

STAFF REPORT: Administration



REPORT TO: Finance and Administration
MEETING DATE: June 16, 2009
REPORT NO.: A.09.04
SUBJECT: Procedural By-law Revisions
PREPARED BY: Stephen Keast, Clerk

A. Recommendations

THAT Council receive Staff Report A.09.04, "Procedural By-law Revisions" and enact a revised Procedural By-law as attached.

B. Background

Procedural By-law 2007-29 was passed by Council on April 11, 2007. Since that time, various issues regarding procedure have arisen and changes have been made to the Town Standing Committee structure. The proposed revisions attempt to address these matters.

Revisions to the By-law are shown in either strikeout or bold type. Revisions to the Deputation Form are shown in bold unless they relate to the revised Committee structure or current Council member information, in which case they stand as shown.

Briefly changes are as follows:

Procedural By-law;

1.0, Definitions

Committee, definition from *Municipal Act, 2001* (the Act), section 238 (Closed meeting section). There is no other definition in the Act.

Local Board, specific exclusion of police, library, school and hospital boards and conservation authorities. Section 1 of the Act (definitions) excludes school boards and authorities. Section 238 of the Act excludes police and library boards. Section 269 of the Act excludes police and hospital boards from application of any municipal Policy requirements (Accountability and Transparency, etc.). The exclusions were all collected into the definition.

Meeting, clarification the By-law does not apply to the aforementioned

2.3, new reference to Accountability and Transparency Policy

3.3, deletion of Planning Council reference, addition of Public Meeting/Forum reference

3.4, " " "

4.2, " " "

- 4.2, addition of reference to Section 5.0 with regard to Special Meetings
- 4.4, addition of Chair reporting on topics discussed in closed session and reference to transparency in consideration of closed sessions
- 4.7, new direction regarding cancellation of scheduled meetings
- 9.1.m, clarification regarding Additions to the Council Agenda and transparency
- 9.1.n, deletion of “shall be regulated”
- 12.4, addition of disclaimer regarding correspondence received in public
- 16.9, clarification of abstention in other than a recorded vote (*The Municipal Act, 2001* notes a failure to vote during a recorded vote is a negative vote but is silent on abstention. It would appear Council may consider an abstention in other than a recorded vote to be a negative vote if so desired under the Procedural By-law)
- 16.12, addition of criteria for Motion of support or endorsement (Our current practice is to acknowledge, other than the approved Designation Criteria for community events)
- 19.0, proposal to connect a time limit for Council reconsideration of a matter
- 21.1, description of current Standing Committee format and clarification of voting privileges
- 21.3, deletion of alphabetical election of Committees and Schedule “B”

Deputation Form;

Request Form, related information “shall be” attached, addition at bottom of page of sentence beginning “By submitting . . .”

Committee and Council contact pages, reflection of current structure and membership

C. The Blue Mountains’ Strategic Plan

Providing a strong, well-managed municipal government.

D. Environmental Impacts

None, although reduction in paper use should be acknowledged following conversion to digital meeting media

E. Budget Impact

None, other than reduction in paper use and therefore cost should be acknowledged following conversion to digital meeting media

F. Attached

1. Draft Procedural By-law, as revised
2. Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public, Schedule "A"
3. Deputation Form, as revised, Schedule "B"

Respectfully submitted,

For more information, please contact:
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CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2009 -

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

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

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1.0 DEFINITIONS:

1. “COUNCIL” means the elected and sworn members of the Council of the Town of The Blue Mountains
2. “HEAD OF COUNCIL” means the Mayor
3. “ACTING HEAD OF COUNCIL” shall first mean the Deputy Mayor and secondly another designate who shall act as presiding officer in the absence of the Mayor or Deputy Mayor.
4. “CLERK” shall mean the Clerk of the Corporation of the Town of The Blue Mountains or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act
5. “CLOSED SESSION” shall mean closed to the public as defined in Subsection 4.2 of this By-law
6. “COMMITTEE OF THE WHOLE” shall mean a meeting of Council in Committee format for discussion purposes
7. “COMMITTEE” means any advisory or other committee, subcommittee or similar entity ~~composed of which at least 50 per cent of the members of Town of The Blue Mountains council alone or together with members of another council or the public are also members of one or more Councils or local boards~~
8. “COMMITTEE CHAIR” means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member
9. “CONFLICT OF INTEREST” means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*
10. “LOCAL BOARD” means a local board ~~as defined in the *Municipal Act, 2001*~~ **established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority**
11. “MEETING” shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them, **but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority**
12. “QUORUM “ shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members

have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum may be less than half plus one of the whole number of members but shall not be less than two

2.0 INTENT OF BY-LAW

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees and Local Boards thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
2. All Points of Order of procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.
3. **This By-law should be read in conjunction with Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public as attached to this By-law as Schedule "A" and which is hereby declared to form part of this By-law.**

3.0 LOCATIONS, MEETING TIMES AND NOTICE

1. The First or Inaugural Meeting of the Council of a local Municipality after a regular election shall be held on the first Monday in December, at 11:00 a.m. in the forenoon, in the Town of The Blue Mountains Council Chamber.
2. Council shall have regular Council Meetings in the Council Chambers or other designated location on the second and fourth Monday of each month at 7:00 p.m. save and except statutory holidays when Council shall meet at the same hour on the following Wednesday.
3. **Council shall have an annual special meeting known as The Blue Mountains Public Meeting/Forum on Council Priorities at the Beaver Valley Community Centre or other designated location. This Public Meeting/Forum shall be organized prior to the annual Service Delivery Review and Budget preparation process. At the Public Meeting/Forum members of the public will first be provided with an overview of Town operations and Committee activities and initiatives over the previous year and proposed for the coming year. The Public Meeting/Forum will then field questions and hear suggestions from the public regarding future operations and initiatives. The Public Meeting/Forum will then have a break-out session with tables identified by Committee to further hear suggestions and take questions on a one- one basis with Committee members and Town Staff. The Chair will make clear that public complaints will not be taken or addressed during the initial phase of the Public Meeting/Forum and that a dedicated complaints table will be available during the break-out session. Suggestions and questions received at the Public Meeting/Forum will then be considered by Council and Staff during the annual Service Delivery Review and Budget preparation process.**
4. Notice of Council Meetings and **Public Meeting/Forums on Council Priorities** ~~Planning Council Meetings and of Committee and Local Board Meetings~~ shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the Town website prior to the meeting and by publication of Council and Committee and Local Board Meetings in local newspapers having general circulation in the area. **In the case of Special Meetings called in accordance with Section 5.0 of this By-law**, notice shall be given by posting of the Agenda on the Town website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the timeframe.

4.0 MEETINGS OF COUNCIL

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.
2. All regular Council Meetings, ~~Planning Council Meetings~~ and Committees and Local Boards shall be open to the public, but a meeting or any part thereof may be closed to the public if the subject matter being considered is:
 - a) the security of the property of the municipality or local board;
 - b) personal matters about an identifiable individual, including municipal or local board Employees;
 - c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which a Council, board, Committee or other body has authorized a meeting to be closed under another Act.
 - h) related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act.
 - i) the educating or training of Council or a Committee or a Local Board and at the meeting, and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.
3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.2 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, Committee or Local Board or persons retained by or under contract with the Town, Committee or local board or to rise from closed session.
4. Before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee or a Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting. **Upon moving back to open session, the Chair shall confirm the topics discussed in closed session and this shall be recorded in the minutes. It is acknowledged by Council and Staff that as an issue of transparency, the holding of a closed session within a meeting shall occur only after careful review and where deemed necessary in the interest of the Corporation and where public notice has been given and with strict regard as to subject matter(s).**
3. With the exception of the Inaugural Session, no person but a member or support staff shall be allowed to approach the Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 12.

4. Every meeting of Council shall be deemed to be adjourned at the hour of 11:00 p.m. save and except with the unanimous consent of Council.
5. **The Head of Council or the Chair of a Committee, using sound judgement, may cancel a regularly scheduled meeting due to inclement weather, a matter of respect or for any other reason and where a statutory public meeting under the *Municipal Act, 2001*, the *Planning Act* or any other Act was scheduled for the cancelled meeting, the public meeting shall be deemed to be held at the next regular meeting of Council or the Committee and any notice requirements shall be deemed to have been complied with. In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as is practicable via telephone, e-mail, the Town website and public service radio, as well as the date of re-scheduling.**

5.0 SPECIAL MEETINGS OF COUNCIL

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

6.0 ROLE OF THE MAYOR

1. It is the role of the Mayor as the Head of Council:
 - a) to Act as Chief Executive Officer of the municipality;
 - b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to Council;
 - d) to represent the municipality at official functions;
 - e) to carry out the duties of the Head of Council under any Act; and
 - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Blue Mountains.
2. As Chief Executive Officer of the Town, the Head of Council shall:
 - a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in the Town's activities;
 - c) act as the representative of the Town both within and outside the municipality and promote the Town locally, nationally and internationally; and

- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

7.0 ROLE OF COUNCIL

It is the role of Council:

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

8.0 CONDUCT OF MEMBERS

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
3. No person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.
4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

9.0 AGENDA

1. The Order of Business shall be as follows:
 - a) Meeting called to order
 - b) Moment of Personal Prayer or Reflection
 - c) Approval of Agenda
 - d) Declaration of Conflict of Interest - as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of

Council or Committee at which the matter is the subject of consideration, the member:

- i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
 - ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
 - iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
 - iv) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
 - v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.
- e) Adoption of Consent Agenda
 - f) Adoption of Previous Minutes
 - g) Deputations - as referred to in Section 13 of this By-law
 - h) Correspondence - as received in the Clerk's Office no later than 10:00 a.m. on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
 - i) Motions and Staff Reports - as received in the Clerk's Office no later than 1:00 p.m. on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
 - j) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion for any Motion to be brought before Council at a subsequent meeting by any member.
 - k) By-laws - as received in the Clerk's Office no later than 12:00 noon on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith
 - l) Consent Agenda - Accounts, Committee Reports and Committee Minutes - shall be circulated by the Clerk by 3:00 p.m. on the Wednesday preceding the next regular meeting. A member may make brief comments to an item on the Consent Items list prior to the consideration of the adoption of the matters listed however, if a member wishes to debate, ask questions of staff or amend the recommendation of an item listed, the member shall request the item(s) be removed from the Consent Agenda items list for individual consideration.

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

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

- n) Confirmation By-law and Adjournment - a motion to adjourn is always in order, ~~shall be regulated~~ and shall be decided upon

10.0 ORDER OF BUSINESS

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

11.0 COUNCIL MINUTES

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

12.0 CORRESPONDENCE and COMMUNICATION

1. Correspondence shall be referred by the Mayor and/or Clerk to the appropriate Committees at their regular meetings or after presentation to the Council, whichever comes first. Correspondence for which no action has been directed

nor discussion taken place shall be deemed to have been received by Council.

2. Correspondence addressed to the Council may be presented by a member in their place.
3. When any correspondence, application or proposition presented by a member is referred to any Committee, such member shall be duly notified of the meeting or meetings of the Committee at which the same is to be heard, considered or resolved upon.
4. **Correspondence addressed to Council or directed to any Public Meeting forming part of a Council or Committee or Board meeting, including names and addresses, become part of the public record and may be published in a Staff Report or a Council Agenda and may be viewed by the general public upon release of the Agenda addressing the matter.**

13.0 DEPUTATIONS

1. Any person desiring to present information orally on matters of fact or to make a request of Council shall submit a completed Deputation and Procedure Form as attached to this By-law as Schedule "A" and which is hereby declared to form part of this By-law no later than 10:00 a.m on the Wednesday before the subject meeting and time before Council will be arranged for as soon as is practicable and appropriate. Any exceptions must be approved by a majority of Council.
2. Each deputation shall be limited in speaking to not more than ten minutes. Extensions to these limits will be at the discretion of the majority of Council.
3. The Clerk or designate may direct that a deputation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.

14.0 COMMITTEE OF THE WHOLE

1. The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council, excepting the Rules relating to the vote being recorded. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.
2. Whenever it shall be resolved for Council to move into Committee of the Whole upon any questions, the Mayor shall appoint another member as Chair for Committee purposes unless permission to remain is given by a majority of Council.
3. A Motion in Committee of the Whole to rise and report on a matter or matters to Council, or to rise and beg leave to sit again on a matter or matters without reporting to Council, shall be in order and shall be decided without debate.

15.0 BY-LAWS AND AGREEMENTS

1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 8.0.1 k) of this By-law, and by such circulation to Council members shall be deemed to have been made known to the public.
2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.

3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
4. Every By-law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.
5. When a By-law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.
6. Every By-law once passed and / or Agreement once authorized shall be dated and duly signed and sealed by the Mayor or presiding officer at the meeting and Clerk or designate.
7. Any By-law that is not circulated to members of Council as referred to in section 9.0 of this By-law shall be by Motion read a first time, read a second time, referred to Committee of the Whole and with the support of a majority of Council read a third time and passed.

16.0 MOTIONS / RESOLUTIONS

1. After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.
2. Every Motion as herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.
3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.
4. A motion to amend when duly moved and seconded:
 - a) May be presented verbally or in writing;
 - b) Shall receive disposition of Council before the original question;
 - c) Shall not be amended more than twice before voting;
 - d) Shall be relevant to the question to be received;
 - e) Shall not be received proposing a direct negative to the question;
 - f) May propose a separate and distinct disposition of a question;
 - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Mayor or Chair no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
6. The decision of the Mayor as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.

7. Any member may require any question to be repeated from the Chair prior to the voting on such question.
8. If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote with the Chair voting last.
9. A failure to vote under Clause 8., above, by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. **A failure to vote in any other circumstance shall be deemed to be a member having chosen to abstain from voting.**
10. The Mayor shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.
12. **A request for a Motion to support or endorse a body, group or agency shall only be considered for such bodies, groups or agencies that do or perform benevolent acts or that work for the general good of society and that are universally accessible to residents, either in terms of offering to serve or requesting service.**

17. NOTICE OF MOTION

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

18.0 RULES OF DEBATE

1. Every member prior to speaking to any question or motion must first be recognized by the Chair.
2. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
3. The following motions may be introduced without notice and without leave and shall take precedent over the main Motion in the descending order in which they appear starting at a):

		Type of Motion
a)	Fix the time for a continued meeting	Privileged
b)	Adjourn	Privileged
c)	Recess	Privileged
d)	Raise a question of privilege – Council	Privileged
e)	Raise a question of privilege – Individual	Privileged
f)	Postpone temporarily	Subsidiary
g)	Close debate	Subsidiary

h)	Limit or extend debate	Subsidiary
i)	Postpone to a certain time	Subsidiary
j)	Refer to a Committee	Subsidiary
k)	Amend	Subsidiary
l)	Postpone indefinitely	Subsidiary
m)	Motion(s)	Main

19.0 RECONSIDERATION

A motion to reconsider a Resolution entered upon the Minutes shall not be received or put ~~unless agreed upon by vote of a majority of the Members present prior to the question being considered~~ **for a period of thirty days after the initial consideration of the matter** and any motion to reconsider shall be considered a main motion.

20.0 PROCEDURAL APPEALS

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

21.0 COMMITTEES

1. The Council shall at its first Session in December nominate and elect the following Standing Committees in the manner and composition as follows:
 - a) **Infrastructure and Recreation** Committee - Chairperson and three other ~~voting~~ members, all being members of Council **and all having voting privileges**. The Chair may enter into debate upon moving out of the Chair and naming another member to assume the Chair.
 - b) Finance and Administration Committee - Chairperson and three other ~~voting~~ members, all being members of Council **and all having voting privileges**. The Chair may enter into debate upon moving out of the Chair and naming another member to assume the Chair.
 - c) **Planning and Building** Committee – **Chairperson and three other designated members responsible to attend the Committee’s scheduled meetings, all being members of Council and all having voting privileges. The remaining three members of Council are entitled to attend any meeting and have voting privileges when in attendance.** The Chair may enter into debate upon moving out of the Chair and naming another member to assume the Chair.
2. The Rules of Procedure for Committee operation shall be those contained in this By-law unless otherwise prescribed by statute or law.
3. Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.

3. ~~The order of election of Committees shall be alphabetical by Committee name as shown on the attached Schedule "B" which is hereby declared to form part of this By-law.~~
4. The Head of Council shall be an ex-officio member of all Town Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.

AND FURTHER that this By-law does hereby repeal and replace By-law No. **2007 - 29** in its entirety and any previous By-laws of the former Town of Thornbury or former Township of Collingwood to govern the calling, placing and proceedings of Council meetings;

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

Enacted and passed this day of , 2007

.....
Ellen Anderson, Mayor

.....
Stephen Keast, Clerk

SCHEDULE "A"

**Corporate Policy POL.COR.07.01,
Accountability and Transparency of Town Actions to the Public**

SCHEDULE "B"

Deputation and Procedure Form

SCHEDULE "B"

~~Standing Committee Names by Alpha~~

~~Infrastructure and Recreation Committee~~

~~Finance and Administration Committee~~

~~Planning and Building Committee~~

~~Advisory Committee Names by Alpha~~

~~Beaver River Ice Management Committee~~

~~Sign By-law Review Committee~~

TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Accountability and Transparency of Town Actions to the Public
Rev. 06.08.09

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.01
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2007-115
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved: December 10, 2007		Staff Report:	A.07.33

Policy Statement

Policy direction for the manner in which the municipality will try to ensure that it is accountable to the public for its actions and that its actions, including decisions, are transparent to the public.

Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

Application

This Policy applies to the actions or decisions to be undertaken or made by the municipal Council, its Senior Management Team, Committees and Local Boards, all collectively called the “municipality”, for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy in which it demonstrates to the public that its processes for decision-making are transparent and that it is accountable to the public for the decision made.

Definitions

Accountability: means the municipality accepts the responsibility for their actions and are prepared to account to the public for same, and demonstrate that its actions are appropriate within its procedures, policies and applicable legislation.

Transparency: means the municipality, through its Council and Staff, will ensure that the public has the ability to observe its actions and decision-making in public.

Committee: means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

Local Board: means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

Procedures

1. Council, Staff, Committees and Local Boards will comply with the requirements of this Policy document and:

Town Policy POL.COR.07.02, Sale and Other Disposition of Land,
Town Policy POL.COR.07.03, Provision of Notice to the Public,
Town Policy POL.COR.07.04, Delegation of Powers and Duties,
Town Policy POL.COR.07.05, Procurement of Goods and Services,
Town Policy POL.COR.07.06, Hiring of Employees, and
Town Policy POL.COR.07.07, Council Code of Conduct

as they are approved, so as to demonstrate accountability and transparency in the municipal decision-making process.

2. Council, Staff, Committees and Local Boards will comply with the requirements and provisions of By-law No. 2007- 29, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains. This By-law also applies to meetings of Local Boards. By-law No. 2007- 29 contains extensive requirements for the giving of notice of meetings, early production and release of Agendas, pre-circulation of Agenda items and openness of meetings.

3. Council, Committee and Local Board Meeting Agendas shall contain a Staff Recommendation for consideration on every Agenda item and while such Recommendations are not binding, members of the public will be aware of Staff Recommendations on Agenda items upon the release of the meeting Agendas prior to the meeting. Council and Staff shall make every effort to minimize addendums to Agendas.

4. Council and Staff will be open, accountable and transparent in financial decision-making as required by the *Municipal Act, 2001*. Examples would include completion of an annual external audit by an independent auditor and reporting of a Financial Information Return to the Province, as well as production of Monthly Budget Variance Summary Reports. A Public Consultation is also

scheduled and advertised annually prior to any final consideration of a corporate budget.

5. Council, Committees and Local Boards may schedule public meetings or public information sessions from time to time to hear public input on various matters. These public meetings or public information sessions may be conducted to comply with a statutory requirement or may be optional where Council is seeking public input on any matter or action, and where such a public meeting is scheduled to hear input on a matter, no decision shall be considered or made on the matter until a subsequent meeting of the convening body or Council.

6. Council will adopt a Code of Conduct for members of Council, Committees and Local Boards detailing the responsibilities of elected, hired and appointed officials in the public sector.

7. Council will appoint a Closed Meeting Investigator with the function to investigate in an independent manner, on a complaint made, whether Council or a Local Board has complied with Section 239 of the *Municipal Act, 2001* with regard to any meeting closed to the public.

8. Council and Staff are committed to providing a strong, well-managed municipal government.

9. Council and Staff are committed to practicing open and proactive communications and involving the community, business sector, developers, public partners and others in the ongoing work of the municipality.

Exclusions

This Policy would apply to all actions and decisions of the municipality without exclusion or exception, unless otherwise provided for by statute.

References and Related Policies

The *Municipal Act, 2001*, Town Policies POL.AD.07.02 through POL.AD.07.06 inclusive and POL.FS.07.01, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

Consequences of Non-Compliance

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

Review Cycle

This policy will be reviewed annually by the C.A.O., Senior Management Team and Council in open session.



Information on Council and Committee Meetings: Deputation and Procedure

Town of The Blue Mountains
26 Bridge St. E.
Thornbury, ON N0H 2P0
519-599-3131
1-888-258-6867
www.thebluemountains.ca

This brochure explains the procedure for making a presentation at The Blue Mountains Council and Committee Meetings. We encourage delegates to make their requests to speak in writing to the Clerk's Office and to address issues at the Committee Level first.

Personal information on this form is being collected pursuant to the Freedom of Information and Protection of Privacy Act and may form part of the public record which may be released to the public in hard copy and / or electronically. Questions about this collection should be directed to the Town Clerk of The Blue Mountains.

Deputation Form - Request to make a Deputation

To speak at a meeting of Council or Committee, you must complete this form and submit it to the Town Clerk to ensure that your name and address are accurately noted. Council Agendas are finalized the Wednesday prior to the Council meeting, and if a Request Form is received after 10:00 am on Wednesday or if the Agenda is deemed full, the Request Form shall be considered at the next appropriate meeting.

Subject / Application: _____

I wish to address Council / Committee I request future notification of meeting.

Related or background information **shall be** attached for circulation to Council

Name:

Firm / Organization (if any):

Address:

Postal Code: _____ Email: _____

Residential Phone: _____ Business Phone: _____

Fax Number: _____

Signature: _____

How to Make a Deputation:

1. Please submit this completed form to the Clerk
2. Please state your name and address prior to speaking, and
3. Please provide a copy of materials used in your presentation, if any, to the Clerk for the official record of the Town. Material provided prior to the meeting will be circulated to Council for their review before the meeting.

Decorum dictates respect for all opinions and individuals are reminded there is zero tolerance for coarse language and inappropriate behaviour. By submitting this Form you have indicated agreement with this requirement.

How can I speak at a Council or Committee meeting?

If you wish to make a presentation to Council or Committee at a regularly scheduled meeting, please complete the Deputation Form on the back of this flyer and return it to the Town Clerk.

Please note: We encourage delegates to make their presentation at the Committee level, where possible.

Council routinely refers matters to an appropriate Standing Committee for detailed review and recommendation back to Council and contact first with a Committee would expedite any process requiring a decision to be made by Council.

How long may I speak?

The Town's Procedural By-law allots deputations up to ten minutes to address the members.

What is the procedure?

All comments are directed to and through the Meeting Chair. Members of Council or Committee may, through the Chair, direct a response or question where appropriate. No more than one person shall speak at one time and at all times, proper language, speech and decorum shall be maintained. The Chair may direct that any person in violation of proper decorum be expelled from the meeting location.

What happens after I speak?

After you have spoken and answered any questions, please return to your seat and remain silent being cognizant of the fact it is now time for Members of Council to debate the issue and make their decision or defer a decision pending additional information. Although the Mayor and Members of Council encourage the public to present their opinions, necessary decorum dictates that all opinions must be respected and outburst from the gallery cannot and will not be tolerated.

When does Council meet?

Council meetings are generally held on the **second and fourth Monday** of each month. The meetings start at 7:00 p.m. and are **currently** held in the Gallery at the L.E. Shore Memorial Library unless otherwise indicated. Deputations are scheduled at the beginning of the meeting.

Where can I get a copy of the meeting agenda?

Copies of Council agendas are available from the Clerk's Office on the Wednesday afternoon preceding the Council meeting after 3:00 p.m., on the Town's website, or at the meeting.

What is a Standing Committee?

Standing committees are established to discuss issues in detail before making recommendations to Council. Standing Committees report directly to Council. Standing Committee meetings are **currently** held at **various locations** and are open to the public. The prominent standing committees are:

- **Finance and Administration Committee** considers matters relating to finance and budget items; personnel matters; fire and emergency services matters; billing and financial matters relating to Town policies and by-laws. It generally meets the third Tuesday of the month at 2:00 pm with 4 members of Council appointed.
- **Infrastructure and Recreation Committee** considers matters relating to water and wastewater management; roads and transportation; waste management; matters related to the development and management of public parkland facilities and operations within Thornbury Harbour and the Beaver Valley Community Centre; matters related to recreation and leisure services; trails and walkways. It generally meets on the second and fourth Tuesday of each month at 7:00 pm with 4 members of Council appointed.
- **Planning and Building Committee** considers matters that The Blue Mountains is responsible for under the Planning Act; Condominium Act; Building Code Act and By-law Enforcement matters. It generally meets the **first Monday** of each month at 7:00 pm with 4 members of Council appointed as designated members with the rest of Council authorized to attend and participate in a Committee of the Whole format.

Public Meetings are called under the provisions of the **Planning Act**. These meetings give notice and provide a venue to inform the public about applications for development in Town and are scheduled during Planning and Building Committee Meetings. Notice of such Public Meetings are mailed to immediate area residents and published in local newspapers. Under the Planning Act, **if you do not express your views** at a Public Meeting or in writing to the Clerk's Department before or during the Public Meeting, the Ontario Municipal Board (O.M.B.) may refuse your request for referral (objection) or dismiss all or part of your appeal without holding a Hearing.

Who are the current members of Council? How can I reach them?

Members of The Blue Mountains Council for the December 2006 to November 2010 term are listed below. All members can be reached through the **indicated** telephone numbers.

Mayor Ellen Anderson mayor@thebluemountains.ca	519-599-3131 x235	De facto member of all Committees
Deputy-Mayor Duncan McKinlay dmckinlay@thebluemountains.ca	519-599-6685	Chair, Infrastructure and Recreation Planning and Building
Councillor R.J. (Bob) Gamble bgamble@thebluemountains.ca	519-599-2035	Chair, Finance and Administration Infrastructure and Recreation
Councillor Cameron Kennedy ckennedy@thebluemountains.ca	519-599-5220	Planning and Building
Councillor Michael Martin mmartin@town.thebluemountains.on.ca	519-599-5048	Chair, Planning and Building Finance and Administration
Councillor John McGee jmcgee@thebluemountains.ca	519-599-6305	Infrastructure and Recreation Finance and Administration Planning and Building
Councillor John McKean jmckean@thebluemountains.ca	705-445-9479	Infrastructure and Recreation Finance and Administration

For further information about Council or Committee Meetings, or for meeting dates and times, please contact the Clerk's Department at 519-599-3131 x237 or visit the Town's website at www.thebluemountains.ca
