

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2021-32

A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS FOR THE MUNICIPALITY OF FRENCH RIVER

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

AND WHEREAS the procedure by-law shall provide for public notice of meetings, pursuant to Section 238 (2.1) of the *Municipal Act*;

AND WHEREAS Council deems it expedient to adopt a new by-law to govern the order and proceedings of Council and Committees of the Corporation of the Municipality of French River;

NOW THEREFORE the Council of the Municipality of French River enacts as follows:

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PART 1 - GENERAL

1.1 Short Title

a) This By-law shall be referred to as the ‘Procedure By-law’.

1.2 Definitions

“Advisory Committee” means a committee established by Council which is advisory or consultative in nature with jurisdiction for providing advice and recommendations to Council regarding a specific subject.

“Agenda” means the written order of business.

“Ad hoc Committee” means a special purpose committee with a limited duration, appointed by Council to carry out a specific task and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

“CAO” means the Chief Administrative Officer of the Corporation of the Municipality of French River.

“Chair” means the Mayor or designated presiding officer at a Council or Committee meeting.

“Clerk” means the Clerk of the Corporation of the Municipality of French River or his/her designate pursuant to section 228 of the *Municipal Act, 2001*.

“Closed Session” means a meeting or portion thereof, which is closed to the public pursuant to Section 239 of the *Municipal Act, 2001*.

“Committee of the Whole” means a committee composed of all Members of Council to facilitate discussion, debate and consider reports, by-laws and other matters in a less formal manner.

“Committee” means a committee established by Council and as defined in the Committee’s Terms of Reference, but excludes Committee of the Whole.

“Communications” means all forms of communication with Council, includes but is not limited to the following: Letter, memorandum, report, notice, email, facsimile, petition, brochure, newspaper/magazine article, etc.

“Council” means the Council of the Corporation of the Municipality of French River which is comprised of seven Members, and includes a Mayor and six Councillors from the six Wards in the Municipality.

“Councillor” means a Member of Council of the Corporation of the Municipality of French River, but does not include the Mayor.

“Delegation” means an appearance by a person, group of persons, firm or organization to address Council or a Committee.

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet), and with or without in person attendance;

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of the Municipality of French River; or all or part of the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9.*; and shall mean any period of time when the implementation of significant measures during a pandemic period such as social distancing and avoiding gatherings of individuals are required;

“Emergency Management Act” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9, as amended;

“Majority” means more than half of the votes cast by Members present and eligible to vote.

“Mayor” means the Head of Council of the Corporation of the Municipality of French River.

“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) a quorum of members is present, and
- (b) 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.

“Member” means a Member of Council or a Committee, a person duly elected or appointed to serve on Council or a Committee for the Corporation of the Municipality of French River.

“Municipality” means the Corporation of the Municipality of French River.

“Notice of Motion” means an advance notice to Members on a matter which Council will be asked to take a position.

“Pecuniary Interest” means a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.

“Point of Order” means a matter that a Member considers to be departure from or contravention of the rules, procedures or generally accepted practices of the Council.

“Point of Personal Privilege” means a matter that a Member considers to impugn his/her rights, integrity or that of Council or a Committee.

“Prevailing Member” means any member who voted with the majority on an issue or question that was dealt with by a resolution.

“Quorum” means the majority of the total voting Members required to constitute Council or a Committee. Four (4) Members of Council shall constitute a Quorum of Council.

“Recorded Vote” means recording in the Minutes, the name and vote of each Member present on any matter or question where any Member requests that the vote be recorded.

“Rules of Procedure” means the applicable procedural rules and rules of conduct contained in this by-law.

“Standing Committee” means a Committee which has a continuing existence, comprised of, appointed by and directly reporting to Council.

“Two-Thirds Vote” means the affirmative vote of two-thirds (2/3) of the Members present and eligible to vote.

1.3 Rules of Procedure

- a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and Committees. For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this by-law, the most recent edition of *Robert’s Rules of Order* in existence at the time shall be referred to.
- b) Except as provided elsewhere in this by-law, the rules and regulations contained in this by-law may be temporarily suspended by a two-third majority vote of the Members Present.

1.4 Amendment

- a) Any provision contained in this by-law shall only be amended or repealed by two-thirds vote of the Members present at any meeting of Council, provided that notice of the proposed amendment or repeal is given at a preceding regular meeting, and such notice may not be waived.

PART 2 - ROLES AND DUTIES

2.1 Role of Council

- a) As defined within the *Municipal Act*, Section 224, it is the Role of Council:
 - (1) to represent the public and to consider the well-being and interest of the municipality;
 - (2) to evaluate the policies and programs of the municipality;
 - (3) to determine which services the municipality provides;
 - (4) to ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - (5) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (6) to maintain the financial integrity of the municipality; and
 - (7) to carry out the duties of Council under the Municipal Act, 2001 or any other Act

2.2 Role of the Mayor (Head of Council)

- a) As defined within the *Municipal Act*, Section 225, it is the role of the Head of Council:
 - (1) to act as chief executive officer of the municipality;
 - (2) to preside over Council meetings so that its business can be carried out efficiently and effectively;
 - (3) to provide leadership to the Council:
 - a. (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224(d) and (d.1) of the *Municipal Act*;
 - (4) to represent the municipality at official functions; and
 - (5) to carry out the duties of the Head of Council under the Municipal Act, 2001 or any other Act.
- b) As defined within the *Municipal Act*, Section 226.1, it is the role of the head of council as chief executive officer of a municipality to:
 - (1) uphold and promote the purposes of the municipality;
 - (2) promote public involvement in the municipality’s activities;
 - (3) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and

- (4) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
- c) The Mayor, by virtue of his/her office, shall be an ex-officio Member of all Committees of Council and shall be entitled to vote as a member of such Committees but is not counted in the quorum.

2.3 Role of the Deputy Mayor

- a) In the absence of the Mayor, the Deputy Mayor shall preside at meetings.
- b) The Clerk shall prepare a resolution for the first regular meeting of Council, and every other regular Council meeting held in December of each year to appoint a Deputy Mayor from the Members of Council to act in the absence of the Mayor for the duration of that year.

2.4 Duties of the Chair

- a) The duties of the Chair are:
 - (1) To open the meeting by taking the Chair and calling the Members to order;
 - (2) To announce the business before the Council in the order in which it is to be acted upon;
 - (3) To receive and submit, in the proper manner all motions presented by the Members;
 - (4) To put to a vote all questions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the results of such vote;
 - (5) To decline to put to a vote motions which infringe upon the rules of procedure;
 - (6) To enforce on all occasions the observance of order and decorum among the Members and guests;
 - (7) To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;
 - (8) To authenticate by signature all By-laws, resolutions and minutes of the Council;
 - (9) To inform the Council or Committee when necessary, or when referred to for the purpose, on a point of order;
 - (10) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
 - (11) To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation and Committees;
 - (12) To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting;
 - (13) To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
 - (14) To call a 5 minutes rest period every hour of the meeting;
 - (15) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or other place of meeting, as the case may be;
 - (16) To adjourn the meeting without question in the case of any person or group who refused to vacate the place of meeting after being ordered to do so by the Chair.
- b) The Chair may state the relevant facts on any matter, including his/her position on any matter either before the commencement of debate on any matter, or without entering into further debate, may speak to close the debate on any matter after all Members wishing to speak has spoken.
- c) If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place until the debate is closed and in such case the Chair waives his/her privilege to close the debate. The Member acting in the Chair's place may close the debate.

2.5 Duties of the Clerk

- a) As defined within the *Municipal Act*, Section 228(1), a Municipality shall appoint a Clerk whose duty it is:
 - (1) to record, without note or comment, all resolutions, decisions and other proceedings of the Council;
 - (2) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
 - (3) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
 - (4) to perform the other duties required under this Act or under any other Act; and
 - (5) to perform such other duties as are assigned by the Municipality.

2.6 Role of the Chief Administrative Officer

- a) The Chief Administrative Officer shall be appointed by by-law and is responsible to Municipal Council for the efficient management and general control of the administration of the Corporation's various administrative departments.
- b) All reports and recommendations of department heads shall be coordinated through the Chief Administrative Officer.

2.7 Role of the Municipal Administration

- a) As defined within the *Municipal Act*, Section 227, it is the role of the officers and employees of the municipality:
 - (1) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
 - (2) to undertake research and provide advice to council on the policies and programs of the municipality; and
 - (3) to carry out other duties required under this or any Act and other duties assigned by the municipality

PART 3 - MEETINGS

3.1 Location of Meetings

- a) Council Meetings shall be held in the Council Chambers in the Municipal Complex located at 44 St. Christophe Street, Noëlville or in such other location as determined by the Council.
- b) Council may, by Resolution passed by a majority of the Members present, dispense with or alter the date, time or place of a meeting, provided that adequate notice of the change is posted at the Municipal Office and provided that the location be within the boundaries of the Municipality.

3.2 Notice of Meetings

- a) The schedule of Council Meetings for the following calendar year shall be prepared by the Clerk and published on the municipal website.
- b) Notice of a meeting shall be provided in the form of an Agenda. The Agenda shall be posted on the bulletin board at the municipal office and on the municipal website by the end of day on the Friday prior to the scheduled meeting.

3.3 Cancellation and Rescheduling of Meetings

- a) Council, by Resolution, may cancel or reschedule any meeting at a preceding Regular Meeting.
- b) The Mayor may cancel any meeting if notice has been given that a quorum will not be available to conduct a meeting.

3.4 Staff Participation

- a) Officers and employees shall attend meetings as required by Council or the Chief Administrative Officer in order to assist and support the Members and may leave the meeting after their presentation.
- b) Members shall, whenever possible, communicate their concerns, raise questions or clarify issues to Staff in advance of discussing them at a Meeting. Requests for reports or direction to employees shall be by Resolution of Council. See also the Council/Staff Protocol attached as Appendix 'A'.

3.5 Inaugural Meeting

- a) The first meeting in a new term of Council shall be held at 6:00 p.m. in the Council Chamber of the Municipal Complex on the first Wednesday in December following a regular election.
- b) At the Inaugural Meeting, each Member present shall make his/her declaration of office and sign the Council's Code of Conduct, and Council shall not proceed with any regular business at this meeting.

3.6 Regular Meetings

- a) Regular Meetings of Council shall be held on the First and Third Wednesday of each month commencing at 6:00 p.m., except for the First Wednesday in January, the Third Wednesday in July, the First Wednesday in August and the Third Wednesday in December.
- b) The Clerk shall prepare in consultation with the Mayor and CAO the Regular Meeting Agendas in the following Order of Business:
 - 1. Call to Order and Roll Call
 - 2. Adoption of the Agenda
 - 3. Disclosure of Pecuniary Interest
 - 4. Delegations
 - 5. Reports and Items for Consideration
 - 6. Consent Agenda
 - 6.1 Adoption of Minutes
 - 6.2 Receipt of Minutes
 - 6.3 Items for Consideration or Information
 - 6.4 By-laws
 - 7. Notice of Motion
 - 8. Announcements and Inquiries
 - 9. Closed Session
 - 10. Adjournment

3.7 Special Meetings

- a) The Mayor, may at any time call a Special Meeting of Council by providing written direction to the Clerk stating the date, time and purpose for the special meeting.
- b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting of Council for the purpose, date and time as stated in the petition.
- c) In either circumstance, the Clerk shall give notice of a special meeting and its purpose to the public and all Members at least twenty-four (24) hours prior to holding the meeting.
- d) On urgent or extraordinary occasions, the Mayor may call a special/emergency meeting without the notice provided in Section 3.8 (c).

3.8 Closed Meetings

- a) All meetings of the Council and its Committees shall be open to the public. Council may, by resolution, close a meeting or part of a meeting to the public in accordance with s. 239 (2), (3) and (3.1) of the Municipal Act, as amended and attached as Appendix “C”.
- b) When a closed session is required, it may be held prior to 6:00 p.m. Except for opening the meeting, approving the agenda, obtaining declarations of pecuniary interest and the holding of a closed session, all other matters on the agenda shall not be addressed prior to 6:00 p.m.
- c) Prior to moving into a closed meeting, the Committee/Council shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered. The Members shall retire from the Council Chambers to the Boardroom, unless otherwise determined by Council, and all persons not specifically invited to attend the closed meeting may remain in the Council Chambers. When in Closed Session, no one shall leave and re-enter the meeting room without the approval of the Chair.
- d) Minutes of the closed meetings shall be kept in the form of Minutes, as those kept for open sessions and shall be adopted at the next scheduled closed meeting and kept in a secure location by the Clerk.
- e) Voting shall take place in open session, however Council may vote during a closed meeting if the meeting was permitted or required by s. 239(2) or (3) of the *Municipal Act* and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or to persons retained by the Municipality. All votes under s. 239(6) of the *Municipal Act, 2001* shall be taken in accordance with the voting process set out in this Bylaw, as applicable, including the requirement of a mover and seconder and a written resolution.
- f) Upon resuming in open session, the Chair shall provide a verbal report to the public on the disposition of items discussed in closed meeting without revealing any confidential security, personal, personnel or legal matters.
- g) Members shall not release, make public or in any way divulge any confidential information or any aspect of Closed Session deliberations, unless expressly authorized or required by law.

3.9 Committee of the Whole Meetings

- a) Council may move into Committee of the Whole following a motion to do so, duly moved and seconded.

- b) The Deputy Mayor shall be the Chair of the Committee of the Whole meetings.
- c) The rules set out in this By-law continue to apply during a meeting of the Committee of the Whole, except that Members may speak more than once on a matter, provided that every Member who wishes to speak has done so.

PART 4 - MEETING PROCEDURES

4.1 Agendas

- a) The Clerk shall accept items for any Agenda from Staff, the Mayor or Chair, and from Members of Council or Committee up to the Agenda deadline, seven (7) full days before the meeting date.
- b) The Clerk shall prepare and distribute the Agenda along with supporting material for Council Meetings (as much as feasibly possible) to Council Members and to all Department Heads and publish the Agenda not less than four (4) working days before the meeting date. Committee Agendas, insofar as practicable, shall be done two (2) working days prior to the meeting.
- c) The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda; however the Chair, with the general agreement of the majority of the Members present may vary the order in which the items are presented.
- d) All items on the Agenda not dealt with at a meeting shall be placed on the Agenda for the next meeting unless otherwise decided by resolution passed by a majority of the Members present.
- e) Amendments and/or additions to the proposed Agenda presented after the closing of the deadline for preparation of the Agenda and prior to the meeting, which are considered as being urgent and/or require the immediate attention of Council shall be considered during the Approval of the Agenda and require a two-thirds majority vote to be added. Items added to the Agenda shall be added under the respective area of the agenda.

4.2 Consent Agendas

- a) The purpose of the Consent Agenda is to approve matters of repetitive or of routine nature for convenience and for expediting the meeting. Council may, by one resolution adopt the Consent Agenda in its entirety. Members of Council who wish to address and debate a specific item on the Consent Agenda may identify such items, which shall be extracted and dealt with separately while all other Items remaining are voted on collectively. The balance of the Consent Agenda items shall be adopted in one resolution, however are recorded separately in the minutes of the meeting.

4.3 Call to Order and Quorum

- a) The Chair shall call the Members to order as soon as there is quorum after the time set for the start of the meeting. Once the Chair has called the meeting to order, the Clerk shall record in the minutes those Members who were present, and those Members absent. If a member arrives after the roll call, the Clerk shall note the time of arrival in the minutes.
- b) The Mayor shall Chair Meetings unless he/she is unavailable or has a conflict, in which case the Deputy Mayor will Chair. If the Mayor or in the case where a quorum is present and the Mayor has not attended within ten (10) minutes after the time appointed, the Deputy Mayor shall call the Members to order and assume the Chair during the meeting for as long as the Mayor is absent.

- c) In the absence of the Mayor and the Deputy Mayor, and if a Quorum is present, the Clerk shall call the Members to order. An Acting Chair shall be chosen from the Members by the Members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor.
- d) In the event that a quorum is not present within thirty (30) minutes after the designated start time of the meeting, the Clerk shall indicate that no Quorum is present and record the names of the Members present and the meeting shall stand adjourned until the next Meeting called in accordance with the provisions of this by-law.
- e) Members of Council are encouraged to notify the Clerk, or designate, when the Member is aware that he/she will be absent from any meeting of Council.

4.4 Disclosures of Pecuniary Interest

- a) When a Member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the member shall act in accordance with the Municipal Conflict of Interest Act, as amended (attached as Appendix “D”) and declare a pecuniary interest.
- b) If the Chair has disclosed a pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the Chair during the deliberations on that matter.
- c) The Member disclosing a pecuniary interest, shall at a meeting or no later than 48 hours after declaring the pecuniary interest, file a written statement of the interest and its general nature with the Clerk on the Declaration of Interest Form.
- d) The Declaration of Interest Form, as prepared by the Clerk, shall form part of the Registry. The Registry shall be made available for public inspection and kept up to date, no later than 72 hours following the declaration, at the Clerk’s Office during regular office hours and posted on the Municipal Website.

4.5 Adoption of Minutes

- a) It is the duty of the Clerk to duly record, without note or comment, all resolutions, decisions and other proceedings of the Council or Committee, the place, date and time of the meeting, the names of the Members in attendance and the absence of any Members and the reason for their absence, if known.
- b) The Clerk shall present the minutes of previous Meetings to Council for adoption. During the adoption of the minutes of a previous meeting, no changes can be made in the action taken at previous meetings of Council or Committee, except for changes in the form of errors. Omissions in the recording of any action taken at the previous meeting may be made in adopting the minutes.

4.6 By-laws

- a) Every proposed by-law presented to Council shall include the title, number, the number of required readings if more than one is mandated by statute and the authority under which the by-law is being proposed or a descriptive recital setting out the by-law’s purpose.
- b) Every By-law:
 - (1) shall be introduced by motion specifying the title of the By-law and its purpose;
 - (2) shall be presented in printed format and shall contain no blanks except as may be required to conform to accepted procedure, or to comply with provisions of any Act;
 - (3) shall have three readings previous to it being passed;

- (4) shall have the first and second reading decided without amendment or debate;
 - (5) shall be open to debate and amendment before it is ordered for third reading; and
 - (6) may be given three readings on the same day except when requested otherwise by a Resolution passed by a majority of the Members present, or unless provided by law or if the Clerk has received statements from members of the public contesting the by-law.
- c) A majority of Council present may request that the Clerk read a by-law or by-laws for clarification or benefit of the public. If reading is not required, all by-laws will be considered to have been read.
 - d) All amendments to a By-law shall be presented in the form of a resolution and shall be voted on before the By-law is ordered for the third reading. The Clerk shall be authorized to provide a copy of the By-law, as amended, and shall be responsible for its correctness when amended.
 - e) Every by-law enacted by Council shall be numbered, indicate the date of passage, be signed by the Mayor and the Clerk, and be affixed with the corporate seal.
 - f) A Confirmation By-law shall be passed at each Regular and Special Meeting of Council to confirm the decisions of Council.

4.7 Announcements and Inquiries

- a) Announcements and Inquiries may be made by Members of Council and the Public with permission of the Chair. This section of the Agenda allows an opportunity to make brief verbal comments, reports such as conference, meeting, event and/or training attendance, announcements of community events and inquiries pertaining to items on the current Agenda for the purpose of clarification only, and shall not be used to table new items that require Council's/Committee's consideration. Inquiries and announcements made by members of the public shall be directed to Council only.
- b) The Announcements and Inquires section of the Agenda may be cancelled, at the discretion of Council, without notice, by resolution passed by two-thirds of the Members present.

4.8 Adjournment

- a) All regular meetings shall stand adjourned when the Council has completed all items as listed on the Agenda or at 10:00 pm. In the event the business before Council has not been completed by 10:00 pm., then Council, by resolution passed by a majority of the Members present may approve an extension of the meeting to the hour of 10:30 pm. At 10:30 pm. the unfinished business shall be deferred to the next Regular Council Meeting of Council, unless continued by the unanimous consent of all Members present.

4.9 Electronic Participation at Meetings During Declared Emergencies

- a) Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting during an Emergency in accordance with section 238 of the Municipal Act, 2001.

- b) The Clerk shall be authorized, in consultation with the Mayor, to establish Procedures for Electronic Meeting during a Declared Emergency to determine the appropriate and available technology to provide electronic means of participation in each meeting and to amend the procedures, provided that it allows for the following to occur simultaneously:
 - (1) ability to conduct essential municipal business during an Emergency in accordance with Council's Procedure By-law;
 - (2) that each participant may hear any persons authorized to speak, or watch and hear, each other;
 - (3) rules to be enacted for the conduct of debate and voting; and
 - (4) the public to hear, or watch and hear, the participation of all the members of Council and the meeting proceedings.
 - (5) the Procedures and any amendments will be circulated to all Members of Council and posted to the Municipality's website.
- c) A member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a quorum of members is present at any point in time in accordance with section 4.3, Call to Order and Quorum, of this by-law and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- d) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this bylaw.
- e) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- f) Delegations shall only be permitted at the discretion of the Clerk, in consultation with the Mayor, and must be specific to the emergency or a pressing matter of municipal business.
- g) Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means.
- h) There shall be no Announcements and Inquiries section on any Agenda for an Electronic Meeting. The public are encouraged to view the Agenda prior to the meeting and submit any questions, comments or inquiries relating to an item on the agenda to the Clerk at clerk@frenchriver.ca by 4:00 PM on the date of the meeting.

PART 5 - COMMUNICATIONS, DELEGATIONS AND PETITIONS

5.1 Written submissions for Council

- a) Every petition, communication or correspondence intended to be presented to Council shall be delivered to the Clerk by at least 12:00pm six (6) working days prior to the meeting date. If it is not received by the said deadline, it shall be placed on the Agenda of the following meeting. It must be legible and not contain any defamatory allegations and shall be signed by the author(s) and their return mailing address must be noted thereon.

5.2 Petitions

- a) Petitions may be submitted by residents in accordance with the Municipality's Petition Policy.

5.3 Delegations

- a) A delegation may be heard at a Committee Meeting or at a Regular Council Meeting provided that the following requirements are complied with:
 - (1) A written request on the prescribed Delegation Request Form is submitted to the Clerk at least six (6) working days prior to the Meeting at which the delegation was requested; and
 - (2) Submission of documentation supporting the request to be presented to Council
- b) The Clerk in consultation with the Mayor, shall make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Committee or Department Head and shall reply to such delegation requests in writing or by telephone, as time permits, indicating approval, refusal, deferral or referral of the delegation and reasons thereof.
- c) A delegation shall have up to fifteen (15) minutes to make its presentation. The Clerk shall monitor the time at the commencement of the delegation presentation. The Chair shall, at the conclusion of the fifteen minutes, inform the delegation that the time limit has been reached. The time limit may be extended by such amount of time as the Council or Committee deems advisable upon general agreement.
- d) A maximum of two (2) persons shall be permitted to address the Members for each delegation representing a group or organization. Delegations are encouraged not to repeat information presented by an earlier delegation.
- e) No more than two (2) delegations shall be allowed at any meeting. Delegations will be provided in the order in which they were received by the Clerk.
- f) Delegations shall abide by the Rules of Conduct as set out in Section 5.4 and shall:
 - (1) not speak on any subject other than the subject for which they have received approval to address;
 - (2) not enter into cross debate with other delegations, administration, Members or the Chair;
 - (3) not appear for the purpose of publicly announcing a local event; and
 - (4) refrain from public outbursts, shouting, or behavior intended to disrupt the debate, discussion and/or general proceedings of the Meeting
- g) If a Delegation does not comply with the Rules of Conduct, the Chair may restrict any delegation, any questions of a delegation or debate during a delegation the person or persons appearing shall withdraw from the delegation table, and the decision of the Chair shall not be subject to challenge.
- h) Upon the completion of a presentation by a delegation, any discourse between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation. Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted.

- i) The Clerk is given authority to refuse delegations that are not permitted under the following circumstances:
 - (1) The request is not submitted within the time required in Section 5.3 a);
 - (2) No written submission together with handouts or materials is provided with the request to appear;
 - (3) The subject matter is deemed to be beyond the jurisdiction of Council;
 - (4) The issue is specific to a labour/managerial dispute, or other matter properly held in Closed Session;
 - (5) The issue has been or is to be considered by the Committee of Adjustment;
 - (6) Council has previously made a decision on the issue.
- j) In the event a delegation request is refused, the Clerk, in consultation with the Mayor shall provide to the person(s) in writing, with a copy to Council, the reasons for the refusal.
- k) Despite Section 5.3 a) herein, any person may request to make a presentation to Council at a Meeting, respecting an item on the Agenda provided that:
 - (1) The request is made to the Clerk prior to 3:00 pm on the day of the meeting, and
 - (2) The request is approved by a majority of the Members present and if approved by Council or Committee, such delegation shall be placed as the final delegation on the Agenda;
 - (3) Not more than 1 delegation shall be added under the provisions of this article;
 - (4) The subject matter does not pertain to a matter dealt with by Council in Closed Session under the provisions of the Municipal Act.

5.4 Conduct of Members of the Public

- a) No person at a meeting shall:
 - (1) speak aloud at a meeting or address Members without first receiving permission of the Chair to do so;
 - (2) speak disrespectfully of any persons;
 - (3) use profane or offensive words or insulting expressions against the Council or Committee or against any member, staff or guest;
 - (4) resist the rules of Council or Committee or disobey the decisions of the Chair or of Council or Committee on questions of order or practice or upon the interpretation of the rules of Council;
 - (5) leave his seat or make any noise or disturbance while a matter is being considered or discussed by Council or Committee or while a vote is being taken and until the results of such vote are declared;
 - (6) cause any disturbance to the Council or Committee or staff or guest or any person in attendance;
 - (7) interrupt any member while speaking through speaking out, noise or disturbance;
 - (8) enter the meeting while a vote is being taken;
 - (9) be permitted to attend another meeting of Council or Committee after being ordered to vacate, having committed a breach of any rule of Council, and without having first met with the Mayor or Chair and the Chief Administrative Officer, and having satisfied the Mayor that their conduct at future meetings will be in conformity to the rules of this By-law.

PART 6 - RULES OF CONDUCT AND DEBATE

6.1 Rules of Conduct and Debate - General

- a) Council and Committee Members shall govern themselves according to Council's Code of Conduct.

- b) Members shall:
 - (1) act in accordance with their Declaration of Office;
 - (2) refrain from speaking to a question or motion, until the Member has been recognized by the Chair, all remarks shall be respectfully made through the Chair,
 - (3) not use indecent, offensive, or insulting expressions, at any time, toward other Members, members of the administration, delegations or members of the public;
 - (4) not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability;
 - (5) speak only to the subject under debate;
 - (6) not leave their seat, or make any noise or disturbance while a matter is being considered or discussed by Council; while a vote is being taken or until the results are declared;
 - (7) not enter a meeting while a vote is being taken;
 - (8) not disturb another member, staff or guest, or conduct themselves in a disorderly manner disturbing the speaker or the assembly;
 - (9) not interrupt any Member while speaking by speaking out, making noise or creating a disturbance except to raise a point of order;
 - (10) not leave a meeting without first obtaining permission from the Chair;
 - (11) obey the rules of the Council or a decision of the Chair, or Council, on a Question of order, or upon the interpretation of the Rules of Council.
- c) A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.
- d) The Member will be permitted to retake his/her seat provided the Member has apologized to Council.
- e) The member who moves a main motion has the first right of speaking on that motion, and the seconder has the right of speaking second on the motion.

6.2 Point of Order

- a) The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting. The minutes will reflect the Point of Order, and the Chair's ruling.
- b) Any Member may at any time raise a Point of Order to call attention to what the Member believes to be a violation of the rules of procedure.
- c) The member shall, when once recognized by the Chair, state the point of order with concise explanation and the Chair shall rule upon the point of order.
- d) When a Point of Order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.
- e) Unless a Member immediately appeals the ruling of the Chair, the Chair's ruling shall be final.
- f) If an appeal is made, the Member appealing shall state the reasons for the appeal and the Chair may offer reasons in favour of upholding his or her ruling and the Members shall vote on the appeal without debate.

- g) If the appeal is upheld, then the Chair shall change his/her ruling accordingly or if the appeal is rejected, then the Chair's ruling stands and no further avenues of appeal are allowed.

6.3 Point of Privilege

- a) Where a Member considers that the Member's rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, but not so as to interrupt a speaker who has the floor, for the purpose of drawing the attention of the Council to the matter.
- b) Upon being recognized by the Chair, the Member shall state the question of privilege and the Chair shall rule whether the question is properly one of privilege and admissible. The Chair's ruling shall be final and subject only to appeal to the Council.
- c) An appeal to the Council will be by verbal Motion duly seconded and requires a majority vote to overturn the Chair's ruling. The appeal Motion is not debatable and the result of the vote is final.

PART 7 - MOTIONS

7.1 Motions - General

- a) Members of Council or Committee, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law.
- b) All motions shall be moved and seconded before being read and prior to any debate on the question; when it is adopted it becomes a Resolution.
- c) Any member may require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another member who is speaking.
- d) A motion properly before the Council for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.

7.2 Order of Precedence of Motions

- a) Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order (lowest rank is 13):

(1)	Fix the time to Which to Adjourn	Privileged and Undebatable
(2)	Adjourn	Privileged and Undebatable
(3)	Recess	Privileged and Undebatable
(4)	Raise a Question of privilege	Privileged and Undebatable
(5)	Call the orders of the Day	Privileged and Undebatable
(6)	Lay on the Table	Secondary and Undebatable
(7)	Previous question	Secondary and Undebatable
(8)	Limit/extend limits of debate	Secondary and Undebatable
(9)	Postpone to a certain time	Secondary and Debatable
(10)	Refer	Secondary and Debatable
(11)	Amend	Secondary and Debatable
(12)	Postpone indefinitely	Secondary and Debatable
(13)	Main Motion	Debatable

7.3 Motions Introduced Orally

- a) The following matters may be introduced orally, without written notice and without leave:
 - (1) a point of order or personal privilege;
 - (2) a motion to defer;
 - (3) a motion to amend;
 - (4) a motion to refer;
 - (5) a motion to table the question;
 - (6) a motion to vote on the question;
 - (7) a motion to suspend the rules of procedure;
 - (8) a motion to recess;
 - (9) a motion to adjourn.

7.4 Dispensing with Notice

- a) A motion may be introduced without notice, if Council, without debate, dispenses with notice, on the affirmative two-thirds vote of the Members present.

7.5 Request to Divide a Question

- a) When the motion under consideration contains several distinct propositions, a Member may require that each proposition be voted on separately (known as ‘splitting the motion’), provided the Member receives the support of a majority of the Members present.
- b) If a Member objects to the division, the Chair will call the vote on the question or whether the motion should be divided; a simple majority is required to divide the question and is not debatable.

7.6 Notice of Motion

- a) Notice of all new motions, except motions listed in Section 7.3, shall be given in writing in the appropriate motion format and delivered to the Clerk prior to the Wednesday preceding the date of the Council meeting at which the matter is to be considered. Such notices shall be included in the Agenda for that meeting under the item “Notice of Motion”.
- b) A Notice of Motion, in writing, may also be received by the Clerk prior to the closing of the meeting and in this event, the Chair or Clerk shall read the motion and it shall be duly recorded in the minutes without debate, and shall form part of the Agenda for the subsequent meeting under the item “Notice of Motion ”.
- c) A motion for which notice was given in accordance to this By-law must be moved and seconded at the meeting on which it appears on the Agenda for debate.

7.7 Request for permission to withdraw or modify a Motion

- a) Before the motion is stated by the Chair, it belongs to the mover of the motion and he/she can withdraw it or modify it without the permission of Council.
- b) If the Member who seconds the motion withdraws his/her second from the modified form, the Chair can ask for another seconder to the motion.
- c) Before the Chair opens the discussion and/or debate on the motion, another member can ask the chair if the mover of the motion will accept a change in the motion. The mover can either accept or reject the proposed change. (this may be referred to as a ‘Friendly Amendment’). If the mover rejects the proposed change, the member suggesting the change can propose a formal amendment after the motion has been open for discussion and/or debate by the Chair.

- d) Once a motion has been stated, it shall be deemed to be in possession of Council, but at any time, the member who moved a motion may request permission of the Council to withdraw or modify the motion before a decision or an amendment. Permission to withdraw is not debatable. If there is no objection, the motion is withdrawn with general consent. If there is an objection, anyone may second the motion to withdraw and the Chair puts it to a vote.
- e) A withdrawn motion is not recorded in the minutes unless the motion has been properly moved and seconded.

7.8 Motion to Amend

- a) An amendment is designed to alter or vary the main motion without materially changing its intent or meaning. It may propose certain words be omitted, replaced or added. Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented. A motion to amend a motion in possession of Council shall;
 - (1) be made only to a previous question or to amend an amendment to the question;
 - (2) be relevant to the motion not contrary to the main intention of the motion;
 - (3) be voted on first, prior to the main motion;
 - (4) not be in order if, in essence, it constitutes a rejection of the main question.

7.9 Motion to Refer

- a) A motion to refer the question should include;
 - (1) the name of the body or official to whom the question is to be referred;
 - (2) instructions respecting the terms upon which the question is to be referred.
- b) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.

7.10 Motion to Postpone or Defer

- a) A motion to defer shall;
 - (1) include a reason for the deferral, and a fixed date to which the matter is differed.
 - (2) takes precedence over any motion or amendment except a motion to adjourn;
 - (3) be debated, however, the debate must be limited to the advisability of the proposed postponement;
 - (4) only be amended to change the length of the postponement;

7.11 Motion to Postpone Indefinitely

- a) The motion to “Postpone Indefinitely” allows Council to avoid making a decision on a main motion by delaying the decision to an undetermined time beyond the current meeting.
- b) If the motion to “Postpone Indefinitely” is carried, the matter may not be brought back at the same meeting. If the motion is defeated, discussion on the main motion continues.
- c) The motion is debatable (only to outline the reasons why the motion should or should not be dealt with immediately) but not amendable and requires a majority vote.

7.12 Motion to Reconsider

- a) When a Council or Committee has decided either for or against a certain question, it shall not reconsider the same question for a period of one (1) year.

- b) Notwithstanding the above paragraph, only a Member on a prevailing side can make a motion to reconsider. In the event of a resolution that was defeated due to an equality of votes, both sides shall be considered as prevailing.
- c) A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration and requires a two-thirds (2/3) vote of the Members present.
- d) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- e) A member may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered.
- f) If the motion to reconsider the vote is carried, the motion being reconsidered is taken up immediately as if it had never been voted on; procedurally, it is considered a newly made main motion and all rights of the Members are renewed with regard to debate.
- g) No more than two motions to reconsider the same questions shall be permitted in the same calendar year.

7.13 Ultra Vires Motion

- a) A motion in respect of a matter which is beyond the scope of power (ultra vires the jurisdiction) or legislative authority of Council shall not be in order.

7.14 Motion to Adjourn

- a) A motion to adjourn the Council or to end the debate (Call the Question) shall always be in order, except:
 - (1) when a Member is speaking;
 - (2) during the taking of a vote;
 - (3) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
 - (4) when a Member has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
 - (5) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

PART 8 - VOTING

8.1 Voting - General

- a) Every Member present at a meeting shall vote on the question unless prohibited by statute or this by-law, if prohibited from voting, the Clerk shall record in the minutes the name of the Member and the reason that he or she is prohibited from voting. If a Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.
- b) Voting shall be by way of a 'show of hands' in favor or against, except when a recorded vote is requested by any Member.
- c) The Chair, except where disqualified to vote, may vote on all questions and when it could affect the result of the vote, and when so doing, shall vote last.

- d) The Chair shall announce the results of the vote once the vote is completed and the Clerk shall record as follows:
 - (1) if passed, “Carried”;
 - (2) if not passed, “Defeated”; or
 - (3) if tied (equal votes), “Defeated”.
- e) After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- f) When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair. A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.
- g) If there is no request for a recorded vote, a member may request the Clerk to record his/her vote only, either for or against the question, as the case may be.

8.2 Recorded Vote

- a) Any Member may request a recorded vote immediately before or after the taking of a vote. The Clerk shall call by name the Members present in random order except for the Chair whose name shall be called last. Each Member present who is not disqualified from voting by statute or this By-law shall announce his vote openly. The Clerk shall record each Member’s vote in favour or against the question and announce the result of the vote.

PART 9 - COMMITTEES OF COUNCIL

- a) Council may, from time to time, establish Advisory Committees, Ad Hoc Committees, Committees of Council or Standing Committees, in response to specific issues requiring immediate or long term attention. No Committee shall have departmental jurisdiction.
- b) When establishing a Committee, Council shall adopt Terms of Reference that shall define the following provisions:
 - (1) the name of the Committee;
 - (2) the type of Committee;
 - (3) the composition of the Committee;
 - (4) the method in filling vacancies;
 - (5) the purposes and objectives of the Committee; and
 - (6) the term of the Committee, which shall not exceed the term of Council unless required by statute.
- c) At the first regular meeting of the new term of Council, or as soon thereafter as is reasonable, Council shall appoint Members to the Committees as required. Stakeholders and citizens shall be recruited in a public and transparent manner.
- d) The Minutes of the Committees of Council shall be adopted by each respective Committee and shall be forwarded to Council in a timely manner, to be received as information.
- e) Reports and recommendations of Committees shall be received and considered by Council on an ongoing basis.

PART 10 - APPENDIXES

Appendix “A” - Council/Staff Protocol

Appendix “B” - Council Code of Conduct

Appendix “C” - Municipal Act, Section 239 (1)(2)(3)(3.1)

Appendix “D” - Municipal Conflict of Interest Act and Declaration Form

PART 11 - ENACTMENT

That By-law 2017-02 is hereby repealed.

This by-law shall come into force and take effect immediately upon the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 19th DAY OF MAY, 2021.**

**APPENDIX “A”
to Procedure By-law 2021-32**

**COUNCIL/STAFF PROTOCOL
(Adopted by Resolution #2007-253)**

Preamble

This protocol has been developed by staff members and reviewed by the Council of The Municipality of French River, in order to clarify roles and expectations and to support highly effective working relationships. It is intended to be reviewed at the beginning of each term of a new Council (at least once every four years).

This Council/Staff Protocol augments the existing Oath of Office sworn by each Council member, the Code of Conduct for Municipal staff, Council Code of Conduct and other related Municipal policies and procedures.

Corporate values documented within the municipality’s current policies provide a solid basis for realizing our joint mission: "To respond to the needs of our community in a timely, innovative and effective manner, through teamwork and partnerships."

1. ROLES

Role clarification and sensitivity are fundamental to the success of our working relationship and there are some shared aspects of Council/staff protocol. Both Council and staff are expected to enhance public education about the political process by providing context and process information about decision making. Policy making and implementation move along a continuum, with different roles at different times. Both Council and Municipal staff are required to have a solid understanding of the following:

1.1 Roles of Council and Staff:

- demonstrate commitment to communication and consultation among ourselves and with the general public;
- show leadership, relying on our knowledge and judgment, and respond based upon our areas of expertise;
- maintain confidentiality, confidential issues will be dealt with *in camera* at Committee and Council meetings.

1.2 Council Role:

- to govern and provide political direction;
- to ensure that management systems work properly, establishing vision, goals, determining needs and outcomes to be achieved, and empowering effective staff performance;
- to determine corporate policy and make decisions about issues following consultation with Municipal staff and community residents;
- to respond to constituent concerns, to keep Municipal staff informed, to be open to discussion, and to ask when clarification is needed.

Elected representatives do not have an administrative managerial role in the day to day business of the organization.

1.3 Municipal Staff Role:

- to provide timely reports to Council outlining factors that will assist in their decision making process, research policy issues as required, provide sufficient information based upon analysis and best professional expertise and judgment. Timely information ensures that Council Members are provided information early enough to allow for review and consultation. Timeliness also ensures that deadlines and commitments requiring adjustment are communicated proactively, rather than after the fact.
- to implement Council's decisions;
- to manage and identify the means for achieving corporate goals and outcomes;
- to provide appropriate follow-up to Council inquiries, to keep Members of Council up to date and informed, to be open to discussion, and to ask when clarification is needed.

Municipal staff does not have a political role.

2. HIGHLY EFFECTIVE WORKING RELATIONSHIPS

Given that staff and the elected representatives are all individuals with different personalities and styles, there must be some flexibility within the guidelines for working relationships. In all cases, we commit to the following requirements of a highly effective working relationship together:

2.1 Respect

A formal relationship exists between Municipal staff and Members of Council. This will ensure that all members of staff and Council are treated equitably without favoritism. A chain of command exists to deal with issues of significance. Council Members are encouraged to discuss clarification of reports and related information directly with the author of the report. Issues, additions, changes and/or challenges to the content of any report are to be addressed to the CAO in order to ensure an appropriate Department response. The CAO may suggest direct consultation with other staff members and/or continue open communication through the department heads. All staff should feel comfortable responding appropriately to straightforward Council requests, advising their supervisors of the inquiry. Any response to a request for information from a member of Council between Committee and Council meetings on a subject will be answered in writing and circulated to all Council Members.

2.2 Consultation and Community Responsiveness

We share a commitment to communication and consultation among ourselves and with the general public. We believe in community involvement in decision making and accept our shared responsibility to ensure effective community responsiveness. We rely on the Municipality's customer attitude survey to help us remain focused and to determine areas for improvement.

Staff is encouraged to provide information memos and reports for inclusion in the Information Package distributed to Council Members in their Agenda Packages. Department heads also receive the information package which eliminates the need for additional copies of memos and reports. Confidential information will be provided on yellow paper, sealed in an envelope labeled with the individual Council member's name. Where memos and reports are not included in the information package, copies to the department heads, administration, and Members of Council are the responsibility of the originator of the information.

3. EXPECTATIONS

The expectations outlined here are intended to enhance trust in our staff/council relationships. Staff directions are expected when Municipal-wide issues are being discussed. Where an issue impacts upon residents of only one ward, the Ward Councillor will expect the appropriate follow-up. Where a Municipal-wide issue or project is located within one ward, staff are expected to direct residents to their Ward Councillor rather than the Councillor where the issue or project is located.

Similarly, the Deputy Mayor is expected to represent the Mayor at Municipal-wide functions and the Ward Councillor, rather than the Deputy Mayor, is expected to represent the Mayor at occasions related to specific ward issues.

No Surprises - Open lines of communication are essential.

3.1 It is Expected that Council Members Will:

- request staff input prior to making important policy decisions and convey feedback to staff;
- discuss issues with staff and advise staff of questions prior to committee meetings whenever possible;
- request advice from the CAO/Clerk about the appropriate wording of motions, amendments, and formal staff directions in accordance with the Procedural By-law;
- consult with staff prior to making commitments to constituents.

3.2 It is Expected that Staff Will:

- Ensure that council is apprised of any issues that may impact upon their decision making process;
- Present a departmental or corporate perspective, in writing, at Council or in person at Committee. In answer to questions, where a department position may not be available, staff may clarify if they are comfortable that, "Although I cannot speak for the Department, my professional opinion....."
- Notify Council of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion;
- Through senior staff convey feedback to Council Members who may not be aware of existing policy or other workload demands and related issues.

3.3 Time is valuable

Priorities and timelines must be respected. All must make good use of time, understanding the other's demands, being well prepared for meetings, and communicating if there are changes to the timelines. When asked to complete a task, clarify the timeline: "Is this needed today?", "Could I get it for you next week?"..... Staff will spend time on larger assignments only as directed by Council. Larger assignments include community wide issues, complex or contentious issues.

4. PROTOCOL

4.1 Forms of Address

Delegations will be addressed formally as "Mr., Mrs., or Ms" at Committee and Council meetings and all will be addressed by first initial and last name or last name only in minutes.

At any public function, including social events to which members of the public are invited, the terms "elected representatives", "Councillors" or "Mayor" (rather than "politicians") and formal address are expected. Introduce "Mayor... last name" or "Councillor... last name" to members of the public. Sensitive or difficult situations may also suggest formal address. In an informal situation where members of the public are not present or during a work group meeting that has established a relationship among the members, Council and Municipal staff may wish to communicate on a first name basis.

All written correspondence requires formal titles (Councillor... Mayor...). By telephone, ask for Councillor... or Mayor... Providing your office phone number on written material and e-mail will assist Council in contacting you.

Be aware that while a close working relationship of staff and elected representatives is important, Councillors and the Mayor are elected symbols of democracy and fill public office. There is a line between the staff role and the elected representative role and the distinction is important to keep in mind at all times.

4.2 Office Environment

Council Members will announce their presence with the Administrative Assistant upon arrival in order to identify who they wish to see and announce their arrival to the staff member.

Appointments are recommended to ensure that both parties are able to meet prepared, and able to give their undivided attention to the contents of the meeting.

4.3 Invitations

Invitations for Municipal officials to attend functions should be provided at least three (3) weeks in advance of the Mayor's or Councilor's requested attendance. Ideally, contact should be in the planning stages to ensure that the desired representatives will be available. In planning events, staff is encouraged to avoid Wednesdays.

4.4 Social Events

Various social events take place which municipal employees and Members of Council jointly attend. Staff are to ensure that all Members of Council, or none, are invited to social functions, whether municipally sponsored, staff or other in nature.

When the general public attends a social function, both Municipal staff and Council Members are representatives of the Municipality. The openness of these events helps build rapport and fosters a team/partnership feeling when handled appropriately. In any social venue, all are encouraged to enjoy themselves, keeping in mind their "professional hats".

**APPENDIX “B”
to Procedure By-law 2021-32**

**Council Code of Conduct
(Adopted by By-law 2018-53, November 21, 2018)**

**BEING A BY-LAW TO AUTHORIZE THE ADOPTION
OF A COUNCIL CODE OF CONDUCT**

WHEREAS Section 223.2 (1) of the *Municipal Act, 2001*, authorizes 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 FOR THE MUNICIPALITY OF FRENCH RIVER
ENACTS AS FOLLOWS:**

1. That Council adopts the Council Code of Conduct for the Municipality of French River identified as Schedule “A” attached hereto and forming part of this by-law.
2. That the Council Code of Conduct shall apply to all Members of Council. This Code of Conduct also applies equally to all Members of Boards and Committees of the Municipality, whether or not a Member of that Board or Committee is also a Member of Council.
3. That Members of Council, Committee Members, and Board Members of the Municipality of French River shall acknowledge their receipt and understanding of the Council Code of Conduct by signing and dating the Acknowledgement of Understanding and Compliance form.
4. That any amendments to the Council Code of Conduct shall be acknowledged by Members of Council, Committee and Board Members of the Municipality of French River, by re-signing and dating the Acknowledgement of Understanding and Compliance Form.
5. That this Council Code of Conduct shall apply to all future Members of Council, Members of Committees, and Board Members of the Municipality of French River.
6. That a vote of two-thirds of all Council Members be required to amend or repeal this by-law.
7. That this by-law shall come into full force and effect upon its passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 21st DAY OF NOVEMBER 2018.**

Schedule ‘A’ - By-law 2018-53
Code of Conduct for Members of Council, Committees and Local Boards
of the Municipality of French River (“Members”)

1. Purpose and Policy Statement

The Council Code of Conduct is a public declaration of the principles of good conduct and ethics that are expected by Members.

Members are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations and to carry out their duties in a fair, impartial, transparent and professional manner. A Code of Conduct aims to ensure public trust and confidence in the Municipality’s decision making and operations. Adherence to these standards will protect and maintain the Municipality’s reputation and integrity of its decision making process. In addition, it is meant to assist Members in understanding the standards of conduct that are expected of them so that they may fulfill their duty to act honestly and with care and diligence.

2. Statutory Provisions Regarding Conduct

This Council 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:

- a) The Municipal Act
- b) The Municipal Conflict of Interest Act (MCIA)
- c) The Municipal Elections Act (MEA)
- d) The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- e) The Ontario Human Rights Code (OHRC)
- f) The Provincial Offences Act (POA)
- g) The Criminal Code of Canada (CCC)
- h) The Occupational Health and Safety Act (OHSA)
- i) The Accessibility for Ontarians with Disabilities Act (AODA)

3. Application

This Code of Conduct applies to all Members of Council. It also applies equally to all Members of Boards and Committees of the Municipality, whether or not a Member of that Board or Committee is also a Member of Council.

4. General Principles and Values

Members shall:

- a) respect the role of Council as set out in the *Municipal Act*;
- b) support the mission, vision and values of the Municipality;
- c) respect the decision-making process of Council by accurately communicating the decision reached by the majority of Council, even if they disagree with the outcome;
- d) maintain professionalism, integrity, respect, and trust;
- e) promote open, accountable and transparent local government; and
- f) encourage public respect for the Municipality, its by-laws and policies.

5. Definitions

In this Code of Conduct, the following terms have the meanings set out below:

- a) **“Chief Administrative Officer” or “CAO”** shall mean the employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council.
- b) **“Child”** includes a child born within or outside of marriage and includes an adopted child and a person to whom the Member has demonstrated a settled intention to treat as a child of his or her family.
- c) **“Closed/In-Camera Meeting”** means any meeting of Council, Committee of the Whole, Standing Committee or Board that is closed to the public in accordance with the *Municipal Act*.
- d) **“Confidential Information”** includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under MFIPPA, or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at Closed/In-Camera Meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.
- e) **“Council”** means the Council of the Municipality of French River.
- f) **“Ethically”** means behaving in a manner characterized by honesty, fairness and equality in interpersonal relationships and with respect for the dignity and rights of other people.
- g) **“Family Member”** includes:
 - i. A Spouse of the Member;
 - ii. A Child of the Member;
 - iii. A Parent of the Member;
 - iv. A Sibling of the Member, whether by birth, marriage or adoption;
 - v. A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
 - vi. A Parent-in-law of the Member; and
 - vii. Any person who lives with the Member on a permanent basis.
- h) **“Gift”** means any cash or monetary equivalent, fee, object of value, service, personal benefit or advantage, favour, travel and accommodation or entertainment. A gift does not include remuneration.
- i) **“Harassment”** includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*.

- j) **“Member”** includes the elected Head of Council, an elected member of Council and all members of Boards and Committees of the Municipality.
- k) **“Municipality”** means the Municipality of French River.
- l) **“Parent”** includes those persons who demonstrated a settled intention to treat as a child the Member, whether or not the Member is their natural child.
- m) **“Pecuniary Interest”** means an interest of the Member that is financial in nature.
- n) **“Spouse”** means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside of marriage.
- o) **“Staff”** includes anyone employed by the Municipality, including full-time, part-time, temporary, casual or seasonal Staff, contract Staff, students and volunteers. In accordance with the *Municipal Act*, Council Members are not considered employees of the Municipality.

6. Standards of Behaviour and Conduct

6.1 General Conduct

Members shall:

- a) treat members of the public, one another, and Staff with respect;
- b) ensure their work environment is free from discrimination, Harassment, bullying and intimidation;
- c) conduct themselves according to legislative and policy requirements;
- d) observe decorum and conduct themselves as outlined in the Procedure By-law;
- e) refrain from personal attacks on other Members, Staff, the public, or any other person.
- f) refrain from speaking in a manner that is discriminatory to any individual based on that person’s race, ancestry, creed, gender, sexual orientation, age, colour, marital status, or disability;
- g) acknowledge that only Council as a whole has the capacity to direct Staff including the CAO.

6.2 Confidentiality and Use of Information

- a) All information, including documentation or deliberations received, reviewed or taken Closed/In-Camera Meetings is considered Confidential Information, except as otherwise directed by Council;
- b) All information circulated in Closed/In-Camera Meetings whether or not it is marked confidential and/or privileged, shall be returned to the Clerk for destruction;
- c) Members shall not disclose or release by any means to any member of the public either in verbal or written form any Confidential Information acquired by virtue of their office, except when required by law or when authorized by Council or the CAO;

- d) Members shall keep all information that is circulated to Members confidential. Any documentation marked Confidential Information shall be kept securely until no longer required in the course of Municipal business and shall at that time be destroyed by the Member or returned to the office of the CAO for destruction;
- e) Requests for information should be referred to the Clerk to be addressed in conformity with the *Municipal Freedom of Information and Protection of Privacy Act*;
- f) Members will not use information gained in the execution of their duties that is not available to the general public for any purpose other than as directed by Council;
- g) Members shall not access or attempt to gain access to Confidential Information in the custody of the Municipality unless authorized by Council or the CAO;
- h) The obligation to keep information Confidential applies even if the Member ceases to be a Member for any reason.

6.3 Conduct at Meetings

Every Member shall conduct themselves with decorum and professionalism at all Council, Committee, Board and other meetings in accordance with the provisions of the applicable Procedure By-law, this code, and other applicable law.

6.4 Conduct at Public Events

Members may be requested to make public presentations outside of Council, Committee, Board and other meetings or to attend public events as representatives of the Municipality. At any such event, every Member shall conduct themselves with dignity and decorum, in a manner befitting of a representative of the Municipality.

6.5 Conflict of Interest

- 6.5.1 Members must be familiar with and comply with the *Municipal Conflict of Interest Act*, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, a Board or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the *Municipal Conflict of Interest Act*.
- 6.5.2 For purposes of this Code of Conduct, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.
- 6.5.3 In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
- b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and

6.5.4 Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

6.5.5 Every Member has the following obligations:

- a) to make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) to make Council or the Board or Committee aware of the potential conflict of interest and where appropriate declare the interest;
- c) to refuse to participate in the discussion of Council, the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) to refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
- e) if the matter which creates the conflict of interest is discussed during a Closed/In-Camera Meeting, the Member may not attend that portion of the closed session where that matter is discussed.

6.5.6 Members shall not borrow money from any person who regularly does business with the Municipality unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

6.5.7 Members shall not act as a paid agent before Council or its committees, agencies or boards.

6.6 Gifts, Hospitality & Other Benefits

6.6.1 The objective of these policies is to ensure that Members make decisions based on impartial and objective assessments of each situation free from the influence of gifts, favours, hospitality or entertainment.

- 6.6.2 Any stipend paid to a Member is intended to fully remunerate the Member for their service to the Municipality.
- 6.6.3 Members are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commissions, hospitality, rewards, advantages or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Member.
- 6.6.4 This policy does not preclude Members from accepting:
- a) token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Municipality at an event;
 - b) political contributions that are otherwise offered accepted and reported in accordance with applicable law.
 - c) food and beverages at meetings, banquets, receptions, ceremonies or similar events.
 - d) food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;
 - e) a stipend from a board or commission that the Member serves on as a result of an appointment by Council;
 - f) reimbursement of reasonable expenses incurred in the performance of office;
 - g) reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
 - h) gifts of a nominal value less than \$25 that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office; and
 - i) services provided without compensation by persons volunteering their time for election campaign, provided the services are properly valued in accordance with the *Municipal Elections Act*.
- 6.6.5 Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the Clerk. The gift shall become the property of the Municipality, and the Clerk may require that the gift be retained by the Municipality or be disposed of for charitable purposes in Council's sole discretion.
- 6.6.6 Members who have accepted a Gift in accordance with section 6.6.4 shall file a disclosure statement citing the nature of the Gift and the section 6.6.4 exception with the Clerk within 30 days of receipt. The disclosure shall also contain details of the circumstances in which the Gift was received, and the estimated value. The Clerk will report to Council on a monthly basis a summary of Gifts received and the nature of the exceptions.

6.7 Interaction with Staff

- 6.7.1 Members shall not:
- a) publicly criticize or threaten Staff in any way that questions their professional reputation, competence or credibility;
 - b) interfere with Staff or the CAO's performance of their duties;
 - c) compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or

- d) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

6.7.2 Operational inquiries and complaints received from the public shall be addressed by Members as follows:

- a) Members who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution;
- b) where the member of the public is reluctant to contact the department directly, the Member should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution;
- c) members of the public should be encouraged to provide their issue/matters of concern in writing to the appropriate department;
- d) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, the Member shall refer the member of the public to the Municipality's complaint policy for any further action, or place the matter on an agenda to be dealt with by Council or the appropriate Committee.

6.7.3 Members shall recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations objectively, in the best interests of the Municipality and within the requirements of their profession.

6.7.4 Council, acting as a whole, can dictate, through the CAO, that Staff perform such duties as are necessary for the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Individual Council members do not have authority to direct Staff.

6.7.5 Board and Committee Members do not have the authority to direct Staff, with the limited exception of any Staff member assigned by Council to that Board or Committee. Ultimately, Council retains the discretion to assign, remove and direct Staff who provide assistance to any Board or Committee.

6.7.6 The role of the CAO and Department Heads is to direct the day to day management of the Municipality and assign duties to the Staff placed under their supervision. To encourage the efficient management of the Municipality, individual Members must be cognizant of that fact and comply with the following:

- a) Members will respect and adhere to the policies set by Council, and will under no circumstances take it upon themselves, individually, to circumvent established policies.
- b) Council, as a body, and Members, as individuals, will liaise with the CAO, Treasurer, Department Heads, or Supervisors only. This requirement is not designed to interfere with the normal flow of information with those Staff members (Administrative Assistants, Clerk, Committee Secretaries) who have been assigned the responsibility of providing information to Members such as meeting times, copies of documents, information on standard operating procedures, etc.

- c) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered in s. 6.7.2 above, should be directed to the Department Head or Supervisor.
- d) Members who still have concerns about operational issues, after addressing them with the Department Head or Supervisor, should raise these concerns with the CAO.
- e) Members who still have concerns about operational issues after addressing them with the CAO should raise these concerns at the appropriate Committee and/or Council.
- f) Should information be required by individual Council Members, a request must be made of the appropriate Department Head, with a copy to the CAO. The Department Head will either respond directly, with a copy to the CAO or discuss with the CAO on who is the appropriate Staff member to respond, whichever is appropriate. This practice ensures that the CAO is aware of the request and/or that the request is addressed in a timely manner in the event the Department Head is absent or in the case of an urgent matter.
- g) Information requests that are time intensive should be approved by Council.

6.8 Expenses

- 6.8.1 Members are required to adhere to any relevant policies, procedures and guidelines with respect to any expenses included in the budget (such as, but not limited to: mileage reimbursement, conference and seminar attendance, and corporate promotional products).
- 6.8.2 Falsifying of receipts or signatures by a Member is a serious breach of this Code of Conduct and the Criminal Code of Canada and could lead to prosecution.

6.9 Use of Municipal Property and Resources

- 6.9.1 Members may only use municipal property, equipment, services or supplies of consequence for purposes associated with the discharge of official duties or associated community activities to the extent such resources are not otherwise available to the general public.
- 6.9.2 Members will comply with corporate policies related to the use of municipal assets, including but not limited to municipal vehicles, municipally owned computers, internet and email.
- 6.9.3 Members will not seek or gain personal benefit from municipal services, or from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Municipality.

6.10 Media and Public Communications

- 6.10.1 Information related to decision and resolutions of Council, a Board or Committee, as the case may be, will normally be communicated to the community by the Head of Council (Mayor), the Chair of the Board or Chair of the Committee, as the case may be, or his or her designate.
- 6.10.2 Members will accurately communicate the decisions of Council/Committee/Boards, even if they disagree with the majority decision, and by doing so affirm the respect for and integrity in the decision making process of Council, Committees and Boards. A Member may state that he/she did not support the decision, or voted against the decision, and may give reasons why.

- 6.10.3 Members at all times shall refrain from speculating or reflecting upon the personal motives of other Members of Council or Staff, or being unduly judgmental or critical of other members or of Staff when communicating with the media or the public.
- 6.10.4 If a Member is involved in an issue outside the Member's own ward, the Member shall inform the Ward Councillor of such involvement and shall make reasonable efforts to invite the Ward Councillor to any meetings in conjunction therewith unless:
- a) the issue is clearly of Municipality-wide significance and the Members shall therefore advise Council as a whole, or;
 - b) the Member is the Chair of the Committee handling the matter or the Mayor.

7. Municipal Elections

- 7.1 Members of Council must conduct themselves in accordance with the provisions of the *Municipal Elections Act*, in addition to legislation and policies in place during their term of office.
- 7.2 Members of Council shall respect the role of the Clerk and Staff in the election process, shall not interfere with the Clerk or designate's discharge of their duties during the election process, and understand that their role is to ensure that all candidates are treated equally.
- 7.3 The use of municipal resources, both actual municipal property and Staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office.
- 7.4 Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

8. Integrity Commissioner – Advice and Complaint Process

8.1 Advice

- 8.1.1 Members may request advice or opinions from the Integrity Commissioner with respect to:
- a) the obligations of the Member under the *Municipal Conflict of Interest Act*;
 - b) the obligations of the Member under this Code; and
 - c) the obligations of the Member under a procedure, rule or policy of the Municipality governing the ethical behaviour of the Member.
- 8.1.2 Every request for advice or opinion shall be submitted in writing to the Integrity Commissioner, and the Integrity Commission shall advise the Clerk that a request has been received.
- 8.1.3 The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.
- 8.1.4 Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this entitlement.

- 8.1.5 The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.
- 8.1.6 Council may require any Member to undertake training with the Integrity Commissioner where Council determines that the Member has requested opinions and advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code of Conduct and the *Municipal Conflict of Interest Act* to enable the Member to govern his or her conduct without seeking advice unnecessarily.

8.2 Role of the Integrity Commissioner

- 8.2.1 The Integrity Commissioner shall be appointed by By-law of the Municipality.
- 8.2.2 The Integrity Commissioner shall operate independently of Council in accordance with the authority and powers granted by the Municipal Act and the Public Inquiries Act.
- 8.2.3 The Integrity Commissioner may delegate his or her duties and powers to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the Clerk and shall set out the precise delegation, including the duration of the delegation.
- 8.2.4 Any delegation shall be at the sole discretion of the Integrity Commissioner, provided that the delegate is qualified and capable of independently undertaking the work.
- 8.2.5 The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offence or the breach of other legislation (other than the Municipal Conflict of Interest Act), the Integrity Commissioner shall refer the investigation to the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.
- 8.2.6 The Integrity Commissioner shall prepare and submit to Council an Annual Report that shall include at a minimum:
- a) a break-down of costs incurred for the following categories of work performed (advice/investigations/dispute resolution/training);
 - b) a summary of the nature of requests made and the resolution of the matters, without providing any confidential information in the Report; and
 - c) any recommendations for improvements to this Code or processes or any procedure, rule or policy of the Municipality governing the ethical behaviour of the Member.

8.3 Informal Complaint Process

- 8.3.1 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
- 8.3.2 Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may address their concerns in the following manner and in accordance with section 8.5:

- a) Advise the Member of their belief that their behaviour or activity contravenes this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*;
- b) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) If applicable, confirm to the Member the satisfaction or dissatisfaction with his or her response to the concern identified;
- d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter;
- e) If not satisfied with the response received through the informal process, consider the need to pursue the matter in accordance with the formal complaint through the Integrity Commissioner, as outlined in this Code of Conduct.

8.4 Formal Complaint Process

8.4.1 Any individual who has identified or witnessed behaviour or activity by a Member that they believe is in contravention of this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may submit a formal complaint to the Clerk of the Municipality in accordance with the following conditions and section 8.5:

- a) All formal complaints must be made using the prescribed complaint form and shall be dated and signed by the complainant.
- b) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, list any witnesses, and include any evidence in support of the complaint. The Integrity Commissioner may request additional information from the complainant or other relevant persons prior to making an assessment.

8.4.2 If the Commissioner has not completed an investigation before nomination day for a regular election, he or she shall terminate the inquiry on that day.

8.4.3 If an inquiry is terminated under section 8.4.2, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be re-commenced.

8.4.4 The following rules apply during the period of time starting on nomination day for a regular election, and ending on voting day in a regular election (the “Election Period”):

- a) There shall be no requests for an inquiry about whether a Member has contravened this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*;
- b) The Commissioner shall not report to Council about whether, in his or her opinion, a Member has contravened this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*; and
- c) Council shall not consider whether to impose any penalties on a Member.

- 8.4.5 The Clerk shall forward all complaints to the Integrity Commissioner. The Clerk shall also provide notice to Council by way of confidential internal communication that a complaint has been filed, but no details of the complaint shall be provided other than the fact that a complaint has been received, and whether it is a complaint under this Code of Conduct, the *Municipal Conflict of Interest Act* or other policy.
- 8.4.6 If the Integrity Commissioner is of the opinion that the referral of a matter to him or 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. The Integrity Commissioner shall communicate this position in writing to the complainant and the Member identified in the complaint.
- 8.4.7 Any person who has reasonable grounds to believe that a Member has breached this Code of Conduct may proceed with a complaint and request an investigation. Complaints must be submitted within ninety (90) days after the alleged violation occurred or the alleged violation came to the attention of the complainant. No complaint may be filed under any circumstances where the alleged violation occurred more than six (6) months prior to the complaint being filed.

8.5 Complaints Under the Municipal Conflict of Interest Act

- 8.5.1 Complaints under sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may only be submitted on or after March 1, 2019 by an elector as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, by filing the complaint with the Clerk the prescribed form.
- 8.5.2 No complaint under section 8.5.1 may be submitted more than six (6) weeks after the complainant became aware of the alleged contravention.
- 8.5.3 A complaint under sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may only be submitted in accordance with this section and section 8.4 above.
- 8.5.4 In the event that a complainant becomes aware of the alleged contravention within the period of time starting six (6) weeks before nomination day in an election year, the complainant may submit a complaint within six (6) weeks after the day after voting day, provided that the complainant includes in their written request for an investigation a statutory declaration attesting to the fact that the complainant became aware of the contravention not more than six (6) weeks before the date of the request, or in the case where a complainant became aware of the alleged contravention prior to nomination day, a declaration that the facts were not known to the complainant more than six (6) weeks prior to nomination day.
- 8.5.5 Where an investigation has not been completed before nomination day in an election year, the Integrity Commissioner shall terminate the investigation on that day.
- 8.5.6 An investigation terminated pursuant to subsection 8.5.5 shall not be recommenced unless the person who made the request, or the Member whose conduct is at issue, applies in writing to the Integrity Commissioner to re-commence the investigation within six (6) weeks after voting day.
- 8.5.7 The Integrity Commissioner shall complete the investigation within 90 days of receipt of the complaint, unless the investigation is terminated in accordance with subsection 8.5.5.

- 8.5.8 The Integrity Commissioner may, after completing an investigation, apply to a judge in accordance with the *Municipal Conflict of Interest Act* for a determination under the Act. Prior to making an application to court, the Integrity Commissioner shall present to Council a request to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made. The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion.

8.6 Complaints Outside Integrity Commissioner Jurisdiction

If the complaint is not, on its face, a complaint with respect to non-compliance with this Code of Conduct or the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or complaint procedure under another policy, the Integrity Commissioner shall refer the complaint to the appropriate entity for investigation, advise the complainant in writing, suspend the investigation until after the matter has been finally disposed of, and report the suspension of the investigation to Council.

8.7 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 the matter may be successfully pursued, and both the complainant and the Member agree, efforts may be pursued as per Section 8.3 to achieve an informal resolution at the discretion of the Integrity Commissioner.

8.8 Investigation

- 8.8.1 If a complaint has been identified as being within the Integrity Commissioner's jurisdiction and not rejected in accordance with this Code or the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall commence an investigation.
- 8.8.2 The Clerk shall inform Council of the Integrity Commissioner's decision to investigate.
- 8.8.3 The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the Member whose conduct is in question with a request that any response to the allegation(s) be provided in writing to the Integrity Commissioner within ten (10) days.
- 8.8.4 The Integrity Commissioner shall provide a copy of any response from the Member to the complainant with a request for any response to be provided in writing to the Integrity Commissioner within ten (10) days.
- 8.8.5 The Integrity Commissioner shall provide a copy of any response provided by the complainant to the Member with a request for any response to be provided in writing to the Integrity Commissioner within ten (10) days.
- 8.8.6 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any Municipal work location relevant to the complaint for the purpose of investigation and potential resolution and exercise all powers granted by the *Municipal Act* for this purpose.
- 8.8.7 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.

8.8.8 Reasonable extensions to the above time lines may be granted by the Integrity Commissioner.

8.9 Final Report

- a) The Integrity Commissioner shall report to Council, the Complainant and the Member generally no later than 90 days after the official receipt of the complaint (including a complaint under the *Municipal Conflict of Interest Act*). If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise Council of the date the report will be available.
- b) If during the investigation process, the complaint is resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days.
- c) If the report of the Integrity Commissioner finds that a breach of the Code has occurred, the Integrity Commissioner shall report his or her findings to Council, including a recommendation as to the imposition of a penalty or sanction.
- d) If the report of the Integrity Commissioner finds that there has been no breach of the Code, or that a breach occurred, however, the Member took all reasonable measures to prevent it, or the breach committed was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall set this out in a report to Council, the Member involved and to the complainant.
- e) Where a Member has sought and followed advice from the Integrity Commissioner and is subsequently the subject of a complaint, the Integrity Commissioner may refer to the earlier advice and, provided that the facts as set out in the earlier advice are still applicable, determine in a summary manner that there has been no breach of this Code of Conduct or the *Municipal Conflict of Interest Act*.
- f) Council shall consider the report of the Integrity Commissioner within thirty (30) days of it being received by the Clerk and shall take action it considers appropriate with regard to the recommendations of the Integrity Commissioner.

8.10 Confidentiality of Complaint Documents

- a) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- b) The Integrity Commissioner shall retain all records related to the complaint and investigation.
- c) The Clerk shall ensure confidentiality is maintained during and after the Integrity Commissioner's investigation, with the limited exception of the Integrity Commissioner's Report, which shall be made public as directed by Council.

8.11 Enforcement and Sanctions

8.11.1 Every Member shall comply with this Code of Conduct and sections 5. 5.1 and 5.2 the *Municipal Conflict of Interest Act*. Breaches may be investigated by the Integrity Commissioner in accordance with this Code, the *Municipal Act* and the *Municipal Conflict of Interest Act*, and Council shall determine whether to impose any penalty or sanction on a Member found to have breached any provision of this Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

8.11.2 Every Member shall cooperate with an investigation carried out by the Integrity Commissioner.

8.11.3 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member that has contravened this Code of Conduct or sections 5. 5.1 or 5.2 of the *Municipal Conflict of Interest Act*:

- 1) A reprimand;
- 2) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or local board, as the case may be for a period of up to 90 days.

8.11.4 The Integrity Commissioner may also recommend that Council impose one of the following additional actions:

- a) Written or verbal public apology;
- b) Removal from membership of a Committee or Board.
- c) Removal as Chair of a Committee or Board.
- d) Ask the Member to repay or reimburse the compensation received.
- e) Ask the Member to return property or reimburse for the value of it.
- f) Any other fair and reasonable sanction given the circumstances.

9. Acknowledgement of Understanding and Compliance with this Code of Conduct

The undersigned Member of Council, Committee, and/or Board of the Municipality of French River hereby acknowledges receipt of a copy of the Council Code of Conduct By-law No. 2018-53 and agrees to abide by its contents. The Member also acknowledges this form will be kept on file with the Municipality of French River, and a copy of this signed form was retained by the Member themselves.

Printed Name of Member

Signature of Member

Date

Signature of Clerk or designate (as witness)

Code of Conduct Formal Complaint Form and Affidavit

Complainant Information		
Name:		
Mailing Address:		
City:	Province:	Postal Code:
Home Telephone:		Cell Number:
Email address:		

Please note that it is an offence under the Criminal Code of Canada to knowingly swear/affirm a false affidavit.

I, _____ (full name) of the
_____ (municipality of residence) in the
Province of Ontario make oath and say (or affirm):

1. I have personal knowledge of the facts as set out in this affidavit. (insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that: (specify name of Member)

_____ has contravened section _____ (specify section(s)) of the Code of
Conduct for Members of Council. The particulars are as follows: (Please provide information such as
date, time and location of conduct, names of all persons involved, including witnesses, and information
as to how they can be reached. Attach additional pages if necessary.):

3. This affidavit is made for the purpose of requesting that this matter be investigated and for no improper purpose.

SWORN (or AFFIRMED) before me at the (Town, Municipality, etc)

in the Province of Ontario on the _____ day
of _____, 20_____.

Signature (to be witnessed by Commissioner)

A Commissioner, etc.

Municipal Conflict of Interest Act Complaint Form and Affidavit

Complainant Information		
Name:		
Mailing Address:		
City:	Province:	Postal Code:
Home Telephone:		Cell Number:
Email address:		

Please note that it is an offence under the Criminal Code of Canada to knowingly swear/affirm a false affidavit.

I, _____ (full name) of the
_____ (municipality of residence) in the
Province of Ontario make oath and say (or affirm):

1. I have personal knowledge of the facts as set out in this affidavit. (insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that: (specify name of Member)

_____ has contravened section(s) _____ (specify section(s)) of the
Municipal Conflict of Interest Act -i.e. section 5, 5.1 and/or 5.2). The particulars are as follows: (Please
provide information such as date, time and location of conduct, names of all persons involved,
including witnesses, and information as to how they can be reached. Attach additional pages if
necessary.):

3. This affidavit is made for the purpose of requesting that this matter be investigated and for no improper purpose.

SWORN (or AFFIRMED) before me at the (Town, Municipality, etc)

in the Province of Ontario on the _____ day
of _____, 20_____.

Signature (to be witnessed by Commissioner)

A Commissioner, etc.

APPENDIX “C” to Procedure By-law 2021-32

Municipal Act, 2001 [S.O. 2001, Chapter 25](#)

Consolidation Period: From January 1, 2018 to the [e-Laws currency date](#).
Last amendment: [2017, c. 34, Sched. 35, s. 28](#).

Meetings

Meetings open to public

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

- (2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - (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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Other criteria

- (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
- (a) 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; or
 - (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or training sessions

(3.1) A meeting of a 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:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

APPENDIX “D” to Procedure By-law 2021-32

Municipal Conflict of Interest Act R.S.O. 1990, CHAPTER M.50

Consolidation Period: From March 8, 2018 to the [e-Laws currency date](#).

Last amendment: 2018, c. 3, Sched. 5, s. 37.

Legislative History: 1994, c. 23, s. 2; 1996, c. 32, s. 76; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156; 1999, c. 6, s. 41; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. C, s. 33; 2006, c. 32, Sched. D, s. 10; 2007, c. 7, Sched. 27; 2007, c. 8, s. 219; 2009, c. 33, Sched. 21, s. 7; 2016, c. 23, s. 58; 2017, c. 10, Sched. 3; 2018, c. 3, Sched. 5, s. 37.

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Definitions

1 In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

- (a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and
- (b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in section 1 of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2018, c. 3, Sched. 5, s. 37)

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219; 2016, c. 23, s. 58.

Section Amendments with date in force (d/m/y)

1997, c. 31, s. 156 (1) - 01/01/1998; 1999, c. 6, s. 41 (1) - 01/03/2000

2002, c. 17, Sched. F, Table - 01/01/2003

2005, c. 5, s. 45 (1, 2) - 13/06/2005

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006; 2006, c. 32, Sched. D, s. 10 - 01/01/2007

2007, c. 8, s. 219 - 01/07/2010

2016, c. 23, s. 58 - 01/01/2017

2018, c. 3, Sched. 5, s. 37 - not in force

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 10, Sched. 3, s. 1)

Principles

1.1 The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interests of members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c. 10, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 1 - 01/03/2019

Indirect pecuniary interest

2 For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3 For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

Section Amendments with date in force (d/m/y)

1999, c. 6, s. 41 (2) - 01/03/2000

2005, c. 5, s. 45 (3) - 13/06/2005

EXCEPTIONS

Where s. 5 does not apply

4 Section 5 does not apply to a pecuniary interest in any matter that a member may have,

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 4 of the Act is amended by striking out “Section 5 does not” at the beginning of the portion before clause (a) and substituting “Sections 5 and 5.2 do not”. (See: 2017, c. 10, Sched. 3, s. 2)

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (1) - 01/01/2007

2017, c. 10, Sched. 3, s. 2 - 01/03/2019

DUTY OF MEMBER

When present at meeting at which matter considered

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 5 of the Act is amended by adding the following subsection: (See: 2017, c. 10, Sched. 3, s. 3)

Exception, consideration of penalty

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. 2017, c. 10, Sched. 3, s. 3.

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 3 - 01/03/2019

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections before the heading "Record of Disclosure": (See: 2017, c. 10, Sched. 3, s. 4)

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

Influence

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

Exception

(2) However, if a municipality delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the *Municipal Act, 2001* or subsection 160 (5) of the *City of Toronto Act, 2006* to a person or body, and the person or body is considering exercising that power with respect to a member, subsection (1) of this section does not prevent the

member from attempting to influence any decision or recommendation of the person or body that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

RECORD OF DISCLOSURE

Disclosure to be recorded in minutes

6 (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 10, Sched. 3, s. 5)

REGISTRY

Requirement to establish registry

6.1 (1) Every municipality and local board shall establish and maintain a registry in which shall be kept,

- (a) a copy of each statement filed under section 5.1; and
- (b) a copy of each declaration recorded under section 6. 2017, c. 10, Sched. 3, s. 5.

Access to registry

(2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine. 2017, c. 10, Sched. 3, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 5 - 01/03/2019

REMEDY FOR LACK OF QUORUM

Quorum deemed constituted

7 (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 7 (3) of the Act is amended by striking out "section 5" and substituting "section 5, 5.1 or 5.2". (See: 2017, c. 10, Sched. 3, s. 6)

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 6 - 01/03/2019

ACTION WHERE CONTRAVENTION ALLEGED

Who may try alleged contravention of s. 5 (1-3)

8 The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 8 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 7)

Application

8 (1) An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest may apply to a judge for a determination of the question of whether,

- (a) a member has contravened section 5, 5.1 or 5.2; or
- (b) a former member contravened section 5, 5.1 or 5.2 while he or she was a member. 2017, c. 10, Sched. 3, s. 7.

Six-week period

(2) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

Exception

(3) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:

1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* in accordance with those sections.
2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,
 - i. has advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. has not completed the inquiry within the time limit set out in subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006*, or
 - iii. has terminated the inquiry under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*.
3. The application under this section includes a copy of the applicant's statutory declaration made under subsection 223.4.1 (6) of the *Municipal Act, 2001* or under subsection 160.1 (6) of the *City of Toronto Act, 2006*.
4. The application under this section is made within six weeks after the earlier of the following,
 - i. the day the Commissioner advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. the last day on which the Commissioner is required under subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection, and
 - iii. the day the inquiry was terminated under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

Same, application by Integrity Commissioner

(4) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if the applicant is an Integrity Commissioner and if the application relates to an inquiry conducted by the Commissioner under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

No application by Integrity Commissioner during regular election

(5) No application shall be made by an Integrity Commissioner of a municipality during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 3, s. 7.

Limitation

(6) Despite subsections (2), (3) and (4), no application shall be made after the sixth anniversary of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

Contents of notice of application

(7) The notice of application shall state the grounds for finding that the member or former member contravened section 5, 5.1 or 5.2. 2017, c. 10, Sched. 3, s. 7.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

Who may apply to judge

9 (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 9 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 7)

Power of judge

9 (1) If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. 2017, c. 10, Sched. 3, s. 7.

Same

(2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

- (a) took reasonable measures to prevent the contravention;
- (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner; or
- (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith. 2017, c. 10, Sched. 3, s. 7.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

Power of judge to declare seat vacant, disqualify member and require restitution

10 (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

- (a) shall, in the case of a member, declare the seat of the member vacant; and
- (b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and
- (c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

Definition

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the *Education Act* as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 10 of the Act is repealed. (See: 2017, c. 10, Sched. 3, s. 7)

Section Amendments with date in force (d/m/y)

1997, c. 31, s. 156 (2) - 01/01/1998

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

Appeal to Divisional Court

11 (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 11 (1) of the Act is amended by striking out “section 10” and substituting “section 9”. (See: 2017, c. 10, Sched. 3, s. 8)

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 8 - 01/03/2019

Proceedings not invalidated but voidable

12 The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 12 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 9)

Proceedings not invalidated but voidable

12 (1) A member’s failure to comply with section 5, 5.1 or 5.2 does not invalidate any proceedings in respect of a matter referred to in those sections, but those proceedings are voidable in the circumstances described in subsection (2). 2017, c. 10, Sched. 3, s. 9.

Declaring proceedings void

(2) Subject to subsection (3), if a member has failed to comply with section 5, 5.1 or 5.2 in respect of a matter referred to in those sections, the municipality or local board, as the case may be, may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter. 2017, c. 10, Sched. 3, s. 9.

Exception

(3) Subsection (2) does not apply if declaring the proceedings to be void would adversely affect the rights that any person who acted in good faith and without actual notice of the failure to comply with section 5, 5.1 or 5.2 acquired under or by virtue of the proceedings. 2017, c. 10, Sched. 3, s. 9.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

Other procedures prohibited

13 Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 13 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 9)

Other proceedings prohibited

13 (1) A proceeding that relates to a member's or former member's alleged conflict of interest and seeks a remedy described in subsection 9 (1) shall be brought only under this Act. 2017, c. 10, Sched. 3, s. 9.

Same

(2) Subsection (1) does not affect the power of a municipality or a local board to reprimand a member or suspend a member's remuneration under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 9.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

GENERAL

Insurance

14 (1) Despite section 279 of the *Municipal Act, 2001* or section 218 of the *City of Toronto Act, 2006*, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 14 (1) of the Act is amended by striking out "section 5" and substituting "section 5, 5.1 or 5.2" in the portion after clause (c). (See: 2017, c. 10, Sched. 3, s. 10 (1))

Insurance Act does not apply

(2) The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

Surplus funds

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with subsection 279 (2) of the *Municipal Act, 2001* or subsection 218 (3) of the *City of Toronto Act, 2006*, as the case may be. 2017, c. 10, Sched. 3, s. 10 (2).

Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

Section Amendments with date in force (d/m/y)

1996, c. 32, s. 76 (1) - 06/03/1997

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (2, 3) - 01/01/2007

2007, c. 7, Sched. 27, s. 1 - 05/05/2008

2009, c. 33, Sched. 21, s. 7 - 15/12/2009

2017, c. 10, Sched. 3, s. 10 (1) - 01/03/2019; 2017, c. 10, Sched. 3, s. 10 (2) - 01/03/2018

Conflict with other Acts

15 In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.



Declarations of Interest Form

Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

Agenda

- ☐ Combined Council Meeting
- ☐ Regular Council Meeting
- ☐ Special Council Meeting
- ☐ Committee _____

Details

Date of Meeting: _____

Report Number: _____

Subject Matter: _____

Member Signature/Certification

I, Councillor _____, declare a potential (☐deemed/☐direct/☐indirect)
pecuniary interest on the matter outlined above for the following reason:

Councillor Signature: _____

_____ For
an “indirect pecuniary interest” see Section 2 of the *Municipal Conflict of Interest Act*.

For a “deemed” direct or indirect pecuniary interest see Section 3 of the *Municipal Conflict of Interest Act*.