

Bylaw # 2021-107

Status: Approved

Meeting Date: November 9, 2021



A By-law to govern the calling, place and proceedings for meetings of Committees of the Corporation of the Municipality of Highlands East

Whereas this By-law applies to all Members of Committees appointed by Council.

And Whereas it is incumbent upon Members to be aware of and understand, statutory and municipal obligations imposed upon Committees and its Members individually.

And Whereas the Committee's Procedural By-law is supplementary and should be viewed in conjunction with existing legislation and policies.

And Whereas the Municipal Act, 2001, as amended, c. 25, Section 238(2.1), requires that the procedure by-law shall provide for public notice of meetings;

Now Therefore, the Council of the Municipality of Highlands East enacts as follows:

1. Definitions

a) Committee means a committee of council, which is appointed by Council.

b) Committee Chairperson means the council member who is appointed by the Mayor to preside at the meetings of any committee of council.

c) Chair Designate shall mean a member of the committee who has been designated as the Chair of the meeting in the absence of the Chair or Co-Chair

d) Committee Member means a voting person on a committee who was appointed in accordance with Council's Procedural By-law and the Committee Terms of Reference By-law and that may include an employee of the municipality as a member.

e) Mayor shall mean the person elected to council to serve as the Head of Council, the Chief Executive Officer of the Corporation and ex-officio to all committees

f) Head of Council shall mean the Mayor or Deputy Mayor.

g) Deputy Mayor shall mean the person appointed from within the elected council members and shall preside in the absence of the Mayor.

h) Clerk shall mean the Clerk of the Corporation of the Municipality of Highlands East

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i) Conflict of Interest means a pecuniary interest as defined in the Municipal Conflict of Interest Act.

j) Closed Session means closed to the public as defined in Subsection 8 of this By-law.

k) Council means the Council of the Corporation of the Municipality of Highlands East.

l) Delegation/ Presentation means one or two persons that have either pertinent information, or an update on committee activities for members of committees.

m) Electronic Meeting means Committee Meetings called and held in full or in part via electronic means as determined and provided by the IT Department (County of Haliburton), including but not limited to audio teleconference, video teleconference, or via means of the internet and with or without in-person attendance.

n) Electronic Participation means participation in a meeting from a remote location by such electronic means or service as determined and provided by the IT Department (County of Haliburton), and participate electronically has a corresponding meaning.

o) Emergency Management and Civil Protection Act means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9, as amended.

p) Emergency means; any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Lieutenant Governor in Council or by the Premier, under sections 4 to 7.0.1 of the Emergency Management and Civil Protections Act.

q) Land Acknowledgment Statement means an act of reconciliation that involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before the arrival of settlers.

r) Meeting means any regular, special or other meeting of a committee where,

- A quorum of members are present and

- Members discuss or otherwise deal with any matter in a way that materially advances the business of the committee.

s) Quorum is a majority of committee members. For greater clarity, a majority shall be defined as being greater than one-half of the amount of members of a committee and present in body.

2. General

2.1 In all the proceedings at or taken at committee meetings the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business of the committee thereof.

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2.2 Except as herein provided, the rules of order of the Parliament of Canada, Robert Rules of Order shall be followed for governing the proceedings of committees and conduct of its members.

2.3 The Head of Council, shall be an ex-officio to all committees.

2.4 The Chair or other presiding officer shall enforce on all occasions, the observance of order and decorum and may expel any person for any improper conduct at a meeting.

2.5 Council may by by-law or resolution appoint a member of council to act in the place of the Chair.

3. Order of Proceedings of Committee Meetings

The Secretary shall prepare an agenda for the meetings of the committees.

The business of committees shall be taken up in the order as it appears on the agenda and/or in the opinion of the Chair.

3.1 Order of Agenda

1. Call to order/Opening of Meeting by the Chair
2. Land Acknowledgment Statement
3. Disclosure of Pecuniary Interest
4. Approval of Agenda – Additions/deletions
5. Approval of Minutes
6. Delegations/Deputations
7. Business Arising from the Minutes
8. Updates-to be listed on the agenda
9. Adjournment

4. Delegations/Presentations

A person, not a member of a committee, shall not be allowed to address the committee on behalf of himself/herself or a deputation except upon invitation of the Chair or their designate.

4.1 Persons desiring to address committees in person, on his/her behalf, or by his/her agent, or on behalf of a group, shall notify the Secretary in writing of such intention one week prior before the meeting by 12 PM noon. Those persons addressing a committee shall provide all documentation by the prescribed deadline above. Failure to comply with the above requirements may result in the request being refused.

4.2 All delegations shall be limited in speaking to not more than 15 minutes and delegations consisting of more than one person shall be limited to two (2) persons, limited to the allocated 15 minutes.

4.3 Deputations shall be limited to 4 delegations per meeting, 15 minutes per delegation.

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a)At no time shall placards, signs or paraphernalia of any type be allowed in the meeting without prior approval of the Chair and committee.

4.4The Chair may make a determination as to deferral of delegations to a subsequent meeting.

4.5Delegations and those in attendance at a committee meeting are hereby bound by the rules and conduct set out in this procedural by-law.

5. Media

5.1The use of audio or video recording of public meetings of municipal committees shall be at the discretion of the Chair.

6. Meetings

6.1Meetings of committees shall be determined by the Chair, unless in a declared emergency or special circumstances then Council and/or in conjunction with the Committee of Emergency Management.

6.2All meetings shall be open to the public.

6.3Except as otherwise provided by the Municipal Act or other statues, Committees may, by resolution, dispense with, alter the time, day or place of any meeting.

6.4Public notice of all meetings shall be posted on the municipal website, by posting of the agenda.

6.5Such meeting time or place shall be subject to:

- Extension of time as may be so required to complete the business of the committee
- Substitution of time or day or place as directed by the Chair when deemed expedient, subject to prior notification to all members.

7. Committee Meetings during a Declared Emergency or Special Circumstances

7.1While every effort shall be made by Committee Members to attend meetings physically in person, during any period where a provincial or municipal emergency has been declared to exist in all or part of the municipality under the Emergency Management and Civil Protection Act, members of a committee may participate electronically in a meeting and be counted in determining whether or not a quorum of members is present at any time during the meeting. This section shall apply additional procedures within this bylaw for meetings that are held in open or closed to the public.

7.2Notwithstanding section 36 when a state of emergency has been declared in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, or a bona fide emergency, the Secretary of the committee shall undertake best efforts to make available the agenda for a committee meeting as is reasonable under the circumstances.

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7.3 Electronic participation shall mean participation by audio and/or video.

7.3 Any member of a Committee participating by electronic means shall notify the Secretary of the committee at a minimum twenty-four (24) hours in advance of the meeting to provide an opportunity to make necessary arrangements for the technological needs of electronic participation.

7.4 Where a State of Emergency has been declared, electronic participation shall count towards quorum in accordance with section 238(3.3) of the Municipal Act, 2001, as amended by Bill 187.

7.5 Votes cast by Committee members electronically shall be counted towards the overall decision of the Committee.

7.6 In the event of technical failure during the meeting, the Committee may take a recess to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, provided a quorum still exists, it will not affect the validity of the meeting or decisions made.

7.7 In the event of technical failure during the meeting, effecting all, or quorum, the members of the Committee, may take a recess to allow staff to reinstate the electronic participation. If all or a quorum of Committee Members can no longer participate by electronic means, it will not affect the validity of previous decisions made and the meeting shall be considered adjourned.

7.8 Public delegations may be permitted at an electronic meeting, written submission shall be received in advance of the meeting, which must be submitted to the Secretary prior to the publishing of the agenda as set out in Section 3 of this bylaw. The electronic submission will be attached to the public committee meeting agenda.

7.9 The Chair will call for a mover and then seconder on all motions, one member will respond to either being the mover or seconder verbally to the Chair, the Chair will announce who the mover and seconder are and the responses will be recorded by the Secretary. The Chair may call the vote by show of hands, if so, the Chair will state outcome of the vote to be recorded by the Secretary. If the vote is required to be a recorded vote as stated by the Chair than the Secretary may call each member in alphabetical order. All members present except a member who is disqualified from voting by an Act shall announce his/her vote openly, the Chair shall vote last, the Chair shall report the result of the vote to the Secretary.

8. Notice of Agenda

The agenda for the committee meetings shall be posted a minimum of 48 hours prior to the meeting on the municipal website.

9. Amendments to Agenda

Late items may be added to the agenda by amending the agenda subject to the following stipulation:

a. Amendments to the agenda may be permitted by the committee when subject to a unanimous resolution passed by the committee.

10. Closed Meetings

10.1 Notwithstanding Section 6.4, committees, on motion, may resolve into closed meeting to consider subject matter which properly falls under one or more of the following:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).
- (h) 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; or
- (i) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.
- (j) The meeting is held for the purpose of educating or training the members and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee;
- (k) where a matter has been discussed in camera and voted upon by Council, except a motion to keep the matter confidential;
- (l) information explicitly supplied in confidence to a municipality or local board by Canada, a province or territory or a Crown agency;
- (m) certain third party information supplied in confidence to a municipality or local board;
- (n) trade secret or financial, commercial, scientific or technical information that belongs to the municipality or local board and has monetary value or potential monetary value; or

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(o) a position, plan, procedure, criteria or instruction to be applied to any negotiations by or on behalf of the municipality of local board;

10.2 Before holding a meeting or part of a meeting that is to be closed to the public, the committee shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or in the case of a meeting held under subsection 10.1 (i) the fact of the holding of the closed meeting, the general nature of its subject matter and that it is closed under that subsection.

10.3 In addition, the Chair may designate another member to preside as Chair of the closed meeting.

11. Minutes of Meeting

11.1 The minutes shall record:

- a) the place, date and time of the meeting;
- b) the names of those in attendance, Chair, committee, staff and others
- c) disclosures of conflict of interest, if any, but not the general nature thereof;
- d) all or if any amendments for corrections and approval of the minutes of prior meeting(s)
- e) all other proceedings of the meeting without note or comment

12. Closed Minutes

12.1 The minutes shall record:

- a) the time and place of the meeting;
- b) those in attendance, Chair, staff and others;
- c) disclosures of conflict of interest, if any, but not the general nature thereof;
- d) decisions on requests under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), if any;
- e) votes taken for a procedural matter or for giving directions or instructions to staff, if any

12.2 "Closed" minutes deemed to contain confidential or sensitive issues not yet concluded shall not be released, but approved "in Closed" during the next meeting.

13. Rules of Procedure in Committee Meetings

13.1 The Chair of the meeting shall be addressed as the Chair, and Co-Chair shall be addressed as such.

13.2 Every person desiring to speak shall raise his/her hand and when recognized by the Chair or his/her designate.

13.3 The Chair shall call on members in order as they raise their hands.

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13.4 When two or more members raise their hands to speak, the Chair shall designate the member who, in his/her opinion first raised his/her hand.

13.5 Members shall not carry on conversations during the reading of a resolution and correspondence or during a presentation.

13.6 When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.

13.7 Members of committees unable to attend a meeting should notify the Chair and/or Secretary in advance.

13.8 Members who are absent from an open meeting and who wish to participate may do so by electronic methods.

Electronic participation will be permitted for the following reasons only;

- a) Absent due to illness, injury etc.
- b) Absent due to conflicts with municipal and/or personal business.

- In the reasons provided above the member must be in a cognitive state to participate electronically.
- The participants attending by electronic methods are not counted towards quorum.
- Quorum is dependent on number of members that are present.
- A Member who is electronically participating may take part in the voting process.
- Advance notice shall be provided to the Chair and/or Secretary prior to the meeting.
- The order in which a member may participate electronically will be decided by the date of the submission to the Chair and/or Secretary, the submission will be date stamped. The individual member's request which is received first will be the member who may be permitted to electronically attend, and so forth for any additional requests.
- Electronic participation is not permitted in a meeting which is closed to the public.

13.9 Members in attendance at a meeting should notify the Chair and/or the Secretary with appropriate reasons if necessary to leave a meeting prior to adjournment.

13.10 Members who are absent from committee meetings for three consecutive months will be removed from the committee unless approved by a resolution of the committee.

14. Conflict of Interest Disclosure of Pecuniary Interest

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14.1 Immediately after the call to order or prior to any consideration of the matter at the meeting, any member of a committee shall disclose any pecuniary interest and the general nature thereof dealing with any items on the agenda.

All members of a municipal appointed committee have a personal obligation to comply with the Municipal Conflict of Interest Act. Members of a committee are responsible to satisfy themselves regarding a Conflict of Interest and seek independent legal advice. Municipal staff will not provide advice to committee members other than to seek independent counsel.

14.2 Steps of declaring a Conflict of Interest are as follows:

A member of a committee shall declare, by a written statement, a conflict of interest in accordance with the Municipal Conflict of Interest Act and;

- Shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
- Shall not take part in the discussion of, or vote on any motion in respect to the matter, and
- Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.

14.3 If a member of a committee declares a conflict of interest with regards to an open session agenda item, the member shall remove themselves from the discussion at the committee table and not participate in the discussion or vote on the matter.

14.4 If a member of a committee declares a conflict of interest with regards to a closed session agenda item, the member shall remove themselves from any discussion of the matter by leaving the meeting room for that part of the closed session when that matter is under consideration.

14.5 Any declaration made under the Municipal Conflict of Interest Act, shall be recorded in the minutes of the meeting by the Secretary of the committee.

14.6 The Clerk shall be provided a copy of the declaration to establish and maintain a registry in which shall be kept,

- A copy of each statement filed under section 5.1 of the Municipal Conflict of Interest Act; and
- A copy of each declaration recorded.

The Clerk shall make the registry available for public inspection during normal business hours of the Municipality.

15. Conduct of Committee Members

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Members should:

- a) fully participate in meetings and other public forums while demonstrating civility,
- b) show decorum, respect and courtesy to others;
- c) prepare in advance of committee meetings and be familiar with issues on the agenda;
- d) be respectful of other people's time, stay focused and act efficiently during public meetings;
- e) serve as a model of leadership and civility in the community;
- f) inspire public confidence in the municipal government;
- g) demonstrate honesty and integrity in every action and statement;
- h) honour the role of the Chair, Co-Chair or Designate in maintaining order;
- i) demonstrate effective problem-solving approaches;
- j) abide by the provisions in the Code of Conduct Policy for committees.
- k) where a matter has been discussed in camera, and, where the matter remains confidential, should not disclose the substance of deliberations of the in camera meeting.

15.1 No member shall:

- a) Use offensive words, un-parliamentary language or personal comments in, or against Committee members;
- b) Speak on any subject other than the subject in debate;
- c) Criticize any comments of the committee member, except for the purpose of moving that the question be reconsidered or rescinded.
- d) Ask a question, except for the purposes of obtaining the facts relating to the matter under the discussion and which is necessary for clear understanding of the matter under discussion;
- e) When asking a question, all questions shall be stated succinctly and questions shall not be used as a means of making a statement or assertions;
- f) Disobey the rules of the committee or a decision of the Chair, Co-Chair or Designate.
- g) And in the case a Member persists in any such disobedience after having been called to order by the Chair, Vice Chair or Designate, the Chair may forthwith put the question, no amendment,

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adjournment or debate allowed, "that such Member be ordered to leave the Committee Meeting for the duration of the meeting of the committee, but if the Member apologizes the Member may, by vote of the committee be permitted to return to the Committee Meeting.

16. Conduct of the Members of the Public

Members of the public who constitute the audience in the committee meeting during the meeting are expected to maintain order and quiet and shall not:

- a) address the committee without consensus of the members;
- b) interrupt any speech or action of the committee, or any other person addressing the committee;
- c) display or have in their possession, pickets signs or placards in the committee meeting rooms.

17. Duties of the Chair

It shall be the duty of the Chair:

- a) To preside over committee meetings so that its business can be carried out efficiently and effectively;
- b) To provide leadership to the committee
- c) Without limiting Subsection 14.1 c), to provide information and recommendations to the committee with respect to the role of the committee
- d) To open the meeting and the calling of members to order.
- e) To announce the business before the committee in the order in which it is to be acted upon.
- f) To receive and submit, in the proper manner, all motions presented by the members of the committee.
- g) To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the results. The Chair shall have the same rights as any other member to take part in debate, move or second a motion and to vote on any question subject to the Municipal Conflict of Interest Act.
- h) To decline to put to vote motions which infringe upon the rules of procedure.
- i) To authenticate by signature committee meeting minutes.
- j) To receive all messages and other communications and announce them to the committee.
- k) To inform the committee on any point of order as seems necessary.

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l)To restrain the members, when engaged in debate, within the rules of order.

m)To enforce on all occasions the observance of order and decorum among the members.

n)To call by name any member persisting in breach of the Rules of Order, thereby ordering that member to vacate the committee Meeting.

o)If considered necessary because of grave disorder, adjourn the sitting for a specified time.

p)To represent and support the council, declaring it's will and implicitly obeying its decisions in all things.

q)To adjourn the meeting when the business is concluded.

18. Correspondence

18.1 Every correspondence designed to be presented to committees shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by a least one (1) person and filed with the Secretary.

18.2 Every correspondence shall be delivered to the Chair and/or Secretary no later than 12:00 PM noon of the same day of meeting one week prior preceding the meeting of the Committee.

18.3 If in the opinion of the Chair and/or Secretary any communication contains impertinent or improper matter or language, the Chair and/or Secretary shall decide whether it shall be included with the material circulated to the committee.

19. Motions, Debate and Voting

19.1 All motions shall be presented and shall be read in order they are received, unless otherwise requested by the Chair.

19.2 Following reading of the motion the Chair will then invite any discussion or debate on said motion, with the mover, followed by the seconder, having first opportunity to speak to the motion.

19.3 Debate must at all times be strictly relevant to the question under consideration.

19.4 No member, without decision of the committee, shall speak to the same question, or in reply, for longer than five (5) minutes.

19.5 Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

19.6 A motion to refer the question to a committee shall take precedence over any motion to amend the question.

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19.7 Following adequate discussion when a motion is presented "That the vote be now taken" such motion shall be put to a vote without further debate.

19.8 A motion relating to a matter not within the jurisdiction of the committee shall be in order;

- Only one amendment can be presented to the main motion at one time.
- Only one amendment can be presented to an amendment at one time.
- The sub-amendment, if any, shall be voted first.
- The amendment shall be voted next.
- The motion as amended shall be put to a vote.

19.9 When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

19.10 After the Chair puts a question to a vote, no member shall speak to the question, nor shall any other motion be made.

19.11 Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Secretary shall record each vote. The Chair shall vote last.

19.12 When the Chair calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Chair, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.

19.13 When a Recorded Vote is requested by a member, or is otherwise required, the Secretary shall record the name and vote of every member on any matter or question. All members present at the committee meeting must vote as called upon by the Secretary, unless prohibited by statute, with the Chair voting last.

19.14 After any question, except one of indefinite postponement, has been decided, any member who voted hereon (with the majority) may at the same meeting move for a reconsideration, or at any other regular meeting thereafter during the same year any member may give notice of a motion for a reconsideration, but no discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once, unless a request is made in writing, signed by a majority of the members of council.

20. Committee Procedure

20.1 All appointments to Committees are for the period of term of Council, unless otherwise specified by an Act or council.

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20.2 Council may commence a recruitment of committee members the year of a regular municipal election or upon vacancy of a committee member, the member may be replaced.

20.3 The Council member appointed to the committee and/or other external committees shall be appointed by the Head of Council and that member shall be the Chair of the committee. The Chair or Co-Chair or Chair Designate shall report regularly to council on committee activities and shall present committee recommendations for due consideration and voting at council when appropriate.

20.4 Councillors on various boards and or committees shall report to council regularly, and shall present recommendations which may require the approval or support of council. Exception being if a Committee of Adjustment, Compliance Audit or Local Board who have the authority to be a decision making body.

20.5 A written copy of all reports shall be provided to the Chair and/or Secretary after presentation to the committee.

20.6 All minutes, reports and recommendations will be taken before Council for consideration of receiving and filing and/or approval.

21. Meeting Inquiries

Inquiries as to facts concerning any part of the committee meetings shall be in writing and delivered to the Chair and/or Secretary.

22. Severability

If a court of competent jurisdiction declares any provisions, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of council in enacting this by-law that each and every provision of this authorized by-law be applied and enforced in accordance with the terms to the extent possible according to law.

23. Effective Date

Enacted, Approved and Signed with the Corporate Seal attached on November 9, 2021.



Originals Signed

Originals Signed

Corporation of Municipality of Highlands East

Dave Burton, Mayor

Robyn Rogers, Municipal Clerk