

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT SERVICES

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: FRANCINE DESORMEAU, CLERK/DEPUTY-TREASURER

TITLE: AMENDMENT TO PROCEDURE BY-LAW

Draft By-Law **Item** **Policy Recommendation**

Mayor D. Backer and Members of Council:

Bill 68, Modernizing Ontario's Municipal Legislation Act, amends the Municipal Act, 2001, the Municipal Elections Act, 1996, the Municipal Conflict of Interest Act and several other Acts. Some sections of this Bill came into force upon Royal Assent on May 31, 2017, while other sections have yet to be proclaimed. A report to Council, Report Number 7.1 forms part of this meeting's agenda and highlights the Bill's amendments and when they are to be put in force.

Changes to the Procedure By-law is required as some of the amendments came into force January 1, 2018 which includes the definition of a meeting, the addition of four additional discretionary exceptions for closed meeting sessions and a provision for the absence of Head of Council. A delegation request form is also added and the ability to alter the time of committee meetings if necessary.

A draft Procedure By-law for the conduction of the 2018 municipal election will be brought forward to Council at the next regular meeting which will reflect the amendments made to the Municipal Elections Act, 1996.

Additional amendments to the Procedure By-law such as the Code of Conduct will be brought forward for Council approval later this year.

Recommendation:

That Council of the Town of Mattawa adopt By-law 18-02 which will amend Procedure By-law 11-08 to reflect Bill 68, Modernizing Ontario's Municipal Legislation Act.

Respectfully submitted,

Councillor L. Mick

**THE CORPORATION OF THE TOWN OF MATTAWA
BY-LAW NO. 18-02**

BEING a By-Law to amend By-Law No 11-08 which prescribes the governance of the proceedings of Council, Boards and Committees, the conduct of its members and the calling of meetings.

WHEREAS pursuant to Section 238 of the Municipal Act, S. O. 2001, c.25, as amended, every Council and local board shall adopt a procedural By-law to govern the calling place and proceedings of meetings;

NOW THEREFORE the Corporation of the Town of Mattawa enacts as follows:

1. That item numbers 1. f) and j) in section "Definitions" are hereby amended to add the following:

"1. f) "Council Chambers" means Dr. S. F. Monestime Council Chambers at 160 Water Street.

"1. j) "Meeting" means any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where a quorum of members is present and 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."

2. That item numbers 5 and 10 in section "Council and Committee of the Whole Meetings" are hereby amended to add the following:

"5. a) Committee meetings shall be held in Council Chambers at 7:00 p.m. unless determined by its members, in accordance with each Committee's terms of reference and/or prescribed mandate."

"10. b) When the Mayor is absent or refuses to act, or the office is vacant, Council will appoint one of Council by Resolution to Chair the meeting and such Councillor may exercise all the rights, powers and authority of the Mayor, with respect to the role of presiding at meetings.

3. That item number 11 b) in section "Council and Committee of the Whole Meetings" is hereby deleted in its entirety and replaced with the following:

"11. b) Notwithstanding Subsection 11(a) above, a Regular, Committee of the Whole meeting may be closed to the public if the subject matter is held in compliance with the provisions of the Municipal Act as follows:

- security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;

- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
- 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;
- 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;
- 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; or
- 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.

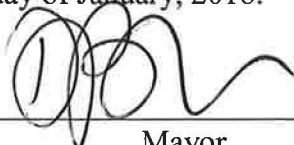
4. That item number 13. d) in section “Agendas and Supporting Material” is hereby deleted in its entirety and replaced with the following:

“13. d) any person, organization or group wishing to appear before Council at a Regular Meeting shall advise the Clerk in writing by submitting a Delegation Request Form attached to this By-law as Schedule “C” by Tuesday 5:00 p.m. prior to the meeting. The Clerk may make a determination as to deferral of delegations to a subsequent meeting.

5. This By-Law shall come into force and take effect upon the date of passing.

READ A FIRST and SECOND time, this 8th day of January, 2018.

READ A THIRD time and FINALLY PASSED this 8th day of January, 2018.



 Mayor



 Clerk



Procedure By-law

11-08

March 14, 2011

January 8th, 2018
Amended Procedure By-Law 18-02
Changes made are highlighted

February 11th, 2019
Delete Schedule "B"
Replace with By-Law 19-08 Code of Conduct Policy for Members of Council and Local Boards

THE CORPORATION OF THE MUNICIPALITY OF MATTAWA

BY-LAW 11-08

Being a By-law to govern the proceedings of Council, Boards and Committees, the conduct of its members and the calling of meetings.

WHEREAS, pursuant to Section 238 of the Municipal Act, S.O. 2001, c.25, as amended, every Council and local board shall adopt a procedural By-law to govern the calling, place and proceedings of meetings;

NOW THEREFORE the Council of The Corporation of the Town of Mattawa hereby enacts as follows:

DEFINITIONS:

1. In this By-law –

- a) “Agenda of Council” means a list of all items to be considered by the Council at the meeting for which the agenda was published;
- b) “Clerk” means the Clerk of The Corporation of the Town of Mattawa;
- c) “Committee” means any advisory or other committee appointed by Council including an Ad Hoc Committee or Committee of Council;
- d) “Committee of the Whole” means all members present at a meeting in Committee but not a Standing Committee as outlined in By-law 95-20 and acting within the rules set out in this By-law;
- e) “Council” means the Municipal Council of The Corporation of the Town of Mattawa;
- f) “Council Chambers” means Dr. S. F. Monestime Council Chambers at 160 Water Street;
- g) “Deputy Mayor” means a member appointed by the Council to act in place of the Mayor;
- h) “Local Board” means a Board other than a Police Services Board or Library Board;
- i) “Mayor” means the Head of Council of The Corporation of the Town of Mattawa;
- j) “Meeting” means any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where a quorum of members is present and 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;

- k) "Member" means a member of Council and includes the Head of Council;
 - l) "Municipality" means The Corporation of the Town of Mattawa;
 - m) "Quorum" means having a minimum of 4 members of Council present unless Disclosure of Pecuniary Interest reduces the voting members to less than 4 but must be at least 2;
2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council.

COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS

- 3. Meetings that fall on an observed Public Holiday shall be held on the next business day provided that appropriate notice is given to the public as per the Notice provisions.
- 4. Regular Meetings of Council shall be held in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m. when required and as required and notification per the Notice Provisions.
- 5. Committee meetings shall be held in Council Chambers at 7:00 p.m. unless determined by its members, in accordance with each Committee's terms of reference and/or prescribed mandate.
- 6. The inaugural Meeting of Council after a regular election shall be held on the second Monday in December at 6:00 p.m. in the Council Chambers.
- 7. Council may, by resolution, alter the date and/or time and/or location of a regular meeting provided that adequate notice of the change is posted and published in accordance with the Notice Provisions.
- 8. The Mayor may, at any time:
 - a) Summon a special meeting;
 - b) Direct the Clerk to summon a special meeting upon receipt of a written or oral petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
- 9.
 - a) In either case of (a) or (b) in Clause 8, the special meeting shall be held not sooner than 24 hours following the Mayor's summons or receipt of the petition, as the case may be. Notice of special meetings shall be given by the Clerk to each member by electronic message or by written notice.

- b) Notwithstanding the notice requirement set out above, in the event of a bona fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.
- c) Unless otherwise specified in the notice described in Paragraph 9 (b) above, a special meeting shall be held in the Council Chamber.
- d) The notice of a special meeting shall specify the purpose for the meeting.

10.

- a) The Mayor shall preside at all meetings of Council;
- b) When the Mayor is absent or refuses to act, or the office is vacant, Council will appoint one of Council by Resolution to Chair the meeting and such Councillor may exercise all the rights, powers and authority of the Mayor, with respect to the role of presiding at meetings;
- c) The Mayor or presiding officer may expel from a meeting anyone who engages in improper conduct;

11.

- a) All Regular and Committee of the Whole Meetings of Council shall be open to the public.
- b) Notwithstanding Subsection 11(a) above, a Regular, Committee of the Whole meeting may be closed to the public if the subject matter is held in compliance with the provisions of the Municipal Act as follows:
 - a) 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 has authorized a meeting to be closed 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;
 - 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;
- 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; or
- 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.
- c) Before all or part of a meeting is closed to the public, the Council shall state by resolution:
- i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter considered at the closed meeting;
 - iii) only those matters relating to the nature of the matter being considered may be discussed in the closed session.
- d) Subject to subsection 11(e) a meeting shall not be closed to the public during the taking of a vote.
- e) Despite subsection 11(d), a meeting may be closed to the public during a vote if:
- i) Subsection 11(b) permits or requires a meeting to be closed to the public and, 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;
 - ii) At the commencement of the closed session, the agenda will be struck. No other business will be considered.
- f) Meetings or sessions which are closed to the public may be referred to as “In Camera (closed) Sessions”.
- g) All resolutions, decisions and other proceedings at a meeting shall be recorded without note or comment, whether the meeting is open or closed.
- h) When the meeting reconvenes in public the Mayor or Presiding officer will provide a verbal summary of the general content of the closed meeting.

CODE OF CONDUCT

12.

- a) All Members of Council in attendance at a closed session held pursuant to this By-law shall make an affirmation of confidentiality at the inaugural meeting of the Council and execute a confidentiality agreement in the form attached as Schedule “A”, Page 13 of the By-law.

- b) No member of Council in attendance at a closed session called pursuant to this By-law shall disclose to any person not in attendance at the meeting any of the information provided at such closed session.
- c) All members of Council and its Boards and Committees shall abide by the Code of Conduct as attached as Schedule "B", Page 14 to this By-law.

AGENDAS AND SUPPORTING MATERIAL

13.

- a) The Clerk shall prepare an agenda for Regular and Committee of the Whole meetings as assigned.
- b) The Mayor may review the draft agenda prior to distribution.
- c) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members at the close of business on the Friday prior to a Regular or Committee meeting and 24 hours prior to a Committee or Special Council meeting.
- d) Any person, organization or group wishing to appear before Council at a Regular Meeting shall advise the Clerk in writing by submitting a Delegation Request Form attached to this By-law as Schedule "C" by Tuesday 5:00 p.m. prior to the meeting. The Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- e) Written reports from officers shall be made available to the Clerk by close of business on the Wednesday prior to a Regular meeting or 30 hours prior to a Committee or Special Council meeting.
- f) 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.

Regular Meetings

- 1) Call to Order
- 2) Disclosure of Pecuniary Interest and Nature Thereof
- 3) Petitions & Delegations
- 4) Correspondence
- 5) Questions/Comments (public & Council) about the content of the Agenda
- 6) Municipal Report Number ____
 - Minutes of previous meeting(s).
 - Presentation of By-laws/Resolutions
 - Adoption of Report
- 7) Committee Reports

- 8) Questions from the Floor
- 9) New/Old Business
- 10) 2/3 (Special Resolutions – not previously circulated)
- 11) In Camera (Closed) Session
- 12) Return to Regular Session
- 13) Adjournment

Committee of the Whole or Committee (Special, Ad Hoc) Meetings

- 1) Call to Order
 - 2) Disclosure of Pecuniary Interest and Nature Thereof
 - 3) Committee Reports (per Agenda items)
 - 4) In Camera (Closed) Session
 - 5) 2/3 (special Resolutions – not previously circulated)
 - 6) Return to Regular Session
 - 7) Adjournment
- g) The business of the Council or Committee shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.
- h) The agenda of Regular, Committee of the Whole and Committee meetings will be posted in the Municipal Office, Library, Post Office and on the Municipal website. The posting will occur the Friday prior to the Regular or Committee meeting and/or a minimum of 24 hours prior to any Special or Committee meeting.

RECORDING EQUIPMENT

- 14.
- a) At meetings of Council or Committee's, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the recording secretary of the meeting including but not limited to, members, representatives of any news media whatsoever or members of the public is prohibited unless authorized in advance by the Mayor/Council/Committee.
 - b) When exercising the discretion to authorize the use of equipment such as described in Subsection 14 a) regard shall be had as to whether the use will be a distraction to the meeting and to whether there is a recording secretary present with the capability of providing a complete record of the meeting.

NO QUORUM

15. If no quorum is present fifteen minutes after the appointed start time, the Clerk or recording secretary shall record the names of the members present and the meeting

shall stand adjourned until the date of the next scheduled meeting of Council or until otherwise rescheduled.

CURFEW

16. Council meetings shall stand adjourned at 10:00 p.m. however, business may be continued upon a resolution passed by majority vote.

DUTIES OF THE MAYOR

17. It shall be the duty of the Mayor or other presiding officer:
- a) to open the meeting by taking the chair and calling the members to order;
 - b) to announce the business before Council in the order in which it is to be acted upon;
 - c) to receive and submit, in the proper manner, all resolutions presented by the members;
 - d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - e) to decline to put to vote resolutions which infringe upon the rules of procedure;
 - f) to enforce on all occasions the observance of order and decorum among the members;
 - g) to call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chambers;
 - h) to authenticate by signature all By-laws, Resolutions and Minutes of the Council;
 - i) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
 - j) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
 - k) to ensure that the decisions of Council are in conformity with the laws and Bylaws governing the activities of the Municipal Corporation;
 - l) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
 - m) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists.

CONDUCT OF MEMBERS OF COUNCIL

- 18.** No Member shall:
- a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
 - b) disturb another member of the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
 - c) speak on any subject other than the subject in debate;
 - d) resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
 - e) leave a meeting without first obtaining permission from the Mayor or presiding officer;
 - f) be permitted to retake their seat, being ordered to vacate, having committed a breach of any rules of the Council, until the next meeting and without making an apology to Council;
 - f) interrupt the member who has the floor except to raise a point of order.
- 19.** No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

MOTIONS/RULES OF DEBATE

- 20.** Subject to Subsection 21 and insofar as is practicable, notice of resolutions, except those listed in Subsections 34 & 35, shall be given in writing to the Clerk not later than 12:00 noon on the Thursday preceding the next Regular meeting so that the matter may be included in the Municipal Report section of the Council agenda package.
- 21.** Any emergency or urgent resolution may be introduced without notice, if Council, without debate, agrees on a majority vote to dispense with notice (which historically is known as a 2/3). Such resolution must have a mover and seconder and be presented to the Clerk prior to the start of the meeting.
- 22.** When a resolution as per Section 21 is presented in Council, in writing, it shall be read by the Mayor or presiding officer.
- 23.** A resolution to amend shall:

- a) be presented in writing;
 - b) be dealt with by Council before a previous amendment or the main resolution;
 - c) not be further amended more than once provided that further amendment may be made to the main resolution;
 - d) be relevant to the main resolution;
 - e) not propose a direct negative to the main resolution.
24. Once read or stated by the Mayor or presiding officer a resolution may not be withdrawn without the consent of the majority of the members.
 25. Immediately prior to voting on a resolution, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
 26. After a resolution as amended is finally put, no member shall speak to the question nor shall any other resolution be made until after the vote is taken and the result is declared.
 27. Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.
 28. On an unrecorded vote, the manner of determining the decision on a resolution shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
 29. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote. The Clerk shall ask the Council members present to respond Yea or Nay to the question.
 30. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions.
 31. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
 32. No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

- 33.
- a) Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the Chair and only when recognized to do so.
 - b) When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
34. Any member may require the question or resolution under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
35. The following matters and resolutions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- a) a point of order or personal privilege;
 - b) presentation of petitions;
 - c) to postpone indefinitely or to a specific day;
 - d) to move the previous question (immediate vote on the main resolution).
36. The following resolutions may be introduced without notice and without leave but such resolutions shall be in writing and signed:
- a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the rules of procedure.
37. Except as provided in Subsection 36 all resolutions shall be in writing and signed by the mover and seconder.
38. The Clerk and other officers may introduce matters to be dealt with by resolution so long as appropriate notice is given and the matter appears on the Agenda.
39. Council may, from time to time, employ a confirming Resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-law or Resolution.

POINTS OF ORDER AND PRIVILEGE

40. The Mayor or presiding officer shall preserve order and decide questions of order.

41. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

42. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
43. Every By-law shall be introduced upon resolution by a member specifying the title of the By-law.
44. Every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
45. Every By-law shall be given three readings prior to passage.
46. The first and second readings of a By-law shall be decided without amendment or debate.
47. By-laws may be given three readings on the same day except when requested otherwise by resolution of the majority of the members present or as otherwise provided in law.
48. By-laws shall be numbered, signed by the Mayor or presiding officer and Clerk and embossed with the seal of the Corporation.
49. Any proposed By-law may be withdrawn/referred to Committee, Department Head or other officer for review and comment, including a solicitor for the Corporation.

RECONSIDERATION


50. There shall be no reconsideration of By-laws or Resolutions unless verbal notice thereof is given at the meeting at which the question was decided.
51. After such notice is given, no action shall be taken by Council on the main resolution until such reconsideration is disposed of.
52. After any question has been decided, any member may, if the required notice has been given, at the first regular meeting held thereafter, move for reconsideration thereof by including the Notice of Reconsideration via the Municipal Clerk into the Municipal Report, followed by the By-law or Resolution.
53. No discussion on the main question shall be allowed unless reconsidered.

- 54. If a motion for reconsideration is made at the next meeting, the question shall not be reconsidered unless a majority of the whole Council votes therefore and such vote shall be a recorded vote.
- 55. No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

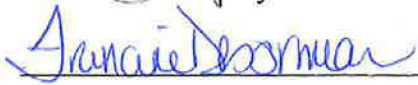
GENERAL

- 56. When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency. The Procurement By-law must be considered by Council.
- 57. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, R.S.O. 1990 Chapter M. 50 as amended.
- 58. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Subsection 13 (d), be limited to not more than ten (10) minutes except when a delegation is present they shall be limited to two (2) speakers with the principal speaker limited to not more than five (5) minutes and the second speaker limited to not more than five (5) minutes.
- 59. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
- 60. Any procedure under this By-law which is discretionary and not mandatory under Statute may be suspended with the consent of a majority of the members present.
- 61. 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 is given under the Notice procedure and the waiving of notice is prohibited.
- 62. That By-law No. 84-15, Section 1.01-11(K) is hereby repealed.
- 63. That this By-law will take effect on the date of passing.

READ, PASSED AND ADOPTED this 14th day of March, 2011.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW 11-08
Affirmation of Confidentiality

I, _____, member of the Council of The Corporation of the Town of Mattawa, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the Town of Mattawa that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me
At the Corporation of the Town of Mattawa
In the District of Nipissing
This _____ day of _____, 20__

Signature _____

A Commissioner, etc.

Confidentiality Agreement

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of The Corporation of the Town of Mattawa in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at Mattawa, Ontario, this _____ day of _____, 20__.

Witness

Signature

CORPORATION OF THE TOWN OF MATTAWA



**CODE OF CONDUCT POLICY
FOR MEMBERS OF COUNCIL
AND LOCAL BOARDS**

BY-LAW 19-08

**Code of Conduct Policy
for Members of Council and Local Boards**

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1. PURPOSE AND PRINCIPLES

This policy outlines a written Code of Conduct which helps ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance public confidence that the Town of Mattawa's elected representatives operate from a base of integrity, justice and courtesy.

The Town of Mattawa Code of Conduct is a general standard that augments the provincial and municipal laws that govern its conduct. It is not intended to replace a Members' personal ethics.

The key statements of principle that underline this Code are as follows:

- a) the decision-making process of Council is open, accessible and equitable and respects the municipality's governance structure;
- b) public office is not to be used for the financial benefit of any Member;
- c) residents of the Town of Mattawa should have confidence in the integrity of their local government and of their Members;
- d) the conduct of each Member is of the highest standard; and
- e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. DEFINITIONS

In this Code:

- a) "Clerk" means the Clerk of The Corporation of the Town of Mattawa;
- b) "Code" means this Code of Conduct as it applies to members of Council and as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- c) "Committee" means a committee, board, ad hoc, task force or other body constituted and appointed by Council, including the Committee of the Whole;
- d) "Complaint" means an alleged contravention of this Council Code of Conduct;
- e) "Complainant" means a person who has filed a complaint in accordance with this Code;
- f) "Confidential Information" means information in the possession of the municipality that the municipality is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or other legislation which includes but is not limited to:
 - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;

- (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
 - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
 - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
 - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - (vii) sources of complaints where the identity of the complainant is given in confidence;
 - (viii) information circulated to Members and marked “confidential”; or
 - (ix) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- g) “Council” means the Municipal Council of The Corporation of the Town of Mattawa;
- h) “Discrimination” means any behavior by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, disability, marital status, or family status, and any other grounds under the provision of the Ontario Human Rights Code;
- i) “Family member” means as defined in the Municipal Conflict of Interest Act;
- j) “Gift” means, cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly to the performance of the Member’s duties;
- k) “Harassment” or “harass” involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:

- (i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
 - (ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- l) “Integrity Commissioner” means the Integrity Commissioner appointed by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- m) “Local Board” means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include the following:
- A society as defined in subsection 2(1) of the Child and Family Services Act, 2017;
 - A board of health as defined in subsection (1) of the Health Protection and Promotion Act;
 - A Committee of management established under the Long-Term Care Homes Act, 2007;
 - A police service board established under the Police Services Act, 2018;
 - A corporation established in accordance with Section 203 of the Municipal Act, 2001.
- n) “Meeting” means any legally-constituted meeting of Council or a Committee;
- o) “Member” means a member of Council and includes the Mayor and Councillor;
- p) “Pecuniary Interest” means an interest as set out in the Municipal Conflict of Interest Act;
- q) “Staff” means direct employees of the municipality whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- r) “Municipality” means the Corporation of the Town of Mattawa; and
- s) “Municipal Property” includes but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the municipality.

3. STATUTORY PROVISIONS

This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council:

- The Municipal Act, 2001;
- The Municipal Conflict of Interest Act
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.

The Criminal Code of Canada also governs the conduct of members of Council.

4. ACCESS TO INFORMATION AND CONFIDENTIALITY

Confidential information includes information in the possession of or received in confidence by the municipality that the municipality is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal of Information and Protection to Privacy Act (MFIPPA) or other legislation.

Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is subject to solicitor-client privilege.

The Municipal Act, 2001, as amended, allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

In accordance with the Procedure By-law a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of such matter, or the substance of deliberations, of the in-camera meeting until Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of information that a member of Council must keep confidential:

- Items under litigation, negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under MFIPPA; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and not prohibited by Council policy.

5. GIFTS

No member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

The following are recognized as exceptions:

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

6. USE OF MUNICIPAL PROPERTY

No member shall use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources (for example, municipal-owned materials, websites) for activities other than the business of the municipality.

Nor shall any member obtain personal financial gain from the use or sale of municipal developed intellectual property (e.g. inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the municipality.

7. POLITICAL ACTIVITY

Members shall not use municipal resources for any type of political activity as outlined in the "Use of Municipal Resources for Election Purposes" policy (Schedule "A" to By-law 18-10) including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

8. UNDUE USE OF INFLUENCE

No member shall use their status as a Member of Council to improperly influence the actions or decisions of staff or others to the private advantage of the member or his or her family, staff, friends or associates, business or otherwise.

9. BUSINESS RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the municipality except in compliance with the terms of the Municipal Conflict of Interest Act.

A member shall not refer to a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

10. CONDUCT AT MEETINGS

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings.

11. REPRESENTING THE MUNICIPALITY

Members shall make every effort to participate diligently in the activities of the agencies, committees and local boards to which they are appointed.

12. RESPECT FOR THE ROLE OF STAFF

Members shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective.

Members must not falsely or maliciously injure the professional reputation of staff members.

Members shall be respectful of the fact that staff carry out the directions of Council and administer the policies of the municipality and are required to do so without any undue influence from any individual member or group of members of Council.

Where a member has a concern about personnel matters, he or she should speak to the Mayor and/or CAO regarding the concern or alternatively raise the issue with Council during a closed session of council.

Members must not invite or pressure any member of staff to engage in partisan political activity not subject staff to discrimination or reprisal for refusing to engage in such activities.

13. HARRASSMENT

No member shall harass any other member, any staff, or any member of the public.

Any complaint of harassment involving a member shall be referred to the Integrity Commissioner.

14. ROLE OF THE INTEGRITY COMMISSIONER

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

The Integrity Commissioner may provide some or all of the following services as determined by the municipality:

- a) Education and training;
- b) Investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
- c) Investigation reports and recommendations, including periodic, interim or final reports and annual reports;
- d) Information to the public regarding the Code and the obligations of Members under the Code and other ethical guidelines or policies; and
- e) Proactive guidance upon request from Council or a Member.

Members seeking information about their responsibilities under this Code of Conduct are encouraged to request advice from the Integrity Commissioner. A request by a Member for advice from the Integrity Commissioner under the Code of Conduct, any procedure, rule or policy of the municipality or of the local board, as the case may be, or for advice respecting their obligations under the Municipal Conflict of Interest Act shall be made in writing. If the Integrity Commissioner provides such advice, the advice shall be in writing.

Advice provided by the Integrity Commissioner to a member may be released with the member's written consent. If a member releases only a part of the advice provided to the member by the Commissioner, the Commissioner may release part, or all of the advice provided to the member without obtaining the member's consent.

Provide an annual report to Council on the activities of the Integrity Commissioner by no later than March 1st of each year. Should no complaints be received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

15. COMPLAINT PROCESS

- 15.1 A complaint that a member has contravened the Code may be initiated by any person, any Member of Council or by Council as follows:
- a) a complaint shall be made in the form attached as Appendix A and is to be sent directly to the Integrity Commissioner by mail, email, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Clerk's office);
 - b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
 - c) the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;
 - d) a complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified.
- 15.2 The Integrity Commissioner shall undertake an initial review of the complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other municipal policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other municipal policy applying to Members or if the complaint relates to the following matters;
- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the Ontario Provincial Police;
 - (ii) **Municipal Conflict of Interest** – if the complaint relates to a matter under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with his or her own legal counsel; and
 - (iii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
 - (iv) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by the Act.
- 15.3 If the Integrity Commissioner determines they do not have jurisdiction to investigate or otherwise deal with the complaint the Integrity Commissioner shall advise the complainant in writing accordingly.
- 15.4 The Integrity Commissioner may dispose a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to

Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavor to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.

- 15.5 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 15.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the member to the complainant with a request for a written reply within ten (10) days.
- 15.7 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any municipal workplace relevant to the complaint, including any documents or records under the custody or control of the municipality.
- 15.8 The Integrity Commissioner shall complete an investigation within ninety (90) days. In circumstances where the Integrity Commissioner requires more than ninety (90) days to complete an investigation the following shall be notified accordingly:
 - a) the complainant;
 - b) the member to whom the complaint relates; and
 - c) the Clerk and presiding officer in the case of a complaint concerning the Head of Council.
- 15.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 15.10 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:

- a) Issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
- b) Provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.

15.11 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

16. PENALTIES

16.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties;

- a) A reprimand; or
- b) Suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days; or
- c) Such other recommendation put forth by the Integrity Commissioner.

16.2 Council may also consider the following actions:

- a) removal of the Member from membership of a committee;
- b) removal of the member as Chair of the committee;
- c) repayment or reimbursement by the Member of the monies received;
- d) return of property by the Member or reimbursement of its value; or
- e) a request for a written and/or verbal apology by the member to Council, the complainant or both.

16.3 Council shall consider and respond to a report from the Integrity Commissioner within thirty (30) days after the day the report is laid before it. Any recommended corrective action shall be designed to ensure that the appropriate behavior or activity does not continue and any reprimand will be in accordance with section 223.4 of the Municipal Act, 2001.

17. ATTESTATION

Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accepted the Code.

I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the Municipal Act, 2001 with respect to the above conduct.

Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax, email or otherwise deliver this request to:

Expertise for Municipalities
1894 Lasalle Blvd
Sudbury, ON
P3A 2A4

(Signature of Requester)

Date

Name (please print)

Address

Home Phone

Cell

Fax

Email



ATTESTATION

I have read and understood this document and agree to abide by its terms. I understand that I may approach the Integrity Commissioner for binding confidential guidance and advice on interpretation of its provisions to prospective decisions that I might make.

With my signature, as a Member of Council, I confirm that I have read, understood and accept this Code of Conduct.

Signature

Date



Schedule 'C' to By-law 18-02

REQUEST TO ADDRESS COUNCIL

If you would like to attend as a delegation before Council for the Town of Mattawa please submit this completed form by mail or in person to the Clerk at the Municipal Office, 160 Water Street Mattawa ON P0H 1V0, or by email to info@mattawa.ca. Staff will contact you once your submission has been received.

Please note that the deadline for delegation requests is the Tuesday at 5:00 p.m. prior to a Regular Council meeting. Regular Council meetings are held in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m.

Your Contact Information:

Name: _____

Phone Number: _____

Email Address: _____

Meeting Information:

Please indicate AT which meeting you would like to address Council:

Date: _____

Alternate Date: _____

Presentation Information:

Name of Organization (if applicable): _____

Name(s) and Title(s) of Presenter(s): _____

Subject Matter: _____

Will you be providing a PowerPoint, image or video for the presentation? Yes No

If Yes: PowerPoints, images or videos are required by 5:00 p.m. on the Friday prior to the meeting.

Privacy & Collection Statement

Personal information including names, addresses, opinions and comments, is collected under the authority of the Municipal Act, 2001. It will form part of the record of the meeting and therefore could be made publicly available. Questions about this collection may be directed to the Clerk.

Accessibility Formats & Accommodations Available

If you require this document in an alternative accessible format, please contact the Town of Mattawa Accessibility Coordinator, Wayne Chaput, at 705-744-5611 ext 203, or by email at wayne.chaput@mattawa.ca.