

The Corporation of the Township of Douro-Dummer

By-law Number 2010-41

(Procedural By-law)

Whereas the Municipal Act requires the Council of every Municipality to pass By-laws for governing the proceedings of its council, and the calling and place of meetings.

And Whereas the Municipal Act, provides that every council may pass such by-laws and make such regulations for the health, safety and morality and welfare of the inhabitants of the municipality in matters not specifically provided by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law;

Now Therefore the Council of the Corporation of the Township of Douro-Dummer hereby enacts as follows:

1. In this By-law:

Definitions

- a) "Calendar Year" means the period from January 1st of any one year up to and including December 31st of the same year;
- b) "Chair" means the Reeve or in the absence of the Reeve the Deputy Reeve or other Chairperson as chosen by Council;
- c) "Clerk" means the Clerk, or his/her designate of the Corporation of the Township of Douro-Dummer;
- d) "Committee of the Whole" means all the members present at a meeting sitting in committee;
- e) "Corporation" means the Corporation of the Township of Douro-Dummer;
- f) "Council" means the Council of the Corporation of the Township of Douro-Dummer;
- g) "Ex officio" means the Reeve who by virtue of office shall be a member of all Committees and shall have the same rights and privileges as other members of the respective Committee;
- h) "Holiday" means:
 - (i) any holiday as defined in the Interpretation Act, R.S.O. 1990 Chapter 1.11;
 - (ii) Boxing Day
 - (iii) any day proclaimed by the Head of Council as a Civic Holiday;
- i) "Improper Conduct" means the open disregard of the rulings of the Chair and rules and conduct outlined in this procedural By-law and Bourinot's Rules of Order;
- j) "Majority" means more than fifty percent (50%) of the members present at a meeting;
- k) "Meeting" means any regular, special, committee or other meeting of a council or local board;

- l) "Member" means a member of the Council and includes the Head of Council;
- m) "Pecuniary Interest" means a direct or indirect pecuniary interest of a member of Council within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M50, as amended;
- n) "Recorded Vote" means the recording of the name and vote of every member voting on any matter or question;
- o) "Quorum" means a majority of the members of Council.

General

- 2. The Rules and Regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and despatch of Business in the Council and Committees of Council.
 - (a) All meetings of council shall be open to the public save and except those meetings or parts thereof that are dealing with a subject matter listed in the Municipal Act, that are permitted to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, council shall, by resolution, state the fact that the meeting is closed and the general nature of the matter to be considered at the closed meeting.
(See Schedule "A" of this By-law for details for Closed Sessions)
 - (b) Tape recorders, camcorders, and any other like means of audio or visual recording of proceedings at meetings of Council and Committees of Council shall not be permitted unless approved by Council.

Meetings

- 3. The first meeting of a newly elected Council after a regular election shall be held on the first Tuesday in December commencing at 5:00 p.m.
- 4. Regular meetings of Council shall be held on the first and third Tuesday of each month commencing at 5:00 p.m., unless otherwise specified by resolution of the Council.

Manner of Notice

- 5. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be posted on the Township of Douro-Dummer website and when deemed necessary by the Clerk, in a newspaper.

Time of Notice

- 6. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given at least once, not less than four days or more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting being taken.
- 7. If the proposed by-law is not passed at the council meeting specified in a notice in Section 2, but consideration of the matter is deferred, no further notice is required under Section 2, if a public statement is made at the meeting that the matter has been deferred and that the municipality now intends to adopt or amend the by-law at a later council meeting specified in the public statement. This section applies to any further deferrals of the matter.

Emergency Provisions

8. If a matter arises, which in the opinion of the Chief Administrative Officer (or alternate), in consultation with the Reeve (or alternate), is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Douro-Dummer, or if a state of emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to council for ratification.
9. It shall be the responsibility of the Clerk to forward all notices and agendas for regular and special Council meetings.

Conduct of Members of Council

10. No member shall:
 - (a) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada, or the Province of Ontario;
 - (b) Use offensive words or unparliamentary language in or against the Council or against any member;
 - (c) Speak on any subject other than the subject in debate;
 - (d) Criticize any decision of Council except for the purpose of moving in accordance with the provisions of the Section regarding the question being reconsidered;
 - (e) Disobey the rules of Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of this Council; and in case a member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologizes he/she may, by a majority vote of the Council, be permitted to retake his/her seat;

Improper Conduct

11. It shall be the duty of the Chair to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named, if considered necessary because of grave disorder arising in the meeting.
12. It shall be the duty of the Chair to inform the individual(s) that unless the order is restored, the following will occur:
 - (a) The Chair or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting for the balance of the meeting.
 - (b) If the person guilty of improper conduct refuses to leave the meeting when requested to do so, the police will be contacted for assistance.

- (c) If the individual(s) re-enter the Council Chambers, the Municipal Building, or any other meeting location following the above steps being followed, the individual (s) will then be found to have breached the Municipal Procedural By-Law as well as having committed the offence of trespass, and the police will be contacted for assistance.

Order of Proceedings in Council

- 13. As soon after the hour fixed for the meeting, and a quorum present, the Chair shall take the Chair and call the members to order.
- 14. (a) In case the Reeve does not attend within fifteen (15) minutes after the time appointed, the Deputy Reeve shall call the members to order and if a Quorum is present, shall preside during the meeting or until the arrival of the Reeve. In the absence of the Reeve and Deputy Reeve, the Clerk shall be present and if a Quorum is present, shall call the members to order. The Chairperson shall be chosen from the members who shall preside during the meeting until the arrival of the Reeve or Deputy Reeve.
- (b) While presiding, the Deputy Reeve and/or the Chairperson chosen by Council shall have all the powers of the Reeve and shall be entitled to vote as a member.
- 15. If there is no Quorum within thirty (30) minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.
- 16. The Chair shall preserve order and decorum, decide questions of order (subject to an appeal to the council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.
- 17. Any questions on which there is an equality of voters shall be deemed to be in the negative. The Chair shall vote only in the event of a tie.
- 18. The Chair may take part in any debate without leaving the Chair. If the Chair desires to introduce a motion or By-law, he/she shall leave the Chair for that purpose and shall call on another member of Council to fill his/her place until he/she resumes the Chair. Said member called to take the Chair shall accept the Chair unless said member has bona fide reason not to accept the Chair.
- 19. All meetings of Council shall be opened by reminding Council of the Municipal Conflict of Interest Act by the Chair. (See Schedule "B" of this By-law for details for Declaration of Pecuniary Interest)
- 20. Immediately after the Chair shall request the minutes of the preceding meeting (s) be adopted, any mistake therein may be corrected by the Council and the Chair shall forthwith, or after correction or change (if any), declare the minutes adopted and shall sign same.

Agenda in Council

- 21. The Clerk shall have prepared and provide the "Agenda" to all members of Council and the appropriate staff in an electronic format (unless otherwise requested) by the Friday prior to each regular meeting as follows:

1. Prayer
2. Disclosure of Pecuniary Interest
3. Adoption of Agenda
4. Adoption of Minutes
5. Business arising out of previous minutes
6. Delegations, Petitions or Presentations (times assigned as appropriate)
7. Correspondence
8. Committee Minutes and Other Reports
9. Other Business
10. By-laws
11. Information Items
12. New Business
13. Accounts
14. Caucus Issues
15. Confirming By-law
16. Adjournment

Any additional items of correspondence added to the agenda shall be brought to the council chambers and be passed to councillors during "New Business" accompanied by an explanation from the Clerk or other department head.

Minutes of Council

22. The Clerk shall record in the minutes:
 - (a) The date, time, and place of meeting;
 - (b) The attendance of members;
 - (c) The adoption and correction of minutes if necessary of the minutes of prior meetings; and
 - (d) All other proceedings of the meeting without note or comment.
23. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all special council meetings, held prior to a regular meeting, are sent with the agenda.
24. (a) The Council minutes shall be adopted by the Council without being read out loud at the meeting.
 - (b) Committee Reports shall be approved after being presented by the committee liaison member or the council committee member.

25. Any delegation that wishes to address Council for the purpose of making a verbal presentation shall be heard at the Council meeting, with those delegations having submitted their requests in writing to the Clerk by 12:00 noon on the Wednesday preceding the meeting of Council.
26. Delegation(s) must identify the reason(s) for requesting to address Council, and provide some background detail.
27. Where possible, written material to be distributed to Council should be submitted to the Clerk by 12:00 noon on the Wednesday prior to the Council Meeting.
28. Delegation(s) shall be listed on the agenda in the order set by the Clerk.
29. Delegation(s) shall have no more than two (2) persons to speak on behalf of the delegation.
30. Presentations to council shall not exceed fifteen (15) minutes except when answering questions posed by the Chair or Council for clarification and shall confine their remarks to the stated business.
31. (a) Presentations being made to Council shall be made from the speakers podium, unless directed otherwise by the Chair.
(b) No placards, signs or paraphernalia of any type shall be allowed in Council Chambers without prior approval of Council.
(c) Any Petitions addressed or presented to Council shall be provided to the Clerk who shall attach the petition in the Delegations, Petitions and Presentations section of the Council Agenda. Council shall, by resolution, acknowledge receipt of the petition in the minutes. If so directed by Council, staff shall undertake assessment of the issue and prepare a staff report for presentation to Council at a future meeting.
32. Any other person(s) wishing to address Council, and are not on the Agenda, may be heard after any other scheduled delegations, time permitting, and shall not exceed five (5) minutes except when answering questions posed by the Chair or Council for clarification.
33. Delegations and those in attendance at a Council meeting are hereby bound by the rules and conduct set out in this procedural by-law.

Correspondence

34. Every correspondence designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one (1) person and filed with the Clerk.
35. Every correspondence shall be delivered to the Clerk not later than 12:00 noon of the Wednesday preceding the meeting of the Council.
36. If in the opinion of the Clerk and Reeve any communication contains any impertinent or improper matter or language, the Clerk and Reeve shall decide whether it shall be included with the material circulated to Council.

Motions

37. Any motion may be introduced without notice.

38. All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, and at the request of a council member, it may be read or stated by the Clerk before being voted upon.
39. Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
40. When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer, that the vote now be taken or to adjourn the meeting. A motion that the vote be now taken shall take precedence over any other motion except a motion to adjourn the meeting, and shall be put immediately without debate.
41. A motion to adjourn the Council shall be decided without debate and shall always be in order except;
 - (a) When a member is in possession of the floor;
 - (b) When a recorded vote has been called;
 - (c) When the members are voting;
 - (d) When it has been decided that the vote be now taken;
 - (e) When a member has indicated to the Reeve his/her desire to speak on the matter before the Council.
42. Amendments:
 - (a) Every amendment shall be stated clearly. The Chair shall then repeat the amendment before the Council.
 - (b) Only one (1) amendment shall be allowed to an amendment and any further amendment must be to the main question.
 - (c) An amendment which is ruled by the Chair to be a substantive motion and not an amendment shall be out of order, unless the decision for ruling by the Chair is appealed in accordance with Section 78 of this by-law.
 - (d) An amendment which, in effect, is nothing more than a rejection of the motion is not in order.
43. When a vote is taken, the order of the vote shall be as follows:
 - (a) To defer consideration of the motion;
 - (b) To refer the motion;
 - (c) Upon the amendments in reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
 - (d) Then, upon the motion or upon the motion as amended, if any amendments have been carried.
44. When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

45. After a question is finally put by the Chair, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
46. A motion of Council shall be considered carried when it receives a majority of votes of the members present at the meeting.

Withdrawal

47. A request to withdraw a motion shall only be made by the mover of the motion.
48. A request to withdraw a motion may be made without the consent of the seconder of the motion.
49. A request to withdraw a motion shall be in order anytime during debate.
50. If a member objects to the withdrawal of the motion, a withdrawal motion may be entertained and becomes a main motion, is debatable, requires a seconder and a majority vote.
51. If no member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

Suspension

52. A motion to suspend the rules of procedure required by this By-law shall not be debatable or amendable, shall specify the reason for the suspension, and shall require a majority vote of the members present.

By-laws

53. Every By-law shall be introduced by the Chair specifying the title of the By-law and its purpose.
54. Every By-law when introduced shall be in typewritten form and shall comply with the provision of any relevant Act.
55. All By-laws shall be passed without receiving first, second and third readings, unless otherwise directed by legislation or Council.
56. A copy of the proposed By-law will be given to all council members prior to the meeting at which it is to be considered.
57. Every By-law passed by the Council shall be numbered and dated, and shall be sealed with the seal of the Municipal Corporation and signed by the Chair and the Clerk and shall be kept by the Clerk in his/her office or any other place appointed for that purpose.
58. At the conclusion of all regular meetings of Council, and prior to adjournment, a By-law shall be brought forward to confirm the actions of Council at that meeting in respect of each motion, resolution and other action taken.
59. A Confirming By-law, when introduced, shall be passed without receiving first, second and third readings, unless otherwise directed by legislation or council and shall be voted on without debate.

Adjournment

60. A motion, which is non-debatable, non-amendable and if approved by the majority of members of Council present, the meeting shall adjourn.

61. No item of business shall be considered at a meeting, of the Council after 8: 30 p.m. local time, unless otherwise decided by a majority of the members present. One (1) thirty (30) minute extension may be granted by a majority vote of Council.
62. If the Council is still in session at the hour of 9:00 p.m. local time, it shall adjourn.

Recess

63. A motion to recess when other business is before the meeting shall specify the length of time of the recess.
64. A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
65. A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

Rules of Debate of Members in Council

66. Every member when speaking to any question or motion shall respectfully address the Chair or other presiding officer.
67. When two (2) or more members request to speak, the Chair shall designate the member who has the floor.
68. When a member is speaking, no other member shall interrupt him except to raise a point of order.
69. 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.
70. No member shall speak to the same question or in reply for more than two (2) responses which shall be no longer than five (5) minutes each.
71.
 - (a) A member may ask a question only for obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.
 - (b) All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
 - (c) Questions may be asked only:
 - (i) of a previous speaker;
 - (ii) of the Chair; and
 - (iii) of an official of the Township of Douro-Dummer or of the Chairperson of a committee.

in all cases, questions may be asked only with leave from the chair.

Voting on Questions

72. When the Chair calls for the vote on a question, each member shall remain in their seat until the result of the vote has been declared by the Chair, during such

time no member shall speak to any other member or make any noise or disturbance.

In the event that the Chair is not clear in the intent of the vote he/she may call for those in favour of the question and then for those in opposition of the question before declaring the result of the vote.

73. When a recorded vote is requested, such request must be made, prior to the Chair calling for the vote on the question. When such a request has been made, the Clerk shall ask each member to indicate by voice their vote in the affirmative or negative to the motion. The Clerk shall record the name and vote of every member in the following order: Dummer Ward Councillor, Douro Ward Councillor, Councillor at Large, Deputy Reeve and then the Reeve, and shall report the result of the vote to the Chair.
74. Every member, present at a meeting of the Council when a question is put shall vote therein, except that if he/she has any pecuniary interest, direct or indirect, in the question, he/she shall before any consideration of the question comply with the provisions of the Municipal Conflict of Interest Act. The Chair shall vote only in the event of a tie.

Every member present who is required to vote on a question, but in fact does not vote therein, shall be deemed to be voting in the negative.

75. (a) Only one amendment at a time can be presented to the main motion, and only one amendment can be presented to an amendment, but when the amendment to the amendment has been disposed of, another may be introduced, and when an amendment has been decided, another may be introduced.
- (b) The amendment to the amendment, if any, shall be voted on first, then if no other amendment to the amendment is presented, the amendment shall be voted on next, then if no other amendment is introduced, the main motion; or if any amendment has carried, the main motion, as amended, shall be put to a vote.
76. If a member disagrees with the announcement by the Chair of the result of any vote except a recorded vote, he/she may object immediately to the Chair's declaration and require that the vote be retaken.

Points of Order in Council

77. The Chair shall preserve order and decide questions of order.
78. (a) When a member rises to a point of order, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, he/she shall state the point of order to the Chair. The Chair shall then make a decision on the point of order.
- (b) Thereafter, a member shall only address the Chair for the purpose of appealing to the Council from the Chair's Decision.
- (c) If no member appeals, the decision of the Chair shall be final.
- (d) The Council, if appealed to, shall decide the question without debate and its decision shall be final.
79. Where a member considers that his integrity or the integrity of the Council as a whole has been impugned, he may as a matter of personal privilege rise at any

time, with the consent of the Chair, for the purposes of drawing the attention of the Council to the matter.

Reconsideration of Council Decisions

80. (a) After any question has been decided, the following shall prevail:
- (i) Any member of Council who voted therein with the majority, as indicated by a recorded vote, may give notice within one (1) calendar year after the question was decided, for a reconsideration of the question at any regular meeting of the Council. A majority vote shall be required to carry the motion.
 - (ii) Any time after one (1) calendar year after the question has been decided, the subject matter of the question shall be a proper matter to be brought forward as though it were a new question, and once the question has been allowed to be brought forward and has been decided, subsection (i) shall again prevail and similarly if the motion for reconsideration is not carried, subsection (i) shall again prevail.
- (b) Notwithstanding subparagraph (i) hereof, any member of Council who did not vote on the question by reason of not being a duly elected member of council at the time the vote was taken, shall be deemed to be a member of council who voted therein with the majority for the purpose of subparagraph 80(a)(i) hereof.
- (c) 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 in a calendar year.

80.1 Direction to Staff by Council or Committee

- (a) The council or committee may, by resolution, give direction to staff to pursue a course of action.
- (b) Despite Section 80.1 (a), where direction to staff is made by a committee and, for practical and logistical reasons that action must be undertaken prior to council passing a resolution to approve the committee's recommendation (e.g. direction to refer a matter to the meeting of the council at which the committee's recommendation would be considered) such direction may still be given but only on a majority vote. (2008-64)

Proceedings in Committee of the Whole

81. (a) When the Council resolves itself into Committee of the Whole, the Reeve shall Chair the Committee.
- (b) The Reeve may appoint another member of the committee to act as the Chairperson of the committee while he is temporarily absent from the meeting.
- (c) The majority of the members of Council shall constitute a Quorum of Committee of the Whole.
- (d) Notice of all meetings of council, local boards and committees must be posted pursuant to the Township Notice Policy.

82. (a) The Chairperson of the Committee of the Whole shall maintain order in the Committee and report the proceedings to the Council.

(b) The Chairperson of the Committee of the Whole shall have all the powers and duties as those in regular Council.
83. The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Committee of the Whole so far as they are applicable.
84. The Clerk shall record the general nature for going into closed session, and shall note the time. When in closed session, minutes shall be kept and no motions are to be made other than to:
 - (a) come out of closed session;
 - (b) provide direction on the matter under discussion in closed session;
 - (c) resolve matters of procedure.
85. When in Committee of the Whole, minutes shall be kept and a report filed for adoption at the next regular Council meeting.
86. Members of the public may attend the Committee of the Whole meeting but shall not be allowed to participate in any way, save and except where the Committee by majority vote permits persons shown as a delegation on the Agenda to speak only to the issue that is noted on the Agenda.
87. Committee of the Whole Meetings will be held quarterly on the fourth Friday of the month, immediately following the Committee of Adjustment, and on other occasions when deemed necessary by Council.

Appointment and Organization of Committees

Nominating Committee

88. The Council shall advertise to secure the names of persons it may consider for appointment to the various committees, boards or bodies associated with municipal government.

Standing Committees

89. There shall be five (5) standing committees of Council that shall be called:
 - (a) Public Works;
 - (b) Finance;
 - (c) Staff;
 - (d) Development & Promotion;
 - (e) Emergency Services.

The number of members on each standing committee of Council, shall be all members of council. Council, shall designate one of its members to be the Committee Liaison between staff and council.

90. (a) The Reeve shall be able to act as the Committee liaison for one (1) standing committee and is ex-officio member of all other standing committees, other than those to which he/ she has been appointed a member .
- (b) The Reeve shall also act as Chair of the standing committee meetings. Any difficulties or emergencies with any Standing Committee shall be reported to the Reeve and the Chief Administrative Officer. If the Reeve is absent, the Deputy Reeve shall assume these responsibilities.
91. A quorum of any Committee of Council shall be the majority of its members.
92. The term of standing, advisory and special committees shall be for one (1) calendar year, at which time Council shall review the various committees and decide upon their composition for the next calendar year, or until new committee member appointments are made by council.
93. If a position on any committee, board or body becomes vacant during the year, the Council may put forward a replacement whose term shall expire that same calendar year, or when new committee member appointments are made by council.
94. A Special or Advisory Committee may be appointed by Council to consider a specific matter.

Regulations for Conducting Business in Committees

95. The business of Committees of Council shall be conducted under the laws governing procedure in Council and Committee of the Whole as prescribed by this By-law.
96. Standing, or Advisory, or Special Committees shall report, in writing, to Council on all matters connected with their duties or referred to them by the Council and shall recommend such action as they deem necessary.
97. The General Duties of all the Standing and Special Committees of the Council shall be as follows:
- (a) To report in writing, to the Council, whenever desired by the Council, and as often as the interests of the Municipality may require, on all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary.
 - (b) To consider and report, in writing, on any and all matters referred to them by the Council or the Reeve and any such report shall be signed by the Chairperson.
 - (c) To adhere in the transaction of all business to the rules prescribed by the By-laws of the Council.
 - (d) Whenever, at the conclusion of the last meeting, there is any undisposed of matter before the committee, the matter is to be forwarded, in writing, to the incoming Committee of the following year for consideration.
 - (e) The Council may refer back to any Committee any report in whole or in part or any question or matter for reconsideration.
98. The Committee of Adjustment shall consist of the five (5) members of Council and shall meet on the fourth Friday of each month at 9:00 a.m. or on other occasions when deemed necessary by Council.

99. The Planning Committee shall consist of the five (5) members of Council.
100. The Otonabee Region Conservation Authority shall have one (1) member appointed to represent the Corporation.
101. The Douro-Dummer Recreation Facilities Committee shall consist of two (2) members of Council and nine (9) lay members. (2008-02)
102. The Douro-Dummer Library Board shall be one (1) member of Council plus eight (8) lay members appointed by Council.
103. The Donwood Community Centre Board of Management shall consist of one (1) member of Council, plus five (5) lay members. (2008-02)
104. The Fair Board and Santa Claus Parade Committee shall each consist of one (1) member of Council and such other lay members as are necessary to organize and carry out these community events.
105. The Corporation representative on the Douro-Dummer Historical Committee shall be one (1) plus eleven (11) lay members. (2010-19)
106. The Douro-Dummer Property Standards Committee shall consist of all five members of Council.
107. The Douro-Dummer Police Services Board shall have one (1) member of Council and one (1) lay member appointed to represent the municipality.
108. The Douro-Dummer Community Policing Advisory Committee shall consist of one (1) member of Council and a maximum of fifteen (15) lay members.

Offence

109. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
110. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be invalid and shall remain in force.
111. By-law Number 2009-10, as amended and any other by-law or part thereof which conflicts with this by-law be hereby repealed.
112. This By-law comes into force on the date of its passage.

Passed in open council this 20th day of April, 2010

Reeve, J. Murray Jones

Clerk, Linda G. Moher

Schedule "A"

By-law Number 2010-41

Section 239 of the Municipal Act – Meetings – (Closed)

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

(2) **Exceptions** – 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.

(3) **Other Criteria** – 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.

(3.1 A meeting of a council or a 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.

(4) **Resolution** – 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
- (b) the general nature of the matter to be considered at the closed meeting.

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

(6) **Exception** – 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.

Schedule "B"

By-law Number 2010-41

Declaration of Pecuniary Interest

- (a) Disclosure - It shall be the responsibility of each member of Council to identify and disclose any pecuniary interest as defined in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50* as amended or replaced, in any item or matter before the Council or any sub-committee, advisory or ad-hoc committee, special purpose committee, board or commission.
- (b) Open Meeting Requirements – Where a member of Council, either on his/her own behalf or while acting, by, with or through another, has any pecuniary interest, direct or indirect in any matters and is present at a meeting at which the matter is the subject of consideration, the member shall:
 - i. Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - ii. Leave the council chambers
 - iii. Not take part in the discussion;
 - iv. Not vote on any question in respect of the matter; and
 - v. Not attempt in any way whether before, during or after the meeting to influence the voting on any such questions.
- (c) Closed Session Disclosure – Where a meeting is not open to the public, in addition to complying with the requirements in Section 17 of this by-law, the member of Council shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration, and also disclose the interest, but not the general nature of that interest at the next meeting that is open to the public.
- (d) Absent from Meeting – Where the interest of a Member of Council has not been disclosed by reason or absence from the particular meeting, the Member shall disclose the interest and otherwise comply at the first meeting attended by the Member after the particular meeting.
- (e) Minutes – The Clerk shall record the particulars of any disclosure of pecuniary interest made by Members of Council and any such record shall appear in the Minutes of that particular meeting.
- (f) Non-compliance – The failure of one or more members to comply with this section shall not affect the validity of the meeting in regard to the said matter. In the event that a member inadvertently fails to disclose an interest at the meeting of the subject matter, the member shall disclose at the next available meeting, offer an apology and same shall be recorded in the minutes.
- (g) Disclosure – by majority – quorum requirement – Notwithstanding the quorum requirements of this by-law, when a majority of the members has disclosed an interest in accordance with this section of the by-law and the *Municipal Conflict of Interest Act*, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two."