

BY-LAW NUMBER 252 – 2010

OF THE CORPORATION OF THE
MUNICIPALITY OF CHATHAM-KENT

A PROCEDURE BY-LAW GOVERNING COUNCIL, COMMITTEES AND LOCAL
BOARDS OF THE MUNICIPALITY OF CHATHAM-KENT AND THE CONDUCT
OF ITS MEMBERS

Passed the 20th day of December, 2010.

Procedure By-law Index

Section	Page #
Part 1. Interpretation/ Definitions	3
Part 2. General Application of this By-law	5
Part 3. Meetings 3.1 Inaugural Meeting 3.2 Regular Meetings - Location - Date and Time - Notice 3.3 Special Meetings 3.4 Emergency Meetings 3.5 Closed Session 3.6 Adjournment Hour/ All Meetings 3.7 Quorum/ Call to Order	6 - 9
Part 4. Order of Business/Agenda	9
Part 5. Disclosure of Pecuniary Interest	10
Part 6. Communications Items	11
Part 7. Deputations	12
Part 8. Rules of Debate in Council, Committee & Local Boards	14
Part 9. Voting Procedures 9.9 Notice of Motion 9.10 Motion to Suspend Notice Requirements 9.11 Motion to Withdraw 9.12 Motion to Amend 9.13 Motion to Refer 9.14 Motion to Postpone to a Certain Time 9.15 Motion to Reconsider 9.16 Motion to Rescind	15 - 19

9.17 Motion to Call the Question 9.18 Motion to Adjourn 9.19 Order of Precedence 9.20 Non-Debatable Motions 9.21 Motion Proposing Actions Beyond Jurisdiction of Council	
Part 10. Conduct of Members – Business of Council	20
Part 11. By-laws	20
Part 12. Petitions	20
Part 13. Committees of Council	21
Part 14. Role of the Council	21
Part 15. Role of the Mayor	22
Part 16. Role of the Chief Administrative Officer	23
Part 17. Council/Staff Relationship and Roles	23
Part 18. Confirmation By-law	23
Part 19. Enactment	23
Part 20. Effective Date	23
Appendix “A” - Appointments to Committees <ul style="list-style-type: none"> • Citizen Appointments • Council Member Appointments 	24
Appendix “B” - Code of Conduct for Members of Council	25

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

AND WHEREAS it is deemed expedient to adopt, by by-law, rules governing the order and procedure of the Council of The Corporation of the Municipality of Chatham-Kent;

THEREFORE, the Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

PART 1 - INTERPRETATION / DEFINITIONS

1. In this By-law:
 - a) “**Abstain**” means to refrain from voting. Should a member abstain from voting, their vote is counted in the negative unless the member is not participating in the vote due to a declared conflict on a matter before the Council. (Section 9.3)
 - b) “**Adjourned meeting**” means the continuation of a regular or special meeting which deals with unfinished business of a regular or special meeting that established it.
 - c) “**Agenda**” means the specific items in the Order of Business. (Part 4)
 - d) “**Budget Review Committee**” means a committee established to review the Corporation’s current and capital budget and to make recommendations to Council with regard to annual revenues, expenditures, allocations, and related policies and procedures, and whose membership shall include the whole of Council.
 - e) “**Chair**” means the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except where disqualified) shall vote on all questions.
 - f) “**Civic or Public Holiday**” means Sundays, New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor (The Legislative Act, 2006).
 - g) “**Clerk**” means the Clerk of the Corporation of the Municipality of Chatham-Kent or their designate.
 - h) “**Closed Session**” means a Council, Committee or Local Board meeting or portion thereof, which is closed to the public in accordance with the Municipal Act.(Section 3.5)
 - i) “**Committee of the Whole**” means all members of the Council of the Municipality of Chatham-Kent, sitting as Committee of the Whole.
 - j) “**Committee**” means a Standing Committee of Council or Special Purpose Committee .
 - k) “**Communications**” includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article, etc.
 - l) “**Consent Agenda**” means a listing of items of business of a routine nature, which do not require substantial discussion and/or debate. Items on the consent agenda are adopted by one vote. (Section 4.3)
 - m) “**Council**” means the Council of the Corporation of the Municipality of Chatham-Kent.
 - n) “**Councillor**” is the term consistent with the *Municipal Act* and is the title assigned to a Member elected to represent electors of a specific Ward.
 - o) “**Deputation and Presentation**” means any person(s), group(s), corporation(s) or organization(s) who is not a member of the Council, a Committee or a Local Board being addressed or an appointed official of the Municipality, who wishes to address Council, Committee or Local Board.

- p) “**Division of the Question**” means a request by a Member to have a motion divided into parts which are capable of standing alone, so that these parts may be considered separately.
- q) “**Friendly Amendment**” means an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion's adoption.
- r) “**Head of Council**” means the Mayor of the Corporation of the Municipality of Chatham-Kent.
- s) “**Improper Conduct**” means conduct which results in any obstruction to the deliberations of or impedes the proper action of Council.
- t) “**Local Board**” shall mean a local board other than Police Services, Health Services or Public Library Boards.
- u) “**Majority**” means more than half of the votes cast by Members entitled to vote.
- v) “**Mayor**” is the Head of Council elected by general vote.
- w) “**Meeting**” means any regular, special, committee, closed session, or other meeting of Council, a Committee or a Local Board that gather to transact business for a length of time during which there is no cessation of proceedings and the members do not separate, unless for a short recess.
- x) “**Member**” means a person duly elected or appointed to serve on the Council, a Committee or a Local Board for the Corporation of the Municipality of Chatham-Kent.
- y) “**Municipal Act**” is the Municipal Act, S.O. 2001, c. 25 as amended from time to time.
- z) “**Municipality**” shall mean the Corporation of the Municipality of Chatham-Kent.
- aa) “**Notice of Motion**” means an advance notice to members regarding a matter on which Council will be asked to take a position. (Section 9.9)
- bb) “**Order of Business**” means the sequence of business under consideration at a meeting that has been duly called and constituted. (Part 4)
- cc) “**Pecuniary Interest**” means a direct or indirect interest as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50*, as amended.
- dd) “**Planning Meeting**” means a regular meeting of Council in which the agenda is normally limited to planning issues.
- ee) “**Point of Order**” means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of the meeting.
- ff) “**Point of Personal Privilege**” means a matter that a Member considers to impugn their integrity or the integrity of the meeting.
- gg) “**Quorum**” means a majority of the whole number of Council, Committee, or Local Board members. (Section 3.7)

- hh) **“Recorded Vote”** means recording in the Minutes, the names of each Member present and the manner of their respective votes on a matter or question. In the case of a Member who has declared a conflict on the matter or question, the minutes shall reflect that action.
- ii) **“Regular Meeting”** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- jj) **“Rules of Procedure”** means the applicable procedural rules and rules of conduct contained in this by-law.
- kk) **“Session”** is one or more meetings devoted to a single order of business, program, agenda, or announced purpose, in which when there is more than one meeting, each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting. (Example: Budget Review Committee)
- ll) **“Special Meeting”** means a meeting called for a specific time and for a specific purpose. The time, place and purpose of the meeting must be included in the notice sent to all members. Only business that was specified in the call of the meeting can be transacted at the meeting. (Section 3.3)
- mm) **“Special Purpose Committee”** means a Committee established by Council to consider a specific matter. Council shall establish the composition, mandate and timelines for a final report from the Special Purpose Committee.
- nn) **“Standing Committee”** means a Committee established by Council to address matters which Council has deemed appropriate for the committee to consider. Standing Committees will address on-going matters within the scope and responsibility of Council and will be expected to provide periodic reports to Council presenting advice and/or recommendations on matters under consideration.

PART 2 - GENERAL APPLICATION OF THIS BY-LAW

2. a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business by Council and, unless specifically provided, with the necessary modifications shall apply to all meetings of Committees or Local Boards.
- b) Suspend the Rules
- Except as provided elsewhere in this by-law, Council, Committees or Local Boards may temporarily suspend or waive the following rules, for the purposes of a particular meeting or issue, by a two-thirds vote of the whole number of members present;
- Amending the Order of Business (Part 4)
 - Adding or removing deputations (Part 7)
 - Amending the rules for debate (adding or decreasing time for debate) (Part 8)
 - Introducing a Motion without the standard notice (Section 9.10)
- c) All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance, as far as is reasonably practical, with the rules of parliamentary law as contained in ROBERT’S Rules of Order.
- d) Unless a contrary intention appears in this By-law, words in the singular include the plural and words importing masculine gender include the feminine.

- e) All Members, except the Mayor, are to be addressed as:
"COUNCILLOR (surname inserted)".
- f) The Mayor shall be addressed as:
"MAYOR (surname inserted)" or as "YOUR WORSHIP".

PART 3 - MEETINGS

3.1 Inaugural Meeting

- a) The first meeting in a new term of Council shall be held not later than the first Monday in December in each election year.
- b) The location of the inaugural meeting shall be in the Council Chambers of the Municipality of Chatham-Kent or at such other place within the Municipality as Council may determine.
- c) The Inaugural Agenda shall include:
 - Ceremonial Address by Special guest(s)
 - Filing of Declaration of Office in accordance with the provisions of the Municipal Act.
 - Address by the Mayor

3.2 Regular Meetings

Location of Meetings

- a) All regular meetings of the Council shall be held in the Council Chambers of the Municipality of Chatham-Kent, 315 King Street West, Chatham (2nd Floor), or at such other place within the Municipality as Council may from time to time determine.

Date and Time of Regular Meetings

- b) Regular Council meetings shall be held in accordance with the Council Meeting Schedule. A proposed calendar will be presented by the Clerk to Council for approval by December of each year, detailing the dates for all Regular Council meetings in the subsequent year.
- c) Non-planning related business may only be added to the Planning Meeting agenda with the approval of the Chief Administrative Officer, or their designate.
- d) The Chief Administrative Officer, in consultation with the Chair, has the authority to cancel any regular meeting if it is determined there is not sufficient business to be conducted. The Council, public and media will be advised forthwith after the decision to cancel has been made.
- e) All regular meetings of Council shall commence at 6:00 p.m. and shall be open to the public.

Notice of Meeting

- f) The Clerk shall cause to be delivered by courier or sent by mail or electronic media, as determined by each member of Council, to all members of Council a notice/agenda, for each regular meeting of Council, to the address provided by the Member to the Clerk for delivery of such notice/agenda. The notice/agenda of the regular meeting shall be provided not later than noon on the Thursday prior to the scheduled meeting. At the same time, the Clerk shall also distribute a copy of the notice/agenda to the Chief Administrative Officer and to the heads of all civic departments.

- g) Agendas for regular Council meetings shall be made available to the media and the public not later than by 12:00 noon the Thursday prior to the scheduled meeting. For the ease of the public and media, the agenda with all attachments, will be available on the Municipality's web site.

3.3 Special Meetings

- a) In addition to regular meetings, the Chair may, at any time, summon a Special Meeting by providing written direction to the Clerk stating the date, time and purpose for the Special Meeting.
- b) In addition, a majority of Members may, at any time, petition the Clerk to call a Special Meeting by providing the written petition to the Clerk stating the date, time and purpose for the Special Meeting.
- c) The Clerk shall give notice to the Members of all Special Meetings, whenever required, and such notice shall be delivered to each Member and the media by any of the following means (personal delivery, facsimile transmission, electronic mail) so as to reach their residence or place of business at least twenty-four hours before the time fixed for the Special Meeting.
- d) Only business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- e) These provisions shall apply to Committees and Local Boards with modifications.

3.4 Emergency Meetings

- a) Notwithstanding any other provision of this By-law, an Emergency Meeting may be held without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- b) Only business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
- c) Lack or receipt of a Notice by the Members shall not affect the validity of the Emergency Meeting or any action taken thereat.
- d) These provisions shall apply to Committees and Local Boards with modifications.

3.5 Closed Session

- a) Meetings, or portions thereof, may be held in "Closed Session" only in accordance with the Municipal Act. The only matters to be considered in "Closed Session" are as follows:
 - i. the security of the property of the Municipality or local board.
 - ii. personal matters about an identifiable individual, including municipal or local board employees.
 - iii. a proposed or pending acquisition or disposition of land by the municipal or local board.
 - iv. labour relations or employee negotiations.
 - v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local

board.

- vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
 - vii. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
 - viii. a matter in respect of the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council is designated as the “Head” for the purpose of that Act.
- b) Prior to moving to “Closed Session” for one of the reasons listed in Section 3.5 a), Council, Committee, or Local Board shall pass a motion in public session stating:
- i. the fact of the holding of the closed meeting and that the Council, Committee or Local Board is convening into Closed Session, and
 - ii. the general nature of the matters to be considered at the closed meeting.
- c) This resolution may be passed at the conclusion of a regular meeting for items to be discussed at a subsequent “Closed Session”.
- d) A meeting may be closed to the public during the taking of a vote if Section 3.5 a) permits it, or requires that the meeting be closed to the public, and the vote is for a procedural matter or for giving direction or instruction to officers, employees, or agents of the Municipality, Committee or Local Board.
- e) Any reports for Closed Session must be approved by the Solicitor or their designate verifying that the report is appropriately being dealt with in Closed Session. It is the responsibility of the initiating department, in consultation with the Solicitor or their designate, to confirm that the matter should be addressed in Closed Session.
- f) The Chief Administrative Office shall have the Closed Session agenda and minutes prepared, identifying the qualifying section of the Municipal Act under which each matter is to be considered in Closed Session.
- g) The Closed Session agenda shall be distributed to all Members of Council, the Executive Management Team, the Solicitor and the Clerk in accordance with Section 3.2 f) – Notice of Meeting.
- h) Resolutions, directions and general actions resulting from “Closed Session” discussions shall be received in open or public session without disclosing more than the nature of the closed session business.
- i) A mover and seconder is required for all resolutions in Closed Session.
- j) The rules, as outlined in the Procedural By-law, shall apply during Closed Session.

3.6 Adjournment Hour/All Meetings

- a) All regular meetings shall stand adjourned when the Council has completed all business as listed on the Order of Business or at 10:00 p.m.
- b) In the event the business before Council has not been completed by 10:00 p.m., Council, by majority vote of all the members present, may approve

an extension of the meeting to the hour of 11:00 p.m. At 11:00 p.m., the unfinished business shall be postponed to the next regular meeting of Council, unless a resolution of Council to re-convene the Council Meeting to another day and time prior to the next regular meeting of Council is adopted by majority vote.

3.7 Quorum/Call to Order

- a) As soon as there is a quorum after the time set for the start of the meeting, the Chair shall take the chair and call the meeting to order.
- b) In the event that a quorum is not present within 30 minutes after the designated start time of the meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned.
- c) In the case where a quorum is present and the Chair has not attended within fifteen minutes after the time appointed, the Clerk shall call the members to order, and the member who is appointed as the Acting Chair shall assume the Chair during the meeting for as long as the Chair is absent.
- d) In the event the Member designated as Acting Chair is also absent, the Clerk shall call the Members to order, and the Members shall nominate and elect a Chair among the Members present who shall preside during the meeting for as long as the Chair is absent.
- e) In the case of the absence of the Chair during a Closed Session, the Acting Chair shall assume the Chair. Should the Acting Chair also be absent, members shall nominate and elect a Chair among the Members present.
- f) Members are encouraged to notify the Clerk when the Member is aware that they will be absent from any meeting.
- g) The Clerk shall record, in the minutes, those Members who were present and those Members absent.

PART 4 – ORDER OF BUSINESS/ AGENDA

- 4.1 The Clerk shall prepare, for the use of the Members at the Regular Meetings, an "Agenda" (also known as the Order of Business) in a form that best allows for the most efficient conduct of business.
- 4.2 The Clerk may, under the direction of the Chief Administrative Officer, prepare a supplementary Agenda in order to deal with urgent or priority matters only.
- 4.3 Consent Agenda
 - a) The Consent Agenda lists items on the Agenda that are routine matters, such as reports provided for information purposes, reports in response to questions, matters of a non-controversial nature, and minutes of Council, Committee or Local Board meetings that are to be brought forward during a regular meeting.
 - b) Any Member may speak to an item on the Consent Agenda prior to the consideration of the adoption of the matters listed on the Consent Agenda; however, if a Member wishes to amend the recommendation of an item(s) listed on the Consent Agenda, the Member shall request the item(s) be removed from the Consent Agenda for consideration during the Consideration of Items Placed Aside.

- c) All of the items on the Consent Agenda are adopted by one motion. The Chair will ask if any Member wants any item separated. If yes, those items are “placed aside”. Members deal with the balance of the reports, vote on the Consent Agenda and then deal with the “placed aside” items.
- d) If a Member has a conflict-of-interest on a report on the Consent Agenda, this item is “placed aside” and voted on separately.

4.4 New Business

- a) Any items of business that requires Council’s immediate action prior to the next Council meeting shall be brought forward by Council under the New Business section of the agenda and dealt with immediately. Any items of business that does not require immediate action prior to the Council meeting shall be handled during the Notice of Motion section of the agenda. (Section 9.9)

PART 5 – DISCLOSURE OF PECUNIARY INTEREST

- 5.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, C. M.50*) in any item or matter before Council, Committee or Local Board and the general nature thereof.
- 5.2 Where a Member, either on their own behalf or while acting, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council, Committee or Local Board at which the matter is the subject of consideration, the member shall:
 - a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
 - b) not take part in the discussion of, or vote on, any question in respect of the matter.
 - c) not attempt in any way, whether before, during, or after the meeting, to influence the voting on any such question.
- 5.3 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 5.4 Where the interest of a Member has not been disclosed, by reason of absence from the particular meeting, the Member shall disclose the interest and otherwise comply at the first meeting of Council, Committee, or Local Board, as the case may be, attended by the Member after the particular meeting.
- 5.5 If a Member attends a meeting where they have to approve minutes and the minutes contain items where the member has a conflict, and the Member has not previously declared a conflict on the matter because they were absent from the meeting where the matter came up, the Member now has to declare the conflict prior to the approval of minutes.
- 5.6 The Clerk shall record the nature of any disclosure of pecuniary interest made by Members, as the case may be, and any such record shall appear in the minutes of that particular meeting, as the case may be. If a Member fails to disclose the nature of the pecuniary interest, the Clerk shall immediately and publicly request this information. If there is no disclosure by the Member of the general nature of the interest, the Clerk shall announce publicly and record in the minutes that the Member did not state the general nature of the pecuniary interest.

- 5.7 Notwithstanding the quorum requirements of the By-law, when a majority of the Members has disclosed an interest in accordance with Section 5.2 of this By-law and the *Municipal Conflict of Interest Act*, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

PART 6 - COMMUNICATION ITEMS

- 6.1 The Clerk shall prepare a package for the regular meeting of Communication Items for Members. Items to be included in the communications package shall include, but not be limited to, various notices of development applications, liquor licence applications, status reports or general information which do not require any action, communication items from citizens on matters of general municipal interest, and correspondence items from other levels of government, crown corporations, agencies, boards and provincial and federal associations engaged in municipal matters.
- 6.2 Every item of correspondence intended to be presented shall 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. The Clerk shall not include any correspondence that does not meet the above requirements.
- 6.3 Administration shall attach to each communication package a list of items referred to Administration from the previous meeting, detailing the nature of the instructions, the status of the issue, the date it was assigned and the department responsible for the issue.
- 6.4 a) Requests from persons, organizations, associations and other municipal governments to endorse resolutions affecting Provincial legislation shall be referred to the Association of Municipalities of Ontario for review and consideration. Requests for resolutions concerning Federal legislation shall be referred to the Federation of Canadian Municipalities for review and consideration.
- b) Council may direct the Clerk, or other members of the administration, to take additional action on a resolution referred to in 6.4 a), where, in the opinion of Council, the circumstances warrant a local initiative or support for said resolution.
- 6.5 Members will be governed by the following rules respecting questions relative to communications:
- a) Members are strongly encouraged to contact the appropriate General Manager or Director prior to the meeting to raise questions or clarify issues relevant to the matter and to secure additional information as may be required.
- b) There shall be a time limit of 20 minutes for consideration of Communication Items. Members will be expected to address any issues within this timeframe. Those not addressed will be held over to the next meeting and be considered under items not completed from the previous meeting.
- c) General Managers and Directors may provide a verbal response to the matters raised and will make every reasonable effort to provide the information to the Member within a reasonable time. When possible, the General Managers and Directors will provide Council with an approximate date when the information will be provided to Council.

- d) A motion may be made by any Member directing Administration to undertake certain action with respect to any item from Communication, provided it is moved, seconded and carried.
- e) A motion to adopt the Communication Items will be in the order earliest of: the completion of the 20-minute time period for consideration, or when all Members have concluded their questions.
- f) Any issues of jurisdiction on any matter of Communication shall be determined by the Chair. The decision of the Chair shall be final, without recourse to a challenge.

PART 7 - DEPUTATIONS

- 7.1 Any person(s), group(s), corporation(s) or organization(s) that wishes to address Council, Committee or Local Board, may be heard by leave of Council, Committee or Local Board, provided they advise the Clerk of the particulars of the matter to which the deputation wishes to address Council, Committee or Local Board and follow the prescribed rules regarding Deputations. Persons speaking shall address their remarks to the stated business. Deputations will be limited to speaking only once. Rebuttal or cross debate with other deputations shall not be permitted.
- 7.1.1 Deputations are not permitted by a member of the Council, Committee or Local Board that is being addressed or an appointed official of the Municipality of Chatham-Kent or a candidate nominated for an upcoming election.
- 7.2 Deputations will be permitted from the gallery, without prior registration, only during a public hearing portion of a meeting under the provisions of the applicable legislation. Sections 7.6 and 7.7 of this by-law do not apply to a public hearing portion of a meeting.
- 7.3 The Chair may curtail any deputation, any questions of a deputation or debate during a deputation, for disorder or any other breach of this by-law and, if the Chair rules that the deputation is not in compliance with Section 7.4 of this by-law, the person or persons appearing shall withdraw from the deputation table, and the decision of the Chair shall not be subject to challenge.
- 7.4 Deputations shall not:
 - a) speak disrespectfully of any person;
 - b) use offensive words;
 - c) speak on any subject other than the subject for which they have received approval to address Council, Committee or Local Board;
 - d) disobey a decision of the Chair;
 - e) enter into cross debate with other deputations, administration, Members or the Chair; and
 - f) appear for the purpose of publicly announcing a local event unless authorized by the Chief Administrative Officer.
- 7.5 Upon the completion of a presentation to Council, Committee or Local Board by a deputation, any discourse between Members and the deputation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the deputation respecting the presentation. Once a motion to accept the deputation has been moved and seconded, no further representation or questions of the deputation shall be permitted.

Deputation – Item on Current Agenda

- 7.6 Any person who wishes to appear before Council regarding an item on the current agenda shall make written application to the Clerk, by 3:00 p.m., the day of the meeting, to be placed on the Agenda to appear before Council at the meeting at which it will be dealing with the item of interest to the deputation. Presentation material must be submitted with the request to appear and shall be copied and distributed as “Deputation” submissions to Members.
- a) The Clerk shall review the presentation material and in consultation with the Chief Administrative Officer, determine if the subject matter and nature of the deputation’s request falls within the jurisdiction of Council.
 - b) The Clerk, in consultation with the Chief Administrative Officer, may refuse a deputation when there has been at least one (1) public meeting held at which the public was provided the opportunity to make formal presentations on that subject matter.
 - c) A maximum of five minutes shall be allotted for each deputation to present their position of support or opposition to the relevant item on the Agenda. Where there are numerous deputations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Deputations are encouraged not to repeat information presented by an earlier deputation. The five-minute time line shall be strictly enforced. The Chair shall, at the conclusion of the five minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. Only upon a verbal motion to extend the five-minute limit, adopted by a majority of Members, shall the five-minute limit be extended.
 - d) The number of deputations to address an item on the current agenda will be unlimited, but subject to the discretion of Members, can be limited in order to allow for efficient and effective operation of the meeting proceedings.

Deputation – Item not on Current Agenda

- 7.7 When a request is received for a deputation wishing to be heard on an item which is not listed on the agenda, the person shall submit in writing, at least 6 (six) days preceding the Council meeting, the nature of the presentation to the Clerk.
- a) The Clerk shall review the presentation material and in consultation with the Chief Administrative Officer, determine if the subject matter and nature of the deputation’s request falls within the jurisdiction of Council.
 - b) The Clerk, in consultation with the Chief Administrative Officer, may refuse a deputation when there has been at least one (1) public meeting held at which the public was provided the opportunity to make formal presentations on that subject matter.
 - c) Once it has been concluded that the presentation/request does fall within the jurisdiction of Council, the Clerk shall forward a copy of the written submission to the Chief Administrative Officer to determine if an administrative report should accompany the submission on the next or subsequent agenda. The Chief Administrative Officer shall determine which General Manager shall report on the issue and the timing of that report. The Clerk shall advise the deputation accordingly.

- d) Where the matter falls outside of the scope and responsibility of Council, the Clerk shall notify the person(s) that the presentation should be properly referred to the most appropriate Committee, Local Board, Commission, Agency or Provincial or Federal Government Ministry for consideration.
 - e) A maximum of ten minutes shall be allotted for each deputation to present their position. Where there are numerous deputations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Deputations are encouraged not to repeat information presented by an earlier deputation. The ten-minute time line shall be strictly enforced. The Chair shall, at the conclusion of the ten minutes, inform the deputation that the time limit has been exceeded and thank the deputation for the presentation. Only upon a verbal motion to extend the ten-minute limit, adopted by a majority of Members, shall the ten-minute limit be extended.
 - f) No more than a combination of four planned deputations or presentations shall be allowed at any meeting. Deputations will be selected in the order in which they were received by the Clerk.
- 7.8 Members of the public attending a Council, Committee or Local Board meeting shall respect the decorum of the meeting and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting. The Chair may request that a member or members of the public vacate the meeting if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting until order is restored in the Council Chambers.
- 7.9 The Chief Administrative Officer may refuse deputations under the following circumstances:
- a) The request is not submitted within the time required in section 7.6 and section 7.7.
 - b) No written submission together with handouts or materials is provided with the request to appear.
 - c) The subject matter is deemed to be beyond the jurisdiction of Council.
 - d) The issue is specific to a labour/managerial dispute, or other matter properly held in closed session.
 - e) The issue has been or is to be considered by the Committee of Adjustment.
 - f) Council has previously made a decision on the issue.
- 7.10 In the event a deputation request is refused, the Chief Administrative Officer shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.

PART 8 – RULES OF DEBATE IN COUNCIL, COMMITTEE OR LOCAL BOARD

- 8.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 8.2 No Member shall speak to a question or motion until the Member has been recognized by the Chair.

- 8.3 When a Member is speaking, no other Member shall interrupt that Member, except to Raise a Point of Order or Raise a Question of Privilege.
- 8.4 When a Member is speaking to a Motion, he/she shall confine their remarks to the Motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the Members present.
- 8.5 A Member shall not speak more than once to any Motion unless otherwise decided by the Chair, except the Member who has made a Motion shall be allowed to reply for a maximum of five (5) minutes.
- 8.6 If a Member disagrees with the announcement of the Chair that a question is Carried or Lost, he or she may immediately after the declaration by the Chair, object to the Chair's declaration and request the vote be retaken, for purposes of clarification.
- 8.7 Prior to the taking of a vote, a 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 who is speaking.
- 8.8 If a Member considers that their integrity or the integrity of Council, Committee or Local Board has been impugned, the Member may, as a matter of Personal Privilege and with leave of the Chair, draw the attention of Council, Committee or Local Board as the case may be, to the matter by way of a Point of Personal Privilege. When a Point of Personal Privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a Point of Privilege may be appealed to Council, Committee or Local Board, as the case may be.
- 8.9 When a Member desires to call attention to a violation of the Rules of Procedure, they shall ask leave of the Chair to raise a Point of Order and after leave is granted, they shall state the Point of Order to the Chair succinctly and the Chair shall then decide upon the Point of Order and advise the Members of their decision.
- 8.10 Unless a Member immediately appeals the Chair's decision, the decision and its result shall be final.
- 8.11 If the decision of the Chair is appealed, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately to the Members without debate and the result of the vote shall be final.
- 8.12 When the Chair calls a member to order, that Member shall cease speaking until the Point of Order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.

PART 9 – VOTING PROCEDURES

- 9.1 Every Member present at a meeting, when a question is put, shall vote unless prohibited by statute. If prohibited, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting.
- 9.2 The motion is lost if the result is a tie vote.
- 9.3 If any Member does not vote when a question is put, they shall be deemed to have voted in the negative except where the Member has abstained from the vote as a result of declaring a conflict of interest in the matter or question.

- 9.4 When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.
- 9.5 After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 9.6 The Chair shall, upon request of a Member, divide the question, and the vote upon each part shall be taken separately.
- 9.7 A Friendly Amendment may be made providing there is consent from the mover and the seconder.
- 9.8 Council shall use the electronic voting system on all motions and the Clerk shall record all votes on motions in the minutes, with the exception of the following:
- i. Vote on Recess to Closed Session;
 - ii. Vote on adding Supplementary Agenda items to the agenda;
 - iii. Vote on receiving a deputation for information;
 - iv. Vote on receiving a presentation for information;
 - v. Vote on receiving the consent agenda for information;
 - vi. Vote on first and second reading of the by-laws;
 - vii. Vote on the third and final reading of the by-laws;
 - viii. Vote on receiving the communication items for information;
 - and
 - ix. Vote on the adjournment of the meeting.
- 9.9 **Notice of Motion**
- a) Notice of all new motions shall be given in writing during a regular meeting and shall include the name of the mover and advise that the motion described therein will be added to the next regular meeting agenda.
 - b) A Notice of Motion shall not be debated until the next regular meeting.
- 9.10 **Motion to Suspend Notice Requirements**
- a) In accordance with Section 2 (b), Council, Committee or Local Board, by a two-thirds vote of the whole number of Members present, may temporarily suspend or waive, for the purpose of that particular meeting or issue, the notice requirements, as set out in Section 9.9 and deal with the motion immediately.
- 9.11 **Motion to Withdraw**
- a) After a motion is received by the Chair, it shall be deemed to be in possession of Council, Committee or Local Board, but may, at the request of the mover and with the permission of Members, be withdrawn at any time before decision or amendment.
- 9.12 **Motion to Amend**
- a) A "Motion to Amend" means a motion to modify the wording of a pending motion before the pending motion is acted upon.
 - b) A Motion to Amend:
 - i. Is not in order when another Member has the floor;
 - ii. Must be seconded;
 - iii. Is debatable if the motion to be amended is debatable;

- iv. Is amendable;
- v. Requires a majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Amend shall:

- i. be made only to a previous motion or to amend an amendment to the motion;
- ii. be relevant to the question to be decided;
- iii. be put in the reverse order to that which it is moved; and
- iv. not be in order if it constitutes a rejection of the main question.

9.13 Motion to Refer

a) A “Motion to Refer” means a motion to request that a pending motion be referred to Administration, a Committee, a Local Board, or elsewhere to obtain further information to be provided for consideration.

b) A Motion to Refer:

- i. Is not in order when another has the floor;
- ii. Must be seconded;
- iii. Debate on the motion must be confined to its merits only and cannot discuss the main question;
- iv. Is amendable;
- v. Requires majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Refer should include:

- i. the name of the administrative department or Committee to whom the request is to be referred; and
- ii. instructions or directions respecting the information required.

9.14 Motion to Postpone to a Certain Time

a) A “Motion to Postpone to a Certain Time” means a motion requesting that a pending question be delayed to a definite day, meeting, or hour, or until after a certain event.

b) A Motion to Postpone to a Certain Time:

- i. Is not in order when another has the floor;
- ii. Must be seconded;
- iii. Debate on a Motion to Postpone to a Certain Time must be confined to its merits only and cannot go into main question;
- iv. Is amendable only to change the length of the postponement;
- v. Requires majority vote for adoption; and
- vi. Can be reconsidered.

c) A Motion to Postpone to a Certain Time shall:

- i. include a fixed date for the question to come back before consideration; and
- ii. be made while the main motion or an amendment is on the floor, and takes precedence over that motion or amendment.

9.15 Motion to Reconsider

- a) A “Motion to Reconsider” means a motion requesting to bring back, for further consideration, an identical motion which has already been voted on by Council, Committee or Local Board.
- b) A Committee or Local Board has lost all jurisdiction over a matter once it goes to Council.
- c) A Motion to Reconsider:
 - i. Is not in order when another has the floor;
 - ii. Must be seconded;
 - iii. Debate must be confined to reasons for or against reconsideration;
 - iv. Is not amendable;
 - v. Requires two-thirds vote for adoption; and
 - vi. Cannot be reconsidered.
- d) If the action approved in the original motion cannot be reversed, the motion cannot be reconsidered.
- e) A motion may be reconsidered at the same meeting or any meeting following the meeting when the motion was considered provided that a Member who voted with the majority on the original motion moves for reconsideration of the original motion.
- f) Each Member shall be responsible for making a determination on how the Member voted on a specific matter.
- g) A Motion to Reconsider suspends action on the motion to which it applies until it has been decided.
- h) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- i) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.
- j) When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- k) The following motions can not be reconsidered:
 - i. To adjourn;
 - ii. To recess;
 - iii. To suspend the rules;
 - iv. To reconsider; and
 - v. Planning Advisory Committee items.

9.16 Motion to Rescind

- a) A “Motion to Rescind” means a motion requesting that a previous action or resolution be cancelled or countermanded. (This would strike out an entire main motion, resolution, rule, section, or paragraph that has been adopted at some previous time.)
- b) A Motion to Rescind:
 - i. Is not in order when another has the floor;
 - ii. Must be seconded;
 - iii. Is debatable;
 - iv. Is amendable;

- v. Requires majority vote ; and
- vi. Can be reconsidered.

9.17 Motion to Call the Question

- a) A “Motion to Call the Question”, or end the debate, shall always be in order, except:
 - i. when a Member is speaking;
 - ii. during the taking of a vote; or
 - iii. when a Member has already indicated to the Chair, that he or she desires to speak on the question.
- b) A Motion to Call the Question when resolved in the negative cannot be made again until Council has conducted further proceedings.

9.18 Motion to Adjourn

- a) A “Motion to Adjourn” means to close the meeting.
- b) A Motion to Adjourn is not debateable
- c) A Motion to Adjourn the meeting shall always be in order, except:
 - i. when a Member is speaking;
 - ii. during the taking of a vote; or
 - iii. when a Member has already indicated to the Chair, that he or she desires to speak on the question.
- d) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

9.19 Order of Precedence

- a) Where a motion is under consideration, no further motion shall be received except a motion having precedence, which shall be determined in the following order, starting with the highest precedence:
 - i. to adjourn;
 - ii. to recess;
 - iii. to raise a question of privilege;
 - iv. to request information;
 - v. to request that the vote be taken;
 - vi. to lay on the table;
 - vii. to limit or extend the debate;
 - viii. to postpone to a certain time;
 - ix. to refer ;
 - x. to amend.

9.20 Non-Debatable Motions

- a) The following motions are not subject to debate:
 - i. to adjourn;
 - ii. to close, limit or extend debate;
 - iii. to lay on the table (to table);
 - iv. questions of privilege; and
 - v. to suspend the rules.

9.21 Motions Proposing Actions Beyond Jurisdiction of Council

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

PART 10 – CONDUCT OF MEMBERS - BUSINESS OF COUNCIL

- 10.1 Members of Council shall:
- a) act in accordance with their Declaration of Office;
 - b) not use indecent, offensive, or insulting expressions, at any time, toward other Members of Council, administration, deputations or members of the public;
 - c) 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;
 - d) speak only to the subject under debate; and
 - e) not disobey the rules of the Council or a decision of the Chair/Presiding Officer, or Council, on a Question of order, or upon the interpretation of the Rules of Council.
- 10.2 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.
- 10.3 The Member will be permitted to retake their seat provided the Member has apologized to Council.

PART 11 – BY-LAWS

- 11.1 The proposed by-law title and reference shall be listed on the Council Agenda.
- 11.2 A motion, duly moved and seconded, is required to introduce the by-laws for first and second reading and consideration by Council.
- 11.3 A Member may request that the Clerk read a by-law or by-laws for clarification or benefit of the public including any amendments previously stated during the meeting. If reading is not required, all by-laws will be considered to have been read.
- 11.4 A motion duly moved and seconded for third and final reading, shall be in order.
- 11.5 Once the by-laws have been adopted, the by-laws shall be signed by the Chair/Acting Chair and the Clerk/Acting Clerk, and the corporate seal shall be affixed to every by-law duly passed.
- 11.6 Notwithstanding the foregoing, when the requirements of any Provincial legislation requires that notification be given of Council's intention to enact a by-law, the Chair shall notify persons who are present at the meeting that they may make representation on the proposed by-law during Council's hearing of Deputations

PART 12 – PETITIONS

- 12.1 Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the Municipality of Chatham-Kent, may be introduced by a member of Council.

- 12.2 A motion directing receipt of the petition and report on the action requested, along with a time line for completion of the report, shall be in order.
- 12.3 Petitions to Council may be submitted by residents and included either under Communication Items, or as part of a Departmental Report. Any such petition must be submitted to the Clerk, in accordance with Part 7 of this by-law regarding deputations.

PART 13 – COMMITTEES OF COUNCIL

- 13.1 Council may, from time to time, establish a special Committee of Council, an Advisory Committee or Task Force, in response to specific issues requiring immediate or long term attention.
- 13.2 All policies and procedures for appointment and operation of special Committees of Council, Advisory Committees or Task Forces are outlined in **Appendix “A”**.

PART 14 - ROLE OF THE COUNCIL

- 14.1 In accordance with the Municipal Act, it is the role of Council:
- a) to represent the public and to 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 services the municipality provides;
 - d) to ensure that administration policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - f) to maintain the financial integrity of the municipality; and
 - g) to carry out the duties of Council under this or any other Act.
- 14.2 Council is responsible for establishing policies within the authority of enabling legislation, for the purpose of guiding the administration of municipal government in the Municipality of Chatham-Kent.
- 14.3 Subject to legislative restrictions, Council develops regulations to be adopted in by-laws and resolutions for the overall benefit of the community.
- 14.4 Council appoints statutory officers and senior officials to ensure that an appropriate management system is in place to administer the Municipality within the adopted policies of Council.
- 14.5 Council collectively, through the Chief Administrative Officer, oversees the administrative functions as carried out by appointed officials within delegated authority and the policies adopted by Council.
- 14.6 Council members are to be prepared to attend regular and special meetings of Council and committees to which a Member has been appointed by Council and to participate in the development and adoption of policies and directions for the Municipality of Chatham-Kent.

- 14.7 Council acts as liaison between the citizens they represent and the Municipality, to ensure that the intention of the established policies and regulations are applied in a manner that is conducive to the citizens and community as a whole.
- 14.8 Council oversees the financial affairs and delivery of municipal services through the adoption of policies and budget control guidelines and ensures that appropriate audit procedures and monitoring programs are in effect.
- 14.9 Council collectively arbitrates matters where the procedural by-law is silent and the matter is placed before the Council for disposition.
- 14.10 No member of Council or Committee shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Municipality. Employees shall be subject only to their supervisors, as established in the formal organization structure of the Municipality. All administration takes direction from Council through the Chief Administrative Officer.
- 14.11 Council shall request reports from administration by Council motion.
- 14.12 Council Members shall be bound by the Code of Conduct, as outlined in **Appendix "B"**.

PART 15 – ROLE OF THE MAYOR

- 15.1 In accordance with the Municipal Act, it is the role of the head of Council:
 - a) to act as chief executive officer of the municipality;
 - b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to the Council;
 - d) to represent the municipality at official functions; and
 - e) to carry out the duties of the head of Council under this or any other Act.
- 15.2 In accordance with the Municipal Act, as Chief Executive Officer of the 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 representative of the municipality both within and outside the municipality, and 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.
- 15.3 The Mayor may state relevant facts and the Mayor's position on any matter before the Council without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Mayor to move a motion or debate a question without first leaving the chair.
- 15.4 From time to time, the Mayor may be absent from the Municipality of Chatham-Kent or may be absent from office through illness. In such instances, it is desirable to have an alternate designated to act in the place of the Mayor. The Clerk shall prepare a schedule by the first regular meeting of Council, listing a monthly rotation of the Members of Council to act in the absence of the Mayor for the duration of the term of Council.

PART 16 – ROLE OF THE CHIEF ADMINISTRATIVE OFFICER

- 16.1 In accordance with the Municipal Act, a municipality may appoint a Chief Administrative Officer who shall be responsible for:
- a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
 - b) performing such other duties as are assigned by the municipality.
- 16.2 All reports and recommendations of department heads shall be co-ordinated through the Chief Administrative Officer.

PART 17 – COUNCIL/STAFF RELATIONSHIP AND ROLES

- 17.1 No Member of Council, Committee or Local Board shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Municipality; such employee shall be subject only to their superior officer, as established in the formal organization structure of the Municipality.
- 17.2 No Committee shall have departmental jurisdiction.
- 17.3 The role of Council is to develop policies of the Municipality, while the role of management is executed by senior appointed staff, under the direction of the Chief Administrative Officer, with a role to develop strategies for the implementation of the policies established by Council.

PART 18- CONFIRMATION BY-LAW

- 18.1 The proceedings at every Council meeting shall be confirmed by by-law so that every decision of the Council at the meeting, and every resolution passed thereat, shall have the same force and effect as if each and every one of them had been the subject matter of a specific matter of a separate by-law duly enacted.

PART 19- ENACTMENT

- 19.1 Any amendment to this by-law shall require an affirmative vote of two-thirds of the Council.

PART 20- EFFECTIVE DATE

- 20.1 This by-law shall come into full force and take effect upon passing.

The By-law # 111-2010 is hereby repealed.

First, Second and Third Reading:

Enacted this 20th day of December, 2010

MAYOR – Randy R. Hope

CLERK – Elinor Mifflin

Appendix “A”

Appointments to Committees

Citizen Appointments

- a) Appointments of citizens to Committees or Local Boards will be governed by the Council’s approved Terms of Reference for each individual Committee or Local Board. The basis to all Terms of Reference will be similar.
- b) Prior to the completion of a term, a listing of all committees and the positions available will be prepared by Administration.
- c) Administration will prepare advertisements advising of the opportunities to serve on various committees and request that resumes/applications be submitted by mid-November. These ads will provide for notice for receiving applications.
- d) Once the applications have been received, they will be reviewed internally by administration and a report without recommendations will be prepared including the qualifications of each candidate and the committee appointments applied for by each candidate. This report will be reviewed by Council in “Closed session” in early December, and subsequently in open Council by mid-December, in order that appointments to all committees can be completed and members notified prior to January 1st of the following year.
- e) Although the basis of the terms of reference will be that no member shall be appointed for more than two (2) consecutive terms, it is understood that certain committees may have terms of reference which lessen or broaden this term limit.
- f) Vacancies on committees that occur during the term will be filled as soon as practicable in accordance with terms of reference

Council Member Appointments

Appointments of Council members to Committees or Local Boards will be for the term of Council or in accordance with the committee’s terms of reference and will expire once new Councillors have been appointed.

Appointment of members of Council will take place as follows:

- i) Immediately after the municipal election, the Mayor-elect and Councillors-elect will receive a list of Committees and/or Local Boards to which Council appoints its members to sit.
- ii) Members of Council-elect shall submit a list of committees to which they seek appointment.
- iii) As soon as practicable after the Inaugural Meeting, Council will determine which members of Council will be appointed to each Committee and/or Local Board using a voting format, should there be more volunteers than required for any position.
- iv) Appointments will be made public at the first regular Council meeting in December.
- v) Each Councillor shall seek appointment and serve upon a minimum of two (2) committees.

APPENDIX "B"

CODE OF CONDUCT FOR MEMBERS OF COUNCIL

Preamble

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

The Municipality of Chatham-Kent Council Code of Conduct is a general standard that augments the provincial laws and municipal by-laws that govern its conduct. It is not intended to replace a member's personal ethics.

General

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.

Gifts and Benefits

Members shall not, directly or indirectly, solicit any gift or accept/receive any gift, whether it be money, services, loan, travel entertainment, hospitality, promise, or any other gift/benefit if, (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In minor situations, such as tobacco and meal checks for example, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions or conventional hospitality.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including an annual value of \$500.00, that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$500.00 shall be the property of the Municipality, and shall be reported and turned over to the Clerk.

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

Confidentiality of Municipal Information

It is every Council Member's responsibility to ensure that all information collected, produced or obtained in the course of their duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No Council Member shall wilfully mislead other Council Members, employees or the public, about any issue of municipal concern.

It is the responsibility of each member of Council to ensure that confidential information, provided through administration, other Council Members, developers, investors, the public or through any other party, is kept strictly confidential and not released without the approval of Council.

Only with Council authority will Council Members give or release to anyone, confidential information acquired in the course of that Council Member's duties with the Municipality.

The following information must not be used or disclosed, except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"):

- information which is personal,
- information that constitutes the proprietary information of a third party, individual or group,
- might reasonably be regarded as having been disclosed to the employee in confidence,
- is of sensitive nature, or
- imparts to the person in possession of such information an advantage not available to the public generally.

Council Members should consult with the Clerk if clarification is required.

Information acquired through the Council Member's position with the Municipality shall not be used or disclosed in any personal external activity.

No Council Member shall benefit, either directly or indirectly, from the use of information acquired during the course of official duties, which is not generally available to the public.

No Member shall disclose the substance of deliberations during a Meeting held in Closed Session nor any information received in Closed Session meetings, except with the approval of the Council, Committee or Local Board.

Any Person who alleges there has been a breach of the requirement for confidentiality of Closed Session deliberations and information may file a written complaint setting out the details of the allegation with the Chief Administrative Officer of the Municipality.

Within 30 days after receiving the complaint, Council shall determine if it will appoint an Integrity Commissioner pursuant to section 223.3 of the Municipal Act to investigate the complaint and if so, the terms of reference for the investigation.

All reports from the Integrity Commissioner during or following an investigation shall be made available to the public in accordance with section 223.6 of the Municipal Act.

Following the receipt of the report, Council may impose such sanctions against the Member as supported by the report and authorized under the Municipal Act.

Use Of Municipal Property

Where a member makes use of any Chatham-Kent property, equipment, supplies, or services of consequence, other than for purposes connected with the discharge of Council duties, it is incumbent upon the member to make restitution for any additional expenses which are incurred by the Municipality for use of said equipment, supplies or services.

No member shall obtain financial gain from the use of Chatham-Kent developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by Chatham-Kent, while an elected official, or thereafter. All such property remains the exclusive property of the Municipality of Chatham-Kent.

No member shall use information gained in the execution of his or her duties, which is not available to the general public, for any purposes other than his or her official duties.

Work Of A Political Nature

No member shall use Municipal facilities, services, or property for his or her re-election campaign. No member shall use the services of Municipal employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Municipality.

Conduct At Council

During Council meetings, members shall conduct themselves with decorum. Respect for deputations 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.

Behavioural Expectations

All members of Council, employees of the Municipality of Chatham-Kent, and members of the public are expected to conduct themselves in a professional manner, treating others with courtesy and respect at all times. Further, incidents of harassment (coded and non-coded) and bullying will not be tolerated and is considered misconduct.

- **Coded Harassment** – Coded harassment is identified in the Ontario Human Rights Code, which is a provincial law in the province of Ontario, as being harassment based on “protected grounds”. The specific protected grounds include: race, colour, place of origin, ethnic origin, ancestry, citizenship, creed, sex (including pregnancy and breastfeeding), sexual orientation, age, marital status, family status, same-sex partnership status, record of offenses, disability within the meaning of the Ontario Human Rights Code, association or relationship with a person identified by one of the preceding grounds, or perception that one of the above grounds applies.
- **Non-coded Harassment** – Non-coded harassment is a course of vexatious comment, conduct or any improper behavior, including sexual in nature, by an individual that is directed at and is offensive to another person or group of individuals, and which that person knew or should reasonably have known would be unwelcome.
- **Bullying** – A repeated pattern of inappropriate behavior, direct or indirect, aggressive or passive, whether verbal, physical or otherwise, performed by one or more persons against another person or group of people, which could reasonably be regarded as undermining the individual’s right to dignity.

Representing The Municipality

Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed. However, Members must understand that individual members are provided liability coverage when Council is acting as a group. When a Council Member is acting on their own, there is no liability coverage for the Member.

Influence On Staff

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

Business Relations

No member shall 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.

No member shall act as a paid agent before Council, or a committee of Council, or any agency, board, or committee of the Municipality.

Encouragement Of Respect For The Municipality And Its By-Laws

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

Interpretation

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Solicitor of the Municipality.