



Township of Douro-Dummer Agenda for a Special Meeting of Council

Thursday, April 2, 2020, 4:00 p.m.
Telephone Conference

Please note, that Council may, by general consensus, change the order of the agenda, without prior notification, in order to expedite the efficiency of conducting business

This teleconference meeting will be recorded and made available upon request. Please contact the Clerk if you would like information to call in to listen to the teleconference meeting.

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	Pages
1. Reason(s) for Special Meeting: Matters of urgent nature due to declared State of Emergency of COVID-19	
2. Disclosure of Pecuniary Interest:	
3. Adoption of Agenda: Special Meeting - April 2, 2020	
4. Other Business and Staff Reports:	
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Overview:

On March 19, 2020 the Municipal Act, 2001, as amended, was amended by the *Municipal Emergency Act, 2020*, to provide that, any period where an emergency has been declared to exist under section 4 or 7.0.1 of *the Emergency Management and Civil Protection Act*, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

In order to allow electronic participation and to include the members present in the electronic meeting to count towards quorum, it is necessary for Council to amend the Procedural By-law.

Conclusion:

Attached is a draft by-law to amend the Procedural By-law. The changes are as follows:

- Add a definition of electronic meeting;
- Delete the existing subsection 2.7 Recording Devices – Not Permitted in its entirety and replace it with a new subsection 2.7 to note about recording and livestreaming of meetings. As well as add a Schedule 'B' to the original By-law to outline policies regarding recording and broadcasting of meetings
- Add a new subsection 2.8 to allow members participating electronically during an emergency to be counted towards quorum;
- Add a subsection to Section 4 – Notice of Meetings to allow for the cancellation of Meetings. This subsection would have been helpful during this emergency situation because the postponement of meetings provision was not sufficient.

Staff are currently working on a strategy to be able to implement measures for virtual council meetings so that during this emergency situation Council can continue to conduct regular meetings.

Recommendation:

That the Clerk/Planning 2020-18 report, dated March 25, 2020, regarding Amending the Procedural By-law – Electronic Participation during Emergencies be received, that the By-law to amend the Procedural By-law be passed at the appropriate time during this meeting, that Council resume regularly scheduled Council meetings starting April 21, 2020 electronically until the emergency situation has ended and that the public be notified of the method of the meeting on the agenda which will be posted on the Township's website.

Financial Impact: There may be a cost to combine virtual meetings with eScribe, but the cost is unknown at this time.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Amend Procedural By-law - Electronic Participation during Emergencies.docx
Attachments:	- 2018-09 - Procedural By-law.pdf - 2020-18 - Amend Procedural By-law - electronic participation during emergency.pdf
Final Approval Date:	Apr 1, 2020

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

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Martina Chait-Hartwig

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The Corporation of the Township of Douro-Dummer

**By-law Number 2018-09
(Repeals By-law 2014-58, as amended)**

(Procedural By-law)

Whereas the Municipal Act requires the Council of every Municipality to pass By-laws for governing the proceedings of its council, and the calling and place of meetings.

And Whereas the Municipal Act, provides that every council may pass such by-laws and make such regulations for the health, safety and morality and welfare of the inhabitants of the municipality in matters not specifically provided by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law;

Now Therefore the Council of the Corporation of the Township of Douro-Dummer hereby enacts as follows:

**Short Title
Council Procedural By-law**

**Part 1
Definitions**

1.1 Definitions

In this by-law:

Address

"Address" shall mean primary domicile.

Advisory committee

"advisory committee" shall mean a committee appointed by Council to provide recommendations, advice and information to Council through one of its committees.

Amend

"amend" shall mean to alter or vary the terms of a main motion without materially changing its purpose, an amendment shall have a corresponding meaning.

Chair

"Chair" shall mean the Mayor or in the absence of the Mayor the Deputy Mayor or other Chairperson as chosen by Council.

Clerk

"Clerk" shall mean the Clerk of The Corporation of the Township of Douro-Dummer or his/her designate.

Closed session

"closed session" shall mean a closed session of Council, the Committee of the Whole or committee meeting not open to the public, held in accordance with the Municipal Act, as amended.

Committee of the Whole

"Committee of the Whole" shall mean a committee composed of all of the members of the Council.

Corporation

"Corporation" means The Corporation of the Township of Douro-Dummer.

Council

"Council" shall mean the Council of The Corporation of the Township of Douro-Dummer.

Defer

"defer" shall mean to delay consideration of a matter by Council, the Committee of the Whole or a committee.

Department Liaison

"department liaison" shall mean a member of Council appointed to a municipal department and who shall report to Council on matters relative to that department.

Improper conduct

"improper conduct" shall mean the open disregard of the rulings of the Chair and rules and conduct outlined in this procedural by-law and Robert's Rules of Order.

Majority

"majority" shall mean more than fifty percent (50%) of the members present at the meeting.

Meeting

"meeting" shall mean any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Member

"member" shall mean a member of the Council and includes the Head of Council.

Motion

"motion" shall mean a proposal by a member for the consideration of Council, the Committee of the Whole, advisory or special committee that is moved by a member and seconded by another member.

Notice of Motion

"notice of motion" shall mean a notice of motion provided to the Clerk, in writing, by a member, requesting the inclusion of a motion on a future Agenda of a meeting of Council, Committee of the Whole or a standing committee in accordance with sections 11.1 and 11.2 of this by-law.

Point of Order

"point of order" shall mean a question by a member with respect to any rules or practices.

Postpone

"postpone" shall mean to delay consideration of a matter by Council, the Committee of the Whole or a committee.

Published

"published" shall mean the provision of documents in print and/or electronic formats.

Recorded Vote

"recorded vote" shall mean the recording of the name and vote of every member on a motion during a meeting.

Recording Devices

"recording devices" shall mean any type of video recorders or audio recorders, which includes but is not limited to digital cameras, Digital Video Recorders (DVRs), Personal Video Recorders (PVRs), cellphones, smartphones, Personal Digital Assistant (PDAs), Portable Media Players (PMPs), NetBooks, laptops and similar computing devices.

Signed Document

"signed document" shall include any written submission to council which shall be signed by at least one (1) person and submitted in its original form, electronically in Portable Document Format (PDF) or by fax.

Special committee

"special committee" shall mean a committee of limited duration appointed by Council to provide recommendations, advice and information to Council on a specific matter which is dissolved automatically upon completion of the project, unless otherwise directed by Council.

Quorum

"quorum" shall mean a majority of the members of Council, committee or board.

Year

"year" shall mean the calendar year commencing January 1st of any one year to and including December 31st of the same year.

Part 2 General

2.1 Rules - regulations - observed - at all times

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and committees and shall be the rules and regulations for the order and dispatch of business by the Council, Committee of the Whole, advisory and special committees.

2.2 Parliamentary procedure - proceedings

Those proceedings of the Council, Committee of the Whole, advisory and special committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with Robert's Rules of Order.

2.3 Rules - regulations - suspended - majority - Council

Any rules or regulations contained in this by-law may be suspended, except for those rules or regulations that are set out by legislation, with the consent of a majority vote of Council.

2.4 Absence - Mayor - authority

In the absence of the Mayor, or if he/she refuses to act or if the office is vacant, the Deputy Mayor shall serve as Acting Mayor and shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

2.5 Absence - Deputy Mayor - member appointed

In the event that the Deputy Mayor is unable, for any reason, to act in the place and stead of the Mayor, the Clerk shall call the meeting to order and a member shall be appointed to act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

2.6 Meeting Location

All meetings of the Council and the Committee of the Whole shall be held in Council Chambers located at 894 South Street, Warsaw, Ontario unless there are concerns with respect to health and safety and/or an emergency has been declared in accordance with the Emergency Management and Civil Protection Act, 1990.

If, for other reasons, Council should wish to hold a meeting at another location the change shall require consent by a majority vote of Council and shall be subject to the provision of public notice of the change in venue, and subject to the availability of a venue which is accessible to the public and satisfactory to the Clerk.

2.7 Recording Devices – Not Permitted

All Cell Phones and other electronic Recording Devices must be turned off or removed from the Council Chambers prior to the commencement of a meeting. A request to use any such device may be considered by Council.

**Part 3
Schedule of Meetings**

3.1 Inaugural Meeting

Following the 2018 regular municipal election, the inaugural meeting shall be held on the first Tuesday in December commencing at 5:00 p.m.

Following the 2022 regular municipal election and all other subsequent regular municipal elections, the inaugural meeting shall be held on the third Tuesday in November commencing at 5:00 p.m.

3.2 Annual Schedule of Meetings - prepared by Clerk

The Clerk shall, by November 30th of each calendar year, submit a schedule of the upcoming meetings for each Council year for consideration and adoption by the Council.

When setting the annual schedule of meetings the following shall apply:

- (a) Unless otherwise decided by Council, regular meetings of Council shall be held:

On the first and third Tuesdays of each month, commencing at 5:00 p.m., unless otherwise approved in the annual schedule of meetings noted in Section 3.2 above;
- (b) Provision shall be made for meetings to consider and adopt the annual Operating and Capital Budgets and other matters as deemed necessary by Council.

3.3 Special meeting - emergency - called by Mayor or CAO

The Mayor (or alternate) may, at any time, call a special or emergency meeting.

The Chief Administrative Officer (or alternate), in consultation with the Mayor (or alternate) may, at any time, call a special or emergency meeting if:

- a) a matter is considered to be of an urgent or time sensitive nature; or
- b) a matter could affect the health or well-being of the residents of the Township of Douro-Dummer; or
- c) a state of emergency is declared; or
- d) so advised by a Provincial Ministry

The Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to council for ratification.

**Part 4
Notice of Meetings**

4.1 Agenda is deemed notice

The Agenda shall be considered as adequate notice of regular, special or emergency meetings.

4.2 Agenda – Regular meetings - to be delivered to Council – Thursday prior to meeting by 4:30 p.m.

The Agenda for regular meetings shall be sent electronically (unless otherwise requested) to each member of council, so as to be received no later than 4:30 p.m. on the Thursday prior to the meeting.

Agenda Materials for a regular Council meeting will be posted to the Township website on the Friday prior to the meeting.

4.3 Agenda - Special meetings – to be delivered - 24 hours in advance

Notice of special meetings called in accordance with section 3.3 of this by-law shall be sent electronically (unless otherwise requested) to each member, so as to be received at least 24 hours before the hour appointed for the special meeting.

Agenda Materials for a special Council meeting will be posted to the Township’s website, whenever possible, a minimum of 24 hours prior to the scheduled Special meeting.

4.4 Emergency Agenda - notice not required

Notwithstanding any other provision of this by-law, an emergency meeting may be held, without written notice, to deal with an emergency 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.

Agenda Materials for an Emergency Council meeting will be posted to the Township’s website, as soon as possible.

4.5 Agenda – if notice not received – meeting still valid

Lack of receipt of a notice or of the Agenda by the members or the public shall not affect the validity of the meeting or any action taken thereat.

4.6 Postponement of meeting – due to emergency

The Mayor may, when emergency situations arise, postpone a meeting, for not more than seven (7) days, to such date determined by the Mayor in consultation with the Clerk.

4.7 Postponement - notice by Clerk

Upon the postponement of a meeting by the Mayor, the Clerk shall notify the members of Council of the postponement as soon as possible and give notice, of the date and time set for the meeting, at least twenty-four (24) hours in advance.

**Part 5
Open Meetings**

5.1 Meetings - open to public

Except as otherwise provided by Section 239 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, all meetings shall be open to the public.

5.2 Meetings – closed session

A Council, Committee of the Whole, advisory or special committee meeting or part of a meeting may be closed to the public in accordance with the Municipal Act, 2001, S.O. 2001, c.25, as amended.

A Council, Committee of the Whole, advisory or special committee meeting or part of a meeting shall be closed to the public in accordance with the Municipal Act, 2001, S.O. 2001, c.25, as amended.

5.3 Closed session - resolution required

Before holding a meeting or part of a meeting that is to be closed to the public, the Council that is holding the meeting shall state by resolution:

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

5.4 Meetings – shall not be closed during vote

Except as provided in section 5.2 of this by-law, a Council, Committee of the Whole, advisory or special committee meeting shall not be closed to the public during the taking of a vote.

5.5 Meetings – may be closed during vote - exception

A Council, Committee of the Whole, advisory or special committee meeting may be closed to the public during a vote if:

- (a) section 5.2 permit or require the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving direction or instruction to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

**Part 6
Council Agenda**

6.1 Order of Agenda

The Clerk shall prepare the Council Agenda for all regular meetings consisting of the following:

1. Moment of Silent Reflection
2. Disclosure of Pecuniary Interest
3. Adoption of Agenda
4. Adoption of Minutes
5. Business arising out of previous minutes
6. Delegations, Petitions or Presentations
7. Other Business and Staff Reports
8. Committee Minutes and Other Reports
9. By-laws
10. Correspondence – Action Items
11. Correspondence/Information Items
12. Accounts
13. Notices of Motion
14. New Business
15. Closed Session
16. Rise from Closed Session with or without a Report
17. Confirming By-law
18. Adjournment

6.2 Deadline for material to be included

The deadline for receipt of material by the Clerk to be included in the regular Council Agenda shall be 12:00 noon on the Tuesday prior to the meeting.

All written submissions shall be signed by at least one (1) person and may be submitted in its original form, electronically in Portable Document Format (PDF) or by fax.

6.3 Order of business - as specified - exception

The business of each meeting shall be taken up in the order in which it stands in the Council Agenda, unless otherwise decided by a general consensus of the members present.

**Part 7
Commencement of Meetings**

7.1 Quorum present

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to order by the Chair.

7.2 Mayor and Deputy Mayor - Absent – with quorum present

In case the Mayor does not attend within fifteen (15) minutes after the time appointed, the Deputy Mayor shall call the members to order and if a Quorum is present, shall preside during the meeting or until the arrival of the Mayor.

In the absence of the Mayor and Deputy Mayor, the Clerk shall be present and if a Quorum is present, shall call the members to order. The Chairperson shall be chosen from the members who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

The fifteen (15) minute waiting period shall not be required if the Clerk has been previously informed of such absence.

7.3 Quorum not present

If there is no quorum present within fifteen (15) minutes after the time appointed for the meeting, the Council shall stand adjourned until the date and time of the next regular or until a special meeting is called. The Clerk shall record the names of the members present upon such adjournment.

**Part 8
Rules of Debate and Conduct**

8.1 Mayor’s responsibilities

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.

8.2 Mayor’s ability to comment

The Mayor may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the Chair.

8.3 Mayor must leave Chair to debate

If the Mayor desires to leave the Chair for the purpose of taking part in the debate or for any other reason, he/she shall designate another member to fill his/her place until he/she resumes the Chair.

8.4 Member Speaking – requires recognition by Chair

Before a member may speak to any matter, he/she shall first be recognized by the Chair.

8.5 Chair determines speaking order

When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.

8.6 Speaking - limitation per subject - maximum 5 minutes

When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of two (2) five (5) minute responses, unless otherwise decided by a majority vote of the members present.

8.7 Motions under debate – questions allowed

When a motion is under debate, a member may ask a concisely worded question of the Chair, another member or appropriate staff, through the Chair, prior to the motion being put to a vote by the Chair in accordance with section 11.4 of this by-law.

8.8 Motion under debate – request to be read at any time

A member may require the motion under debate to be read by the Clerk at any time during the debate, but shall not interrupt a member who is speaking.

8.9 Disruption or offensive language - by member - prohibited

A member shall not disturb the Council by any disorderly deportment or improper conduct and shall not use profane or offensive words or insulting expressions.

8.10 Disobedience of rules and points of order - prohibited

A member shall not disobey the rules of the Council or a decision of the Chair or of the Council on points of order or on the interpretation of the rules of procedure of the Council.

8.11 Interruption of speakers - exception

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

8.12 Member shall inform Chair if leaving meeting - not returning

A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Chair.

8.13 Disorderly conduct - member to be removed

In the event that a member persists in a breach of the rules prescribed in sections 8.9 to 8.12 inclusive of this by-law, after having been called to order by the Chair, the Chair shall put the question "Shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.

8.14 Disorderly conduct - member to leave seat

If the Council decides the question set out in section 8.13 of this by-law in the affirmative by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.

8.15 Disorderly conduct – member apologizes

If the member apologizes, the Chair, with the approval of the Council, may permit him/her to resume his/her seat.

8.16 Disorderly conduct - failure to leave seat - removal by Ontario Provincial Police

If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with section 8.13 of this by-law and if the member does not apologize in accordance with section 8.15 of this by-law, then the Chair shall seek the appropriate assistance from the Ontario Provincial Police.

**Part 9
Questions of Privilege - Points of Order**

9.1 Rights - privileges - integrity - of members - affected

If a member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Chair to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.

9.2 Administration - integrity questioned - procedure

When a member considers that the integrity of a member of the administration has been impugned or questioned, the Chair shall, if they choose to do so, permit the C.A.O., Clerk or his/her designate to make a statement to the Council.

9.3 Rule of procedure - violation - raised by member

When a member desires to call attention to a violation of the rules or practices of procedure, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, he/she 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 his/her decision.

9.4 Appeal - Chair's decision - immediately - required

Unless a member immediately appeals the Chair's decision to the Council, the decision of the Chair shall be final.

9.5 Appeal - decision - question put - to Council

If the decision of the Chair is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.

9.6 Call to order - member to sit - speaking - permission

When the Chair calls a member to order, 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 10
Motions - Order – Putting Motions**

10.1 Notice of motion - filed with Clerk

Notices of motion filed in writing with the Clerk shall be directed by the Clerk to the next regular meeting of Council.

10.2 Question - urgent - included in Agenda

Notwithstanding the provisions of section 10.1 of this by-law, when a member, submitting a notice of motion to the Clerk within the deadline prescribed in section 6.2 of this by-law indicates in writing to the Clerk that the notice of motion is a question of urgency, the Clerk shall introduce the notice of motion in the Agenda at Item 13. (New Business) as identified in section 6.1 of this by-law.

10.3 Notice - Agenda - consideration - conditions

Notices of motions included in the Agenda at Item 5. (Business arising out of previous minutes), as identified in section 6.1 of this bylaw, shall only be considered by the Council when a majority of the members present have given leave for the introduction of such a motion.

10.4 Motions for giving leave - non-amendable - debatable

Motions for giving leave shall be put immediately without amendment or debate.

10.5 Motion - seconded before debate - exception

Motions shall be seconded before being debated or put to a vote, except motions to adopt a recommendation from the Committee of the Whole, advisory or special committee.

10.6 Withdrawal - before put - requirement

Every motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Chair, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.

10.7 Motion under debate – other motions permitted

When a motion is under debate, no other motion shall be in order except a motion:

- (a) to adjourn;
- (b) to proceed beyond the hour of 7:30 p.m.;
- (c) to table;
- (d) to put the question (to close the debate);
- (e) to postpone;
- (f) to refer; or
- (g) to amend.

10.8 Motion to adjourn - qualifications

A motion to adjourn shall:

- (a) not be amended;
- (b) not be debated;
- (c) not include qualifications or additional statements; and
- (d) always be in order, except when a member is speaking or the members are voting or when made in closed session.

10.9 Motion to adjourn - rejected - procedure

When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

10.10 Adjournment - extension - maximum - permissible

The Council shall always adjourn at 7:30 p.m. if in session at that hour, unless otherwise decided before that hour to extend the meeting for one (1) thirty (30) minute extension by a majority vote of the members present at the meeting. If the meeting is still in session at 8:00 p.m. local time, it shall adjourn.

10.11 Motion to proceed beyond 7:30 p.m. - qualifications

A motion to proceed beyond the hour of 7:30 p.m. shall:

- (a) not be amended;
- (b) not be debated; and
- (c) always be in order, except when a member is speaking or the members are voting.

10.12 Motion to table - qualifications

A motion to table shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the main motion and any amendments thereto under debate at the time when the motion to table was made; and
- (d) not include qualifications or additional statements.

10.13 Motion to table - accepted – procedure

Notwithstanding the provisions of section 10.12 of this by-law, if a motion to table is decided in the affirmative by a majority vote of the members present, then the main motion and any amendments thereto shall be removed from the Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk within the deadline prescribed in section 6.2 of this by-law and is included in the Agenda at Item 5. (Business arising out of previous minutes), as identified in section 6.1 of this by-law.

10.14 Motion to put the question - qualifications

A motion to put the question (to close the debate) shall:

- (a) not be amended;
- (b) not be debated;
- (c) not be introduced by a Council Member who has already spoken to the motion or amendment under debate, except a motion to proceed beyond the hour of 7:30 p.m.;
- (d) apply to the motion or amendment under debate at the time when the motion to put the question is made;
- (e) not be received in any committee;
- (f) be moved using the words "that the question now be put" and the mover and the seconder shall not be permitted to speak to the motion to put the question; and
- (g) not be permitted either when a motion or an amendment on the floor involves the approval of an expenditure by the Council that is \$1,000,000 or more.

10.15 Motion to put the question - accepted - procedure

If a motion to put the question is decided in the affirmative by a majority vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

10.16 Motion to postpone - to certain time - qualifications

A motion to postpone a matter to a certain time shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment and debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

10.17 Motion to refer - qualifications

A motion to refer a matter under consideration to the Committee of the Whole or a committee, to the Administration or elsewhere shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

10.18 Motion to amend - qualifications

A motion to amend shall:

- (a) be open to debate;
- (b) not propose a direct negative to the main motion; and
- (c) be relevant to the main motion.

10.19 Motion to amend - main motion - one at a time

Only one motion to amend the main motion shall be allowed at one time.

10.20 Motion to amend the amendment - one at a time

Only one amendment to the amendment to the main motion shall be allowed at one time.

**Part 11
Voting**

11.1 Amendment - to amendment - voted on first

A motion to amend an amendment to a motion shall be voted on first.

11.2 Voting - order

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) an amendment to the amendment to the main motion;
- (b) an amendment (as amended or not) to the main motion; and
- (c) the main motion (as amended or not).

11.3 Propositions - voted on separately – division of motion

When the motion under consideration contains distinct propositions, upon the request of any member and provided a recorded vote has not been called for, the vote on each proposition shall be taken separately.

11.4 Motion to vote - immediately - after all have spoken

A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with section 8.7 of this by-law.

11.5 Speaking - after motion - before vote announced

After a motion is put to a vote by the Chair, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.

11.6 Mandatory vote - all members

Every member present shall vote on every motion unless the member indicates a conflict of interest, in which case the member shall recuse themselves from the vote. The Chair shall vote only in the event of a tie or a recorded vote.

11.7 No vote - deemed negative

Notwithstanding the provisions of section 11.6 of this by-law, every member, except the Mayor, who is not recused from voting by reason of a declared conflict of interest, shall be deemed to be voting against the motion if he/she declines or abstains from voting.

11.8 Secret voting - on motion - prohibited

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

11.9 Putting the question to vote - qualifications

When putting the question to vote, the Chair shall first ask for those in favour of its adoption to raise their hands and then ask for those opposed to its adoption to raise their hands.

11.10 Leaving seat - disturbance during vote - prohibited

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

11.11 Result - announced - by Chair

The Chair shall announce the result of every vote.

11.12 Result - disagreement - objection immediate - retaken

If a member disagrees with the number of votes for and against a motion as announced by the Chair, he/she may object immediately to the Chair's declaration and, with the consent of the Council, the vote shall be retaken.

11.13 Tie vote - deemed negative

When there is a tie vote on any motion, it shall be deemed to have been decided in the negative. The Chair shall vote only in the event of a tie.

11.14 Recorded vote - called for - before vote or immediately after

A member may call for a recorded vote immediately prior to the taking of the vote or immediately followed by the vote prior to any other matters being discussed or debated.

11.15 Recorded vote - names - entered in minutes

When a recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

11.16 Voting - number of members - calculation

In any vote required of the whole Council, the number of members constituting the Council shall be determined by excluding:

- (a) the number of members who are present at the meeting but who are excluded from voting by reason of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50 and
- (b) the number of seats that are vacant on the Council by reason of section 259(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

11.17 Voting - recorded vote

When a recorded vote is requested, such request must be made, prior to the Chair calling for the vote on the question or **Page 20 of 25** following the vote prior to any other

matters being discussed or debated. When such a request has been made, the Clerk shall ask each member to indicate by voice their vote in the affirmative or negative to the motion. The Clerk shall record the name and vote of every member in the following order: Dummer Ward Councillor, Douro Ward Councillor, Councillor at Large, Deputy Mayor and then the Mayor, and shall report the result of the vote to the Chair.

Part 12 Reconsideration

12.1 Reconsideration – Direction to Staff

Council or committees may, by resolution or enacting a by-law, give direction to staff to pursue a course of action. A motion to reconsider a decided matter shall not be in order when the motion has been implemented by staff due to direction given by council or a committee at a previous meeting.

12.2 Reconsideration - decided matter of Council - same meeting

A motion to reconsider a decided matter of Council at the same meeting at which the original motion was decided shall be introduced at Item 13. (New Business) of the Council Agenda, unless the Chair determines there was a clear misunderstanding of the question that was put, in which case a motion for reconsideration shall be introduced immediately after the original vote was taken.

12.3 Reconsideration - decided matter of Council - subsequent meeting

A motion to reconsider a decided matter of Council at a meeting subsequent to the meeting at which the original motion was decided shall require a notice of motion submitted in accordance with section 6.2 of this by-law, and shall be introduced at Item 7. (Other Business and Staff Reports) of the Council Agenda.

12.4 Reconsideration - decided matter of Council – after one year

A motion to reconsider a decided matter of Council after one year to the meeting at which the original motion was decided shall be brought forward as though it were a new question and shall require a notice of motion submitted in accordance with section 6.2 of this by-law, and shall be introduced at Item 7. (Other Business and Staff Reports) of the Council Agenda.

12.5 Reconsideration - decided matter of Council - introduction

A motion to reconsider a decided matter of Council must be made by a member who voted with the majority on the original motion.

12.6 Reconsideration - decided matter of Council - only once

No motion to reconsider a decided matter of Council shall be made more than once in the twelve month period from the date the matter was decided, unless a regular election has occurred following the decision.

12.7 Reconsideration - decided matter of Council - majority - whole Council

A motion to reconsider a decided matter of Council shall require the approval of a majority of Council.

12.8 Affirmative vote - original matter - next business

If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

12.9 Debate - prohibited - statement of reason - permitted

No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.

Part 13 Delegations

13.1 Written request - to Clerk - for Council and Committee of the Whole

Any person desiring to be heard by the Council or the Committee of the Whole shall submit a signed written request on the Delegation Request Form, attached to this By-law as Schedule 'A', to the Clerk in accordance with the established submission deadline as set out in Section 6.2 of this by-law. Persons that fill out a Delegation Request Form shall have their names shown on the meeting Agenda.

13.2 Presenters – limited to 2 speakers

Persons appearing before Council or the Committee of the Whole shall have no more than two (2) persons to speak on behalf of the delegation and shall make their presentation from the speaker's podium.

13.3 Business - stated - matters - related to

Persons appearing before Council or the Committee of the Whole shall confine their remarks to the business stated in their request.

13.4 Speaking - limited - 10 minutes

No delegation shall speak on a matter longer than a ten (10) minute period, without leave of a majority of the members present at a Council or Committee of the Whole, except as otherwise prescribed by applicable legislation.

13.5 Repetition - prevented - hearing declined - exception

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, Council or the Committee of the Whole or any committee may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting of Council or a committee.

13.6 Appearance - previous - limitation - new information

Except as required by law, any person appearing before Council, the Committee of the Whole or a committee who has previously appeared before the same Council, Committee of the Whole, advisory or special committee on the same subject matter shall be limited to providing only new information in their second and subsequent appearances.

13.7 Placards, signs and other paraphernalia – prohibited

Placards, signs and other paraphernalia of any type shall not be permitted in the Council Chambers without prior approval of Council.

Part 14 Communications – Petitions

14.1 Presentation - information - legibly written - signed

Every communication or petition intended for presentation to the Council, Committee of the Whole, advisory or special committee shall be legibly written or printed and shall be signed by at least one person giving his/her address.

14.2 Matters - not pertinent - directed to appropriate area

Every communication or petition which does not pertain to matters in the Agenda shall be directed by the Clerk to the appropriate department or committee.

14.3 Language - obscene - defamatory - prohibited

Communications or petitions containing obscene or defamatory language shall not be listed in the Agenda or be directed to the Committee of the Whole or a committee, unless in the opinion of the Clerk and the Mayor that it should be forwarded to Council.

Part 15 Public at Council and Committee Meetings

15.1 Public - Proper Decorum to Be Maintained At All Times

Members of the public and delegations in attendance at Council, Committee of the Whole or committee meetings shall conduct themselves with proper decorum at all times, in order to ensure a safe and respectful meeting environment.

15.2 Public - Disorderly Conduct

Any person who is not conducting themselves in a manner as set out in section 15.1 of this by-law shall be asked by the Chair to do so. If that person continues to conduct themselves in a manner contrary to section 15.1 of this by-law, then the person shall be removed from the meeting.

15.3 Public - Immediate Removal

Notwithstanding section 15.2 of this by-law, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.

15.4 Suspension of meeting - order restored

The Chair may unilaterally suspend the meeting until order is restored in the meeting.

Part 16 Enquires

16.1 Corporation - business - procedure

Enquiries relating to any new subject matter that is not listed as an item on an agenda, connected with the business of The Corporation of the Township of Douro-Dummer may be made by members to the Chair or, through him/her, to another member or to the Chief Administrative Officer or to the Clerk or his/her designate or to a department manager.

16.2 Argument - opinions - debate - prohibited

When an enquiry is made in accordance with section 16.1 of this by-law, no argument, opinion or facts shall be stated, except so far as may be necessary to explain the enquiry, and no debate shall be permitted with respect to the enquiry.

16.3 Answer - response - debate - prohibited

When a member answers a question in response to an enquiry, he/she shall not debate the matter to which the enquiry refers.

16.4 Information – forwarded to department

When an enquiry is made in accordance with section 16.1 of this by-law, unless it is of an urgent or critical matter, the Council member shall refer the said enquiry to the Chief Administrative Officer, prior to the issue being made at a Council meeting, to ensure adequate information is available by staff at the meeting.

Part 17 Enactment of By-laws

17.1 Published - distributed - with Agenda

By-laws shall be distributed with the Agenda for the meeting at which they are to be read.

17.2 Distributed - with Added Communications - motion to introduce – majority vote

Notwithstanding the provisions of section 17.1 of this by-law, a motion to introduce those by-laws arising from New Business shall be decided by a majority vote of the members present prior to such by-laws being read.

17.3 Passing of By-laws – without first, second, third readings

All By-laws shall be passed without receiving first, second and third readings, unless otherwise directed by legislation or Council.

17.4 Signed – numbered - seal affixed - dates shown

Every by-law enacted by the Council shall be numbered and signed by the Mayor, Deputy or Acting Mayor or Presiding Officer and the Clerk or Deputy Clerk, sealed with the seal of the Corporation and shall show the date of passing by the Council.

**Part 18
Disclosures of Pecuniary Interest**

18.1 Pecuniary interest - disclosure - requirements

If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a meeting at which the said matter is the subject of consideration, then he/she shall:

- a) Disclose his/her interest and the general nature thereof at Item 2. (Disclosure of pecuniary interest), as identified in section 6.1 of this by-law, or prior to any consideration of the matter at the meeting
- b) Leave the council chambers
- c) Not take part in the consideration or discussion of the said matter
- d) Not vote on any motion in regard to the said matter
- e) Not attempt in any way whether before, during or after the meeting to influence the voting on any such questions.

18.2 Pecuniary interest - disclosure – requirements – closed session

Where a meeting is not open to the public, in addition to complying with the requirements of Section 18.1, the member shall also disclose the interest, but not the general nature of that interest at the next meeting that is open to the public.

18.3 Pecuniary interest - disclosure – requirements – absent

Where a pecuniary interest of a member has not been disclosed by reason of absence, the member shall disclose the interest and general nature thereof at the next regular meeting attended by the member.

18.4 Pecuniary interest - minutes

The Clerk shall record the particulars of any disclosure of a pecuniary interest made by a member in the minutes of the meeting where the pecuniary interest is disclosed.

18.5 Pecuniary interest – written statement

At the meeting or as soon as possible afterward, the member that discloses of a pecuniary interest shall provide a written statement of the interest and its general nature with the Clerk.

The Clerk shall keep a registry of the written statements on file which shall be available for public inspection.

18.6 Non-compliance - by member - validity not affected

The failure of one or more members to comply with section 18.1 of this by-law shall not affect the validity of the meeting in regard to the said matter. In the event that a member inadvertently fails to disclose an interest at the meeting of the subject matter, the member shall disclose at the next available meeting, offer an apology and same shall be recorded in the minutes.

18.7 Disclosure - by majority - quorum - requirement

Notwithstanding the provisions of section 7.1 of this by-law, when a majority of the members has disclosed an interest in accordance with section 18.1 of this by-law and the Municipal Conflict of Interest Act, as may be amended from time to time, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

**Part 19
Confirming By-law**

19.1 Proceedings - all matters

The proceedings at every regular, special and emergency meeting may be confirmed by one or more by-laws so that every decision of the Council at that 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 separate by-law duly enacted.

19.2 Non-amendable - non-debatable

Confirming by-laws shall not be amendable or debatable.

**Part 20
Committee of the Whole Agendas**

20.1 Committee of the Whole Agendas - composition - prepared by Clerk

The Clerk shall prepare Agendas for the Committee of the Whole consisting of the following parts:

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Adoption of Agenda
4. Delegations, Petitions or Presentations
5. Managers' Updates – Quarterly Reports
6. Other Business
7. New Business
8. Closed Session
9. Adjournment

20.2 Confidential Items - general description by Clerk

The Clerk shall include in the Agendas for the Committee of the Whole a description of the general nature of matters to be considered in a closed meeting under Item 10. (Closed Session) of the Committee of the Whole Agendas.

**Part 21
Committee of the Whole**

21.1 Chair - designated - report to Council

The Mayor shall be the Chair of the Committee of the Whole and shall maintain order during the meeting.

21.2 Chair – if Mayor or Deputy Mayor absent

In the absence of the Mayor, or if he/she refuses to act or if the office is vacant, the Deputy Mayor shall serve as Acting Mayor and shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

In the event that the Deputy Mayor is unable, for any reason, to act in the place and stead of the Mayor and a quorum is present, the Clerk shall call the meeting to order and a member shall be appointed to act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

21.3 Report - to Council - all matters referred

The Committee of the Whole shall consider and report to the Council on any other matter which has been referred to the Committee by resolution of the Council.

21.4 Meetings – regular - schedule

The Committee of the Whole will meet quarterly, when possible, throughout the year.

21.5 Meetings - apart from regular - permitted

The Committee of the Whole may meet apart from regular meetings when deemed necessary by Council.

21.6 Meeting - in closed session - decided by majority vote

Any Committee of the Whole meeting, or any part thereof, may be held in closed session if the Committee so decides by a majority vote of the members present to consider matters in accordance with sections 5.1 to 5.5 of this by-law.

21.7 Rules of Procedure

The rules governing the procedure of the Council and the conduct of its members shall be observed in the Committee of the Whole.

21.8 Vote - by Chair - permitted - exception

The Chair of the Committee of the Whole may vote on any motion after the other members have voted, except when the Chair is disqualified from voting by reason of a declared conflict of interest.

21.9 Report - meeting - consideration by Council

The report and recommendations of the Committee of the Whole shall be treated in the same manner as committee reports when considered by Council.

21.10 Report - recommendations - adopted – confirmed by Council

The report and recommendations of the Committee of the may be adopted and confirmed by the Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the recommendations contained in the report, except for those recommendations dealt with or voted on separately.

21.11 Request - to vote separately - requirements

A member of Council may request, prior to the adoption of a Committee of the Whole report, that a Committee of the Whole recommendation be voted on separately.

**Part 22
Department Liaisons**

22.1 Department Liaisons – composition

The following departments shall have one member of Council appointed to be the Department Liaison, save and except for the Mayor who shall be appointed to all Liaison positions:

- (a) Public Works;
- (b) Finance and Staff;
- (c) Recreation, Development and Promotion;
- (d) Emergency Services.

22.2 Department Liaisons – Term

The term of a Department Liaison shall be limited to two (2) concurrent years, after which there must be a break of a minimum of one full year.

22.3 Department Liaisons – Report - to Council

Department Liaisons shall report to the Council at the second regular meeting in the month on matters relative to their department in order to keep Council aware of municipal operations, as required. Page 26 of 65

Part 23 Advisory and Special Committees

23.1 Advisory and Special Committees – Appointment - by Council

An advisory or special committee may be appointed by the Council by resolution or by-law to consider and report on a specific subject, project or undertaking. Council shall designate one of its members to each advisory or special committee.

23.2 Advisory and Special Committees – Member – Term

The term of a member serving on an advisory or special committee shall be two (2) years, after which time Council shall review the composition and determine the composition for the next two (2) year term.

23.3 Advisory and Special Committees - Rules of Procedure

The rules governing the procedure of the Council and the conduct of its members shall be observed in all Advisory and Special Committees.

23.4 Advisory and Special Committees - Report - to Council

Advisory and special committees shall consider and report to the Council in writing on any other matter which has been referred to the Committee by resolution of the Council and on all matters connected with the duties imposed on them respectively.

23.5 Mayor - member - ex officio - all committees

The Mayor, shall be, an ex officio member of all committees of the Council.

23.6 Chairs - appointment - nomination - procedure

Each advisory and special committee shall appoint a chair at its initial meeting in each year.

23.7 Vice Chairs - appointed - first meeting

Each advisory and special committee shall appoint a Vice Chair at its initial meeting in each year.

23.8 Motions - seconded

Each advisory and special committee shall require motions made at its meetings to be seconded.

23.9 Minutes - report to Council

Minutes of the proceedings of advisory and special committee meetings shall be kept and shall be forwarded to the Council.

23.10 Reports - adopted - confirmed - by motion

The reports and/or minutes of advisory and special committee meetings may be adopted and confirmed by the Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the recommendations contained in the report, except for those recommendations dealt with or voted on separately.

23.11 Recommendation - separate vote - upon request

A member may request, prior to the adoption of an advisory and special committee report and/or minutes, that a specific recommendation be voted on separately due to a declared conflict of interest, and such a request shall not require the introduction of a motion.

23.12 Agenda - distribution - deemed notice

The publishing and distribution of the Agenda for the meeting shall constitute notice thereof.

23.13 Agenda - not received - validity - not affected

Lack of receipt of the Agenda by members of the advisory or special committee shall not affect the validity of the committee meeting or any action taken thereat.

Part 24
Repeal - Enactment - Amendment

24.1 By-laws - previous

By-law 2014-58, as passed on September 16, 2014 and all of its amendments are hereby repealed.

24.2 Effective date

This by-law shall come into force and take effect on January 17, 2018.

Passed in open council this 16th day of January, 2018.

Mayor, J. Murray Jones

Clerk, Crystal McMillan



Schedule 'A' to By-law 2018-09 Delegations

Request to Address Council

If you would like to attend as a delegation before Council for the Township of Douro-Dummer, you must complete this form and submit it to the Municipal Office. Please note that the deadline for delegation requests is at noon seven (7) days prior to the meeting.

A copy of any presentation being used (i.e. Power Point) is also required to be submitted at noon seven (7) days prior to the meeting.

Name of Individual(s): _____

*Note: Delegation(s) shall have no more than two (2) persons to speak on behalf of the delegation and 10 minutes to present. Council asks that delegations adhere to the 10 minute time limit.

Name of Organization: _____

Email: _____

Phone number: _____

Nature of delegation request: _____

*Please attach a separate sheet if more room is required.

For the purposes of the *Freedom of Information and Protection of Privacy Act*, by submitting this form, I/we authorize and consent to the use by, or the disclosure, to any person or public body or publishing on the Municipal website any information that is contained in this submission and recognize that my/our name may become part of the public record.

Signatures:

Name:

Name:

Please submit the completed application to:

Crystal McMillan, Clerk
crystal@dourodummer.on.ca
Fax: 705-652-5044
Phone: 705-652-8392 Ext. 205

or

Martina Chait-Hartwig, Deputy Clerk
martinac@dourodummer.on.ca
Fax: 705-652-5044
Phone: 705-652-8392 Ext. 210

To be completed by Municipal staff:

Meeting Date: _____

Time: _____

The Corporation of the Township of Douro-Dummer

By-Law Number 2020-18

A By-law to amend By-law No. 2018-09, being "A by-law to govern the proceedings of the Council of The Corporation of the Township of Douro-Dummer" (Procedural By-law)

Whereas section 238 of the Municipal Act, 2001 (the "Act"), as amended, provides that every municipality and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

And Whereas, on January 16, 2018, Council passed Procedure By-law By-law No. 2018-09;

And Whereas on March 19, 2020 the Act was amended by the *Municipal Emergency Act, 2020*, to provide that, any period where an emergency has been declared to exist under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum;

And Whereas the Act, amended by the Municipal Emergency Act, 2020, provides that a municipality or local board may hold a special meeting to amend an applicable procedure by-law and a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting;

And Whereas on March 17, 2020, the Province of Ontario declared a province-wide state of emergency as part of the ongoing response to COVID-19;

And Whereas the Council of The Corporation of the Township of Douro-Dummer deems it expedient to amend Procedure By-law No. 2018-09 to allow its members of Council, local boards and committees to participate electronically in meetings during emergencies and be counted for purposes of quorum;

Now therefore be it resolved that the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That By-law No. 2018-09 be amended by:
 - a. adding the following definition to Section 1.1 – Definitions:

"Electronic Participation" includes telephone, video, audio or audio-visual conferencing, or any other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.
 - b. deleting subsection 2.7 Recording Devices – Not Permitted in its entirety and replacing it with a new subsection 2.7 as follows:

2.7 Recording and Livestreaming of Meetings
Meetings of Council and certain Committees may be audio/video recorded and/or broadcast through livestreaming in accordance with "Schedule B" attached hereto and forming part of this By-law.

Members of the public or media may record proceedings of meetings in accordance with "Schedule B" attached hereto and forming part of this By-law. Should the recording differ from "Schedule B", a request to do such may be considered by Council.

- c. adding the following subsection to Section 2. immediately following subsection 2.7 a follows:

2.8 Electronic Participation during an Emergency

During an emergency, Members of Councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

- d. adding the following subsection to Section 4 – Notice of Meetings:

4.8 Cancellation of Meeting

The Clerk, with the approval of the Head of Council, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.

- d. adding Schedule 'A' of this By-law to By-law 2018-09 immediately following "Schedule A":

2. That this by-law shall come into force and effect on the date of passage.

Passed in open Council this 2nd day of April, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

Schedule 'A' to By-law 2020-18

Schedule 'B' Recording and Livestreaming of Meetings

1. Regular, Special and Emergency meetings of Council and other committees held in Council Chambers at 894 South Street, Warsaw, Ontario or in another location will be audio/video recorded and broadcasted on the internet if the equipment is available.
2. Regular, Special and Emergency meetings of Council and other committees held during an emergency via telephone conference or virtual meeting will be audio/video recorded and/or broadcasted on the internet.
3. Committee Meetings of Council may or may not be audio/video recorded and broadcasted on the internet depending on the location of the meeting and equipment available.
4. Closed Session meetings shall not be recorded.
5. In accordance with the Municipal Act, 2001, as amended, minutes of meetings are to be recorded without note or comment by the Clerk or designate. The approved minutes that are authored by the Clerk or designate shall be the official record of all Council meetings.

The Township (Clerk) will not provide transcripts of the meetings.

6. The electronic file of any audio/video recording will become a corporate record and may be saved on the Township's server and/or uploaded to the Township's website as soon as practical following the meeting.
7. Files on the internet are part of the public realm and may be subject to alteration by a member(s) of the public with no municipal control over such alterations. The Township assumes no liability associated with any alterations that are made by a member(s) of the public on the internet.
8. Signage shall be posted in the Council Chambers to advise members of the public that meetings may be recorded and will be made available on the internet.

A notation will be added to applicable meeting agendas to make presenters and members of the public aware that proceedings may be recorded and may be made available on the internet.

The Presiding Officer shall make a statement at the commencement of applicable meetings that "This meeting is being audio and/or video recorded and the recording will be made available on the Township website". Access to recorded proceedings shall be in compliance with the Municipal Freedom of Information and Privacy Act.

Overview:

On February 3, 2020, the Township released a Request for Proposal (RFP) for the collection of curbside waste and the transportation of roll-off bins to various locations. Notices of the RFP were sent out to 10 companies who provides these types of services along with ads in the local paper and a notice on our website. In response to this RFP we received three bid packages.

Conclusion:

Three bids where received from Emterra Environmental, Waste Connections of Canada and Withers Waste Management. The bid of Waste Connections of Canada was the lowest bid and met all other requirements of the Proposal. The bid provides for three years of curbside waste collection and roll-off bin transportation along with the possibility for two one year extensions to both services. An overview of the costs for both curbside collection and roll-off bin transportation over the life of the proposed contract can be found below. The proposed contract allows for the future inclusion of organic collection if that is a services that becomes available in the future.

Recommendation:

That the report C.A.O.-2020-12, dated March 18, 2020 regarding Collection of Curbside Waste and Roll-Off Bin Transportation be received and that Council award RFP ES-2020-01 Curbside Waste Collection and Transporting Roll-Off Bins to Waste Connections of Canada.

Financial Impact:

Waste Connections of Canada			
Curbside Collection	Base Price	H.S.T.	Total Cost
Weekly Pick Up Year One	\$ 199,344.00	\$ 25,914.72	\$ 225,258.72
Weekly Pick Up Year Two	\$ 202,932.00	\$ 26,381.16	\$ 229,313.16
Weekly Pick Up Year Three	\$ 206,585.00	\$ 26,856.05	\$ 23,341.05
Option for renewal for two years			
Roll Off Bin Transportation	Unit Price		
Year One			
To Bensfort Landfill Site	\$ 198.90		
To Local Scrap Dealer	\$ 198.90		
To City Compost Program	\$ 125.00		
Wood Waste to Local Recycler	\$ 75.00		
Year Two			
To Bensfort Landfill Site	\$ 202.88		
To Local Scrap Dealer	\$ 202.88		

To City Compost Program	\$ 127.50		
Wood Waste to Local Recycler	\$ 76.50		
Year 3			
To Bensfort Landfill Site	\$ 206.94		
To Local Scrap Dealer	\$ 206.94		
To City Compost Program	\$ 130.05		
Wood Waste to Local Recycler	\$ 78.03		
Option for renewal for two years			

Strategic Plan Applicability:

This recommendation is consistent with the Environmental Goal of the adopted Strategic Plan wherein the *"municipality continues to reduce, recycle, and reuse wherever possible in all our operations"*.

Sustainability Plan Applicability:

This recommendation is consistent with the Waste Theme of the adopted Sustainability Plan where in *"we will reduce the amount of waste we generate by using resources wisely"*.

Report Approval Details

Document Title:	Curbside Waste Collection and Roll-Off Bin Transportation.docx
Attachments:	
Final Approval Date:	Apr 1, 2020

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Overview:

The *Modernizing Ontario's Municipal Legislation Act, 2017* made amendments to the Municipal Act, that required municipalities to establish codes of conduct for members of council and of its local boards. Municipalities are also required to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality.

Previously, Council passed By-law 2018-53 to adopt a Code of Conduct for Council and participated in a joint RFP process to hire an Integrity Commissioner in 2018. At that time, Council, along with the other Township's within the County, retained Robert Swayze as the Integrity Commissioner.

On January 7, 2020, Council passed the following Resolution:

Resolution Number 14-2020

Moved by: Deputy Mayor Moher

Seconded by: Councillor Watt

That the report to Council, dated December 16, 2019 regarding the Integrity Commissioner be received and that, if at any time, the County decides to terminate the contract with Robert Swayze for the services of Integrity Commissioner:

- That the Township is in support of the termination of the contract;
 - That staff be requested to notify the County of Peterborough and provide any required notification to Robert Swayze;
 - That the Township participate in any joint Request for Proposal (RFP) for the services of an Integrity Commissioner.
- Carried

Conclusion:

On February 5, 2020, County Council passed a Resolution to provide Robert Swayze with notice of termination of the contract with him as the Integrity Commissioner. Further, on February 19, 2020, County Council passed a By-law to appoint Aird & Berlis LLP as the Integrity Commissioner for the Corporation of the County for an interim basis while a new joint RFP process for an Integrity Commissioner is undertaken. Discussions also took place regarding Aird & Berlis taking on this interim role for other municipalities within the County, should they require this service.

With the termination of the contract with Robert Swayze, the Township currently does not have Integrity Commissioner. During the new joint RFP for this service, it is recommended that Aird & Berlis LLP be appointed as the Integrity Commissioner on an interim basis. It would also be recommended that By-law 2018-53 be amended so that any complaints be submitted to the Clerk and then forwarded to Aird & Berlis; this will be in line with the change the County made to their process. Once a new Integrity Commissioner is selected, the Code of Conduct will be further reviewed by the new Integrity Commissioner and possibly changed at that time.

Recommendation:

That the [Report Number] report, dated March 27, 2020 regarding Appointment of an Integrity Commissioner be received and that the necessary by-laws be passed at the appropriate time during the meeting to appoint Aird & Berlis LLP as the Integrity Commissioner and that the Code of Conduct be amended to change the complaint process.

Financial Impact: Aird & Berlis LLP is not requiring a retainer fee, however there are fees for any services rendered.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Appointment of an Integrity Commissioner.docx
Attachments:	<ul style="list-style-type: none"> - 2018-53 - Code of Conduct for Members of Council - Reduced File Size.pdf - 2020-20 - To appoint an Integrity Commissioner.docx - 2020-XX - To amend 2018-53 - Code of Conduct for Council Members.docx
Final Approval Date:	Apr 1, 2020

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

The Corporation of the Township of Douro-Dummer

By-Law Number 2020-20

A By-law to appoint Aird & Berlis LLP as the Integrity Commissioner for The Corporation of the Township of Douro-Dummer

Whereas the Municipal Act, S.O. 2001, as amended (the "Act"), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law;

And Whereas Section 223.2 (1) provides that a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards;

And Whereas Section 223.3 of the Act authorizes a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality;

And Whereas the Council of the Corporation of the County of Peterborough adopted By-law 2018-53 being the Code of Conduct for Council which outlines the powers, duties and responsibilities of the Municipality's Integrity Commissioner;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer hereby enacts as follows:

1. That Aird & Berlis LLP be appointed as the Integrity Commissioner for the Corporation of the Township of-Dummer for a period of ninety (90) days from the passage of this by-law.
2. That the Corporation of the Township of Douro-Dummer does enter into that Agreement in writing attached hereto as Appendix 'A' and forming part of this by-law, with Aird & Berlis LLP for Interim Integrity Commissioner services, subject to the terms and conditions therein stated.
3. That the Mayor and the Clerk be authorized to execute the Agreement attached hereto as Schedule "A" forming an integral part of this By-law.
4. That this by-law shall be commonly called the "Appointment of Integrity Commissioner By-law".
5. That this by-law shall come into full force and effect on the date of passage.

Passed in open Council this XXXXth day of XXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2020-XX

**Being a By-law to amend By-law 2018-53
(Code of Conduct for Members of Council)**

Whereas Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

And Whereas the Modernizing Ontario’s Municipal Legislation Act, 2016 (Bill 68) was enacted and includes amendments to the Municipal Act and the Municipal Conflict of Interest Act coming into force on March 1, 2019;

And Whereas the Council of The Corporation of the Township of Douro-Dummer passed By-law Number 2018-53 to establish a code of conduct (the “Code”);

And Whereas the Council of The Corporation of the Township of Douro-Dummer deems is necessary to amend Schedule ‘A’ of By-law Number 2018-53 to change the Complaint/Application process;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That subsection 16.1 (a) of Appendix ‘A’ of By-law 2018-53 be deleted in its entirety and replaced with the following:

16.1 (a) a complaint shall be made in writing and shall be sent to the Clerk of the Township by mail, e-mail, fax or courier to:

Clerk, Township of Douro-Dummer
894 South Street, P.O. Box 92
Warsaw ON K0L 3A0
Email: crystal@dourodummer.on.ca
Phone: 705-652-8392 x205
Fax: 705-652-5044

and the Clerk shall immediately forward the complaint to the Integrity Commissioner;

2. That all other aspects of By-law 2018-53 are hereby confirmed;
3. That this By-law shall come into force and effect on the date of passing.

Passed in Open Council this XX day of XXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2018-53

Being a By-law to establish a Code of Conduct for Members of Council

Whereas Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

And Whereas the Modernizing Ontario's Municipal Legislation Act, 2016 (Bill 68) was enacted and includes amendments to the Municipal Act and the Municipal Conflict of Interest Act coming into force on March 1, 2019;

And Whereas the Council of The Corporation of the Township of Douro-Dummer considers it appropriate and proper to establish a code of conduct (the "Code") and to enact a by-law in this regard;


Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That Council hereby adopts the Code of Conduct for Members of Council attached hereto as Appendix 'A';
2. That Schedule 'A' forms part of this By-law;
3. That this By-law shall come into force and effect on the date of passing.

Passed in Open Council this 4th day of September, 2018.



Mayor, J. Murray Jones



Deputy Clerk, Martina Chait-Hartwig

Schedule 'A' to By-law 2018-53

Code of Conduct for Members of Council

Preamble

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members. This Code also supplements other existing Federal and Provincial legislation and Township by-laws and policies that govern Members' conduct which include but are not limited to the following:

- Criminal Code of Canada
- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Planning Act
- Township of Douro-Dummer Procedural by-law
- Township of Douro-Dummer Respect in the Workplace Policy

1. Purpose and Principles

- 1.1 This Code of Conduct for Members of Council (the "Code") sets out and identifies the Township's expectations for its Members and establishes rules for appropriate conduct. Members are to represent the public and to consider the well-being and interests of the Township as a corporate body and all of its ratepayers.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Township's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
 - (a) the decision-making process of Council is open, accessible and equitable and respects the Township's governance structure;
 - (b) public office is not to be used for the personal financial benefit of any Member;
 - (c) Township residents should be able to have confidence in the integrity of their local government and of their Members; and
 - (d) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. Definitions

2.1 In This Code:

- (a) **"applicant"** means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act*;
- (b) **"application"** means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*;
- (c) **"Clerk"** means the Clerk of the Township or his/her designate;
- (d) **"Code"** means the "Code of Conduct for Council Members" as established by Council pursuant to Section 223.2 of the *Municipal Act, 2001*;
- (e) **"complainant"** means a person who has filed a complaint in accordance with this Code;
- (f) **"complaint"** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (g) **"confidential information"** means any information in the possession of or received in confidence by the Township that the Township is prohibited from disclosing or has decided to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation, which includes but is not limited to:
 - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2), (3) or (3.1) of the *Municipal Act, 2001*;
 - (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2), (3) or (3.1) of the *Municipal Act, 2001*;
 - (iii) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Township;
 - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - (vii) sources of complaints where the identity of the complainant is given in confidence; or
 - (viii) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- (h) **"Council"** means the Council of the Corporation of the Township of Douro-Dummer;

- (i) **"gift"** means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;
- (j) **"harassment"** or **"harass"** involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:
 - i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
 - ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (k) **"Integrity Commissioner"** means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the *Municipal Act, 2001*;
- (l) **"local board"** is hereby defined as in Section 1(1) and Section 223.1 of the *Municipal Act*, as amended.
- (m) **"meeting"** means any legally-constituted meeting of Council, a Committee of Council or a local board;
- (n) **"Member"** means a Member of Council, including the Mayor, or a Member of a local Board;
- (o) **"social media"** means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (p) **"staff"** means direct employees of the Township whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- (q) **"Township"** means the Corporation of the Township of Douro-Dummer; and
- (r) **"Township property"** includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Township.

3. Conduct of Members

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and respect, recognizing that a Member is always a representative of the Township and of their elected office. A Member shall at all times conduct themselves with decorum and in accordance with the Township's Procedure By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

4. Compliance With the Code of Conduct

- 4.1 This Code applies to every Member. This Code shall be applied to Members who are members of a local board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.
- 4.2 This Code of Conduct shall be reviewed by the incoming Township of Douro-Dummer Council in each municipal election year as part of any Orientation Session. The Code of Conduct Value Statement attached as Schedule "B" to this Code shall be signed following the Inaugural Meeting and/or following the adoption of any replacement Code of Conduct. This code will also be reviewed and signed by the successful candidate in any by-election.
- 4.3 A Member shall:
- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
 - (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
 - (c) co-operate in every way possible in securing compliance with the application and enforcement of the Code.
- 4.4 No Member shall:
- (a) undertake any act of reprisal or threaten reprisal against a complainant, an applicant or any other person for providing relevant information to the Integrity Commissioner or any other person; or
 - (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

5. Transparency and Openness in Decision Making

Members shall:

- (a) conduct Council business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the *Municipal Act*, *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, and other applicable legislation regarding open meetings, accountability and transparency.

6. Access to Information and Confidentiality

6.1 A Member shall:

- (a) only be entitled to have access to information in the possession of the Township that is relevant to matters before Council or a local

board or that is relevant to their role as Members of Council. Otherwise, they have the same access rights to information as any member of the public, and

- (b) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

6.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Township except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- (b) disclose, release or publish by any means, including social media, any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (d) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a local board until such time that Council or a local board has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

7. Undue Use of Influence

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

8. Staff Relations

- 8.1 Only Council as a whole and no single Member, including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.

8.2 A Member shall:

- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of Council as a whole, and administer the policies of the Township without undue influence from any Member.
- (b) Respect the administrative structure and direct any staff performance concerns through the appropriate senior supervisory staff.

8.3 No Member Shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;

- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
- (c) attempt to use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere with the lawful exercise of the duties of staff.

9. Gifts

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

9.2 Notwithstanding Section 9.1 the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred in the performance of activities connected with a legitimate municipal purpose;
- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) a suitable memento of a function with nominal value, honouring the Member or the Township;
- (g) food, lodging, transportation and entertainment provided by provincial, regional and local governments or other government agency, and by the federal government or the government of a foreign country;
- (h) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance;

10. Use of Township Property

10.1 A Member shall:

- (a) only use Township property for activities relevant to their role as Members of Council; and
- (b) no member shall obtain any personal financial gain or advantage from the use of Township property.

11. Political Activity

11.1 Members may not use Township resources for any type of political activity including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

12. Harassment

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

13. Encouragement of Respect for the Township and Its By-Laws

13.1 A member shall:

- (a) encourage members of the public and their colleagues to abide by the Township's by-laws and policies, including this Code; and
- (b) accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

14. Social Media

14.1 A Member shall:

- (a) adhere to any and all Township policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Township when using social media.

14.2 No Member shall:

- (a) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

15. Role of the Integrity Commissioner

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

15.2 The Integrity Commissioner shall provide the following services:

- (a) The application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them.
- (b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them.
- (c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council or of local boards.
- (d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member. All requests for such advice and the advice in response thereto, shall be provided in writing.
- (e) Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members. All requests for such advice and the advice in response thereto, shall be provided in writing.

- (f) Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act. All requests for such advice and the advice in response thereto, shall be provided in writing.
- (g) The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's code of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

16. Complaint/Application Process

16.1 A complaint that a Member has contravened the Code or a corporate policy of the Township may be initiated by any person, any Member of Council, or by Council as follows:

- (a) a complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
- (b) a complaint must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) a complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified.
- (d) the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;

16.2 If filed with the Integrity Commissioner after March 1, 2019, an application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:

- (a) an application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
- (b) an application must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) an application shall include:
 - (i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified; and

- (iv) a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention not more than six weeks before the date of application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.
 - (d) an application may only be made six weeks after the applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.
- 16.3 The Integrity Commissioner shall undertake an initial review of a complaint or an application that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members or compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint or application, if it is not alleging such a contravention, or if the complaint relates to the following matters:
- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
 - (ii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
 - (iii) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.
- 16.4 If the Integrity Commissioner determines that he or she does not have jurisdiction as described in Section 16.3 the Integrity Commissioner shall advise the complainant/applicant in writing accordingly.
- 16.5 The Integrity Commissioner may dispose of a complaint or application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant/applicant and shall endeavour to apprise the complainant/applicant of subsequent steps and the processing of the complaint or application and any ensuing investigation.
- 16.6 If the Integrity Commissioner is of the opinion that a complaint or application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint/application in a summary manner. The Integrity Commissioner shall advise the complainant/applicant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 16.7 If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act*, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint or application and supporting evidence to the Member whose

conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the complainant/applicant with a request for a written reply also within ten (10) days. A complainant/applicant may request that his/her complaint remain anonymous and, if approved by the Integrity Commissioner, the name will not be released.

- 16.8 The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any Township workplace relevant to the complaint, including any documents or records under the custody or control of the Township.
- 16.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 16.10 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 16.11 Upon conclusion of an application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.
- 16.12 The Commissioner shall:
- (a) advise the applicant if he or she will not be making an application to a judge; and
 - (b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.
- 16.13 The Integrity Commissioner's report on a complaint or an application shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

17. Election Blackout Period

- 17.1 No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, except as provided in s.223.4 and 223.4.1 of the *Municipal*

Act.

- 17.2 For the purposes of the October 2018 regular municipal election, the provisions contained in paragraph 18.1 shall be interpreted as if the provisions of s.223.4 and 223.4.1 as amended were already in force.

18. Penalties

- 18.1 Upon receipt of a final report with respect to a complaint and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.

- 18.2 Council may also take the following actions:

- (a) removal from membership of a committee;
- (b) removal as chair of a committee;
- (c) request the repayment or reimbursement of monies received;
- (d) request the return of property or reimbursement of its value;

Schedule "B"

Value Statement- Council Members

At the start of each new Council Session, or following the adoption of any new or replacement Code of Conduct, all Members of Council shall recite the following and sign this Value Statement.

As Member of the Township of Douro-Dummer Council, I am committed to discharging my duties conscientiously and to the best of my ability.

I have read the Township of Douro-Dummer Code of Conduct and I support and will follow the Code in my undertakings relating to my position as a Member of Council. Specifically:

- I will act with honesty and integrity, and conduct myself in a manner that generates community and employee trust and confidence, and enhances the image of the Council and the Corporation.

- I will treat all Members of Council, employees and others in my undertakings on behalf of the Township with respect.
- I will be informed in my understanding of the roles and responsibilities of Council and staff. Further I will ensure that I will not use my position to intimidate or threaten others.
- I will be responsible for the disclosure of any situation where my personal interests may conflict with the Corporation's.
- I will follow the provisions of the Municipal Act and relevant Township By-Laws and policies with respect to accepting any remuneration, fee, reward, or other favour for any act done or not done by virtue of my responsibilities as a Member of Council, and will also adhere to the principles of this Code. Further, I will not solicit nor accept any gift, or derive benefit, directly or indirectly, the acceptance of which would compromise my ability to make an impartial decision.
- I will honour the need for confidentiality and ensure that confidential information to which I may be privy as a result of my position as a Member of Council shall remain confidential and not be made public during and/or following my term of office.
- I will ensure that my communications are consistent, open, honest and transparent and in the best interests of the Corporation and the community.

Signed by the member of Council and witnessed by the Township Clerk on this _____ day of _____ 20__.

Signature of Township Clerk
of Council

Signature of member

Synopsis of Report:

The report dated March 29, 2020 entitled Tax Installment Deferral is to present to Council options to address tax installment deferral due to the Covid-19 virus situation. The Township wants to help tax payers in these trying times by helping to alleviate the financial pressures for those that have lost their jobs or who find themselves in financial strain due to the Covid-19 virus.

Overview:

Martina, Crystal, Donna, Carol Anne and myself had a conference call to discuss tax deferral options. From that meeting we agreed on the following:

1. That the penalty for the April 30th due date will be postponed.
2. That anyone who wishes to be removed from the monthly or due date PAP file can be.
3. That anyone who has post-dated cheques on file for the April 30th due date can request that they be pulled.
4. After the April 1st penalty there will be no more penalty applied on any tax account until the Municipal COVID-19 virus emergency is declared over.

Information will be posted on the webpage and after direction is received from Council a "standard" response will be drafted for staff to respond to tax payer enquires regarding requests for tax installment deferrals. I would like staff to request an email address so the response can be sent in writing. This will ensure that all tax payers are being provided the same information.

Conclusion:

In an effort to try and relieve some financial burden on tax payers who have been affected financially by the Covid-19 virus the Township of Douro-Dummer is putting in place tax installment payment deferral options.

Recommendation:

That the Treasurer-2020-04 report, dated March 29, 2020 regarding Tax Installment Deferral be received and that and that Staff be directed to put in place the following:

1. Penalty for the April 30th due date be postponed.
2. That anyone who wishes to be removed from the monthly or due date PAP file can be upon request.
3. That anyone who has post-dated cheques on file for the April 30th due date can request that they be pulled.
4. After the April 1st penalty there will be no more penalty applied on any account.

And that the tax deferral options be kept in place until such time the Municipal Covid-19 virus emergency declaration is over.

And that By-Law 2020-06 "A By-Law to provide for an Interim Tax Levy and the Payment of Interim Taxes for the Year 2020" be amended to to waive interest and penalty charged on unpaid taxes for current and previous years until the Municipal COVID-10 emergency declaration is over.

Financial Impact:

Each month the penalty isn't applied the Township will be losing approximately \$12,000 to \$15,000 in revenue.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability: N/A

The Corporation of the Township of Douro-Dummer

By-Law Number 2020-18

A By-law to amend By-law No. 2018-09, being "A by-law to govern the proceedings of the Council of The Corporation of the Township of Douro-Dummer" (Procedural By-law)

Whereas section 238 of the Municipal Act, 2001 (the "Act"), as amended, provides that every municipality and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

And Whereas, on January 16, 2018, Council passed Procedure By-law By-law No. 2018-09;

And Whereas on March 19, 2020 the Act was amended by the *Municipal Emergency Act, 2020*, to provide that, any period where an emergency has been declared to exist under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum;

And Whereas the Act, amended by the Municipal Emergency Act, 2020, provides that a municipality or local board may hold a special meeting to amend an applicable procedure by-law and a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting;

And Whereas on March 17, 2020, the Province of Ontario declared a province-wide state of emergency as part of the ongoing response to COVID-19;

And Whereas the Council of The Corporation of the Township of Douro-Dummer deems it expedient to amend Procedure By-law No. 2018-09 to allow its members of Council, local boards and committees to participate electronically in meetings during emergencies and be counted for purposes of quorum;

Now therefore be it resolved that the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That By-law No. 2018-09 be amended by:

a. adding the following definition to Section 1.1 – Definitions:

"Electronic Participation" includes telephone, video, audio or audio-visual conferencing, or any other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

b. deleting subsection 2.7 Recording Devices – Not Permitted in its entirety and replacing it with a new subsection 2.7 as follows:

2.7 Recording and Livestreaming of Meetings

Meetings of Council and certain Committees may be audio/video recorded and/or broadcast through livestreaming in accordance with "Schedule B" attached hereto and forming part of this By-law.

Members of the public or media may record proceedings of meetings in accordance with "Schedule B" attached hereto and forming part of this By-law. Should the recording differ from "Schedule B", a request to do such may be considered by Council.

- c. adding the following subsection to Section 2. immediately following subsection 2.7 a follows:

2.8 Electronic Participation during an Emergency

During an emergency, Members of Councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

- d. adding the following subsection to Section 4 – Notice of Meetings:

4.8 Cancellation of Meeting

The Clerk, with the approval of the Head of Council, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.

- d. adding Schedule 'A' of this By-law to By-law 2018-09 immediately following "Schedule A":

2. That this by-law shall come into force and effect on the date of passage.

Passed in open Council this 2nd day of April, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

Schedule 'A' to By-law 2020-18

Schedule 'B' Recording and Livestreaming of Meetings

1. Regular, Special and Emergency meetings of Council and other committees held in Council Chambers at 894 South Street, Warsaw, Ontario or in another location will be audio/video recorded and broadcasted on the internet if the equipment is available.
2. Regular, Special and Emergency meetings of Council and other committees held during an emergency via telephone conference or virtual meeting will be audio/video recorded and/or broadcasted on the internet.
3. Committee Meetings of Council may or may not be audio/video recorded and broadcasted on the internet depending on the location of the meeting and equipment available.
4. Closed Session meetings shall not be recorded.
5. In accordance with the Municipal Act, 2001, as amended, minutes of meetings are to be recorded without note or comment by the Clerk or designate. The approved minutes that are authored by the Clerk or designate shall be the official record of all Council meetings.

The Township (Clerk) will not provide transcripts of the meetings.

6. The electronic file of any audio/video recording will become a corporate record and may be saved on the Township's server and/or uploaded to the Township's website as soon as practical following the meeting.
7. Files on the internet are part of the public realm and may be subject to alteration by a member(s) of the public with no municipal control over such alterations. The Township assumes no liability associated with any alterations that are made by a member(s) of the public on the internet.
8. Signage shall be posted in the Council Chambers to advise members of the public that meetings may be recorded and will be made available on the internet.

A notation will be added to applicable meeting agendas to make presenters and members of the public aware that proceedings may be recorded and may be made available on the internet.

The Presiding Officer shall make a statement at the commencement of applicable meetings that "This meeting is being audio and/or video recorded and the recording will be made available on the Township website". Access to recorded proceedings shall be in compliance with the Municipal Freedom of Information and Privacy Act.

The Corporation of the Township of Douro-Dummer

By-Law Number 2020-19

**Being a By-Law to authorize the execution of an Agreement with
Waste Connections of Canada Inc.
for the Collection, Removal of Garbage and Other Waste
and handling of 40 cu. yd. roll-off bins and
to repeal By-Law 2009-41, as amended**

Whereas The Corporation of the Township of Douro-Dummer has accepted the tender for the Curbside pick-up of non-recyclable waste and handling of 40 cu. yd. roll-off bins from Waste Connections of Canada Inc.;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That the Corporation of the Township of Douro-Dummer does enter into that Agreement in writing attached hereto as Appendix 'A' and forming part of this by-law, with Waste Connections of Canada Inc. for the curbside collection, removal and disposal of non-recyclable garbage and waste and handling of 40 cu. yd. roll-off bins, subject to the terms and conditions therein stated.
2. That this by-law come into force and take effect as of July 1, 2020.
3. That By-law Number 2009-41, as amended, and all other by-laws of the Township of Douro-Dummer that conflict with this by-law are hereby repealed on June 30, 2020.

Passed in open Council this XXXXth day of XXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-Law Number 2020-20

A By-law to appoint Aird & Berlis LLP as the Integrity Commissioner for The Corporation of the Township of Douro-Dummer

Whereas the Municipal Act, S.O. 2001, as amended (the "Act"), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law;

And Whereas Section 223.2 (1) provides that a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards;

And Whereas Section 223.3 of the Act authorizes a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality;

And Whereas the Council of the Corporation of the County of Peterborough adopted By-law 2018-53 being the Code of Conduct for Council which outlines the powers, duties and responsibilities of the Municipality's Integrity Commissioner;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer hereby enacts as follows:

1. That Aird & Berlis LLP be appointed as the Integrity Commissioner for the Corporation of the Township of-Dummer for a period of ninety (90) days from the passage of this by-law.
2. That the Corporation of the Township of Douro-Dummer does enter into that Agreement in writing attached hereto as Appendix 'A' and forming part of this by-law, with Aird & Berlis LLP for Interim Integrity Commissioner services, subject to the terms and conditions therein stated.
3. That the Mayor and the Clerk be authorized to execute the Agreement attached hereto as Schedule "A" forming an integral part of this By-law.
4. That this by-law shall be commonly called the "Appointment of Integrity Commissioner By-law".
5. That this by-law shall come into full force and effect on the date of passage.

Passed in open Council this XXXXth day of XXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2020-21

**Being a By-law to amend By-law 2018-53
(Code of Conduct for Members of Council)**

Whereas Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

And Whereas the Modernizing Ontario’s Municipal Legislation Act, 2016 (Bill 68) was enacted and includes amendments to the Municipal Act and the Municipal Conflict of Interest Act coming into force on March 1, 2019;

And Whereas the Council of The Corporation of the Township of Douro-Dummer passed By-law Number 2018-53 to establish a code of conduct (the “Code”);

And Whereas the Council of The Corporation of the Township of Douro-Dummer deems is necessary to amend Schedule ‘A’ of By-law Number 2018-53 to change the Complaint/Application process;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That subsection 16.1 (a) of Appendix ‘A’ of By-law 2018-53 be deleted in its entirety and replaced with the following:

16.1 (a) a complaint shall be made in writing and shall be sent to the Clerk of the Township by mail, e-mail, fax or courier to:

Clerk, Township of Douro-DUMmer
894 South Street, P.O. Box 92
Warsaw ON K0L 3A0
Email: crystal@dourodummer.on.ca
Phone: 705-652-8392 x205
Fax: 705-652-5044

and the Clerk shall immediately forward the complaint to the Integrity Commissioner;

2. That all other aspects of By-law 2018-53 are hereby confirmed;
3. That this By-law shall come into force and effect on the date of passing.

Passed in Open Council this XX day of XXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2020-22

**Being a By-Law to amend By-law 2020-06
(Interim Tax Levy and the Payment of Interim
Taxes for the Year 2020)**

Whereas Council passed By-law 2020-06 to provide for an Interim Tax Levy and the Payment of Interim Taxes for the Year 2020 on the 21st day of January, 2020;

And Whereas on March 11, 2020 the World Health Organization (WHO) made the assessment that Coronavirus disease 2019 (COVID-19) can be characterized as a pandemic;

And Whereas on March 25, 2020 the Township of Douro-Dummer declared a State of Emergency due to Coronavirus 2019 (COVID-19);

And Whereas the Council deems it appropriate to amend By-law 2020-06 to waive interest and penalty on unpaid taxes for the current and previous years until the Township's Declaration of State of Emergency for COVID-19 has ended;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. That By-law 2020-06 be amended by adding a new subsection, 4.1, immediately following Section 4, as follows:
 - 4.1 Due to the COVID-19 pandemic, the Treasurer of the Township of Douro-Dummer shall not add penalty and interest to the amount of taxes due and unpaid, from May 1, 2020 until the Township has ended the State of Emergency and all by-laws and parts of by-laws inconsistent with this paragraph are hereby superseded.
2. This By-Law shall be deemed to come to force and effect on April 30, 2020.

Passed in open Council this XX day of XXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2020-23

**Being a By-law to appoint a
Temporary Manager of Public Works
and repeal By-law 2005-09**

Whereas the position of Manager of Public Works is to become vacant due to an employee retirement;

And Whereas the Township of Douro-Dummer deems it advisable to appoint a Temporary Manager of Public Works to fill this vacancy;

Now Therefore The Corporation of the Township of Douro-Dummer hereby enacts as follows:

1. That Jason (Jake) Condon be appointed Temporary Manager of Public Works.
2. That this By-law shall come into effect on April 3, 2020.
3. That By-law 2005-09 is hereby repealed on April 30, 2020.

Passed in open council this XXX day of XXXXX, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan

The Corporation of the Township of Douro-Dummer

By-law Number 2020 – 24

Being a By-law of the Corporation of the Township of Douro-Dummer to confirm the proceedings of the special meeting of Council held on the 2nd day of April, 2020 by Telephone Conference Call

The Municipal Council of the Corporation of the Township of Douro-Dummer Enacts as follows:

1. **That** the action of the Council at its special meeting held on April 2, 2020 in respect to each motion, resolution, and other action passed and taken by the Council at its said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby approved, ratified, and confirmed.

2. **That** the Mayor and the proper officers of the Township are hereby authorized to do all things necessary to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

Passed in Open Council this 2nd day of April, 2020.

Mayor, J. Murray Jones

Clerk, Crystal McMillan