



Staff Report

Administration

Report To: Committee of the Whole
Meeting Date: October 28, 2019
Report Number: FAF.19.208
Subject: Final Draft Procedural By-law, following Public Consultation
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.19.208, entitled "Final Draft Procedural By-law, following Public Consultation";

AND THAT Council direct staff to include the draft Procedural By-law, as attached to this staff report, on the November 13, 2019 Council Agenda for Council consideration and enactment.

B. Overview

This Staff Report provides the final draft Procedural By-law (Attachment #1) for Council review prior to consideration for enactment at the November 13, 2019 Council Meeting.

C. Background

This staff report is further to staff reports:

- [FAF.19.041 "Procedural By-law Review"](#), considered at the April 29, 2019 Committee of the Whole Meeting. Attachment #2 to this report is the Council resolution dated May 13, 2019, in response to Staff Report FAF.19.041
- [FAF.19.120 "Draft Procedural By-law for Council Consideration Before Proceeding to Public Meeting"](#), considered at the July 3, 2019 Committee of the Whole Meeting. Attachment #3 to this report is the Council resolution dated July 15, 2019, in response to Staff Report FAF.19.120
- [FAF.19.159 "Followup to Public Meeting to Receive Comments on Procedural By-law 2018-20"](#), considered at the September 16, 2019 Committee of the Whole Meeting. Attachment #4 to this report is the Council resolution dated September 30, 2019, in response to Staff Report FAF.19.159.

D. Analysis

The current review of the Procedural By-law has included comments and recommendations from Council, staff, and a Public Meeting to receive comments. The attached draft Procedural By-law is attached for Council review prior to consideration for enactment at the November 13, 2019 Council Meeting. The highlighted portions of the draft Procedural By-law demonstrate the most recent changes requested.

The next scheduled review of the Procedural By-law will occur in the first year of the next term of Council.

A significant amount of time has been taken to review the Procedural By-law, and at this time, staff are not recommending an additional public meeting. With the adoption of the Procedural By-law, the new Council and Committee of the Whole schedule will commence in January, 2020.

E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners
Objective #1 Improve External Communication with our Constituents

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

F. Environmental Impacts

N/A

G. Financial Impact

N/A

H. In consultation with

1. Shawn Everitt, Chief Administrative Officer
2. Suzanne Craig, Integrity Commissioner
3. Revisions to the Procedural By-law recommended by Council Members
4. Public comments received at the August 26, 2019 Public Meeting

I. Public Engagement

The topic of this Staff Report has been subject to a Public Meeting which took place on August 26, 2019.

J. Attached

1. Draft Procedural By-law
2. Council resolution dated May 13, 2019, in response to Staff Report FAF.19.041
3. Council resolution dated July 15, 2019, in response to Staff Report FAF.19.120
4. Council resolution dated September 30, 2019, in response to Staff Report FAF.19.159

Respectfully Submitted,

Corrina Giles
Town Clerk

Shawn Everitt
Chief Administrative Officer

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The Corporation of the Town of The Blue Mountains

By-Law Number 2019-

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

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

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

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

1.0 DEFINITIONS:

1. "ALTERNATE COUNCIL MEMBER" shall mean the council member appointed by Council of the Town of The Blue Mountains to attend Grey County Council Meetings in the place of the Mayor or Deputy Mayor of the Town of The Blue Mountains, when the Mayor or Deputy Mayor is unable to attend a Grey County Council/Committee of the Whole meeting for any reason. Such appointment shall be for the entire term of council.
2. "COUNCIL" means the elected and sworn members of the Council of the Town of The Blue Mountains.
3. "HEAD OF COUNCIL" means the Mayor.
4. "ACTING HEAD OF COUNCIL" shall first mean the Deputy Mayor and secondly another designate selected from time to time solely by the Mayor, who shall act in the Absence of the Mayor or Deputy Mayor. The Acting Head of Council will assume certain duties of the Head of Council outlined in Section 6 for the duration requested by the Head of Council. Notice of the delegation will be provided to the Clerk.
5. "CLERK" shall mean the Clerk of The Corporation of the Town of The Blue Mountains or his/her designate who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and every other Act.
6. "CLOSED SESSION" shall mean closed to the public as defined in Subsection 4.2 of this By-law.
7. "COMMITTEE OF THE WHOLE" shall mean a meeting of Council in Committee format for discussion purposes.
8. "COMMITTEE" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards
9. "COMMITTEE CHAIR" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
10. "CONFLICT OF INTEREST" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.

11. "LOCAL BOARD" means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.
12. "MEETING" shall mean any regular, special or other scheduled meeting of a Council, Local Board or of a Committee where:
 - a. a quorum of members is present; and
 - b. members deal with any matter in a way that materially advances the business or decision making of the council, local board or committee; and
 - c. the Clerk or another designated record keeping person is present to record such material advances of the business or decision making of the Council, Local Board or Committee.

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

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

2.0 INTENT OF BY-LAW

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

3.0 LOCATIONS, MEETING TIMES AND NOTICE

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

2. Commencing January, 2020, Council shall have Committee of the Whole and Council meetings on a two-week rotation, as follows:

▪ **Week 1:**

Monday Council Meeting with Public Meetings at 5:00 pm. Regular portion of the Council Meeting to commence at 7:00 pm

Note: When required, the Mayor, in consultation with the Clerk, has the authority to schedule the Council Meeting at a time other than the regular start time of 5:00 pm.

▪ **Week 1:**

Tuesday Committee of the Whole commencing at 9:00 am.

- Finance, Administration, Enforcement and Fire Reports
- Community Services and Operations Reports

Tuesday, Committee of the Whole, commencing at 1:00 pm

- Planning and Development Services Reports

Note: Any matters not considered within the allotted time will be included on the next regularly scheduled Committee of the Whole meeting for consideration.

▪ **Week 2:**

No meeting

The above meetings shall be held in the Council Chamber or other designated location. When Council Meetings fall on a Statutory Holiday, the Council Meeting will be scheduled for the Tuesday immediately after the Statutory Holiday, and will commence at 9:00 am. The Committee of the Whole meeting scheduled for the Tuesday will then commence following the rescheduled Council Meeting.

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

4.0 MEETINGS OF COUNCIL

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.

2. All meetings shall be open to the public, but a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
 - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
 - l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
 - m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
 - n) the meeting is held for the purpose of educating or training the members, and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.2 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, Committee or Local Board or persons retained by or under contract with the Town, Committee or local board or to rise from closed session.
 4. Before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee or a Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.
 5. Reporting Out Statement - Upon returning to open session from a Closed Session, Council or Committee shall issue a statement confirming the general nature of the business conducted in Closed Session. The reporting out statement shall be included in the open session minutes.
 6. With the exception of the Inaugural Session, no person but a member of Council or support staff shall be allowed to approach Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 13, or to speak in a Public Comment Period as described in Section 13.

7. 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.
8. The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or a lack of corporate business requiring immediate attention. In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as it practicable via telephone, email, the Town website, radio and/or any other method, as well as the date of rescheduling, if known.
9. Council, Committee of the Whole and Committee Meetings held in the Council Chamber, that are not closed to the public, may be recorded for the purpose of webcasting the meetings to the public. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of a meeting, shall be the minutes as adopted by Council, Committee of the Whole or Committee, and retained in the Clerks Department.
10. Closed Sessions shall be recorded and securely archived so that a digital record is available should it be required by the Closed Meeting Investigator or Integrity Commissioner. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of the closed session meeting shall be the minutes as adopted by Council, and retained in the Clerks Department. Council members that participated in the Closed Session are permitted to view the Closed Session Video Recording in the presence of the Clerk.
11. All communication devices shall be switched to "silent" upon entering the location of any Council or Committee of the Whole Meeting.
12. During meetings that are closed to the public, no member of Council or staff (with the exception of the Clerk, or her designate) shall be permitted to have in their possession, any cell phone or electronic device that has the ability to record.
13. Electronic participation – Members may participate at Council and Committee meetings electronically, subject to an electronic participation policy, and where infrastructure is available.

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 Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

6.0 ROLE OF THE MAYOR

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

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

7.0 ROLE OF COUNCIL

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

8.0 CONDUCT OF MEMBERS

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.

2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.

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

4. 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.
5. 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.
6. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

9.0 AGENDA

1. The **Committee of the Whole** order of business shall be as follows:
 - a) Meeting called to order
 - b) Traditional Territory Acknowledgment – “We would like to begin our meeting by recognizing the First Nations, Metis and Inuit peoples of Canada as traditional stewards of the land. The municipality is located within the boundary of Treaty 18 region of 1818 which is the traditional land of the Anishnaabek, Haudenosaunee and Wendot-Wyandot-Wyandotte peoples.”
 - c) Moment of Reflection
 - d) Council Member Attendance– if a member cannot be present at a meeting, they must notify the Clerk in advance of the meeting. The Clerk shall note the absence during the Council Member Attendance section of the meeting and will record the same in the minutes. If a member leaves a meeting, the departure will be included in the minutes. Council attendance records will be posted on the Town website.
 - e) Approval of Agenda
 - f) Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member, either on his or her own behalf or while acting for, by, or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of the consideration, the member:
 - i) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - ii) shall, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;
 - iii) may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*;
 - iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;

- v) where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;
- vi) where the interest of a member has not been disclosed by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the next meeting of the council or local board, as the case may be, attended by the member.
- g) Adoption of Previous Minutes
- h) Adoption of Consent Agenda
- i) Staff Reports – staff reports will be compiled as follows for consideration by the Committee of the Whole and recommendation to Council:
 - i) Finance, Administration, Enforcement & Fire Services
 - ii) Community Services and **Operations**
 - iii) Planning & Development Services
- j) Deputations – as referred to in Section 13 of this By-law.
- k) **Public Comment Period – as referred to in Section 13 of this By-law. Ten minutes allotted at the beginning and end of each of each section of the Committee of the Whole Meeting to receive public comments regarding matters included on the Agenda. (NOTE: Comments may be provided regarding staff recommendations contained in staff reports that are a follow-up to a Public Meeting, it being noted that the commenting period has ended.)**
- l) Correspondence – as received in the Clerk's Office no later than 9:00 a.m. on the Monday previous to the subject meeting (one week in advance) and circulated to members of Council for review no later than 3:00 pm on the Wednesday previous to the subject meeting.

Following the release of a meeting agenda, any person wishing to submit correspondence regarding a matter included on the agenda, shall submit the correspondence to the Clerk's Office, no later than 12:00 p.m. noon on the Friday immediately before the subject meeting, for circulation to Council by the end of the business day Friday.
- m) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion.
- n) **Committees of Council - Minutes, Reports and Recommendations. The Committee of the Whole will receive the Committees of Council Minutes, and will consider the recommendations of the Committees of Council, for recommendation by the Committee of the Whole to Council.**
- o) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Committee to consider, including Motions for which notice or recommendation has not been given prior to the meeting. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

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

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

2. The **Council Meeting** order of business shall be as follows:

a) Meeting called to order

b) Traditional Territory Acknowledgment – “We would like to begin our meeting by recognizing the First Nations, Metis and Inuit peoples of Canada as traditional stewards of the land. The municipality is located within the boundary of Treaty 18 region of 1818 which is the traditional land of the Anishnaabek, Haudenosaunee and Wendot-Wyandot-Wyandotte peoples.”

c) Moment of Reflection

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

e) Approval of Agenda

f) Declaration of Conflict of Interest – as defined in the *Municipal Conflict of Interest Act*. Where a member, either on his or her own behalf or while acting for, by, or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of the consideration, the member:

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

ii) shall, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;

iii) may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*;

iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;

v) where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;

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

g) Public Meetings

- h) Adoption of Consent Agenda
- i) Adoption of Previous Minutes
- j) Deputations - as referred to in Section 13 of this By-law
- k) Public Comment Period – as referred to in Section 13 of this By-law. Fifteen minutes allotted at the Council Meeting to receive public comments regarding Town matters. Comments may be provided regarding staff recommendations contained in staff reports that are a follow-up to a Public Meeting, it being noted that the commenting period has ended.
- l) Correspondence – as received in the Clerk’s Office no later than 9:00 a.m. on the Monday previous to the subject meeting (one week in advance) and circulated to members of Council for review no later than 3:00 pm on the Wednesday previous to the subject meeting.

Following the release of a meeting agenda, any person wishing to submit correspondence regarding a matter included on the agenda, shall submit the correspondence to the Clerk’s Office, no later than 12:00 p.m. noon on the Friday immediately before the subject meeting, for circulation to Council by the end of the business day Friday.
- m) Motions and Staff Reports - as received in the Clerk’s Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
- n) Consent Agenda - Committee of the Whole Reports and Committee and Board Minutes - shall be circulated by the Clerk by 3:00 p.m. on the Wednesday preceding the next regular meeting. A member may make brief comments to an item on the Consent Items list prior to the consideration of the adoption of the matters listed however, if a member wishes to debate, ask questions of staff or amend the recommendation of an item listed, the member shall request the item(s) be removed from the Consent Agenda items list for individual consideration.
- o) By-laws - as received in the Clerk’s Office no later than 9:00 a.m. on the Monday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith.
- p) 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.
- q) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Council to act upon, including Motions for which notice or recommendation has not been given prior to the meeting and shall be presented at the meeting but shall not include matters requiring a financial commitment by Council unless agreed to by a majority of Council. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

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

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

10.0 ORDER OF BUSINESS

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

11.0 COUNCIL MINUTES

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

12.0 CORRESPONDENCE and COMMUNICATION

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

4. Correspondence received by the Clerk from municipalities seeking support will be emailed to Council and the Senior Management Team for information, and shall be deemed to have been received by Council. Upon review of the correspondence, any Member of Council or of the Senior Management Team may request that the correspondence be included on the next Council Agenda for Council consideration.
5. A Council Member, who will be absent from a Meeting, may submit correspondence to the Clerk in their capacity as a Council Member to provide the Member's position and/or suggested disposition or conditions for any approval.

13.0 DEPUTATIONS and PUBLIC COMMENT PERIODS

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

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

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

14.0 COMMITTEE OF THE WHOLE

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

Each Chair shall be appointed for a one year term.

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

15.0 BY-LAWS AND AGREEMENTS

1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 9.2m) 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 9.2m) of this By-law shall be by Motion read a first time, read a second time, referred to Committee of the Whole and with the support of a majority of Council read a third time and passed.
8. At a Council or Committee meeting where a public meeting has been scheduled under the *Municipal Act, 2001, the Planning Act, the Development Charges Act* or any other Act to receive public input in the consideration of any By-law, the By-law shall not be later considered at the same meeting but may be considered at the next meeting.

16.0 MOTIONS / RESOLUTIONS

1. After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.
2. Every Motion as herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.
3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat in respect of the vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.
4. A motion to amend when duly moved and seconded:
 - a) May be presented verbally or in writing;
 - b) Shall receive disposition of Council before the original question;
 - c) Shall not be amended more than twice before voting;
 - d) Shall be relevant to the question to be received;
 - e) Shall not be received proposing a direct negative to the question;
 - f) May propose a separate and distinct disposition of a question;
 - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Mayor or Chair no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
6. The decision of the Mayor or Chair 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. All votes of Council (including while in Closed Session) and the Committee of the Whole shall be recorded, and each Member present, except a Member who is prohibited from voting by any Act, shall announce his or her vote openly or record it by electronic means and the vote shall be recorded by the Clerk, with the Chair voting last. Where a Member present is prohibited from voting by any Act, the Clerk shall record the name of the Member and the reason they are prohibited from voting.
9. In the event a Member present abstains from voting, the Member will be deemed to have voted in the negative unless the Member's reason for abstaining is due to the Member's disclosure of a pecuniary interest.
10. The Mayor or Chair shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Mayor or Chair shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.

17.0 NOTICE OF MOTION

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

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

Substantive amendments to a notice of motion as provided by the member shall not be permitted. The decision as to whether an amendment is substantive, will be at the discretion of the Chair. If the notice of motion is defeated, any new notice of motion regarding the same subject matter will be considered at a future meeting.

18.0 RULES OF DEBATE

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

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

19.0 RECONSIDERATION

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

20.0 PROCEDURAL APPEALS

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

21.0 COMMITTEES

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

22.0 ACCESSIBILITY

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

23.0 CONFLICT WITH LEGISLATION

1. In the event of conflict between the provisions of this Procedure By-law and any legislation, the provisions of the legislation shall prevail.

24.0 PROCEDURAL BY-LAW REVIEW

1. At a minimum, the Procedural By-law will be reviewed in the first year of each new term of Council.

AND FURTHER that this By-law does hereby repeal and replace By-law No. 2018-20, as revised, 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 , 2019

Alar Soever, Mayor

Corrina Giles, Town Clerk



Town of The Blue Mountains

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May 13, 2019

Moved by: Odette Bartnicki

Seconded by: Rob Potter

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

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

1. Include a Traditional Territory Acknowledgement in revised Procedural By-law
2. Meeting Cycle – select Option #2, being Two Week Rotation, commencing January 2020:

Week 1, Monday Council Meeting with Public Meetings at 5:00 pm. Regular portion of the Council Meeting to commence at 7:00 pm

Week 1, Tuesday Committee of the of the Whole commencing at 9:00 am.

Week 2, No meeting

4. Remove "Consent Agenda" from Committee of the Whole Agendas
5. Include revised "Acting Head of Council" definition, as follows:

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

6. Include revised "Meeting" definition, as follows:

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

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

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

7. Include Closed Session Video Recording, and a new paragraph as follows:

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

8. Include a "Reporting Out of Closed Session" as follows:

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

9. Revise "Cell Phone Use During Council Meetings" paragraph to read as follows:

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

10. Revise the Meeting Cancellation paragraph to read as follows:

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

11. Revise “Conduct of Members” paragraph to read as follows:

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

12. Include a new section “Council Member Attendance” following “Moment of Reflection”

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

13. Include a “Public Comment Period” at the end of each section of Committee of the Whole meetings, as follows:

Public Comment Period – as referred to in Section 13 of this By-law. Ten minutes is allotted at the beginning **and end** of each section of the Committee of the Whole Meeting to receive public comments regarding matters included on the Agenda. (NOTE: comments regarding reports that are a follow-up to a Public Meeting are not permitted as the commenting period has ended.)

14. Include a new section entitled “News and Celebrations” under “New and Unfinished Business”

15. Revise the Deputations section to include that the speaker will be alerted when they have one minute remaining to address Council:

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

16. All Council, Committee of the Whole and Closed Session Votes will be recorded. The current paragraph 14.2 will be revised as follows:

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

The current paragraph 16.8 will be revised as follows:

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

17. The current Committee Members paragraph will be revised to read as follows:

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

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

c) THAT with respect to staff report “FAF.19.041 Procedural By-law Review”, Council direct staff to include electronic participation in the draft Procedural By-law Review, as follows:

Members may participate at Council and Committee meetings electronically, subject to an electronic participation policy, and where infrastructure is available, **CARRIED**.

CERTIFIED TO BE A TRUE COPY

“Original Signed”

.....

Krista Royal, Deputy Clerk



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July 15, 2019

Moved by: Odette Bartnicki

Seconded by: Jim Uram

THAT Council receive Staff Report FAF.19.120, entitled "Draft Procedural By-law for Council Consideration before Proceeding to Public Meeting";

AND THAT Council direct staff to proceed to a Public Meeting to receive comments regarding the draft Procedural By-law, as attached to the within staff report, **CARRIED**.

CERTIFIED TO BE A TRUE COPY

"Original Signed"

.....

Krista Royal, Deputy Clerk



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September 30, 2019

Moved by: Peter Bordignon

Seconded by: Rob Potter

(a) THAT Council receive Staff Report FAF.19.159, entitled "Follow-up to Public Meeting to Receive Comments on Procedural By-law 2018-20";

AND THAT Council provide further direction to staff as requested in this report, and direct staff to provide Council with a second draft Procedural By-law for review and consideration at the October 7, 2019 Committee of the Whole meeting, Carried.

(b) THAT with respect to Staff Report FAF.19.159, entitled "Follow-up to Public Meeting to Receive Comments on Procedural By-law 2018-20", Council direct that Council Member meeting attendance will be recorded in the minutes, and that the reason for the absence will not be included, **CARRIED**.

CERTIFIED TO BE A TRUE COPY

"Original Signed"

.....

Krista Royal, Deputy Clerk