

BY-LAW 2009-177

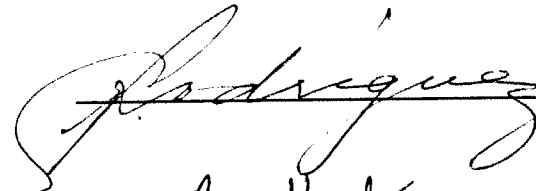
**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ESTABLISH PROCEDURES FOR THE
CITY OF GREATER SUDBURY**

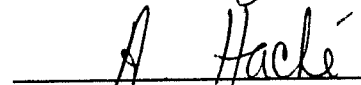
WHEREAS the Council of the City of Greater Sudbury wishes to establish a By-law governing the procedures of Council;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER
SUDBURY HEREBY ENACTS AS FOLLOWS:**

1. The attached Schedule "A", Council Procedure By-law is hereby enacted, and adopted upon passage.
2. By-law 2006-100 as amended is hereby repealed.

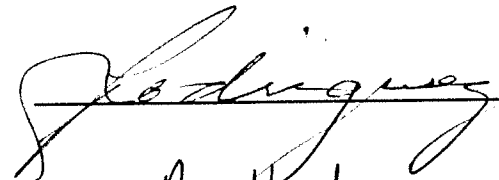
READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 12th day of
August, 2009.

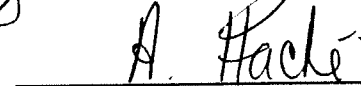


Mayor


Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN
COUNCIL** this 12th day of August, 2009.



Mayor


Clerk

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PART I. INTRODUCTION**ARTICLE 1. GENERAL****1.01 Purpose**

In order to better serve the citizens of Greater Sudbury by ensuring the most effective, efficient and timely procedure for governing the calling, place and proceedings of municipal meetings, the City of Greater Sudbury hereby establishes its Procedure By-Law in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended. The rules and procedures contained herein shall apply to all meetings of Council and Committees, unless otherwise prescribed.

1.02 Robert's Rules of Order

For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this By-law, the most recent edition of *Robert's Rules of Order* in existence at the time shall be referred to.

PART II. DEFINITIONS

ARTICLE 2. TERMS DEFINED

2.01 Administrative Policy

“Administrative Policy” means the internal policy and procedure documents, administered by Clerk’s Services, relating to the internal practices and procedures used by staff in support of this by-law.

2.02 Advisory Panel

“Advisory Panel” means a body established by Council in accordance with Article 46 and composed mainly of stakeholders and citizens, the purpose of which is advisory or consultative in nature.

2.03 Chair

“Chair” means the Mayor or presiding officer at a Council or Committee meeting.

2.04 Civic Petition

“Civic Petition” means a petition submitted to the Clerk or a Member of Council pursuant to Article 22.

2.05 Clerk

“Clerk” means the Clerk of the City of Greater Sudbury, or that person’s delegate pursuant to section 228 of the *Municipal Act, 2001*.

2.06 Closed Meeting

“Closed meeting” means a meeting, or part of a meeting, that is not open to the public pursuant to section 239 of the *Municipal Act, 2001*.

2.07 Committee

“Committee” means a group composed only of Members of Council, who are appointed by Council to perform a function, or functions.

2.08 Committee of the Whole

“Committee of the Whole” means a Committee composed of all Members of Council.

2.09 Community Delegation

“Community Delegation” means any citizen or group of citizens who, pursuant to this by-law, wishes to make a presentation at a meeting to address existing or proposed municipal policies or initiatives.

2.10 Consent Agenda

“Consent Agenda” means those items on a Council or Committee agenda which are of a routine or repetitive nature, or are unlikely to require debate, and may be summarily dealt with in accordance with Article 15.

2.11 Council

“Council” means the Council of the City of Greater Sudbury.

2.12 Councillor

“Councillor” means a Member of Council of the City of Greater Sudbury, but does not include the Mayor.

2.13 Deputy Mayor

“Deputy Mayor” means a Councillor appointed in accordance with Article 5.

2.14 Friendly Amendment

“Friendly Amendment” means a proposal by a Member to make an uncontroversial amendment to a motion.

2.15 Local Board

“Local Board” means a body or local authority established by statute or by-law that exercises authority with respect to the affairs or purposes of the Municipality, and is composed of citizens, or citizens and Members of Council, provided the number of those Members represents less than half of the Board’s membership.

2.16 Majority

“Majority” means a simple majority of votes as outlined in Article 33.07.

2.17 Mayor

“Mayor” means the head of Council and Chief Executive Officer of the City of Greater Sudbury.

2.18 Meeting

“Meeting” means any regular, special or other meeting of Council or a Committee, and shall be open to the public unless the meeting is closed pursuant to the *Municipal Act, 2001* or other statute.

2.19 Member

“Member” means a Member of Council or a Committee and includes the Mayor, Deputy Mayor, Chair and Vice-Chair, as the case may be.

2.20 Motion

“Motion” means a question which a Member may bring forward for the consideration of the Members present, and may be:

- (1) procedural (“procedural motion”) when it concerns the process, timing, manner or methodology of any matter; or
- (2) substantive (“substantive motion”) for all other questions.

2.21 Municipality

“Municipality” means the City of Greater Sudbury.

2.22 Procedure By-Law

“Procedure By-law” means this by-law, as amended.

2.23 Recommendation

“Recommendation” means a proposed course of action suggested by a Committee, Advisory Panel, or staff for an eventual final decision by Council.

2.24 Resolution

“Resolution” means the result of a substantive motion of Council.

2.25 Special Meeting

“Special Meeting” means a meeting called by the Mayor pursuant to Article 7.07, or by the Clerk pursuant to Article 7.08, to address an emergency, or an unexpected or urgent matter.

2.26 Two-Thirds Majority

“Two-thirds Majority” means two-thirds of the votes at a meeting as calculated in Article 33.07.

2.27 Vice-Chair

“Vice-Chair” means a duly appointed Member who shall serve as Chair of a meeting where the Chair is absent or otherwise unable or unwilling to preside.

PART III. GENERAL PROVISIONS**ARTICLE 3. PROCEDURE****3.01 Pecuniary Interest to be Declared**

Prior to a particular matter being addressed, Members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended. Such Members shall then be precluded from participating in any way regarding the matter in question.

3.02 Rules – Temporarily Suspended by Unanimous Consent

Any rules established by this by-law, other than a quorum requirement, may be temporarily suspended at or for a particular meeting with the unanimous consent of all Members present and voting, provided that this does not result in a contravention of the *Municipal Act, 2001* or any other statute.

3.03 Rules - Amendments Require Two-Thirds Majority

Any provision contained in this by-law may be repealed, amended, varied, or supplemented by a two-thirds majority vote, provided that a notice of motion has been presented at an earlier regular Council meeting. This requirement may not be waived.

3.04 Conflict - Rules of Procedure

In the event of any conflict between the provisions of this by-law and any other by-law of the Municipality concerning rules of procedure, the provisions of this by-law shall apply.

3.05 Decision of Clerk Final

Any decision of the Clerk made pursuant to this by-law shall be considered final, unless overruled by Council or a Committee by majority vote.

3.06 French Language Policy

Members and staff shall ensure that all communications are conducted in accordance with the Municipality's French Language Services Policy, where applicable.

ARTICLE 4. MAYOR**4.01 Chair - Council Meetings**

The Mayor, or the Mayor's designate pursuant to this by-law, shall be the Chair of Council meetings.

4.02 Ex-Officio - Committees

The Mayor shall be an ex-officio Member of all Committees and shall be entitled to vote as a Member of such Committees.

4.03 Mayor - Member of Local Board

Unless otherwise prohibited, when the Mayor is appointed by Council to be a Member of a Local Board, the Mayor may from time to time appoint in writing a Member as designate to attend a meeting, or meetings, on the Mayor's behalf.

ARTICLE 5. DEPUTY MAYORS**5.01 Appointment - Deputy Mayors**

At the first regular Council meeting following a municipal election, and again two years later, Council shall by by-law appoint by majority vote two of its Members as Deputy Mayors, to hold office for one half of Council's term or until their successors are appointed in accordance with this by-law.

5.02 Absence of Mayor

A Deputy Mayor shall act from time to time in place of the Mayor while the Mayor is absent or otherwise unable or unwilling to perform the duties of that office, or when the position of Mayor becomes vacant.

5.03 Deputy Mayor Schedule

Following the selection of the Deputy Mayors, they shall consult with the Mayor in order to formulate a schedule outlining when each Deputy Mayor shall act in that capacity.

5.04 Closed Meetings – Nominating Committee

A Deputy Mayor shall chair:

- (1) Council meetings that are closed to the public pursuant to *the Municipal Act, 2001*;
and
- (2) Nominating Committee meetings.

5.05 No Simultaneous Service

No Councillor shall simultaneously serve as a Deputy Mayor and the Chair of the Planning, Policy, or Finance Committee.

5.06 Selection Consideration

When appointing Deputy Mayors, Council shall attempt to ensure that at least one Deputy Mayor speaks both English and French.

5.07 Re-Appointment

A Member may be re-appointed by Council to the position of a Deputy Mayor for consecutive terms.

5.08 Mayor and Deputy Mayors Absent – Acting Deputy Mayor Rotation

At a Council meeting, where a quorum is present and:

- (1) the Mayor and Deputy Mayors had previously indicated that they would be collectively absent or otherwise unable or unwilling to act; or
- (2) the Mayor and Deputy Mayors are not present within 15 minutes of the meeting's scheduled start time; then,

an Acting Deputy Mayor shall be appointed in numerical order by the Ward number corresponding to each month chronologically, with Ward 1 corresponding to January through to Ward 12 corresponding to December, beginning with the current month. In the event that the Mayor or one of the Deputy Mayors subsequently arrives at the meeting, he or she shall take over from the Acting Deputy Mayor.

5.09 Scheduled Councillor Unavailable

Should the Councillor named on the list for a specific month pursuant to Article 5.08 be absent or otherwise unable or unwilling to act, then the Acting Deputy Mayor shall be selected based on the next Councillor on the list who is able to perform that function.

ARTICLE 6. CHAIR AND VICE-CHAIR**6.01 Chair's Authority**

The Chair of a meeting shall ensure that decorum, proper conduct and the rules of procedure contained herein are observed, and is authorized to rule on all points of order, questions of privilege, points of information and other matters relating to this by-law.

6.02 Committee Meeting - Chair Absent - Acting Chair

If the Chair and Vice-Chair are not in attendance at a Committee meeting within fifteen minutes after its scheduled start time, the Members shall by majority vote appoint an acting Chair from amongst themselves until the Chair arrives.

6.03 Exclusion of Agenda Items or Rulings on Order by Chair - Restriction

The Chair may not exclude any matter from an agenda or rule any item out of order until that item is placed before the Members.

6.04 Pecuniary Interest Declared by Chair

If a Chair has declared a pecuniary interest on any agenda item, he or she shall withdraw from the chair during deliberations on that item, and shall be replaced by the Deputy Mayor, an Acting Deputy Mayor, a Vice-Chair, or an Acting Chair, as the case may be, for the duration of those deliberations.

6.05 Vice Chair's Authority

When the Chair is absent or otherwise unable or unwilling to attend a Committee meeting, the Vice-Chair shall preside and shall have all the rights, powers and authority of the Chair.

6.06 Vice-Chair – Closed Committee Meetings

The Vice-Chair shall sit as Chair for closed Committee meetings.

ARTICLE 7. MEETINGS – LOGISTICS**7.01 Inaugural Council Meeting – Time, Date, Location**

The inaugural meeting of Council shall take place at Tom Davies Square on the first Wednesday of December following a municipal election, at a time to be selected by the incoming Mayor, in consultation with the Clerk.

7.02 Regular Council Meetings – Time, Date, Location

The first regular meeting of Council shall be scheduled as the next meeting after the inaugural meeting in December of an election year. Subsequent regular meetings of Council shall be held on the second and fourth Wednesdays of each month during the months of January to June and September to November, inclusive, beginning at 6:00 p.m. at Tom Davies Square, or at a time and location chosen by the Clerk.

7.03 Council Meetings – July, August, December

During the months of July, August and December in each year, there shall be one regular meeting of Council to be held at a date, time and location designated by the Clerk.

7.04 Committee Meetings

Committee meetings shall be scheduled pursuant to PART VIII.

7.05 Meetings of Council, Planning and Policy Committees – July, August

During the months of July and August, Council and Committee meetings shall be scheduled during the same week.

7.06 Meeting on Holiday

Unless otherwise decided by Council, if any meeting day provided for herein falls on:

- (1) a holiday, the meeting shall be held on the next business day; or

- (2) during school boards' mid-winter break, the meeting shall be either cancelled or rescheduled by the Clerk, in consultation with Council.

7.07 Special Meeting – Council - Summoned by Mayor

The Mayor may summon a special meeting of Council to be held at such date, time and location as is chosen by the Mayor.

7.08 Special Meeting – Council - Summoned by Majority Petition

Upon receipt of a petition of the majority of the Members of Council, the Clerk shall summon a special meeting of Council for the purpose set out in the petition and for the date, time and location mentioned therein. No Councillor may subsequently remove his or her name from the petition once it is received by the Clerk.

7.09 Special Meeting - Committees – Summoned by Chair

The Chairs of the Planning Committee, Policy Committee and Finance Committee each may, in consultation with the Clerk, summon a special meeting of their respective Committee in order to address matters which have previously been referred to the Committee in question, or which are already within that Committee's terms of reference. The Chair summoning the special meeting shall designate its time, place and location.

7.10 Councillors' Seating Arrangement

Councillors' seats shall be arranged numerically according to Ward number, counter-clockwise beginning on the Mayor's right.

7.11 Media, Staff and Public Seating

The Clerk, in consultation with the Mayor, shall designate the seating areas for the media, staff and the public at meetings.

7.12 Late Arrival – Early Departure - Noted by Clerk

If a Member arrives at a meeting after the roll has been called, or leaves before the meeting has been adjourned, the Clerk shall note the Member's time of arrival or departure in the minutes.

7.13 Early Departure – Notify Clerk

If a Member must leave a meeting prior to its adjournment, the Member shall advise the Clerk accordingly.

7.14 Staff Attendance

Staff members shall attend such meetings as required by Council, a Committee, Advisory Panel, or Local Board in order to assist and support the Members.

7.15 Cancellation of Meetings

The Clerk, on the direction of the Mayor or the Chief Administrative Officer, may cancel any meeting prior to its scheduled commencement and shall provide appropriate notice of the cancellation forthwith.

7.16 Meeting – Time, Date, Place – Altered by Members

Subject to the provisions of the *Municipal Act, 2001*, the Members may by consensus alter the time, date, or place of any given meeting.

ARTICLE 8. NOTICE OF MEETINGS**8.01 Notice - Form - Agenda**

A meeting notice shall be in the form of an agenda, which shall first make mention of the date, time, place for the meeting.

8.02 Clerk to Give Notice

The Clerk shall give notice of each meeting to:

- (1) all Council Members;
- (2) Members of the Committee or Local Board associated with the meeting in question;
- (3) the Chief Administrative Officer and appropriate staff members; and
- (4) such other persons as the Chair of the meeting in question or the Clerk deems necessary.

8.03 Notice – Meeting - Distribution

Subject to Articles 8.04 and 8.06, the Clerk may send the notice electronically or by hard copy so as to be received by Members not later than three business days immediately prior to the meeting date. The Clerk shall also ensure that an electronic copy of the agenda is posted to the Municipality's website prior to the meeting.

8.04 Notice - Special Meeting – Distribution

In the case of special meetings, where time or circumstances would likely not permit delivery of the notice by the deadline referred to in Article 8.03, the Clerk shall attempt to inform each recipient outlined above of the date, time, place and purpose of the meeting by telephone, electronic mail or other means deemed suitable.

8.05 Notice Not Received - Validity of Meeting

Failure of any person outlined herein to receive notice of a meeting shall not affect the validity of the meeting, nor any decisions, recommendations, or actions resulting therefrom.

8.06 Closed Meeting Reports

Notwithstanding anything in this Article, all closed meeting agendas and reports shall be distributed in a manner that ensures confidentiality.

8.07 Distribution by More than One Means

Nothing herein precludes the Clerk from distributing an agenda by more than one means.

PART IV. AGENDA**ARTICLE 9. AGENDA PREPARATION****9.01 Clerk's Responsibility**

The Clerk shall prepare the agendas of all meetings of Council and Committees in accordance with the Administrative Policy and the provisions contained in this Part, and shall distribute the agendas in accordance with Article 8.

9.02 Items from Staff – CAO Approval

The Clerk shall accept items for any agenda from staff in the approved format as detailed in the Administrative Policy, subject to the approval of the Chief Administrative Officer.

9.03 Items Submitted by Community Delegations

The Clerk shall consider requests from community delegations for inclusion into the agenda in accordance with Article 11.

ARTICLE 10. AGENDA FORMAT**10.01 Meeting Agenda Items and Order**

Meeting agendas shall contain the following headings in the order shown below, however the Clerk and Chair of the meeting may exclude any headings deemed not relevant, except declarations of pecuniary interest.

- (1) Moment of silent reflection.
- (2) Roll call.
- (3) Declarations of pecuniary interest and the general nature thereof.
- (4) Public hearings.
- (5) Community delegations.
- (6) Presentations by staff.
- (7) Matters arising from:
 - (a) Closed meetings;
 - (b) Planning Committee;
 - (c) Policy Committee;
 - (d) Finance Committee; and
 - (e) Emergency Governance Committee.
- (8) Consent agenda:
 - (a) Adoption of minutes;
 - (b) Award of tenders and requests for proposals;
 - (c) Routine management reports;
 - (d) Telephone/Electronic polls; and
 - (e) Correspondence for information only.
- (9) Referred and deferred items.
- (10) Managers' reports.
- (11) By-laws.
- (12) Motions (those for which notice has been given).
- (13) Addendum.
- (14) Civic petitions.
- (15) (a) Question period (Council); or
(b) Announcements (Policy Committee).
- (16) Notices of motion.
- (17) Continuation of closed meeting (incomplete items).
- (18) Matters arising from continuation of closed meeting.
- (19) Adjournment.

10.02 Alteration of Agenda Order

Agenda items shall be addressed in the order set out above, unless otherwise decided by a two-thirds majority vote of the Members present.

10.03 Items Not Considered - Next Meeting

Any agenda items not dealt with at a meeting shall be placed by the Clerk on the agenda for the next regular meeting, unless decided otherwise.

PART V. MEETINGS – AGENDA ITEMS ADDRESSED**ARTICLE 11. COMMUNITY DELEGATIONS****11.01 Which Body to Hear Delegation**

Community delegations shall be heard by a Committee or an Advisory Panel, as determined by the Clerk, unless:

- (1) the delegation includes a visiting dignitary;
- (2) the delegation is invited by the Mayor or Council; or
- (3) the issue in question is already on Council's agenda,

in which case the delegation shall be heard by Council.

11.02 All Requests to Clerk - Deadline

Requests from community delegations shall be sent to the Clerk and must be received prior to 12:00 p.m. noon of the Wednesday two weeks prior to the related meeting.

11.03 Number of Community Delegations

The number of community delegations at a meeting shall be limited to three, unless otherwise decided by the Clerk.

11.04 Requests by Community Delegations - Requirements

Requests shall:

- (1) be in writing;
- (2) clearly set out the matter at issue and any requested action being sought;
- (3) include any relevant documentation; and

- (4) set out the writer's mailing address, street address (if different from mailing address), e-mail address (if the request was sent electronically) and telephone number, which may be used by the Clerk for contact purposes.

11.05 Clerk's Options

On receipt of a community delegation's request, the Clerk shall decide whether the request is an appropriate item to be added to an agenda, and:

- (1) if it is, include it as an item on the agenda for the appropriate meeting, together with any necessary reports from staff and advise the delegation of the scheduled time and date for their presentation;
- (2) if it is not, so advise the delegation; or
- (3) refer the request to staff for appropriate action.

11.06 Request Received in French

Where a request is received in the French language and the Clerk has decided to include it in an agenda, the Clerk shall arrange for the request to be translated into English and include a copy of each version in the agenda.

11.07 Finance Committee - Budget Impact

Requests from community delegations that have a budget impact not included in the current year's budget shall be referred to the Finance Committee's budget public input meeting, unless otherwise directed by Council.

11.08 Community Delegations – Number of Representatives

A community delegation may have up to three representatives for the presentation.

11.09 Community Delegations - Procedure

The following procedure shall apply to community delegations:

- (1) The Chair will call the community delegation to the podium.
- (2) Subject to any ruling of the Chair, a community delegation shall have a maximum of ten minutes for presentations.
- (3) The Clerk shall advise the Chair when there is one minute remaining in the community delegation's allotted time, and once that time has expired the Chair may so inform the community delegation, following which the presentation shall immediately be concluded.
- (4) Questions to the community delegation shall be limited to matters of clarification or obtaining additional relevant information only.
- (5) After the conclusion of the presentation and questions to the community delegation, Members shall be permitted to ask questions to staff.

11.10 Request by Community Delegation Immediately Prior to Meeting

Any person(s) present at a meeting may request to appear as a delegation respecting an item on the agenda, provided that:

- (1) the request is made to the Clerk prior to the commencement of the meeting; and
- (2) the request is agreed to by a two-thirds majority of the Members present,

following which the item shall be placed as the final delegation on the Agenda.

11.11 Limit on Appearance of Community Delegations

Once a community delegation has been heard, subsequent presentations by the same delegation on substantially the same matter shall not be permitted within the same term of Council.

11.12 Public Hearing - Presentation Prohibited

Where a public hearing has been held by a Committee pursuant to any statute, no person shall be permitted to appear as a community delegation in respect of that matter.

11.13 Rules of Conduct for Community Delegations

Community delegations shall abide by the rules of conduct set out in Article 28.

ARTICLE 12. PRESENTATIONS BY STAFF**12.01 Request to Clerk**

Staff members may request that the Clerk schedule a staff presentation on an agenda.

12.02 Time Limit

Subject to any ruling by the Chair, each staff presentation shall be limited to a maximum of ten minutes.

ARTICLE 13. PUBLIC HEARINGS

13.01 Rules - Precedence

When a hearing is required by statute or by-law, the rules set out in this Article shall apply and shall take precedence over any other provision to the contrary in this by-law. The rules for community delegations set out in Article 11 do not apply at public hearings.

13.02 Announcement by Chair

The Chair shall commence the hearing by announcing: *“This is a public hearing under the provisions of the [name] Act concerning [issue]. Anyone who wishes to speak on this matter shall be allowed to do so”*.

13.03 Order of Speakers

The order of speakers shall be:

- (1) staff;
- (2) the applicant; and
- (3) anyone else who wishes to speak on the matter, including Members of Council who are not Members of the Committee hearing the matter.

13.04 No Prior Notification to Address Public Hearing

Any person may request permission to address the hearing without prior notification.

13.05 Limitation on Motions

Once a hearing has begun, no motion, including a motion to refer or to defer, shall be read or voted upon until all persons wishing to address the hearing have had the opportunity to do so.

13.06 Members - Late Arrival – Early Departure

Should a Member arrive after a public hearing has commenced, or leave before the public hearing is complete, the Clerk shall record this in the minutes and the Member shall take no part in any recommendation or motion.

13.07 Continuation - Later Date

Where a public hearing is to be continued at a later date, the Chair shall inform the persons present of the time and place of the continuation.

13.08 Continuation – Date not Known

Where the date or time is not known, notices of such continuation shall subsequently be sent to every person who leaves his or her name and address with the Clerk and to every person who has given the Clerk a written request for such notice.

13.09 Conclusion of Hearing – Announcement

The Chair shall conclude the hearing by announcing: *“The public hearing concerning this matter is now complete. The [name] Committee (or Council) shall now resume, in order to discuss and vote on the application.”*

13.10 Following Announcement - No Further Submissions

Following this announcement, no further submissions shall be accepted by Members or staff from any applicants of members of the public, and the application shall be discussed and voted on by all Members present, including the Chair and the Mayor, unless disqualified by reason of conflict of interest, or otherwise.

13.11 Recommendation to Council

Any ruling resulting from a hearing shall be in the form of a recommendation to Council for a final decision.

13.12 Record of Proceedings

The Clerk shall summarize in the minutes all evidence and representations given and all findings of fact made at a public hearing, collect any documentation presented during the hearing, record by ward number the names of all Members present and record their votes on all recommendations.

13.13 Tied Votes

Tied votes shall be reported as such in the Clerk's report.

13.14 More than One Recommendation

In the event that more than one recommendation results from a hearing, Council will deal first with the recommendation that received the largest number of votes in favour thereof, unless Council directs otherwise.

13.15 No Submissions while Discussing Minutes

While discussing or confirming the minutes from a public hearing or any resulting by-law, it is not in order for Council to hear from the applicant or any other person.

13.16 Post-Hearing Submissions

Notwithstanding any other provision of this by-law, where a public hearing is complete, it is not in order:

- (1) for the Clerk to circulate written or oral submissions from the applicant or any other person that were not already presented during the hearing; and
- (2) for a Member to receive or circulate written or oral submissions from the applicant or any other person that were not already presented during the hearing.

13.17 Changed Re-Zoning Application – Whether Hearing Required

If Council or the Planning Committee sees fit to consider a rezoning by-law that is different from the rezoning originally applied for, Council or the Planning Committee shall first decide whether a further public meeting should be held.

ARTICLE 14. CLOSED MEETINGS**14.01 When Closed Meetings Authorized**

Council or a Committee may, by resolution, close a meeting or part of a meeting to the public in accordance with s. 239 of the *Municipal Act, 2001*, attached as Appendix A.

14.02 Scheduling

Unless otherwise determined by the Clerk, closed meetings shall be scheduled immediately prior to the regular or special meeting of Council or a Committee and shall recess at least ten minutes prior to the time scheduled for the commencement of the regular or special meeting.

14.03 Incomplete Items

Any matters not completed at the recess of the closed meeting shall be continued at the conclusion of the open meeting, or placed on the next closed meeting agenda.

14.04 Request by Member

If, during a meeting, a Member wishes to move into a closed meeting, the Member shall:

- (1) bring a motion to defer the matter to the closed meeting portion of the agenda; or
- (2) bring a motion to immediately recess the open meeting and proceed to a closed meeting in accordance with the *Municipal Act, 2001*, provided that the motion is supported by a two-thirds majority of those Members present.

14.05 Chair

Closed meetings shall be chaired by:

- (1) the Deputy Mayor for Council meetings; and
- (2) the Vice-Chair for Committee meetings.

14.06 Discussion and Debate Limited

During a closed meeting only those items set out in the resolution required by s. 239(4) of the *Municipal Act, 2001* may be discussed and debated.

14.07 Speakers Not Limited

The number of times a Member may speak on any question shall not be limited at a closed meeting, provided that no Member shall speak more than once until every other Member who wishes to do so has spoken.

14.08 Motion for Adjournment Not Permitted

A motion for adjournment shall not be permitted at a closed meeting.

14.09 Motion to Report

Except when a Member has the floor or during the taking of a vote, a motion to report progress is permitted during a closed meeting. This motion does not require a seconder and shall be decided by majority vote without debate.

14.10 Voting

Voting on closed meeting matters shall take place in open session unless:

- (1) the meeting was permitted or required by s. 239(2) or (3) of the *Municipal Act, 2001*; and
- (2) the vote relates to:
 - (a) a procedural matter; or
 - (b) directions or instructions to officers, employees or agents of the Municipality, a Local Board, a Committee, or to persons retained by the Municipality or a Local Board.

14.11 Completion - Reconvene Open Meeting - Report

Upon completion of the closed meeting, the Members shall immediately reconvene in open session and the Chair of the closed meeting shall report the results thereof.

14.12 Disclosure

No Member or staff shall disclose the content or deliberations of a closed meeting, unless expressly authorized to do so by a majority vote of the meeting members, or as required by law.

ARTICLE 15. CONSENT AGENDA**15.01 Introduction by Motion**

The following procedure shall be applied for the introduction of consent agenda items:

- (1) The Clerk shall bring one consent agenda motion to pass and receive all of the items referred to in Article 10.01(8).
- (2) Each item referred to in Articles 10.01(8)(a), (8)(b) and (8)(c) shall also require its own separate motion.
- (3) Each item for which a Member declares a pecuniary interest shall be introduced separately.

15.02 Invitation to Debate

The Chair shall then invite debate on any item(s) set forth in the consent agenda motion.

15.03 Member Wishing to Debate

Any Member who wishes to debate any item(s) set forth in the consent agenda motion shall so advise the Chair, following which:

- (1) the item(s) shall be separated from the consent agenda motion;
- (2) the consent agenda motion shall be voted on; and
- (3) amendments to the separated item(s) may be proposed during the course of the debate.

15.04 Debate Concluded - Vote

At the conclusion of the debate:

- (1) if no amendments have been proposed to any item(s), the Chair shall call for a vote on each separate motion; or

- (2) if amendments have been proposed to any item(s):
 - (a) each amendment shall be voted on separately without further amendment or debate; and
 - (b) the Chair shall call for a vote on each item, as amended.

15.05 Adoption of Minutes

Subject to Article 15.06, the following applies to the adoption of the minutes of a previous meeting:

- (1) If the minutes are from Council or the Committee of the Whole:
 - (a) no changes shall be made to actions taken at that previous meeting; and
 - (b) debate on any item contained in the minutes requires a motion for reconsideration pursuant to Article 34.
- (2) If the minutes are from a Committee other than the Committee of the Whole, debate is permitted on any item(s) contained in the minutes and Council may:
 - (a) approve, alter or reject any recommendation of the Committee;
 - (b) refer the matter back to the Committee for further consideration; or
 - (c) defer the matter pursuant to Article 16.

15.06 Local Board Minutes

The minutes of a Local Board shall be received by Council for information only.

15.07 Correction of Errors or Omissions in Minutes

In adopting the minutes of Council or a Committee, corrections of errors or omissions may be made by Council without debate.

ARTICLE 16. REFERRED AND DEFERRED ITEMS**16.01 Deferred to Next Regular Meeting - Exceptions**

Deferred items shall be included on the agenda of the next regular meeting, unless specifically deferred to a subsequent meeting or referred elsewhere.

16.02 Agenda Order of Referred and Deferred Items

Referred and Deferred items shall be included in the agenda under "Referred and Deferred Items" in the chronological order in which the items were originally deferred or referred.

ARTICLE 17. MANAGERS' REPORTS**17.01 Managers' Reports – Purpose and Form**

A manager's report shall be in the form outlined in the Administrative Policy and shall:

- (1) request direction; or
- (2) provide recommendations, in which case it must then be moved and seconded, following which procedures for motions shall be followed, in accordance with Article 20.

ARTICLE 18. BY-LAWS**18.01 Details**

By-laws presented to Council shall include the following details:

- (1) the by-law's title and number;
- (2) the number of required readings if more than one is mandated by statute; and
- (3) except for by-laws confirming the proceedings of Council, the authority under which the by-law is being proposed or a descriptive annotation setting out the by-law's purpose.

18.02 Introduction by Motion

The following procedure shall be followed for the introduction of by-laws:

- (1) One motion shall be introduced to pass all of the by-laws without amendment or debate, providing that all by-laws shall be read and voted on, except as specified below.
- (2) In the event that a by-law requires intermediate steps, the by-law shall have its own motion without amendment or debate, indicating that it will come into effect once such intermediate steps are completed.
- (3) Each by-law for which a Member declares a pecuniary interest shall be introduced and voted on separately.

18.03 Invitation to Debate

The Chair shall then invite debate on any by-law(s) set forth in the motion to pass all of the by-laws and any Member wishing to debate one or more of the by-laws shall advise the Chair, following which:

- (1) the by-law(s) shall be separated from the motion;

- (2) the motion shall be voted on; and
- (3) amendments to the separate by-laws(s) may be proposed during the course of the debate.

18.04 Debate Concluded - Vote

By the conclusion of the debate:

- (1) if no amendments have been proposed to any of the separate by-law(s), the Chair shall call for a vote on the by-law(s) and, if applicable, any by-law(s) falling within Article 18.02(2); or
- (2) if amendments have been proposed to any of the separate by-law(s):
 - (a) any by-law(s) without proposed amendments and, if applicable, any by-law(s) falling within Article 18.02(2), shall be voted on;
 - (b) the Chair shall report the proposed amendments to the Members;
 - (c) each amendment shall be voted on separately without further amendment or debate; and
 - (d) the Chair shall call for a vote on each separate by-law, incorporating any approved amendments.

18.05 Correction of Errors and Omissions

The Clerk may make minor corrections of errors and omissions in any by-law before it is signed and sealed for the purpose of ensuring complete implementation of Council's decision(s).

ARTICLE 19. NOTICE OF MOTION**19.01 Notice of Motion - Submitted Prior to Meeting**

A Member's notice of motion shall be submitted in writing to the Clerk by 12 p.m. on the Wednesday of the week prior to the designated meeting and shall be included on the agenda.

19.02 No Seconder Required

A notice of motion does not require a seconder.

19.03 Notice of Motion - Submitted During Meeting

A notice of motion may be submitted to the Clerk during a meeting, in which case:

- (1) during the "Notices of Motion" portion of the meeting, the Chair shall have the notice of motion read; and
- (2) the notice of motion shall be recorded in the minutes and placed on the agenda for the next regular meeting under the item "Motions", following which the provisions of Article 20 shall apply.

19.04 Presence of Originating Member Not Required

The Member who initiated the notice of motion need not be present when the related motion is read.

19.05 Withdrawal of Notice of Motion - Voluntary

A notice of motion may be withdrawn orally by its originating Member prior to the related motion being read.

19.06 Motion without Notice

A motion may be made without notice during a meeting if:

- (1) it is moved and seconded; and

-
- (2) a vote dispensing with notice is supported by:
- (a) at least seven Members if at a Council meeting; or
 - (b) a two-thirds majority of Members present if at a Committee meeting.

ARTICLE 20. MOTIONS

20.01 Substantive Motions – General Rules

The following rules apply to substantive motions, motions to amend substantive motions and motions to amend the amendment:

- (1) In order to be heard, a motion must be signed by a mover and a seconder.
- (2) Following the introduction of the motion by the Chair, the mover and seconder may speak on the motion, in that order, prior to all other Members.
- (3) The mover and seconder must both be present at the time a vote is taken.

20.02 Motion – Waive Reading

Where a motion is contained in a report included in the agenda, the Chair may waive the reading of the motion following its introduction, provided the majority consent of the Members is received.

20.03 Mover and Seconder Need Not Support Motion

A Member who moves or seconds a motion may vote in favour or against that motion.

20.04 Motions – Friendly Amendments

After a motion has been read, a Member may propose a friendly amendment, following which the mover may:

- (1) accept the friendly amendment, in which case the motion shall be read incorporating the amendment; or
- (2) reject the friendly amendment, in which case it may be presented as an amendment pursuant to Article 20.13.

20.05 Motion that Vote be Taken

The Chair shall entertain a motion that a vote be taken after each Member has had an opportunity to speak at least once on the motion being debated, following which:

- (1) the motion shall be put to a vote without debate; and
- (2) if carried by a two-thirds majority, the substantive motion and any related amendments shall immediately be put to a vote without further debate.

20.06 Motion - Withdrawal

A substantive motion shall be withdrawn if:

- (1) it appears on two successive Council agendas without being dealt with, unless the Members decide by majority vote to place it on a subsequent agenda; or
- (2) after it has been read by the Chair, but prior to a vote, the Members agree to withdraw the motion by a majority vote.

20.07 No Motions during Debate - Exceptions

When a motion is under debate, no further motion shall be entertained other than a motion:

- (1) to refer;
- (2) to defer;
- (3) to withdraw the motion;
- (4) to amend;
- (5) that a vote be taken;
- (6) to extend the meeting time; or
- (7) to adjourn.

20.08 Motion to Refer or Defer – Precedence

A motion to refer or defer shall take precedence over any motion or amendment, except a motion to extend the meeting time or a motion to adjourn.

20.09 Motion to Refer or Defer – Not Debatable

A motion to refer or defer is not debatable.

20.10 Motion to Refer– Specify Municipal Body

A motion to refer shall specify the body to which it would be referred.

20.11 Motion to Defer - Reason – Time

A motion to defer must give a reason for the deferral and specify a time certain or the occurrence of an event when the matter must be returned to an agenda.

20.12 Distinct Propositions

A motion containing distinct propositions may have each proposition voted on separately, in accordance with Article 33.10.

20.13 Amendments to Motions

The following rules apply to amendments to motions:

- (1) An amendment to a motion or to an amendment must be similar in nature to the subject matter being addressed, with sufficient variance to constitute a different question, and cannot be a mere rejection of the motion.
- (2) For amendments to motions:
 - (a) only one amendment at a time can be presented to a motion;
 - (b) once an amendment to a motion has been voted on, another amendment to the motion may be introduced; and

- (c) an amendment to a motion cannot be withdrawn until any amendment to the amendment has been withdrawn or defeated.
- (3) For amendments to amendments:
- (a) only one amendment may be presented to an amendment; and
 - (b) once an amendment to an amendment has been voted on, another amendment to the amendment may be introduced.
- (4) The order of voting shall be:
- (a) an amendment to an amendment; then
 - (b) an amendment to a motion; then
 - (c) the motion, as amended.

20.14 Amendments - Informal Reading

A Member may request that amendments to a motion which have not yet been read to the meeting be read informally by the Chair for the sole purpose of informing the Members of the amendments.

20.15 Procedural Motions

The following are procedural motions, do not require a seconder or notice, and may be brought orally during a meeting:

- (1) to defer;
- (2) to refer;
- (3) to withdraw a motion;
- (4) to amend a motion;
- (5) to extend the time limit for a delegation;

-
- (6) to recess a meeting;
 - (7) to report from a closed meeting;
 - (8) to take a vote;
 - (9) to hear from a delegation that is not on the agenda;
 - (10) to overrule a decision of the Clerk; and
 - (11) any motion that is of a procedural nature.

ARTICLE 21. ADDENDUM**21.01 Permitted after Deadline if Urgent**

An addendum may only be presented when one or more items arise after the deadline for preparation of the agenda and prior to the meeting which are of an urgent nature and require immediate consideration.

21.02 Addendum – Resolution Required

Before any addendum may be dealt with:

- (1) at Council or Committee of the Whole, a resolution must be passed by at least seven Members authorizing Council to deal with any or all of the items on the addendum; or
- (2) at any other Committee, a resolution must be passed by a two-thirds majority of the Members present authorizing the Committee to deal with any or all of the items on the addendum.

21.03 Declaration of Pecuniary Interest

The addendum shall include a provision for declarations of pecuniary interest and the general nature thereof.

ARTICLE 22. CIVIC PETITIONS**22.01 Submission to Clerk or Member**

Citizens of the Municipality may submit civic petitions to the Clerk or to a Member of Council, which may be introduced during the “Civic Petitions” portion of the agenda.

22.02 Required Elements

The civic petition must:

- (1) be signed by at least two residents of the municipality;
- (2) set out the residential address of each petitioner;
- (3) indicate the name of one contact person, his or her mailing address, street address (if different from mailing address) and telephone number; and
- (4) state the purpose of the petition.

ARTICLE 23. QUESTION PERIOD**23.01 Questions – New and Relevant Matters**

Council Members may direct questions to staff dealing only with matters of an immediate nature not previously dealt with during the meeting. Statements or announcements shall not be permitted during question period.

23.02 Answers – Immediate or Deferred

Staff who are asked a question during question period shall:

- (1) answer immediately; or
- (2) indicate to the Mayor that an answer will be given either:
 - (a) at a subsequent meeting; or
 - (b) directly to Members at a later time.

23.03 Information Requests to Staff

Any request for information or reports made by a Member that, in the opinion of staff, will require more than two hours of staff time must receive the consent of the majority of Members present.

23.04 Questions and Answers Recorded

Each question and answer shall be recorded in the minutes.

23.05 Limit on Number of Questions

Members shall be permitted to ask no more than two questions per meeting without first receiving two-thirds majority consent of all Members present.

ARTICLE 24. ANNOUNCEMENTS**24.01 Announcements - Policy Committee**

During Policy Committee meetings, announcements may be made by Members.

24.02 Announcements Not Recorded

The Clerk shall not record announcements in the minutes.

ARTICLE 25. ADJOURNMENT**25.01 Motion to Adjourn**

A motion to adjourn requires a seconder and may be made at any time during a meeting except:

- (1) when another Member has the floor;
- (2) when a vote has been called; or
- (3) during the taking of a vote.

25.02 Subsequent Motions to Adjourn

If a motion to adjourn is defeated, another motion to adjourn shall not be made until after an intermediate proceeding has been completed.

25.03 Automatic Adjournment

Meetings shall automatically adjourn three hours after commencement if still in session, unless otherwise decided by a two-thirds majority of the Members present, except for:

- (1) Finance Committee, which shall adjourn in accordance with Articles 38.03 and 38.04; and
- (2) Planning Committee, which shall adjourn in accordance with Articles 41.04 and 41.05.

25.04 Continuation - Automatic Adjournment Hourly

Where, by Article 25.03, a meeting is authorized to continue past three hours, the meeting shall be automatically adjourned one hour later, unless the meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

PART VI. MEETING RULES**ARTICLE 26. QUORUM****26.01 Majority Necessary**

The quorum required to commence and continue a meeting shall be a majority of its Members.

26.02 No Quorum - Automatic Adjournment - Thirty Minutes

If a quorum is not present within 30 minutes of the meeting's scheduled commencement:

- (1) the meeting shall stand adjourned until the next regular meeting or until a special meeting is called to deal with matters on the meeting's agenda; and
- (2) the Clerk shall record the names of the Members present at the expiration of the 30 minute time limit and append this record to the agenda for the next meeting.

26.03 Alternate Members for Committee Quorum

If a Committee quorum is not possible because of the absence of one or more of its Members, the following procedure shall apply:

- (1) Any Member present at the meeting who is not a Member of the Committee may, with his or her consent entered in the minutes, become an alternate Member of the Committee and will be counted to determine quorum.
- (2) If more than one Member is present, priority for selection will be determined in accordance with the rotation schedule for Acting Deputy Mayor as outlined in Article 5.08, beginning with the current month's Acting Deputy Mayor.
- (3) This process shall continue until sufficient alternate Members are appointed to achieve a quorum.

- (4) In the event that an absent Committee Member arrives after his or her alternate Member has been appointed, the alternate Member shall cease to be part of the Committee.

26.04 Quorum - Meeting Called to Order

Subject to Article 26.02, the Chair shall call the meeting to order as soon as a quorum is established following the meeting's scheduled start time.

26.05 Loss of Quorum

If at any time during the meeting a quorum is lost, the meeting shall automatically be recessed until a quorum is re-established unless:

- (1) the Chair first declares the meeting adjourned; or
- (2) the loss of a quorum continues for 30 minutes,

in which case the meeting shall stand adjourned either until the next regular meeting or until a special meeting is called to deal with the matters remaining from the adjourned meeting.

26.06 Where Declarations of Conflict Affect Quorum

Where the number of members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, are prevented from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then:

- (1) provided such number is not less than two, the remaining number of members shall be deemed to constitute a quorum; or
- (2) if such number is less than two, the process described in the *Municipal Conflict of Interest Act* shall apply.

ARTICLE 27. RULES OF DEBATE**27.01 Chair - Speaking Before Debate**

The Chair may state relevant facts and his/her position on any matter before the commencement of debate.

27.02 Chair - Speaking at Conclusion of Debate

The Chair may speak to close the debate on any matter after all Members wishing to speak have done so.

27.03 Chair - Participation in Debate

If the Chair wishes to participate in the debate, the Chair must leave the chair and call on the Deputy Mayor, Acting Deputy Mayor, Vice-Chair, or Acting Vice-Chair, as the case may be, to act in the Chair's place until the debate is closed. In such a case, the Chair waives his or her privilege to close the debate and the Member acting in the Chair's place may do so.

27.04 Recognition by Chair - Acknowledgement of Speaker

No person shall address a meeting without first being recognized by the Chair, following which all remarks shall be respectfully made through the Chair.

27.05 Opportunity to Speak – Members of Council

At Council meetings, a Member shall not speak more than once on a matter without the majority consent of the other Members, except:

- (1) in response to a question by another Member;
- (2) to explain comments which the Member believes have been misunderstood; or
- (3) in the case of the mover of a motion, in reply immediately prior to the Chair closing debate and after everyone else has spoken, however the right of reply does not apply to:

- (a) movers of amendments; or
- (b) the mover of the main motion if that Member has proposed an amendment.

27.06 Speaking Time

No Member shall speak or reply to a matter for longer than 10 minutes without majority consent.

27.07 Motion – Request for Reading

Any Member may, once only, require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another Member who is speaking.

ARTICLE 28. DECORUM**28.01 General Conduct**

The following rules of conduct shall apply, as indicated:

- (1) No person shall:
 - (a) speak disrespectfully of the reigning sovereign, any member of the Royal Family, their duly appointed representatives, or any other person or office;
 - (b) use offensive words or unparliamentary language;
 - (c) address remarks to anyone but the Chair;
 - (d) interrupt a person who has the floor;
 - (e) engage in disruptive or distracting behaviour in such manner as to interrupt the proceedings;
 - (f) come within the enclosure formed by the Member's Council tables during meetings, without permission from the Chair;
 - (g) display signs or placards; or
 - (h) disobey the rules set out in this by-law or rulings made by the Chair.
- (2) In addition to the above and to the Code of Ethics set out as Appendix B, no Member shall:
 - (a) speak on any subject other than the subject in debate;
 - (b) interrupt a person who is has the floor, except to raise a point of order or information, or a question of privilege;
 - (c) leave his or her seat while a vote is being taken until the results are declared;
or

- (d) enter a meeting while a vote is being taken.

28.02 Consequence of Breach of Conduct - General

Any person found to be in contravention of these rules of conduct may be subject to exclusion from participation in, or expulsion from, the meeting by the Chair.

28.03 Consequence of Breach of Conduct - Members

In the event that a Member persists in a breach of the rules of conduct after having been called to order by the Chair:

- (1) the Chair shall request a vote without debate as to whether that Member should be ordered to leave the meeting; and
- (2) if a majority of Members decides the question in the affirmative, the Member in question shall immediately comply.

28.04 Refusal to Comply

Where a person found to be in breach of conduct refuses to comply with such a ruling, the Chair may adjourn the meeting without motion until such time as that Member has left the meeting.

28.05 Apology

If the Member in breach of conduct apologizes to the Members, he or she may be permitted to retake his or her seat by a Members' majority vote, which the Member in question shall not participate in.

ARTICLE 29. POINTS OF INFORMATION**29.01 Questions or Clarification - Previous Speaker or Staff**

A Member may, through the Chair, rise on a point of information to:

- (1) ask a previous speaker questions or seek clarification regarding that speaker's remarks; and
- (2) ask questions of staff during debate of any agenda item.

ARTICLE 30. POINTS OF ORDER**30.01 Violation of Rules of Procedure**

A Member may, through the Chair, rise on a point of order where he or she believes that a violation of the rules of procedure has occurred.

30.02 Member Speaking to Yield the Floor

When a point of order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.

30.03 Brief Explanation - Ruling

The Member raising a point of order shall provide concise reasons for rising, following which the Chair shall issue a ruling.

30.04 Appeal of Ruling

The Chair's ruling shall be final, unless immediately appealed as follows:

- (1) the Member appealing shall state the reasons for the appeal;
- (2) the Chair may offer reasons in favour of upholding his or her ruling; and
- (3) the Members shall decide the appeal by way of a roll call vote, without debate.

30.05 Results of Appeal

If the appeal is:

- (1) upheld, the Chair shall change the ruling accordingly; or
- (2) rejected, the ruling shall stand and no further avenues of appeal are allowed.

30.06 Proceedings Resumed

Once the appeal has been dealt with the proceedings shall resume, subject to any changes resulting from the Chair's ruling or results of the appeal.

ARTICLE 31. QUESTIONS OF PRIVILEGE**31.01 Rights, Privileges or Integrity Brought Into Question**

A Member may, through the Chair, rise on a question of privilege where he or she believes that the rights, privileges, or integrity of any person or office have been brought into question.

31.02 Member Speaking to Yield the Floor

When a question of privilege is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the question has been dealt with.

31.03 Matter of Privilege - Precedence

A matter of privilege takes precedence over other matters except for points of order or a motion to adjourn.

ARTICLE 32. PUBLIC INPUT MEETINGS**32.01 Purpose**

The Clerk, as directed by Council or a Committee, may schedule a meeting for the purpose of receiving public comments on any matter, in which case:

- (1) the meeting may be conducted with four or more Members present; however,
- (2) if less than a quorum of Council is present, no resolutions may be enacted at the meeting except for a motion appointing a Chair and a motion to adjourn.

32.02 Procedure

Where Council has directed that a Public Input Meeting be held by Council or by a Committee, the following rules shall apply:

- (1) Prior to receiving public comment, the Chair shall briefly state the purpose of the public input meeting.
- (2) The Chair may allow a maximum of five minutes to each speaker, in order to allow as many persons as possible an opportunity to speak.
- (3) When called to the podium, each speaker shall state his or her full name and comment on the matter in question.
- (4) Each speaker shall address all remarks to the Chair.
- (5) Speakers shall be heard in the following order:
 - (a) those persons who have contacted the Clerk's Office prior to the close of the agenda to have their names placed on the speaker's list;
 - (b) those persons who have added their names to the speaker's list following the close of the agenda and prior to the start of the Public Input Meeting; and

- (c) any person in the public gallery who has indicated his or her desire to address the Members through the Chair.
- (6) Upon the completion of a speaker's comments, a Member may ask the speaker a question for the purpose of clarification or for obtaining additional relevant information only.
- (7) No Member shall enter into debate with a speaker respecting his/her comments.

PART VII. VOTING**ARTICLE 33. GENERAL****33.01 Voting Commenced - Discussions and Motions Prohibited**

Once a vote is duly called for by the Chair, no Member shall speak to the matter in question or present any motion until the vote has been taken.

33.02 All Members to Vote - Exception

Regardless of the method of voting:

- (1) every Member present at a meeting, including the Chair, shall vote on the issue at hand unless prohibited by statute or this by-law; and
- (2) if any Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.

33.03 Method - Show of Hands

Except where a recorded vote is requested pursuant to Articles 33.04 or 33.05, voting shall be by a show of hands in favour or against, following which:

- (1) the Chair shall announce the result; and
- (2) the Clerk shall record only the result, and not whether Members voted for or against the question.

33.04 Method - Recorded Vote

Any Member may request a recorded vote immediately before or after the taking of a vote, following which:

- (1) the Clerk shall call on Members by name according to Ward number, starting with Ward 1 and ending with the Chair;

- (2) each Member present who is not disqualified from voting by statute or this by-law shall announce his or her vote openly, in the order set out above; and
- (3) the Clerk shall announce and record the result of the vote, and record how each Member voted.

33.05 Method - Simultaneous Recorded Vote

Any Member may request a simultaneous recorded vote before the taking of a vote, following which:

- (1) each Member present, unless otherwise prohibited by statute or this by-law, shall on a sheet of paper provided by the Clerk, simultaneously mark in favour of or against the question and sign their respective names; and
- (2) the Clerk shall:
 - (a) collect the sheets of paper;
 - (b) announce the name and vote of each Member and the vote result; and
 - (c) record the result, including how each Member voted.

33.06 Majority Vote is Default

Unless specifically provided otherwise in this by-law, a matter is passed when a majority of Members present vote in favour of it.

33.07 Voting Calculation

When a vote is called for:

- (1) the count shall include only those present and not excluded from voting by the provisions of this by-law or due to a conflict of interest; and
- (2) the Mayor or Chair shall be included in the count.

The following represents the required number of votes for a majority or a two-thirds majority:

Members Present & Voting	Majority	Two-thirds Majority
13	7	9
12	7	8
11	6	7
10	6	7
9	5	6
8	5	6
7	4	5
6	4	4
5	3	4
4	3	3
3	2	2

33.08 Tie Vote - Deemed Lost

In the event of a tie vote, the motion shall be deemed to be lost, except where otherwise provided by statute.

33.09 Result of Vote – How Recorded

The Clerk shall record the result of votes as follows:

- (1) if passed, "Carried";
- (2) if not passed, "Defeated"; or
- (3) if tied, "Motion Lost".

33.10 Distinct Propositions – Request for Separate Vote

When the motion under consideration contains distinct propositions, a Member may require that each proposition be voted on separately, provided the Member receives the support of a majority of the Members present.

33.11 Member Not at Council Table

A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.

ARTICLE 34. RECONSIDERATION**34.01 Motion to Reconsider**

Once a motion has been voted on, any Member who voted on the prevailing side may move for a reconsideration and, if such motion is seconded, it shall be open to debate and dealt with.

34.02 Reconsideration at Same Meeting

When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was dealt with, the motion for reconsideration shall be resolved at that meeting and shall require the support of a majority of the Members present.

34.03 Reconsideration at Subsequent Meeting

Where a motion for reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was dealt with, the motion for reconsideration shall be initiated by a notice of motion given pursuant to Article 19 and shall require the support of two-thirds of the Members present in order for the motion to be carried.

34.04 Debate on Motion for Reconsideration

Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.

34.05 Affirmative Vote - Next Order of Business - Exception

If a motion for reconsideration is carried, such reconsideration shall become the next order of business, unless the motion for reconsideration calls for a future definite date for the reconsideration.

34.06 Debate on Question Being Reconsidered

Debate on the question being reconsidered shall proceed as though it had not been previously voted on.

34.07 Limited to Two Reconsiderations

During a term of Council, a maximum of two motions for reconsideration of a Council decision shall be permitted within a 12-month period following the vote on the original question.

34.08 No Delay of Action

A notice of motion for reconsideration of any Council decision shall not operate to stop or delay any action in furtherance of that decision, unless Council so directs by a two-thirds majority vote.

34.09 Reconsideration of Council Decision by Committee

Once Council has decided a motion, a Committee may not seek to reconsider the same issue, nor consider any other issue which could create a result inconsistent with Council's decision, unless a motion for reconsideration is authorized by a two-thirds majority of Council Members.

ARTICLE 35. TELEPHONE / ELECTRONIC MAIL POLL**35.01 Urgent Matter**

Where an urgent matter arises which requires the authorization of Council and, in the opinion of the Chief Administrative Officer, requires immediate action prior to the next scheduled meeting of Council, the Chief Administrative Officer may direct the Clerk to conduct a telephone and/or electronic mail poll of Members of Council, following which the Clerk shall record the result.

35.02 Majority of Council

In order to be approved, the subject matter of the poll must be supported by at least seven Members of Council, regardless of how many Members participate in the poll.

35.03 Poll Result on Next Agenda

The poll result shall be:

- (1) conveyed to each Member for information purposes; and
- (2) included in the agenda for the next regular meeting of Council, together with a report of the Clerk outlining the poll result; and
- (3) voted on by Council at that meeting.

35.04 Action Directed by CAO

If the poll result requires any action to be taken prior to the next meeting of Council, the Chief Administrative Officer is authorized to commence such action.

PART VIII. COMMITTEES - ADVISORY PANELS**ARTICLE 36. COMMITTEES OF COUNCIL****36.01 Committees - List**

The Committees of Council are:

- (1) Emergency Governance Committee;
- (2) Finance Committee;
- (3) Hearing Committee;
- (4) Nominating Committee;
- (5) Planning Committee; and
- (6) Policy Committee.

36.02 Meeting Location

All Committee meetings shall be held at Tom Davies Square, unless otherwise indicated by the Clerk.

36.03 Authority

All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other by-law.

36.04 Committee Decisions not Binding on Council

No decision of any Committee shall be binding on Council and, with the exception of the Emergency Governance Committee, no action shall be taken from that decision, unless Council adopts the Committee's minutes.

36.05 Special Meetings – Committees

Special meetings of the Planning Committee, Policy Committee and Finance Committee may be called by their respective Chairs in accordance with Article 7.09.

36.06 Expenditure of Funds

Committees shall not recommend the expenditure of any funds not already provided for in the current year's budget as approved by Council, unless their recommendation specifically identifies the expenditure as unbudgeted and further identifies a source of funds for the expenditure.

36.07 Committee Appointments – Simultaneous Recorded Vote

At the first regular meeting of a new Council, or as soon thereafter as is reasonable, Council shall appoint Members to Committees and Boards as required, by way of simultaneous recorded vote as described in Article 33.05.

36.08 Committee Appointments – Term

Unless otherwise indicated by Council or this by-law, Committee appointments shall coincide with the term of Council.

36.09 Chair and Vice-Chair

With the exception of the Finance Committee as described in Article 38.05, at the first meeting of each calendar year each Committee shall appoint one Member to serve as Chair and another as Vice-Chair, both of whom shall hold office for one year or until their respective successors are appointed in accordance with this by-law.

36.10 Consecutive Terms

The Chair and Vice-Chair are eligible to vote and to serve consecutive terms.

36.11 Quorum

The quorum for Committees shall be determined in accordance with Article 26.

ARTICLE 37. EMERGENCY GOVERNANCE COMMITTEE**37.01 Composition**

The Emergency Governance Committee shall be composed of a minimum of three and a maximum of six members of Council and shall elect a Chair.

37.02 Mandate

The Emergency Governance Committee is authorized to carry out all of the duties and responsibilities of Council that may be lawfully delegated, provided the following conditions exist:

- (1) an emergency has been declared by the Province of Ontario of the City of Greater Sudbury;
- (2) Council is unable to achieve quorum; and
- (3) a telephone / electronic mail poll pursuant to Article 35 is not practicable.

37.03 Duration of Committee's Mandate

The Emergency Governance Committee shall meet as necessary and carry out its mandate only during the time of the declared emergency and until a quorum of Council can be achieved.

37.04 Quorum

At least three Councillors shall be necessary to achieve quorum for a meeting of the Emergency Governance Committee.

37.05 Action of Committee Authorized

Subject to Article 37.02, should any action be necessary prior to the ability of Council to achieve quorum, the Emergency Governance Committee is authorized to direct the Chief Administrative Officer to take such action.

ARTICLE 38. FINANCE COMMITTEE**38.01 Composition**

The Finance Committee shall be composed of all Members of Council and shall meet at such times and location as determined by the Chair.

38.02 Mandate

The Finance Committee shall meet throughout the year as required and provide recommendations as necessary to Council regarding the following:

- (1) Review the capital and operating budgets for the current year.
- (2) Review the timetable and guidelines for the preparation of the following year's operating budget.
- (3) Establish priorities for capital projects for the following year's capital budget.
- (4) Review and approve the external auditor's annual audit plan.
- (5) Review the annual audited financial statements and annual audit findings report.
- (6) Review the Auditor General's reports and annual work plan.
- (7) Conduct an annual review of the Auditor General's office.

38.03 Automatic Adjournment

Finance Committee meetings shall automatically adjourn at 9:00 p.m. if still in session, unless otherwise decided by a two-thirds majority of the Members present.

38.04 Continuation - Automatic Adjournment Hourly

Where a meeting is authorized to continue past 9:00 p.m., the meeting shall be automatically adjourned one hour later, unless the meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

38.05 Chair and Vice-Chair

A Chair and a Vice-Chair shall be appointed by Council at the start of a Council term, or when otherwise required, to hold office for that term or until their successors are appointed in accordance with this by-law. The Chair and Vice-Chair are eligible to serve consecutive terms.

38.06 Public Input Meeting

The Finance Committee shall hold at least one public meeting prior to the budget each year to receive public input on budget matters.

ARTICLE 39. HEARING COMMITTEE

39.01 Composition

The Hearing Committee shall consist of five Members and shall conduct public hearings in accordance with Article 13.

39.02 Mandate

All matters requiring a hearing shall be presented to the Hearing Committee, except for matters that are to be heard by the Planning Committee or Council. Hearing Committee matters include, but are not limited to:

- (1) licensing under Part IV of the *Municipal Act, 2001*;
- (2) property tax issues under s. 357 of the *Municipal Act, 2001*;
- (3) issues under the *Drainage Act*, R.S.O. 1990, c. D.17;
- (4) issues under the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;
- (5) lottery licensing for charities;
- (6) topsoil regulation;
- (7) the regulation of trees on municipal road rights-of-way; and
- (8) such other matters as set out in municipal by-laws.

39.03 Overriding Principles

Where the Hearing Committee is exercising a statutory power of decision and is required by law to hold a hearing, or to afford to the parties to the proceeding an opportunity for a hearing, before making a decision, the hearing process shall comply with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

39.04 Report to Council

Upon the conclusion of a hearing, the Hearing Committee shall, as soon as practicable, make a written report to Council by way of minutes summarizing the evidence and arguments presented by the parties, the findings of fact and the recommendations of the Hearing Committee, along with supporting reasons.

ARTICLE 40. NOMINATING COMMITTEE**40.01 Composition**

The Nominating Committee shall be composed of all Members of Council and chaired by a Deputy Mayor.

40.02 Mandate

The Nominating Committee shall meet, as needed by Council, for the purpose of considering and recommending to Council citizen appointments to agencies, boards, advisory panels, and other bodies as required. In making such appointments, the Nominating Committee shall take into consideration a balanced representation from communities of interest so as to be reflective of the geographical and demographic composition of the community.

40.03 Procedure

In making such appointments, the procedure set out in this Article shall apply unless otherwise provided in a shareholders' declaration.

40.04 Number of Applicants Matches Positions - Motion

Where the number of applicants matches the positions to be filled, a motion to appoint the applicant(s) to the position(s) in question shall be presented and voted upon.

40.05 Simultaneous Recorded Vote

A simultaneous recorded vote shall be used to select the applicants to fill each position available, in accordance with Article 33.05, except that:

- (1) the Clerk need not read each ballot aloud nor record each individual vote; and
- (2) the ballots shall be retained as part of the minutes.

40.06 Number of Applicants Exceeds Positions - Simultaneous Recorded Vote

Where the number of applicants exceeds the number of positions available, the following procedure shall be followed, for as many voting rounds as necessary:

- (1) Applicants receiving a majority vote of Members present shall be recommended for appointment.
- (2) Applicants receiving no votes shall be excluded from further consideration.
- (3) In addition to those applicants receiving no votes, applicants receiving the least amount of votes shall also be excluded from further consideration, unless this would result in insufficient applicants to fill the positions available.
- (4) If two or more applicants are tied with the least number of votes and their exclusion would result in insufficient applicants to fill the positions available:
 - (a) the Committee shall decide by majority vote which of the tied applicants shall remain eligible for further consideration; however
 - (b) if the Committee vote still results in too few applicants left to fill the remaining position(s), then the Clerk shall choose the person(s) to remain eligible by lot.
- (5) If it becomes apparent by reason of an equality of votes that no applicant can achieve sufficient votes to become a recommended applicant, then the Clerk shall make the selection by lot.

40.07 Term of Appointment – Local Boards

The term of office of each citizen appointed to a Local Board shall be set out in the body's terms of reference and shall not exceed the term of Council, unless otherwise specified by statute. However for purposes of continuity, such citizen appointments shall remain in effect following a municipal election until their successors are appointed by the incoming Council.

40.08 Term of Appointment – Staff

Except where prohibited by statute, the Nominating Committee may recommend the appointment of a member of staff to a board or agency within its mandate in the place of a Member when no other Members are available to be appointed.

ARTICLE 41. PLANNING COMMITTEE**41.01 Composition**

The Planning Committee shall consist of five Councillors.

41.02 Mandate

The Planning Committee shall conduct hearings and make recommendations to Council regarding development or land-use matters in relation to:

- (1) the *Planning Act*, R.S.O. 1990, c. P.13;
- (2) front-ending agreements under the *Development Charges Act, 1997*, S.O. 1997, c. 27;
- (3) approval authority matters under the *Condominium Act, 1998*, S.O. 1998, c. 19,

and provide recommendations on any other land-related matters, including acquisition and disposition of lands, expropriations, leases, road and lane closures, and heritage designations.

41.03 Meeting Dates

Planning Committee meetings shall be held on the first and third Tuesday of each month commencing at 5:30 p.m., except in the months of July, August and December when there shall be one meeting in each month. The date, time and location for the July and August meetings shall be designated by the Clerk.

41.04 Automatic Adjournment

Planning Committee meetings shall automatically adjourn at 10:00 p.m. if still in session, unless otherwise decided by a two-thirds majority of the Members present.

41.05 Continuation - Automatic Adjournment Hourly

Where a meeting is authorized to continue past 10:00 p.m., the meeting shall be automatically adjourned one hour later, unless the meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

ARTICLE 42. POLICY COMMITTEE**42.01 Composition**

The Policy Committee shall be composed of all Members of Council.

42.02 Mandate

The Policy Committee shall:

- (1) make recommendations concerning Council's strategic policy and priorities;
- (2) create or enhance policies in accordance with the overall strategic priorities of Council;
- (3) be the primary forum to:
 - (a) facilitate public participation and consultation; and
 - (b) receive community delegations; and
- (4) monitor and evaluate service delivery.

42.03 Meeting dates

Policy Committee meetings shall be held on the third Wednesday of each month commencing at 6:00 p.m., except:

- (1) in the months of March and December the meetings shall be scheduled by the Clerk; and
- (2) in the months of July and August the meetings shall be scheduled on the same day as Council meetings, as required.

42.04 Rules of Procedure – Exception

All procedural rules set out in this by-law shall be observed in Policy Committee except that the number of times to speak on any question shall not be limited, provided that no

Member shall speak more than once, except to offer an explanation, until every Member who wishes to speak has spoken.

ARTICLE 43. COMMITTEE OF THE WHOLE**43.01 Motion Required**

Council may move into Committee of the Whole following a motion to do so, duly moved and seconded, which meeting shall be chaired by the Mayor.

43.02 Rules of Procedure – Exception

The rules set out in this by-law continue to apply during a meeting of the Committee of the Whole, except that Members may speak more than once on a matter, provided that every Member who wishes to speak has done so.

43.03 Motion to Report

A motion to report may be brought at any time during the meeting, following which it shall be voted on without debate.

ARTICLE 44. COMMITTEE OF MANAGEMENT**44.01 Pioneer Manor**

At the first regular meeting of a new Council, or as soon thereafter as is reasonable, Council shall appoint three Councillors to the Committee of Management for Pioneer Manor, pursuant to section 8 of the *Homes for the Aged and Rest Homes Act*, R.S.O. 1990, c. H.13, as amended.

ARTICLE 45. AD HOC COMMITTEES**45.01 Motion to Establish**

Council may by resolution establish Advisory Panels from time to time in order to consider specific matters.

45.02 Motion Requirements

A motion to establish an Ad Hoc Committee shall include:

- (1) the name of the Ad Hoc Committee;
- (2) the Members of Council forming the Ad Hoc Committee;
- (3) the purposes and objectives of the Ad Hoc Committee; and
- (4) the term of the Ad Hoc Committee, which shall not exceed the term of Council.

ARTICLE 46. ADVISORY PANELS**46.01 Motion to Establish**

Council may by resolution establish Ad Hoc Committees from time to time in order to consider specific matters.

46.02 Motion Requirements

A motion to establish an Advisory Panel shall include:

- (1) the name of the Advisory Panel;
- (2) the composition of the Advisory Panel;
- (3) the purposes and objectives of the Advisory Panel; and
- (4) the term of the Advisory Panel, which shall not exceed the term of Council unless required by statute.

46.03 Composition

Advisory Panels shall be composed of stakeholders and citizens, as recommended by the Nominating Committee. Members of Council may be included, provided they do not represent a majority of the Panel's Members.

46.04 Appointment of Chair

Advisory Panels shall, at their first meeting, appoint from among their Members a Chair.

46.05 Filling Vacancies

In the event that a position on an Advisory Panel becomes vacant:

- (1) if the number of Members still exceeds the number required in the establishing motion and the panel requests that the vacancy be filled; or

- (2) if the number of Members falls below the number required in the establishing motion,

the Clerk shall proceed to fill the vacancy in accordance with the Administrative Policy.

46.06 Role

Advisory Panels shall provide advice, information and expertise to the Municipality through a designated Senior Management Team staff member, who shall then report this advice to Council, as appropriate.

46.07 Conduct of Meetings

Meetings of Advisory Panels are informal, do not require agendas or minutes and are not required to follow the rules of procedure set out herein, except for the rules of conduct and decorum. Public notice of Advisory Panel meetings is not required.

APPENDIX A – Municipal Act, 2001, s. 239**Meetings open to public**

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

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

Other criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution* for the purposes of that Act.

Educational or training sessions

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

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Resolution

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

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

Open meeting

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

Exception

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

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

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

Record of meeting

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

Same

- (8) The record required by subsection (7) shall be made by,
 - (a) the clerk, in the case of a meeting of council; or
 - (b) the appropriate officer, in the case of a meeting of a local board or committee.

Record may be disclosed

(9) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1).

APPENDIX B – Code of Ethics

PREAMBLE: The purpose of the Code of Ethics is as follows:

1. To provide guidance to Council so as to ensure that each are accorded reasonable and fair treatment.
2. To assist Council Members in avoiding problems relating to role problems.
3. To preserve the integrity of the Council and administration.
4. To protect the individual rights of Council as normal citizens.

Primary Focus

Council Members recognize that its allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

Relationships to Council Members and/or Administration

Each member shall ensure that their behaviour prior to, during, or following a meeting or public hearing, towards other Council Members, Members of the administration, and representatives of the public at all times:

- (a) is courteous, professional, fair and unbiased;
- (b) contributes to the preservation of orderly decorum in a hearing;
- (c) avoids sarcasm, derogatory comments, or questions or comments designed to embarrass; and
- (d) is respectful of the rulings of the Council as a whole.

These guidelines are additional to any requirements at law and do not excuse any member from complying with any common law or statute law.

Fair Treatment

Each member has a responsibility to ensure that all persons are:

- (a) treated fairly regardless of race, gender, religion, age, disability, or occupation;
- (b) dealt with in good faith;
- (c) dealt with without bias and in an even-handed temper; and
- (d) given an adequate opportunity to state their case.

As chair of Council and other meetings of Council, the Mayor (or whomever is filling the role of chair of that meeting) will not tolerate:

- discourtesy by one party to another;
- rudeness to Members of staff or the public; and/or
- disruptive behaviour.

Council Plans & Priorities

Council will be asked to approve a “corporate business plan” on an annual basis. This plan will set the stage for the general guidance of corporate actions. The corporate business plan will set forth the priorities as determined by Council as a whole and as advised by the administration (through the CAO).

The CAO will be charged with establishing the “administrative action plan” which will guide the staff’s day-to-day objectives and priorities.

The CAO will be responsible for accomplishing the “corporate business plan” in its approved or amended form. The CAO will be given sole authority over the “administrative action plan” providing it is in keeping with the context and spirit of Council’s “corporate business plan”.

Authority and Powers

Both Council and its administration will respect the need for clear roles and powers. This aspect will be reviewed regularly to ensure that all parties are clear in this regard.

Each member of Council will respect the legislation which accords to Council the authority to make policy decisions which guide the actions of the CAO (and administration). As well, the Council will respect that authority which has been granted to the CAO by legislation and/or by-law and/or policy.

Council Members will refrain from attempting to direct the actions or unduly or inappropriately influence individual Members of staff. The authority to direct the administration has been delegated to the CAO.

Requests for Information

Council Members will direct their requests for information or action to the office of the CAO or to the appropriate Senior Management Team member. If the matter is subject to a current Council or policy, the administration will respond as quickly as possible in filling the request.

If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before the Council to receive its direction.

Policy Leadership

Council and administration will recognize and support the value of clear and consistent policies which convey the values and beliefs of Council as to what constitutes a reasonable and fair “policy”. The administration, under the guidance of the Chief Administrative Officer, will draft policy statements for the approval of Council. Approved policies of Council will be implemented as expeditiously as possible and circulated throughout the organization.

Conflict of Interest

Neither Council Members nor Members of the administration will act in such a way as to constitute a conflict of interest. All residents will be treated equally. No special favour will be granted unless it is approved by a legal resolution of the Council. Decisions on matters of pecuniary interest (either direct or indirect) which impact family Members in a way not consistent with the population as a whole will be deferred pending the advice of the municipality’s solicitor.

In this, as in all matters, the legislation will prevail.

Council Spokesperson

The official decisions of Council will be conveyed to the public and all others by way of Council resolutions, bylaws and policies. These decisions will be conveyed by the Mayor (or as delegated to another member of Council, the CAO or other senior municipal official) to the media and to the public.

Any other comments on Council positions by any other member of Council, which are not consistent with the official position of Council, should be prefaced as personal opinion only.

Public Statements

A Council member is not restricted in any public statement they choose to make, but as a member of Council they are expected to:

- (a) support the role of the Council and the performance of duties of its administration;
- (b) support the current policies of Council; and
- (c) support the decisions of the Council.

Any statement made by a member of Council, which is contrary to the policies and decisions of Council, should be prefaced as personal opinion only.

Any requests by the media to Members of the administration for comment or information on matters pertaining to a matter within the jurisdiction of the Council and not yet subject to an approved policy should be immediately referred to the CAO or the appropriate Senior Management Team member (unless otherwise delegated).

Acceptance of Gifts

A member of Council is expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall:

- (a) accept only those token gifts of protocol or social obligation that occur in normal business relationships, and
- (b) not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the duties of her/his office.

All gifts which exceed an individual value of \$100 shall be reported as early as possible to the CAO.

Bribery

A member is to be alert to any attempt of bribery and shall:

- (a) reject bribery in any form, and
- (b) report any attempt or perceived attempt to bribe to the Mayor and CAO.

Family Bias

Each member of Council and the administration is expected to avoid any actual or reasonable apprehension of bias in dealings with relatives (defined as immediate family) and shall not attempt to influence or persuade the administration to favour any family member in any dealing with the municipality e.g. employment, tenders, contracts, etc.

Confidentiality

Each member of Council and administration shall retain in confidence any matters presented to the Council or a committee in confidence and/or dealt with during an in camera meeting of Council or a committee.

Adherence to Code, Act and Procedures

Each member of Council shall:

- (a) adhere to all aspects of this code of ethics;
- (b) adhere to the requirements of the *Municipal Act, 2001*;
- (c) adhere to the requirements of Council policies and procedures.