

Corporation of the Municipality of Highlands East

By-law # 2022-53

Council Procedural By-law

Status: Approved

Meeting Date: April 19, 2022



Being a By-law to govern the calling, place and proceedings for meetings for the Council, Committees and Local Boards of The Corporation of the Municipality of Highlands East.

Whereas Section 238 (2) of the Municipal Act 2001 S.O. 2001 Chapter 25 as amended, requires that every municipality and local board shall pass a Procedure Bylaw for governing the calling, place and proceedings of meetings.

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

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

1. Definitions

a)“Act” means the Municipal Act, 2001, chapter 25, as amended.

b)“Agenda” means the order in which business is taken up within a meeting.

c)“Advisory Committee” means a Committee of Council, or a committee appointed by Council with less than 50 per cent of the council members of one or more councils or local boards on that committee.

d)“By-law” means an enactment, in form approved by Council, approved for the purpose of giving effect to decisions or proceedings of Council.

e)“CAO” means the Chief Administrative Officer of the Corporation of the Municipality of Highlands East, delegated by bylaw and as referred to under Section 229 of the Municipal Act.

f)“Chair” means the Mayor or Deputy Mayor or Presiding Officer or Chairperson at a meeting.

g)“Chair Designate” shall mean a member of Council who has been designated as the Chair of the meeting in the absence of the Head of Council.

h)“Closed Meeting Investigator” means the person the municipality may appoint as an investigator to investigate, in an independent manner, complaints about Closed Meetings.

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- i)“Closed Meeting Session” means a meeting, or part of a meeting of the Council or a Committee, which is not opened to the public as permitted under the Municipal Act, as amended, and defined in Subsection 8 of this Bylaw.
- j)“Code of Conduct” means the approved policy of conduct in force for members of Council, Committee Members and Local Boards.
- k)“Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards, local board does not include police services boards or public library boards.
- l)“Committee Chairperson” means the Council Member who is appointed by the Mayor to preside at the meetings of any Committee of Council.
- m)“Communications/Correspondence” includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, fax, petition, brochure, media release, newspaper/magazine article, etc.
- n)“Confirming Bylaw” means a bylaw approved at the conclusion of Council meetings confirming the actions taken at a meeting in respect of each report, motion, resolution and other actions approved, so that every decision of Council at its meeting and any previous Special Meeting is hereby approved, ratified and confirmed and shall have the same force and effect as if each and every one of them had been the subject matter of a separately enacted bylaw.
- o)“Conflict of Interest” means a pecuniary interest as defined in the Municipal Conflict of Interest Act.
- p)“Council” means the Council of the Corporation of the Municipality of Highlands East.
- q)“County” means the Corporation of the County of Haliburton.
- r)“Debate” means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.
- s)“Declare of an Emergency” means a bona fide emergency or in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act
- t)“Decorum” means dignified propriety of behavior and speech. An observance or requirement of polite and appropriate behavior.
- u)“Defer” means to delay consideration of a matter until later in the same meeting or to the next meeting of the same body, or to a certain meeting that is specified in the motion to postpone.
- v)“Delegation/ Presentation” means one or two persons that have either pertinent information, request for funds, or an update on committee activities for members of Council.
- w)“Deputy Mayor” shall mean the person appointed from within the elected Council members and shall preside in the absence of the Mayor.

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x)“Electronic Meeting” means Municipal Council, Committee and Local Boards 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, via means of the internet (Livestreaming). Participation in an Electronic Meeting may be attended in- person, electronic or a combination of the two (2) being a Hybrid Model.

y)“Electronic Participation” means participation in a meeting with the use of telephone, video or audio conferencing or other interactive method whereby members, staff and the public are able to hear the member(s) participating by electronic means and the member(s) participating by electronic means are able to hear other members, staff and other meeting participants.

z)“Emergency Governance Committee” means the delegated responsibility to have all the powers of Council when there is an inability, for valid reasons for a majority of the members of Council to attend a scheduled meeting of Council.

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

bb)“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 or 7.0.1 of the Emergency Management and Civil Protection Act.

cc) Hybrid Participation means participation in a meeting by member(s), staff and members of the public by both In-Person and Electronic participation. (Please see definitions for In-Person and Electronic Participation).

dd) In- Person Participation means participation in a meeting when member(s), staff and members of the public are physically at the location where the meeting is taking place.

ee)“Land Acknowledgment Statement” means an act of reconciliation and respect that involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before the arrival of settlers, they still call it home today.

ff)“Majority” means more than half.

gg)“Majority Vote” means more than half of the votes cast by persons legally entitled to vote.

hh)“Mayor” shall mean the person elected to Council to serve as the Head of Council and the Chief Executive Officer of the Corporation.

ii)“Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

(a)A quorum of members is present and

(b)Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

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hh)“Member” means a member of Council, Local Board or Committee.

jj)“Motion” means a formal proposal by a member for the consideration of Council or Committee that certain action be taken.

kk)“Municipal Clerk” means the Municipal Clerk/Clerk for the Municipality of Highlands East

ll)“Municipality” means the Corporation of the Municipality of Highlands East.

mm)“Notice of Motion” means an advance notice, preferably provided electronically to the Clerk by a member advising Members of a matter on which Council will be asked to take a position.

nn)“Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council and seeks an immediate ruling on an alleged violation of the rules of procedure.

oo)“Quorum” is a majority of council members. For greater clarity, a majority shall be defined as being greater than one-half of members of Council or committee.

qq)“Recorded Vote” means documenting in the minutes of a Council or Committee meeting the name of each member and their vote on a matter or question, in favour, opposed, absent or disqualified pursuant to Section 246.1 of the Act.

rr)“Resolution” means a formal determination made by the Council or a Committee on the basis of a motion, duly placed before a regularly constituted meeting of the Council or a Committee for debate and decision, duly approved and therefore represents the vote and will of Council.

ss)“Rules of Procedure” means the rules and special rules and regulations as provided for within this bylaw and where this bylaw is silent, the rules and regulations provided in Robert’s Rules of Order, Newly Revised 11th Edition.

2.General Provisions

2.1 In all the proceedings at or taken in this Council the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the Council, Local Boards and the Committee thereof.

2.2 The parliamentary authority in relation to the proceedings of Council, Committees and Local Boards for which Rules of Procedure have not been provided in the Bylaw, Robert’s Rules of Order, Newly Revised, 11th Edition shall be referenced where practicable. Except as herein provided, the rules of order under Robert’s Rules Parliament of Canada shall be followed for Governing the Proceedings of Council and Conduct of its Members.

2.3 The Head of Council, except where otherwise provided, shall preside at all meetings of the Council, Local Board or Committee.

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2.4 The Head of Council 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 With the consent of the Head of Council, a member of council, other than the Head of Council may be designated to preside at a meeting of council.

2.6 Council may by bylaw or resolution appoint a member of the council to act in the place of the Head of Council or other member of council to be Chair Designated to preside at meetings, when the Head of Council or Chair Designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the Head of Council or designated member, as the case may be.

3. Order of Proceedings of Meetings Council

The Municipal Clerk shall prepare an Agenda for the meetings of Council and the business of Council shall be taken up in which it appears under the following headings, and as in such headings as in the opinion of the Clerk may seem appropriate.

Agendas may need to be republished after initial publishing if an error or omission has occurred. The Municipal Clerk or designate will notify Council/Committee by email or by note within the Civicweb automated email message with details of the change that has been made along with a link to the updated document. Council Members are encouraged to sign in to the Civicweb Portal to access the live agenda and minutes link, as they will be the most accurate public record.

Modifications to items on the agenda on how they are formatted, or how the order of business proceeds may be temporarily modified without requiring an amendment to the Procedure Bylaw.

3.1.1 Order of Agenda Business -The standard order of business for Regular, Special, and Local Boards and Committee Meetings of Council with the inclusion of Public Planning Meeting within the Regular Meeting shall be as follows;

Order of Agenda

1. Call to order/Opening of Meeting by the Mayor
2. Land Acknowledgement Statement
3. Disclosure of Pecuniary Interest
4. Approval of Agenda – Additions/deletions
5. Approval of Minutes
6. Delegations/Deputations
7. Department, Advisory Committee and County Council Reports
8. Public Meeting(s) re: Planning Act
9. Resolutions from Other Municipalities/Levels of Government
10. Correspondence
11. By-laws
12. Notice of Motions
13. Closed Session (if necessary)
14. Confirming Bylaw
15. Adjournment

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All reports shall will be created in Civicweb and presented by the Department Head if necessary. Recommendations should accompany the report.

All by-laws, policies and agreements will be created in Civicweb when being executed by the Municipality of Highlands East.

3.2 The agenda business of Council shall be taken up in the order in which it is placed on the agenda unless otherwise determined at the discretion of Head of Council.

3.3 Agenda order for Local Boards and Committees to be determined by the Chair/Secretary or Municipal Clerk.

3.4 Breaks are at the discretion of Council.

4.Delegations/Presentations

4.1 A person, not a member of Council shall not be allowed to address the Council, Local Board or Committee on behalf of himself/herself or a deputation except upon invitation of the Head of Council or his designate or Chair, if a Local Board or Committee

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

4.3. All requests and background information received after the deadline time of 12 noon (12:00 PM) one week prior to the meeting shall be considered at the next scheduled Regular or Special Meeting.

4.4All 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.

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

a)At no time shall placards, signs or paraphernalia of any type be allowed in Council Chambers without prior approval of Council.

4.6 The Municipal Clerk may make a determination as to deferral of delegations to a subsequent meeting.

4.7Delegations and those taking part in a meeting (in-person or by electronic participation to be determined by Head of Council/Chair, Municipal Clerk and CAO) at a Council, Local Board or Committee meeting are hereby bound by the rules and conduct set out in the Procedural Bylaw and the Code of Conduct. for procedural bylaw and the

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4.8 Repetition, In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, Council will decline to hear any person who has an identifiable common interest or concern with any person who has already appeared and spoken within the Term of Council.

4.9 The Municipal Clerk and CAO shall deny a request for a Delegation/Petition where:

- a. The subject matter that the person wishes to address or the outcome that the person seeks from the Council is not within the Municipality's authority;
- b. the subject matter involves litigation or potential litigation with the Municipality, or any matter before the court;
- c. the subject matter has already been presented within the Term of Council by the Delegate or an organization to which they belong, unless new information is being presented;
- d. the Delegate wishes to have a prior decision of Council rescinded;
- e. the Mayor, as the Head of Council has made the decision and/or recommendation to deny the request; or
- f. a tender or request for proposal which is either proposed, pending, or actually before Council for its consideration.
- g. labour relations;
- h. legal issues including the enforcement of bylaws, litigation and potential litigation;
- i. insurance claims; or
- j. contract negotiations

5. Media

5.1 All recordings of meetings are available on YouTube for viewing by the media. Any questions that the Media may have can be addressed to the Head of Council/Chair after the meeting has concluded by phone or email.

6. Meetings, Location, Time and Notice

6.1 Electronic/Hybrid Participation and the Electronic/Livestreaming of Meetings

Bill 197, COVID-19 Economic Recovery Act, 2020, Schedule 12 amending s.238, Municipal Act - allows the Procedural By-law to provide for full electronic participation in meetings

The following procedural rules are established for Electronic/Livestreaming of Meetings with use of Electronic or Hybrid participation by Council, Local Boards, and Committees:

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- a) Municipal Council, Committee or Local Board members may participate in an open or closed meetings by in-person or electronic participation and will be counted for the purpose of establishing quorum.
- b) Head of Council/Chair, Municipal Clerk and CAO will determine what kinds of participation will take place by members, staff and public for all meetings being electronic/livestreamed .
- c) In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not reestablished, the meeting will resume without the electronic participant(s).
- d) A member participating by electronic means shall inform the Head of Council/Chair and Municipal Clerk about their intentions to leave the meeting either on a temporary or permanent basis.
- e) A member participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- f) If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical location of an in-person meeting and the time noted by the Municipal Clerk, or Secretary.
- g) All votes shall be by show of hands or by verbal consent (yes or no).
- h) That subject to direction from the Head of Council/Chair to the Municipal Clerk or Secretary, the meeting will proceed with/without delegations. Written correspondence received from the public may be circulated to Council, Committee, Local Board members prior to the start of the meeting;
- i) For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the Council Chambers or Boardroom for Committees. The location of the meeting would remain the same whether participation is in - person or electronic by members, staff and the public.
- j) Members, staff and public shall be provided instruction by the Municipal Clerk/Secretary/CAO or their delegate on how to access the meeting by means of electronic participation.
- k) Open Meeting recordings (not Closed Meetings under 239) shall be recorded and preserved for a period of time determined by the Records Retention by-law for the public record.
- l) All meetings will be available through livestreaming.
- m) Close Meetings, Municipal Act, s.239:

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- All members participating electronically in a Closed Meeting of Council shall declare to the Head of Council and the Municipal Clerk, following the approval of the Closed Meeting Agenda, that they are in a private room, where:

1. No other persons can overhear the deliberations and;
2. The internet connection is secure and not publically accessible.

6.2 Inaugural Meeting

The first meeting of a new Council of the Municipality after a regular election held under Section 266 of the Municipal Act, 2001 S.O. 2001, c. 25, as amended shall be held on November 15th, the first day for the Council elect to commence office and shall be no later than 30 days after the term commences following a regular election and shall commence at a time at the discretion of Mayor and Council Elect. The first meeting of a new Council after a by-election held under section 65 of the Municipal Elections Act, S.O. 1996, Chapter 32, as amended, shall be held no later than 30 days after its term commences and shall commence at the discretion of Mayor and Council Elect.

6.3 Regular – Schedule Meetings

Meetings of Council shall be held the 2nd Tuesday of each month unless changed due to a conflict, and if necessary an Optional Meeting on the 4th Tuesday of each month. The Municipal Clerk will prepare annually a schedule of Regular Meetings. The schedule of meetings will be posted on Civicweb, the Municipality's meeting portal.

6.4 Regular meetings shall commence at 9:30 AM, at the physical location stated as being Council Chambers, Wilberforce, Ontario.

6.5 Local Boards and Committee Meetings location and time to be the Council Chambers or Boardroom as determined by Council, and/or Chair.

6.6 Except as otherwise provided by the Municipal Act or other statutes, Council may, by resolution, dispense with, alter the time, day or location of any meeting.

6.7 In the event of extenuating circumstances or inclement weather, the date, location and time of any meeting may be postponed or changed by the Municipal Clerk, in consultation with the Mayor and CAO, if applicable, by advising those members who plan to attend in - person as they are able to reach. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.

6.8 The Municipal Clerk, in consultation with the Mayor and CAO, if applicable, may cancel any meeting if it is determined there is not sufficient business to be conducted. The Council and public will be advised after the decision to cancel has been made. Adequate notice of the change shall be provided by posting a notice of cancellation on the municipal website as well as posting the notice on the entrance door of the main and sub-offices.

6.9 All meetings shall be open to the public, whether the method is in-person or electronic participation and will be electronic/livestreamed. The participation method for meetings will be determined by Head of Council/Chair, Municipal Clerk and CAO.

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6.10 Public notice of all meetings shall be posted on the municipal website and at the main office and sub-offices a minimum of 48 hours prior to the meeting.

6.11 Such meeting time or location shall be subject to:
Extension of time as may be so required to complete the business of Council.

Substitution of time or day or physical location as directed by the Head of Council or Chair when deemed expedient, subject to prior notification to all members.

6.12 The office of a member of Council or Committee becomes vacant if the member is absent from the meetings of Council or Committee for three (3) consecutive months without being authorized to do so by a resolution of Council.

7. Notice of Agenda

7.1 The agenda for the council meetings, local boards and committees shall be posted a minimum of 48 hours prior to the meeting on the municipal website.

8. Amendments to Agenda

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

- a. Amendments to the agenda shall only be permitted if the subject matter is of an urgent nature;
- b. Amendments to the agenda may be permitted by Council subject to a unanimous resolution passed approved by Council.

9. Special/Emergency Meetings

9.1 Special and/or emergency meetings may be called without written notice to deal with an emergency or extraordinary situations at the discretion of the Head of Council in consultation with the CAO and Municipal Clerk, or the majority of Council members subject to prior notification of forty-eight (48) hours to all members of Council and the Clerk.

9.2 Where the Municipality of Highlands East Municipal Office is not accessible for any reasons, the Municipal Office may be relocated and council meetings may be held at any other convenient location, within or outside the geographical boundaries of the municipality which is accessible to members of council and staff.

9.3 The notification mentioned in 9.1 may be given by email and or verbal communication to Council from the Clerk.

9.4 The only business to be dealt with at a special and/or emergency meeting is the matters specified in the notice for that meeting.

9.5 In the case of a bona fide emergency or in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act or at the Head of Council or in his/her absence, the Deputy Mayor or designate may call a meeting. The meeting may be held as soon as

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practical and in a suitable location for following the notification of all members of Council as determined by the Municipal Clerk.

10. Council Meetings during a Declared Emergency

10.1 While every effort shall be made by members of Council to attend meetings physically in person, if determined, 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 council, of a local board or of a committee may participate electronically or in-person. Participation in a meeting where members, staff and the public may attend electronically and in person is considered a hybrid model. The hybrid model being utilized in meetings would be determined by the Head of Council, Municipal Clerk and CAO. All members participating either in-person or electronically will be counted towards quorum at any time during the meeting, section 238(3.3) of the Municipal Act, 2001, as amended by Bill 187/197. This section shall apply additional procedures within this bylaw for meetings that are held in open or closed to the public.”

10.2 Notwithstanding 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 Municipal Clerk shall undertake best efforts to make available the agenda for a council meeting as is reasonable under the circumstances.

10.3 Any member of Council participating by electronic means shall notify the Clerk 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.

10.4 Votes cast by members participating electronically shall be counted towards the overall decision of Council.

10.5 In the event of technical failure during the meeting, Council may take a recess for 15 minutes 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.

10.6 In the event of technical failure during the meeting, effecting all, or quorum, the members of Council, may take a 15 minute recess to allow staff to reinstate the electronic participation. If all or a quorum of Council can no longer participate by electronic means, it will not affect the validity of previous decisions made and the meeting shall be considered adjourned.

10.7 Public delegations may not be permitted at an electronic meeting, except when written electronic submission is received in advance of the meeting, which must be submitted to the Clerk prior to the publishing of the agenda as set out in Section 4. and 18. of this bylaw. The electronic submission will be attached to the public council meeting agenda.

10.8 The Head of Council/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 Head of Council/Chair, the Head of Council/Chair will announce who the mover and seconder are and the responses will be recorded by the Clerk. The Head of Council/Chair may call the vote by show of hands, if so, the Head of Council/Chair will state outcome of the vote to be recorded by the Clerk. If the vote is required to be a recorded vote as stated by the Head of Council/Chair than the Clerk may call each member in

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alphabetical order. All votes will be in recorded vote format, all members present except a member who is disqualified from voting by an Act, shall announce his/her vote openly, the Head of Council/Chair or designate shall call each member in alphabetical order, the Chair shall vote last, the Chair shall report the result of the vote to the Clerk.

11. Governance Continuity during a Declared Emergency

11.1 An Emergency Governance Committee shall be created and delegated responsibility to the extent possible, all the powers of Council when a meeting has been called under a Declared Emergency, for the duration of a Declared Emergency in the Municipality of Highlands East, in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act providing it has been established that there is an inability, for valid reasons, for a majority of the members of Council to attend, in person or electronically, a properly scheduled meeting of Council.

11.2 The Emergency Governance will be comprised of any members of Council who are available when a meeting has been called under a declared emergency and hereby delegated all the powers and duties that may legally be delegated to the Committee pursuant to the Municipal Act, 2001, S.O. 2001, c.25 as amended subject to the following conditions and restrictions:

(a) The delegation shall be effective only for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the Municipal Emergency Plan;

(b) At such times during which at least three members of Council are not available for valid reasons, to attend a properly scheduled meeting of Council;

(c) In the absence of the Mayor and the Deputy Mayor, Council herein authorizes the appointment of a Chair of the Committee based upon seniority on Council which the appointment shall occur at the first meeting of the Committee.

(d) In the absence of the Mayor or Deputy Mayor, Council will herein authorize a member of Council to act in the place of the Head of Council for the purpose of declaring an emergency based upon seniority on Council.

12. Closed Meetings

12.1 Notwithstanding Section 6.4, Council, on motion, may resolve into a 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;

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

12.2 Before holding a meeting or part of a meeting that is to be closed to the public, council 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.

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

12.4 Members participating electronically shall be counted towards quorum as is their votes that are cast for the overall decision of Council in Closed Meetings.

13.Minutes of Meeting

13.1 The minutes shall record:

- a.the location date and time of the meeting;
- b.the names of those in attendance, Chair, Council, 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

14.Closed Minutes of Meeting

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14.1 The minutes shall record:

- a) the time and location of the meeting;
- b) those in attendance, Chair, Council, 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

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

15. Rules of Procedure in Council, Local Board and Committee Meeting

15.1 The Chair of the meeting shall be addressed as Head of Council if being the Mayor or Deputy Mayor, if a member of Council than they shall be addressed as Chair Designate or Chair if Local Board or Committee.

15.2 Members shall refer to other members formally as Councillor. Eg. "Councillor Smith".

15.3 Every person desiring to speak shall raise his/her hand and when recognized by the Head of Council, or his/her designate or Chair if Local Board or Committee.

15.4 The Head of Council/Chair shall call on members in order as they raise their hands.

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

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

15.7 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.

15.8 Members of Council, Committees and Local Boards unable to attend a meeting either in - person or electronically should notify the Municipal Clerk or Secretary in advance.

15.9 Members who are absent from an in-person open meeting but who wishes to participate may do so by electronic methods.

Reasons for electronic participation by members are;

- a. Absent due to illness, injury etc.
- b. Absent due to conflicts with municipal related activities
- c. Absent due to any and all Public Health Emergencies/Crisis
- d. At the discretion of the Head of Council/Chair, Clerk and CAO for any meeting types;

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In the reason provided above pertaining to health, when illness or injury etc. is for any substantial length of time and the meeting(s) are being held in - person participation a member must be in a cognitive state and provide a medical note to participate electronically.

Members are prohibited from participating electronically if they are out of area on an extended leave/holiday/vacation etc.

Quorum is 3 out of the 5 members taking part either in-person or by electronic participation, or use of the hybrid model.

The Municipal Clerk/Secretary is to be informed in advance of how the meeting(s) will function, whether it be electronically, in-person or using the hybrid model.

15.10 Members in attendance at a meeting should notify the Clerk with appropriate reasons if leaving a meeting prior to adjournment.

15.11 Members who are absent from Council meetings for three consecutive months will be removed from Council unless approved by a resolution of Council (as per section 259 under the Municipal Act, 2001) with the exception of 13.13 within this bylaw.

15.12 A leave of absence for a member of Council who is absent as a result of the Birth or adoption of a child shall receive 20 consecutive weeks of parental leave.

16. Conflict of Interest Disclosure of Pecuniary Interest

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

All members of Council, Local Boards and Committees have a personal obligation to comply with the Municipal Conflict of Interest Act. Members of Council are responsible to satisfy themselves regarding a Conflict of Interest and seek independent legal advice. Staff will not provide advice to Council other than to seek independent counsel.

Steps of declaring a Conflict of Interest are as follows:

1)A member of Council shall declare, by a written statement (within the civicweb portal), a conflict of interest in accordance with the Municipal Conflict of Interest Act and;

a.Shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;

b.Shall not take part in the discussion of, or vote on any motion in respect to the matter, and

c.Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.

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2) If a member of Council declares a conflict of interest with regards to an Open Meeting agenda item, the member shall remove themselves if they are participating in-person, if they are participating electronically, they shall be removed by the individual operating the electronic meeting and will not participate in the discussion or vote on the matter.

3) If a member of Council declares a conflict of interest with regards to a Closed Meeting agenda item, the member shall remove themselves if they are participating in-person and if they are participating electronically, they shall be removed by the individual operating the electronic meeting from any discussion of the matter for that part of the closed session when that matter is under consideration.

4) Any declaration made under the Municipal Conflict of Interest Act, shall be recorded in the minutes of the meeting by the Municipal Clerk, or his or her designate of the Municipality or Secretary of the Committee or Local Board.

5) The Municipal Clerk shall establish and maintain a registry in which shall be kept,

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

b. A copy of each declaration recorded.

The Municipal Clerk shall make the registry available for public inspection during normal business hours of the Municipality, or the registry may be accessed through the civicweb portal.

6) Where the number of Members who, by reason of the provisions of The Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that, at that meeting the remaining Members are not of sufficient number to constitute a quorum, then, despite any other General or Special Act, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two (2).

17. Conduct of Council Members

17.1 Members should:

a) fully participate in council meetings and other public forums while demonstrating civility,

b) show decorum, respect and courtesy to others;

c) prepare in advance of council 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;

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h)honour the role of the Head of Council or Chair Designate in maintaining order;

i)demonstrate effective problem-solving approaches;

j)abide by the provisions in the Code of Conduct Policy for Council Elected or Appointed Officials.

k)where a matter has been discussed in a Closed Meeting, and, where the matter remains confidential, it should not disclose the substance of deliberations of the Closed Meeting.

l)Questions or issues surrounding operational concerns or complaints, excluding basic issues covered shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Department Head.

17.2 No member shall:

a)Use offensive words, unparliamentary language or personal comments in, or against Council or against any Member;

b)Speak on any subject other than the subject in debate;

c)Criticize any decision of the Council, Local Board or Committees 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 Council or a decision of the Head of Council or Chair Designate, or the Council in questions of order or practice or upon the interpretation of the rules of the Council;

g)No individual Council Member may direct any member of the administration and/or staff, to perform such duties that have not been authorized by resolution of Council.

h)And in the case a member persists in any such disobedience after having been called to order by the Head of Council/Chair or designate, the Head of Council may forthwith put the question, no amendment, adjournment or debate allowed, "that such member be ordered to leave for the duration of the meeting of Council", but if the member apologizes, the member may, by vote of the Council be permitted to return to the meeting.

18. Conduct of the Members of the Public

18.1 Members of the public who constitute the audience during a Council, Local Board or Committee meeting are expected to maintain order and quiet and shall not:

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- a)Address the Council, Local Board or Committee without consensus of the Members;
- b)Interrupt any speech or action of the Members of Council, Local Board or Committee, or any other person addressing the Council, Local Board or Committee;
- c)Display or have in their possession, pickets signs or placards during a meeting.

19.Duties of the Head of Council

19.1It shall be the duty of the Head of Council:

- a)To act as Chief Executive Officer of the municipality;
- b)To determine whether meetings of Council, Local Boards and Committee will operate electronic, in-person or the hybrid model.
- c) To preside over council meetings so that its business can be carried out efficiently and effectively;
- d)To provide leadership to the council
- e)Without limiting Subsection 14.1 c), to provide information and recommendations to the council with respect to the role of council
- f)To represent the municipality at official functions;
- g)To open the meeting of Council calling the members to order.
- h)To announce the business before Council in the order in which it is to be acted upon.
- i)To receive and submit, in the proper manner, all motions presented by the members of Council
- j)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 Head of Council 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.
- k)To decline to put to vote motions which infringe upon the rules of procedure.
- l)To authenticate by signature, when necessary, all Bylaws, Resolutions, and Minutes of Council.
- m)To receive all messages and other communications and announce them to Council.
- n)To inform the Council on any point of order as seems necessary.
- o)To restrain the members, when engaged in debate, within the rules of order.

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- p) To enforce on all occasions the observance of order and decorum among the members.
- q) To call by name any member persisting in breach of the Rules of Order of the Council, thereby ordering that member to vacate the meeting. .
- r) If considered necessary because of grave disorder, adjourn the meeting for a specified time.
- s) To select members who are to serve on Local Boards or Committees when directed to do so by a resolution of the Council as a rule of procedure.
- t) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- u) To adjourn the meeting when the business is concluded.
- v) An ex-officio member of all Committees of Council with full voting privileges.
- w) To contribute to the leadership of the members of the Emergency Operations Centre and Council Members when in responding to an emergency as detailed in the Emergency Response Plan for the Municipality of Highlands East.

20. Correspondence

20.1 Every correspondence designed to be presented to Council, Local Board or Committee 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 Clerk.

20.2 Every correspondence shall be delivered to the Clerk no later than 12:00 PM noon of the Tuesday prior to the meeting of the Council or one (1) week prior from the date of the Local Board or Committee meeting.

20.3 If in the opinion of the Clerk and Head of Council/Chair any communication contains impertinent or improper matter or language, the Municipal Clerk and Head of Council/Chair shall decide whether it shall be included with the material circulated to Council.

21. Motions, Debate and Voting

21.1 All motions shall be in writing and delivered to the Municipal Clerk, who shall read such motions on the call of the Head of Council/Chair, in the order in which they are received, unless otherwise requested by the Head of Council/Chair

21.2 The Head of Council/Chair will invite any discussion or debate on the agenda item, with the mover, followed by the seconder, having first opportunity to speak to the agenda item.

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

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

21.5 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.

21.6 A motion to refer the question to a Local Board/Committee shall take precedence over any motion to amend the question.

21.7 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.

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

a) Only one amendment can be presented to the main motion at one time.

b) Only one amendment can be presented to an amendment at one time.

c) The sub-amendment, if any, shall be voted first.

d) The amendment shall be voted next.

e) The motion as amended shall be put to a vote.

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

21.10 After the Head of Council/Chair puts a question to a vote, no member shall speak to the question, nor shall any other motion be made.

21.11 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 Clerk shall record each vote. The Head of Council/Chair shall vote last.

21.12 When the Head of Council/Chair calls for the vote on a question and participation is in-person 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 Head of Council/Chair, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.

21.13 When a Recorded Vote is requested by a member, or is otherwise required, the Municipal Clerk shall record the name and vote of every member on any matter or question. All members participating at the Council or Committee meeting must vote as called upon by the Municipal Clerk, unless prohibited by statute, with the Head of Council voting last.

21.14 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

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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.

21.15 The Municipal Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.

22.Bylaw Procedure

22.1A bylaw, except a Bylaw to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

22.2 If Council so determines, a By-law may be considered read a first, second and third time prior to presentation of the motion and voting. thereon.

23.Committee Procedure Advisory and/or Other

23.1All appointments to Committees are for the period of term of Council, unless otherwise specified by an Act.

23.2 Council may commence a recruitment of committee members the year of a regular municipal election.

23.3 The Council member(s) appointed to the Local Board, Committee or Advisory Committee and/or other external Committees shall be appointed by the Head of Council. The Head of Council shall appoint who is to be the Chair of the Local Board, Committee or Advisory Committee. The Chair and 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.

23.4 The Chair and/or Councillors on various external boards and or committees shall report to Council regularly, and shall present recommendations which may require the approval or support of Council.

23.5 A written copy of all minutes and reports shall be provided to the Municipal Clerk for submission on the agenda.

24.Meeting Inquiries

24.1 Inquiries as to facts concerning any part of the Council, Local Board or Committee Meetings shall be in writing and delivered to the Municipal Clerk.

25.Suspension of Rules

25.1 Any procedure required by this Bylaw may be suspended with the consent of two thirds affirmative vote of the Members of Council present.

26.Amendment

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26.1 That Bylaw # 2021-106 be repealed in its entirety.

27. Severability

27.1 If a court of competent jurisdiction declares any provisions, or any part of a provision, of this bylaw 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 bylaw authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

Enacted, Approved and Signed with the Corporate Seal attached on April 19, 2022.



A handwritten signature in black ink, appearing to read "D R Bt", written over a horizontal line.

Dave Burton, Mayor

A handwritten signature in black ink, appearing to read "Robyn Rogers", written over a horizontal line.

Robyn Rogers, Municipal Clerk