

**Easy Reference Guide to West Grey
Procedure Bylaw**

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1. Principles of Procedure Bylaw

- 1.1 **Guiding Principles** The principles of openness, transparency and accountability to the public guide West Grey's decision- making process. In the context of Council and other Committee proceedings, this is accomplished by:
- 1.1.1 Ensuring the decision-making process is understood by the public and other stakeholders;
 - 1.1.2 Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this By-law and other statutory requirements;
 - 1.1.3 Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By- law and other statutory requirements;
 - 1.1.4 The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate;
 - 1.1.5 The principles of parliamentary law governing Council and Committee Meetings include:
 - a) The majority of Members have the right to decide;
 - b) The minority of Members have the right to be heard;
 - c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
 - d) All Members have a right to an efficient Meeting;
 - e) All Members have the right to be treated with respect and courtesy;
and
 - f) All Members have equal rights, privileges and obligations;

2. Accountability and Transparency

2.1 Open Government

West Grey Council is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

- 2.1.1 Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- 2.1.2 Delivering high quality services to its citizens; and
- 2.1.3 Promoting the efficient use of public resources; Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Municipality of West Grey adopting measures ensuring, to the best of its ability, that all activities and services are undertaken using processes that are open and accessible to stakeholders. Wherever possible, the Municipality of West Grey will engage stakeholders throughout the decision-making process which will be open, visible and transparent to the public. The principles of accountability and transparency apply equally to the West Grey's political process and decision-making and to its administrative management;

2.2 Internal Governance

The Municipality of West Grey's administrative practices and policies ensure specific accountability on the part of its employees through initiatives that include:

- 2.2.1 Council Code of Conduct;
- 2.2.2 Staff Code of Conduct;
- 2.2.3 Individual performance management;
- 2.2.4 Employment policies;
- 2.2.5 Health and safety policies and programs;

2.3 Public Participation and Information Sharing

The Municipality of West Grey ensures that it is open and accountable to its stakeholders and encourages public awareness of, and participation in, its activities and decision-making processes by providing appropriate notice of when and where meetings of Council and committees take place. These meetings will be open to the public except in the limited situations specifically authorized by the Act. The Municipality provides transparency in the conduct of its business as outlined in this Procedure By-law. The Municipality of West Grey ensures that participation by the public can be meaningful and effective, through timely disclosure of information by various means including, but not limited to social media, the West Grey website, and print media. The Municipality of West Grey has adopted:

- 2.3.1 A code of conduct for members of council;
- 2.3.2 An accountability and transparency policy;
- 2.3.3 A records retention policy

3. Agenda Quick Reference

3.1 Call to Order

The Mayor, Chair or designate shall call the meeting to order.

3.2 Moment of Reflection

The Mayor, Chair or designate shall call for a moment of reflection.

3.3 Declarations of Pecuniary Interest and General Nature Thereof

Member shall submit declarations of pecuniary interest and the general nature thereof in writing to the clerk and shall state such declarations aloud at the meeting. Declarations may be submitted to the clerk by email.

The clerk may not give advice regarding whether or not a member has a pecuniary interest or a conflict as defined in the Municipal Conflict of Interest Act, CIA. A member may consult with the Integrity Commissioner if they are unsure about any matter on an agenda that may be a pecuniary interest or conflict for them.

3.4 Delegations/Presentations

Delegations shall have ten (10) minutes to speak to council. Council may ask questions for clarification purposes, but may not raise any new matter that the delegate did not speak to.

Presentations shall be allowed greater time, as determined by the presenter and the clerk. Presentations may be by staff, contractors or consultants to provide information requested by council, or for matters such as training sessions provided by staff or any other facilitator. Examples include staff budget presentations, an in-house training session on Court of Revision procedures, the Auditor's presentation of the audited financial statements, or an educational session provided by another facilitator.

3.5 Public Meetings

This section of the agenda shall be for statutory meetings that are expected to be brief, such as a public meeting pursuant to The Planning Act for a zoning amendment that is not controversial in nature. Statutory public meetings that are expected to be more in depth and require a greater amount of time shall be addressed at a Special Council Meeting.

Town Hall meetings provide an opportunity to engage the public and receive input on a matter of public interest that is not part of a statutory public meeting.

3.6 Unfinished Business

Unfinished business includes all items from the previous meeting agenda that were left undisposed of at the time of adjournment of the previous meeting.

3.7 Adoption of Minutes

This is the time to note any errors or omissions in the draft minutes prior to council considering a motion to adopt the minutes as circulated or as amended.

3.8 Committee and Board Reports

Minutes of committees of council and local boards are included in this section of the agenda to be received by council. Draft minutes will be included as submitted by the committee/board with the understanding that if there is a substantial amendment to the minutes by the committee/board then the final version will be provided to council at a future meeting. A committee or local board chair may submit a supplementary report under this heading. This section of the agenda also allows a council representative to verbally update council regarding their respective committee or board.

3.9 Correspondence

All correspondence addressed the Mayor and/or the Council, received by the office of the clerk, which refers to the business of the Corporation, shall be provided to the Mayor and Council together with copies to the appropriate member of staff via email in a communications report. The clerk, in consultation with the CAO, shall determine correspondence items to be listed directly on an agenda for council's information or consideration. Any member may request that a correspondence item included in the emailed communications report be included on the next agenda and shall indicate what recommendation shall be included on the agenda for that correspondence item.

3.10 Staff Reports

Staff reports are included in the agenda package and often do not require any further presentation by staff at a meeting. Staff shall be available to clarify information and address questions of council with respect to a report. Council may move the recommendation as presented in the staff report or as amended, or may move an alternate recommendation if they so desire.

Council may, by resolution, request specific staff reports through the CAO.

3.11 Questions

This portion of the agenda is an opportunity for members to ask staff for brief verbal updates to items or projects that have been included on previous agendas. Questions at this time may not introduce a new matter.

3.12 Bylaws

Bylaws shall be read a first, second and third time at the same meeting unless otherwise required by statute or the direction of council to be heard at two separate meetings.

3.13 New Business

New business items shall be introduced as notices of motion. When the notice has been provided at one meeting, verbally or in print on the agenda, it will be placed on the next regular agenda for council's consideration.

3.14 Announcements

Announcements by members is for sharing information about incidental items, including reports on attendance at conferences and seminars, and upcoming activities and events.

3.15 Closed Session

A motion to proceed into a closed session shall clearly set out the following information:

- the reason for the closed session, in accordance with the Municipal Act, 2001, as amended,
- the name and title of any person that is not a member of council that will be attending,
- the time of proceeding into closed session.

3.16 Report from Closed Session

Upon the recess of the closed meeting, the Mayor may at the public meeting report that: (a) a closed meeting was held

(b) the general nature of the matter or matters deliberated at the closed meeting; and

(c) only on matters on which the Mayor is authorized to report upon by council at the closed meeting.

Example: "I want to confirm that council moved into a closed meeting to address one matter with respect to litigation. Council was instructing its lawyer and planner on an upcoming LPAT hearing. There is nothing further to report."

It is appropriate to say what the subject is in more detail but to not indicate the instructions given to the lawyer & planner.

3.17 Adjournment

No business of council shall be discussed following adjournment.

4. Municipal Act – Meeting Definition

238 (1) In this section and in sections 239 to 239.2,

“**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. (“réunion”) 2001, c. 25, s. 238 (1); 2006, c. 32, Sched. A, s. 102 (1, 2); 2017, c. 10, Sched. 1, s. 25 (1).

5. Municipal Act - Closed Session – Section 239

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

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.

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).

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.

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

(b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note

or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

Same

(8) The record required by subsection (7) shall be made by,

- (a) the clerk, in the case of a meeting of council; or
- (b) the appropriate officer, in the case of a meeting of a local board or committee.

6. Municipal Act - Role of Mayor and Council – Sections 224, 225 and 226.1

224. Role of council – It is the role of council,

- (a) to represent the public and consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which service the municipality provides;
- (d) to ensure that the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (d.1) to ensure the accountability and transparency of the operation of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under the *Municipal Act* or any other Act.

225. Role of head of council – It is the role of the head of council,

- (a) to act as the Chief Executive Officer of the municipality;
- (b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
- (c) to provide leadership to the Council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council as described in clauses 224 (d) and (d,1);
- (d) to represent the municipality at official functions;
- (e) to carry out the duties of the Head of Council under any Act; and
- (f) to fulfill the responsibility of the Head of Council as prescribed in West Grey's Emergency Response Plan.

226.1 Head of council as chief executive officer – as chief executive officer of a municipality, the head of council shall,:

- (a) uphold and promote the purposes of the municipality;

- (b) promote public involvement in the municipality's activities;
- (c) act as the municipality's representative both within and outside the municipality, and to promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

7. Municipal Conflict of Interest Act

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.

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.

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.

EXCEPTIONS

Where ss. 5 and 5.2 do not apply

4 Sections 5 and 5.2 do not apply to a pecuniary interest in any matter that a member may have,

- (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.

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.

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.

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.

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).

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.

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.

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.

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.

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.