

The Corporation of the City of Kawartha Lakes

Amended Agenda

Special Council Meeting

CC2023-05

Thursday, February 2, 2023

Open Session Commencing at 2:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Deputy Mayor Tracy Richardson

Councillor Ron Ashmore

Councillor Dan Joyce

Councillor Charlie McDonald

Councillor Mike Perry

Councillor Eric Smeaton

Councillor Pat Warren

Councillor Emmett Yeo

**Please visit the City of Kawartha Lakes YouTube Channel at
<https://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings electronically.**

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

- 1. Call to Order
- 2. Adoption of Agenda
- 3. Disclosure of Pecuniary Interest
- 4. Presentations
- 4.1 CC2023-05.4.1

Ministry of Municipal Affairs and Housing Council Orientation

Sofia Sheikh, Ministry of Municipal Affairs and Housing
Lisa Harvey, Ministry of Municipal Affairs and Housing
Kealey Ducharme, Ministry of Municipal Affairs and Housing

That the presentation by Sofia Sheikh, Lisa Harvey and Kealey Ducharme, of the Ministry of Municipal Affairs and Housing, **regarding the Ministry of Municipal Affairs and Housing Council Orientation**, be received.

- *4.2 CC2023-05.4.2

4 - 57

Role of the Integrity Commissioner for the City of Kawartha Lakes Orientation Session

Charles A. Harnick, ADR Chambers, Integrity Commissioner

That the presentation by Charles A. Harnick, of ADR Chambers, **regarding the Role of the Integrity Commissioner for the City of Kawartha Lakes Orientation Session**, be received.

- *4.3 CC2023-05.4.3

58 - 127

Review of By-Law 2020-001, Being the Procedural By-Law for the City of Kawartha Lakes

Review of the Code of Conduct and Ethics for Members of Council

Ron Taylor, Chief Administrative Officer
Cathie Ritchie, City Clerk
Robyn Carlson, City Solicitor
Liana Patterson, Chief People Officer

That the presentation by Ron Taylor, Chief Administrative Officer, Cathie Ritchie, City Clerk, Robyn Carlson, City Solicitor and Liana Patterson, Chief People Officer, **regarding a Review of By-Law 2020-001, Being the Procedural By-Law for the City of Kawartha Lakes and a Review of the Code of Conduct and Ethics for Members of Council**, be received.

5. Confirming By-Law

128 - 128

By-Law to Confirm the Proceedings of the Special Meeting of Council of February 2, 2023

That a by-law to confirm the proceedings of a Special Council Meeting held Thursday, February 2, 2023 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

6. Adjournment



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Kawartha Lakes

CITY OF KAWARTHA LAKES
EDUCATION SESSION

CHARLES A. HARNICK
Integrity Commissioner
February 2, 2023

CHARLES A. HARNICK

INTEGRITY COMMISSIONER

- Integrity Commissioner for the Municipality of Leamington, City of Kawartha Lakes, Haldimand County, Township of Larder Lake, County of Dufferin, City of Richmond Hill, Township of McGarry, City of Markham, Town of Orangeville and County of Norfolk
- Mediator, Arbitrator and Investigator
- Recipient of the Law Society Medal for outstanding service in accordance with the highest ideals of the legal profession
- Former Chair of Legal Aid Ontario
- Former Attorney General of Ontario

ADR CHAMBERS

- ADR Chambers provides dispute resolution services throughout Canada and internationally
- ADR Chambers has operated an Office of the Integrity Commissioner since 2011
- ADR Chambers provides services to municipal clients under the *Municipal Act, 2001*, S.O. 2001, c.25 (“*Municipal Act, 2001*”), and the *Municipal Conflict of Interest Act* R.S.O. 1990, c. M.50 (“*Municipal Conflict of Interest Act* or MCIA”)

ROLE OF THE INTEGRITY COMMISSIONER

Role of the Integrity Commissioner expanded significantly on March 1, 2019, as a result of the Bill 68 amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.

- jurisdiction to investigate an alleged contravention of the Code of Conduct
- jurisdiction to investigate an alleged breach of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*

INTEGRITY COMMISSIONER FUNCTIONS

The Integrity Commissioner has three primary functions:

- To review and report on complaints or requests for inquiry
- To provide advice to Council and Council Members
- To provide educational services

THE CODE OF CONDUCT

- As a newly elected Member, have you read the Code of Conduct?
- As a re-elected Member, when is the last time that you have read the Code of Conduct?

THE CODE OF CONDUCT

The Code of Conduct is a general standard that augments the provincial laws and municipal by-laws governing the conduct of Members of Council.

<https://www.kawarthalakes.ca/en/municipal-services/resources/Council-Policies-/CP2020-001-Code-of-Conduct-and-Ethics---Members-of-Council-and-Local-Boards.pdf>

CODE OF CONDUCT GENERAL PRINCIPLES

Members shall:

- serve and be seen to serve their constituents in a conscientious and diligent manner, avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent
- perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny
- overriding objective is to enhance public confidence in government and the political process

CODE OF CONDUCT

SECTION I - SCOPE

- Sets out City's expectations for its Members and establishes rules for appropriate conduct
- The public expects the highest moral and ethical standards of conduct from Members it elects. Members behavior and actions are expected to reflect the principles of accountability, transparency and public trust
- Includes several key statements of principle that underline the Code including the following:
 - a) The decision-making process of Council is open, accessible and equitable and respects the City's governance structure;
 - b) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner
 - c) Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and which will bear close public scrutiny;

CODE OF CONDUCT

SECTION I – SCOPE (CONT'D)

- (d) Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Council of the City.
- (e) Public office is not to be used for the personal financial benefit of any Member;
- (f) That independent, impartial decision-making considers the best interests of the entire Municipality as envisioned in the Oath of Office;
- (g) City residents should have confidence in the integrity of their local government and of their Members; and
- (h) The conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

CODE OF CONDUCT

SECTION 2 - PURPOSE

- To set out clear expectations of the behavior of Members of Council in accordance with the principles of the Code
- To provide information to the public as to the behaviour they can expect from their Members
- To provide guidance to Members in the conduct of their duties as elected officials
- To provide a mechanism for responding to alleged breaches of the Code

CODE OF CONDUCT

SECTION 3 - DEFINITIONS

- Defines key terms used throughout the Code, such as “complainant,” “Member,” “confidential information,” “gift” and “harassment,” “Municipal property,” “Staff” et cetera

CODE OF CONDUCT

SECTION 4 - CONDUCT OF MEMBERS

- Members shall act with good faith and care
- Conduct themselves with integrity, courtesy and respectability at all meetings of Council, or any committee in accordance with City's By-laws, rules and policies
- Seek to advance the public interest with honesty and
- Serve their constituents in a conscientious and diligent manner
- Respect the individual rights, values, beliefs and personality traits of any other person
- Refrain from making statements the Member knows, or ought reasonably to know, to be false or with intent to mislead Council or the public
- Accurately communicate the decisions of Council, even if they disagree with Council's ultimate determinations and rulings
- Refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member

CODE OF CONDUCT

SECTION 5 – COMPLIANCE WITH THE CODE

- The Code applies to every Member of Council, including the Mayor and Local Boards
- Members shall comply with every provision of the Code, as well as all other policies and procedures established by Council affecting the Member, acting in his or her capacity of a Member
- Members shall respect the integrity of the Code, and inquiries and investigations conducted under it
- Members shall co-operate in securing compliance with the application and enforcement of the Code
- Members shall not threaten or undertake any act of reprisal against a Complainant, or any other person for providing relevant information to the Integrity Commissioner or any other person
- Members shall not obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of the Code
- Members shall not use the influence of their office for any purpose other than the lawful exercise of their official duties for municipal purposes

CODE OF CONDUCT

SECTION 6 – TRANSPARENCY & OPENNESS

- Members shall:
 - a) Conduct Council business and their duties in an open and transparent manner so that the public can understand the process and rationale which has been used to reach decisions;
 - b) Ensure the public has input and receives notice regarding Council's decision-making processes in accordance with the Procedure By-law; and
 - c) Ensure compliance with the Municipal Act, 2001; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.

CODE OF CONDUCT

SECTION 7 - BUSINESS/ORGANIZATION RELATIONS

- Members must demonstrate transparency with regards to business relations and/or organizations conducting business with the City. No Member shall act as a paid agent before Council except as provided for in the MCIA.
- Actions of Members shall be above suspicion and shall not give rise to any conflict of interest. Dealings with business(es) and other interests must be able to bear the closest possible scrutiny and avoid risk of damage to public confidence in local government a Council Member's impartial and objective role in the decision-making process.
- Members shall recognize the need for their decision-making to be viewed as impartial and transparent by either (a) refraining from meetings with developers, businesses or other organizations who have applications before the municipality and/or who wish to conduct business with the City, or (b) disclosing to Council and members of the public such information at the first opportunity.
- Members shall ensure any work or business activities outside of their normal Council duties remain distinct and separate from City business.

CODE OF CONDUCT

SECTION 8 - ACCESS TO INFORMATION & CONFIDENTIALITY

- Abide by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (“Municipal Freedom of Information and Protection of Privacy Act”)
- No unauthorized disclosure of information that is subject to solicitor/client privilege
- No misuse of confidential information that may cause benefit or detriment to the Member or others
- Members have a continuing obligation to keep information confidential, even if the Member ceases to be a Member of Council
- No unauthorized disclosure in respect of a closed session of Council

EXAMPLES OF CONFIDENTIAL INFORMATION

- Personal information under *Municipal Freedom of Information and Protection of Privacy Act*
- Human resource/personal letters
- Advice on litigation or potential litigation
- Items under negotiation (labour relations, employment, or acquisition of municipal assets)
- Information regarding contract tenders

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; (“renseignements personnels”)

CODE OF CONDUCT

SECTION 9 - STAFF RELATIONS

- Only Council as a whole and no single Member including the Mayor, has the authority to direct staff, approve budgets, policy and other matters , unless specifically authorized by Council
- Members shall be respectful of the fact that staff are required to provide objective advice while remaining neutral, carry out directions of Council and administer the policies of the City without undue influence from any Member
- Members shall direct any staff performance concerns to the Chief Administrative Officer
- No Member shall maliciously or falsely impugn, or without sufficient cause, criticize the professional or ethical reputation of any staff
- Members shall not compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities
- No Member shall use their authority or influence to threaten, intimidate, or coerce staff or interfere with the lawful exercise of the duties of staff or their professional or legal obligations

CODE OF CONDUCT

SECTION 10 - GIFTS

- Members shall not accept gifts, fees or personal benefits that are connected directly or indirectly with the performance of their duties of office unless it falls within an exception under the Code
- A gift, fee or benefit paid to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly with the performance of the Member's duties of office is deemed to be a gift to that Member.
- There are specified exclusions, such as tokens, mementos, souvenirs, and gifts of nominal value received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office.
- Members who have received a gift or benefit shall file a disclosure of the gift or benefit with the City's Clerk within 30 days of the receipt of the gift or benefit, which shall become a matter of public record and posted to the City's website
- No Member shall seek or obtain any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to their official duties

CODE OF CONDUCT

SECTION II - USE OF MUNICIPAL PROPERTY

- Members shall only use Municipal property for activities relevant to their role as a Member
- Members shall not use City property, equipment, supplies, or services for personal purposes
 - Exception: Personal use of city-issued devices such as ipad and cell phone is permitted
- No Member shall obtain any personal financial gain from the use of City property

CODE OF CONDUCT

SECTION 12 – POLITICAL ACTIVITY/WORK

- No Member shall use City facilities, services, or property for an election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity unless they personally pay for the use of the facilities, services or property.
- No Member shall utilize the services of a City employee for a political campaign, during hours in which they are in the paid employment of the City.
- Members are not to promote themselves or another campaign through the use of advertisements, flyers, posters, or any other method of communication while located on Municipal property.
- In applying the above principles, certain restrictions apply leading up to and during elections

CODE OF CONDUCT

SECTION 13 - HARASSMENT

- Members shall not harass any other Member, staff, or any member of the public.
- Members shall observe and comply with any workplace harassment and workplace violence policies of the City
- Harassment is defined in accordance with the Ontario Human Rights Code as vexatious comment or conduct that is unwelcome or ought reasonably to be known to be unwelcome
- Harassment or bullying another Member, staff, or any member of the public is misconduct
- Workplace bullying is defined as: repeated unreasonable behaviour directed towards an employee or a group of staff, that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades, or humiliates another staff member(s)

CODE OF CONDUCT

SECTION 14 – CITY EXPENDITURES & PURCHASES

- Members of Council are typically not involved in procurement activities for the City. However, where they may be authorized to be responsible for a certain budget and/or where they are anticipating reimbursement for purchases made, Members shall ensure they are following any relevant City by-laws and policies including, but not limited to, the Purchasing Policy and the Expense Policy

CODE OF CONDUCT

SECTION 15 – ENCOURAGEMENT OF RESPECT FOR THE CITY & ITS BY-LAWS, POLICIES & PROCEDURES

- Members shall encourage the public, prospective contractors and members of the public and their colleagues to abide by the City's by-laws, policies and procedures, including the Code
- Members shall accurately communicate the decisions of Council, even if they disagree with the majority decision of Council

CODE OF CONDUCT

SECTION 16 - SOCIAL MEDIA

- Members shall adhere to any and all City policies and guidelines regarding social media use
- Members shall always identify themselves without any attempt to cover, disguise or mislead their identity or status as an elected representative of the City when using social media
- No Member shall use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way

CODE OF CONDUCT

SECTION 17 – ROLE OF THE INTEGRITY COMMISSIONER

- The City shall appoint an Integrity Commissioner under Section 223.3 of the *Municipal Act, 2001*
- The Integrity Commissioner is an independent officer who reports directly to Council and is responsible for carrying out his or her functions in accordance with the *Municipal Act, 2001* and any other functions assigned by Council, in an independent manner

SECTION 17 – ROLE OF THE INTEGRITY COMMISSIONER (CONT'D)

The Integrity Commissioner shall provide the following services:

- a) The application of the Code.
- b) The application of any procedures, rules and policies of the City and Local Boards governing the ethical behaviour of Members.
- c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to Members.
- d) Requests from Members for advice respecting their obligations under the Code applicable to the Member.

SECTION 17 – ROLE OF THE INTEGRITY COMMISSIONER (CONT'D)

- e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the City or of the Local Board, as the case may be, governing the ethical behaviour of Members.
- f) Requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
- g) The provision of educational information to Members, the City and the public about the Code and about the *Municipal Conflict of Interest Act*.
- h) Any further services as may be set out within the contract for the provision of services between the City and the Integrity Commissioner.

CODE OF CONDUCT

SECTION 18 - INVESTIGATIONS

- If a member of the public or Staff believes a Member of Council has contravened the Code of Conduct, they should submit a written complaint in accordance with the established Investigation Protocol set out in Appendix “A”.
- If a member of the public or Staff believes a Member of Council has contravened any of section(s) 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*, they should submit a written complaint in accordance with the Investigation Protocol set out in Appendix “B”.

CODE REVIEW

- The Code of Conduct should be updated regularly

REQUEST FOR ADVICE FROM THE INTEGRITY COMMISSIONER

- Members, or Council as a whole, may contact the Integrity Commissioner in writing to ask questions and obtain advice.
- The Integrity Commissioner will endeavour to respond in writing to such requests within 10 days (or less in urgent cases) of receipt.

CONFLICT OF INTEREST

MUNICIPAL CONFLICT OF INTEREST ACT

- An elector or person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry into an alleged contravention of sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act* by a Member of Council or a Member of a local board.
- A written request with respect to possible contravention of sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*, will be processed in accordance with the Conflict of Interest Investigation Protocol in Appendix B of the Code of Conduct.

MUNICIPAL CONFLICT OF INTEREST ACT (SECTION 2) PECUNIARY INTEREST

A Member has an indirect pecuniary interest in any matter in which the Council or local board is concerned, if,

(a) the Member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a Member of a body,

that has a pecuniary interest in the matter; or

(b) the Member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

MUNICIPAL CONFLICT OF INTEREST ACT (SECTION 3) INTEREST DEEMED THAT OF MEMBER

For the purposes of the *Municipal Conflict of Interest Act*, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the Member shall, if known to the Member, be deemed to be also the pecuniary interest of the Member.

MUNICIPAL CONFLICT OF INTEREST ACT (SECTION 5) **DUTY OF MEMBER WHEN AT MEETING**

- Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council or local board at which the matter is the subject of consideration, the Member,
 - (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- Where the meeting is not open to the public, in addition to complying with the above requirements, the Member shall leave the meeting or the part of the meeting during which the matter is under consideration.

MUNICIPAL CONFLICT OF INTEREST ACT (SECTION 5) WHEN ABSENT FROM MEETING

Where the interest of a Member has not been disclosed as required by reason of the Member's absence from the meeting, the Member shall disclose the interest and otherwise comply with the disclosure requirements at the first meeting of Council or local board attended by the Member after the meeting.

MUNICIPAL CONFLICT OF INTEREST ACT (SECTION 5.1) WRITTEN STATEMENT RE DISCLOSURE

At a meeting at which a Member discloses an interest under section 5 of the *Municipal Conflict of Interest Act*, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the committee or local board, as the case may be.

COMPLAINTS

Requires a written request by an identifiable individual (no verbal or anonymous complaints) in respect of a possible Code or MCIA contravention.

Complaint must set out the grounds for the allegation that the Member has breached the Code or MCIA.

Time limitation: All requests must be submitted within six weeks of the Complainant becoming aware of the alleged contravention (Code and MCIA), and no more than six months after the alleged violation (Code).

COMPLAINT PROCEDURE

- Must be accompanied by an affidavit setting out the supporting evidence and a signed Confidentiality agreement
- Some municipalities charge a filing fee, refundable if the complaint is determined to warrant an investigation, to discourage frivolous and vexatious complaints
- Filed with the Clerk who forwards it to the Integrity Commissioner

INITIAL CLASSIFICATION ACTIONABLE

- Complaint with respect to non-compliance with the Municipality's Code of Conduct or applicable sections of the *Municipal Conflict of Interest Act*
- Two different investigation protocols

INITIAL CLASSIFICATION NOT ACTIONABLE

- Not a complaint with respect to non-compliance with the Code of Conduct or MCIA
- Complaint covered by another complaint procedure under another Council policy
- Complaint should be pursued under other legislation
- Unrelated criminal activity
- Vexatious or in bad faith
- Issue with timing (e.g. outside time, too close to election)

CODE INVESTIGATION PROTOCOL

- IC sends the complaint and supporting material to the Member whose conduct is in question and requests a written response within 10 working days.
- IC sends the Member's response to the Complainant who may provide a written reply within 10 working days.
- IC may speak to anyone relevant to the complaint and may access and examine any information relevant to the complaint.

SETTLEMENT OF COMPLAINTS

The Integrity Commissioner may attempt to settle a complaint at any point during the investigation process if the Integrity Commissioner deems it appropriate.

INVESTIGATION REPORT – CODE

- Draft Investigation Report
 - If IC finds a Code violation then Member provided with draft report and given opportunity to comment.
- Final Investigation Report
 - Completed within 90 days of receipt of the Complaint
 - May recommend a penalty

REPORT TO COUNCIL – CODE

- Where the complaint is sustained in whole or in part, the IC shall report his findings and/or recommended penalty to Council.
- Where the complaint is dismissed, other than in exceptional circumstances, the IC shall not report to Council except as part of an annual or other periodic report.

PENALTIES AND RECOMMENDATIONS

Council may impose either of the following penalties on a Member if the Integrity Commissioner reports that, in his opinion, the Member has contravened the Code of Conduct:

- A reprimand; or
- Suspension of the remuneration paid to the Member in respect of his or her service as a Member of Council for a period of up to 90 days.

INTERIM REPORTS

The Integrity Commissioner may make interim reports to Council where necessary to address:

- Instances of interference
- Obstruction
- Retaliation

CONFIDENTIALITY

- The Integrity Commissioner shall preserve secrecy with respect to all matters that come before the Integrity Commissioner.
- If the Integrity Commissioner recommends a sanction, however, that will be reported to Council.
- If the Integrity Commissioner reports to Council an opinion about whether a Member contravened the Code of Conduct, the Integrity Commissioner may disclose in the report such matters the Integrity Commissioner considers necessary for the purposes of the report.

CRIMINAL ACTIVITY OR BREACH OF OTHER LAWS

- If the Integrity Commissioner has reasonable grounds to believe there was a contravention of the Criminal Code or any other Act, the Integrity Commissioner will suspend the investigation, report to the appropriate authorities, and report to Council.
- The Investigation will remain suspended until any police investigation and charges have been finally disposed of.

MCIA INVESTIGATION PROTOCOL

- Similar investigation protocol for alleged MCIA contravention
- IC has 180 days to complete the investigation from the date of submission of the complaint.
- Upon completion of the investigation, the IC decides whether or not to apply to a judge under Section 8 of the MCIA for a determination as to whether the Member has contravened Sections 5, 5.1, or 5.2 of the MCIA.
- The IC provides the Municipality's Clerk, the Complainant and the Member with written reasons for the decision about whether or not to apply to a judge.

QUESTIONS?

- Any questions?

Charles Harnick,

Integrity Commissioner for the City of Kawartha Lakes
integrity@adr.ca



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Kawartha Lakes

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-law 2020-001

Consolidated on March 1, 2022

Passed by Council on January 28, 2020

Amendments:

1) By-law 2020-035	April 28, 2020	Section 5.06
2) By-law 2020-037	May 26, 2020	Section 5.07
3) By-law 2020-056	July 28, 2020	Sections 5.06, 5.07
4) By-law 2020-134	December 15, 2020	Sections 1.01, 10.11
5) By-law 2022-014	February 22, 2022	Section 3.02

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2020-001

Procedural By-law

A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2018-212

Recitals:

1. The City of Kawartha Lakes Act, 2000, S.O. 2000, CHAPTER 43 was enacted and the Corporation of the City of Kawartha Lakes was created as a municipal corporation on January 1, 2001.
2. Section 238(2) of the Municipal Act, 2001, S. O. 2001, c.25, as amended, requires every municipal council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings and governing the conduct of their Members.
3. The Council of the City of Kawartha Lakes deems it advisable to enact a by-law to govern the proceedings of Council, Committee of the Whole, Boards and Committees of Council, the conduct of its Members and the calling, place, and conduct of its meetings.
4. The Public Meetings Policy, Town Hall Meetings Policy and Endorsement of External Resolutions Policy have been consolidated into the Procedural By-law.

Accordingly, the Council of the Corporation of the City of Kawartha Lakes enacts this By-law 2020-001.

Procedural By-law

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Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law:

“Acting Head of Council” is the person delegated by Council through resolution to act as Head of Council in the absence of the Mayor and Deputy Mayor”.

“Advisory Committee” is any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.

“Agenda” is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.

“Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended.

“By-law” means the legislative intent behind the requirement: that powers of council be exercised by by-law is to ensure due deliberation by councils of all important policy matters through the more formal procedure prescribed for the enactment of a by-law.

“CAO” means the Chief Administrative Officer (CAO) or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 229 of the Municipal Act, 2001, as amended.

“Chair” means the person presiding at a Meeting.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 228 of the Municipal Act, 2001, as amended.

“Closed Session” means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Act, as amended.

“Committee of the Whole” means a working committee made up of all of the Members of Council where less formal procedures are followed.

“Correspondence (Communication)” means any written or digital communication in the form of a letter, media release, bulletin, postcard or email addressed to Council that directly relates to City services or a matter of shared interest to the Kawartha Lakes Community.

“Council” means the municipal council for the City.

“Council Floor” means that area of the assembly occupied by Members and the Chair during a Meeting.

“Deputation” means a person or group making a verbal representation to Council or a Committee.

“Deputy Mayor” is the deputy head of Council duly elected by Council.

“Designated Area” means the public areas outside the Council floor within the meeting room.

“Electronic Participation” includes 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.
2020-035, effective April 28, 2020

“Emergency” means an immediate threat to the well being of health, property or the environment.

“Emergency Meeting” means a Meeting of the Council called without Notice to address circumstances of emergency as defined.

“Head of Council” means the Head of Council as defined by the Act and may also be referred to as “Mayor”.

“Holiday” means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of the Council as a Civic Holiday.

“Local Board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

“Mayor” is the head of Council duly elected at large.

“Meeting” means any regular, special or other meeting of Council, of a local board, or of a committee of Council, where,

- i. a quorum of members is present, and
- ii. 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.

“Meeting: Public” means any public meeting that Council believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation. A Public Meeting may be held at Regular, Special, Committee of the Whole or Planning Advisory Committee Meeting or other body delegated the authority by Council.

“Meeting: Statutory Public” means any public meeting that is required pursuant to provincial legislation.

“Member” means a Member of the Council and includes the Head of Council. Where the term is used in reference to Committees and Boards, it refers to only those members of the Committee or Board itself. Where the term is used in reference to a Committee or Board made up of persons who are not Members of the Council, the term also includes those persons.

“Motion” means a proposal brought forward by a member for consideration that is moved and seconded by another member.

“Motion to Receive” means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Council with no additional action being taken.

“Municipal Election” means a general, City-wide Municipal election or a by-election.

“Notice” means written notice, except where legislation, by-law or policy of the City provides for another form or manner of notice.

“Notice of Meeting” means a written document provided to Members and to the public that advises the recipient of the time and place of a Meeting.

“Notice of Motion” means a written motion received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Council.

“Planning Advisory Committee” means the Planning Advisory Committee as established by Council under Section 8(1) of the Planning Act, R.S.O. 1990, c.P.13, with the delegated authority to hear matters under the Planning Act on behalf of Council.

“Petition” means a paper-based document requesting Council’s consideration of a matter that contains twenty (20) or more original signatures; or means an electronic record requesting Council’s consideration of a matter that contains more than twenty (20) or more unique names with contact information.

By-law 2020-134 Effective December 20, 2020

“Point of Order” is a concern regarding conformity to the rules of order of Council, defined in this by-law.

“Point of Privilege” is a concern about the honour, dignity, character, rights or professionalism of the Head of Council and Members of Council.

“Presentation” means the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.

- i. a ceremonial presentation to or from the City of Kawartha Lakes;
- ii. a presentation made by city staff and/or by consultants retained by the City or by another level of government;
- iii. a presentation to or from the City that in the opinion of the Head of Council is most beneficial for all involved if heard at a Committee of the Whole Meeting.

“Press (Media)” means news industry of the mass media that focus on delivering news to the general public through print media (newspapers, newsmagazines), broadcast news (radio and television) and the Internet (online newspapers).

“Recess” means an interruption in a meeting’s proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

“Recorded Vote” means the recording of the name and vote of every Member present on any matter of question.

“Recording Secretary” is the staff person assigned by the City Clerk or Director to attend at, and to take minutes of, any Meeting.

“Recreation Volunteer Management Committee” is a special purpose body created by Council to manage specific community facilities or services reporting directly to the Director of Community Services.

“Resolution” means a motion voted on by the Members present and resolved in the affirmative.

“Task Force” is an Advisory Committee with approved terms of reference that is formed for a set time period sufficient to make recommendations to the Council on a specific issue.

“Town Hall Meetings” – are meetings/events which are arranged for and chaired by a. member or members of Council for the purposes of sharing information with and/or receiving comments or concerns from constituents which are relevant to the City and its services.

“Urgent” means a time sensitive matter which if not dealt with may have serious ramifications, including but not limited to, the inability to address or influence the matter at a later date.

“Website” means the official City internet website.

1.02 Interpretation Rules:

The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes:

References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability:

If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules

2.01 Observation:

The rules and regulations contained in this By-law shall be observed in all Meetings, for the order and dispatch of business.

2.02 Place of Meetings:

All Meetings of Council, Committee of the Whole and Planning Advisory Committee shall take place in the Council Chambers, City Hall, 26 Francis Street, Lindsay, unless another location is identified on the published Agenda. All other Committee and Board Meetings shall take place at a public location specified on the agenda.

2.03 Relocation of Meeting Place:

If for any reason it is impossible or impractical for a Meeting to occur in the place prescribed, then the assembly in question shall meet at an alternative site or room as specified on an amended Agenda for that meeting. The alternate location shall be posted at the original location and announced as broadly as determined by the Chair.

2.04 Electronic Participation:

The following procedural rules are established for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. 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 re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk cannot be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
9. Members shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.
12. Close Sessions - All members participating electronically in a Closed Session of Council shall declare to the Head of Council and the City Clerk, following the adoption of the Closed Session Agenda, that they are in a private room, where:
 - a. No other persons can overhear the deliberations; and

- b. The internet connection is secure and not publically accessible.

By-law 2020-056 Effective July 28, 2020

2.05 Agenda Distribution and Notice of Meeting:

It shall be the responsibility of the City Clerk to forward to Members all Agendas for Council, Committee of the Whole, Regular Planning Advisory Committee Meetings.

For Special Planning Advisory Committee, Committee of the Whole and Council Meetings, the City Clerk shall forward to Members all Agendas a minimum of one business day in advance of the Meeting.

Posting the Agenda on the website is considered giving Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council.

The notice of Meetings is considered as the electronic notification to Members of the posting of the agenda and the posting of the agenda on the city website. Lack of receipt of the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.

2.06 Rules of Order:

Where any matter of procedure is not provided for in this By-law, Robert's Rules of Order, as revised, shall be followed.

2.07 Decision-Making:

Decisions binding the Council may be made only at Council Meetings unless authority has been specifically delegated by by-law.

2.08 Creation of Task Forces:

Council may create Task Forces with a mandate and specific terms of reference, approved by Council.

The term of any Task Force shall not extend beyond the term of Council. The newly elected Council may confirm by resolution to continue.

2.09 Direction to Staff:

No Member shall direct or interfere with the performance of any work being carried on by an employee of the City. Requests for reports by any Member shall be by resolution of Council.

2.10 Role of Council:

As defined within the Municipal Act, 2001, Section 224, it is the role of council,

- i. to represent the public and to consider the well-being and interests of the municipality;
- ii. to develop and evaluate the policies and programs of the municipality;
- iii. to determine which services the municipality provides;
- iv. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- v. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- vi. to maintain the financial integrity of the municipality; and
- vii. to carry out the duties of council under this or any other Act.

2.11 Role of Head of Council:

As defined within the Municipal Act, 2001, Section 225, it is the role of the Head of Council,

- i. to act as chief executive officer of the municipality;
- ii. to preside over council meetings so that its business can be carried out efficiently and effectively;
- iii. to provide leadership to the council;
- iv. without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1) Municipal Act, 2001, Section 224;
- v. to represent the municipality at official functions; and
- vi. to carry out the duties of the head of council under this or any other Act.

2.12 Municipal Administration:

As defined within the Municipal Act, 2001, Section 227, it is the role of the officers and employees of the municipality:

- i. to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- ii. to undertake research and provide advice to council on the policies and programs of the municipality; and
- iii. to carry out other duties required under this or any Act and other duties assigned by the municipality.

2.13 City Clerk:

As defined within the Municipal Act, 2001, Section 228, a municipality shall appoint a clerk whose duty it is,

- i. to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- ii. if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- iii. to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- iv. to perform the other duties required under this Act or under any other Act; and
- v. to perform such other duties as are assigned by the municipality.

2.14 Chief Administrative Officer:

As defined within the Municipal Act, 2001, Section 229 a municipality may appoint a chief administrative officer who shall be responsible for;

- i. exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- ii. performing such other duties as are assigned by the municipality.

Section 3.00: Inaugural Meetings of Council

3.01 Inaugural Meeting - Declarations of office before business

No business shall be proceeded with at the Inaugural Meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

3.02 Time and Place of Inaugural Meeting:

The Inaugural Meeting shall be held on the first day of the new term of Council provided that it falls on a business day, otherwise it will be held the first business day following the day that the new term commences. The Inaugural Meeting shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay.

By-law 2022-014, effective February 22, 2022

3.03 Order of Proceedings:

The order of proceedings for the Inaugural Meeting shall be established by the incoming Head of Council, CAO and City Clerk.

3.04 Election of Deputy Mayor

Election of the Deputy Mayor shall be held at the Inaugural Meeting for each term of Council and at the last Council Meeting of each calendar year to be effective January 1st of the following year.

Clerk to preside - the Clerk or their designate shall preside over the election of the Deputy Mayor.

Nominations for Deputy Mayor - the Clerk or their designate shall call for nominations. Each nomination for Deputy Mayor will require a mover and a seconder.

Acclamation of Deputy Mayor – Where only one person is nominated for Deputy Mayor and nominations have been closed by resolution, the Clerk shall declare that person elected to the office in question, by acclamation.

Secret Ballot - Voting for the Deputy Mayor shall be by secret ballot.

Scrutineer - in the case of an election and prior to voting for Deputy Mayor, Council may by resolution appoint a scrutineer to verify the vote.

Equality of votes - for the purposes of electing the Deputy Mayor, each Member will have one (1) vote.

Majority of Council Required - in order to be declared Deputy Mayor, the successful candidate must be elected by a majority vote of Council, with the exception of election by acclamation.

Tie Vote – 2 Candidates - in case of tie votes for Deputy Mayor, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

Tie Vote – 3 or More Candidates - Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be removed from the next ballot and that the voting will be repeated.

Section 4.00: Regular Meetings of Council

4.01 Regular Council Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Council Meeting Dates. The Mayor and City Clerk have the authority to modify meeting dates when necessary.

4.02 Unfinished Business:

In the event that a Council Meeting adjourns with matters on the Agenda which have not yet been reached, all matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council Meeting, unless the Members determine otherwise prior to the adjournment or the Head of Council calls for a Special Meeting.

4.03 Extracted Items:

When an item has been extracted from a consent agenda for separate debate, if the debate extends beyond 30 minutes, a Member of Council may put forward a resolution to defer the item to the next Council Meeting.

4.04 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

4.05 Closed Session:

Notwithstanding the exemptions defined under the Municipal Act, any part of a Meeting may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) and (3) of the Municipal Act, 2001.

4.06 Resolution Required:

Before holding any Closed Session, it shall be stated by resolution that: a Closed Session is to be held, identifying the nature of the matter to be considered, and the statutory authority under which the matter is to be considered.

4.07 Voting in Closed Session:

A Vote may only be taken during Closed Session where:

- i. the vote is for a procedural matter, including the receipt of information, or
- ii. for giving direction or instruction to officers, employees or agents of the City, local board or persons retained by or under contract with the City.

4.08 Confidentiality:

No Member or staff person shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff members.

4.09 Closed Session Record:

A record of any closed session shall be kept in the form of Minutes, and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings.

4.10 Meeting Adjournment:

The hour for adjournment for all Council Meetings including Committee of the Whole shall be no later than 6 hours from the time of commencement and/or no later than 11:00 p.m. unless advance notice or with the approval of Council.

Section 5.00: Special and Emergency Meetings of Council

5.01 Special Meeting at the Call of the Head of Council:

The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours' Notice through the City Clerk's office to the Members unless there is an emergency as defined.

5.02 Emergency Meetings:

- i. Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the City Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency.
- ii. In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Head of Council or his designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the City's Emergency Response Plan or any other similar unforeseen circumstances.

5.03 Business:

The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Agenda of the Meeting. There will be no additions to the published agenda unless it pertains directly to the agenda item.

5.04 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

5.05 Place of Meeting:

The location of a Special or Emergency Meeting shall be at the location identified on the published Agenda or, in the case of an Emergency Meeting, where the emergency renders that location inaccessible, the location will be specified in the City Clerk's communications to Members.

5.06 Electronic Participation:

Moved to Section 2.04

5.07 Electronic Participation Non-State of Emergency:

Deleted pursuant to By-law 2020-056 Effective July 28, 2020

Section 6:00: Committee of the Whole:

6.01 Regular Committee of the Whole Meeting Dates and Times

Council shall hold regular Committee of the Whole meetings as stated in the approved Annual Meeting Schedule.

6.02 Special Meetings of the Committee of the Whole

Special Committee of the Whole Meetings may be called by the Mayor or in their absence the Deputy Mayor or by the majority of members with the prescribed notice requirements.

6.03 Deputations and Presentations

Deputations and Presentations will generally be directed to the Committee of the Whole where appropriate.

6.04 Minutes

The minutes will be forwarded to the next Regular Council Meeting to consider recommendations made by the Committee of the Whole.

Section 7.00: Planning Advisory Committee Meetings

7.01 Regular Planning Advisory Committee Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Planning Advisory Committee Meeting Dates.

7.02 Special Planning Advisory Committee Meeting Dates:

The Head of Council or the Chair may at any time, summon a Special Planning Advisory Committee Meeting with twenty-four (24) hours' Notice through the City Clerk's office to the Members and in keeping with notification requirements under the Planning Act.

7.03 Composition:

The Planning Advisory Committee shall consist of seven (7) members, being the Mayor, three (3) Members of Council, and three (3) members of the public. Two (2) alternate Council Members for the Planning Advisory Committee, are to be identified and to be called upon to attend to ensure that a quorum is met when it becomes apparent that a member is not able to attend.

7.04 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

Section 8.00: Advisory Committee, and Task Force Meetings

8.01 Establish:

An Advisory Committee, or Task Force may be formed by Council from time to time in accordance with established criteria and process.

8.02 Meetings:

Meetings shall be held at the call of the appointed chair of the Committee or Task Force. Agendas, setting out the time and place of the meeting, for the business to be conducted at the Meeting, shall be distributed by the Chair or Recording Secretary of the Committee or Task Force, to all Members five (5) days prior to the meeting. The format of the Agenda and the order of proceedings, shall be within the control and at the discretion of the Committee or Task Force and in accordance with the Council adopted Terms of Reference. All other provisions of this By-law apply, with the appropriate amendments.

8.03 Ex Officio:

The Head of Council may attend and participate in any meetings of Council Advisory Committees or Task Forces as an Ex Officio Member and has all of the rights and privileges of a Member, with the exception of voting privileges. Appointment of Council Member to Committee or Task Force:

At the beginning of each term of Council, the Head of Council shall present a Report recommending the appointment of Members to the Planning Advisory Committee, Advisory Committees, Task Forces, Management Committees and other required appointments.

Section 9.00: Other Meetings

9.01 Drainage Matters:

Council delegates its authority to the City of Kawartha Lakes Drainage Board in accordance with the Drainage Act R.S.O 1990, c. D.17 and the City of Kawartha Lakes Act. The City of Kawartha Lakes Drainage Board shall operate within the adopted Terms of Reference.

9.02 Council as an Administrative Tribunal:

From time to time, it shall be necessary for Council, or an appropriately appointed, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the Statutory Powers Procedures Act, R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.

9.03 Public Meetings:

From time to time, it shall be necessary for Council or the municipality hold a public meeting to gather information prior to making a decision on a matter.

The goal of public meetings includes: improving decisions, building consensus or reducing conflict, building long-term support, improving public relations and enhancing the democratic process.

9.04 Statutory Public Meeting Planning

Wherever there is direction in legislation to hold a planning public meeting, the public meeting shall be listed on the Agenda of the Planning Advisory Committee which shall report the results of the Public Meeting to Council through the Minutes of the Planning Committee.

Where a Statutory Public Meeting is held at a Planning Committee, the persons attending shall not be considered a deputation and therefore do not affect the number permitted to speak at that meeting. Presentations made at a Statutory Public Meeting shall be limited to 10 minutes.

9.05 Statutory Public Meeting – Other

Wherever there is direction in legislation for Council to hold a statutory public meeting, the public meeting shall be listed on the Agenda of the Council meeting or Committee of the Whole meeting. If the statutory public meeting is held during the

Committee of the Whole meeting, the results shall be reported to Council through the Minutes of the Committee of the Whole.

When there is direction in legislation for the municipality to hold a statutory public meeting, the meeting may be held independent of Council.

From time to time, it may be necessary for public meetings to be held at a time other than at the Planning Advisory Committee or Committee of the Whole. The Mayor, in consultation with the CAO and Director responsible for the matter, may direct that the public meeting be held during a Regular Council Meeting, a Special Council Meeting or a Special Committee of the Whole Meeting.

Special Council Meetings which purpose is for the holding of a Public Meeting, may be held in a location and time deemed, by the Mayor and the CAO in consultation with the relevant Director of the applicable department, to be the most suitable.

Special Planning Committee Meetings which purpose is for the holding of a Public Meeting, may be held in a location and time deemed by the Chair and CAO in consultation with the relevant Director of the applicable department, to be the most suitable.

9.06 Public Information Sessions

Public information sessions/workshops may be held at a location(s) and time(s) deemed, by the CAO in consultation with the relevant Director of the applicable department, to be the most suitable unless location is stipulated by Council direction.

Staff from the applicable department shall attend the public information session/workshop and report to Council by way of a staff report.

9.07 Other Public Meetings

Additional meetings that are not Statutory may be conducted in the same manner as a Statutory Public Meeting.

9.08 Notice

Notice of Public Meetings shall be in accordance with legislation and the City's Notice By-law, as amended from time to time.

Notice of Public Information Sessions/Workshops and meetings that are not Statutory shall be advertised by posting in Municipal Service Centres and by posting on the City's Web Site.

9.09 Town Hall Meetings

Town Hall Meetings may be held by Members of Council for the purpose of informing the public and receive input regarding City services and potential issues

Members of Council may book a maximum of four meetings per term. During the years when a municipal election is being held, Town Hall Meetings shall not be permitted.

Council may by resolution, determine dates when there shall be no Town Hall Meetings (i.e. A Referendum vote, other government election, etc.).

Content of Meetings/Fund-Raising Activities/Promotions

The content of each Town Hall meeting will be determined by the member of Council hosting the meeting, but will meet the definition of a Town Hall Meeting.

Staff may be invited/requested to attend such meetings to present on a particular subject and/or to respond directly to issues and concerns. In the event such meetings are not during regular office hours, such attendance will be subject to availability and delegation to another staff member shall be at the discretion of the relevant Director. Members of Council will be considerate of staff's overtime/workload issues, and will make every effort to accommodate staff's presentations at the beginning of their meetings so that staff may leave following the particular subject matter they were asked to address.

The soliciting of funds for entrance into a Town Hall Meeting is not allowed. Fund-raising activities will only be allowed insofar as they are a minor part of the Town Hall Meeting. Such fund-raising activities will also need to follow the City's policies relative to Sale of Merchandise/Tickets and also any licensing legislation, if applicable. The responsibility rests with the member of Council to ensure a current understanding of any restrictions by reviewing any such plans in advance, if relevant, with the Licensing Officer and/or the CAO.

Co-sponsorship of a Town Hall Meeting with any other organization, individual or business shall not be allowed understanding that this does not comply with the intention of what Town Hall Meetings are for, namely, communications about the City and its services.

Communications

The Communications Division will distribute a press release to promote the Town Hall meeting highlighting the date, time, location of the meeting and the topics to be discussed. The press release will also appear on the City's website.

Advertising for the Town Hall meeting will be placed in the Municipal Bulletin at the request of the Councillor with the approval of the Mayor and the cost for the advertisement will be charged to the Council Public Relations Budget.

Section 10.00: Public Attendance and Communications

10.01 Presumption of Open Meetings:

All Meetings shall be open to the public other than for the exceptions identified within the Municipal Act, 2001, as amended.

10.02 Public Input to Regular Meeting Agenda Item - Deputations:

- i. Any person wishing to address the assembly as a deputation on an issue identified as an item on an agenda yet to be issued, may do so by submitting a written request to the City Clerk's Office on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).
- ii. After the time prescribed, any person or deputation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Council Meeting, must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon three business days prior to the Meeting at which they wish to appear. If the day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.
- iii. After the time prescribed, any person or deputation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Planning Meeting (other than the public meeting portion), must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the second day preceding the start time of the Meeting at which they wish to appear. If the second day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

10.03 Public Input to New Agenda Item - Deputations:

Any person wishing to address the assembly as a deputation on an issue not identified on an issued agenda, must submit to the City Clerk, a signed, written brief, stating the agenda item that they wish to address to the assembly. The City Clerk shall place any item of this nature on a Committee of the Whole Agenda. The written request must be submitted to the City Clerk on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

10.04 Deputations in Urgent Matters:

In the event that a proposed subject to be spoken to is of an urgent nature, the deputation request may be adopted as part of the Agenda, with leave of Council or Planning Advisory Committee, as applicable with the exception of a Member of Parliament and a Member of the Ontario Legislature who shall be automatically placed on the amended agenda.

10.05 Maximum Deputation Numbers:

A maximum of five (5) deputations shall be allowed to address Council per Regular Council meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

A maximum of eight (8) deputations shall be allowed to address Planning Advisory Committee per Regular Planning Advisory Committee meeting. This number does not include anyone present who wishes to address Planning Advisory Committee at a statutory public meeting.

The maximum number of deputations at Committee of the Whole Meetings shall be determined in consultation with the Head of Council and CAO.

10.06 Denial of Request to Speak or to Distribute Material:

Council, Committee of the Whole, or the Planning Advisory Committee may refuse to hear Deputations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, is providing un-solicited promotion of products and services or where it contains obscene or defamatory content.

10.07 Rules of Conduct for Presentations:

Persons addressing an assembly of Members shall observe the rules of conduct set out in this Section:

- i. Any person wishing to address the assembly with a presentation on a new issue, shall do so at a Committee of the Whole Meeting unless approved to present directly to Council or Planning Advisory Committee by the Head of Council and CAO.
- ii. Presentations shall be limited to a maximum of twenty minutes unless approved by the Head of Council and CAO.

10.08 Rules of Conduct for Deputations:

Persons addressing an assembly of Members shall observe the Rules of Conduct set out in this Section.

- i. No printed material may be distributed on the Council Floor by a Deputation. Any material which a Deputation wishes to distribute must be provided to the City Clerk, no later than one (1) hour in advance of the relevant Meeting where the Deputation will be addressing the assembly.
- ii. Where a Deputation does appear with material to distribute, they shall provide all copies directly to the City Clerk and shall not distribute anything directly to Members. The Mayor or Chair shall determine whether the material is to be distributed by the City Clerk at that Meeting, or whether it shall be retained to be considered and distributed afterwards.
- iii. Deputations who present slide shows or computerized display presentations must provide the City Clerk with a copy at a minimum one hour prior to the meeting for the record.
- iv. All printed material submitted to the City Clerk must be legible, and must be signed and dated legibly. All printed material shall include an address and telephone number, or email address where return correspondence or contact is to be directed.
- v. The City Clerk will only circulate materials that comply with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended.
- vi. Deputations must confine their remarks to the business stated in the communication to the City Clerk seeking Deputation status.
- vii. Deputations are limited to a time period of not more than five (5) minutes in total unless approval is granted by the majority of assembly members. Deputations consisting of three or more persons shall be limited to two (2) speakers.
- viii. Deputations speaking to a matter, item or topic that the person has previously addressed at a Meeting shall be limited to a total time period of not more than two and one-half (2.5) minutes.
- ix. Deputations speaking to a matter, item or topic that has been discussed two times at a meeting and they have previously addressed at a Meeting shall not be allowed to address the issue a third time. If new information arises, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.
- x. Deputations speaking to a matter relating to an appeal of a Council or staff decision shall be afforded one opportunity to address Council. If new information becomes available, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.
- xi. Deputations are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

10.09 Rules of Conduct for Public Audience:

Persons attending a Meeting, whether or not they are Deputations, shall observe the Rules of Conduct set out in this Section.

- i. At all times, including recesses or breaks, all persons attending a Meeting shall be restricted to the Designated Area and shall not approach the Council Floor unless invited by the Mayor or Chair.
- ii. No shouting, cheering, booing, deliberate foot-stomping or any other unprofessional or un-businesslike conduct shall be tolerated by the Chair, at the discretion of the Chair.
- iii. Persons who are not Deputations may not address the assembly and shall not do so by shouting out, interrupting, or prompting a Deputation.
- iv. Signs, banners, emblems or flags, carried or otherwise, are not permitted in the Council Chambers or other location designated as the Council or Planning Advisory Committee Meeting place, without prior authorization of the Chair.
- v. Profanity is strictly prohibited, whether it is audible or expressed through gesture.

10.10 Time Extensions:

If the Deputation has been requested by the City, or if the time limits established are deemed too restrictive by the Chair of the Meeting or by two-thirds of the Members present at the Meeting, the time limit may be increased in increments of five (5) minutes, at the discretion of the Chair or two-thirds of the Members in attendance.

10.11 Petitions, Communications or Correspondence:

Every petition, communication or correspondence to be placed on an Agenda of a Regular Council Meeting, Committee of the Whole or Planning Advisory Committee Meeting shall be submitted to the City Clerk by 12:00 p.m. noon on the second day preceding the day upon which the Agenda for that Meeting is issued (i.e. 12:00 p.m. noon Monday for Wednesday Agenda distribution). All communications or petitions received after the above delivery date and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Regular Meeting of Council, Committee of the Whole or Planning Advisory Committee unless otherwise approved by the Head of Council and Chief Administrative Officer.

The City Clerk shall refuse to place Petitions, Communications, or Correspondence on the agenda where:

- i. The subject matter involves current or pending litigation;
- ii. The subject matter involves insurance claims;
- iii. The subject matter involves administrative complaints that have not been reported and investigated through the administrative process;
- iv. The subject matter is beyond the jurisdiction of Council;
- v. The subject matter is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act; or
- vi. The document appears to be signed and/or submitted in a fraudulent manner as determined by the Head of Council, CAO, and City Clerk.
- vii. The Petition does not have the name or contact information of the Petition organizer(s).

The following Motions regarding Petitions are proper during this part of the agenda:

- Motions to receive a Petition;
- Motions to refer the matter to City staff or a Committee of Council for consideration; or
- Motions to direct City Staff to report back to Council,

Any other motion related to a Petition shall not be in order.

Signatories to any Petitions are deemed to have waived any expectation of privacy as a result of the record being created for the consideration of Council and the general public.

Paper Petitions shall contain the printed name, original signature, and some contact information (either mailing address, phone number, or valid email address) of the individuals signing it. Signatures without contact information shall be redacted by the Petition organizer or it will not be accepted by the City Clerk nor presented to Council. The petition request shall be listed at the top of each page for multi-page petitions. Petition organizers are recommended to use a Petition template made available by the City Clerk.

Electronic Petitions shall contain the name, address and valid email address for each person deemed to have 'signed' the Petition. Electronic Petitions shall be submitted through a designated City of Kawartha Lakes public engagement website, and not through a third-party website. The City Clerk may prepare standard operating procedures for staff to regulate the processing and receipt of electronically prepared Petitions, and make them available on the City's website.

By-law 2020-134 Effective December 20, 2020

10.12 Requests for Proclamations:

Requests for Proclamations shall be forwarded to the Clerk for review. Only proclamations relevant to services or proclamations at the request of a member of Council and approved by the Mayor will be included on Council Meeting Agendas.

Requests for Proclamations from individuals shall not be placed on a Council Agenda. The requestor shall be notified that the Council of the City of Kawartha Lakes does not partake in the Declaration of Proclamations.

10.13 Endorsement of External Resolutions

When the City receives a resolution for endorsement from any other municipality, association and/or organization, the Mayor and Council Executive Assistant shall copy the request electronically to Mayor, Members of Council, CAO and Directors for their review.

The Mayor, Member of Council or CAO may, at any time, request that a resolution be brought forward for review and consideration at the next appropriate Committee of the Whole Meeting, or if time sensitive a Council Meeting.

The item will be placed on the agenda under Consent Correspondence, with the requestor's name and recommended action.

If a resolution is supported, the action requested in the resolution shall be followed, including notification to the originating municipality. In addition, Council may direct other actions as they deem appropriate.

Resolutions that are not recommended for endorsement by either Council members or staff within 10 days of circulation shall be filed by the Clerk's Office in accordance with the City Retention By-law.

Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)

11.01 Quorum:

Five (5) Members shall constitute a quorum for Regular, Special, Information and Emergency Meetings of Council and Committee of the Whole. For the Planning Advisory Committee and all other types of Meetings, a quorum is made up of a majority of Members.

11.02 Special Case Quorum:

When a majority of the Members have disclosed pecuniary interests to a matter in accordance with this By-law and/or the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two.

11.03 Meeting Commencement/Absence of Chair:

As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Acting Head of Council (Deputy Mayor) or Vice Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Acting Head of Council (Deputy Mayor) or Vice Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Head of Council or Chair and the Acting Head of Council or Vice Chair, the City Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Head of Council or Acting Head of Council (Deputy Mayor) or Chair or Vice Chair.

While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

11.04 Failure to Achieve Quorum:

If there is not a quorum within thirty minutes after the appointed commencement time for any Meeting, the City Clerk (in the case of a Council or Committee of the Whole Meeting) or the Recording Secretary (in the case of a Task Force, Advisory Committee, or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Meeting as the case may be.

11.05 General Duties of the Chair of a Meeting:

The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:

- i. Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;
- ii. Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;
- iii. Receive and submit, in the proper manner, all Motions presented by the Members;
- iv. Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;
- v. Decline to put to vote Motions that infringe on the rules of procedure;
- vi. Restrain Members, within the rules of order, when engaged in debate;
- vii. Enforce, on all occasions, the observance of order and decorum among the Members and the attending members of the public;
- viii. Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.
- ix. Receive all messages and other communications and announce them to the Meeting assembly;
- x. Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;
- xi. Ensure that the decisions and recommendations made at Meetings are in conformity with the Procedural By-law, Terms of Reference if applicable, laws and by-laws governing activities of same;
- xii. Adjourn the Meeting when the business is concluded;
- xiii. At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;

- xiv. Notwithstanding Section 11.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;
- xv. Where the Chair is the Head of Council or the Acting Head of Council, he or she shall authenticate, by his or her signature when necessary, all by-laws, resolutions and minutes of the Council; and
- xvi. In the case of grave disorder arising in the designated Meeting Room, the Chair has the duty to adjourn the Meeting without questions having been put.

11.06 Duties of the Chair in Directing Debate:

During the course of debate, the Chair shall:

- i. Designate the Member who has the floor when two or more Members raise their hands to speak;
- ii. Preserve order and decide questions of order; and
- iii. Ensure all Motions presented are clear to the Members before permitting debate on the question, except when otherwise provided in this By-law.

11.07 Acting Head of Council:

In the absence of the Head of Council (Mayor), the Deputy Mayor shall act as the Head of Council with all of the powers, duties, rights and obligations of the Head of Council. In the absence of the Mayor and Deputy Mayor, Council shall appoint an Acting Head of Council.

11.08 Participation by Chair:

The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, they shall leave the Chair for that purpose and shall call upon another Member to fill their place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the Meeting.

11.09 Rules of Conduct for Members:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- i. No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Deputations in attendance.
- ii. No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.

- iii. No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.
- iv. No Member shall speak until he or she has addressed himself or herself to the Chair.
- v. No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his or her seat while a vote is being taken and until the result thereof is declared.
- vi. No Member shall ignore a dress standard for Meetings agreed to by the majority of Members of Council.
- vii. No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.
- viii. No Member shall, in addressing the assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.
- ix. No Member shall, in addressing the assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.
- x. No Member shall, in addressing the assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.
- xi. No Member shall, in addressing the assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.

11.10 Members Shall Vote:

Every Member physically present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests in the question. Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations in the Agenda. However, if an interest is overlooked or becomes evident to any Member later in the meeting, as a result of discussion or otherwise, a Member shall disclose his or her interest at the first opportunity, and afterwards, he or she shall refrain from taking part in the discussion, shall vacate his or her seat and refrain from voting on the particular question. If any Member at a Meeting declines to vote when a question is put and a recorded vote taken, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

11.11 Rules of Conduct for Members During Debate:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- i. Every Member, when speaking to any question or Motion, shall respectfully address the Chair.
- ii. When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.
- iii. 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.
- iv. No Member shall speak to the same question for longer than five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes may be granted.
- v. A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.
- vi. All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.
- vii. Questions may be asked only:
 - i. of a Deputation after he or she has spoken, in accordance with this By-law;
 - ii. the previous speaker;
 - iii. of the Chair; or
 - iv. of an Official of the City, through the Chair, on the matter under debate.

11.12 Expulsion:

The Chair of any Meeting may exclude any persons from the Council Chamber or Meeting Room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.

11.13 Exemption:

This By-law does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area sanctioned by the Chair.

11.14 Closed Session Disclosures of Interest:

Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be provided in writing and recorded in the minutes of the open Meeting.

11.15 Motions without Notice:

The types of Motions listed in this Section may be introduced orally without written Notice and without leave:

- i. A Point of Order;
- ii. Presentation of petitions;
- iii. Motions to suspend a rule of procedure or in compliance with a rule of procedure;
- iv. Motions to adjourn (which are not debatable);
- v. Motions that the vote now be taken;
- vi. Motions that Council resolve itself into Committee of the Whole (which are not debatable);
- vii. any matter where the assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.

11.16 Putting a Question:

A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

11.17 Dividing a Question:

When the Motion under consideration concerns two or more matters, upon the request of any Member stating clearly where the Motion is divided, the vote upon each matter shall be taken separately and this shall be non-debatable.

11.18 Withdrawal of Motion:

After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion.

11.19 Subsequent Motions:

When a Motion is under debate, no other Motion shall be in order except a Motion:

- i. to adjourn;
- ii. to extend the hour (pursuant to Section 4.02);
- iii. to table;
- iv. to put the question (close the debate);
- v. to postpone or defer;
- vi. to refer; or
- vii. to amend.

11.20 Motions to Adjourn:

A Motion to adjourn shall:

- i. not be amended;

- ii. not be debated;
- iii. not include qualifications or additional statements; and
- iv. always be in order, except when a Member is speaking or the Members are voting., When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

11.21 Motions to Extend the Hour:

A Motion to extend the hour shall:

- i. not be amended;
- ii. not be debated; and
- iii. always be in order, except when a Member is speaking or the Members are voting
- iv. shall be made in open session

11.22 Motions to Table:

A Motion to table shall:

- i. not be amended;
- ii. not be debated;
- iii. apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and
- iv. not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the Meeting.

11.23 Motions to Postpone or Defer:

A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

- i. not be amended;
- ii. be debated only as to the time period of deferral or postponement;
- iii. apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and
- iv. not include qualifications or additional statements.

If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion.

11.24 Motions to Put the Question:

A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

- i. not be amended;
- ii. not be debated;
- iii. apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and

If a Motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

11.25 Motions to Refer:

A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- i. be open to debate;
- ii. be amendable; and
- iii. preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

11.26 Motions to Amend:

A Motion to amend a Motion in possession of the assembly shall:

- i. receive disposition of Council or Committee of Council before a previous amendment or the question;
- ii. be open to debate;
- iii. not be further amended more than once provided that the further amendment may be made to the main question;
- iv. be relevant to the question to be received; and
- v. not be received proposing a direct negative to the question.

11.27 Motions to Reconsider/Rescind:

Motion to Rescind: A motion to rescind a Motion previously adopted by the Assembly may be carried to cease the force and effect of a previously adopted motion. A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted. A motion to rescind can be moved by a member on the prevailing side at any time or by any member, regardless of how the member voted on the original question following a 365-day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.

Without previous notice of motion, the motion to rescind requires a two-thirds vote. This provision cannot be waived.

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

A motion to reconsider that has previously been considered cannot be renewed except by unanimous consent.

11.28 Motion Beyond Jurisdiction:

A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order and shall not be placed on the Agenda

11.29 Receipt of Motions:

Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.

11.30 Order of Debate of Motions:

The rules for order of discussion shall be as set out in this Section.

- i. In general, the order of discussion shall proceed as follows:
 - i. Mover;
 - ii. Secunder;
 - iii. Any other Member who may wish to speak; and
 - iv. The mover in summary of their position prior to the Chair calling for the vote.
- ii. The mover, with leave of the Chair, may speak again in order to clarify a material part of his or her Motion which may have been misunderstood.

- iii. No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same question so long as any Member who has not spoken on that question seeks the floor.
- iv. Each Member shall confine his or her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.

11.31 Voting on Questions:

When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.

11.32 Reading of Motions:

Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall ensure the question in the form in which it will be recorded in the minutes is read aloud if requested.

11.33 Motions to Amend:

The vote on amending Motions shall be conducted in the following order:

- i. a Motion to amend a Motion to amend the main Motion;
- ii. A Motion (as amended or not) to amend the main Motion; and
- iii. the main Motion (as amended or not)

11.34 Cessation of Debate:

After the Chair puts a question, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.

11.35 Method of Voting:

Subject to this Section, the manner of determining the decision of the assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Meeting shall not be by secret ballot or by any other method of secret voting.

11.36 Binding Resolutions:

Any resolution shall require affirmative votes in order to be valid and binding on Council. Any questions on which there is an equality of votes shall be deemed to be negative. Where only a quorum is present, a resolution, in order to carry or be passed,

must be affirmed by the majority present at the Meeting, or as set out under provincial legislation.

11.37 Results:

The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the City Clerk to record the vote accordingly.

11.38 Tie Votes:

Any questions on which there is an equality of votes is deemed to be negative.

11.39 Recorded Votes:

Subject to this By-law, a recorded vote may be requested at Council Meetings by any Member for any Motion, at any time. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)

11.40 Procedure for Recorded Votes:

When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the meeting must vote in random order as called by the City Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and those who voted against shall be noted in the minutes. The City Clerk shall call the names of the Members and the Chair shall announce the results. Members who do not vote (excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the negative.

11.41 Procedural Rules for Committee of the Whole, Committees, Boards and Task Forces:

The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:

- i. The number of times of speaking on any question shall not be limited;
- ii. No recorded vote shall be permitted;

11.42 Notice of Motion:

When a Member wishes to present a Notice of Motion, generally for the purpose to change an established policy of the organization, the rules governing the procedure shall be observed as follows:

- i. A member wishing to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the City Clerk not later than Monday noon the week preceding the regular meeting of council at which notice of the Motion is to be given.
- ii. The City Clerk, upon receipt of a Notice of Motion, shall print the motion in full in the agenda for the next regular meeting of the Council.
- iii. A Notice of Motion shall not be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting.
- iv. Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;
- v. A Notice of Motion that is called for by the Head of Council at two (2) meetings of the Council and has not been proceeded with shall be removed from the agenda unless otherwise directed to Committee by Council.

11.43 By-law versus Resolution

A “**by-law**” shall be used, but is not limited to implementing policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a municipal corporation and whether it is being transacted under the Municipal Act, 2001, as amended.

A “**resolution**” is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

11.44 New or Other Business:

When a Member desires to introduce a new business item at a meeting, the member shall provide to the City Clerk, a written Memorandum on the established form within the established time lines for agenda preparation. The Memorandum shall contain background information and the Member’s Recommendation for action on the issue.

11.45 Point of Order:

A Point of Order is a tool used by a Member when they wish to exercise their right to address the Chair on a procedural matter. The rules governing the procedure shall be observed as follows:

- i. A Member may raise a Point of Order directing attention to a matter that affects the rights of the Member or Members.
- ii. A Point of Order shall take precedence over any other matter except during the verification of a vote.
- iii. A member shall state the Point of Order to the Chair at the time of occurrence.
- iv. A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order.
- v. The Chair shall decide upon the Point of Order and advise the Members of the decision.
- vi. Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;
- vii. If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- viii. When the matter has been determined to be a Point of Order, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Order.

11.46 Point of Privilege:

A Point of Privilege is a tool used by a Member when they wish to exercise their right to address the Chair on a personal matter dealing with the integrity of the Member. The rules governing the procedure shall be observed as follows:

- i. A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member.
- ii. A Point of Privilege shall take precedence over any other matter except during the verification of a vote.
- iii. A member shall state the Point of Privilege to the Chair at the time of occurrence.
- iv. A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.
- v. The Chair shall decide upon the Point of Privilege and advise the Members of the decision.
- vi. Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

- vii. If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?”. The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- viii. When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Privilege.

11.47 Order of Precedence:

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- i. to request information
- ii. to request that the vote be taken (call the question)
- iii. to limit or extend the debate
- iv. to defer (to another meeting, date, indefinitely)
- v. to refer (to another committee, administration)
- vi. to amend

11.48 Non-Debatable Motions

- i. to adjourn
- ii. to close, limit or extend debate
- iii. to lay on the table (to table)
- iv. questions of privilege
- v. to suspend the rules.

Section 12.00: Meeting Minutes

12.01 Requirement for Minutes for Council and Committee of the Whole:

The City Clerk or designate shall be present at all Meetings of Council and Committee of the Whole and shall duly record the Minutes of the Meeting required by this Section.

12.02 Requirement for Minutes for Planning Advisory Committees:

The Recording Secretary or designate shall be present at all Meetings of Planning Advisory Committee and shall duly record the Minutes of the Meeting required by this Section.

12.03 Requirements for Minutes for Advisory Committees:

The Recording Secretary or designate shall record all Minutes of Advisory Committees in the same manner as set out in the Municipal Act for Council Meetings.

12.04 Minute Contents (Open Session)

All minutes shall record the following

- i. The place, date and time of Meeting;
- ii. The names of the Chair or Chairs and record of attendance of the Members;
- iii. The reading, if requested, correction and adoption of the minutes of the prior Meeting; and
- iv. All other proceedings of the Meeting without note or comment.

12.05 Minute Contents (Closed Session):

All minutes of a Closed Session shall be recorded in separate minutes, closed to the public in the same manner as set out in the Municipal Act for Council Meetings.

12.06 Adoption of Minutes:

The minutes of a Council, , Planning Advisory Committee or Committee of the Whole Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). Minutes of a Closed Session of Council, ~~Planning Advisory Committee~~ shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.

12.07 Reading Minutes:

In presenting the minutes of any Meeting for adoption, it shall not be necessary for the City Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.

12.08 Requirement for Minutes:

Committee of Adjustment, Drainage Board, Advisory Committee, Task Force or Volunteer Management Committee

Minutes of Meetings are the responsibility of the Recording Secretary of the body, and must be submitted to the Clerk and made available on the City's website.

Section 13:00: By-Laws

13.01 Form:

Every by-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. Recitals will include references to resolution numbers that are applicable to the by-law. By-laws so introduced shall be complete with the exception of the by-law number, date of readings and passage and signatures of the Head of Council and City Clerk.

13.02 Readings:

Every by-law shall have three readings prior to passage. By-laws may be presented as a consent agenda. All by-laws will be passed in one motion with Council having the ability to extract single items to be dealt with on an individual basis which includes introducing amendments. The City Clerk shall exclude any by-law from the consent section that does not require all three readings.

By-laws introduced through consent

A member of Council will introduce all three readings of a by-law within the same Motion, duly moved and seconded. This Motion must specify the title of the by-law.

By-laws introduced on an individual basis

A member of Council will introduce a by-law with its first and second reading which must specify the title of the by-law. Where this procedure occurs the by-law may be amended before third reading shall be put to vote immediately following the amendment. The third reading of a by-law shall be decided without amendment or debate.

13.03 Formal Records:

Every by-law enacted by Council shall be numbered and dated, signed by the Head of Council and City Clerk or their designates appointed by by-law or statute and sealed with the seal of the City. The City Clerk shall ensure that all by-laws are properly stored for safekeeping.

13.04 Confirmation By-laws:

At the end of each Council Meeting, a by-law will be enacted to confirm all motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate by-law duly enacted, except where the prior approval of the Local Planning Appeals Tribunal or any other body or agency is required. A Motion to pass a

by-law to confirm the proceedings of a Meeting of Council shall be voted on without debate.

Section 14.00: Amendments to, and Suspensions of, this By-law

14.01 Suspension:

Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law.

14.02 Notice:

No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.

14.03 Voting Requirement:

Amendment to this by-law shall require an affirmative vote of two-thirds of Council present.

Section 15.00: Administration and Effective Date

15.01 Administration:

The City Clerk is responsible for the administration of this by-law.

15.02 Force and Effect:

This By-law shall come into force on the date it is finally passed.

Section 16.00: Repeals

16.01 Repeal: By-law 2018-212, a By-law to adopt the Procedural By-law is repealed.

By-law read a first, second and third time, and finally passed, this 28 day of January, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Council Policy No.:	CP2020-001
Council Policy Name:	Code of Conduct and Ethics – Members of Council and Local Boards
Date Approved by Council:	January 28, 2020 CW2020-003, CR2020-005
Date revision approved by Council:	January 25, 2022 CW2022-009/CR2022-005
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of Members, this Code is established to govern and regulate the ethical conduct of all Members. This Code also supplements other existing Federal and Provincial legislation and by-laws and policies of the City that govern Members' conduct which include but are not limited to the following:

- Criminal Code of Canada
- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act (Violence and Harassment in the workplace)
- Human Rights Code
- Planning Act
- Municipal Elections Act

- All by-laws and policies approved by the Council of the City

Scope:

1. Scope:

- 1.1. The Code sets out and identifies the City's expectations for its Members and establishes rules for appropriate conduct.
- 1.2. The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the City's reputation and integrity.
- 1.3. The key statements of principle that underline this Code are as follows:
 - a) The decision-making process of Council is open, accessible and equitable and respects the City's governance structure;
 - b) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner
 - c) Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and which will bear close public scrutiny;
 - d) (d) Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Council of the City.
 - e) Public office is not to be used for the personal financial benefit of any Member;
 - f) That independent, impartial decision-making considers the best interests of the entire Municipality as envisioned in the Oath of Office;
 - g) City residents should have confidence in the integrity of their local government and of their Members; and
 - h) The conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. Purpose

- 2.1. The purpose of this Code is:
- a) To set out clear expectations of the behaviour of Members in accordance with the principles of the Code;
 - b) To provide information to the public as to the behaviour they can expect from their Members;
 - c) To provide guidance to Members in the conduct of their duties as elected officials; and
 - d) To provide a mechanism for responding to alleged breaches of the Code.
- 2.2. The clear statement of these standards and expectations should serve to enhance the public's confidence that the elected officials of the City of Kawartha Lakes will act with integrity and fairness to ensure responsible and accountable conduct by the Member.

3. Definitions:

3.1 In this Code:

"applicant" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the Municipal Conflict of Interest Act;

"application" means a written request for an investigation with respect to an alleged contravention of the Municipal Conflict of Interest Act;

"City" means City of Kawartha Lakes;

"Clerk" means the Clerk of the City or his/her designate;

"Code" means the "Code of Conduct for Council Members" as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;

"complainant" means a person who has filed a complaint in accordance with this Code;

"complaint" means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;

"confidential information" means any information in the possession of or received in confidence by the City that the City is prohibited from disclosing or has decided

to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:

- (i) Information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- (ii) Information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- (iii) Personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
- (iv) Advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the City;
- (v) Information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
- (vi) Price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
- (vii) Information circulated to Members and marked "confidential";
- (vii) Sources of complaints where the identity of the Complainant is given in confidence; or
- (viii) Any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.

“Council” means the Council of City of Kawartha Lakes;

“gift” means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to or received by a Member, that could be seen to be connected directly or indirectly to the performance of the Member’s duties;

“harassment” or “harass” involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:

- (i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- (ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient;

“Integrity Commissioner” means the person appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;

“Local Board” is hereby defined as in Section 1(1) and Section 223.1 of the Municipal Act, 2001;

“meeting” means any legally-constituted meeting of Council or a Local Board;

“Member” means a Member of Council including the Mayor, or a Member of a Local Board;

“Municipal property” includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the City;

“social media” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video; and

“Staff” includes anyone employed by the City of Kawartha Lakes including full-time, part-time, temporary or seasonal Staff, contract Staff, students and volunteers (in accordance with the Municipal Act, 2001, Members are not considered employees of the City).

Policy:

4. Conduct of Members

4.1 In all respects, Members shall:

- a) Make every effort to act with good faith and care;
- b) Conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the City’s Procedural By-law or other applicable procedural rules and policies;
- c) Seek to advance the public interest with honesty;

- d) Seek to serve their constituents in a conscientious and diligent manner;
- e) Respect the individual rights, values, beliefs and personality traits of any other person;
- f) Refrain from making statements the Member knows or ought reasonably to know to be false or with the intent to mislead Council or the public;
- g) Accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and
- h) Refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member.

5. Compliance with the Code of Conduct

5.1 This Code applies to every Member. This Code shall be applied to Members of Local Boards, who are not Members of Council, with necessary modifications applied in the discretion of the Integrity Commissioner.

5.2 A Member shall:

- a) Observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
- b) Respect the integrity of the Code and inquiries and investigations conducted under it; and
- c) Co-operate in every way possible in securing compliance with the application and enforcement of the Code.

5.3 No Member shall:

- a) Undertake any act of reprisal or threaten reprisal against a Complainant or any other person for providing relevant information to the Integrity Commissioner or any other person;
- b) Obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective; or

- c) Use the influence of their office for any purpose other than for the lawful exercise of their official duties for municipal purposes.

6. Transparency and Openness in Decision Making

6.1 Members shall:

- a) Conduct Council business and their duties in an open and transparent manner so that the public can understand the process and rationale which has been used to reach decisions;
- b) Ensure the public has input and receives notice regarding Council's decision-making processes in accordance with the Procedure By-law; and
- c) Ensure compliance with the Municipal Act, 2001; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.

7. Business/Organization Relations

- 7.1 Members of Council must demonstrate transparency with regards to business relations and/or organizations conducting business with the City. No Member shall act as a paid agent before Council except as provided for in the Municipal Conflict of Interest Act, as amended.
- 7.2 Actions of a Member of Council shall be above suspicion and shall not give rise to any conflict of interest. Dealings with business(es) and other interests must be able to bear the closest possible scrutiny and avoid risk of damage to public confidence in local government a Council Member's impartial and objective role in the decision-making process.
- 7.3 Members shall recognize the need for their decision-making to be viewed as impartial and transparent by either (a) refraining from meetings with developers, businesses or other organizations who have applications before the municipality and/or who wish to conduct business with the City, or (b) disclosing to Council and members of the public such information at the first opportunity.
- 7.4 It is recognized that Members may have work or business activities outside of their normal Council duties. Members shall ensure these responsibilities remain distinct and separate from City business.

8. Access to Information and Confidentiality

8.1 Through the course of their official duties, Members may have access to Confidential. Generally, the Municipal Freedom of Information and Protection of Privacy Act restricts or prohibits disclosure of information received in confidence from third parties of a corporate, financial, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor client privilege.

8.2 A Member shall:

- a) Only be entitled to have access to information in the possession of the City that is relevant to matters before Council or a Committee or that is relevant to his or her role as a Member of Council. Otherwise, he or she shall have the same access rights to information as any member of the public; and
- b) Have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

8.3 No Member shall:

- a) Obtain access, or attempt to gain access, to confidential information in the custody or control of the City except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- b) Disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- c) Provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- d) Use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- e) Disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

9. Staff Relations

- 9.1 Only Council as a whole and no single Member including the Mayor, has the authority to direct staff, approve budgets, policy, and other such matters, unless specifically authorized by Council.
- 9.2 A Member shall:
- a) Respect the professional competence of staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the City without undue influence from any Member.
 - b) Respect the administrative structure (“chain of command”) and direct any staff performance concerns through the Chief Administrative Officer as the person responsible for the general control and management of the affairs of the City.
- 9.3 No Member shall:
- a) Maliciously or falsely impugn, or without sufficient cause criticize, the professional or ethical reputation of any staff.
 - b) Compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities.
 - c) Use their authority or influence to threaten, intimidate, or coerce staff or interfere with the lawful exercise of the duties of staff or the professional or legal obligations of staff.

10. Gifts

- 10.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below. For these purposes, a gift, hospitality or benefit paid to a Member’s spouse, child, or parent, or to a Member’s staff that is connected directly or indirectly with the performance of the Member’s duties of office is deemed to be a gift to that Member.
- 10.2 Notwithstanding Section 10.1 the following exceptions are applicable:
- a) Gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;

- b) Gifts that are not connected directly or indirectly with the performance or duties of office;
- c) Compensation authorized by law;
- d) A reimbursement of reasonable expenses incurred in the performance of activities connected with a legitimate municipal purpose;
- e) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- f) Services provided without compensation by persons volunteering their time;
- g) A suitable memento of a function with nominal value, honouring the Member or the City;
- h) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country; and
- i) Food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance.

10.3 A Member who has received and accepted a gift or benefit pursuant to Section 10.2 shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit. The list shall be provided to the City's Clerk within 30 days of the Member receiving the gift and shall be a matter of public record and posted to the City's website.

10.4 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

11. Use of Municipal Property

11.1 A Member shall:

- a) Only use Municipal property for activities relevant to their role as a Member; and
 - b) Not obtain any personal financial gain or advantage from the use of Municipal property.
- 11.2. Any equipment or supplies purchased by the City in the exercise of the Members at the end of a Member's term and/or restitution made as outlined in any relevant policy.

12. Political Activity and Work of a Political Nature

- 12.1. Members shall be aware of and adhere to the City's policy regarding use of corporate resources for election purposes.
- 12.2. No Member shall use City facilities, services, or property for an election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity unless they personally pay for the use of the facilities, services or property. Additionally, no Member shall utilize the services of a City employee for a political campaign, during hours in which they are in the paid employment of the City. Members are not to promote themselves or another campaign through the use of advertisements, flyers, posters, or any other method of communication while located on Municipal property.
- 12.3. In applying these principles, the following shall apply during election periods, as defined by being between Registration Day up to and including Election Day:
- a) Public events will only be organized and run by the Council and/or staff if they are part of the normal services or operation of the Council.
 - b) Speeches for Council Members will only be prepared by staff in relation to events that are part of the normal services or operation of the Council and shall not contain any reference to the forthcoming election or election candidates.
 - c) Media services and advice, including media releases, will not be provided for Council Members by staff during the election period.
 - d) Council publications produced during the election period will not feature photographs or quotes from Council Members.
 - e) Neither the Council logo nor Council stationery will be used by Council Members in any way that relates to the election.

- f) Information on the City’s Web site will be restricted to Council Member’s photographs and contact details. References to the election on the Web site shall only relate to the process of conducting the election.
 - g) Council Member expenditures are not to be used for electoral purposes or electoral gain. Claims will only be reimbursed if the expenditure is incurred while conducting Council related business in accordance with the Councillor Expenditure Policy.
- 12.4. In addition, equipment and facilities provided to Council Members for the purpose of conducting normal council business will not be used for campaigning purposes.
- 12.5. Where Council Members have Council funded services, such as mobile phones, land lines and Internet connections, and where it is impractical for Council Members to discontinue their use of these during the election, Council Members will reimburse the Corporation for usage of those services during the election period that exceeds normal usage levels.

13. Harassment

- 13.1 No Member shall harass any other Member, any staff, or any member of the public.
- 13.2 A Member shall observe and comply with any workplace harassment and workplace violence policies of the City.

14. City Expenditures and Purchases

- 14.1 Members of Council are typically not involved in procurement activities for the City. However, where they may be authorized to be responsible for a certain budget and/or where they are anticipating reimbursement for purchases made, Members shall ensure they are following any relevant City by-laws and policies including, but not limited to, the Purchasing Policy and the Expense Policy.

15. Encouragement of Respect for the City and its By- Laws, Policies and Procedures

- 15.1 A Member shall:
 - a) Encourage the public, prospective contractors and members of the public, and their colleagues to abide by the City’s by-laws, policies and procedures, including this Code; and

- b) Accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

16. Social Media

16.1. A Member shall:

- a) Adhere to any and all City policies and guidelines, regarding social media use; and
- b) Always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the City when using social media.

16.2. No Member shall use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way.

17. Role of the Integrity Commissioner

17.1 The City shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001, who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001, and any other functions assigned by Council, in an independent manner.

17.2 The Integrity Commissioner shall provide the following services.

- a) The application of the Code.
- b) The application of any procedures, rules and policies of the City and Local Boards governing the ethical behaviour of Members.
- c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to Members.
- d) Requests from Members for advice respecting their obligations under the Code applicable to the Member.
- e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the City or of the Local Board, as the case may be, governing the ethical behaviour of Members.

- f) Requests from Members for advice respecting their obligations under the Municipal Conflict of Interest Act.
- g) The provision of educational information to Members, the City and the public about the Code and about the Municipal Conflict of Interest Act.
- h) Any further services as may be set out within the contract for the provision of services between the City and the Integrity Commissioner.

18 Investigations

- 18.1 If a member of the public or Staff believes a Member of Council has contravened the Code of Conduct, they should submit a written complaint in accordance with the established Investigation Protocol set out in Appendix “A”.
- 18.2 If a member of the public or Staff believes a Member of Council has contravened any of section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act, they should submit a written complaint in accordance with the Investigation Protocol set out in Appendix “B”.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	01/20/2021	Updated Policy Template	
1.0	01/25/2022	Updated Schedule A and B to remove the affidavit requirement.	

“Appendix A” - Council Code of Conduct Investigation Protocol

Under Section 223.4(1) of the Municipal Act, 2001, Council, a Member, or a member of the public may request the Integrity Commissioner (the “IC”) to conduct an inquiry about whether a Member has contravened the Council Code of Conduct.

1. Request for Inquiry

- a) A request for an inquiry shall be in writing.
- b) All requests for an inquiry shall be signed by an identifiable individual (which includes the signing officer of an organization).
- c) A request for an inquiry shall set out the grounds for the allegation that the Member has contravened the Council Code of Conduct, identifying with specificity the section(s) of the Code that were breached, and provide all relevant evidence in support of the request.
- d) All requests must include a signed Consent and Confidentiality Agreement.
- e) All requests must be submitted within six weeks of the Complainant becoming aware of the alleged contravention, and no more than six months after the alleged violation.
- f) In a municipal election year, starting on Nomination Day and ending on Voting Day, no requests for an inquiry shall be submitted to the IC and the IC shall not report to the City about whether or not a Member contravened the Council Code of Conduct.
- g) If the IC has not completed an inquiry into a potential Council Code of Conduct violation before Nomination Day for a regular election, the IC shall terminate the inquiry on that day. If the IC terminates an investigation, the IC shall not start another investigation into the matter unless, within 6 weeks after Voting Day in a regular election, the person who made the request or the Member or former Member whose conduct is concerned makes a written request to the IC that the inquiry be commenced.

2. Initial Review by the Integrity Commissioner

- a) The request shall be filed with the Municipal Clerk who shall forward the matter to the IC for initial review to determine if the matter is, on its face, within the time limitation and is a complaint with respect to non-

compliance with the Council Code of Conduct and is not covered by other legislation or other Council policies.

- b) If the request, including any supporting evidence, is not on its face, a complaint with respect to non-compliance with the Council Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall instruct the City's Clerk to advise the Complainant in writing as follows:
 - a. If the complaint is, on its face, an allegation of a contravention of the Municipal Conflict of Interest Act, the IC will investigate it as outlined in Appendix "B".
 - b. If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the IC shall refer it to the appropriate authorities and advise the Complainant that if the Complainant wishes to pursue any such allegation, the Complainant must pursue it with the appropriate police service.
 - c. If the complaint on its face relates to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the Complainant shall be advised that the matter will be referred to the City's Clerk for review.
 - d. If the complaint on its face is with respect to non-compliance with a different Council policy, with a separate complaint procedure, the Complainant shall be advised that the matter will be processed under that procedure.
 - e. In other cases, the Complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process, with any additional reasons and referrals as the IC considers appropriate.
- c) The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

3. Integrity Commissioner Investigations

- a) If the IC is of the opinion that the referral of a matter to them is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the IC shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.

- b) Other than in exceptional circumstances, the IC shall not report to Council on any complaint described in subsection (a) except as part of an annual or other periodic report.

4. Investigation and Settlement

- a) If a complaint has been classified as being within the IC's jurisdiction and not rejected under Section 2 or 3, the IC shall investigate and may attempt to settle the complaint.
- b) Section 223.4(2) of the Municipal Act, 2001, authorizes the IC to exercise the powers of a commission under Parts I and II of the Public Inquiries Act.
- c) When the Public Inquiries Act applies to an investigation of a complaint, the IC shall comply with the procedures specified in that Act and this Complaint Protocol, but if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.
- d) The IC will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - a. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegations be filed within ten days or such longer period as the IC may authorize in writing; and
 - b. Serve a copy of the response provided by the Member upon the Complainant with a request for a written reply within ten days or such longer period as the IC may authorize in writing.
- e) Section 33 of the Public Inquiries Act allows the IC to require anyone relevant to the complaint to give evidence and to access and examine any information relevant to the complaint and to enter any work location of the City relevant to the complaint for the purpose of investigation and settlement. The IC is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City.
- f) The IC shall not issue a report finding a violation of the Council Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.

- g) The IC may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

5. Final Report

- a) The IC shall report to the Complainant and the Member, generally no later than 90 days after the making of the complaint.
- b) Where the complaint is sustained in whole or in part, the IC shall also report to Council outlining their findings and/or recommended penalty and the terms of any settlement.
- c) Where the complaint is dismissed, other than in exceptional circumstances, the IC shall not report to Council except as part of an annual or other periodic report.
- d) Any recommended corrective action or penalty must be permitted by the Municipal Act, 2001, and shall be designed to ensure that the inappropriate behaviour or activity does not continue and is not repeated.

6. Member Not Blameworthy

- a) If the IC determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the IC shall so state in the report and shall recommend that no penalty be imposed.

7. Report to Council

- a) The City's Clerk shall process the report for the next meeting of Council. The report shall remain confidential until the matter has received complete and final disposition by the IC and has been reported out to Council.

8. Council Review

- a) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- b) Section 223.4(5) of the Municipal Act, 2001, allows the City to impose either of the following penalties on a Member if the Commissioner reports

to the City that, in their opinion, the Member has contravened the Council Code of Conduct:

- a. A reprimand.
- b. Suspension of the remuneration paid to the Member in respect of their service as a Member, for a period of up to 90 days.

9. Confidentiality

- a) Section 223.5(1) of the Municipal Act, 2001, provides that the IC shall preserve secrecy with respect to all matters that come to their knowledge in the course of their duties.
- b) If the IC provides a periodic report to the City on their activities, the IC may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
- c) If the IC reports to the City their opinion about whether a Member has contravened the Council Code of Conduct, the IC may disclose in the report such matters as in the IC's opinion are necessary for the purpose of the report (including the name of the Member whose conduct was investigated).

“Appendix B” - Conflict of Interest Investigation Protocol

Under Section 223.4.1(2) of the Municipal Act, 2001, a Member, an elector as defined in the Municipal Conflict of Interest Act, or a member of the public demonstrably acting in the public interest, may request the Integrity Commissioner (the “IC”) to conduct an inquiry about whether a Member has contravened Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act.

1. Request for Inquiry

- a) A request for an inquiry into a potential contravention of Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act shall be in writing and may only be made within six weeks of the Complainant becoming aware of the alleged contravention.

Note: If both of the following are satisfied, the six-week limitation period does not apply: 1) The Complainant became aware of the alleged contravention within the period starting six weeks before Nomination Day for a regular election and ending on Voting Day; and, 2) The Complainant makes the request for an inquiry within six weeks after Voting Day in a regular election.

- b) All requests shall be signed by an identifiable individual (including the signing officer of an organization).
- c) A request shall set out the grounds, with supporting evidence, for the allegation that the Member has contravened Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act and shall include a statutory declaration attesting to the fact that the Complainant became aware of the contravention not more than six weeks before the date of the request¹.

¹ Or, in the case where the Complainant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, and ending on voting day in a regular election, a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time.

- d) In a municipal election year, starting on Nomination Day and ending on Voting Day, no requests for an inquiry shall be submitted and the IC shall not report to the City about whether or not a Member of Council contravened the Municipal Conflict of Interest Act.

2. Initial Review by Integrity Commissioner

- a) The request shall be filed with the City's Clerk who shall forward the matter to the IC for initial review to determine if the matter is, on its face, a complaint with respect to non-compliance with Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act.
- b) If the request does not include the required statutory declaration, the City's Clerk shall not forward the request to the IC until one is provided.
- c) If the complaint, including any supporting evidence, is not on its face a complaint with respect to non-compliance with Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall advise the Complainant in writing as follows:
 - a. If the complaint is, on its face, an allegation of a contravention of the Council Code of Conduct, the IC will investigate it as outlined in Appendix "A".
 - b. If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the Integrity Commissioner shall refer it to the appropriate authorities and advise the Complainant that if the Complainant wishes to pursue any such allegation, the Complainant must pursue it with the appropriate police service;
 - c. If the complaint on its face relates to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the Complainant shall be advised that the matter will be referred to the City's Clerk for review.
 - d. If the complaint on its face is with respect to non-compliance with a different Council policy, with a separate complaint procedure, the Complainant shall be advised that the matter will be processed under that procedure; and
 - e. In other cases, the Complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process,

with any additional reasons and referrals as the IC considers appropriate.

- d) The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

3. Integrity Commissioner Investigations

- a) If the IC is of the opinion that the referral of a matter to them is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the IC shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.
- b) Other than in exceptional circumstances, the IC shall not report to Council on any complaint described in subsection (a) except as part of an annual or other periodic report.

4. Investigation & Settlement

- a) If a complaint has been classified as being within the IC's jurisdiction and not rejected under Section 2 or 3, the IC shall investigate and may attempt to settle the complaint.
- b) The IC shall complete their investigation within 180 days after the date of submission of the complaint.
- c) Section 223.4(2) of the Municipal Act, 2001, authorizes the IC to elect to exercise the powers of a commission under Parts I and II of the Public Inquiries Act.
- d) When the Public Inquiries Act applies to an investigation of a complaint, the IC shall comply with the procedures specified in that Act and this Complaint Protocol, but if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.
- e) The IC will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - a. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response

to the allegations be filed within ten days or such longer period as the IC may authorize in writing; and,

- b. Serve a copy of the response provided by the Member upon the Complainant with a request for a written reply within ten days or such longer period as the IC may authorize in writing.
- f) Section 33 of the Public Inquiries Act allows the IC to require anyone relevant to the complaint to give evidence and to access and examine any information relevant to the complaint and to enter any work location of the City relevant to the complaint for the purpose of investigation and settlement. The IC is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City. The IC may conduct a public meeting to discuss the inquiry.
- g) Upon completion of the inquiry, the IC may, if they deem it appropriate, apply to a judge under Section 8 of the Municipal Conflict of Interest Act, for a determination as to whether the Member has contravened Section 5, 5.1, and/or 5.2 of the Act.
- h) After making their decision as to whether or not to apply to a judge as set out above, the IC will provide the City's Clerk, the Complainant and the Member with written reasons for the decision. Upon request, the City's Clerk will also provide a copy of the written reasons to a member of the public.
- i) The City shall pay any costs incurred by the IC in making its application to a judge as set out above.
- j) The IC may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during their investigation.

5. Final Report

- a) The IC's written submission to the City's Clerk outlining their decision to not apply to a judge under Section 8 of the Municipal Conflict of Interest Act, for a determination as to whether the Member has contravened Section 5, 5.1, and/or 5.2 of the Act shall constitute the final report on the matter.
- b) Where the IC has applied to a judge under Section 8 of the Municipal Conflict of Interest Act, for a determination as to whether the Member has contravened Section 5, 5.1, and/or 5.2 of the Act, the resulting court

decision shall constitute the final report on the matter. The City's Clerk shall post this court decision on the City's website.

6. Confidentiality

- a) Section 223.5(1) of the Municipal Act, 2001, provides that the IC shall preserve secrecy with respect to all matters that come to their knowledge in the course of their duties.
- b) If the IC provides a periodic report to the City on their activities, the IC may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
- c) The IC may disclose any information that is, in their opinion necessary for:
 - a. the purposes of a public meeting into an inquiry as to whether a Member has contravened Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act;
 - b. in an application to a judge for a determination as to whether a Member has contravened Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act; and,
 - c. in the written reasons provided by the IC as to why they did/did not apply to a judge as to whether a Member has contravened Section 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act.

The Corporation of the City of Kawartha Lakes

By-law 2023-____

A By-Law to Confirm the Proceedings of a Special Meeting of Council, Thursday, February 2, 2023

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-____.

Section 1.00: Confirmation

1.01 The actions of the Council at the following meeting:

Thursday, February 2, 2023, Special Council Meeting (2:00 p.m.)

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 2nd day of February, 2023.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk