

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**PROCEDURAL BY-LAW NO. 2011-22**

**TABLE OF CONTENTS**

Section		Page
<b><u>PART 1 - MEETINGS OF THE COUNCIL</u></b>		
1	Definitions .....	3
2	General Provisions .....	5
3	Inaugural Meetings .....	6
4	Regular Meetings .....	6
5	Public Meetings .....	6
6	Confidential Meetings .....	7
7	Special Meetings .....	8
8	Emergency Meetings .....	9
9	Quorum .....	9
10	Meeting Time .....	9
11	Absence From Meeting .....	10
12	Conduct .....	10
13	Language .....	10
14	Adjournment .....	11
<b><u>PART 2 – ROLES AND DUTIES</u></b>		
15	Role of the Mayor .....	11
16	Duty of the Mayor .....	11
17	Role of the Council .....	12
18	Duty of the Councillors.....	12
19	Duty of the Clerk .....	13
<b><u>PART 3 – PRESCRIBED NOTICE</u></b>		
20	Notice of Meetings .....	13
	Emergency Provision .....	13
<b><u>PART 4 – VOTING &amp; DEBATE PROCEDURES</u></b>		
21	Conflict of Interest .....	14
22	Voting .....	14
23	Result of the Vote – Disagreement .....	14
24	Tie Vote – Deemed Negative .....	14
25	No Vote – Deemed Negative .....	15
26	Recorded Votes .....	15
27	Privilege .....	15
28	Points of Order .....	15
29	The Question .....	16
30	To Amend the Rules .....	16
31	To Amend Motions .....	16
32	Rescission .....	17
<b><u>PART 5 – AGENDA AND MOTIONS</u></b>		
33	Agenda .....	17
34	Delegations / Public Presentations .....	18
35	Motions .....	19
36	Precedence .....	19

PART 6 – BY-LAWS & CORRESPONDENCE

37	By-laws .....	19
38	Minutes .....	20
39	Documents .....	20
40	Correspondence .....	21

PART 7 – COMMITTEES

41	Striking Committee .....	21
42	Committees of Council.....	21
43	Committee Agendas.....	22
44	Ad Hoc Committees .....	22

PART 8 – BUDGETS, REAL ESTATE, INSURANCE

45	Financial .....	23
46	Budget .....	23
47	Real Estate .....	23
48	Use of City Property .....	26
49	Payment .....	27
50	Fraud .....	27
51	Claims for Damages .....	27
52	Officer’s Report on Claims .....	27
53	Salary for Municipal Officers .....	27
54	Indemnity Policy .....	27

PART 9 – GENERAL PROVISIONS

55	Severability .....	28
56	Repeal .....	28
57	Enactment .....	28
	Schedule “A” .....	29

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**PROCEDURAL BY-LAW NO. 2011-22**

**WHEREAS** section 238 of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceeding of meetings;

**AND WHEREAS** section 270.(1)(1) of the *Municipal Act, 2001*, as amended, provides that every municipality shall adopt and maintain policies with respect to the sale and other disposition of land;

**AND WHEREAS** Notice of the Public Meeting in the matter of the Procedural By-law was given by way of an advertisement in the North Bay Nugget and the Almaguin News on the 28<sup>th</sup> day of April, 2011;

**AND WHEREAS** a Public Meeting under the *Municipal Act, 2001*, as amended, in the matter of the Procedural By-law was held on the 17<sup>th</sup> day of May, 2011

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN HEREBY ENACTS AS FOLLOWS:**

**PART 1 - MEETINGS OF THE COUNCIL**

**1.0 DEFINITIONS:**

In this by-law:

- 1.1 **“Ad Hoc Committee”** means a Committee established by Council to review a specific matter and once the Committee has reported with respect to its findings and recommendations, the Committee is automatically dissolved.
- 1.2 **“Call the question”** means that the vote on the motion shall be taken.
- 1.3 **“Chair”** means the Mayor or the Presiding Officer of a meeting.
- 1.4 **“Chief Administrative Officer”** means the Chief Administrative Officer (CAO) of the Corporation.
- 1.5 **“Clerk”** means the Municipal Clerk or the Deputy City Clerk of the Corporation of the Municipality of Powassan.
- 1.6 **“Closed Session”** means that part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*.
- 1.7 **“Corporation”** means The Corporation of the Municipality of Powassan.
- 1.9 **“Defer”, “Deferred” or “Deferral”**, when used in connection with a matter or item before the Council or a Committee, means that the matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that it specified in the motion to defer.
- 1.10 **“Delegation”** means a person intending to address the Council or Committee on a matter where a decision to the Council may be required.
- 1.11 **“Deputy Mayor”** means the Councillor appointed by Council to act in the absence of the Mayor in accordance with this By-law.
- 1.12 **“Emergency Meeting”** means a meeting where the health or welfare of the community is involved.
- 1.13 **“Ex-officio”** means by virtue of office or position and carries with it the

right to participate fully in all committee meetings and to vote unless prohibited by law, but does not count towards a quorum.

- 1.14 “**Holiday**” shall mean any holiday as defined in the *Interpretation Act, R.S.O. 1990, c.1.11* or Boxing Day.
- 1.15 “**Improper conduct**” means conduct which offers any obstruction to the deliberations or proper action of Council.
- 1.16 “**In-Camera**” means a closed session of Council or Standing Committee which is closed to the public in accordance with the *Municipal Act*.
- 1.17 “**Inaugural Meeting**” means the first meeting of Council held after a municipal election in a regular election year.
- 1.18 “**Local Board**” means a local board as defined in the *Municipal Act, 2001*.
- 1.19 “**Majority Vote**” means the vote of more than half of the members present at a properly constituted meeting at which a quorum is present.
- 1.20 “**Mayor**” means the Head of Council acting as the Chief Executive Officer of the Corporation.
- 1.21 “**Meeting**” means any regular, special or other meeting of a Council, or a local board or of a committee of either of them.
- 1.22 “**Member of Council**” means any Councillor or the Mayor of the Council.
- 1.23 “**Motion**” means a proposal by a Member for the Council to adopt a resolution.
- 1.24 “**Municipal Act**” means the *Municipal Act, S.O. 2001, c. 25*, as amended and any successor legislation thereto.
- 1.25 “**Municipal Election**” shall mean a general municipal election held pursuant to the *Municipal Elections Act*.
- 1.26 “**Newspaper**” means a printed publication in sheet form, intended for general circulation, published regularly at intervals, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers and includes the North Bay Nugget and Almaguin News.
- 1.27 “**Notice of Motion**” means a signal of intent to have a motion dealt with at a subsequent meeting.
- 1.28 “**Officer**” includes the Clerk and Treasurer employed by The Municipality of Powassan.
- 1.29 “**Open Session**” means any part of a meeting not in “closed session”.
- 1.30 “**Pecuniary Interest**” means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O, 1990, chapter M.50*, as amended and any subsequent legislation thereto.
- 1.31 “**Petition**” means a written request signed by one or more persons.
- 1.32 “**Point of Order**” means an issue to which a member calls attention to:
  - (a) any breach of the rules of order pursuant to this Procedural By-law; or
  - (b) any defect in the constitution of any meeting; or
  - (c) the use of improper, offensive or abusive language; or
  - (d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
  - (e) any other informality or irregularity in the proceeding of the meeting.

- 1.33 **“Point of Personal Privilege”** means a matter that a member of Council considers to impugn the integrity of the Council or the individual member.
- 1.34 **“Presiding Officer”** means
  - (a) The Mayor, or
  - (b) in the absence of the Mayor, the Deputy Mayor, or
  - (c) a member appointed pursuant to Section 10.
- 1.35 **“Public Meeting”** means a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public Meeting.
- 1.36 **“Public Notice”** means a public notice published in accordance with this By-Law and the Municipality of Powassan Notice By-Law.
- 1.37 **“Published”** means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, including the North Bay Nugget and Almaguin News, and “publication” has a corresponding meaning.
- 1.38 **“Quorum”** means the minimum number of members who must be present at the meetings for business to be legally transacted.
- 1.39 **“Recorded Vote”** shall mean the recording of the name and vote of every Member of Council on any matter of question, subject to the *Municipal Conflict of Interest Act*.
- 1.40 **“Regular Meeting”** means a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.
- 1.41 **“Resolution”** means the decision of the Council on any motion.
- 1.42 **“Rules of Order”** shall mean the rules, established by this by-law to govern the proceedings of Council and its Committees.
- 1.43 **“Special Meeting”** means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

## **2.0 GENERAL PROVISIONS**

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees of Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all committees of Council, unless otherwise prescribed.
- 2.2 The rules and regulations contained herein may not be suspended except by a two-thirds affirmative vote of the number of Members of Council present and voting.
- 2.3 For the purpose of calculating a vote of two-thirds of the Members, any fraction shall be rounded to the next highest whole number.
- 2.4 A word in this by-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to inclusive of both genders.
- 2.5 The Mayor shall be addressed as “Mayor (surname inserted)” or as “Your Worship”.
- 2.6 Members of Council shall be addressed as “Councillor (surname inserted)”.

### **3.0 INAUGURAL MEETING**

- 3.1 The Inaugural Meeting date shall be held not later than the first Tuesday in December at 7:00 p.m.
- 3.2 The Inaugural Meeting shall be ceremonial in nature for purposes of the members of Council taking their Oath of Allegiance and Declaration of Office.
- 3.3 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 3.4 At the Inaugural Meeting, Council shall appoint, by by-law, a Councillor as Deputy Mayor.
- 3.5 At the Inaugural Meeting:
  - (a) all required Council appointments to local boards and committees shall be appointed for the term of the Council unless otherwise provided by statute, by-law or resolution.

### **4.0 REGULAR MEETINGS**

- 4.1 The dates of regular Council meetings shall be the first and third Tuesday of every month and shall be established by resolution at the Inaugural Meeting Council.
- 4.2 Council may change the date of any regular meeting by resolution.
- 4.3 If a Tuesday designated for the holding of a Council meeting falls on a public holiday, or on a day when the Municipal Office is closed for business, Council shall meet at the designated hour on the first day following which is not a public holiday.
- 4.3a Council or Committees of council shall not meet on November 11<sup>th</sup>.
- 4.4 **Postponement - Emergency**  
The Mayor may, when an emergency or extraordinary situation arises, postpone a meeting for not more than 3 days.
- 4.5 **Postponement – Notice by Clerk**  
Upon the postponement of a meeting by the Mayor in accordance with section 4.4 of this by-law, the Clerk shall attempt to notify the Members of Council on the postponement as soon as possible and in the most expedient manner available.

### **5.0 PUBLIC MEETINGS**

- 5.1 Except as provided in section 6, all Council and Committee meetings shall be open to the public in a designated and accessible location.
- 5.2 The Municipality of Powassan has the right to record all Meetings of Council and Committee.
- 5.3 All recording devices shall be made known to the Clerk and each member of Council or Committee of Council prior to its use during any Council or Committee of Council Meeting.
- 5.4 No recording devices shall be used during the In-camera session of any meeting.

## 6.0 **CONFIDENTIAL MEETINGS**

- 6.1 A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
  - (b) a matters regarding an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
  - (d) labor relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
  - (g) a matter in respect of which the Council has authorized a meeting to be closed under another Act.
- 6.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.3 Before holding a meeting or part of a meeting that is to be closed to the public, Council, shall state by resolution,
- (a) the fact of the holding of the closed meeting; and
  - (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.
- 6.4 Once in a closed session, no item shall be added to the agenda for that closed session.
- 6.5 The Presiding Officer may call an in-camera meeting after 7:00 p.m. on any Regular Meeting night to discuss the matters referred to in the above paragraph 6.1.
- 6.6 If a meeting is closed to the public:
- (a) the Presiding Officer shall inquire as to whether any member present has a conflict of interest, to allow a member to declare any conflict, the reasons therefor and leave the meeting;
  - (b) no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.7 Notwithstanding this section, a meeting shall not be closed during the taking of a vote, unless the vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.
- 6.8 Minutes shall be kept of all closed meetings, identifying the members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall note any direction given pursuant to section 6.1 above.
- 6.9 No member of the Council shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a closed session agenda without the prior consent of the Council or Committee.
- 6.10 For discussion of items regarding confidential matters related to an individual employee during a closed session, the Clerk will designate which staff members may be present.

- 6.11 The Clerk may require that extra copies of any reports or documents circulated at a closed session regarding confidential matters related to an individual employee be collected by the Clerk.
- 6.12 The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.

### **Confidentiality**

- 6.13 (a) Every person to be in attendance at an in-camera meeting held pursuant to this section shall make an Affirmation of Confidentiality at the Inaugural Meeting of the Council and execute a Confidentiality Agreement in the form attached as Schedule "A".
- (b) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.

### **Educational or Training Sessions**

- 6.15 (a) The Council may meet from time to time for educational or training sessions during *in-camera* meetings pursuant to section 239.3(1) of the *Municipal Act, 2001*, (S.O. 2001, c.25) provided that no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- (b) Before holding a meeting or part of a meeting in-camera for educational or training purposes, Council shall state by resolution,
- (i) the fact of the holding of the closed meeting;
  - (ii) the general nature of the subject matter to be considered at the closed meeting; and
  - (iii) that it is closed pursuant to section 239.3(1) of the *Municipal Act*.

### **Closed Meeting Investigator**

- 6.16 Effective January 1, 2008, The Municipality of Powassan has entered into an Investigator Services Agreement with the Ontario Ombudsman, for the provision of closed meeting investigation services in accordance with section 239.1 of the *Municipal Act, 2001*, as amended.

## **7.0 SPECIAL MEETINGS**

- 7.1 The Mayor may summon a Special Council Meeting any time upon notice to each member.

- 7.2 Upon the receipt of a petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.

### **7.3 Special Meetings – Notice**

Notice of a Special Meeting called in accordance with this by-law shall be delivered to the Members of Council by telephone, and electronic mail, to the phone number and e-mail address as provided to the members of council by the Municipality of Powassan. It shall be the responsibility of the Clerk or the Clerk's representative to use their best efforts to forward Members and the media all notices and agendas for Special Council Meetings a minimum of 24 hours in advance of such Meetings. Agendas for Special Meetings of Council shall be made available, posted in the municipal office, and on the municipal website 24 hours in advance of such meeting.

### **7.4 Special Meetings – Business Specified**



No business except the business dealing directly with the purpose mentioned in the notice shall be transacted at a Special Meeting.

## **8.0 EMERGENCY MEETINGS**

8.1 In the case of a disaster or emergency as defined in the municipality's Emergency Plan, an Emergency Meeting may be held without notice, to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Clerk or the Clerk's representative to notify the members and the media about the meeting as soon as possible and in the most expedient manner available.

### **8.2 Emergency Meetings – Business Specified**

No business except the business dealing directly with the emergency or extraordinary situation shall be transacted at an Emergency Meeting.

## **9.0 QUORUM**

9.1 A majority of all members shall constitute a quorum.

## **10.0 MEETING TIME**

10.1. The Mayor, or in his absence, the Deputy Mayor, shall call members to order as soon after the meeting time as a quorum is present.

10.2 (a) If the Mayor and Deputy Mayor are not present within ten minutes after the meeting time, the Clerk shall call the members to order and if a quorum is present, a member shall be chosen from among those present to preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

(b) For a Committee Meeting, in the event that the Chair of a Committee does not attend, the Vice-Chair, or other Member, shall assume the chair for the meeting and shall preside until the arrival of the Chair and, while presiding, shall have all the powers of the Chair.

10.3 In the election of a Presiding Officer, the Clerk shall call the meeting to order and preside.

10.4 If there is no quorum within fifteen minutes after the meeting time, the Clerk shall call the roll, take down the names of the members present, and declare the meeting cancelled.

10.5 Regular Council Meetings shall commence at 7:00 p.m. in the Council Chambers of the Municipal Office, or at a designated site agreed to by Council through resolution. The Clerk or the Clerk's representative shall use their best efforts to forward notice to the media of all meetings held outside the Council Chambers of the Municipal Office no later than two weeks prior to such meetings. Notices of meetings outside the Council Chambers of the Municipal Office shall be posted in the municipal office, on the municipal website, community channel no later than two weeks prior to such meeting.

10.6 (a) If during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within thirty (30) minutes, then the Clerk shall record in the minutes the names of those present and the meeting shall be ended without a formal adjournment.

- (b) The minutes of the meeting which ended because a quorum was lost, shall note that the quorum was lost and shall include the names of the members present at the time the quorum was lost.

## **11.0 ABSENCE FROM MEETING**

- 11.1 The members of Council or Committee shall inform the Clerk of all planned absences, late arrivals and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance (i.e. vacation, illness, and other municipal business, personal).
- 11.2 The Clerk shall prepare an annual report to Council of the attendance of all members of Council and Committee Members at Large of all Council Meetings and Committee of Council Meetings.
- 11.3 This report shall be delivered at the first Council Meeting of every Calendar year.

## **12.0 CONDUCT**

- 12.1 The Presiding Officer shall preserve order and decorum.
- 12.2 The Presiding Officer may expel or exclude from any meeting any person who is guilty of improper conduct.
- 12.3 No person except a member or officer shall be allowed to come within the bar during a Council meeting without permission of the Presiding Officer.
- 12.4 Every member, prior to speaking, shall address the Presiding Officer, shall confine his remarks to the question and shall not use any indecorous or offensive language.
- 12.5 When two or more members raise their hands to be recognized, the Presiding Officer shall name the member whom he first recognizes.
- 12.6 Upon being recognized by the Presiding Officer, a member shall address the Presiding Officer.
- 12.7 While the question is being put, no one shall walk across or out of the Council Chambers, make any noise or disturbance or hold any private conversations, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker.

## **13. LANGUAGE**

- 13.1 No member shall speak disrespectfully of; the Governor-General, Lieutenant-Governor or a Minister of the Crown.
- 13.2 No member shall use offensive words in or against the Council or against any member thereof.
- 13.3 No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.
- 13.4 In case a member refuses to obey the order of Council, he may, on the order of the Presiding Officer, be removed from his seat by the Police, only upon an acceptable apology by the offender, he may retake his seat.

## **14.0 ADJOURNMENT**

- 14.1. A meeting shall always adjourn by 11:00 p.m. unless a majority of

members vote otherwise.

## **PART 2 - ROLES AND DUTIES**

### **15. ROLE OF THE MAYOR**

- 15.1 It is the role of the Mayor as the Head of Council:
- (a) to act as the Chief Executive Officer of the municipality;
  - (b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
  - (c) to provide leadership to the Council;
  - (d) to provide information and recommendations to Council with respect to the role of Council;
  - (e) to represent the municipality at official functions;
  - (f) to carry out the duties of the Head of Council under any Act; and
  - (g) to fulfill the responsibility of the Head of Council as prescribed in the Municipality of Powassan's Emergency Response Plan.
- 15.2 As Chief Executive Officer of the municipality, the Head of Council shall:
- (a) uphold and promote the purposes of the municipality;
  - (b) promote public involvement in the municipality's activities;
  - (c) act as the municipality's representative both within and outside the municipality, and to promote the municipality locally, nationally and internationally; and
  - (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

### **16. DUTY OF THE MAYOR**

- 16.1 It is the duty of the Mayor to preside at all Meetings of Council, and in addition to the requirements in the *Municipal Act* shall be responsible:
- (a) to open the Meeting of Council by taking the Chair and calling the meeting to order;
  - (b) to receive and submit, in the proper manner, all motions presented by the members;
  - (c) to put to vote all motions and announce the result;
  - (d) to sit as an ex-officio member of any Standing Committee of Council and to vote at such Meetings;
  - (e) decline to put motions to a vote which infringe upon the rules of procedure;
  - (f) to inform the members of the proper procedure to be followed and to enforce the rules of procedure;
  - (g) to enforce on all occasions, the observance of order and decorum among the members;
  - (h) to call by name any member persisting in a breach of the rules of procedure and order the member to vacate the Council Chambers;

- (i) to permit the questions to be asked through the Mayor of any officer of the Municipality for information to assist in any debate when the Mayor deems it proper;
- (j) to provide information relating to the business of the Municipality;
- (k) to authenticate by signature all by-laws, agreements and minutes of Council;
- (l) to rule on any points of order raised by members;
- (m) to represent and support the Council;
- (n) to maintain order;
- (o) to adjourn the meeting when the business is concluded;
- (p) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act; and
- (q) to act in accordance with his Oath of Allegiance and Oath of Elected Office.

## **17. ROLE OF THE COUNCIL**

17.1 It is the role of the Council:

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

## **18. DUTY OF COUNCILLORS**

18.1 It is the duty of Councillors to attend all meetings of Council, and:

- (a) to prepare for meetings, including reviewing the agenda and background information, prior to the meeting;
- (b) to speak only to the subject under debate;
- (c) to vote on all motions before the Council unless prohibited from voting by law;
- (d) to observe proper procedure and decorum at all times;
- (e) to state questions to be asked through the Presiding Officer;

- (f) to support the Council once a decision is made;
- (g) to attend Local Board and Committee Meetings to which the member has been appointed by Council;
- (h) to carry out the duties of Councillor under the *Municipal Act* or any other Act; and
- (i) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

**19. DUTY OF THE CLERK**

- 19.1 It is the duty of the Clerk to attend all Council Meetings, and
- (a) to prepare and distribute agendas for all meetings of Council in accordance with this by-law;
  - (b) to record, without note or comment, all resolutions, decisions and other proceedings of the Council, whether it is closed to the public or not;
  - (c) if required by any member present at a vote, to record the name and vote of every member voting or any matter or question (recorded votes);
  - (d) to keep the originals or copies of all by-laws and of all minutes of the proceeding of the Council;
  - (e) to perform other duties required under the *Municipal Act*, *Municipal Elections Act 1996*, or as required under any other Act;
  - (f) to authenticate by signature all by-laws, agreements and minutes of Council;
  - (g) to advise Council on parliamentary procedure; and
  - (h) to perform such other duties as are assigned by the Council.

**PART 3 – PRESCRIBED NOTICE**

**20. NOTICE OF MEETINGS**

- 20.1 Where notice of a Public Meeting is required to be given, the Clerk shall cause such notice to be published in the local newspaper(s).
- 20.2 No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.
- 20.3 Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices where deemed desirable.

**Emergency Provision**

- 20.4 If a matter arises, which in the opinion of the Clerk, who in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived

by the Clerk shall make his best efforts to provide such notice as is reasonable under the circumstances.

#### **PART 4 - VOTING & DEBATE PROCEDURES**

##### **21. CONFLICT OF INTEREST**

- 21.1 All members have a personal obligation to comply with the *Municipal Conflict of Interest Act*.
- 21.2 A member shall declare a conflict of interest in accordance with the *Municipal Conflict of Interest Act* and
- (a) shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
  - (b) shall not take part in the discussion of, or vote on any motion in respect of the matter; and
  - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- 21.3 If the conflict under section 22.2 above is with respect to an item on a closed session agenda, in addition to complying with the requirements of section 22.2 above, the member shall forthwith leave the closed session or that part of the closed session during the matter is under consideration.
- 21.4 Where the interest of a member has not been disclosed as required by section 22.2 above, by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with section 22.2 above at the first meeting of Council attended by the member after the meeting referred to in section 22.2 above.
- 21.5 Subject to compliance by all members with the *Municipal Conflict of Interest Act*, the Presiding Officer may vote with the other members on all questions.

##### **22. VOTING**

- 22.1 Every member of Council who shall be present when a question is put shall vote thereon unless he is disqualified to vote on the question. All votes shall be by show of hands except where a recorded vote is requested by any member.
- 22.2 The Presiding Officer shall announce the result of every vote.

##### **23. RESULT OF THE VOTE - DISAGREEMENT**

- 23.1 Any Member who disagrees with the announcement of the Presiding Officer that a motion is carried or lost may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not having been already introduced.

##### **24. TIE VOTE – DEEMED NEGATIVE**

- 24.1 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. (*Municipal Act, 2001, c.25, s.245*).

##### **25. NO VOTE – DEEMED NEGATIVE**

25.1 If any member present refuses to vote, for other than a conflict of interest, it shall be recorded as a vote in the negative.

**26. RECORDED VOTES**

26.1 Where required by statute, and whenever any member shall request a recorded vote, the names of those who vote for and against the question shall be entered in the Minutes.

26.2 Subject to the *Municipal Conflict of Interest Act*, where a recorded vote is requested each member present in the chamber shall announce their vote openly.

26.3 The Clerk shall begin the recorded vote with the member who requested the recorded vote, and proceed in random order to poll all Councillors and the Presiding Officer.

**27. PRIVILEGE**

27.1 A Member may raise a point of privilege at any time if they consider that their integrity or the integrity of the Council as a whole has been impugned, whereupon the Presiding Officer shall:

(a) interrupt the matter under consideration;

(b) ask the Member raising the point of privilege to state the substance of and the basis for the point of privilege; and

(c) rule on the point of privilege immediately without debate by Council.

27.2 If there is no appeal, the decision of the Presiding Office is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

27.3 Where the Presiding Officer considers the integrity of any municipal employee has been impugned or questioned, the Presiding Officer may permit the Clerk to make a statement to the Council.

**28. POINTS OF ORDER**

28.1 The Presiding Officer may call to order any member who is speaking.

28.2 A member called to order shall remain seated and shall not speak until the point of order has been determined by the Presiding Officer, unless permitted to explain.

28.3 Whenever the Presiding Officer elects or is required to decide a point of order, the point shall be stated, a ruling made and the reason therefore given by the Presiding Officer.

28.4 A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.

28.5 In the event that this by-law does not address an issue.

28.6 No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.

28.7 In case a member refuses to obey the order of Council, he may, on the order of the Presiding Officer, be removed from his seat by the Police only upon an acceptable apology by the offender, he may retake his seat.

28.8 (a) When a member is speaking, no member shall make any

disturbance or pass between the speaker and the Presiding Officer or interrupt the speaker, except to raise a point of order.

(b) Every member shall speak only to the matter under debate.

28.9 Any member may require the motion under discussion to be read at any time, but not so as to interrupt a member speaking.

28.10 (a) Without leave of the Presiding Officer, no member shall speak more than once on the same question, except to explain, without introducing new matter, a material part of a speech which may have been misconceived.

(b) A reply is allowed to any member who has made a substantive motion, or amendment, but not to any member who has moved an order of the day, the previous question or an instruction to a committee except with the permission of the Presiding Officer.

## **29. THE QUESTION**

29.1 When a question is finally put by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.

29.2 A decision by the Presiding Officer that the question has been finally put shall be conclusive.

29.3 No member shall comment upon any vote by the Council.

## **30. TO AMEND THE RULES**

30.1 No rule contained in this by-law shall be suspended, repealed, altered or amended unless the Clerk receives two weeks prior written notice thereof.

## **31. TO AMEND MOTIONS**

31.1 Every amendment shall be in writing and shall be decided or withdrawn before the main question is put.

31.2 Only one amendment shall be allowed to an amendment.

31.3 If such a motion is defeated then the amendment or amendments shall be considered in reverse order.

31.4 If a vote on an amendment is carried, then the main motion shall be deemed to be carried as amended

31.5 (a) Any member may request the Presiding Officer to divide any motion or report into such parts as the member may submit and the Presiding Officer shall make a ruling on whether to divide the motion.

(b) A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.

31.6 If a proposed amendment or an amendment to an amendment is lost, then unless a further amendment is put, the main question shall be put.

31.7 When putting an amendment, the Presiding Officer or Clerk shall read the wording as it appears in the main motion, read the proposed amendment and then read the wording as it would be if the amendment carried.



**32. RESCISSION**

32.1 No matter shall be reconsidered by Council within 365 days from the original decision, without consent by resolution of two thirds of the entire Council. The resolution for reconsideration shall be a recorded vote.

**PART 5 - AGENDA AND MOTIONS**

**33. AGENDA**

33.1 The Clerk shall prepare for the use of the members an Agenda as follows:

- (1) Presiding Officer Calls the Meeting to Order.
- (2) Clerk Performs Roll Call
- (3) Declaration of Pecuniary Interest
- (4) Approval of the Agenda
- (5) Presentations to Council
- (6) Adoption of the Minutes of the Previous Meeting(s) of Council
- (7) Minutes and Reports from Committees of Council
- (8) Minutes and Reports from Appointed Boards
- (9) Staff Reports
- (10) By-Laws
- (11) Unfinished Business
- (12) New Business
- (13) Correspondence
- (14) Addendum
- (15) Accounts Payable
- (16) Notice of Schedule of Council and Board Meetings
- (17) Public Questions
- (17) Closed Session
- (18) Motion to Adjourn.

33.2. (a) The business shall be taken up in the order in which it stands upon the Agenda in all cases except where a majority of the members otherwise agree.

(b) A motion which is not listed on the Agenda may be presented at Council meetings, if not more than one member of Council present at the meeting objects to its consideration.

33.3 A copy of Committee Minutes and Recommendations, Staff Reports and Correspondence to be included as part of a Council Agenda must be received by the Clerk the Thursday prior to the scheduled Council Meeting by 12:00pm.

**33.4 Reports From Municipal Officers**

(a) Reports to Council shall be signed by the writer. The Clerk or Treasurer's signature is required on all reports with financial implications

(b) Any a matter received by the Clerk after Thursday at 12:00pm, shall be referred to the next following Council meeting unless by the Clerk deemed urgent.

**34. DELEGATIONS / PUBLIC PRESENTATIONS**

34.1 Public presentations will be received at both Regular and Special Meetings of Council. Presentations at Regular Meetings shall be on a subject within the jurisdiction or influence of local government.

- 34.2 Presentations at the Special Meeting shall be related to the agenda item.
- 34.3 Persons wishing to make a formal presentation to Council must register with the Clerk prior to 12:00pm, on the Thursday preceding any Regular Council Meeting or three (3) business days preceding a Special Council Meeting. Where possible, a written copy of the submission shall be provided to the Clerk prior to 12:00pm, on the Thursday preceding any Regular Council meeting or two business days preceding any Special Council Meeting.
- 34.4 The maximum number of presentations, for any meeting unless agreed to by Council, shall be two.
- 34.5 The Clerk shall inform the presenter of the guidelines affecting the presentation (e.g. maximum time, and adherence to subject) and obtain an acknowledgement by the presenter of his understanding of those guidelines.
- 34.6 (a) A public presentation, which has been registered with the Clerk may address matters of municipal jurisdiction for up to 10 minutes.
- (b) Notwithstanding subsections (a) and (b) above, no delegation shall be permitted when the subject matter to be addressed relates to a recommendation of any tribunal that has conducted a hearing under the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- 34.7 No person will be permitted to address Council with respect to a labour management dispute or issue, unless provided for by legislation or collective agreement.
- 34.8 Presenters appearing before Council who have previously appeared before the same Council on the same subject shall be limited to providing only new information in their second or subsequent appearances.
- 34.9 In unique circumstances, the time limit may be extended by the Council by a majority vote of the Council Members present. Such question shall be decided by Council without debate.
- 34.10 No presenter shall:
- (a) speak disrespectfully of any person;
- (b) use offensive words or unparliamentary language;
- (c) speak on any subject other than the subject for which he received approval to address; or
- (d) disobey the rules of order or a decision of the Presiding Officer.
- 34.11 After the presenter has completed the presentation, members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- 34.12 The Presiding Officer may curtail any presenter, any questions of a presenter or debate during a presentation, for disorder or for any other breach of this Procedural By-law and, should the Presiding Officer rule that the presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.
- 34.13 The above guidelines shall apply where applicable to a statutory public meeting held under the authority of specific legislation.

## **35. MOTIONS**

- 35.1 (a) Every motion shall be in writing, shall be seconded and shall be read by the Presiding Officer or the Clerk before debate or before

being put from the Chair.

- (b) Where the question under consideration contains separate propositions then, at the request of any member of Council, any separate matter shall be put separately.

35.2 After a motion is read by the Presiding Officer or Clerk, it shall be deemed to be in the possession of the Council, but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

## **36. PRECEDENCE**

- 36.1 (a) When a question is under debate, the only motions in order shall be:
1. to extend the time of the meeting;
  2. to refer to a Standing Committee;
  3. to amend;
  4. to lay on the table;
  5. to postpone to a certain time and day;
  6. to move the previous question
- (b) These six motions shall have precedence in the order in which they are listed.
- 36.2. (a) On a motion to postpone to a certain time and day, only the question of time and day so mentioned is open to debate, after an explanation by the mover of the motion.
- (b) A motion to refer to Committee shall designate the Committee and shall not be debated, other than as to timing and shall be decided before any motion to amend the resolution.
- (c) A motion to refer for a staff report shall name the Clerk.

## **PART 6 - BY-LAWS & CORRESPONDENCE**

### **37. BY-LAWS**

- 37.1. (a) No by-law shall be presented to Council unless there is a resolution to authorize the by-law.
- (b) Each member shall be supplied with a copy of every by-law prior to consideration of the by-law by the Council.
- (c) No by-law shall be introduced for first reading in blank or in imperfect form.
- 37.2 (a) A by-law shall be passed by being given three readings.
- (b) A by-law shall be given each reading by reference to its by-law number.
- (c) A by-law shall be deemed to have been read upon the number, title or heading being read or taken as read, unless a member requires the by-law or any portion thereof to be read in full.
- (d) The minutes of the meeting shall reflect both the number and the title of the by-law, notwithstanding that the motion refers only to the number of the by-law.

### **First Reading**

37.3 The first reading of a by-law shall be decided by resolution without amendment or debate.

### **Second Reading**

37.4 (a) The second reading of a by-law shall be decided by resolution at which time the contents of the by-law shall be debated.

(b) The contents of the by-law may be changed by an amending resolution to authorize the third reading.

### **Third Reading**

37.5. Unless directed by the Clerk or Treasurer as required for the immediate well being of the Municipality, no By-Law shall receive third reading at the same meeting as it received first and second readings. A By-Law shall not be changed during the third reading.

### **Records**

37.6. The Clerk shall endorse on every by-law the dates of the three readings thereof.

37.7 Every by-law passed by Council shall be numbered, sealed with the corporate seal, signed by the Mayor and the Clerk and the by-law shall be entered in a by-law register to be kept by the Clerk.

## **38. MINUTES**

38.1 There shall be attached to every Minutes of the proceedings of the Council a progressive marginal number of each year and every document or certified copy or Minute communicated to any Committee of the Council as hereinbefore required shall bear the number of the Resolution to which it refers.

38.2 After the Minutes of each meeting of the Council have been approved by the Council, the minutes shall be immediately signed by the Mayor and Clerk.

38.3 Minutes shall not be signed as amended. If amendment is required the Minutes shall be corrected and brought forward at the next regular scheduled Meeting of Council.

## **39. DOCUMENTS**

39.1 All original documents, including by-laws, contracts, agreements, deeds, leases, bonds or other securities, addressed to or considered by the Council, shall remain in the custody of the Clerk.

## **40. CORRESPONDENCE**

40.1 All correspondence addressed to the Mayor or the Council, which refers to the business of the Corporation, shall be included in the information section of the Council agenda for the Mayor and Councillors and shall be referred by the Clerk to the appropriate staff for response to the Council within four weeks.

40.2 (a) All correspondence relating to a matter previously referred to a Standing Committee shall be referred by the Clerk to the Standing Committee to which it properly belongs unless otherwise directed by the Committee Chair.

(b) If a correspondent complains of a present personal grievance requiring immediate remedy, the complaint may be considered

forthwith.

**Applications under the *Planning Act***

- 40.3 (a) Any application for approval under the *Planning Act* by any numbered or otherwise unidentifiable company shall include the name, address and telephone number of the principal owners of such companies on a separate page to be filed with the Clerk.
- (b) The Clerk shall make such information available on a confidential basis to Council upon request.

**PART 7 - COMMITTEES**

**41. STRIKING COMMITTEE**

- 41.1. (a) A Striking Committee to recommend appointments to Boards, Commissions and Standing Committees of Council shall consist of the Mayor and Council Elect.
- (b) The Mayor Elect shall be the Chair of the Striking Committee.
- 41.2 The Striking Committee shall meet on the third Thursday of November following a Municipal Election.
- 41.3 The Striking Committee recommendations shall be completed for Council deliberation at the Inaugural Meeting of each Council term.
- 41.4 Once the Striking Committee has made its recommendation for the term of Council it will be disbanded. Any further decisions on appointments to Boards, Commissions and Committees of Council shall be made during regular Council Meetings

**42. COMMITTEES OF COUNCIL**

- 42.1 The Mayor shall be a member of each Standing Committee of Council ex-officio.
- 42.2 The members of all Committees of Council shall be named through Resolution or By-Law at the Inaugural Meeting for each council term.

**43. COMMITTEE AGENDAS**

- 43.1 The Recording Secretary shall prepare an agenda of matters referred to or before each Committee of Council prior to the Committee meetings.
- 43.2 The Recording Secretary will ensure that available relevant documentation is circulated to all Committee members two days prior to the date of the Committee Meeting.
- 43.3 The Recording Secretary shall prepare for the use of the Committee members an Agenda as follows:
  - (1) Presiding Officer Calls the Meeting to Order.
  - (2) Recording Secretary Performs Roll Call
  - (3) Declaration of Pecuniary Interest
  - (4) Approval of the Agenda
  - (5) Presentations
  - (6) Adoption of the Minutes of the Previous Meeting(s)
  - (7) Staff Reports

- (8) Unfinished Business
- (9) New Business
- (10) Correspondence
- (11) Addendum
- (12) Notice of Schedule of Next Committee Meetings
- (13) Public Questions
- (14) Closed Session
- (15) Motion to Adjourn

**44. AD HOC COMMITTEES**

- 44.1 Ad Hoc Committees may be established by Council, from time to time for consideration of special projects.
- 44.2 Prior to the establishment of an Ad Hoc committee which Council has determined will include members of the public, the Clerk shall place an advertisement in a newspaper inviting members of the public to apply to be a member of the committee.
- 44.3 Each Ad Hoc committee shall be given a clear mandate and well defined terms of reference that shall include:
  - (a) the mandate,
  - (b) the membership,
  - (c) the composition, including the applicable staff members,
  - (d) the reporting relationships,
  - (e) the staff and other resources to be made available, and
  - (f) a start and finish date.
- 44.4 The Mayor shall be ex-officio, a Member of all Ad Hoc Committees of Council and shall be entitled to vote and to make motions and amendments.
- 44.5 Any member of Council may attend and participate in meetings of ad hoc committees, but may not vote.
- 44.6 The Ad Hoc Committee shall meet in accordance with the meeting schedule established by the Committee at a location to be determined by the Chair.
- 44.7 The Procedural Rules governing meetings of Council as set out in this By-Law shall apply with necessary modifications to any meeting of an Ad Hoc meeting.
- 44.8 The Council may terminate an Ad Hoc Committee at its discretion.

**45. USE OF MUNICIPAL PROPERTY**

- 45.1 No property of the Corporation shall be delivered or used outside the limits of the Municipality of Powassan without either Council's or the Clerk's approval.
- 45.2 No property shall be made available to outside interests except as herein provided.
- 45.3 Use of real property owned by the Corporation (excepting public highways and lanes) shall only be put to personal or private use upon Council approval of a written agreement.
- 45.4 The Clerk, or his authorized delegate, may authorize the rental and use of vehicles, equipment or corporate services of the Municipality of Powassan to local boards, other municipalities, corporations and individuals for specialized work or services, subject to the following conditions:
  - (a) that the vehicles and equipment are operated by and the services

are rendered by municipal employees;

- (b) that the vehicles, equipment and services cannot be provided by a contracting firm or company in Powassan;
- (c) that the rental and use of the vehicles and equipment shall not prejudice or delay work or services required by the municipality;
- (d) that the rental or service fees shall be fixed and determined by the Clerk or his authorized delegate and they shall include the following:
  - (i) the wages of the operator;
  - (ii) the cost of the necessary public liability insurance;
  - (iii) the cost under the *Workplace Safety and Insurance Act, 1997*;
  - (iv) all other applicable costs and expenses
- (e) The Clerk, or his authorized delegate, shall consider, and if deemed advisable, revise the rental or service fees annually.

45.5 The Clerk may approve the lease of municipal real estate upon terms approved by resolution of the Council either in general terms or on a case by case basis.

#### **46. PAYMENT**

- 46.1 (a) No contractor or other person engaged on any work for the Municipality of Powassan shall be paid except according to the Purchasing By-law, the Purchasing Policy or according to written contracts authorized by by-law.
  - (b) In all cases, the Treasurer, after making payment, will report without delay, to the next Council meeting by submitting the progress certificate so handled for approval.
- 46.2 (a) No goods or services shall be ordered except upon the authorization of the Clerk and or Department Head.
  - (b) No account for goods or services supplied shall be paid, unless the account is authorized by a department head.
- 46.3 (a) Every account for work done or for goods furnished shall be checked and certified by the Clerk or Department Head under whose superintendence the work was done or goods provided.
  - (b) A payment certificate shall refer to the by-law or resolution under which the expenditure was authorized and adheres to the Municipal Procurement and Purchasing policies.
- 46.4 After the accounts have been certified by the Treasurer, the responsible Committee Chair may also examine each such account and invoice, following which the Treasurer shall submit an itemized summary of all accounts to Council for acceptance.
- 46.5 (a) After the list of accounts has been approved by Council, the Treasurer shall issue the necessary cheques for payment thereof.
  - (b) The list of accounts may include paid and unpaid accounts.

#### **47. FRAUD**

47.1 The various officers of the Corporation shall forthwith report any frauds or attempted frauds of which any of them may become cognizant to the Clerk

who shall report the same to the Council.

**48. CLAIMS FOR DAMAGES**

- 48.1 The Council shall obtain an investigation and report on all claims for damages.
- 48.2 Subject to Section 51.1, the Clerk shall forward any notice of claim to a Municipal appointed Solicitor and or insurance adjuster, who shall investigate and report on the same to the Council.

**49. OFFICER'S REPORTS ON CLAIMS**

- 49.1 The Municipal appointed Solicitor may require any employee of the Corporation to report to him upon the claim, and such officer shall immediately inquire into the circumstances and report the facts fully in writing to the Municipal appointed Solicitor.
- 49.2 Subject to Section 60.1, no claim shall be settled without the prior approval of the Council.

**50. SALARY FOR MUNICIPAL OFFICERS**

- 50.1 No member of Council, while retaining his seat therein, shall be eligible for any office to which there is attached any salary, remuneration or emolument payable by the Council except as is provided by statute.

**51. INDEMNITY POLICY**

- 51.1 (a) Subject to the following provision the Council agrees to indemnify and save harmless its members and its non-union employees for necessary and reasonable legal costs incurred in the defence of statutory offence or complaints other than *Criminal Code* or *Municipal Conflict of Interest* offence, arising because of acts performed in good faith in the ordinary course of their employment or office.
- (b) That Council may refuse payment under subsection (a) where in the opinion of the Council, the actions of the member or non-union employee amounted to a gross dereliction of duty or deliberate abuse of the power.
- (c) (i) The Council may elect to provide legal counsel to defend a member or a non-union employee in any legal proceeding, whereupon the cost of such counsel shall be borne by the Corporation regardless of the outcome of the proceedings.
- (ii) Where the Council elects to provide legal counsel under subsection (i), the Corporation shall not be responsible for any other legal costs unless the counsel provided the Municipal Council expresses the written opinion that it would be improper for him to act on behalf of another party to the charge or complaint.
- (d) For greater certainty, the Corporation shall not be liable to indemnify for legal costs arising from:
  - (i) the actions or omissions of members of non-union employees acting in their capacity as private citizens;
  - (ii) disciplinary or discharge proceedings.



- (e) In this section, necessary and reasonable legal costs shall be determined in the first instance by the approval of the account by the Municipal Solicitor, or in the case of a dispute by taxation of the costs on a solicitor and client basis.

## **PART 9 – GENERAL PROVISIONS**

### **52. SEVERABILITY**

52.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

### **53. REPEAL**

56.1 By-law No. 2001-20 and 2004-30, as amended, is hereby repealed.

### **54. ENACTMENT**

57.1 This By-law shall take force and effect upon being passed.

Adopted on May 17, 2011

\_\_\_\_\_  
Mayor - Peter McIsaac

\_\_\_\_\_  
Clerk - Treasurer– Maureen Lang

**SCHEDULE "A"**  
**THE MUNICIPALITY OF POWASSAN BY-LAW NO. 2011-22**

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**Affirmation of Confidentiality**

I, \_\_\_\_\_, member of the Council of The Municipality of Powassan, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the Municipality of Powassan that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me  
At the Municipality of Powassan

\_\_\_\_\_

In the District of Parry Sound  
This \_\_\_ day of \_\_\_\_\_, 20\_\_

Name:

\_\_\_\_\_  
A Commissioner, etc.

**Confidentiality Agreement**

By signing this document, I agree that :

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of The Municipality of Powassan in connection with any matter designated as confidential by the Procedural By-Law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at Powassan, Ontario, this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Witness