

# **THE CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON**

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# CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON

## BY-LAW NUMBER 2017-03

### BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CALLING OF MEETINGS, THE PROCEDURES FOR THE GIVING OF PUBLIC NOTICE, THE PROCEDURES FOR ACCOUNTABILITY AND TRANSPARENCY, AND THE CODE OF CONDUCT OF ITS MEMBERS

This By-Law Repeals By-Law: 2014-14

This By-Law Repeals By-Law: 2005-28

This By-Law Repeals By-Law: 2008-02

**WHEREAS** Section 238 (2) of the Municipal Act, S.O. 2001 C. 25, as amended, requires every municipality and local board shall pass a procedure by-law for governing the calling, place, and proceedings of meetings.

**AND WHEREAS** Sections 238 (2.1) & 270 (1) of the Municipal Act, S.O. 2001 c.25, as amended provides that the procedure By-Law shall provide for public notice of meetings, and the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

**AND WHEREAS** Sections 223.1 & 270 (1) of the Municipal Act, S.O. 2001 C.25, as amended, requires all municipalities to adopt and maintain a policy on the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

**AND WHEREAS** Section 223.2 (1) of the Municipal Act, S.O. 2001 C.25, as amended, authorize a municipality to establish codes of conduct for members of the Council of the municipality and of local boards of the municipality;

**NOW THEREFORE** the Council of the Corporation of the Township of Papineau-Cameron hereby enacts as follows:

#### **1.0 PROCEEDINGS OF COUNCIL AND COMMITTEE MEETINGS**

The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be the rules and regulation for the dispatch of business by Council and its committees.

#### **2.0 THE CALLING OF MEETINGS**

##### **2.1 REGULAR MEETING**

2.1.1 The Regular Meeting of the Council of the Corporation of the Township of Papineau-Cameron shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at **7:00 p.m.** at the Municipal Council Chambers located at #4861 Highway #17, Mattawa, ON.

2.1.2 Council may, by Resolution, alter the date and /or time of a Regular Meeting provided that adequate notice of the change is posted and published in local newspapers.



## **2.2 EMERGENCY MEETING**

- 2.2.1 In the case of an emergency, Council may hold its meeting and keep its public offices in any convenient location within or outside of the municipality as per Section 236 (1) of the Municipal Act 2001, as amended.
- 2.2.2 Notwithstanding the notice requirement set out above, in the event of a boni fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the clerk.

## **2.3 JOINT COUNCIL MEETING**

- 2.3.1 A meeting of the councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them, as per Section 236 (2) of the Municipal Act 2001, as amended.

## **2.4 SPECIAL MEETING**

- 2.4.1 The Head of Council may at any time summon a Special Meeting, and upon receipt of the petition of the majority members of the Council, the clerk shall summon the special meeting for the purpose and at the time and place mentioned in the petition.
- 2.4.2 The Special Meeting shall be held not sooner than 24 hours following the Head's summons or receipt of the petition, as the case may be and the clerk shall provide written notice of the special meeting immediately following receipt of the summons or petition.
- 2.4.3 Unless otherwise specified, a special meeting shall be held in the Council Chamber.

## **2.5 INAUGURAL MEETING**

- 2.5.1 The Inaugural Meeting of Council after a regular election or after a by-election shall be held at a Regular Meeting of the Council of the Corporation of the Township of the Papineau-Cameron, in the Council Chambers, on a date not later than 31 days after the term of Council commences.

## **2.6 PUBLIC MEETING**

- 2.6.1 Section 239 (1) Municipal Act 2001, as amended.  
All Council and Committee meetings shall be **Open** to the public.

## **2.7 CLOSED MEETING**

- 2.7.1 Section 239 (2) Municipal Act 2001, as amended.  
A meeting of Council or a Committee shall 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 for municipal or local board;
  - d) Labour relations or employee negotiations;
  - e) Litigation or potential litigation including matters before administrative tribunals affecting the municipality or local board;
  - f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) A matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act.

2.7.2 Section 239 (3) Municipal Act 2001, as amended.

A meeting of Council or a Committee 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, and Ombudsman referred to in subsection 223.13 (1) or this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13 Sch. 9,s.22

2.7.3 Section 239 (3.1) Municipal Act 2001, as amended.

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;

- a) The meeting is held for the purpose of education or training the members;
- b) 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.

2.7.4 Before all or part of a meeting is **Closed** to the public, the Council shall state by Resolution:

- a) The fact of the holding of a closed meeting and the general nature of the matter considered at the closed meeting;
- b) Record the time the meeting was adjourned into closed session and record the time when the open meeting resumed.
- c) Likewise, when a closed meeting is held which is not part of a regular meeting, the same rules shall apply. The voting shall be made at the next regular meeting.

2.7.5 A meeting shall not be closed to the public during the taking of a vote, unless Section 239 (2) (3) (3.1) of the Municipal Act, as amended permits or requires a meeting to be closed to the public and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.

2.7.6 Meeting or sessions which are closed to the public may be referred to an in-camera meetings or sessions.

### 3. MEETING AGENDA

3.1 The Clerk shall prepare agendas of Council and Committee meetings as assigned.

3.2 Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Friday prior to the Regular Meeting.

3.3 Individuals or groups wishing to appear before Council at a Regular Meeting shall advise the clerk not later than 4:30 p.m. on the Thursday prior to the meeting and the clerk may make a determination as to deferral of delegations to the subsequent meeting.

3.4 Written reports of officers shall, insofar as is practicable, be made available to Council by 4:30 p.m. on the Thursday immediately preceding regular meetings.

3.5 Agendas shall be generally formatted as follows but modifications to the matter to be included or the order of business may be affected without requiring amendment to this By-Law:

- Disclosure of Pecuniary Interest/Conflict of Interest
- Additions or Changes to Agenda
- Presentations
- Minutes of Previous Meetings
- Disbursements/Accounts
- Reports of Staff
- By-Laws



- Petitions and Delegations
- Correspondence
- Information Only
- New Business
- Closed Meeting
- Motion to Adjourn

3.6 The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.

#### **4. MOTIONS / RULES OF DEBATE**

4.0.1 Notice of motions shall be given in writing to the Clerk not later than 4:30 p.m. on the Thursday preceding the next Regular Meeting so that the matter may be included in the Council agenda package.

4.0.2 Any motions may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.

4.0.3 A motion must be formally seconded before the question can be put or a motion recorded in the minutes.

4.0.4 When a motion is presented in council in writing it shall be read, or, if it is an oral motion, stated by the Mayor or presiding officer.

4.0.5 A motion to amend shall:

- a) Be presented in writing;
- b) Be dealt with by Council before a previous amendment or the main motion;
- c) Not be further amended more than once provided that further amendment may be made to the main motion;
- d) Be relevant to the main motion;
- e) Not propose a direct negative to the main motion.

4.0.6 Once read or stated by the Mayor or presiding officer a motion may not be withdrawn without the consent of the majority of the members.

4.0.7 Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendment to the question.

4.0.8 After a motion as amended is finally placed, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.

4.0.9 Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.

4.0.10 On a unrecorded vote, the manner of determining the decision on the motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.

4.0.11 Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.

4.0.12 The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.

4.0.13 Except where expressly provided by Statute, any question on which there is an equality of votes shall be deemed to be defeated.

- 4.0.14 No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- 4.0.15 Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
- 4.0.16 When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
- 4.0.17 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 4.0.18 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- a) A point of order or personal privilege;
  - b) Presentation of petitions;
  - c) To lay on the table (to defer temporarily);
  - d) To postpone indefinitely or to a specific day;
  - e) To move the previous question (immediate vote on the main motion).
- 4.0.19 The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
- a) To refer;
  - b) To adjourn;
  - c) To amend;
  - d) To suspend the rules of procedure.
- 4.0.20 All motions shall be in writing and signed by the mover and the seconder.
- 4.0.21 The Clerk and other officers may introduce matters to be dealt with by motion.
- 4.0.22 Council may, from time to time, employ a confirming Resolution immediately prior for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-Law.

#### **4.1 VOTING ON MOTIONS**

- 4.1.1 Every member of a council shall have one vote.
- 4.1.2 No vote shall be taken by ballot or by any other method of secret voting.
- 4.1.3 Any question on which there is a tied vote shall be deemed to be lost, except where otherwise provided by any Act.

#### **4.2 RECORDED VOTE**

- 4.2.1 If a member present at a meeting at the time of a vote request immediately before or after the taking of the vote that the vote be recorded, each member present, except the member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. A failure to vote, in a recorded vote, by a member who is present at the meeting at the time of the vote and who is qualified to vote, shall be deemed to be a negative vote.

#### **4.3 DEFERRED VOTE**

- 4.3.1 A deferred vote shall be recorded when a councillor wants to defer an item on the agenda as the councillor wishes more information or clarification. The item shall pass without debate, to a vote to defer and if the motion is passed, it shall be brought back to the next regular meeting. Should a motion to defer be lost, then the matter shall be debated and voted on and the councillor who wished to defer may record his objection or abstain from voting, which will result in his/her vote being recorded as negative.
- 4.3.2 Council may refer a matter to a committee or ad hoc group or department head for a report to be brought back to Council.



## **5. BY-LAWS**

- 5.0.1 No By-Law shall be presented to Council unless the subject matter has been considered and approved by Council.
- 5.0.2 Every By-Law shall be introduced upon motion by a member specifying the title of the By-Law.
- 5.0.3 Every By-Law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
- 5.0.4 Every By-Law shall be given three readings prior to passage.
- 5.0.5 The first and second readings of a By-Law shall be decided without amendment or debate.
- 5.0.6 By-Laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided by law.
- 5.0.7 Upon passage, By-Laws shall be numbered, signed by the Mayor or presiding officer and embossed with the seal of the Corporation.
- 5.0.8 Any proposed By-Law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

## **6. ABSENT COUNCIL MEMBERS**

- 6.0.1 Should the Mayor and the Deputy Mayor both be absent, the remaining members of Council who are present, shall appoint a Chair for the meeting, from among the Council members present.

## **6.1 NO QUORUM**

- 6.1.1 If no quorum is present one half hour after the time appointed for the Council or Committee meeting, the Clerk recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

## **6.2 MEETING CURFEW**

- 6.2.1 Council and Committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a Resolution passed by unanimous vote.

## **7. MEMBERS**

### **7.1 THE MAYOR**

- 7.1.1 It shall be the duty of the Mayor or other presiding officer:
  - a) To open the meeting by taking the chair and calling the members to order;
  - b) To announce the business before Council in the order in which it is to be acted upon;
  - c) To receive and submit, in the proper manner, all motions presented by the members;
  - d) To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
  - e) To decline to put to vote motions which infringe upon the rules of procedure;
  - f) To enforce on all occasions the observance of order and decorum among the members;
  - g) To call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chambers;
  - h) To authenticate by signature all By-Laws, Resolutions and Minutes of the Council;
  - i) To inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
  - j) To select the members of Council who are to serve on Committees;
  - k) To represent and support the Council, declaring it will and implicitly obeying its decisions in all things;
  - l) To ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the Municipal Corporation;

- m) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- n) To order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists.

## **7.2 POWERS OF MEMBERS**

- 7.2.1 The Mayor or appointed chair for the meeting may expel from a meeting anyone who engages in improper conduct.

## **7.3 DEPUTY MAYOR**

- 7.3.1 For the purposes of the Corporation of the Township of Papineau-Cameron, the Deputy Mayor shall fulfill the duties of the Mayor, upon the absence of the Mayor. The Council shall pass a resolution to confirm the appointment of a Deputy Mayor.
- 7.3.2 When the Mayor is absent or refuses to act, or the office is vacant, the Deputy Mayor shall act in the place of the head, and, while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor.

## **7.4 COUNCIL MEMBERS**

- 7.4.1 It shall be the duty of the Members to carry out the role of council as set forth in the Municipal Act, in addition to the following responsibilities:
  - a) To deliberate on the business submitted to Council or a Committee, as the case may be;
  - b) To vote when a motion is put to a vote, except where otherwise disqualified from doing so by law;
  - c) To apply and respect the Rules of Procedure.
- 7.4.2 Council Members shall adhere to the Code of Conduct.

## **7.5 POINTS OF ORDER AND PRIVILEGE**

- 7.5.1 The Mayor or presiding officer shall preserve order and decide questions of order.
- 7.5.2 The Council, if appealed to, shall decide the question without debate and its decision shall be final.

## **8. GENERAL**

- 8.0.1 When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-Law or unless the expenditure is required as a result of an emergency.
- 8.0.2 In matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act, 1994.
- 8.0.3 Individuals or groups which are listed on an the agenda or are otherwise approved to appear before Council shall, be limited to not more than fifteen (15) minutes, except that a delegations consisting of more than five (5) persons shall be limited to two (2) persons, shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.
- 8.0.4 Following a regular or new election, The Clerk shall provide each member of council with a copy of this By-Law, including any amendment thereto.
- 8.0.5 Any procedure under this By-Law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.
- 8.0.6 No amendment or repeal of the By-Law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at the previous regular meeting of the Council and the waiving of notice is prohibited.



## **9. PROCEDURES FOR THE GIVING OF PUBLIC NOTICE**

### **9.1 NOTICE OF A PUBLIC MEETING**

Where Notice of a Public Meeting is required, the following provisions shall apply:

#### **REGULAR MEETING**

The Regular meeting of the Council of the Corporation of the Township of Papineau-Cameron shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at **7:00 p.m.** at the Municipal Council Chambers located at #4861 Highway #17, Mattawa, ON.

No Public Notice is required for a Regular Meeting.

#### **EMERGENCY MEETING**

In the case of an Emergency, Council may hold its meeting and keep its public offices in any convenient location within or outside of the municipality as per Section 236 (1) of the Municipal Act 2001, as amended.

Notwithstanding the notice requirement set out above, in the event of a boni fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.

#### **SPECIAL MEETING**

The Head of Council may at any time summon a Special Meeting, and upon receipt of the petition of the majority members of the Council, the Clerk shall summon the Special Meeting for the purpose and at the time and place mentioned in the petition.

The Special Meeting shall be held not sooner than 24 hours following the Head's summons or receipt of the petition, as the case may be and the Clerk shall provide written notice of the Special Meeting immediately following receipt of the summons or petition. Unless otherwise specified, a Special Meeting shall be held in the Council Chamber.

#### **Posting of Notice**

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) And posted at the Township Office;
- b) And posted on the Township's Website (if in operation).

#### **Content of Notice**

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) A description of the purpose of the meeting.
- b) The date, time, and location of the meeting.
- c) The address of where in the municipality, and where additional information will be available.

#### **Time of Notice**

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) **24 Hours** prior to the proposed action being considered.

## **JOINT COUNCIL MEETING**

A meeting of the councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them, as per Section 236 (2) of the Municipal Act 2001, as amended.

### **Posting of Notice**

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

### **Content of Notice**

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) A description of the purpose of the meeting.
- b) The date, time, and location of the meeting.
- c) The address of where in the municipality, and where additional information will be available.

### **Time of Notice**

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) **7 days** prior to the proposed action being considered.

## **INAUGURAL MEETING**

The Inaugural Meeting of Council after a regular election or after a by-election shall be held at a Regular Meeting of the Council of the Corporation of the Township of the Papineau-Cameron, in the Council Chambers, on a date not later than 31 days after the term of Council commences.

### **Posting of Notice**

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

### **Content of Notice**

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) A description of the purpose of the meeting.
- b) The date, time, and location of the meeting.
- c) The address of where in the municipality, and where additional information will be available.

### **Time of Notice**

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) **7 days** prior to the proposed action being considered.

## **9.2 CLOSED MEETING**

Closed Meetings are specified on the public meeting agenda's



### 9.3 NOTICE OF INTENTION TO PASS A BY-LAW

Where Notice of Intention to Pass a By-Law, the following provisions shall apply:

#### Posting of Notice

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

#### Content of Notice

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) The purpose and effect of the By-law
- b) Where the By-law relates to specific lands, the description of the subject lands,
- c) The date, time, and location of the meeting.
- d) The address of where in the municipality, and where additional information will be available.

#### Time of Notice

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) 7 days prior to the proposed action being considered, in which the proposed By-law shall not be passed by council within the 7 day time frame.

### 9.4 SPECIAL NOTICE – HIGHWAY ROADS

With reference to the following sections of the Municipal Act, 2001, as amended, namely:

Section 34 – Highway - closing - procedures – registration

Section 35 – Highway – common law right of passage - removal

#### Posting of Notice

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

#### Content of Notice

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) The purpose and effect of the By-law
- b) Where the By-law relates to specific lands, the description of the subject lands,
- c) The date, time, and location of the meeting.
- d) The address of where in the municipality, and where additional information will be available.

#### Time of Notice

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) 14 days prior to the proposed action being considered, in which the proposed By-law shall not be passed by council within the 14 day time frame.

### 9.5 NOTICE OF EXCEPTION – COUNCIL DETERMINATION

- 9.5.1 If Council, by By-law or Resolution, is of the opinion that the required Notice to the public will be more effectively circulated by different or other sources of publication or longer or shorter Notice periods, then such Notice shall be applied.

## 9.6 FINANCIAL NOTICES

### 9.6.1 ADOPTION OF ANNUAL BUDGET

#### Posting of Notice

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

#### Content of Notice

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) A description of the purpose of the meeting.
- b) The date, time, and location of the meeting.
- c) The address of where in the municipality, and where additional information will be available.

#### Time of Notice

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) 7 days prior to the proposed action being considered.

### 9.6.2 AMENDMENTS TO THE FINANCIAL BUDGET

Where expenditure estimates approved in the Budget have been subject to quotations or tenders quoting an amount greater than the estimates for the item, Council may approve such quotation or estimate if it can be financed within the total expenditures adopted in the Annual Budget, or it is decided by Council to fund the item by making a transfer from reserves, or it would require an increase in the tax rates for the Township of Papineau-Cameron, or Council would have to borrow the necessary funds.

#### Posting of Notice

The Clerk, unless otherwise provided herein, shall cause such Notice to be published:

- a) In a newspaper, which shall be the Mattawa Recorder;
- b) And posted at the Township Office;
- c) And posted on the Township's Website (if in operation).

#### Content of Notice

Unless otherwise prescribed in the Act or its regulations, the form of Notice shall include the following information:

- a) A description of the purpose of the meeting.
- b) The date, time, and location of the meeting.
- c) The address of where in the municipality, and where additional information will be available.

#### Time of Notice

Such Notice, unless otherwise provided herein, shall be given in the following time frames:

- a) 7 days prior to the proposed action being considered.

### 9.6.3 OPERATING COSTS PRIOR TO THE ADOPTION OF ANNUAL BUDGET

Normal operating expenditures incurred prior to the adoption of the Annual Budget shall not require Notice, and the approval of such expenditures shall be deemed to be ratified upon the adoption of the Annual Budget.



## **10. PROCEDURES FOR ACCOUNTABILITY AND TRANSPARENCY**

The Corporation of the Township of Papineau-Cameron ensures that accountability and transparency are followed within the municipality by the following policies:

- a) Oath of Office – municipal Councillors take an oath of office to perform their duties without personal interest, bribes, malfeasance and duty to confidentiality.
- b) Department Heads – take an oath of office to perform their duties without personal interest, bribes, malfeasance and duty to confidentiality.
- c) All meetings are public and all voting is done publicly, with policies in place for closed sessions/meetings.
- d) Council is open to hearing from the public and to hearing what is happening within the community.
- e) Inquires, concerns and complaints are responded to in a timely manner.
- f) Procurement – follows the Procurement By-law.
- g) Notice – follows the Public Notice By-law.
- h) Public notice given to annual budget deliberations.
- i) Municipal Performance Measure Program are public documents.
- j) Municipal Financial Statements are public documents, performed by an external auditor.
- k) Sale of Land – is governed by the Sale of Land By-law.
- l) Fees and Charges – for services are provided in the Fees and Charges By-law.
- m) The Township of Papineau-Cameron has adopted a Human Resources Policy Manual that governs the administration of Human Resources and Related Programs.

## **11. CODE OF CONDUCT FOR MEETING GUESTS/AUDIENCE**

- 11.1 Members of the public who constitute the audience in the Council Chamber, or other such place where a Meeting is held, shall respect the decorum of Council, maintain order and quiet, and may not:
- a) Address Council/Committee without permission;
  - b) Interrupt any speaker or action of the Members or any person addressing Council/Committee;
  - c) Speak out;
  - d) Applaud;
  - e) Behave in a disorderly manner; or
  - f) Make any noise or sound that proves disruptive to the conduct of the Meeting.
  - g) Record the meeting with audio or video equipment, unless approved by the Council.
- 11.2 Placards, signs, posters, etc. or any advertising devices shall not be permitted in the Council Chambers, or any other location in which Council/Committee may conduct their business.
- 11.3 The Mayor or Chair may request that a member or members of the public vacate the Council Chambers or any other location in which Council/Committee may conduct their business if their behavior is deemed to be disruptive to the business at hand.

## **12. CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

### **12.1 GENERAL**

- 12.1.1 All Members shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than the exercise of his or her official duties.

### **12.2 GIFTS AND BENEFITS**

- 12.2.1 Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as a Councillor, except compensation as authorized.
- 12.2.2 Members may accept the following:

Political contributions that are otherwise offered accepted and reported in accordance with the applicable law;



- a) Food and beverages at banquets, receptions, ceremonies or similar events;
- b) Services provided without compensation by persons volunteering their time;
- c) Food, lodging, transportation and entertainment provided by other levels of governments or by local governments, boards or commissions;
- d) A reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.

12.2.3 This section does not apply to tokens, mementos, souvenirs or such gifts or benefits or a nominal value that are individually received as an incident of protocol or social obligations that normally accompanies the responsibilities of office.

12.2.4 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Township services not otherwise available to the general public and not consequent to his or her official duties.

## 12.3 RELEASE OF INFORMATION TO THE PUBLIC AND MEDIA

12.3.1 Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as the Head of Council or by his or her designate.

12.3.2 Nothing herein contained shall limit or otherwise impede the Township Clerk in any way carrying out the course of his or her duties as required by law.

## 12.4 ACTIVITIES INCOMPATIBLE WITH DUTIES AS COUNCILLOR

12.4.1 No Member shall use their position on Council to obtain the use of, or appropriate for their own benefit, any Township property, equipment, supplies or services of consequence other than for purposes connected with the discharge of duties or associated community activities of which Council has been advised.

12.4.2 Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovations or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township.

12.4.3 No Member shall use Township facilities, services or property for his or her re-election campaign or any other election campaign or private interest unless full market value rent is paid. No Member shall use the services of Township employees for his or her re-election campaign or any other election campaign or private interest, during hours in which the employees are in the paid employment of the Municipality.

12.4.4 No Member shall identify themselves or otherwise hold themselves, as being the official representative or contact individual for the Township at large in connection with any specific event or host any event in their official capacity, unless so approved by Council.

12.4.5 Nothing herein contained, limits the ability of Members to access and utilize Township facilities, services or property that are available to members of the public provided the Members access them on the same terms and conditions as that required of the public.

## 12.5 CONDUCT AT COUNCIL

12.5.1 During Council, Committee, special purpose, task force or working group meetings, Members shall conduct themselves with decorum and in accordance with the Townships Procedural By-law in effect from time to time. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other Members have the floor.

- a) No Member shall speak disrespectfully nor shall they use offensive words against Members of the Council or Members of Municipal Staff.
- b) No Member shall speak on any subject other than the subject in debate.
- c) No Member shall disobey the rules of the Council, or a decision of the Chair or of the Council on questions of order or practice, or of the interpretation of the rules of the Council; and in the case where a Member persists in any such disobedience after having been called to order by the Chair, the Chair may order that such



Member leave his seat for the duration of the Meeting of Council; but if the Member apologizes, he shall be permitted to retake his or her seat.

12.5.2 No Member shall:

- a) Use offensive words or unparliamentarily language in or against the Council or against any member, staff or guest;
- b) Disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- c) Speak on any subject other than the subject in debate;
- d) Resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- e) Leave a meeting without first obtaining permission from the Mayor or presiding officer;
- f) Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council;
- g) Interrupt the member who has the floor except to raise a point of order.

12.5.3 No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

**12.6 REPRESENTING THE MUNICIPALITY**

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

**12.7 ENCOURAGEMENT OF RESPECT FOR THE TOWNSHIP AND ITS BY-LAWS**

12.7.1 Members shall encourage public respect for the Municipality and its by-laws and policies.

**12.8 STAFF RELATIONS**

12.8.1 Members shall be respectful of the fact that staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Members or group of Members of Council.

12.8.2 In addition, Members shall be respectful of the fact that staff carry out the direction of Council and administer the policies of the Municipality, and are required to do so without any undue influence from any individual Member or group of Members of Council.

12.8.3 Members shall not publicly criticize individual staff members in a way that cast aspersions on their professional competence and credibility.

**12.9 HARASSMENT**

12.9.1 Harassment of another Council Member, staff or a member of the public is prohibited under the Ontario Human Rights Code. In accordance with the Ontario Human Rights Code, it is the policy of the Township of Papineau-Cameron that all persons be treated with dignity, respect and fairness in the workplace in an environment free of discrimination and/or personal and sexual harassment. Harassment, whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office, is considered inappropriate behavior for the purpose of this Code of Conduct.

12.9.2 Harassment includes, but is not limited to any behavior, conduct or comment by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status or family status and any other grounds under the Ontario Human Rights Code, as amended.

12.9.3 Engaging in conduct which in any way can be construed as harassment could expose the Township to potential liability, and the individual Member to potential personal liability.



## **12.10 CONFIDENTIALITY**

- 12.10.1 All information, documentation or deliberation received, reviewed or taken in closed sessions of Council and its Committees are confidential.
- 12.10.2 Members of Council shall not disclose or release by any means to any other member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.
- 12.10.3 Members of Council shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 12.10.4 Members of Council shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act.
- 12.10.5 Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- 12.10.6 Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position on Council that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Municipality, Council or others.
- 12.10.7 The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member of Council.
- 12.10.8 Members of Council have the same access rights to municipal information as any other resident of the Township, unless the information relates specifically to a matter before Council. Requests for information should be referred to the appropriate staff to be addressed as either an informal request for access to municipal records, or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

## **12.11 COMPLIANCE WITH CODE OF CONDUCT**

- 12.11.1 Where an alleged contravention of any provision of the Code of Conduct occurs, the complainant shall attempt to meet with the Member of Council to discuss the complaint and resolve the issue. In the event that a meeting between the complainant and Member of Council is not possible, or fails to resolve the issue, the complainant may request a meeting with the Member of Council, the Clerk/Chief Administrative Officer where the complainant is an employee of the Township, an independent third party and/or the Mayor to discuss the complaint and resolve the issue.
- 12.11.2 In the event the dispute cannot be resolve after exhausting the steps set out in paragraph 12.11.1 above, Council may hold a special meeting to determine if the Member has breached this policy. The meeting shall be closed to the public, unless otherwise determined by the majority of the Members present at the meeting.
- 12.11.3 The Member alleged to have contravened this Code of Conduct shall be given the opportunity to address Council at the meeting and will be provided with sufficient time to explain the alleged breach. The Member shall be permitted to introduce evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel. Should the Member have legal counsel, then the Township shall have the right to legal representation.
- 12.11.4 Should Council determine after hearing all evidence that a Member has breached a provision of the Code of Conduct, Council shall report that such a determination has been made, and at a special open Council session called for that purpose, pass a resolution that shall require the Member to appear before an in-camera Council Meeting to be sanctioned. The Sanction shall be ratified by Resolution at a session of Council.
- 12.11.5 Should Council feel that a breach of this Code of Conduct may have occurred, but is unable to make a determination, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the Member's conduct under Section 274(1) of the Municipal Act, 2001, as amended. Should the judge determine that a breach has occurred, the penalties for such breach shall be determined in accordance with this policy.



- 12.11.6 Notwithstanding the provisions herein contained, should Council feel that the circumstances of the complaint warrant an investigation by an external individual, then Council may appoint an Integrity Commissioner pursuant to Section 223.3 of the Municipal Act to exercise such powers as are specifically delegated by Council in order to conduct an inquiry into the allegations of a breach of the Code of Conduct and to report back to Council with respect to his/her findings.
- 12.11.7 Sanctions which may be imposed for a breach of this Code of Conduct include, but are not limited to:
- a) A demand for an apology.
  - b) A public reprimand by Council.
  - c) A suspension of the remuneration paid to the Member in respect of his or her services as a member of Council for a period of up to 90 days.
  - d) A suspension of having a voting seat in respect of his or her services as a member of Council for a period of up to 90 days.
  - e) Or a combination of any of the above.
- 12.11.8 All sanctions under this Code of Conduct will be fair and in keeping with the severity of the breach, giving due regard to the Member's previous conduct.
- 12.11.9 Nothing in this Section restricts or attempts to countermand a Member's legal right to challenge a decision of Council through established legal channels.

## 12.12 IMPLEMENTATION

- 12.12.1 Upon the adoption of this Code of Conduct and hereafter at the beginning of each term, or appointed members, Members of Council shall sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to acknowledge that they have received a copy. In the event that a Member refuses to acknowledge receipt of a copy of the Code of Conduct, then the Clerk of the Municipality shall swear an affidavit attesting to the delivery of the Code of Conduct which shall be attached to one copy of same and retained in the Clerk's office files.
- 12.12.2 Members of Council are expected to formally and informally review their adherence to the provisions of this Code on a regular basis or when so requested by Council.
13. **Attached Schedule "A" Council Affirmation of Confidentiality Form**
14. **Attached Schedule "B" Formal Code of Conduct Complaint Form / Affidavit**
15. That all previous By-laws relating to The Proceedings of Council, The Calling of Meetings, The Procedures for the Giving of Public Notice, The Procedures for Accountability and Transparency, and The Code of Conduct of its Members are hereby repealed;
16. That this By-law shall come into full force and effect immediately upon its passing.

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED BEFORE AN OPEN COUNCIL, THIS 14<sup>th</sup> DAY OF FEBRUARY, 2017.

  
MAYOR

  
CLERK