advisory Panels, other Boards and Bodies shall take place at the first regular Council meeting in January in the year following the regular election.

2. **Appointments to Committees of the Council, Advisory Panels, other Boards and Bodies – Citizen Members**

   Committees of the Council, Advisory Panels, other Boards and Bodies – The term of office for citizen members on Committees of the Council, Advisory Panels and other Boards and Bodies is concurrent with the term of Council, except as otherwise provided by legislation (Committee of Adjustments). The Committee of Adjustments term will end upon the completion of a newly appointed Committee of Adjustments. To qualify, applicants must be a Canadian citizen, a resident or taxpayer of Gananoque, unless otherwise provided by by-law, and not an employee of the Town of Gananoque. No direct family members of Council will be appointed to a Committee(s) of Council, Advisory Panel(s), other Boards and Bodies. Two or more family members will not be appointed to one committee.

   1) Following the election, the Clerk will prepare a notice, to be placed in the local media and on the Town's website advising citizens of the opportunity to serve on various Committees of the Council, Advisory Panel and other Boards and Bodies. Interested applicants shall submit to the Clerk a completed "Application to Serve on a Committee of the Council or Advisory Panel of the Town of Gananoque" form. The notice shall be published a minimum of two (2) weeks prior to the deadline for receiving applications.
   2) Applications may be kept on file for the purposes of amending or adding to the membership of the Committee of the Council, Advisory Panel or other Board or Body.
   3) The Clerk will prepare a list of the names of candidates, committee request and experience for each Committee of the Council, Advisory Panel, other Board or Body.
   4) The appointment of citizens shall take place at the first regular Council Meeting following the closure date of the applications.
   5) The Clerk shall notify the successful members and provide a list of members to each associated Department Head.
   6) Any member wishing to resign shall provide his/her resignation in writing to the Chair with a copy to the Clerk.
   7) Vacancies that occur during the term shall be filled as soon as possible using the appointment process described in 1) to 3) above. However:

      a) Vacancies that occur less than 120 days prior to completion of the term will not be filled unless there is a need to replace members to achieve a quorum.

b) Council at its sole discretion may provide notice of any vacancies that occur from time to time.

The Corporation of the Town of Gananoque

APPLICATION FORM FOR APPOINTMENT TO COMMITTEE OF COUNCIL, ADVISORY PANEL OR BOARD

Note: Please complete this application form in its entirety. Should this application form not be fully completed, the Town reserves the right to reject the application. In addition of any false or misleading information on this application form will be sufficient reason for the Town to reject the application or to terminate an appointment. Applicants should be aware that serving on a Town Committee of Council or Advisory Panel is voluntary.

PLEASE FILL OUT THE FOLLOWING AND SUBMIT TO:

The Corporation of the Town of Gananoque
ATTENTION: Clerk's Department
PO Box 100, 30 King St E
Gananoque, ON K7G 2T6

Telephone: 613-382-2149 Ext. 1120
E-mail: clerk@gananoque.ca
Fax: 613-382-8587

INDICATE THE COMMITTEE, ADVISORY PANEL OR BOARD YOU ARE INTERESTED IN	
(If you are interested in applying for more than one Committee, Advisory Panel or Board, please list order of preference)	

REQUIREMENTS:

☐ An Elector in the Town of Gananoque ☐ A Canadian Citizen ☐ 18 Years of Age

PERSONAL DATA - ☐ **Mr.** ☐ **Mrs.** ☐ **Ms.** ☐ **Miss**		
Name:		
Address:		
Postal Code:	Telephone (Home):	
Fax:	Business Phone/Cell:	
E-mail Address:		

A. Explain why you would like to serve on each Committee, Advisory Panel or Board identified above.

B. Previous experience - State in detail your experience; work related, community service, or other volunteer activities which illustrate the interest, skills or abilities you may use to contribute to the effectiveness of the Committee, Advisory Panel or Board applying for.

If additional space is required please feel free to add pages. However, please ensure that they are clearly marked as to which section of the application they are applicable to.

APPLICANTS SIGNATURE: _____DATE: _____, 201_

Personal information on this form is collected under the authority, rights, and obligations of the Municipal Freedom of Information and Protection of Privacy Act and will only be used for the express purpose of recruiting electors of the Town to serve on the Committee, Advisory Panels or Board of the Town of Gananoque. Only successful candidates will be made public in the appointment by-law.

SCHEDULE 'B'
Terms of Reference for Committee of Council or Advisory Panel (Template)

POLICY

NAME OF COMMITTEE OF COUNCIL OR ADVISORY PANEL

	Terms of Reference
1	**Name** The name of the Advisory Panel is the _____.
2	**Duration** The term of office runs with the Term of Council.
3	**Mandate**
4	**Membership** The Advisory Panel will be composed of _____ members of Council and ____ members of the public.
5	**Advisory Panel Selection** Advisory Panel selection will be conducted in accordance with the Town's Procedural By-Law. The appointment of Advisory Panels shall be done by Council through an application screening process. Applications will be considered confidential, in conformity with the Municipal Freedom of Information and Protection of Privacy Act, until such time as Council appoints the Advisory Panel members at which time only the successful members will be public announced. The appointment of replacements/alternates to Advisory Panels shall be done at the discretion of Council. The appointment of replacements/alternates to Advisory Panels shall be done at the discretion of Council. The Council may not appoint a direct family member to sit on any advisory panel and/or board. The terms of reference and application form will be posted on the Town's website in addition to selected local media outlets. The selection process will be based on clearly understood and equitable criteria. Members will be selected on the basis of the following: a. demonstrated knowledge and understanding of the local history b. proven analytical and decision-making skills; c. experience working on a committee, task force or similar setting; d. availability and willingness to attend meetings; and e. excellent oral and written communication skills.
6	**Conflict of Interest** The principles of the *Municipal Conflict of Interest Act*, apply to this Advisory Panel. Failure to adhere to this requirement may result in the individual being removed from the Advisory Panel.
7	**Chair** The Chair of the Advisory Panel will be the council member appointed to the Advisory Panel.

8	**<u>Meetings</u>** Meetings of the Advisory Panel will be conducted in accordance with the Town's Procedural By-Law *Frequency of Meetings* *Timing of Meetings* *Meeting Location* *Meeting Notices, Agendas & Minutes* Staff shall give notice of the respective Advisory Panel's meeting by posting the Agendas and backup material on the Town's website in accordance with the Town's Notice Policy. Minutes of the Advisory Panel shall be recorded, adopted by the Advisory Panel, signed by the Chair and recording secretary, posted on the Town's website, and then forwarded to the Clerk. *Quorum* Quorum for meetings shall consist of 51% of its members. If no quorum is present fifteen (15) minutes after the time appointed for a meeting, Staff shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting. *Meeting Attendance* Any member of the Advisory Panel, who misses three (3) consecutive meetings, without being excused by the Advisory Panel, may be removed from the Advisory Panel. The Department Head and Clerk must make recommendations, by an in-camera report to Council for the removal of any member. *Motions & Voting* A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes. Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest. In the case of a tie vote, the motion shall be considered to have been lost. The manner of determining the vote on a motion shall be by show of hands. The Chair shall announce the result of every vote.
9	**<u>Staff Support/Recording Secretary</u>**
10	**<u>Administrative Practices and Procedures</u>** The Terms of Reference constitute the Administrative Practices and Procedures of the Advisory Panel.
11	**<u>Record Retention</u>** Will conform to the Town's Records Management Policy.

SCHEDULE "C"

DECLARATION OF PECUNIARY INTEREST OR CONFLICT OF INTEREST FORM

Council or Committee Meeting:_____
(Name of group meeting i.e. Regular Council)

Date of Meeting: _____

Name of Member declaring: _____

I, _____ declare a

Pecuniary interest ☐

Conflict of interest ☐

on item identified on this meeting's agenda as

_____;

OR

a past meeting agenda held on _____, 20____ at which meeting I was absent regarding agenda item

_____:

Due to (indicate the general nature of reason):

_____
_____
_____
_____

_____ _____, 20___
Signature of Member **Date of Signed**

Members should complete this form and pass it on to the Chair/Recording Secretary of the meeting to be read during the appropriate area/s on the Agenda. This document must be filed with the meeting supporting documentation and is open for public review upon a written request through the Clerk's Department. The retention period of this document will conform to other relative meeting supporting documents.

SCHEDULE 'D'

A Petition is considered a public document and the information contained in it will be subject to the scrutiny of Council and the general public. Your petition must include a disclosure statement on each page of the petition so that those who sign the document agree to, and are aware of, its public availability. Recognizing that petitions play an integral role in the communication between residents and elected officials, Council is establishing procedures for the submission and recognition of public petitions. All petitions that meet the standards set out in this by-law will be presented to Council and listed as Correspondence on a Council agenda.

Petition Requirements

- The petition must be addressed to the Clerk or Council and request a particular action within the authority of Council.
- Petitions must be legible, typewritten or printed in ink (no pencil).
- The text of the petition must be listed at the top of each page for multiple-page petitions. Pages should be numbered and total number of pages indicated.
- The petition must be appropriate and respectful in tone, and must not contain any improper or offensive language or information.
- Each petitioner must print and sign his or her own name. A paper petition must contain original signatures only, written directly on the petition.
- Each petitioner must provide his or her full address.
- For electronic petitions, petitioners must provide name, address and a valid e-mail address.
- The petition must clearly disclose on each page that it will be considered a public document and that information contained in it may be subject to the scrutiny of the Town and other members of the general public.

Submission of Petitions

- Petitions containing original signatures should be sent to the attention of the Town Clerk by mail or delivered in person to Town Hall.
- Petitions may also be submitted to the Mayor or any member of Council.
- Electronic Petitions may be submitted to the attention of the Clerk at clerk@gananoque.ca.
- All petitions that meet the above standards will be presented to Council at its next regular meeting, or the meeting at which the subject of the petition is to be discussed.
- Once received by the Clerk/Recording Secretary, no member may remove his/her name from a petition filed under this section.
- Committees of Council and Advisory Panels cannot formally accept petitions. Petitions received at Committees of Council and Advisory Panels will be forwarded to the Clerk and presented to full Council at its next regular meeting, or the meeting at which the subject of the petition is to be discussed.
- Council has the discretion to accept the petition, and Council's decision is final.

Responsibilities

The Clerk is responsible for receiving all petitions and submitting them to the attention of Council. Council members are responsible for forwarding all petitions received by them to the attention of the Clerk.

Monitoring/Contraventions

The Clerk will evaluate all petitions to ensure that the requirements of the policy are met. Petitions deemed to be in non-compliance will not be formally accepted by Council. However they will be listed as "other correspondence received" on the appropriate Advisory Panel or Council agenda, if applicable.

Retention and Disclosure

All petitions submitted will be retained by the Clerk's office. Petitions meeting the requirements of this policy and therefore presented to and received by Council will be kept on file with the Clerk and will be available for public viewing upon request.

To: Council of the Town of Gananoque
30 King St. E.
Gananoque, ON K7G 2T6

PETITION TO THE COUNCIL OF THE TOWN OF GANANOQUE

(Brief paragraph describing what the signees are petitioning Council for)

_____
_____
_____
_____
_____
_____
_____
_____

NAME (Print)	PLACE OF RESIDENCE (Print)	SIGNATURE

By signing this petition, I hereby acknowledge that this petition will become a public document at the Town of Gananoque and that all information contained in it will be subject to the scrutiny of the Town, and will be publicly available. Questions about the collection and disclosure of personal information contained in this petition should be directed to the Town Clerk, 30 King St. E., Gananoque, Ontario, K7G 2T6.

(When ready to present to Council please contact the Clerk to have the item added to the Council Agenda)

Page _____ of _____

SCHEDULE 'E'
Motions: Definition and Process

1. **Motions: Definition and Process**

1.1. **<u>WITHDRAW: A motion to withdraw</u>**

1.1.1. **In order – during debate:** Shall be in order anytime during debate.

1.1.2. **Made by the Mover**: Shall be put by the mover of the motion and may be made without the consent of the Seconder of the main motion.

1.1.3. **Debatable:** Shall not be debatable.

1.1.4. **No Objection:** Shall be considered withdrawn without the necessity of a vote or record in the minutes.

1.2. **<u>DIVIDE: A motion to divide:</u>**

1.2.1. **Non-debatable-reconsidered**: Shall not be debatable or reconsidered.

1.2.2. **Amendable:** Shall be amendable.

1.2.3. **Disposition of motion:** Shall receive disposition of Council before the main question.

1.2.4. **Two or more distinct proposals:** Shall be in order only when the motion to be divided contains two or more separate and distinct proposals capable of standing as a complete proposition if the others are removed and a separate vote shall be taken upon each proposal. Exception: a motion where the effect of adopting all of the parts will be exactly the same, or a motion whose parts are not easily separated without rewriting the motion beyond renumbering phrases or clauses or prefacing each part with formal word(s) such as, "Be it resolved that."

1.3. **<u>FIX THE TIME TO WHICH TO ADJOURN</u>**

1.3.1. **Member speaking-voting prohibited:** Shall not be in order when a member has the floor.

1.3.2. **Non-debatable**: Shall not be debatable.

1.3.3. **Amendable**: Shall be amendable as to the date, hour or place.

1.4. **<u>ADJOURN</u>:** A motion to adjourn the meeting:

1.4.1. **Motion:** Shall be at the request of the Presiding Officer/Chair.

1.4.2. **Member speaking-voting prohibited:** Shall not be in order when a member is speaking or during the verification of a vote.

1.4.3. **Non-debatable-amendable**: Shall not be debatable or amendable.

1.4.4. **Resolved in the affirmative**: Once a motion to adjourn is resolved in the affirmative, no further proceedings shall take place until the next

meeting. All unfinished business on the agenda shall be included on the agenda of the next regular or special meeting.

1.4.5. **Resolved in the negative:** Once a motion to adjourn is resolved in the negative, members shall resume debate at the point immediately prior to the point at which the motion to adjourn was moved.

1.5. **CALL THE QUESTION (Immediately Close Debate)**

1.5.1. **Member speaking-voting prohibited:** Shall not be in order when a member has the floor.

1.5.2. **Non-debatable-amendable**: Shall not be debatable and shall not be amendable.

1.5.3. **Two Thirds Vote**: Shall require two-thirds vote.

1.5.4. **Resolved in the affirmative:** If a motion to call the question (close debate) is resolved in the affirmative, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

1.6. **POSTPONE TO A CERTAIN TIME:** (Defer to a Certain Time)

1.6.1. **Written-not verbal:** Shall contain the date upon which the motion shall again be put and shall be in writing when in Council.

1.6.2. **Debatable-amendable:** Shall be amendable and debatable.

1.6.3. **Disposition of motion:** Shall receive disposition before the main question.

1.7. **REFER:** A motion to refer a matter under debate:

1.7.1. **Written-not verbal:** Shall be presented in writing in Council.

1.7.2. **Debatable-amendable:** Shall be debatable and amendable.

1.7.3. **Referred to-specified:** Shall state the individual, group, etc. to which the motion shall be referred.

1.7.4. **Disposition of motion:** The motion shall receive disposition before the main question.

1.8. **AMEND:** A motion to Amend:

1.8.1. **Written-not verbal:** Shall be presented in writing in Council.

1.8.2. **Debatable:** Shall be debatable.

1.8.3. **Amendable–once only:** Only one amendment shall be allowed to an amendment. A secondary amendment cannot be amended.

Exception: Filling in the blank – an unlimited number of alternative choices for a particular specification in a primary amendment can be pending at the same time. This provides an exception to the rules of Amend. Members have an opportunity to weigh all choices before voting.

1.8.4. **Contrary-to main motion-not in order:** Shall be germane to the main motion and shall not be received proposing a direct negative to the main motion.

1.8.5. **Amendments-put in reverse order:** The primary and secondary amendment shall be put in the reverse order to that in which it is moved.

1.8.6. **Disposition of motion:** The motion to amend shall receive disposition before the main question. Its adoption does not adopt the motion thereby amended.

1.9. **RECONSIDERATION OF A MOTION/BY-LAW - COUNCIL**:

1.9.1. **Reconsideration in order**: Once a *substantive* question or by-law has been presented and disposed of by Council, it shall not be in order to reconsider that question or by-law unless and until a motion to reconsider the question or by-law has been disposed of by Council.

1.9.2. **Reconsideration - Confined to:** Shall be confined to such matters as *new information* which has come forward, *an error* in documentation presented or *incorrect statements* made during the original debate.

1.9.3. **Reconsideration not in order:** Shall not be in order if the question or by-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved. This shall not be meant to limit motions for reconsideration of Council policies other than specific Council actions.

a) **Exception:** Once a *substantive* motion/by-law is reopened, it is reopened in its entirety unless the motion to reconsider specifies otherwise.

1.9.4. **Requires – two thirds:** A motion to reconsider shall be considered lost unless two-thirds of the members present vote in favour.

1.9.5. **Written-not verbal:** Shall be reduced in writing.

1.9.6. **Seconder:** Shall require a Seconder.

1.9.7. **One Motion for Reconsideration of any Question – One year**: A vote to reconsider a decided *substantive* matter shall not be considered more than once in a twelve-month period from the date the motion/resolution was approved by Council.

1.9.8. **Affirmative-Next subsequent meeting of Council:** If a motion to reconsider has been carried in the affirmative, it shall not be in order to reconsider the subject matter of the question or by-law until the next subsequent meeting of Council. The question or by-law being reconsidered shall be in the exact manner in which it was first presented, considered as though it is being presented for the first time, and shall be subject to the rules of debate and amendment, and shall be numbered as an extension of the original number.

1.9.9. **Debate on a motion to reconsider:** No debate on a motion to reconsider a decided matter shall be permitted; however, the Mover

and/or Seconder of a motion to reconsider shall provide a brief and concise statement outlining the reasons for proposing such reconsideration. Debate is prohibited on the subject matter of the question or by-law proposed for reconsideration.

1.9.10. No action taken until presented to Council for reconsideration: If a motion to reconsider has been carried in the affirmative, no action shall be taken to carry into effect the question or by-law until that question or by-law has been presented to Council for reconsideration.

1.9.11. Debate on the question: Debate on the question to be reconsidered shall proceed as though it had never previously been considered.

SCHEDULE 'F'
Appointment Process to Fill a Vacancy on Council

If a vacancy occurs in the office of a member of Council and Council chooses to fill the vacancy by appointing a person who has consented to accept the office if appointed, the following process shall be followed.

Mayor Appointment Process
In the event of a vacancy in the Office of Mayor, the Deputy Mayor will temporarily assume the Office of Mayor, and the procedure will be as follows:

1. Declare the position of Mayor vacant by by-law.

2. Members of Council interested in the position of Mayor shall submit their Expression of Interest to the Clerk by _____and the Clerk shall circulate same to Council in the Council agenda package of _____.

3. Those members of Council having submitted their Expression of Interest to the Clerk in accordance with the above, shall be deemed to be a candidate for the purposes of this process.

4. At the Council meeting on _____, at _____ pm, each candidate, in alphabetical order, will be given the opportunity to speak for 5 minutes and only members of Council shall be allowed to ask questions.

5. Following the presentations of all candidates, each candidate will be voted on by show of hands, in an open manner in alphabeitcal order by all members of Council. The votes will be tallied by the Clerk.
   Municipal Section 233 (5) – Secret Ballot – the head of council may be appointed by secret ballot.

6. In the event of a tie vote, those candidates' names shall be placed in the "hat" and one name drawn by the Chief Administrative Officer (CAO).

7. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Mayor by by-law.

   [Note: In the spirit of good will and cohesiveness, the resulting by-law appointing the candidate as the Mayor should by all accounts receive unanimous support.]

8. However; if the resulting by-law to appoint the Mayor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #5).

9. The new Mayor shall be sworn in by the Clerk by completing the Declaration of Office form attached and shall assume the position of Mayor immediately, for the remainder of the term of Council.

10. The Clerk shall notify the appropriate agencies of the Mayor's appointment.

Councillor Appointment Process

Appoint a Councillor in one of two ways:

A. Appoint the unsuccessful candidate from the last election who received the most votes.

B. Appoint a Councillor according to the following procedure:

1. Declare the position of Councillor vacant by by-law.

2. A Request of Expression of Interest to be placed in the local media and on the website at the earliest opportunity requiring all qualified Electors to respond to the Clerk, in person, by _____.

3. Upon submission of Expressions of Interest, qualified candidates shall complete a Declaration of Qualification form.

4. The Clerk shall circulate the Expression of Interest to Council in the Council agenda package of _____ and subsequently send 4 to 6 questions (TBD by Council) to candidates.

5. At the Council meeting on _____, at ___pm, each candidate, in alphabetical order, shall answer be given the opportunity to speak for a maximum of 10 minutes. They can speak to their Expression of Interest if they choose; however they must answer the 4 to 6 questions within the 10 minutes allotted. Only members of Council shall be allowed to ask questions.

6. Following the presentations of all candidates', each candidate will be voted on by all members of Council in an open manner, in alphabetical order. The votes will be tallied by the Clerk.

7. In the event of a tie, those candidates' names shall be placed in the "hat" and one name drawn by the Chief Administrative Officer (CAO).

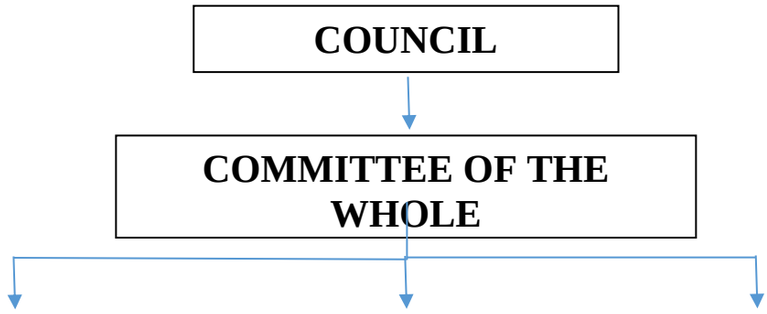
8. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Councillor by by-law.

9. However; if the resulting by-law to appoint the Councillor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #6).

   Note: In the spirit of good will and cohesiveness, the resulting by-law appointing the candidate as Councillor should by all accounts receive unanimous support.

10. The new Councillor shall be sworn in by the Clerk by completing the Declaration of Office form attached and shall assume the position of Councillor immediately for the remainder of the term of the person he or she replaced.

SCHEDULE 'G' – (For Reference Only)
Committee/Advisory Panel Structure



LOCAL BOARDS	ADVISORY PANEL	AD-HOC/ WORKING GROUPS
Downtown Business Improvement Area	Trees & Trails Advisory Panel	Procedural By-law Review
Library Board	Economic Development Advisory Panel	Finance Working Group
Police Services Board	Community Grants Advisory Panel	
Planning Advisory/ Committee of Adjustments/ Property Standards	Municipal Heritage Advisory Panel	

***Note:** the Planning Advisory Committee acts as a local board and an Advisory Panel given its delegated authority under the Community Planning Permit System.

<u>OTHER APPOINTMENTS</u>

Joint Recreation Committee
Cataraqui Region Conservation Authority
Leeds Grenville and Lanark District Health Unit
Arthur Child Heritage Museum (Artefacts Oversight)
St. Lawrence Lodge
UCLG Joint Services
EORN
Eastern Ontario Wardens Caucus
1000 Islands Playhouse

**This Schedule shows examples only and is not intended to represent the Committee Structure of Council over time.*

SCHEDULE 'H'– (For Reference Only)
Extracts from the Municipal Act

Powers exercised by by-law
(3) A municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise. 2001, c. 25, s. 5 (3); 2006, c. 32, Sched. A, s. 5.

Role of council

224. 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 this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99

Role of head of council

225. It is the role of 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), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);

(d) to represent the municipality at official functions; and

(e) to carry out the duties of the head of council under this or any other Act. 2001, c. 25, s. 225; 2006, c. 32, Sched. A, s. 100.

Municipal administration

227. It is the role of the officers and employees of the municipality,

(a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

(b) to undertake research and provide advice to council on the policies and programs of the municipality; and

(c) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

Clerk

228. (1) A municipality shall appoint a clerk whose duty it is,

(a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;

(b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

(c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;

(d) to perform the other duties required under this Act or under any other Act; and

(e) to perform such other duties as are assigned by the municipality. 2001, c. 25, s. 228 (1)

Deputy clerks

228. (2) A municipality may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act. 2001, c. 25, s. 228 (2).

Chief administrative officer

229. A municipality may appoint a chief administrative officer who shall be responsible for,

(a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and

(b) performing such other duties as are assigned by the municipality. 2001, c. 25, s. 229.

First council meeting

230. The first meeting of a new council of a municipality after a regular election and after a by-election under section 266 shall be held at the time set out in the municipality's procedure by-law but in any case not later than 31 days after its term commences. 2001, c. 25, s. 230.

Declaration of office

232. (1) A person shall not take a seat on the council of a municipality, including a person appointed to fill a temporary vacancy on an upper-tier council under section 267 but not including a person appointed to act in place of a head of council under section 242, until the person takes the declaration of office in the English or French version of the form established by the Minister for that purpose. 2001, c. 25, s. 232 (1).

Appointment of head

233. (1) If the term of office of an appointed head of council of an upper-tier municipality is one year, the council of the upper-tier municipality shall, in each year of its term, appoint the head of council at its first meeting. 2001, c. 25, s. 233 (1).

Quorum

237. (1) A majority of the members of a municipal council is necessary to form a quorum with the following exceptions:

1. In the upper-tier municipalities of Durham, Niagara and the County of Oxford, a majority of members representing at least one-half of the lower-tier municipalities is necessary to form a quorum.
2. In the upper-tier municipalities of Halton, York and The District Municipality of Muskoka, a majority of members representing a majority of the lower-tier municipalities is necessary to form a quorum.
3. In The Regional Municipality of Peel, a majority of members representing all lower-tier municipalities is necessary to form a quorum. 2001, c. 25, s. 237 (1); 2002, c. 17, Sched. A, s. 44 (1).

Procedure by-laws respecting meetings

238. (2) Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings. 2001, c. 25, s. 238 (2).

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

239. (2) 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. 2001, c. 25, s. 239 (2).

Other criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of 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. 2001, c. 25, s. 239 (3).

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. 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. 2006, c. 32, Sched. A, s. 103 (1).

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

(b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

(a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. A, s. 103 (3).

Same

(8) The record required by subsection (7) shall be made by,

(a) the clerk, in the case of a meeting of council; or

(b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. A, s. 103 (3).

Record may be disclosed

(9) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3).

Investigation

239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

(a) by an investigator referred to in subsection 239.2 (1); or

(b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

Head of council

241. (1) The head of council, except where otherwise provided, shall preside at all meetings of the council. 2001, c. 25, s. 241 (1).

Absence of head

242. A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be. 2006, c. 32, Sched. A, s. 105.

Voting

243. Except as otherwise provided, every member of a council shall have one vote. 2001, c. 25, s. 243.

Open voting

244. Except as provided in sections 233 and 238, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. 2001, c. 25, s. 244; 2006, c. 32, Sched. A, s. 106.

Tie votes

245. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. 2001, c. 25, s. 245.

Recorded vote

246. (1) 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. 2001, c. 25, s. 246 (1).

(2) A failure to vote under subsection (1) 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. 2001, c. 25, s. 246 (2).

Vacant seat

259. (1) The office of a member of council of a municipality becomes vacant if the member,

(a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;

(b) fails to make the declaration of office before the deadline in section 232;

(c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;

(d) resigns from his or her office and the resignation is effective under section 260;

(e) is appointed or elected to fill any vacancy in any other office on the same council;

(f) has his or her office declared vacant in any judicial proceeding;

(g) forfeits his or her office under this or any other Act; or

(h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

Exception

(2) Clause (1) (e) does not apply to vacate the office of a member of an upper-tier council when the member is appointed head of council if the composition of council requires or permits the member to hold both offices. 2001, c. 25, s. 259 (2).

Dual vacancies

(3) If one of the offices of a person who is a member of council of both a local municipality and its upper-tier municipality becomes vacant under this section, the other office also become vacant. 2001, c. 25, s. 259 (3).

Exception

(4) Subsection (3) does not apply to vacate an office of a member when another office of the member becomes vacant if the composition of the councils does not require the member to hold both offices. 2001, c. 25, s. 259 (4).

Resignation as member

260. (1) A member of council of a municipality may resign from office by notice in writing filed with the clerk of the municipality. 2001, c. 25, s. 260 (1).

Restriction

(2) Despite subsection (1), a resignation is not effective if it would reduce the number of members of the council to less than a quorum and, if the member resigning from office is a member of the councils of both a local municipality and its upper-tier municipality, the resignation is not effective if it would reduce the number of members of either council to less than a quorum. 2001, c. 25, s. 260 (2).

Restriction

261. (1) Except where otherwise provided, no person may hold more than one office governed by the *Municipal Elections Act, 1996* at the same time anywhere in Ontario. 2001, c. 25, s. 261 (1).

Election void

(2) If a person is nominated for and his or her name appears on the ballots for more than one office and he or she is elected to any of those offices, his or her election is void and the office is vacant. 2001, c. 25, s. 261 (2).

Declaration

262. (1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2001, c. 25, s. 262 (1).

Upper-tier declaration

(2) If an upper-tier municipality declares the office of one of its members who also holds office on the council of a local municipality to be vacant, the upper-tier municipality shall immediately forward a copy of its declaration to the council of the local municipality. 2001, c. 25, s. 262 (2).

Lower-tier declaration

(3) If a local municipality declares the office of one of its members who also holds office on the council of the upper-tier municipality to be vacant, the local municipality shall immediately forward a copy of its declaration to the council of the upper-tier municipality. 2001, c. 25, s. 262 (3).

Filling vacancies

263. (1) If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

(a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or

(b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*. 2001, c. 25, s. 263 (1).

Dual vacancies

(2) If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant, the local municipality and not the upper-tier municipality shall fill the vacancy in accordance with subsection (1). 2001, c. 25, s. 263 (2).

Court-ordered election

(3) If an order is made in any judicial proceeding requiring a by-election be held to fill a vacancy on a council, the clerk shall hold the by-election in accordance with the *Municipal Elections Act, 1996*. 2001, c. 25, s. 263 (3).

Vacancy, head of council

(4) Despite subsections (1) to (3), if the head of council of an upper-tier municipality is required to be appointed by the members of the upper-tier council, the upper-tier municipality shall fill a vacancy in the office of head of council by appointment in the same manner as the head was originally appointed. 2001, c. 25, s. 263 (4).

Rules applying to filling vacancies

(5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,
   i. appoint a person to fill the vacancy under subsection (1) or (4), or
   ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the council shall act under subsection (1) or (4) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) to (4), if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2001, c. 25, s. 263 (5).

Term

264. A person appointed or elected to fill a vacancy under section 263 shall hold office for the remainder of the term of the person he or she replaced. 2001, c. 25, s. 264.

Application to court

265. (1) Any elector entitled to vote at the election of members of a council may apply to the Superior Court of Justice for a declaration that the office of a member of the council has become vacant in accordance with this Act. 2001, c. 25, s. 265 (1).

Judicial finding

(2) If the court finds that the office of a member of the council has become vacant, it may order the member removed from office and declare the office vacant. 2001, c. 25, s. 265 (2).

Application of S.O. 1996, c. 32

(3) Subsection 83 (3) and sections 85, 86 and 87 of the *Municipal Elections Act, 1996* apply to the application as if it were an application under section 83 of that Act. 2001, c. 25, s. 265 (3).

Combined application

(4) The application may be combined with an application under section 83 of the *Municipal Elections Act, 1996*, in which case the applications shall be heard and disposed of together. 2001, c. 25, s. 265 (4).

Minister's order

266. (1) If the council of a municipality is unable to hold a meeting for a period of 60 days because of a failure to obtain a quorum, the Minister may by order declare all the offices of the members of the council to be vacant and a by-election shall be held in accordance with the *Municipal Elections Act, 1996*. 2002, c. 17, Sched. A, s. 45 (1).

Timing

(2) The 60-day period referred to in subsection (1) commences on the day of the first meeting that could not be held because of a failure to obtain a quorum. 2001, c. 25, s. 266 (2).

Interim order

(3) Where the Minister makes an order under subsection (1), or the offices of a majority of the members of a council are for any reason declared vacant, the Minister may by order exercise or appoint one or more persons to exercise the duties and obligations of the council until such time as a by-election is held in accordance with the *Municipal Elections Act, 1996*, and the members so elected have taken office. 2001, c. 25, s. 266 (3); 2002, c. 17, Sched. A, s. 45 (2).

Not regulation

(4) An order of the Minister under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 21, Sched. F, s. 120 (4).

Temporary vacancy

267. (1) If a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils. 2001, c. 25, s. 267 (1).

Alternate member

(2) If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant and the vacancies will not be filled for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council until the vacancies are filled permanently. 2001, c. 25, s. 267 (2).

Exception

(3) This section does not authorize the appointment of an alternate head of council of the upper-tier municipality. 2001, c. 25, s. 267 (3).