

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

**BY-LAW 17-03**

**CONSOLIDATED**

**Amended by 18-16, 18-46, 19-01**

**A by-law of the Municipality of Mississippi Mills to govern the proceedings of the Council and its Committees.**

**WHEREAS** section 238 of the *Municipal Act, 2001* requires that every Municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings and that the by-law shall provide for public notice of Meetings;

**AND WHEREAS** Council deems it desirable to repeal and replace By-Law 12-74;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Mississippi Mills enact as follows:

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**PART I - GENERAL**

**Short Title**

1. This by-law shall be cited as the “Procedural By-law”.

**Definitions**

2. In this by-law, the following terms have the specified meanings:

- a) **“Abstain”** means to refrain from voting. Members who abstain for reasons other than a declared conflict of interest shall be deemed to vote in opposition of the question or matter.
- b) **“Ad Hoc Committee”** means a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved

automatically upon submitting its final report to Council, unless otherwise directed by Council.

- c) **“Advisory Committee”** means a committee established by Council to address on-going administrative matters within the scope and responsibility of Council and will provide periodic reports to Council presenting advice and recommendations on matters under consideration.
- d) **“Agenda”** means the written order of business for a Meeting.
- e) **“Board”** means a municipal service board, transportation commission, board of health, 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, conservation authority, and the Mississippi Mills Public Library Board.
- f) **“CAO”** means the Chief Administrative Officer of the Municipality of Mississippi Mills.
- g) **“Chair”** means the person presiding over a Meeting who has the responsibility to decide questions and points of order or practice, preserve order, and maintain decorum. The Chair may vote on all questions, except where disqualified by the Procedural By-law or any other Act, regulation or by-law.
- h) **“Clerk”** means the Municipal Clerk of the Municipality of Mississippi Mills or his/her designate in accordance with [Sections 25-26](#).
- i) **“Closed Session”** (also known as an “*in camera* Meeting”) means a Meeting, or portion thereof, closed to the public in accordance with [Sections 53-59](#).
- j) **“Committee”** means a committee appointed by Council in accordance with [Sections 112 -115](#), regardless of whether Council Member(s) sit on the committee, but excludes Committee of the Whole.
- k) **“Committee Member”** means a Member of a committee as defined in the Committee’s Terms of Reference.
- l) **“Committee of the Whole”** means a committee of all Council Members convened to facilitate discussion using a less formal Meeting process in accordance with [Section 94](#).
- m) **“Communication(s)”** includes, but is not limited to, a letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or periodical article.
- n) **“Confirmatory By-law”** means a by-law passed at the conclusion of all Council Meetings, confirming the actions of Council at that Meeting in respect of each resolution and other actions taken, so that every decision of Council at that Meeting

shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

- o) “**Council**” means the Council of the Municipality of Mississippi Mills comprised of an elected Mayor and Councillors from the three wards.
- p) “**Council Member**” means a Member of Council, including the Mayor.
- q) “**Defer**” means to postpone the consideration of a matter until a specific action(s) can be undertaken, such as obtaining advice or circulating for public comment.
- r) “**Delegation**” means an appearance by a person or group of persons to address Council or a Committee in accordance with [Sections 85-93](#).
- s) “**Deputation**” means a presentation made by Municipal Staff, Municipal consultant, committee, board, or commission in accordance with [Section 84](#).
- t) “**Ex-Officio Member**” means that he/she is a Member by virtue of his/her office and would not otherwise be a Member. He/she has all of the rights of a Member unless otherwise stated, but is not counted in determining whether a quorum is present.
- u) “**Head of Council**” means the Mayor (or Deputy Mayor) of the Municipality of Mississippi Mills. **(18-46)**
- v) “**Holiday**” means:
  - i. those holidays listed in the *Legislation Act, 2006*, S.O. 2006, c. 21, Sch. F, as amended from time to time, except for Remembrance Day; and,
  - ii. any day as set out in a resolution or by-law passed by Council.
- w) “**Improper Conduct**” means conduct that obstructs the deliberations or proper action of Council or a Committee.
- x) “**Information List**” means a section of the regular Agenda that lists communications to Council and recommendations from the Clerk as to their disposition in accordance with [Sections 98-101](#).
- y) “**Majority**” means more than half of the votes cast by Members entitled to vote.
- z) “**Meeting**” means a gathering of a quorum of Council Members or Committee Members to advance the business of Council or a Committee, respectively, which includes discussions that take place via telephone, e-mail or other means involving a quorum of Members and advances the business of Council or a Committee.
- aa) “**Member(s)**” means a Council Member(s) or Committee Member(s).
- bb) “**MFIPPA**” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

- cc) **“Municipality”** or **“Municipality of Mississippi Mills”** means the Corporation of the Municipality of Mississippi Mills.
- dd) **“Municipal Conflict of Interest Act”** means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.
- ee) **“Municipal Consultant”** means a professional hired by the Municipality to provide professional advice.
- ff) **“Municipal Website”** means the internet site maintained by the Municipality at [www.mississippimills.ca](http://www.mississippimills.ca)
- gg) **“Notice of Motion”** means an advance notice to Members of a matter which Council or a Committee will be asked to take a position.
- hh) **“Order of Business”** means the sequence of business to be considered at a Meeting.
- ii) **“Pecuniary Interest”** means a direct or indirect pecuniary interest of a Member, as defined by the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chap. M.50, as amended.
- jj) **“Pending List”** means a list of reports maintained by the Clerk that have been requested by Council and which may include anticipated staff initiated reports in accordance with [Sections 45-47](#).
- kk) **“Point of Order”** means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council or a Committee.
- ll) **“Point of Personal Privilege”** means a matter that a Member considers to impugn his/her integrity or that of Council or a Committee.
- mm) **“Presentation”** means the presenting of an award, certificate, cheque or similar item to Members of the public, Council, Committee or staff, in accordance with [Section 84](#).
- nn) **“Quorum”** means the majority of the total voting Members required to constitute Council or a Committee. Four (4) Council Members shall constitute a Quorum of Council. Members who abstain for reasons of a declared pecuniary interest or perceived conflict of interest are deemed to count towards the total to constitute a quorum, pursuant to Section 7 of the *Municipal Conflict of Interest Act*. **(18-46)**
- oo) **“Recorded Vote”** means recording in the Minutes of a Meeting the names of each Member present and their vote (i.e. in favour or opposed) on a matter or question before Council. Where a Member abstains, the recorded vote shall read “opposed”,

except where the abstention is for reasons of a declared conflict of interest, in which case the vote shall read “abstain”.

- pp) **“Recess”** means a short break taken during a Meeting, which may be permitted at the discretion of the Chair.
- qq) **“Refer”** means to direct a matter under discussion by Council to a committee or staff for further examination.
- rr) **“Resolution”** means a motion that has been voted on.
- ss) **“Rules of Procedure”** means the applicable regulations contained in this by-law.
- tt) **“Table”** means to postpone without setting a definite date as to when the matter will be re-discussed.
- uu) **“Vote”** means a formal indication of a choice between being in favour of a question, motion, or course of action, or opposed to the same, which is typically expressed by a show of hands unless a recorded vote is requested.

### **Application**

- 3. The Rules of Procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and, with necessary modification, to all Committees. A failure to strictly adhere to the procedural rules of this by-law shall not invalidate the action of Council or a Committee acting in good faith.

The Clerk shall be responsible for interpreting the rules of procedure under this by-law.

### **Robert’s Rules of Order**

- 4. All Points of Order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance with, as far as practicable, Robert’s Rules of Order. This by-law takes precedence where a conflict exists with Robert’s Rules of Order.

### **Suspension**

- 5. Despite [Section 3](#), the rules and regulations contained within this by-law may be temporarily suspended with a two-thirds majority vote of the Members present and voting. The resolution to suspend the rules of procedures shall indicate the rule being suspended and the reason therefore. The suspension shall only apply to the suspension of the procedure(s) or rules(s) for the stated purpose and only during the Meeting in which such motion was introduced.

## **Interpretation**

6. In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral.
7. The business, by-laws, and resolutions of the Municipality of Mississippi Mills will be conducted and maintained in English.
8. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

## **Amendment**

9. No amendment or repeal of this by-law or any part thereof shall be considered at any Meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous Regular Meeting. The waiving of this notice provision by Council resolution is prohibited.
10. In addition to the notice described in the previous Section, amendment or repeal of this by-law or any part thereof shall require a two-thirds majority resolution of Council Members.

## **Severability**

12. Should any provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining provisions.

## **PART II - ROLES & DUTIES**

### **Role of Council**

13. It is the role of Council, pursuant to Section 224 of the *Municipal Act*:
  - a) to represent the public and to consider the well-being and interests of the Municipality;
  - b) to develop and evaluate the policies and programs of the Municipality;
  - c) to determine which services the Municipality provides;
  - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - e) to ensure the accountability and transparency of the operations of the Municipality; including the activities of the senior management of the Municipality;
  - f) to maintain the financial integrity of the Municipality; and
  - g) to carry out the duties of Council under this or any other Act.
14. Council develops regulations to be adopted in by-laws and passes resolutions, which serve the purposes outlined above in [Section 13](#).



15. Council appoints statutory officers to ensure that an appropriate management system is in place to administer the Municipality within the policies set by Council.
16. The Mayor is designated as “Head” for the purposes of the MFIPPA.
17. Council collectively arbitrates matters where this by-law is silent and the matter is placed before Council for disposition.
18. Members and Staff shall adhere to the Council and Staff Code of Conduct policies at all times.

### **Role of the Mayor**

19. It is the role of the Mayor as Head of Council, pursuant to Sections 225 and 226.1 of the *Municipal Act*:
  - a) to act as Chief Executive Officer of the Municipality;
  - b) to preside over Council Meetings so that its business can be carried out efficiently and effectively;
  - c) to provide leadership to Council;
  - d) without limiting the generality of Clause (c), to provide information and recommendations to Council with respect to the role of Council as described in [Section 13](#) of this by-law;
  - e) to represent the Municipality at official functions;
  - f) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act;
  - g) to uphold and promote the purposes of the Municipality;
  - h) to promote public involvement in the Municipality’s activities;
  - i) to act as the representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally;
  - j) to participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents and
20. The Mayor shall be the official spokesperson on matters discussed in Closed Session Meetings, although this provision does not release the Mayor from the confidentiality requirements of Closed Sessions.
21. The Mayor shall sit on the Council of the County of Lanark as County Councillor.
22. The sitting Mayor is a non-voting *ex-officio* Member of all Committees, unless he/she is appointed by Council as a voting Member.

### **Role of the Deputy Mayor (18-46)**

23. It is the Role of the Deputy Mayor to fulfill his/her normal duties as a member of Council pursuant to Section 224 of the *Municipal Act* and shall assist the Mayor in

carrying out the Mayoral responsibilities pursuant to Section 225 of the *Municipal Act*:

- a) The Deputy Mayor shall act as the Head of Council and assume certain duties of the Mayor outlined in Sections 19, 20 and 22 for the duration requested by the Mayor, should the Mayor be absent from the Municipality, and notice is provided to the Clerk by the Mayor.
- b) Notwithstanding the previous Sections, the Deputy Mayor shall act as the Head of Council and assume the necessary duties of the Mayor the necessary duration, should the Mayor be unable to perform his/her duties as a result of illness, incapacity, or the office of the Mayor becomes temporarily vacant and filled in accordance with the *Municipal Elections Act*.
- c) The Deputy Mayor shall sit on the Council of the County of Lanark as a County Councillor.
- d) For the purposes of the Municipal Community Control Group, the Deputy Mayor shall be the alternate for the Mayor if he/she is unavailable.

### **Role of CAO**

24. The CAO shall be appointed by by-law.
25. In addition to those roles and duties assigned by Council and specified in Sections 227 and 229 of the *Municipal Act*, the CAO shall have the following responsibilities:
  - a) review and guide all policy recommendations prior to submission to Council;
  - b) assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties;
  - c) attend Council Meetings with the right to speak, subject to the consent of the Chair, but not to vote; and
  - d) exercise general control and management of the affairs of the Municipality to ensure its efficient and effective operation.

### **Role of Clerk**

26. The Clerk shall be appointed by by-law and shall be deemed a municipal officer in accordance with the *Municipal Act*, and for any other purpose as required.
27. In addition to those roles and duties specified under Section 228 of the *Municipal Act*, the Clerk shall have the following responsibilities:
  - a) retain the official records of the Municipality, including the minutes of the proceedings of Council, and Committees, original by-laws, and executed agreements;
  - b) attend all Meetings (whether closed or open to the public) of Council and ensure that a record of the proceedings is kept and that all resolutions are recorded without note or comment;
  - c) make such minor clerical, typographical or grammatical deletions, additions or other changes to any by-law, motion, resolution or minutes as may be required

- for the purpose of ensuring correct and complete implementation of Council direction;
- d) include all reports of Committees on the Agenda of the next Regular Meeting;
  - e) effect notice to each Member and the public of every Regular Meeting and Special Meeting of Council, together with the Agenda and attachments in electronic format;
  - f) notify appropriate Municipal Staff of any resolution passed by Council that is to be acted or reported upon by staff, as well as other individuals or groups that have expressed their desire to be notified of a particular subject matter and that have provided e-mail contact information for same;
  - g) by way of delegated authority, place housekeeping or consolidation by-laws directly on the Agenda for Council approval or consideration;
  - h) appoint Deputy Clerk(s) by by-law and assign duties to same as required, pursuant to Subsection 228(2) of the *Municipal Act*;
  - i) all powers and duties under the MFIPPA are delegated to the Clerk; and
  - j) perform such other duties as are prescribed by law, regulation, by-law or by direction of Council.

### **PART III - MEETINGS**

#### **General**

#### **Location**

- 28. Council Meetings shall be held in the Council Chambers at the Municipal Office located at 3131 Old Perth Road, Almonte, unless otherwise decided by Council.
- 29. Where a Meeting of Council is held at a location other than the Council Chambers, notice shall be provided to the public no later than the time of publication of the agenda pursuant to [Section 43](#) for Regular Meetings and [Section 50](#) for Special Meetings.

#### **Decorum**

- 30. Members of the public attending a Meeting shall respect the formal and professional decorum of Council and its Committees.
  - a) Individuals shall refrain from public outburst, shouting, applauding and any behaviour intended to disrupt the debate, discussion and general proceedings of Council or a Committee.
  - b) Individuals shall maintain order and shall not display signs, placards, or other items that may be considered disruptive to the formal nature of Council Meetings being held in Council Chambers.
  - c) In accordance with Section 241(2) of the *Municipal Act*, 2001, the Chair may expel any person for improper conduct/decorum at a Meeting.
  - d) If required, the Chair may call upon the Ontario Provincial Police or any other Peace Officer to assist in the expulsion of a person from the Chamber or meeting room.

- e) After being expelled by the Chair as a result of improper conduct/decorum or committing a breach of any rule of order, an individual will only be permitted to return after making an apology to Council or Committee and with the consent of Council or Committee expressed by a majority vote of the Members present determined without debate.
- f) The Chair may unilaterally suspend the Meeting until order is restored.
- g) All cell phones and electronic devices shall be turned off and/or set to silent mode during a Meeting held in Council Chambers.
- h) Any device used for transcribing or recording proceedings of Council or a Committee by auditory or visual means will not be permitted.
- i) Unless authorized by the Clerk or Chair, no Member of the public may place any material on Members' desks or distribute any material to Members during a Meeting.

### **Open to the Public**

31. Except as provided in this by-law, all Meetings shall be open to the public.
32. Notice of all Meetings, excluding Closed Sessions, shall be provided to the public by posting at minimum, the date, time, location, and topic on the Municipal Website.
33. Lack of receipt of notice shall neither affect the validity nor any action taken at the Meeting.

### **Staff Participation**

34. Municipal Staff and consultants in attendance at a Meeting may be recognized to speak at the discretion of the Mayor or Chair. Members shall, whenever possible, communicate their concerns to Municipal Staff in advance of discussing them at a Meeting.

### **Inclement Weather**

35. If it appears that a storm or similar occurrence will prevent the Members from attending a Meeting, the Mayor or Chair may postpone or cancel that Meeting up to three (3) hours before the start of the Meeting, by advising the Clerk who shall assist in advising as many Members as possible, as well as the media, senior management, and interested parties. Postponement shall not be for any longer than the next Regular Meeting.

### **Inaugural Meeting of Council**

36. The Inaugural Meeting of Council shall be held at 6:00 p.m. in the Council Chambers at the Municipal Office on or before the first Tuesday of December following a regular municipal election, or the first Tuesday after the Council term commences, pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sch. The Inaugural Meeting shall commence with the singing of the National Anthem and the Royal Anthem.
37. The Head's Inaugural Address shall take place at the Inaugural Meeting of Council.
38. The Head's Annual Address shall take place annually at 6:00 p.m. on or before the third Tuesday of December.
39. Every Member of Council shall make and subscribe a "Declaration of Office" and an "Oath of Allegiance" at the Inaugural Meeting of Council, or if absent, in the office of the Clerk or at the next subsequent Meeting of Council, before entering into the duties of office.
40. The Mayor Elect and Clerk shall be responsible for the format, agenda content, and arrangements for the Inaugural Meeting, but the agenda shall include the declaration of office, pursuant to Section 232 of the *Municipal Act*.

## **Regular Meetings**

### **Schedule**

41. Council shall hold its Regular Meetings on the first and third Tuesday of every month, commencing at 6:00 p.m., subject to the exceptions noted in this by-law, or on such other day as may be determined by resolution of Council. In the event that a regular Meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next following Tuesday, unless Council directs otherwise.
42. During the month of July there will be no Regular Meetings scheduled.
43. Where a Regular Meeting is to be held at a time or day other than as set out in this Section, notice shall be posted in the weekly block ad and placed on the Municipal Website advising of the date, time, and location.

### **Notice**

44. Notice of Regular Meetings and Agenda packages shall be provided to the public through publication of the Agenda and attachments on the Municipal Website four (4) calendar days prior to the Regular Meeting.

### **Agenda**

45. The Clerk shall prepare an Agenda with the Order of Business outlined below for Regular Meetings, as further explained in Part IV – Meeting Procedures.
  - A. Consideration of a Closed Session
  - B. Call to Order
  - C. O Canada
  - D. Attendance
  - E. Approval of Agenda
  - F. Disclosure of Pecuniary Interest
  - G. Approval of Minutes
  - H. Public Meetings
  - I. Delegations, Deputations, and Presentations
  - J. Committee of the Whole
    - a. Consent Items
    - b. Reports
    - c. Information Items
  - K. Rise and Report
  - L. By-laws
  - M. Other/New Business
  - N. Notice of Motion
  - O. Announcements and Invitations
  - P. Confirmatory By-law
  - Q. Adjournment

## **Pending List**

46. The Pending List shall be maintained by the Municipal Clerk. Senior management shall provide the Clerk with regular updates regarding the anticipated date when reports are expected to be placed on the Agenda of upcoming Council Meetings.
47. Where a matter is deferred, referred, or tabled, the Clerk shall ensure the matter is added to the Pending List.
48. Any outstanding items on the Pending List from a previous Council term shall be considered by a newly elected Council within 60 days of its Inaugural Meeting. At that time, Council shall either affirm or rescind each of the requests for a staff report, subject to the reconsideration provisions set out in this by-law.

## **Special Meetings**

### **Schedule**

49. The Mayor or Chair may call, or the Clerk shall convene upon receiving a petition of the majority of Members specifying the purpose, a Special Meeting with a minimum forty-eight (48) hours' notice to Members, staff, media, the public, and through posting on the Municipal Website.
50. In general, Special Meetings of Council should be scheduled on the second and fourth Tuesday of the month, commencing at 6:00 p.m.

### **Notice**

51. The Clerk shall provide forty-eight (48) hours' notice of the location, time, date and subject of the Special Meeting, except in emergency circumstances as determined by the Mayor and CAO (or their alternates).
52. In an emergency situation, at the discretion of the Mayor in consultation with the Clerk, the notice in [Section 50](#) may be waived, subject to a confirmation of the majority of Council.
53. Business transacted at a Special Meeting shall include only that for which notice was provided.

## **PART IV - MEETING PROCEDURES**

### **Consideration of a Closed Session**

54. A Meeting, or portion thereof, may be closed to the public only if the subject matter being considered involves one of the following:
  - a) the security of the property of the Municipality or local board;
  - b) personal matters about an identifiable individual, including municipal or local board employees;

- c) a proposed or pending acquisition or disposition of land by the Municipality or local board;
  - d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
  - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) a matter in respect of which a council, board, committee or other body may hold a Closed Meeting under another Act;
  - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; **(18-16)**
  - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; **(18-16)**
  - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; **(18-16)**
  - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; **(18-16)**
  - l) a request under MFIPPA if the Council or Board is designated as head of the institution for the purposes of that Act; or
  - m) an ongoing investigation respecting the Municipality, a local board or a municipally-controlled corporation by the Ontario Ombudsman appointed under the Ombudsman Act, a municipal Ombudsman or the closed Meeting investigator appointed under the *Municipal Act, 2001*.
55. Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or the Committee shall state by resolution:
- a) the fact of the holding of the Closed Session, including the date and time; and
  - b) the general nature of the matter to be considered at the Closed Session by reference to the specific issue to be considered;
56. A vote may be held during a closed meeting if:
- a) [Section 53](#) of this by-law permits or requires a Meeting to be closed to the public; and
  - b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.
57. Where a Meeting or part of a Meeting is closed to the public, all persons not specifically invited to remain by the Council shall retire from the Chambers.



58. A vote shall not be taken during a Meeting or part of a Meeting that is closed to the public where to do so would be in contravention of any Act.
59. Upon resuming open session, the Mayor shall state:
  - a) The matters which were considered; and
  - b) Confirmation that no motions were carried in camera other than procedural motions or directions to staff.
60. Municipal Staff and Members shall not release or in any way divulge any confidential information or any aspect of Closed Session deliberations, unless expressly authorized or required by law.

### **Call to Order and Quorum**

61. The Mayor or Chair shall call the Members to order as soon after the appointed time of the Meeting if there is a quorum present.
62. The Mayor shall chair Council Meetings unless he/she is unavailable or has a conflict. In the absence of the Mayor and if a quorum is present, the Deputy Mayor shall call the Members to order and shall preside during the Meeting or until the arrival of the Mayor. If the Deputy Mayor is also not present within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Clerk, or designate, shall call the Meeting to order and the Members present shall appoint a Chair until the arrival of the Mayor or Deputy Mayor, whoever is the first to arrive and is able to assume the Chair. **(18-46)**
63. The Mayor shall chair Council Meetings unless he/she is unavailable or has a conflict. In the absence of the Mayor and if a quorum is present, the Committee of the Whole Chair shall call the Members to order and shall preside during the Meeting or until the arrival of the Mayor.
64. While presiding, the Chair shall have all the powers of the Mayor for the purpose of conducting the Meeting.
65. If, during the course of a Meeting, quorum is lost, the Chair shall declare that the Meeting shall stand recessed temporarily or be adjourned until the date of the next Meeting called in accordance with the provisions of this by-law.
66. The Clerk, or Deputy Clerk, shall be present at all Regular Meetings, Closed Sessions, and Special Meetings.

### **O Canada**

67. The Council shall sing O Canada prior to proceeding with the business before Council Meeting.

## **Approval of Agenda**

68. Items of an urgent nature only may be added to an agenda and shall require a two-thirds majority vote. Supplementary items that are presented shall include an explanation as to its urgency.
69. Whenever possible, the Clerk shall endeavour to circulate supplementary items and supporting documentation to Council and post them on the Municipal Website for consideration by the public as soon as practicable in advance of the Regular Meeting.

## **Disclosure of Pecuniary Interest**

70. Where a Member, either on his/her own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of the Council or Committee at which the matter is the subject of consideration, the Member shall:
  - a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof; and
  - b) not take part in the discussion of or vote on any question with respect to the matter; and
  - c) not attempt in any way before, during and/or after the Meeting to influence the voting on any such question.
71. Where a Meeting is not open to the public and a Member has a pecuniary interest in a matter, in addition to complying with the requirements of [Section 69](#), the Member shall forthwith leave the Meeting for the part of the Meeting during which that matter is under consideration.
72. Where the interest of a Member has not been disclosed by reason of his/her absence from a particular Meeting, the Member shall disclose his/her interest and otherwise comply at the first Meeting of Council or Committee attended by him/her after that Meeting.
73. The Member shall provide such declaration in writing to the Clerk, and the Clerk shall record the particulars of every disclosure of interest made, the nature thereof, and any such record shall appear in the minutes of that particular Meeting.

## **Approval of Minutes**

74. The minutes of a Council Meeting shall record:
  - a) the place, date and time of the Meeting;
  - b) the names of the Presiding Officer(s) and attendance record of the Members and staff present;
  - c) disclosure of pecuniary interest;
  - d) the reading, if requested, correction and adoption of the minutes of prior Meeting(s);
  - e) all other proceedings of the Meeting without note or comment;
  - f) the mover and seconder of all motions;

g) the time of adjournment.

75. The Clerk shall present the minutes, without note or comment, of any previous Open and Closed Council or Committee Meetings to Council for approval. The minutes once approved shall be signed by the Mayor and Clerk.

## **Public Meetings**

76. Council shall hold Public Meetings, as required, by law for purposes under the *Planning Act*, R.S.O. 1990, c. P.13, as amended; *Development Charges Act, 1997*, S.O. 1997, c. 27; or any other Act. Such a Meeting shall be conducted at a Regular or Special Council Meeting.

77. Council may also hold Public Meetings relating to matters within Council or a Committee's jurisdiction to allow for public input and feedback. Such a Meeting may be conducted at a Regular or Special Council Meeting or follow an alternate format such as a public information session, open house, or participation workshop.

78. Municipal Staff shall provide notice of the time, date, and location of Public Meetings by publication on the Municipal Website, weekly block ad and other means as required by the relevant Act.

79. Individuals shall sign the 'Public Meeting Sign-in Sheet' prior to being permitted to speak to Council or a Committee. The Mayor or Chair shall call upon individuals based on the order in which they signed in.

80. All comments are to be addressed through the Mayor or Chair.

81. The length of time each individual has to address Council or a Committee shall be at the discretion of the Mayor or Chair.

82. No motions shall be made as a result of comments made during a Public Meeting. Members and staff shall not be engaged in a debate or discussion during a Public Meeting.

83. During Public Meetings, no Member of the public shall:

- a) speak disrespectfully of any person;
- b) use improper or non-parliamentary language;
- c) disobey the rules of procedure or a decision of the Mayor or Chair; or
- d) speak to Council about matters:
  - i. involving current or pending litigation;
  - ii. involving insurance claims;
  - iii. administrative complaints that have not been reported and investigated through the Customer Service process;
  - iv. beyond the jurisdiction of Council; or
  - v. contrary to MFIPPA.

84. The Mayor or Chair may curtail a speaker for disorder or any other breach of this or any by-law. When the Mayor or Chair rules that the delegation is concluded, the individual/group shall withdraw from the podium or equivalent immediately.

### **Deputations and Presentations**

85. The Clerk has discretion to schedule Deputations and Presentations at Meetings, subject to the volume of material on a given Regular Agenda.

### **Delegations**

86. The Clerk has discretion to schedule Delegations at Meetings, subject to the volume of material on a given Regular Agenda, taking into account the following factors: order in which the requests were made; urgency of the request; subject matter relating to an agenda item; and frequency of delegations from the same individual/group.
87. Persons desiring to present information on matters of fact or make a request of Council shall give notice to the Clerk by completing and submitting the prescribed form no later than 12:00 noon eight (8) days prior to the Meeting of Council or Committee.
88. The person(s) desiring to present shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes. Council may grant permission to any Delegation to speak for longer than 10 minutes.
89. The subject matter of a Delegation does not have to relate to a matter on the Agenda for that Meeting.
90. Persons may only appear before Council or Committee once every twelve months on the same topic.
91. No Delegate shall:
  - a) speak disrespectfully of any person;
  - b) use improper language or non-parliamentary language;
  - c) speak on any subject other than the subject for which they have received approval to address Council or a Committee;
  - d) disobey the rules of procedure or a decision of the Mayor or Chair; or
  - e) speak to Council about matters
    - i. involving current or pending litigation;
    - ii. involving insurance claims;
    - iii. administrative complaints that have not been reported and investigated through the Customer Service process;
    - iv. beyond the jurisdiction of Council; or
    - v. contrary to MFIPPA.

92. The Mayor or Chair may curtail any Delegation for disorder or any other breach of this or any by-law. When the Mayor or Chair rules that the delegation is concluded, the individual/group shall withdraw from the podium or equivalent immediately.
93. During or following a Delegation, Members may ask specific questions relating to the presentation for the purpose of clarification without statement or comment. Debate between Members is not permitted during the Delegation.
94. Following a Delegation, Council shall adopt a motion:
  - a) to receive as information; or
  - b) to refer to another item listed on the Meeting agenda; or
  - c) to refer to a committee or staff for a report; or
  - d) to refer to New Business for consideration.

### **Committee of the Whole**

95. The Committee of the Whole is a mechanism to allow freer debate and consideration of reports, by-laws, and other business matters.
96. Any matter debated at Committee of the Whole may be held for further consideration, one time only, at the following Meeting based on a vote of at least four Members present.

### **Consent Items**

97. The Mayor or Chair shall review the Consent Items at a Regular Meeting by providing Members with an opportunity to ask brief questions or make limited comments.
98. Council shall adopt the Consent Items by one motion, but prior to consideration of such motion, a Member may request that a specific item is pulled to be voted on individually.

### **Information Items**

99. Information Items are matters that are principally for the information of Council and may not require action or response from Council.
100. Communications intended to be presented to Council or a Committee must be legible, signed by the author(s), include their address and must not contain any defamatory allegations, or impertinent or improper information. The Clerk may return Communications that do not comply with this Section.
101. Communications are generally considered public documents and are therefore subject to the MFIPPA.

102. The Clerk shall produce an Information List for each Regular Meeting of Council. It shall contain Communications addressed to Council or of a general nature applicable to Council business.

### **Rise and Report**

103. After the Committee of the Whole has finished its deliberations, its recommendations and findings shall be presented for formal adoption by Council. Council shall adopt the recommendations considered by the Committee of the Whole in an omnibus motion, which deems those recommendations to be resolutions of Council.

### **By-laws**

104. All by-laws shall be given first, second and third readings in a single motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the motion and dealt with separately.

105. Every by-law which is passed by Council shall be sealed with the seal of the corporation, signed by the Mayor or the Chair of the Meeting at which the by-law was passed and by the Clerk and shall be deposited with the Clerk for custody.

106. At the conclusion of all Council Meetings, a by-law shall be brought forward to confirm the actions of Council at the Meeting in respect of each resolution and other actions taken. A confirming by-law when introduced shall be taken as read and finally adopted without debate.

### **Other/New Business**

107. Under Other/New business Council shall consider:

- a) Items that are circulated on the agenda.
- b) Items referred to New Business pursuant to a delegation.
- c) Items raised by a Member that, in the opinion of the Member, are of urgent concern and within the jurisdiction of Council, or are of general interest.
- d) Proposed motions for which Notice of Motion has been given.

108. Under New Business, substantive motions may be put forward with respect to items, but to be adopted by Council without issuance of a Notice of Motion, the question shall be supported by minimum two-thirds of the Members present and voting, failing which the proposed resolution shall be placed on the Meeting agenda for consideration at the next Regular Meeting.

### **Notice of Motion**

109. At a Regular Meeting a Member shall give notice that he or she intends to introduce a motion at a subsequent Meeting of Council to initiate any measure within the jurisdiction of Council.

- a) For a motion to be considered, it shall first be discussed with the appropriate Department Head or the CAO prior to introducing it.
- b) The Notice of Motion shall be submitted in writing, to the Clerk prior to the regular agenda deadline.
- c) The motion may not be submitted as part of an addendum to an agenda.
- d) A motion for which notice has been given shall be added under Other/New Business on the agenda.
- e) If a motion is introduced and not brought forward in the next two (2) subsequent Meetings of a Regular Council Meeting, the motion expires.
- f) No delegations shall be permitted to speak on a Notice of Motion.

### **Announcements and Invitations**

- 110. Each Member of Council may make any announcements, and extend any invitations that have been received since the previous Council Meeting.

### **Adjournment**

- 111. Council shall adjourn four hours after the commencement of the meeting.
- 112. Unfinished business as a result of adjournment shall be automatically tabled to the next Regular Meeting.

## **PART V – COMMITTEES & BOARDS**

- 113. Council may, from time to time, appoint certain Council Members, ratepayers, staff, professionals or others, to serve on such external committees and boards and report to Council. These appointments may be made by resolution unless specifically required by law to be passed by by-law.
- 114. When a Committee is composed of Council Members or a Councillor vacancy occurs on a Committee, the Mayor shall call for nomination of Council Members for that Committee, and such nominations shall be confirmed by resolution of Council prior to final approval.
- 115. When a Committee is established and comprised of public Members, or a vacancy of a public Member occurs on a Committee, Council may review any applications containing personal matters about an identifiable individual during a Closed Session prior to deciding on the nominations, which are then adopted at a Regular Meeting.
- 116. Reports of Committee Meetings shall be received and the recommendations considered by Council in the Consent Items part of the Agenda on an ongoing basis.

### **Striking Committee**

- 117. Prior to the Inaugural Meeting, the Head shall appoint a Striking Committee.

- a) The Striking Committee is comprised of the Mayor, Deputy Mayor and all ward councillors.
- b) The Striking Committee shall make recommendations for a Chair for Committee of the Whole. Council shall consider rotating the Chair position every year. In appointing the Chair, consideration shall be given to workload balance, individual interests and Councillor development.
- c) The Striking Committee shall make recommendations for Councillor and citizen appointments to Agencies, Boards, Committees based on the expressed preferences of individual Members of Council.

### **Advisory and Ad-Hoc Committees**

- 118. The Clerk shall maintain a list of Advisory Committees and the resolution or by-law that appoints same, as well as their Terms of Reference.
- 119. Ad-Hoc Committees may be established by Council or a Committee to consider a specific matter.
- 120. Once the task has been completed, the Ad-Hoc Committee will present a final report to Council.
- 121. When an Ad-Hoc Committee has made its final report to Council, it shall be deemed to be dissolved, unless otherwise determined by Council.
- 122. The Chair of the Advisory/Ad-Hoc Committee, unless otherwise prescribed by Council resolution or set out in the Committee's Terms of Reference, is chosen by the Members of the Committee.
- 123. The Chair shall preside over the conduct of the Meeting as outlined in this by-law and Committee Members shall respect the Chair's efforts to do so.
- 124. If the Chair desires to vacate the chair role for the purpose of taking part in the debate or otherwise, the Chair shall call on another Member to temporarily fill the chair role.

## **PART VI – DEBATE**

### **Conduct of Members**

- 125. Members shall:
  - a) discharge with integrity all responsibilities to Council, the Municipality, and the public, in keeping with approved corporate policies.
  - b) encourage public respect for and try to improve the administration of the Municipality;



- c) not speak disrespectfully of the Reigning Sovereign, any Member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario;
- d) treat the Chair, other Members, staff, and Delegates with courtesy, respect and honesty;
- e) hold in strict confidence all information concerning matters dealt with in a Closed Session;
- f) be respectful of staff who are expected to make recommendations to Council and Committees that reflect professional and corporate management, judgment, and opinions, which are not unduly influenced by any single Member;
- g) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- h) respect the decision of the Mayor, Chair or Council on a question of a Point of Order, practice or interpretation related to this by-law;
- i) when a Member is speaking, no other Member shall speak or pass between the Member speaking and the Mayor or Chair, or interrupt the Member except to raise a Point of Order;
- j) 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 he/she is speaking; and,
- k) ask a succinct question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding, not as a means of making statements or assertions.

126. In addition, Council Members shall:

- a) act in accordance with their Oath of Allegiance and Oath of Elected/Appointed Office;
- b) serve their constituents in a conscientious and diligent manner;
- c) where a Councillor is involved with an issue outside the Councillor's own ward, inform the ward Councillor of such involvement and make reasonable efforts to invite the ward Councillor to any related Meetings unless the issue is clearly of Municipality-wide significance or the Councillor is the Chair of the Committee handling the matter;
- d) attend all Council Meetings in appropriate business casual attire;
- e) the Mayor shall wear the Chain of Office at each Council Meeting;
- f) not consume food in the Council Chambers during Meetings; and,
- g) not speak more than once to a motion or to the same question, or in reply for longer than three (3) minutes. The Mayor or Chair has discretion to provide latitude under this Section, but where such latitude is granted, the Mayor or Chair will endeavour to provide it equally to all Members.

## **Motions**

127. All motions shall be moved and seconded before being read and then debated. There is no requirement in Council or Committee of the Whole to stand to read resolutions. Whenever possible the proper wording is on the display screen for Members and the public prior to any debate.

128. After a motion has been read and the wording confirmed, it shall be deemed to be in the possession of Council or the Committee and therefore the seconder need not vote in favour of the motion.
129. When a motion is under debate, no other motion shall be received, except a motion to amend, defer, refer, table, divide the question, or call the question.
130. After the question is called, no Member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
131. Resolutions shall require a Majority in order to be valid and binding on Council or a Committee, unless otherwise specified in this by-law.

### **Motion to Call the Question**

132. A motion to call the question is not debatable, cannot be amended, and shall take precedence over any other motion. It is only proper after all Members wishing to speak to the matter have had an opportunity to speak at least once.

### **Motion to Adjourn**

133. A motion to adjourn the Meeting shall be put immediately without debate.

### **Withdraw of Motion**

134. A motion may be withdrawn at any time before decision with the consent of the mover, seconder, and a majority of Members. A withdrawn motion does not finally determine a matter and therefore does not trigger reconsideration in accordance with [Sections 148-154](#).
135. Where a withdrawal motion fails, a substitute mover is permissible in those circumstances so that the original mover is not forced to vote in favour of a motion that he or she wished to withdrawal.

### **Ultra Vires**

136. A motion in respect to a matter which is beyond the scope of power (i.e. ultra vires the jurisdiction) of Council or a Committee shall not be in order except regarding a matter which, in the opinion of the majority of the Members, the question has to do with the welfare of the Municipality's citizens generally.

### **Ruling Challenge**

137. The ruling of the Mayor or Chair on a procedural matter, including a Point of Order and Point of Personal Privilege, may be overturned by a two-thirds vote of the Members. Such a vote is conducted by the Clerk.

## **Motions Without Notice**

138. All notices of motions shall be in writing, with written notice (most commonly through the Agenda package notice), with the following exceptions that may be introduced without notice:

- a) Point of Order;
- b) Point of Personal Privilege;
- c) to suspend a rule of procedure in this by-law;
- d) for a ruling by the Mayor or Chair as to whether an action is in compliance with a rule of procedure;
- e) to overturn a ruling by the Mayor or Chair with respect to a matter of procedure;
- f) to call the question, which is not debatable; and,
- g) to adjourn, which is not debatable.

## **Dispensing with Notice**

139. Any motion may be introduced without notice if the Members, without debate, dispense with notice with a two-thirds majority vote of the Members present.

## **Motion to Divide the Question**

140. Any Member may request that the Mayor or Chair divide the question where there are separate propositions contained in a motion.

141. If there is no objection, the Mayor or Chair shall facilitate the debate and the vote shall be called on each proposition separately. If a Member objects to the division, the Mayor or Chair will call the vote on the question of whether the motion should be divided. In that case, a simple majority is required to divide the question.

142. A motion to divide the question is not debatable.

## **Motion to Amend**

143. A motion to amend the main motion shall:

- a) be moved, seconded and then the amending portion(s) to the main motion shall be dictated;
- b) not be further amended more than once, although further amendments may be made to the main motion;
- c) be relevant to the main motion;
- d) not propose a direct negative to the main motion, although it may propose a separate and distinct disposition of a question; and,
- e) be put to a vote in the reverse order to that in which amendments were moved.

144. The vote on a motion to amend determines only whether the amendment is adopted. The next step will usually involve a vote on the main motion (with the amendments incorporated).

145. A Member other than the mover and seconder may suggest a clarification amendment to the current motion where it does not change the core substance and

is intended to aid with clarity and grammatical correctness. The mover and seconder shall either accept or reject such minor changes immediately and without debate.

### **Motion to Defer**

146. A motion to defer (to a fixed time or date):

- a) is debatable, but only as to whether a matter should be postponed;
- b) is amendable as to the time and/or date;
- c) shall apply to the main motion and any amendments thereto under debate at the time the motion to defer is made.

### **Motion to Refer**

147. A motion to refer (to Committee or Staff):

- a) is debatable, but only to the instructions upon which the question is to be referred;
- b) is amendable as to the instructions given;
- c) shall include the reason(s) for referral.

### **Motion to Table**

148. A motion to table:

- a) is debatable, but only with respect to the issue of whether to table the matter;
- b) is not amendable;
- c) shall not be considered again by the Council until a motion has been made to take up the tabled matter at a subsequent Meeting;
- d) shall be deemed to be withdrawn if not taken from the table after six months.

### **Reconsideration**

149. Any proposal to reconsider a decision of Council made within its current term shall require a motion of reconsideration.

150. A motion to reconsider may only be introduced by a Member who voted on the prevailing side and shall require a two-thirds majority vote of Members present.

151. A motion to reconsider shall be introduced by way of a Notice of Motion to Council.

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

153. No delegations shall be permitted to speak on a Notice of Motion to reconsider.

154. If a motion to reconsider is decided in the affirmative, reconsideration of the original motion shall become the next order of business.

155. During the term of Council, a motion to reconsider shall not be permitted more than once nor shall a vote to reconsider be reconsidered.

### **Recess**

156. Council or a Committee may without motion, recess for a short period deemed appropriate by the Mayor or Chair.

### **Voting**

157. Every Member, including the Mayor and Chair, shall have one vote, unless otherwise prohibited by statute.

158. Every Member present at a Meeting who is required to vote on a question, but in fact does not vote thereon, shall be deemed to be voting in the negative and, when required, shall be so recorded, subject to the provisions of this by-law.

159. When a vote is called, every Member shall immediately:

- a) occupy their seat and shall remain there until the result of the vote has been declared;
- b) cease all discussion on the matter immediately; and,
- c) not speak to any other Member or make any noise or disturbance.

160. Any question on which there is a tie vote result shall be deemed to be lost.

161. The Mayor or Chair shall call for a show of hands the Members in favour and the Members opposed and announce the result after each and every vote, unless it is by way of a recorded vote or it is unanimous.

### **Recorded Vote**

162. If a Member present at a Council Meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each Member starting with the requester of the recorded vote and moving alphabetically from that Member through the list with the Mayor or Chair voting last, shall announce his/her vote upon request openly and individually unless otherwise prohibited by statute. The Clerk shall record the same and announce the result of the vote.

163. Recorded votes shall not be permitted in the Committee of the Whole.

164. Notwithstanding [Section 163](#), a recorded vote may be called in the Committee of the Whole only if the vote is lost.

## **PART VII – ENACTMENT**

165. This by-law shall come into effect upon its passing.

166. That By-law No. 12-74 and any other by-laws that contravene this by-law shall be and are hereby repealed.

**BY-LAW** read, passed, signed and sealed in open Council this 17<sup>th</sup> day of January, 2017.

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Shaun McLaughlin, Mayor

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Shawna Stone, Clerk