



Inaugural Budget and Finance Meeting Agenda

Date: February 8th 2019

Time: 2pm

Location: Township office meeting room

1	Welcome	Lead Councillor & Staff	5 minutes
2	Self Introductions of Members	All	25 minutes
3	Orientation Presentation Wollaston Township Committee Structure	Roxanne	20 minutes
4	Policy Review: Code of Conduct & Conflict of Interest (Sign off form)	Staff	10 minutes
5	Distribution of Documents	Staff	5 minutes
6	Facilitated Discussion Terms of Reference Election Chair, Vice Chair, Minute Taker	Roxanne	30 minutes
7	Items for Next Meeting (New Business)	Chair & All	5 minutes
8	Check In & Closing	All	5 minutes
9	Date for Next Meeting	Chair	

Planning for a two-hour meeting but might need 2.5 hours for this first meeting.

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW # 17-18

A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF THE TOWNSHIP OF WOLLASTON.

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

WHEREAS Section 223.2(1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

WHEREAS Council of the Corporation of the Township of Wollaston deems it expedient to establish a Code of Conduct for Council;

NOW THEREFORE Council of the Corporation of the Township of Wollaston hereby enacts as follows:

1. THAT the Council of the Township of Wollaston does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. THAT Schedule "A" forms part of this by-law.
3. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

Passed this 8th day of May, 2018

Graham Blair, Reeve

Jennifer Cohen, Clerk

SCHEDULE "A" TO BY-LAW

Code of Conduct for Members of Council of the Township of Wollaston

A. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behaviour of Council Members in the performance and discharge of official functions and duties. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
3. Act in a way that enhances public confidence in local government; and
4. Identify and resolve situations which might involve a potential misuse of position and authority.

The Code of Conduct operates as a supplement to the existing statutes governing the conduct of members. Legislation governing the conduct of members of Council includes:

- *The Municipal Elections Act;*
- *The Municipal Conflict of Interest Act,*
- *The Municipal Freedom of Information and Protection of Privacy Act.*
- *The Municipal Act*
- *The Provincial Offences Act*
- *The Human Rights Code*
- *The Criminal Code of Canada*

The Code of Conduct operates as a supplement to in-effect Township By-Laws, Policies and Guidelines.

B. GENERAL INTEGRITY

1. Members of Council shall at all times seek to advance the common good of the Community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Members of Council shall be committed to performing their functions with integrity, accountability and transparency.
4. Members of Council shall be responsible for complying with all applicable legislation, by-laws, and policies pertaining to their position as an elected official.

5. **Members of Council shall at all times serve and be seen to serve the interests of their constituents and the Township of Wollaston in a conscientious and diligent manner and shall approach decision-making with an open mind.**

G. CONDUCT

1. **Conduct at Meetings**

- a. **Members of Council shall conduct and convey Council business in an open and public manner (with the exception of Closed Meeting Information that is subject to Section 239 of the Municipal Act);**
- b. **Members of Council shall be expected to review and adhere to the Procedural By-law enacted by Council.**
- c. **Members of Council shall turn their cell phones to vibrate. The use of phones shall be restricted to emergency calls only. Emergency calls shall be taken in another room.**

2. **Release of Confidential Information**

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at *Closed Meetings* or that is determined by the Clerk to be confidential or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the *Closed Meeting* deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- a. **Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56.***
- b. **Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.**
- c. **Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillors that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council Members or others, or benefit or detriment to themselves.**
- d. **Members of Council shall be responsible for the protection of all *Closed Meeting* materials while in their possession. Materials**

received electronically shall be deleted at the end of the meeting and paper copy materials shall be returned to the Clerk.

3. Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

4. Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Reeve as Head of Council, by the Council as a whole or by those so designated.

5. Acceptance of Gifts

Council members shall not accept a gift, personal benefit, or hospitality that is connected with their performance of the duties of office that may appear to a reasonable member of the public to be in gratitude for influence, or to induce influence. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

6. Improper Use of Influence

Members of Council shall not:

- a. use any influence of office for any purpose other than official duties;
- b. solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- c. use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- d. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- e. give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;

- f. Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest.

7. Relationship with Staff

Mutual respect and cooperation are required to achieve the Council's corporate goals and implement Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. The role of Council is not to manage or administer.

Members of Council shall:

- a. acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions. Council directs staff through its decision as recorded in the resolutions and minutes of Council;
- b. refrain from using their position to improperly influence members of staff to carry out specific tasks or functions or to gain an advantage for themselves or others;
- c. refrain from publicly criticizing individual members of staff in a way that casts doubt on their professional competence and credibility;
- d. respect that staff provide advice and make policy recommendations in accordance with their professional ethics, expertise, and obligations. Councilors must not willfully injure the reputation, question the capabilities or performance of staff in a manner that is inappropriate.

8. Respectful Conduct

- a. Members of Council shall treat every person, including other members of Council, staff and the public with respect and dignity.
- b. Members of Council shall understand and respect the right to equality and the right to an environment that is safe and free from harassment and discrimination

9. Use of Property

- a. Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources.
- b. Members of Council shall expose fraud and corruption of which the member is aware.
- c. Members of Council shall not use municipal resources such as property, equipment, services, staff, or supplies for personal gain or for

other activities or purposes not connected with the municipality.

D. COMPLIANCE WITH THE CODE OF CONDUCT

1. Members of Council are expected to adhere to the provisions of the Code of Conduct. The Municipal Act authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:

- a. reprimand;
- b. suspension of the remuneration paid to the Member as a Member of Council for a period up to 90 days

E. INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses behavior or activity by a member of Council that appears to be in contravention of the Code of Conduct may address the prohibited behavior or activity themselves in the following manner:

- a. advise the member that the behavior or activity appears to contravene the Code of Conduct ;
- b. encourage the member to acknowledge and agree to stop the prohibited behavior or activity;
- c. document the incident(s) including date, time, location, other persons present, and any other relevant information;
- d. consider the need to pursue the matter in accordance with the formal complaint procedure as outlined.

While an individual may pursue this informal complaint procedure as a means of stopping and remedying a behavior or activity that is prohibited by this Code of Conduct, an individual is not required to undertake the informal complaint procedure prior to pursuing the formal complaint procedure.

F. FORMAL COMPLAINT PROCEDURE—Integrity Commissioner

1. Any individual who identifies or witnesses behavior or activity by a member of Council that appears to be in contravention of the Code of Conduct may file a formal complaint with the following conditions:

- a. all complaints shall be in writing and shall be dated and signed by complainant;

- b. the complaint must set out reasonable and probable grounds for the allegation that a member has contravened the Code of Conduct. All supporting evidence in support of the allegation must be included.

2. Filing a Complaint and Initial Classification

- a. the complaint shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is in respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or procedure under another Municipal policy.
- b. If the complaint does not include supporting evidence, the Integrity Commissioner may defer the classification until evidence is received.

3. Response of the Integrity Commissioner to complaint outside municipal jurisdiction

If the complaint received is deemed not to be a complaint with respect to non-compliance with the Code of Conduct, the Integrity Commissioner shall advise the complainant in writing as follows:

- a. *Criminal Matter*—if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complaint shall be advised that pursuit of such an allegation must be made through the appropriate police service.
- b. *Municipal Conflict of Interest*—if the complaint is an allegation with respect to matters under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with their own legal counsel.
- c. if the complaint is found to be non-compliance with a more specific policy with an established complaint procedure, the complainant shall be advised that the matter will be processed under that procedure.
- d. In all other cases, the complainant shall be advised that the matter or part the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

4. Refusal to Conduct an Investigation

If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation and, where this becomes apparent in the course of an investigation, shall terminate the investigation.

5. Opportunities for Resolution

Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve that matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be pursued achieve an informal resolution.

6. Integrity Commissioner's Investigation

If the complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Commissioner will proceed as follows:

- a. The complaint and supporting material shall be provided to the Council Member whose conduct is in question with a request for a written response.
- b. A copy of the written response from the Member shall be provided to the complainant.
- c. If necessary, after reviewing the written responses, the Integrity Commissioner may speak to anyone relevant to the complaint, examine documents or electronic material and may enter any municipal worksite relevant to the complaint for the purpose of investigation and potential.
- d. The Integrity Commissioner may make interim reports to Council as required to address any instance of interference, obstruction, or retaliation encountered during the investigation.

G. INTEGRITY COMMISSIONER'S REPORT

1. The Integrity Commissioner shall report to the complainant and the Member upon completion of the investigation.
2. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, and any recommended corrective action.
3. Where the complaint is not sustained, the Integrity Commissioner shall not report to council the results of the investigation, except as part of the general annual report.

H. PUBLIC DISCLOSURE

1. The Integrity Commissioner and every person acting under their instructions shall preserve secrecy with respect to all matters that come to his or her

knowledge in the course of their duties. Information may be disclosed in a criminal proceeding as required by law

2. If the Integrity Commissioner provides periodic report to the municipality on their activities, the Integrity Commissioner may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
3. If the Integrity Commissioner reports to the municipality their opinion about whether a member of council has contravened the Code of Conduct, they may disclose in the report such matters as are deemed necessary.
4. The Municipality shall ensure that reports received from the Integrity Commissioner are made available to the public.

I. **IMPLEMENTATION**

1. A Code of Conduct component will be included as part of the orientation workshop for each new Council.
2. Council Members are expected to review their adherence to the provisions of the Code on a regular basis.
3. Council members shall respect the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone providing information to the Integrity Commissioner is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities including, but not limited to, the destruction of documents, the erasing of electronic communications, etc.

**CORPORATION OF THE TOWNSHIP OF WOLLASTON
BY-LAW NO. 03-18
PROCEDURAL BY-LAW**

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS, THE CALLING OF MEETINGS AND GIVING NOTICE TO AND CONSULTING WITH THE PUBLIC.

The Purpose of this by-law, under the Municipal Act, 2001, is to ensure the manner in which the Township is accountable to the public for its actions and that its actions are transparent to the public.

WHEREAS Section 238(2) of the Municipal Act, 2001, provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Municipal Act, 2001 provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS Section 223.2 of the Municipal Act, 2001 as amended, authorize the Municipality to establish codes of conduct for members of the council of the municipality and of local boards of the Municipality

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOLLASTON HEREBY ENACTS AS FOLLOWS:

GENERAL

Council shall at all times adhere to the provisions of the Municipal Act, 2001 as amended from time to time.

The rules and regulations contained in this bylaw herein may be suspended by a two thirds (2/3) vote of the Council unless the part or parts is prescribed by statute or law.

In any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that as set out in Robert's Rules of Order, eleventh edition.

If any member of Council has any pecuniary or other interest, direct or indirect in a matter that is subject of consideration by Council as defined within the Ontario's Municipal Conflict of Interest Act, they shall as soon as practicable after the commencement of the meeting disclose the interest and shall not take part in the discussion nor vote in any respect to the matter. If the matter is disclosed during closed session the member shall vacate the room.

Where practicable, Council is encouraged to defer decision making (voting) on issue that are not time sensitive and that may be contentious, until the next scheduled meeting. The intent is to ensure sufficient time is allowed for further investigation and/or contemplation of issues prior to making important decisions thereby reducing the likelihood of the need for amending or rescinding actions of Council in the future.

All members of council shall be familiar with and comply with the Code of Conduct for the Township of Wollaston, being By-Law 40-12.

1.0 DEFINITIONS

- (a) "Act" shall mean any Statute adopted by the Legislative Assembly of the Province of Ontario.
- (b) "Acting Reeve" shall mean the Deputy Reeve or in his absence another member of council.
- (c) "Ad Hoc Committee" shall mean any special purpose Committee created by resolution of Council.
- (d) "Clerk" shall mean the Clerk of the Township of Wollaston or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.
- (e) "Closed Meeting" shall mean closed to the public as defined in Subsection 5.3 of this By-law

- (f) "Committee of the Whole" shall mean a working committee made up of all of the Members of Council.
- (g) "Council" shall mean the elected and sworn members of the Council of the Township of Wollaston.
- (h) "Head of Council" shall mean the Reeve or Acting Reeve of the Township of Wollaston.
- (i) "Meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
- (1) a quorum of members is present, and
 - (2) 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.
- (j) "Member" shall mean a Member of the Council and shall include the Head of Council. Where the term is used in reference to an Ad Hoc Committee made up of persons who are not Members of Council, the term also includes those persons.
- (k) "Motion" shall mean a proposed resolution brought forward for adoption by Council.
- (l) "Pecuniary Interest" shall mean an interest as defined in the Municipal Conflict of Interest Act and in the Code of Conduct By-Law 40-12.
- (m) "Point of Order" shall mean an issue or concern regarding conformity to this By-Law and/or to the rules of order of Council, difficulty in continuation of a Meeting, improper, offensive or abusive language, or notice that discussion is outside the scope of the Motion.
- (n) "Quorum of Council" means
- (1) in the case of Council, is three (3) members present
 - (2) in the case of disclosure of conflict of interest, any number that is not less than two (2) members shall be deemed to constitute a quorum, as per Conflict of Interest Act R.S.O. 1990, Chapter M.50
- (o) "Reconsider" shall mean a decision of Council revisited during the same meeting in which the decision was made. If a decision is to be reconsidered, the motion must be put forth by a member who voted for the prevailing side and requires the approval of 2/3 of the full Council membership.
- (p) "Recorded Vote" shall mean the recording of the name and vote of every Member of Council voting on any matter or question.

2.0 COUNCIL MEETINGS AND NOTICES FOR THE SAME

2.1 Schedule of Meetings

- (a) The Inaugural Meeting of the Council shall be held during the first week in December, following the Municipal Election, beginning at 9 a.m., unless otherwise noted.
- (b) The schedule of regular meetings of Council are set out in Appendix "A" attached hereto and forming part of this by-law or as per amending resolution of Appendix "A"
- (c) All meetings shall be held in the Wollaston Council Chambers located at 90 Wollaston Lake Road, or as per amending resolution of Appendix "A"
- (d) Council may hold its Regular Meeting at any other date, time or place than is specified in this By-Law provided that an amending resolution of Council is passed by the majority of Council Members and Notice is given at least 48 hours in advance of the Meeting by posting the change at the Township Municipal Office and on the Township website.

2.2 Notice of Council Meetings shall be given by:

- (a) publication of future meeting in previous meeting minutes.
- (b) posting of meeting Agendas at the Township Municipal Office Building at 90 Wollaston Lake Road and on the township Website at www.wollastontownship.ca.

(c) If council chooses to give notice in a local paper, commercial gazette or any other forum of public viewing, it shall first be authorized by resolution of Council.

2.3 Special Meetings/Notice

- (a) The Head of Council may at any time call a special meeting;
- (b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- (c) Special meetings require a minimum notice of twenty-four (24) hours unless otherwise agreed to by a majority of members.
- (d) Notice for such items as special meetings will be posted at the Township Municipal Office Building at 90 Wollaston Lake Road, on the Township's website at www.wollastontownship.ca.
- (e) Council shall only consider the matter or matters that are specifically listed for discussion on the Notice of the Special Meeting, unless unanimous consent is given by Members of Council to consider other matters.

2.4 Emergency Meetings

"Emergency" means a situation or the threat of an impending situation adversely affecting property and/or the health, safety and welfare of the community or the Region, which by its nature and magnitude requires a timely, coordinated, and controlled response;

- (a) In the case of a bona fide emergency the head of council or designate or the majority of the members of Council may call a meeting. The meeting may be held as soon as practical in a suitable location following the notification of all Members.
- (b) Notice of meeting may be waived for the purposes of an emergency meeting

2.5 Presiding at Council Meeting

The Reeve is the Head of Council and he/she shall preside at the meetings of Council. In the case the Reeve does not attend without prior notice within fifteen minutes after the time appointed, and if there is a quorum, the meetings of Council shall be presided over by the Deputy Reeve. If both the Reeve and Deputy Reeve are absent, providing there is a quorum, a Member of Council shall be chosen from the members present to preside during the meeting. While presiding, the Acting Reeve shall have all the powers of the Reeve.

2.6 Quorum

If there is no quorum within fifteen (15) minutes after the time scheduled for a meeting of Council, the Clerk shall call the roll and record the names of the Members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

2.7 Curfew

No item of business may be dealt with at a Council meeting after 4:00 p.m. for day meetings and 11:00 p.m. for evening meetings unless unanimous consent is given by the Members of Council to extend the closure time.

3.0 AGENDAS AND SUPPORTING MATERIAL

3.1 Agendas

- a) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law. The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or Member of council.

1. Call to Order

2. Declaration of Pecuniary or other Conflict Interest
It is the responsibility of the Council member to identify and declare a conflict of interest under the Conflict of Interest Act or the municipal Code of Conduct.

3. Adoption of Minutes

The minutes of the preceding meeting shall be submitted to the Council in order that any errors therein may be corrected by the Council and when adopted such minutes shall be signed by the Reeve and Clerk

4. Business Arising from the Minutes

Request for clarification or update on motion adopted at previous meeting.

5. Adopt Agenda

The general nature of any item to be discussed under new business must be added to the agenda at this point or discussion will not be permitted.

6. Delegations/presentations

See Section 5.7

7. Reports to Council – Reeve's report, staff reports,.

8. Items for discussion and motions

9. Items to be read

To be brought forward for discussion and/or motion

10. Correspondence for Council Information

Items which may be of general interest are presented at the Council meeting. Members or the public may request to review any item.

11. Accounts

General or Special Accounts will be presented for Council approval at the first regular meeting of each month or at other meetings upon approval of Council.

12. Committee Reports

Board, Department and Committee meeting minutes

13. Notice of Motions

Notice of Intent that a Member will introduce a motion at the next or subsequent meeting of Council to introduce a new matter, initiate any measure or to make any change in the Council's established policy

14. New Business

Non agenda committee items which because of urgency cannot be deferred to a subsequent meeting identified to be considered in this meeting both in camera and in open meeting. New business must be recognized upon the adoption of the agenda at the beginning of the meeting.

15. By-Laws, including confirmation by-law

16. Question Period

Questions asked under item 16 shall be confined to items on the agenda. Question period shall be limited to 15 mins.

17. Adjournment

b) If less than two-thirds of the members of Council are present, an item shall be added to the agenda, before the adoption of the agenda, to consider deferral of decision on any agenda item.

3.2 Circulation of Agenda

(a) Insofar as is practicable, the agenda and background information shall be equally distributed to all Members no later than 48 hours prior to a regular meeting. Time sensitive supplementary agenda items will be circulated to Members prior to Call to Order of the meeting, otherwise they will be held over for the next Council meeting.

(b) Insofar as is practicable, it shall be the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special meetings held more than nine business days (9) days prior to the regular meeting are circulated along with council agendas and supporting material.

3.3 Minutes

(a) Minutes shall record:

1. the place, date and time of meeting;
2. the name of the person presiding and a record of the attendance of Members;
3. proceedings of the meeting without note or comment;
4. the signature of the Reeve and Clerk.

(b) Insofar as is practicable, it shall be the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special meetings are posted for public viewing.

(c) The minutes of a Council Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council.

(d) The minutes of a Closed Session of Council shall be presented for adoption at the next Closed Session portion of a Regular Council Meeting.

(e) The adoption of minutes is a procedural matter and does not affect the validity or effect the resolutions recorded in the minutes.

4.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

4.1 Duties of Head of Council

It shall be the duty of the Head of Council:

- (a) to open the meeting of Council as soon as quorum is present, by taking the Chair and calling the meeting to order, and giving appropriate opening remarks;
- (b) to announce the order of business as it appears on the agenda so that an orderly sequence of business may be maintained;
- (c) to receive and put to vote all motions presented that are duly moved and seconded, or necessarily arise in the course of the proceedings and announce the results;
- (d) to decline to put to vote motions which infringe upon the rules of procedure;
- (e) to ensure and enforce the observance of order and decorum among the Members;
- (f) to ensure and enforce the observance of order and decorum among the assembly;
- (g) to call by name any member(s) persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber;
- (h) to order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order or decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists;
- (i) to receive all communications and delegations and announce them to the Council;
- (j) to authenticate, by his/her signature when necessary all minutes, resolutions/motions and By-Laws of the Council;
- (k) to select the members of Council who are to serve on Committees with the consent of those members of Council;
- (l) to represent and support the Council, declaring its will, and obeying its decisions in all things;

- (m) to ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the Council;
- (n) to request a motion of Council to move in to Committee of the Whole/Closed session
- (o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- (p) to adjourn the meeting when the business is concluded.

4.2 Conduct of Council Members and Guest

- (a) No Member or Guest shall:
 - (i) use offensive words or unparliamentary language in or against the Council or against any Member, staff or guest;
 - (ii) speak on any subject other than the subject under debate or question;
 - (iii) criticize any decision of Council;
 - (iv) disobey the rules of Council or disobey the decisions of the Reeve or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. If the member/guest persists in disobedience, a member of Council may forthwith put forward the motion (without amendment, adjustment or debate) "that such member/guest be ordered to leave his/her seat for the duration of the meeting", but if the Member/guest apologizes he/she may, by vote of the Council, be permitted to retake his seat;
 - (v) attend a meeting in a condition unfit for conducting the business of Council;
 - (vi) interrupt or make a disturbance when the Head of Council is putting the question to a vote, and/or when a member has the floor, except to raise a point of order;
 - (vii) address Council or speak in debate without permission of the Head of Council, or by motion of Council.
 - (viii) make or cause to be made a disturbance of any nature.
 - (ix) use video recording devices without prior permission by motion of Council.

5.0 MOTIONS/RULES OF DEBATE

Motion or Resolution: Council may express their decisions in the form of resolutions: which is simply an expression of the decision or wishes of Council, which has been submitted in the form of a motion and has been adopted by majority vote. Resolutions usually deal with the smaller acts of administration and matters of internal management within the Municipality. They are frequently used to place on record Council's view on some matter.

5.1 Motions

- (a) Any Member of Council may introduce a motion for discussion or debate. A motion must be formally seconded before it is subject to discussion or debate.
- (b) The Head of Council may take part in any debate without leaving the Chair.
- (c) When a motion is under debate, no new motion shall be received unless it is related to a question under consideration and may be entertained only if it is:
 - (i) to refer to Committee of the Whole (debatable)
 - (ii) to amend (debatable)
 - (iii) to lay on the table deferring temporarily (not debatable)
 - (iv) to postpone indefinitely or to a specific day (not debatable)
 - (v) to adjourn (not debatable)

These motions shall have precedence in the order in which they are named. A motion to adjourn shall always be in order, and shall be decided without debate.

(d) A motion that was duly made, discussed or debated shall be put to a vote and the resolution and the result of the voting shall be recorded in the Minutes.

(e) A motion may be withdrawn by the mover with permission of the seconder prior to its being debated or put to a vote.

5.2 Voting on Motions

(a) Before a motion is put to a vote, the Head of Council shall state the resolution in the precise form it will be recorded in the Minutes. Members present must vote on the resolution unless prohibited by any Act.

(b) When a motion is put to a vote, no Member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

(c) Any motion on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.

(d) Any member present who persists in not voting shall be deemed to have voted to the negative.

(e) The manner of determining the decision of Council shall be by voice, and the Head of Council may vote on any issue, except where disqualified to vote by reason of interest or otherwise.

(f) Any Member may request a recorded vote to appear in the minutes. On a recorded vote the Head of Council shall vote last because in the event of a "tie vote" the Head of Council must cast the deciding vote unless he or she is prohibited from voting by Conflict of Interest or any other Act. If such is the case on a "tie vote", the motion would be deemed to be lost.

(g) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote, and the names of those who voted for and those who voted against shall be recorded in the Minutes.

(h) No vote by Council shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

5.3 Motion to Rescind or Amend something previously adopted

a) The motion to Rescind or Amend something previously adopted can change an action previously taken or ordered. The effect of Rescind is to strike out an entire motion, resolution, rule, by-law, section or paragraph that has been adopted at some previous time. Amend something previously adopted is the motion that can be used if it is desired to change only a part of the text, or to substitute a different version.

b) A motion to Rescind or Amend something previously adopted can only be considered if notice of the motion has been included on the agenda published at least 48 hours prior to the regular or special meeting of Council. If notice has not been included on the posted agenda, the motion to Rescind or Amend shall not be debated until the next regular meeting of Council or unless suspension of this requirement is approved by a two-thirds vote of Council.

c) The motions to Rescind or Amend something previously adopted are not in order under the following circumstances:

- (i) When something has been done, as the result of the vote that is impossible to undo.
- (ii) When a resignation has been acted upon, or a person has been elected or expelled from office, and the person was present or has been officially notified of the action.

5.4 Closed Meetings

a) At anytime during a Council meeting, but prior to moving into a closed meeting, the Council shall pass a resolution in public session stating:

- (i) the fact of the holding of the closed meeting and that the Council is convening into closed session, and
- (ii) the general nature of the matter to be considered at the closed meeting

- b) Upon completion of the Closed Session:
- (i) the Members shall immediately reconvene in open session; and
 - (ii) if applicable, the Members shall vote on any resolutions emanating from the closed meeting.
 - (iii) As a best practice, the resolution to come out of closed session may include information about any directions given to staff or other information about the discussion that may be provided publically.
- c) Pursuant to Section 239(1) of the Municipal Act, 2001 all Council and Committee meetings shall be open to the public.
- d) Pursuant to Section 239(2), notwithstanding Paragraph 5.3 (a) above, a meeting of Council or a Committee meeting may be closed in part or whole to the public if the subject matter being considered relates to:
- (i) the security of the property of the municipality or local board.
 - (ii) personal matters about an identifiable individual, including municipal or local board employees.
 - (iii) a proposed or pending acquisition or disposition of land by the municipality or local board.
 - (iv) labour relations or employee negotiations.
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
 - (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- e) Pursuant to Section 239(3) a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.
- f) Pursuant to Section 239(3.1) a meeting of council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- (i) the meeting is held for the purpose of educating or training the members and.
 - (ii) at the meeting, no member discussed or otherwise dealt with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- g) Pursuant to Section 239(4) before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,
- (i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
 - (ii) in the case of a meeting under Section 239(1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- (h) Pursuant to Section 239(6), despite Section 244, a meeting may be closed to the public during a vote if,
- (i) Section 239(2) or 239(3) permits or requires the meeting to be closed to the public; and
 - (ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

5.5**Rules of Debate**

- (a) Any Member of Council who desires to speak may remain seated and address his/her remarks to the Head of Council. The Member shall confine his/her remarks to the motion and shall avoid personal attacks. No member shall speak to the same motion or in reply for longer than five minutes.
- (b) The Head of Council shall ensure that any Member who wishes to speak on a subject is given a fair opportunity to do so and without interruption from any other Member. When two or more members request to speak, the Reeve shall designate the member who has the floor.
- (c) 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 thereon, but the question shall not be used as a means of making statements or assertions.
- (d) When the Head of Council calls for a vote on a question each Member shall remain seated and refrain from communicating with other Members until the result of the vote has been declared by the presiding officer.

5.6**Points of Order and Privilege**

- (a) The Head of Council shall preserve order and decide questions of order.
- (b) The Head of Council may call a Member to order while speaking and the debate shall be suspended and the Member shall not speak until the point of order is determined. Any Member may appeal the decision of the Chair to Council and the Council shall decide by a majority vote without debate and its decision shall be final.
- (c) A Member may rise and address the Chair to raise a point of order. After leave is granted, he/she shall state the point of order which shall be decided on by the presiding officer. If the decision of the presiding officer is appealed, Council shall decide the question by a majority vote and its decision shall be final.
- (d) When two or more Councilors rise at the same time, the Reeve shall name who is first to speak.
- (e) When a Member considers/believes that his/her integrity or the integrity of the Council as a whole has been impugned he/she may as a matter of privilege rise at any time and with the consent of the Reeve draw the attention of Council to the matter.

5.7**Delegations/presentations**

- (a) Petitions presented to Council shall be legibly written or printed on the prescribed delegation form and signed by at least one person and filed with the Clerk at least five (5) regular working days prior to the meeting. The person or persons presenting the petition may speak on the matter before Council, in which case it shall be limited to a maximum time of fifteen (15) minutes.
- (b) Delegations wishing to address Council shall notify the Clerk at least five (5) regular working days before the day of the scheduled regular Council meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Council Members prior to the meeting.
- (c) Notwithstanding Sub clause 5.6 (b) above, delegations may notify the Clerk in writing at least 24 hours before the start of the Council meeting of a request to appear at the next Council meeting. The correspondence submitted must provide the purpose of the delegation and must be in relation to an item already appearing on the agenda. This correspondence shall be circulated to Council before the meeting. At the meeting, at a time before the adoption of the agenda, the delegation may be permitted by the majority of Council.
- (d) Delegations wishing to address Council shall be limited to three (3) per meeting. Exceptions will be considered at the Clerk's discretion.
- (e) Delegations shall be limited to not more than fifteen (15) minutes, including questions and discussion with Council. Exceptions will be considered by motion of Council.
- (f) Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 5.6(b), be limited to not more than fifteen (15)

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 ten (10) minutes.

- (g) The Clerk, in consultation with the Reeve, may refuse a delegation if:
- (i) once a delegation has been heard by Council the same person and/or group requests a delegation at a subsequent meeting without offering any new evidence or information; or
 - (ii) the subject matter is not within the jurisdiction of the Municipality.
- (h) There shall be no obligation of Council to respond to the requests or information presented by a delegation. Requests that require further research or clarification may be placed on a future agenda for consideration.
- (i) The Clerk shall record the name of every person who speaks as a member of a delegation to Council, a general statement of intent of the delegation shall be recorded in the Minutes of the regular Council meeting.

6.0 BY-LAWS

"By-Law": Powers of Council are exercised by by-law in more important matters and where the action taken will affect the general public. A by-law is used to implement Council decision: Example entering into agreements, setting policy and authorizing large expenditures not included in the annual budget.

- (a) Every By-Law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the number and date thereof.
- (b) Every By-Law shall have three readings prior to it being passed. Three readings may occur at the same meeting.
- (c) The Head of Council shall introduce the reading of By-Laws and the first reading of a By-Law shall be decided without amendment or debate.
- (d) The By-Law may be debated or amended during the second reading. If the Council determines that the By-Law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
- (e) The third and final reading of a By-Law shall direct that the By-Law be signed, sealed and numbered. If Council so determines, a By-Law may be taken as read.
- (f) The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.
- (g) Every By-Law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

7.0 RESCIND BY-LAW

7.1 That this By-Law repeals all previous by-laws and/or Motions of Council pertaining to the same.

8.0 EFFECTIVE DATE

8.1 This By-Law shall become effective upon the date of passing thereof.

8.2 Where any By-Law passed prior to this conflicts with this By-Law, the terms of this By-Law shall prevail.

Read a first, second and third time and finally passed on the 13th day of February, 2018.


Graham Blair, Reeve


Jennifer Cohen, Clerk



Draft for discussion

Wollaston Township Budget & Finance Committee of Council Terms of Reference

Committee Name

Wollaston Township Budget and Finance Committee

Type

Standing Committee of Council

Purpose *Describe the purpose of the committee (what the committee will do, why it was created)*

The Budget and Finance Committee was created to provide a forum to explore opportunities to increase revenues to the Township, outside of ratepayer increases. The Committee will work to support and assist Staff dealing with financial matters.

The Committee will also focus on providing financial recommendations and risk management considerations supporting both Township activities and other Committee work. It will provide assistance with multi-year Financial Planning, Fiscal Policy, Budget Cycle, Operating and Capital budgets, planning and development.

The Committee will provide assistance by exploring grant opportunities and will strive to support writing grant applications in conjunction with other Committees, as well as explore fundraising opportunities, investments and tax collection processes in order to maximize the use of the Township's financial resources.

The Committee will provide Council with regular updates on its work and make recommendations for Council's consideration and decision, through the Committee of the Whole.

Scope *Clearly describe what is in and out of scope for the committee*

To assist Staff with the development of the Township annual Budget by reviewing the current process and making recommendations for improvements, as required.

To ensure that proposed budget line increases or decreases are supported by detailed explanation of the changes, and are included as part of the Budget presentation to Council and the Community.

To make recommendations to Committee of the Whole regarding acceptance of the proposed draft budget.

To assist in the development of a five- and ten-year capital forecast and planning process, that considers the Asset Management Plan and any other relevant documentation.

To review the Township's Financial policy and procedures, and make recommendations for changes to support knowledge transfer and exchange.

To research best practices for the sector and develop, as appropriate, performance measures in order to collect and analyse data to measure future success.

To monitor provincial announcements and identify possible grants that would assist with the financial impacts of large-scale capital projects or to support other Township activities.

To provide consultation, advice, report findings and make recommendations as required to Council.

To consider processes used to collect data in order to support future grant applications, and support evidence informed decision making.

The Committee will not consider matters or issues that fall outside of the Township responsibilities as outlined in the Municipal Act.

Authority

The Committee has limited delegated authority, which may be amended from time to time by Council.

If Council authorizes an operating budget to the Committee, it shall ensure expenditures follow Township policies and procedures.

The Committee will elect its own Chair, Vice Chair and Minute taker, on an annual basis; each position will serve a one -year term.

Individuals may be re-elected to serve in these positions, during the course of the four-year term of Council.

All Committees will seek authority and direction from Council before applying for any grant funding, whether or not a municipal contribution is required.

Membership

Members are appointed by Wollaston Council, following the Township policy and procedure to serve during the term of Council. Members will follow the Township Procedural By-Law and the Code of Conduct and Conflict of Interest policies.

The position of Chair, Vice Chair and Minute taker will be by nomination of Committee Members. Should more than one Member be interested in standing for one of these positions, the committee will vote and the candidate will be elected by a majority of the Committee Members at the first meeting of each calendar year.

All Appointed Members including the lead Councillor will be entitled to one vote on Decisions. Staff do not count in quorum and do not vote on decisions.

Committee Chair, Vice Chair and Minute Taker Roles

The Chair's role is to provide guidance and leadership to the Committee in completion of its purpose.

The Chair shall create the meeting agenda using a standardized agenda template, start and end the meetings on time, prepare any Information or Decision Reports for Committee of the Whole, and attend Committee of the Whole meetings to present the reports. In the event the Chair is not available to attend, another Committee member may be authorized by the Chair to attend, or Township staff may present the report.

The Chair shall ensure that decorum is maintained at each meeting and that the rules of procedure, as per the Township's Procedural By-Law are observed.

The Vice Chair, in the Chair's absence, shall be responsible to ensure meetings progress effectively and efficiently.

The Minute taker will be responsible for recording the Minutes of the meeting using a standardized Minute template. Minutes will be sent to Township staff within 7 days of the meeting. Minutes are reviewed at the next meeting, and the original signed off by the Chair. Minutes that will be published will not show the Chair's actual signature, and will instead state: Original signed by (Chair's name)

Township Staff

The Treasurer will be designated staff to participate in all meetings. As required, the Treasurer will be called upon to provide financial information related to budgetary matters and controls.

Township Staff will provide the following supports:

Assist the Chair to develop the agenda, as required. Distribute the agenda and post notices of the meeting on the Township Website, or other approved forum

Circulate the minutes and any meeting materials

Follow up on committee issues.

The Treasurer or Administrator, or other designated staff will participate in discussions to provide perspective on procedural matters, legislative or regulatory considerations, human resources or financial considerations and provide input into any implementation concerns for decisions.

Councillor

A member of Council is appointed to the Wollaston Township Budget and Finance Committee to fulfill the responsibility of acting as liaison between Council and the Committee; respond to Committee members' questions; interpret Council's direction to the committee; provide updates on Committee activities to Council and to provide updates on Council's activities to the Committee.

Committee Members

Committee Members shall contribute time, knowledge, skill and expertise to fulfill the committee's purpose.

Be prepared for meetings, reading through background documents

Be knowledgeable about the organization (i.e. vision, mission, goals)

Be prepared to ask questions.

Engage in respectful dialogue, keep an open mind for various perspectives to work towards collaborative decisions.

Complete assigned tasks.

Become familiar with governing legislation or regulations.

The appointment of a citizen member to a committee shall be rescinded should the member be absent from three consecutive meetings. Township staff will maintain the master record of member attendance.

Where a vacancy occurs in the Committee for any reason, a new member may be sought in accordance with the Township's policy and procedure for appointing committee members.

Staff will maintain a Master list of committee members to be attached to these Terms of Reference, as Appendix 1.

Meeting arrangements

Meetings will be held on a monthly basis, with a minimum of 10 meetings per year. Meetings will be held in the Township office, unless otherwise noted.

The Committee Meetings are the opportunity for committee members to engage in informal discussion on ideas and proposals, with appropriate staff and Council leads.

Members may take on specific tasks or actions, i.e. researching grant opportunities or gathering information for the Committee to help achieve its purpose.

Quorum will be 50 plus 1 of the appointed committee members.

It is expected that the Committee will strive to reach consensus on its decisions. In the event, that there are an equal number of committee members, and there is a tie vote, the Committee Chair may vote to determine the outcome of the decision or preferably refer the Committee back to further discussion in order to reach consensus.

Reporting

The Committee will report regularly to the Committee of the Whole through Information Reports, or Reports for Decision which will include recommendations from the Committee. Copies of the Minutes will also be distributed to Council.

Resources and Budget

Council may establish an operating budget for the Committee, tied to specific deliverables. Any allocated budget funds will be announced once the Township has approved and passed its annual operating budget. The Committee must ensure that any funding provided is utilized as directed by Council.

Staff will ensure that Committees are following Township purchasing and procurement policies, procedures or bylaws in carrying out their actions.

Deliverables

Describe the requested/required committee output _____

The Committee will prepare a workplan, and if applicable budget estimates, for approval by Council on an annual basis.

The Committee will prepare a year end report of accomplishments to submit to Council on an annual basis.

The Committee will review its Terms of Reference on an annual basis and submit these to Council for approval.

Conflict of Interest

Committee members are deemed not to have pecuniary conflict of interest in that they have no financial decision-making ability. Members should be cognizant of any perceived conflict in terms of issues, which may serve to benefit them personally and if deemed necessary, not participate in the discussion where there is a perceived conflict.

Members shall not use their status on committees for personal or political gain.

Code of Conduct

Members of Committees shall adhere to the Procedural By-Law No. 03-18 and the Councillor Code of Conduct By-law No. 17-18, which may be amended from time to time.

Members shall treat every person, including other members of Committees or Council, staff and the public with respect and dignity.

Members of Council shall understand and respect the right to equality and the right to an environment that is safe and free from harassment and discrimination described expectations of behaviour, tied to Township policy.

Review

The Terms of Reference will be reviewed in February of each year.

Appendix 1

Master List of Budget and Finance Committee Members

Created January 2019

Next Review Date: February 2020

Councillor: Darlene Colton

Staff: Verna Brundage & Dylinna Brock

Chair:

Vice Chair:

Minute Taker:

Members: