



Staff Report

Administration

Report To: Special Meeting of the Board of Management of the Thornbury Business Improvement Area

Meeting Date: May 5, 2020

Report Number: FAF.20.090

Subject: Thornbury Business Improvement Area, Amendment to Procedural By-law to Allow Electronic Participation in an Emergency, Bill 187

Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT the Board of Management of the Thornbury Business Improvement Area receives Staff Report FAF.20.090, entitled "Thornbury Business Improvement Area, Amendment to Procedural By-law 2013-1 to Allow Electronic Participation in an Emergency, Bill 187";

AND THAT the Board of Management of the Thornbury Business Improvement Area approves the draft By-law attached to Staff Report FAF.20.090 that amends Procedural By-law 2013-1 to allow electronic participation by the Board of Management of the Thornbury Business Improvement Area in a meeting during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, and to be counted in determining a quorum.

B. Overview

This report provides the Thornbury BIA Board of Management with information regarding the requirement to amend its Procedural By-law 2013-1, to allow the Board to participate electronically in open or closed meetings during any period where an emergency has been declared to exist in all or part of the municipality, and be counted in determining quorum.

C. Background

Bill 187, Municipal Emergency Act, 2020, received Royal Assent on March 19, 2020 and amends the *Municipal Act, 2001* to provide that, during emergencies, members of local boards, who participate electronically in open and closed meetings may be counted in determining whether or not a quorum of members is present at any point in time. To enact this provision, the Thornbury BIA Board of Management is required to amend its Procedural By-law.

Bill 187 provides the ability for the Board to hold a Special Meeting of the Board of Management of the Thornbury BIA electronically to amend its Procedural By-law to implement the legislation, with those Board members participating electronically counted in determining quorum.

D. Analysis

The provisions of Bill 187 applies to Council, Committees and Local Service Boards, and amends the *Municipal Act*, and *City of Toronto Act, 2006*, but does not provide for amendments to any other act. Boards that exist under another Act, (i.e. Public Libraries Act and Police Services Act) are not included in this amending legislation. The proposed revision applies only to the Thornbury Business Improvement Area, as reflected in the attached by-law.

Meetings held under the new provisions are still required to follow existing meeting requirements, including providing notice of meetings to the public, maintaining meeting minutes and, subject to certain exceptions, that meetings continue to be open to the public.

The Thornbury BIA will record the meeting and post the recordings of meetings to the Town's website. During emergencies when the Town Hall is closed to the public, members of the public are encouraged to provide written comments regarding matters on the Thornbury Business Improvement Area Agenda to the Chair of the BIA in advance of a meeting so that the comments may be read at the meeting for consideration by the BIA.

E. The Blue Mountains Strategic Plan

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

F. Environmental Impacts

None

G. Financial Impact

None

H. In consultation with

Shawn Everitt, Chief Administrative Officer

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre. Comments regarding this report should be submitted to Corrina Giles, Town Clerk, townclerk@thebluemountains.ca

J. Attached

1. Bill 187, An Act to Amend the *Municipal Act, 2001* and the *City of Toronto Act, 2006*
2. Draft By-law to Amend By-law 2013-1 Being a By-law governing the calling, place and proceedings of meetings of the Thornbury Business Improvement Area
3. By-law 2013-1 Being a By-law for governing the calling, place and proceedings of meetings of the Thornbury Business Improvement Area.

Respectfully Submitted,

Corrina Giles
Town Clerk

Shawn Everitt
Chief Administrative Officer

For more information, please contact:
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Legislative
Assembly
of Ontario



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1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 187

(Chapter 4 of the Statutes of Ontario, 2020)

An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006

The Hon. S. Clark

Minister of Municipal Affairs and Housing

1st Reading	March 19, 2020
2nd Reading	March 19, 2020
3rd Reading	March 19, 2020
Royal Assent	March 19, 2020



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 187 and does not form part of the law. Bill 187 has been enacted as Chapter 4 of the Statutes of Ontario, 2020.

The *Municipal Act, 2001* and the *City of Toronto Act, 2006* are amended to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

The *Municipal Act, 2001* is also amended to allow the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under section 129 of the Act.

An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal Act, 2001

1 Section 238 of the *Municipal Act, 2001* is amended by adding the following subsections:

Electronic participation, emergencies

(3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (3.1), a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (3.2), a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 Subsection 451.1 (1) of the Act is amended by striking out “sections 9, 10 and 11” and substituting “sections 9, 10, 11 and 129”.

City of Toronto Act, 2006

3 Section 189 of the *City of Toronto Act, 2006* is amended by adding the following subsections:

Electronic participation, emergencies

(4.2) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (4), a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (4.1), a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2) during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Role of head of council

(4.4) Despite anything in this or any other Act, only the head of council may call a special meeting of city council for the purposes of subsection (4.3).

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Municipal Emergency Act, 2020*.

Thornbury Business Improvement Area

By-Law Number 2020 – 1

Being a By-law to amend the Thornbury Business Improvement Area Procedural By-law 2013-1, being a By-law governing the calling, place and proceedings of meetings of the Thornbury Business Improvement Area

Whereas Bill 187, being An Act to amend the *Municipal Act, 2001*, received Royal Assent on March 19, 2020;

And Whereas Bill 187 provides that during emergencies, should they choose to, members of a local board that participate electronically in open and closed meetings may be counted for the purposes of quorum;

And Whereas the Thornbury Business Improvement Area Board of Management has considered Staff Report FAF.20.090 “Thornbury Business Improvement Area, Amendment to Procedural By-law to Allow Electronic Participation in an Emergency, Bill 187”, and acknowledges that in order to allow for the Thornbury Business Improvement Area Board of Management to implement electronic participation in emergencies as provided for in Bill 187, an amendment to Procedural By-law 2013-1, is required;

And Whereas section 238(3.4) of the *Municipal Act, 2001* provides that a local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection 238 (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection 238(3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting;

Now Therefore the Board of Management of the Thornbury Business Improvement Area hereby enacts as follows:

1. That a new paragraph 9.7 be added to By-law 2013-1, as follows:
 - 9.7 During any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,
 - a) THAT despite subsection 238(3.1) of the *Municipal Act*, a member of the Thornbury Business Improvement Area Board of Management who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time;
 - b) THAT despite subsection 238(3.2) of the *Municipal Act*, a member of the Thornbury Business Improvement Area Board of Management can participate electronically in a meeting that is closed to the public;
 - c) THAT the Chair of the Thornbury Business Improvement Area Board of Management shall be authorized, in consultation with the Town Clerk, to determine the appropriate technology to provide for electronic participation in each meeting, provided that it allows for the following to occur simultaneously:
 - i) each participant may hear any person authorized to speak,
 - ii) each participant entitled to speak may indicate to the Chair that they desire to speak, and
 - iii) provides for public access, if necessary, as set out in paragraph 9.7d)

- d) THAT, at the discretion of the Chair of the Thornbury Business Improvement Area and the Town Clerk, meetings where electronic means are provided may not be physically opened for the public to attend. If the meeting is not physically opened to the public, the Town Clerk shall ensure that members of the public have a reasonable opportunity to hear all proceedings of the meeting through electronic means, except for those parts of the meeting that are closed to the public.

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

Enacted and passed this 5th day of May, 2020

George Matamoros, Chair

Corrina Giles, Town Clerk

THORNBURY BUSINESS IMPROVEMENT AREA

BY-LAW NO. 2013 - /

“Being a By-law for governing the calling, place and proceedings of meetings of the Thornbury Business Improvement Area”

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

AND WHEREAS the Thornbury Business Improvement Area, being a Local Board of the Town of The Blue Mountains, deems it expedient to pass such a by-law;

NOW THEREFORE the Thornbury Business Improvement Area (hereinafter referred to as the “BIA”), enacts as follows:

1. DEFINITIONS:

“BOARD OF MANAGEMENT” is a body corporate and shall consist of six members. The Board of Management of the Thornbury BIA (hereinafter referred to as the “Board Members”) shall be composed of one director (member of Council) appointed directly by the municipality; and the remaining directors selected by a vote of the BIA Membership and appointed by the municipality. Following appointment of the Board of Management, the Board shall elect a Chairman, Vice-Chairman and appoint a Secretary who may or may not be a member of The Board.

“CLOSED SESSION” shall mean closed to the public as defined in Subsection 9.2 of this By-law.

“COUNCIL” means the elected and sworn members of the Council of the Town of The Blue Mountains.

“CONFLICT OF INTEREST” means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.

“DESIGNATE” or “PROXY” is a person who has been appointed by a member of the BIA to represent the interests of the member at a regular, special, committee or other meeting of the BIA. A Designate may be a BIA Member, and said Designate may hold no more than one Proxy.

“MEETING” shall mean any regular, special, committee or other meeting of the BIA.

“BIA MEMBERSHIP” or “MEMBERS” are Members of an improvement area consisting of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property, as defined in the *Municipal Act*.

“QUORUM “ shall mean a majority (more than half) of the total number of Board Members except where a Board Member has or Board 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 Board Members but shall not be less than two.

“VOTING DELEGATE” is a Member of the BIA that has been nominated (with a seconder) by a BIA Member to stand for election to the Board of Management.

2. INTENT OF BY-LAW

1. The rules and regulations hereinafter provided shall govern the proceedings of the BIA. Any part or parts of this By-law may be suspended if agreed upon by a majority of the BIA Board present unless the part or parts is prescribed by statute or law. Attached as Schedule “A” is a copy of sections 204 – 215 of the *Municipal Act* as it relates to Business Improvement Areas. In the event of

conflict in procedure, the *Municipal Act* will prevail. This by-law shall be amended to reflect any changes to the *Municipal Act*, and shall be reviewed annually by the BIA Board for that purpose.

2. All Points of Order or procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the BIA Board Chair shall submit the ruling without debate. This By-Law shall be read in conjunction with and apply the principles of the following policies of the Town of The Blue Mountains:
 - a) Corporate Policy POL.COR.07.01 Accountability and Transparency of Town Actions to the Public as attached to this By-Law as Schedule "B";
 - b) Corporate Policy POL.COR.07.07 Town Council Code of Conduct Policy attached to this By-Law as Schedule "C";
 - c) Corporate Policy POL.COR.09.08 Closed Session Meetings Policy attached to this By-Law as Schedule "D".

3. PURPOSE

1. Council of the Town of The Blue Mountains appoints the BIA Board of Management to:
 - a) oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally;
 - b) promote the area as a business or shopping area;
 - c) engage in strategic planning necessary to address BIA issues;
 - c) advocate on behalf of the interests of the BIA; and
 - d) manage the money that is collected by the Town of The Blue Mountains from the required special BIA levy for these activities.

4. BIA MEMBERSHIP or BIA MEMBERS

1. Only BIA Members or their Designate have the right to nominate and vote for representatives to the BIA Board of Management and to vote on issues brought to a General Meeting of the BIA. Each BIA Member has one vote regardless of the number of properties that the BIA Member may own or lease in the improvement area, and may nominate just one individual for appointment to the BIA Board.
2. The boundaries of the BIA as established by the Council of the Town of The Blue Mountains are as attached as Schedule "E" to this By-law. All businesses within the designated area, in a prescribed business property class, are assessed for a special levy that is collected by the Town of The Blue Mountains to support the activities of the BIA.
3. All BIA Members are entitled to voting privileges at the Annual General Meeting. A BIA Member may nominate by proxy, in writing, one individual to vote on behalf of them or their corporation. No more than one proxy vote may be held and cast by any individual. Attached as Schedule "F" is the accepted Designate Form (Proxy).

4. With reasonable notice, any BIA Member may request that issues or items of interest be placed on the agenda of any BIA meeting, including monthly Board Meetings and Annual General Meetings for discussion and/or resolution. They may contact any BIA Board Member or the BIA Secretary for inclusion of an item on an upcoming agenda. Additionally, with reasonable notice, any BIA Member may make a request to make a deputation or presentation to the BIA.

5. APPOINTMENT TO THE BOARD OF MANAGEMENT

1. Council of the Town of The Blue Mountains appoints six members to the Board of Management as follows:
 - a) One (1) member appointed from the elected Councillors for the Town of The Blue Mountains; and
 - b) Five (5) members as selected by the BIA Membership at a General Meeting
2. The Board of Management may appoint ex-officio members (without voting privileges) to the BIA Board at its own discretion.
3. Board members may resign by resignation in writing that shall be effective upon any time or date requested.
4. Where a vacancy on the Board occurs for any reason, the municipality may appoint a person to fill the vacancy in accordance with the provisions of the *Municipal Act*.

6. RESPONSIBILITIES OF THE BOARD OF MANAGEMENT

1. Oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally.
2. Promote the area as a business or shopping area.
3. Drafting and approving of Policies and Procedures to ensure the effective operation of the BIA and for amending these Policies and Procedures as necessary.
4. Ensuring that Board Policies and Procedures are implemented effectively.
5. Acting as a legal entity to enter into contracts required by the activities of the Board, such as the maintenance, beautification, promotion and advertising of the downtown designated area.
6. Electing a Board of Directors who will also act as Signing Officers for the Board.
7. Drafting an annual budget for presentation to the BIA Membership for discussion, submitting the proposed budget to Council of the Town of The Blue Mountains and implementing the annual budget as approved by the Town of The Blue Mountains Council.
8. Ensuring that financial transactions are appropriately carried out, that records of all financial transactions are maintained and that these records are audited annually by the auditing firm specified by the Town of The Blue Mountains.
9. Ensuring that minutes of all Board meetings are recorded and distributed to the Town of The Blue Mountains Council and the BIA Membership.

10. Establishing sub-committees and appointing representatives to those sub-committees as required to deal with issues identified by the BIA Board or as requested by the Town of The Blue Mountains.
11. Hiring staff to carry out the BIA Board's directives.
12. Maintain communication with the BIA Members regarding its activities, including but not limited to, arranging General Meetings of the BIA Membership.
13. All other activities necessary to the effective operation of the BIA Board and the BIA Membership.

7. BOARD OF DIRECTORS

1. The Board of Directors may appoint:

1 Chair
1 Vice-chair
1 Secretary

Chair shall have the general management and direction, subject to the authority of the BIA Board, of the business and affairs of the BIA.

Vice-chair will assume the duties of the Chair if absence or disability occurs.

Secretary shall keep proper minutes of every meeting of the BIA Board and shall be responsible for keeping all of the records of the BIA Board with the exception of the accounting records. The Secretary may or may not be a member of the BIA Board.

In accordance with the By-Law to designate an improvement area, the **Treasurer** of the Board of Directors shall be the Treasurer of the Corporation of the Town of The Blue Mountains, or his/her designate, who shall be responsible to keep the books and accounts of the BIA Board and to assist the BIA Board in the preparation of annual estimates and financial statements.

8. LOCATIONS, MEETING TIMES AND NOTICE

1. BIA Board Meetings will be held on the first Wednesday of the month, 8:00 a.m., at the Town of The Blue Mountains, Council Chamber, or at the call of the Chair. A quorum of the Board Members must be present to constitute a meeting.
2. Notice of BIA Meetings shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the BIA website and the Town website prior to the meeting. In the case of Special Meetings called in accordance with Section 10.0 of this By-law, notice shall be given by posting of the Agenda on the BIA website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted under this By-law and within the timeframe.

9. MEETINGS OF THE BIA

1. At the hour appointed, when a quorum is present, the Chair shall call the Board 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 BIA meetings shall be open to the public, but a meeting or any part thereof may be closed to the public, in accordance with section 239 of the *Municipal Act*, 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 the BIA Board 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 9.2 of this By-law unless said vote is for a procedural matter or for giving directions or instructions to BIA Board to rise from closed session.
 4. Before holding a meeting or part of a meeting that is to be closed to the public, the BIA 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. The Chair of the BIA Board, 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.
 6. Meetings will be open to any BIA Member or the public who may attend but may not take part in the proceedings unless invited to do so by the Chair.

10. ANNUAL GENERAL MEETINGS and/or SPECIAL MEETINGS

1. The Chair, if requested in writing by any three members of the BIA Board, shall call a special meeting of the BIA Board other than as described in this section of the By-law.
2. The Chair may call a special meeting to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Board Member 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 BIA Board to the satisfaction of the Chair.
4. At special meetings of the BIA, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

5. At the Annual General Meeting, financial statements for the previous year and proposed budgets for the next calendar year must be presented to the BIA Membership for discussion, after which time the proposed budget will be put before Council for adoption, and the levy requested.
6. The BIA Membership should receive written notice of the Annual General Meeting not less than 10 days prior to the meeting date and public notice must appear in one (1) local newspaper prior to the meeting date and be posted to the BIA website and the Town website. The accidental omission to give notice to any BIA Member, Board Member, officer or auditor shall not invalidate any action taken at any meeting held pursuant to such notice. An agenda for the Annual General Meeting with copies of the most recent audited financial statement should be distributed to the BIA Membership not less than 10 days prior to the meeting.

11. EXPENDITURES BY THE BOARD OF MANAGEMENT

1. As per section 204 of the *Municipal Act*, 2001, BIA funds can only be used to promote the area as a business or shopping area, or for the improvement, beautification and/or maintenance of municipally-owned land, buildings or structures in the area, other than those provided at the expense of the municipality generally. Funds are not to be used for improvements to individual businesses or private properties.
2. The fiscal year of the BIA is from January 1st to December 31st. The budget proposed by the BIA Membership at the Annual General Meeting must be set out for the new calendar year and be followed without major modifications. Spending and debt may not exceed the time limits of the calendar year, except where approved at a regularly scheduled AGM or Special General Meeting and with the concurrence of the Town of The Blue Mountains' Council, and in accordance with the provisions of the *Municipal Act*, 2001.

12. ELECTIONS and TERM OF OFFICE

1. It is the responsibility of BIA Members to register their Voting Delegate before the election process begins. A Voting Delegate must be made by nomination from the floor with a seconder. If desired, the Chair, for the purpose of counting ballots, may appoint one or more scrutineers (who need not be members). A BIA Member may only nominate one Voting Delegate for the purposes of election to the BIA Board.
2. The BIA Board Term of Office is for a period of four years, provided that he or she continues to be qualified as provided in Section 1.0 above, to run concurrent with the term of Council. BIA Board Members are eligible for reappointment on the expiration of their term of office.

13. CONDUCT OF BOARD MEMBERS

1. Every Board Member 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 Board Member at one time wish to address the Chair, the Chair shall name the Board 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 Board Member shall not introduce any new matter.

4. The Chair may call a Board Member to order while speaking, whereupon the Board 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 a Board Member is speaking no member shall hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

14. BIA MINUTES

1. The Minutes of the BIA as taken by the Secretary or designate shall consist of a record of all proceedings taken in the BIA Meeting. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
2. Minutes of BIA meetings shall be prepared by the BIA Secretary and be made available to the BIA Board 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

15. MOTIONS / RESOLUTIONS

1. After a Motion has been moved and seconded, and placed under the direction of the Chair, it shall be considered to be in the possession of the Board but may be withdrawn with the consent of the mover and the support of a majority of the BIA Board.
2. Every motion as herein provided when duly moved and seconded shall be read by the 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 Board Member present 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. After a question is deemed to be finally put by the Chair no Board 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.
5. The decision of the Chair as to whether the question has been finally put shall be final, except on appeal by any Board Member, upon which the decision of a majority of the BIA Board shall be conclusive.
6. Any Board Member may require any question to be repeated from the Chair prior to the voting on such question.
7. If a Board Member present at a meeting at the time of a vote requests immediately before or after taking of the vote that the vote be recorded, each Board Member present, except a Board Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Secretary shall record each vote with the Chair voting last. A Board Member expressing preliminary intent to call for a recorded vote does not act to minimize, terminate or quash debate on a matter.
8. A failure to vote under Clause 7, above, by a Board 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.

9. A tie vote shall be declared to be a lost vote.
10. The Rules of Procedure for the BIA operation shall be those contained in this By-law unless otherwise prescribed by statute or law.

THIS By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 27 day of March, 2013



Chair Ellen Anderson

Secretary Corrina Giles

BUSINESS IMPROVEMENT AREAS**Designation of improvement area**

204. (1) A local municipality may designate an area as an improvement area and may establish a board of management,

- (a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- (b) to promote the area as a business or shopping area. 2001, c. 25, s. 204 (1).

Corporation

(2) A board of management is a corporation consisting of the number of directors established by the municipality. 2001, c. 25, s. 204 (2).

Local board status

(2.1) A board of management is a local board of the municipality for all purposes. 2006, c. 32, Sched. A, s. 89.

Composition

- (3)** A board of management shall be composed of,
- (a) one or more directors appointed directly by the municipality; and
 - (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality. 2001, c. 25, s. 204 (3).

Membership

(4) Members of an improvement area consist of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property. 2001, c. 25, s. 204 (4).

Determining tenancy

(5) In determining whether a person is a tenant or not, the clerk of the municipality may accept a list provided under clause 210 (2) (b) or the declaration of a person that the person is a tenant and the determination of the clerk is final. 2001, c. 25, s. 204 (5).

One vote

(6) Each member of an improvement area has one vote regardless of the number of properties that the member may own or lease in the improvement area. 2001, c. 25, s. 204 (6).

Nominee

(7) A corporate member of an improvement area may nominate in writing one individual to vote on behalf of the corporation. 2001, c. 25, s. 204 (7).

Joint nominee

(8) Subject to subsection (6), one individual may be nominated for voting purposes by two or more corporations that are members of an improvement area. 2001, c. 25, s. 204 (8).

Refusal to appoint

(9) The municipality may refuse to appoint a person selected by the members of an improvement area, in which case the municipality may leave the position vacant or direct that a meeting of the members of the improvement area be held to elect or select another candidate for the municipality's consideration. 2001, c. 25, s. 204 (9).

Term

(10) The term of the directors of a board of management is the same as the term of the council that appointed them but continues until their successors are appointed. 2001, c. 25, s. 204 (10).

Reappointment

(11) Directors are eligible for reappointment. 2001, c. 25, s. 204 (11).

Vacancies

(12) Subject to subsection (9), if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area. 2001, c. 25, s. 204 (12).

Budget

205. (1) A board of management shall prepare a proposed budget for each fiscal year by the date and in the form required by the municipality and shall hold one or more meetings of the members of the improvement area for discussion of the proposed budget. 2002, c. 17, Sched. A, s. 40 (1).

Council to approve

(2) A board of management shall submit the budget to council by the date and in the form required

by the municipality and the municipality may approve it in whole or in part but may not add expenditures to it. 2001, c. 25, s. 205 (2); 2002, c. 17, Sched. A, s. 40 (2).

Limitations

(3) A board of management shall not,

- (a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;
- (b) incur any indebtedness extending beyond the current year without the prior approval of the municipality; or
- (c) borrow money. 2001, c. 25, s. 205 (3).

Limitations on power

(4) Section 65 of the *Ontario Municipal Board Act* and section 401 of this Act apply to the municipality's approval under clause (3) (b) in the same manner as if it were incurring a debt of the municipality. 2001, c. 25, s. 205 (4).

Notice

206. A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1). 2001, c. 25, s. 206; 2002, c. 17, Sched. A, s. 41.

Annual report

207. (1) A board of management shall submit its annual report for the preceding year to council by the date and in the form required by the municipality and the report shall include audited financial statements. 2001, c. 25, s. 207 (1).

Auditor

(2) The municipal auditor is the auditor of each board of management and may inspect all records of the board. 2001, c. 25, s. 207 (2).

Funds to be raised

208. (1) The municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management. 2001, c. 25, s. 208 (1).

Special charge

(2) The municipality may establish a special charge for the amount referred to in subsection (1),

- (a) by levy upon rateable property in the improvement area that is in a prescribed business property class; or
- (b) by levy upon rateable property in the improvement area that is in a prescribed business property class and that, in council's opinion, derives special benefit from the improvement area, which levy may be calculated using different percentages of the assessment for one or more separately assessed properties or categories of separately assessed properties in the prescribed class if the resulting levy is equitable in accordance with the benefits that, in council's opinion, accrue to the properties from the activities related to the improvement area. 2001, c. 25, s. 208 (2).

Minimum and maximum charges

(3) The municipality may establish a minimum or maximum charge or both, expressed for one or more separately assessed properties or categories of separately assessed properties in a prescribed class, as,

- (a) percentages of the assessed value of rateable property in the improvement area that is in a prescribed business property class;
- (b) dollar amounts; or
- (c) percentages of the board of management's annual budget. 2001, c. 25, s. 208 (3).

Effect of by-law

(4) When a by-law under subsection (3) is in force,

- (a) the amount of a charge levied in a year under subsection (2) shall not, when calculated for the individual property in the prescribed class to which it applies, be less than or greater than the amount of the applicable minimum and maximum charge for the property established under the by-law; and
- (b) if necessary for a fiscal year to raise the amount referred to in subsection (1) because a minimum or maximum charge applies to one or more separately assessed properties or categories of separately assessed properties in the prescribed class, the municipality shall for the year adjust any charges applicable to the remaining individual properties or subclasses of properties in the prescribed class by adjusting the percentage or percentages of assessment

established under subsection (2) for those properties. 2001, c. 25, s. 208 (4).

Exclusion

(5) Section 210 does not apply to an adjustment made under clause (4) (b). 2001, c. 25, s. 208 (5).

Borrowings

(6) If only a part of money borrowed by the municipality in any year for the purposes of a board of management is required to be repaid in that year or a subsequent year, only that part and any interest payable on the total amount shall be included in the levies under this section in that year or subsequent year, respectively. 2001, c. 25, s. 208 (6).

Priority lien status

(7) Charges levied under this section shall have priority lien status and shall be added to the tax roll. 2002, c. 17, Sched. A, s. 42.

Changes to boundary

209. The municipality may alter the boundaries of an improvement area and the board of management for that improvement area is continued as the board of management for the altered area. 2001, c. 25, s. 209.

Notice

210. (1) Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located,

- (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and
- (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area. 2001, c. 25, s. 210 (1).

When notice received

(2) A person who receives a notice under subsection (1) shall, within 30 days after the notice is mailed,

- (a) give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property; and
- (b) give the clerk of the municipality a list of every tenant described in clause (a) and the share of the taxes that each tenant is required to pay and the share that the person is required to pay. 2001, c. 25, s. 210 (2).

Objections

(3) A municipality shall not pass a by-law referred to in subsection (1) if,

- (a) written objections are received by the clerk of the municipality within 60 days after the last day of mailing of the notices;
- (b) the objections have been signed by at least one-third of the total number of persons entitled to notice under subsection (1) and under clause (2) (a); and
- (c) the objectors are responsible for,
 - (i) in the case of a proposed addition to an existing improvement area,
 - (A) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area, or
 - (B) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the geographic area the proposed by-law would add to the existing improvement area, or
 - (ii) in all other cases, at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 210 (3).

Withdrawal of objections

(4) If sufficient objections are withdrawn in writing within the 60-day period referred to in clause (3) (a) so that the conditions set out in clause (3) (b) or (c) no longer apply, the municipality may pass the by-law. 2001, c. 25, s. 210 (4).

Determination by clerk

(5) The clerk shall determine whether the conditions set out in subsection (3) have been met and, if

they are, shall issue a certificate affirming that fact. 2001, c. 25, s. 210 (5).

Determination final

(6) The determination by the clerk is final. 2001, c. 25, s. 210 (6).

Repeal of by-law

211. (1) Council shall give notice in accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under subsection 204 (1) if the municipality has received,

- (a) a resolution from the board of management requesting the repeal; or
- (b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 211 (1).

Statement

(2) A person signing a request under clause (1) (b) shall state what amount of taxes on rateable property in the area that the person is required to pay. 2001, c. 25, s. 211 (2).

Time

(3) Council shall give the notice within 60 days after receiving the resolution or request. 2001, c. 25, s. 211 (3).

Repeal

(4) Council shall repeal the by-law under subsection 204 (1) if requests for the repeal are received by the clerk of the municipality within 60 days after the last day of mailing of the notices and,

- (a) the requests have been signed by at least one-half of the total number of persons entitled to notice under subsection 210 (1) and under clause 210 (2) (a); and
- (b) those who have signed the requests are responsible for at least 50 per cent of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 211 (4).

Timing

(5) The repealing by-law must come into force on or before December 31 of the year in which it is passed. 2001, c. 25, s. 211 (5).

Requests withdrawn

(6) If sufficient requests are withdrawn in writing within the 60-day period referred to in subsection (4) so that either condition set out in that subsection no longer applies, the municipality is not required to repeal the by-law. 2001, c. 25, s. 211 (6).

Determination by clerk

(7) The clerk shall determine whether the conditions set out in clause (1) (b) and subsection (4) have been met and, if so, shall issue a certificate affirming that fact. 2001, c. 25, s. 211 (7).

Determination final

(8) The determination by the clerk is final. 2001, c. 25, s. 211 (8).

Restriction

(9) If the conditions of subsection (4) are not satisfied, council is not required to give notice under subsection (1) in response to a resolution or request for a period of two years after the last mailing of the notices. 2001, c. 25, s. 211 (9).

Non-application

(10) No requirement under this section or under section 210 applies to the repeal by a municipality on its own initiative of a by-law under subsection 204 (1). 2001, c. 25, s. 211 (10).

Effect of by-law

212. A by-law passed under subsection 204 (1), subsection 208 (2) or (3), section 209 or subsection 211 (4) is not invalid by reason only that,

- (a) a person required to give a copy of a notice to a tenant or other information to the municipality under subsection 210 (2) has not done so;
- (b) the objections referred to in clause 210 (3) (b) have not been signed by at least one-third of the total number of persons entitled to receive notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so; or
- (c) the requests referred to in clause 211 (4) (a) have not been signed by at least one-half of the total number of persons entitled to notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so. 2001, c. 25, s. 212.

Tenants

213. For the purposes of clauses 210 (3) (c) and 211 (1) (b), subsection 211 (2) and clause 211 (4) (b), a tenant shall be deemed to be responsible for the part of the taxes that the tenant is required to pay under the tenant's lease or under sections 367 and 368. 2001, c. 25, s. 213.

Dissolution of board

214. (1) Upon the repeal of a by-law under subsection 204 (1), the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality. 2001, c. 25, s. 214 (1).

Liabilities exceed assets

(2) If the liabilities assumed under subsection (1) exceed the assets assumed, the council may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class. 2001, c. 25, s. 214 (2).

Regulations

215. The Minister may make regulations prescribing one or more classes of real property prescribed under the *Assessment Act* as business property classes for the purposes of sections 204 to 214. 2001, c. 25, s. 215.

SCHEDULE "B"

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. 2009-59, 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. 2009-59 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.

TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Code of Conduct for Members of Council

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.07
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2009 - 86
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved: December 14, 2009		Staff Report:	A.09.11

Policy Statement

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

Purpose

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. Such an appointment is not contemplated by this Policy at this time.

The Code of Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in local government.

Application

This policy applies to members of the Council of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected community representatives, as well as members of Town Committees and Local Boards.

Definitions

Municipality – means The Corporation of the Town of The Blue Mountains.

Members – means members of The Blue Mountains Council, Town Committees and Local Boards of the municipality.

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. Statement of Principle

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis of acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that The Blue Mountain's elected and appointed representatives operate from a base of integrity, justice and courtesy.

Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council members and the public.

The Town of The Blue Mountain's Code of Conduct is a general standard that augments Provincial laws and municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of members. (ie the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*) The Criminal Code of Canada also governs the conduct of members of Council.

All members whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

2. Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by

law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2 shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Chair of the Finance and Administration Committee shall approve the exception.

3. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are confidential.

Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Where a matter has been discussed at a closed session meeting and the information remains confidential, no member shall disclose the content of the matter or the substance of deliberations of the closed session meeting.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*; and

- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. It is recommended that requests for information be referred to the Office of the Clerk to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

4. Use of Town Property

Subject to Section 5, no member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised.

No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Town of The Blue Mountains.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

5. Use of Town Technology Resources

The Town of The Blue Mountains licenses the use of computer software from a variety of vendors. The Town does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

6. Work of a Political/Personal Nature

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no member shall use Town facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or personal business gain. No member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.

7. Conduct at Meetings

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

8. Representing the Town

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

9. Influence on Staff

Members shall comply with Town Policy HR.06.02, Respectful Workplace, and shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.

10. Business Relations

No member shall borrow money from any person who regularly does business with the Town unless such person represents an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before Council or any Committee or Local Board of Council or any Agency at which the Town is represented.

11. Expenses

Members shall comply with the provisions of the Town's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

Members shall be reimbursed out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

12. Encouragement of Respect for the Town and its By-Laws and Policies

Members shall encourage public respect for the Town and its by-laws and policies.

13. Harassment

Members shall comply with Town Policy HR.06.01, Discrimination and Harassment-Free Workplace. Discrimination or harassment of another member, staff or any member

of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

14. Interpretation

Members seeking clarification of any part of this Code should consult with their solicitor.

15. Complaints

The Mayor may commence an investigation of any potential breach of this Code on his or her own accord or in response to a written complaint in the following manner:

- a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- b) Determine if a member or members have committed a breach of the Code.
- c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.

The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.

In the event that the complaint relates to the Mayor, the written submission will be made to the Finance and Administration Committee who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section.

Exclusions

None

References and Related Policies

The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2007-29, Town Policies POL.AD.07.01 through and including POL.AD.07.06, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

Consequences of Non-Compliance

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Conduct include:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days.

Review Cycle

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Closed Session Meetings

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.09.08
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2009 - 60
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	CAO/Clerk's
Date Approved: August 10, 2009		Staff Report:	A.09.07

Policy Statement

The Corporation of the Town of The Blue Mountains supports the principles of open and accountable governance. The purpose of this Policy is to provide clarity on when closed meetings are to be held and the processes to be followed.

Purpose

Section 239 of the *Municipal Act, 2001* (the Act) as amended, establishes the parameters under which a municipality, board or committee meeting may be closed to the Public. The Act also requires that minutes be recorded during Closed Session Meetings.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- 239(a). the security of the property of the municipality or local board;
- (b). personal matters about an identifiable individual, including Town 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;

239(3). the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the council, board, commission or other body is the head of an institution for the purposes of that Act.

239(3.1). the educating or training of Council and at the meeting, members will not discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.

Application

This policy applies to Council, Local Boards and all Committees including *ad-hoc* committees and Staff so as to increase the accountability and transparency of the municipal decision making process.

Definitions

Agenda

Agendas shall include a section entitled "Closed Session" where deemed to be required for a particular meeting. This will enable Council, a Local Board or Committee the opportunity to go into Closed Session to discuss all Closed Session items that are before the Council, Local Board or Committee at that particular meeting. Notice of meetings and Agendas is to be given in accordance with the provisions of the Town Procedural By-law. This does not necessarily preclude a councillor or member from requesting the opportunity to go into Closed Session during the discussion of specific reports and recommendations, however, in the interest of accountability and transparency and meeting notice requirements, such requests should be kept to an absolute minimum.

Staff Reports

Staff who are considering labelling a report "Confidential", and is therefore to be considered in Closed Session, should seek advice from the CAO or the Clerk to ensure that the subject matter meets the criteria for a closed meeting discussion.

Resolution to go into Closed Session

A resolution to go into Closed Session should voluntarily disclose as much information in the resolution as possible. The reason must meet the criteria as set out in the Act. If Council or a committee is going into Closed Session, the resolution must also include the general nature of its subject matter and the fact that the meeting is being closed under this specific subsection.

An example follows of the level of detail expected:

1. In the situation that a lawsuit has already been commenced the resolution would read:

THAT Council do now go into closed session to discuss an item which relates to advice subject to solicitor-client privilege with respect to the lawsuit between The Corporation of the Town of the Blue Mountains and John and Jane Doe.

In the event that the subject is a matter of a potential lawsuit the resolution would read:

THAT Council do now go into a closed session to discuss an item which relates to advice subject to solicitor-client privilege with respect to a potential lawsuit;

AND THAT the legal advice relating to the potential lawsuit is the issue to be discussed and the particulars of the exact litigation matter are not included in the resolution because to do so might undermine the confidential nature of the advice to be discussed.

2. An example related to personnel is as follows:

THAT Council do now go into a closed session to discuss personal matters about an identifiable individual, including municipal or local board employees and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

AND THAT the specifics of the matter to be discussed are not being referred to because the release of information related to the individual's name and position would undermine the confidentiality that requires the matter to be dealt with Closed Session.

It is recommended that if staff is aware of an upcoming Closed Session item that they seek advice on the wording of the appropriate resolution from the Clerk or Deputy Clerk.

Discussion and Voting

Voting during Closed Session meetings is restricted to procedural matters or for giving directions or instructions to officers, employees or agents of the municipality or committee of either of them or persons retained by or under a contract with the municipality. Where authorization to proceed on a matter is sought by Staff, any Recommendation to be considered by Council during the closed session shall begin with the phrase "THAT Council directs" or "THAT Council instructs".

The Mayor / Chair shall prohibit discussion of any matter that was not disclosed in the resolution authorizing the closed meeting.

Minutes

Closed Session minutes are taken by the Clerk. In the event the Clerk is excused from the Closed Session portion of the meeting, the CAO will document the proceedings. The CAO has had the authority for the responsibility of minutes delegated to him by the Clerk.

The minutes of the open meeting and Closed Session meeting shall reflect the time the Closed Session commenced and the time the Closed Session was completed, as well as who was in attendance. Once back in the open meeting, the Chair shall confirm the topics discussed in Closed Session and this shall be recorded in the minutes.

Approval of Closed Session Minutes

Approval of Closed Session minutes shall be at the next Closed Session meeting of Council or the appropriate committee meeting and shall be voted on in closed session.

Access to Minutes and Background Reports

Closed Session minutes and background reports shall be circulated to the members during the appropriate meeting on orange coloured paper. The minutes and reports shall be collected prior to returning to open session.

All Closed Session minutes and background reports shall be held by the Clerk in a secure location. In the event that Councillors wish to view the contents of confidential background reports they may do so by requesting access from the Clerk.

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

Municipal Act, 2001 as amended

POL.COR.07.01 – Accountability and Transparency of Town Actions to the Public
By-law 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

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.

TOWN OF THORNBURY



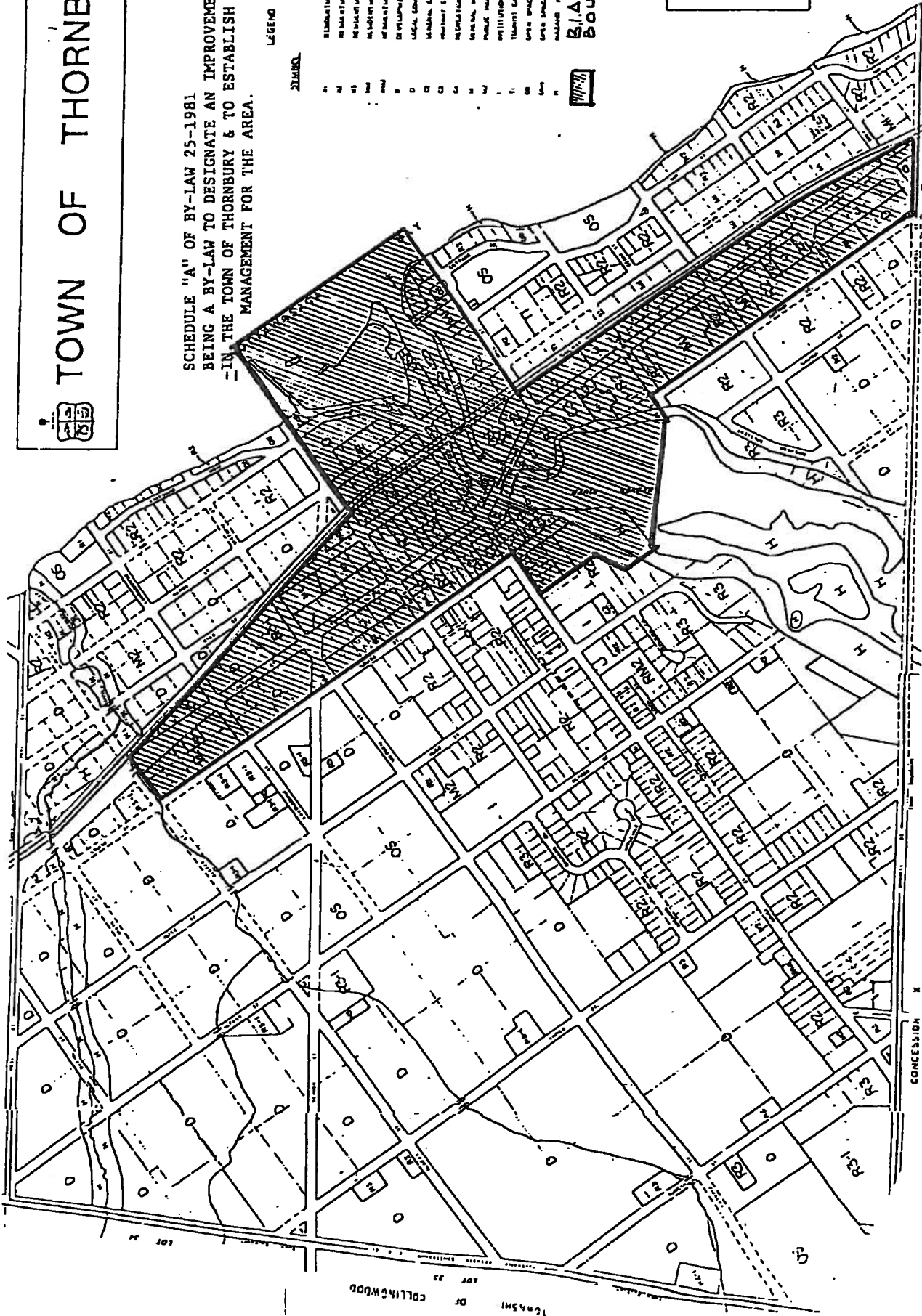
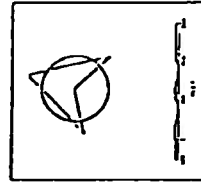
SCHEDULE "A" OF BY-LAW 25-1981
 BEING A BY-LAW TO DESIGNATE AN IMPROVEMENT AREA WITH
 -IN THE TOWN OF THORNBURY & TO ESTABLISH A BOARD OF
 MANAGEMENT FOR THE AREA.

J.

LEGEND

SYMBOL	ZONE
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2	RESIDENTIAL
3	RESIDENTIAL
4	RESIDENTIAL
5	RESIDENTIAL
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B.I.A. DESIGNATED
 BOUNDARY



SCHEDULE "E"

SCHEDULE "F"

DESIGNATE FORM (PROXY)

This form allows a Member of the Thornbury Business Improvement Area ("BIA") to appoint an individual (a "Designate") to vote on his or her behalf at the BIA Meeting on:

_____ (date).

It is recommended that completed forms be received by the BIA Secretary at least three business days before the above noted BIA Meeting. Completed Designate Forms will be received at the BIA meeting, but is only recommended in emergency situations.

I, hereby authorize _____ to serve as my Designate to vote on my behalf on all matters voted on at the above noted Thornbury BIA Meeting. This Designation shall be revocable, in writing, at any time at the request of the undersigned voting member (see "Revocation" below).

Name – BIA Member _____

Property Owner ☐ or Business Operator ☐ or Both ☐ (check one box)

Address within BIA: _____

Signature _____ Date: _____

Name – Designate _____

Address: _____

Signature _____ Date: _____

Submit completed Designate Form and BIA member proof of property or business ownership (i.e. copy of property tax bill, utility bill,) to:

Thornbury Business Improvement Area
Attention: Secretary

Designate Form is NOT valid if:

- Information provided is not legible
- Designate has already been nominated by another BIA member
- BIA Member or Designate fails to sign the form and provide required information

NOTE: The Designate must present identification at the Meeting.

REVOCATION

DESIGNATION REVOKED THIS _____ DAY OF _____, 20____.

SIGNATURE OF VOTING MEMBER: _____