

Accessibility, Diversity, Inclusion and Equity Advisory Committee AGENDA

1-2024

Monday, November 4, 2024, 4:00 p.m.

Council Chambers and/or Via Microsoft Teams

1925 Bruce Road 10

Chesley, ON N0G 1L0

	Pages
1. Call to Order	
2. Election of Chair and Vice Chair	
3. Approval of Agenda	
4. Disclosure of Pecuniary Interest and General Nature Thereof	
5. New Business	
5.1 Introduction of Members	
5.2 Roles and Responsibilities	1
5.3 Meeting Dates - 2024/2025	
6. Action Items Tracking Sheet	
7. Next Meeting Date	
<ul style="list-style-type: none">December 2, 2024March 3, 2025June 2, 2025September 2, 2025 (Monday is a holiday)December 1, 2025	
8. Adjournment	



MUNICIPALITY OF
ARRAN-ELDERSLIE

Terms of Reference

**Arran-Elderslie Accessibility, Diversity, Inclusion
and Equity Advisory Committee**

Arran-Elderslie Accessibility, Diversity, Inclusion and Equity Advisory Committee

Terms of Reference

Authority

The Arran-Elderslie Accessibility, Diversity, Inclusion and Equity Advisory Committee is an advisory committee that provides Council guidance and recommendations on matters relating to accessibility, diversity, equity, and inclusion within the Municipality of Arran-Elderslie and will assist staff in local accessibility, diversity, equity, and inclusion initiatives/functions.

Mandate

This Committee is an advisory committee of Council with the mandate to provide feedback, guidance and support to improve accessibility, diversity, equity and inclusion within the Municipality of Arran-Elderslie focusing on:

- Improving our understanding of equity, diversity and commitment to inclusion and accessibility.
- Reinforcing accessibility, diversity, equity and inclusion within the organizational culture
- Engaging staff in efforts and promoting opportunities for leadership, advancement and employee development
- Identifying and addressing barriers to inclusion in the delivery of municipal programs and services.

Under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), Section 29 of the AODA describes three (3) main activities in relation to accessibility:

1. Advise the Municipality of Arran-Elderslie Council about the requirements and implementation of accessibility standards and the preparation of accessibility reports and other matters for which the council may seek its advice;
2. Review site plans and drawings described in section 41 of the Planning Act that the committee selects; and
3. Perform all other functions that are specified in the regulations.

1. Definitions

Within this Terms of Reference, the term:

“Barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his/her disability, including a physical barrier, an architectural barrier, an information or communication barrier, a technological barrier, a policy or practice (obstacle).

“Disability” means

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, physical reliance on a guide dog or other animal, reliance on a wheelchair or other remedial appliance or device;
- b) a condition of mental impairment or a developmental disability;
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance.

“Diversity” means:

- a) the companionship of differences in the lived experiences and the stance of people that may include race, ethnicity, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical ability, mental disability, sex, gender identity or expression, sexual orientation, age, class, and / or education.
- b) individuals affiliate with multiple identities.

“Inclusion” means:

- a) an active, intentional, and constant action to address discriminations in power and privilege and build a respectful and diverse community that ensures welcoming spaces and opportunities for all to fully participate and flourish.

“Equity” means:

- a) the fair, equal treatment and opportunity for all people.
- b) endeavor to recognize and eliminate unfair biases, threats, stereotypes, or barriers that may limit the full engagement of all people in our community.

“Municipality” means the Corporation of the Township of Arran-Elderslie and may refer to any agency or board, to be determined subject to the release of the Provincial Regulations to the Ontarians with Disabilities Act, 2001.

2. Committee Composition

The Advisory Committee shall be comprised of seven (7) to nine (9) voting members, appointed by Council, and at least one (1) and a maximum of two (2) shall be a member of Council, and five (5) to seven (7) community members who represent a good cross-section of the community, with at least three (3) members identifying as having a disability.

The Council members shall be appointed to the committee to provide continuity between the committee and Council and shall be a voting member of the committee.

The Mayor is a member ex-officio. As per the Arran-Elderslie Procedural By-law, the Head of Council is “Ex Officio” a member of the Committee. The Head of Council will not be considered part of the Committee quorum. The Head of Council is able to participate fully in Committee meeting procedures, including voting.

Youth members (ages 13 – 18) are encouraged and welcomed and would be appointed by Council as non-voting members.

Persons serving as an attendant for a person(s) with a disability may attend meetings of the Advisory Committee only for the purpose of aiding the

person(s) with a disability. Attendants shall not participate in discussions on their own nor shall they vote.

To the greatest extent possible, members from the community will represent a broad range of under-served and equity seeking groups such as but not limited to:

- Indigenous Peoples
- LGBTQ2S+
- Newcomers, new Canadians
- Persons living with a low income
- Persons with disabilities – physical and mental health
- Racialized people, people of diverse ethnic or cultural origin
- People over 55
- Women
- Youth (13 to 18 years of age)
- People who are allies for equity and anti-racism

Members must be Arran-Elderslie residents, and/or individuals who work for organizations that provide services to Arran-Elderslie residents. The following qualifications will be considered for appointment members to the Committee:

- Experience working in teams, with community groups, boards or organizations;
- Knowledge, living or live experience with accessibility, diversity, equity, and inclusion matters; and
- Commitment to support and encourage accessibility, diversity, equity, and inclusion matters in the community.

Community participation is key to the success of accessibility, diversity, equity, and inclusion initiatives. Additional Municipal staff and representatives of diverse groups will be invited to attend meetings as needed to provide expertise related to a specific project.

3. Working Group

The Committee may form Working Groups as necessary to address specific issues. The Working Group shall establish a clearly defined, specific work plan for the Working Group of the Committee. The work plan for the working group shall be provided to Council. These Working Groups may draw upon a member of the Committee as well as outside resource members, as deemed necessary. The Chairperson of a Working Group shall be a voting member of the Committee. Staff support will **not** be

provided to a Subcommittee or working group.

4. Staff Support

Municipal Staff have two principal functions regarding Committees: Committee Coordinator role and Staff liaison role, providing technical support, policy advice and guidance, as needed.

The Committee will receive administrative support from the Clerks Department. This will include the recording of minutes, the preparation of agendas, support necessary to convene a meeting and other support as may be required from time to time. The Clerk will provide this support, unless in the event of the absence of the Clerk, then the Deputy Clerk may be delegated to provide this function.

Staff liaisons from various departments may be called upon at various times to support the Committee.

5. Procedures and Rules

- i. As a formal committee of Council, the Committee is subject to the Procedure By- Law of the Municipality of Arran-Elderslie which governs the procedures of Council and its Committees and Boards, the Municipal Code of Conduct, the Municipality's Harassment Policy and any other applicable policies and/or procedures.
- ii. The Chair and Vice Chair will be elected from the Committee members at least twice per Council term. The expenditure of any municipal funds is to be approved by Council in accordance with the Municipal Procurement By-law and current budget.
- iii. All members, including the Chair and Vice Chair, are responsible to:
 - Review meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration.
 - Work diligently to complete assigned activities.
 - Agree to describe, process, and resolve issues in a professional and respectful manner.
 - Provide input to help identify future projects or strategic priorities for future years' work.
 - Communicate activities of the Advisory Group to the community.
 - Attend Municipality of Arran-Elderslie and other community events and initiatives, where appropriate and available.

- Communicate using inclusive and non-discriminatory language, respecting the spirit of the Ontario Human Rights Code and the Municipality of Arran-Elderslie Code of Conduct.
 - Respect all decisions made by the Advisory Committee.
- iv. By majority vote, the Advisory Committee may recommend to Council, removal and/or replacement of any member who is not respecting the spirit of the Ontario Human Rights Code or following the principles of the Committee.
 - v. The Committee shall meet a minimum of four (4) times per year in an accessible location. The Committee will establish a meeting schedule at it's first meeting each year. A quorum of a majority of members is required to hold a meeting.
 - vi. Meetings shall be conducted with an agenda that is prepared by Staff and reviewed by the CAO and/or Committee Chair. Agendas and minutes will be posted to the Municipality of Arran-Elderslie website.
 - vii. The Committee shall follow the Municipality of Arran-Elderslie Procedural By-law. All meetings of the Committee will be open to the public, except as provided in the Procedural By-law and/or Municipal Act, 2001 and any other applicable legislation.
 - viii. Members wishing to have items included on the agenda must provide items to the Clerk or designate on or before the Wednesday preceding the agenda going out.
 - ix. Notice of meetings shall be issued via circulation of agenda to Committee members on the Friday preceding the meeting except in the event of extenuating circumstances.
 - x. Minutes shall be kept of all meetings. Adoption of meeting minutes will be included on the agenda of the next meeting and then posted to the Municipality of Arran-Elderslie website.
 - xi. Members having a pecuniary interest in any issue under consideration by the Committee shall declare the pecuniary interest at the beginning of the meeting or at the earliest time known.
 - xii. For consistency of messages, media inquiries should be directed to the Committee Chair.

6. Conflict of Interest

A conflict of interest may arise for Committee members when their personal or business interests clash with the duties and decision of the Committee. Municipal conflict of interest requirements as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 will apply to the Committee.

If a Committee member discloses a pecuniary interest, that member shall remove themselves from the meeting for the duration of the discussion and voting (if any) with respect to that matter.

7. Council Role

Council may, at its discretion, at least annually, review the composition of the Advisory Committee to ensure that it is representative of ethno-cultural persons and persons with disabilities and is working effectively. Council can, with or without the advice of the Advisory Committee, make changes to membership composition to ensure Committee effectiveness.

8. Youth Members

Youth members shall serve a term of up to twelve (12) months, generally corresponding with the traditional school year and are not eligible to act as Chair or Vice Chair, and must meet the following requirements:

- a. Youth members shall reside in the Township of Arran-Elderslie.
- b. Youth members must be secondary school students aged 13 to 18 and express an interest in accessibility issues.
- c. It is important that the youth member be able to attend as many Advisory Committee meetings as possible. The member should be able to be contacted or reached during the day should additional meetings be required.
- d. Applicants for youth membership must include a letter of parental/guardian support with their expression of interest.

9. Reporting and Accountability

The Advisory Committee is responsible for providing advice and recommendations to Council with support from the Chief Administrative Officer. All recommendations must be approved by resolution of the Committee before going to Council. All members have an equal vote. To have quorum, the Committee shall have a majority of members present during a meeting.

10. Amendments to the Terms of Reference

Amendments to the Terms of Reference may be proposed to Council from time to time, by members of the Committee for their endorsement requiring a majority of the voting members.

1. Definitions

- 1.1. **"Act"** or **"Municipal Act"** shall mean the *Municipal Act*, S.O. 2001, c. 25, as amended from time to time.
- 1.2. **"Acting Chair"** shall mean the presiding officer of a Committee/Board or Council who shall act in the place of the Mayor or Deputy Mayor when both are absent from a meeting of Council or in place of the Committee/Board Chair who is absent for any cause and who shall exercise all the rights, powers and authority of the Mayor or Chair.
- 1.3. **"Addendum"** shall mean any addition to a completed published Council agenda or addition to an item on the Council agenda that the Clerk believes is of an urgent nature and requires immediate attention or consideration.
- 1.4. **"Ad Hoc Committee/Board"** shall mean a Committee/Board established by Council resolution to review a specific issue; once the Committee/Board has reported to Council with respect to its findings and recommendations, the Committee/Board is dissolved.
- 1.5. **"Advisory Committee/Board"** shall mean an advisory Committee/Board established by Council that has a defined purpose and mandate to allow residents with experience, interest and/or opinions in a particular subject area to provide input on a specific issue, through a balanced public process.
- 1.6. **"Alternate Council Member"** shall mean the Council Member appointed by Council of the Municipality to attend Bruce County Council meetings in the place of the Mayor or Deputy Mayor of the municipality, when the Mayor or Deputy Mayor is unable to attend a Bruce County Council/Committee/Board of the whole meeting for any reason. Such appointment shall be for the entire term of Council.
- 1.7. **"Business day"** shall mean Monday to Friday, inclusive, except for statutory or civic holidays observed in the Province of Ontario, or any other day the Arran-Elderslie Municipal Office is not open for business.
- 1.8. **"Call to Order"** shall mean when the Chair notifies Members and the public that the meeting is commencing.
- 1.9. **"CAO"** shall mean the chief administrative officer of the municipality.
- 1.10. **"Chair"** shall mean the presiding officer of a Committee/Board or Council meeting.
- 1.11. **"Clerk"** shall mean the Clerk of the municipality or designate.
- 1.12. **"Code of Conduct"** shall mean a By-law to establish a Council Code of Conduct, as amended from time to time.

- 1.13. **"Comment Period"** shall mean a heading on a Council agenda that provides for comments by the public or media to Council with respect to a specific agenda item. A maximum of two (2) minutes per person is allotted for comments, with a maximum time of ten (10) minutes in total allotted for comment period.
- 1.14. **"Committee/Board"** shall mean a Committee/Board, task force or other body constituted and appointed by Council, including the Committee/Board of the whole.
- 1.15. **"Committee/Board of the Whole"** shall mean a Committee/Board of Council comprised of all Members of Council which may serve as a forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council; or such other purpose as Council may determine from time to time.
- 1.16. **"Confirming By-law"** shall mean a By-law to confirm all of the actions of Council at the previous Council and special meetings as intended to be legal and binding.
- 1.17. **"Council"** shall mean the Council of the Municipality of Arran-Elderslie.
- 1.18. **"Defer"** shall mean to remove a main motion from consideration of Council or a Committee/Board until such time as provided for in the motion.
- 1.19. **"Delegation"** shall mean a person or group of persons who are not Members of Council or Municipal staff who have requested and are permitted to address Council, individually or on behalf of a group.
- 1.20. **"Deputy Mayor"** fulfills the responsibilities of the Mayor in the absence of the Mayor.
- 1.21. **"Division of Question"** shall mean a request by a Member to have a motion containing separate questions, recommendations, or amendments, voted on in sections or parts.
- 1.22. **"Electronic Participation"** shall mean the participation of a Member of Council who participates remotely in any open or closed Council or Committee/Board meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 1.23. **"Emergency"** shall mean an emergency situation as defined by the *Emergency Management and Civil Protection Act*, as amended.
- 1.24. **"Emergency Meeting"** shall mean a meeting of the Council called to address circumstances of an emergency, notice provisions for a meeting of Council may be waived.
- 1.25. **"Ex-officio Member"** shall mean the Mayor's Membership on all Council

Committee/Boards, sub-Committee/Boards. Ex- officio means by "virtue of office" and therefore the Mayor may attend any Committee/Board meetings; however, the Mayor shall have voting privileges and shall not be included when determining the number of Members required for quorum or counted when determining if a quorum is present.

- 1.26. "Improper Conduct"** shall mean conduct by any person which offers any obstruction to the deliberations or proper action of Council or a Committee/Board.
- 1.27. "Inaugural Meeting"** shall mean the first meeting of Council held after a municipal election in a regular election year.
- 1.28. "In Writing"** shall mean handwritten, typewritten or electronically displayed.
- 1.29. "Local Board"** shall mean a municipal service Board, transportation commission, Board of health, planning Board, or any other Board, commission, Committee/Board, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, and for the purposes of this By-law, excluding the public library Board, police services Board, a school Board and a conservation authority.
- 1.30. "Majority Vote"** shall mean an affirmative vote of more than one-half of the Members present and voting.
- 1.31. "Mayor"** shall mean the head of Council of the Municipality of Arran-Elderslie.
- 1.32. "Meeting"** shall mean any regular, special or other meeting of a Council, local Board or of a Committee/Board of Council 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/Board.
- 1.33. "Member"** shall mean a Member of Council or Committee/Board.
- 1.34. "Motion to Receive"** shall mean a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken.
- 1.35. "Municipality/ Municipal"** shall mean The Corporation of The Municipality of Arran-Elderslie.
- 1.36. "Notice of Motion"** shall mean a motion brought forward by any Member for the consideration of Council.

- 1.37. **"Order of Business"** shall mean the sequence of activities and/or discussions and decisions to be introduced and considered and may only be amended by a vote of Council.
- 1.38. **"Pecuniary Interest"** shall mean a direct or indirect financial interest within the meaning of the *Municipal Conflict of Interest Act*, as amended.
- 1.39. **"Point of Clarification"** shall mean when a Member wants to clarify something that was stated by another Member. This is a statement and not a question.
- 1.40. **"Point of Information"** or **"Point of Parliamentary Inquiry"** shall mean a question asked about a motion or about the process taking place.
- 1.41. **"Point of Order"** shall mean a question by a Member with the view to calling attention to any issue relating to the Procedure By-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion.
- 1.42. **"Point of Privilege"** shall mean a question by a Member who believes that another Member has spoken disrespectfully towards that Member, another Member, staff or a Member of the public who considers that his or her integrity or that of a person has been impugned or questioned by the Member. Can also be used when a Member requires something relating to personal comfort such as temperature, noise level etc.
- 1.43. **"Presentation"** shall mean an address to Council or Committee/Board by a consultant or associated body, or at the request of Council, a Committee/Board or staff.
- 1.44. **"Quorum"** In accordance with Section 237 of the Municipal Act, Quorum shall mean a majority of Council or Committee/Board Members.). A majority is defined as more than 50%. i.e. if there are seven (7) Members on Council, then quorum would be four (4). Therefore, if a Council or Committee/Board has seven (7) Members, a majority would be four (4) Members.
- 1.45. **"Recorded Vote"** shall mean the recording of the name and vote of every Member on any matter in question.
- 1.46. **"Reports of Members"** shall be a heading on the agenda for the purpose of Members providing information only. Comments are not debatable, nor shall they introduce new business. Comments shall be limited to five (5) minutes per Member.
- 1.47. **"Resolution"** shall mean the decision of Council or its Committee/Boards on any motion.
- 1.48. **"Special Committee/Board"** shall mean a Committee/Board of Council

which is established to consider and report on a specific subject, project or undertaking.

- 1.49. **"Statutory Public Meeting"** shall mean a meeting called to fulfill a statutory requirement of an act.
- 1.50. **"Sub-Committee/Board"** shall mean a Committee/Board established by Council to work on and report on a specific function within the mandate of an advisory Committee/Board. For the purposes of this By-law, sub-Committee/Boards may or may not contain Members of Council.
- 1.51. **"Public Meeting"** shall mean a meeting of Council which provides an opportunity to hear from Members of the public at which Members listen.
- 1.52. **"Unfinished Business"** shall mean agenda items from the previous agenda that were left undisposed of at the time of adjournment of the previous meeting.
- 1.53. **"Website"** shall mean the official municipal website.

2. Application

2.1 General

The rules of procedure set out in this By-law shall govern all proceedings of Council and Committee/Boards.

2.2 Statutory Requirements

Notwithstanding anything in this By-law, where Council or a Committee/Board convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, as amended and as applicable, shall govern the proceedings.

2.3 Rules of Order Not Covered

All points of order or procedure not provided for in this By-law shall be decided in accordance with *Robert's Rules of Order*, as revised, and the Chair shall submit the ruling.

2.4 Use of Pronouns

Any gender language in this document shall be deemed to be gender neutral.

3. Electronic Devices in Council Chambers

3.1 Electronic Devices in Council Chambers

Electronic devices are permitted in Council chambers during open sessions of a meeting only, provided that they are turned to silent or vibrate during the meeting and are not used to record any aspect of the Council or

Committee/Board meeting, unless the Clerk has given consent prior to the meeting and the recording is otherwise in accordance with this By-law.

3.2 Taping – broadcasting – permitted – conditions

Council and Committee/Board meetings which are not closed to the public in accordance with the provisions of this By-law may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licenced telecommunications company, or by any person provided that such taping, televising or recording is carried out in a manner which does not interfere with proceedings at the meeting and provided that such persons and representatives of such companies advise Council at the beginning of the meeting (if they have not so advised the Clerk prior to the meeting) of their intention to record. Should the recording interfere with the proceedings of the Council or Committee/Board meeting, the recording privileges may be withdrawn. The ruling of the Chair shall be final unless by appeal to the Council which shall decide on the question without debate.

3.3 Closed – Electronic Devices

The use of electronic devices in Closed Session is subject to the following: (a) Members shall be permitted to take an electronic device into Closed Session and use an electronic device for the purpose of accessing the current Agenda and associated Reports, or where the electronic device is being used as a means of participation in the Closed Session;

(b) The use of any electronic device by a Member for the purpose of recording or transmitting is prohibited;

(c) The use of any electronic device by a Member for the purpose of communicating to other Members or the Public during a Closed Session is prohibited, other than as used for participation in the Closed Session generally, as in paragraph (a).

4. Meeting Locations, Times and Notice

4.1 Inaugural Meeting of Council

The inaugural meeting of Council shall be held in Arran-Elderslie on the earliest opportunity following a regular municipal election, as called by the Clerk, and agreed upon by the Clerk, Mayor and CAO, and shall be in a manner consistent with the *Municipal Elections Act* and the *Municipal Act*.

4.2 Inaugural Meeting Agenda

- 4.2.1** The Inaugural Meeting shall be ceremonial in nature for purposes of the Members of Council taking their Oath of Allegiance and Declaration of Office.
- 4.2.2** No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 4.2.3** The Clerk shall have prepared for the Members of Council at the inaugural meeting an "Order of Business" as follows, to also include other ceremonial proceedings as deemed necessary and/or desirable:
 - 4.2.3.1** Call to Order
 - 4.2.3.2** Oath of Allegiance and Declaration of Office
 - 4.2.3.3** Mayor's Inaugural Address
 - 4.2.3.4** Confirmation By-law
 - 4.2.3.5** Statements by Members (non-debatable)
 - 4.2.3.6** Adjournment

4.3 Meeting Schedule

Council shall annually adopt a regular meeting schedule for its meetings to be held in the following year including the dates, times and locations for such meetings and the Clerk shall publish the schedule on the municipal website.

4.4 Electronic Participation

- 4.4.1** Any Member of Council who participates remotely in any open or closed Council or Committee/Board meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance.
- 4.4.2** Any Member of Council may participate in any open or closed Council, Special Council or Committee/Board meeting electronically and be counted for the purpose of establishing quorum.
- 4.4.3** A Member who joins a meeting via electronic participation partway through the meeting shall advise the Chair and Clerk of their attendance at the meeting.
- 4.4.4** A Member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the Chair and Clerk of their absence from the meeting.

- 4.4.5** Members who have declared a pecuniary interest in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, with regard to a matter being discussed, and are participating electronically, shall not participate in any way with respect to the matter in question and shall disconnect from the meeting while such matter is being discussed, or as otherwise directed by the Clerk or the CAO.
- 4.4.6** Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk's office, and in accordance with this By-law.
- 4.4.7** Any Member of an advisory Committee/Board, local Board, agency, commission and association may participate in meetings electronically and be counted for the purpose of establishing quorum.
- 4.4.8 Electronic Participation at Closed Meetings – Confidentiality**
- 4.4.8.1** Members who are participating electronically in a closed meeting shall declare at the commencement of the closed meeting that they shall maintain the confidentiality of the closed meeting and that no person, other than a person authorized to be in attendance, is with the Member, including those who may be in proximity of the Member and able to hear either the closed meeting or the Member's participation. The Member shall take all reasonable precautions to ensure the closed meeting is not overheard by anyone not authorized to be in attendance, which may include the use of headphones.
- 4.4.8.2** If it comes to the attention of the Chair that a Member who is attending the closed meeting has someone not authorized to attend, then the Chair shall forthwith have the Member disconnected from the meeting.
- 4.4.8.3** Virtual backgrounds shall not be used by any Member in a closed meeting.
- 4.4.8.4** Members who are participating electronically in a closed meeting shall maintain audio and/or video connections at all times.
- 4.4.8.5** If a Member's electronic connection is interrupted or lost due to extenuating circumstances, then the Member may rejoin the closed session by telephone.

4.5 Cancellation due to Weather

In the event of inclement weather or other reason, the Chair has the authority to cancel a Council meeting.

4.6 Notice of Cancellations

In the event of a meeting cancellation, staff shall post notice of the meeting cancellation on the municipal website and notify the Members by email or by telephone and by any further means deemed appropriate in the circumstances by the Clerk. If the cancellation occurs at the last minute or after regular business hours and staff is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so.

4.7 Adjournment

Meetings shall stand adjourned seven (7) hours after being called to order. Council may, by resolution, extend the meeting once for up to one (1) hour. Should the meeting agenda not be completed, all items left over shall be carried over to the next meeting.

4.8 Notice

Notice of all meetings of Council and Committee/Boards of Council shall include the agenda and supporting documentation and shall be provided to the Members via electronic mail and to the public via the municipal website.

5. Closed Meetings of Council**5.1 Exceptions to Open Meeting Requirements**

While all regular and special meetings of Council and Committee/Boards shall be open to the public in accordance with the *Municipal Act*, any meeting that has been deemed closed in accordance with this By-law shall be exempt from this requirement.

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

Exceptions:

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or local Board;
- (b) personal matters about an identifiable individual, including municipal or local Board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local Board;

- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local Board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, Board, Committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local Board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local Board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local Board.

Other criteria

- (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, Board, commission, or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the municipality, a local Board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

Educational or training sessions

- (3.1) A meeting of a council or local Board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:
1. The meeting is held for the purpose of educating or training the Members.
 2. At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local Board or Committee.

5.2 Closed Meeting Procedure

A motion to go into closed session shall be passed in open session and shall state the nature of the matters to be considered.

No vote shall be taken at a closed meeting except for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, local Board or Committee/Board of either of them or persons retained by or under a contract with the Municipality or local Board.

5.3 Reporting Out & Confidentiality of Closed Session Discussions

Upon the recess of the closed meeting, the Mayor may at the public meeting report that:

- a) a closed meeting was held;
- b) the general nature of the matter or matters deliberated at the closed meeting; and
- c) only on matters on which the Mayor is authorized to report upon by Council at the closed meeting.

No Member shall disclose or discuss, through any means, including written, electronic or verbal communication, to any individual or corporate third party, any information that has been or shall be discussed at a closed meeting of Council or a Committee/Board until such time, and only to the extent that Council or a Committee/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* (MFIPPA) or directed to do so by a court.

5.4 Application of Open & Closed Meeting Provisions to all Committee/Boards

The provisions of Section 239 of the *Municipal Act* and of this Procedure By-law shall apply to all Committee/Boards.

6. Special Meetings of Council

6.1 Mayor May Request

The Mayor may at any time summon a special meeting of Council.

6.2 Members Request

The Clerk shall, upon receipt of a written request of the majority of the Members, call a special meeting for the purpose and time mentioned in the petition.

6.3 Special Meeting Notice

The Clerk shall provide all Members with at least forty-eight (48) hours' notice of a special meeting.

6.4 Special Meeting Minimum Notice Requirements to Members

Minimum notice shall consist of electronic notice followed by a telephone message to all Members if required. If Members accept the electronic meeting request, telephone communication shall be deemed unnecessary.

6.5 Special Meeting Notice to the Public

Notice for special meetings of Council shall be posted, as soon as practical after being established, on the municipal website. Agendas and supporting documentation shall be posted as soon as practical prior to the special meeting.

6.6 Special Meeting Business

The only business to be dealt with at a special meeting is that which is identified in the notice of the meeting.

6.7 Special Meeting Validity

The Clerk shall attempt to contact every Member in relation to a special meeting. The lack of receipt of a notice or of an agenda for a special meeting by any Member shall not affect the validity of the meeting or any action taken thereat.

6.8 Special Meetings under The Emergency Management and Civil Protection Act

A Special Meeting may be held, without notice, to deal with an emergency situation as defined under The Emergency Management and Civil Protection Act, provided that an attempt has been made to reach the Members by telephone and/or e-mail at their respective residence and/or place of business. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting. The forty-eight (48) hour notice requirement may be waived in the case of emergency as may be determined by the Mayor (or alternate) and/or CAO/Clerk/CEMC (or alternate) and documented in writing (memo or e-mail) to the Clerk.

7. Quorum for Council/Absence of Council Members**7.1. Majority for Quorum**

- 7.2.** A quorum shall consist of a majority of Members of Council. i.e. if there are seven (7) Members on Council, then quorum would be four (4). A majority is defined as more than 50%. Therefore, if a Council or Committee/Board has seven (7) Members, a majority would be more than 3.5, which makes the quorum four

(4) Members.

7.3. No Quorum Present at Beginning

If a quorum is not present at a scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the Members present.

7.4. Loss of Quorum During Meeting

If a quorum is lost during a meeting, the meeting shall recess. If the quorum is not re-established within fifteen (15) minutes, the meeting shall stand adjourned, and all unfinished business shall be carried forward to the next meeting.

7.5. Loss of Quorum During Electronic Participation

If quorum cannot be maintained during a virtual and/or a virtual/electronic meeting, due to the loss of a Members' electronic connection, the Clerk or CAO will advise the Chair that quorum is lost and the meeting will recess for up to fifteen (15) minutes or until the Members' electronic connection is resumed, which could result in a delay to the next available business day. The Clerk will ensure the proper notices respecting the continuation of a Council meeting to the following day or the next available day is on the Municipality's website.

7.6. Quorum and the *Municipal Conflict of Interest Act*

Notwithstanding Section 7.3 where the number of Members, who by reason of the provisions of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

7.7. Absence of Council Members

Notwithstanding Subsection 259(1)(c) of the Act, an office is not vacated by a Member of Council who is absent for 20 consecutive weeks or less if the absence is as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the Act. A Member of Council on pregnancy and/or parental leave shall continue to be paid their respective honorarium.

Where a Member is, will be, or anticipates they will be absent for any reason, including those listed in the foregoing paragraph, the Member shall provide the Clerk with written notice of such actual or anticipated

absence, including the expected duration of the absence, . Council shall appoint another Member or Members to attend Committee/Board meetings that the Member is appointed to in the Member's absence, where appropriate.

7.8. Temporary Replacement, Member of Upper Tier Council

Council may appoint an alternate Member of Council as a temporary replacement for a Member on the upper-tier Council pursuant to section 268 (1), (2) & (3) of the *Municipal Act* by a resolution of Council.

8. Agenda Preparation

8.1. Agenda Timing and Composition

The final regular Council meeting agenda, along with copies of any supporting documentation shall be prepared by the Clerk and made available to Members and posted on the website by 12:00 pm on the Friday prior to the meeting.

Members shall request the majority of Council to add an item under "New Business" prior to the adoption of the agenda.

The agenda shall generally consist of the following headings, the order of which may change as the Clerk deems appropriate:

- i. Call to order
- ii. Mayor's Announcements (if required)
- iii. Adoption of agenda
- iv. Disclosure of pecuniary interest and general nature thereof
- v. Unfinished Business
- vi. Minutes of previous meetings
- vii. Business arising from the minutes
- viii. Minutes of Sub-Committee Meetings
- ix. Public meetings
- x. Delegations/Presentations
- xi. Correspondence (requiring action and for information)
- xii. Staff reports
- xiii. Notice of Motion
- xiv. Member Updates

- xv. New Business
- xvi. By-laws
- xvii. Closed session
- xviii. Reconvene in open session
- xix. Adoption of recommendations arising from closed session
- xx. Adoption of closed session minutes
- xxi. Confirming By-law
- xxii. Adjournment

8.2. Addendum to the Agenda

An addendum shall include any addition to a completed published Council agenda or addition to an item on the Council agenda that the Clerk believes is of an urgent nature and requires immediate attention or consideration. Addendums shall be circulated to Members and published on the website not later than 12 noon on the Business Day prior to the meeting.

8.3. Electronic System Failure

In the case of an electronic system failure, power interruption, or any other extenuating circumstance that hinders the posting of the agenda, it shall be posted as soon as possible. Council Members shall be notified by such other method as the Clerk determines to be appropriate.

9. Order Of Business

9.1. Agenda Order

The business of Council shall be taken in the order in which it stands upon the agenda as prepared.

9.2. Items Left Undisposed

When any agenda item or items are left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such agenda item or items shall be taken up in succession under the heading Unfinished Business or as the first order of business of each respective heading at the next meeting or special meeting called for that purpose of Council.

9.3. Moving Items Forward on the Agenda

The order of items may be prioritized by a majority vote of Council to address identified issues for those in attendance.

10. Council Minutes

10.1. Content of Minutes

The minutes of Council, as taken by the Clerk, shall consist of:

- 10.1.1.** The place, date and time of the meeting;
 - 10.1.2.** The name of the Chair and the attendance of the Members and staff;
 - 10.1.3.** Each item heading and the decision;
 - 10.1.4.** The results of any recorded vote;
 - 10.1.5.** Any disclosure of pecuniary interest;
 - 10.1.6.** Correction and adoption of minutes of prior meetings; and
 - 10.1.7.** Pursuant to the *Municipal Act*, the minutes shall be without note or comment.
- 10.2.** Draft minutes of Council shall be prepared by the Clerk and included on the next available agenda.
- 10.3.** At all regular Council meetings, the Chair shall ask Council if there are any objections to the minutes so delivered or any motion to correct, and after correction and/or change, shall declare the minutes adopted.
- 10.4.** After the minutes have been adopted, they will be signed by the Mayor and Clerk.

11. Responsibilities of the Chair

- 11.1.** In addition to the responsibilities of the Head of Council as set out in the *Municipal Act*, it shall be the duty of the Chair to ensure an efficient meeting by:
- 11.1.1.** Maintaining order and decorum;
 - 11.1.2.** Deciding on all questions of order, subject to an appeal by Council;
 - 11.1.3.** Receiving and submitting, in the proper manner, all motions presented to the Members of Council;
 - 11.1.4.** Putting to vote all questions which are properly brought before Council or that necessarily arise in the course of proceedings and announcing the results;
 - 11.1.5.** Ruling on all procedural matters without debate or comment;

- 11.1.6. Declining to put to a vote motions which do not comply with the rules of procedure or which are not within the jurisdiction of Council;
- 11.1.7. Focusing the Members, within the rules of order, when engaged in debate;
- 11.1.8. Adjourning or suspending the meeting if he/she considers it necessary because of grave disorder;
- 11.1.9. Remaining neutral and not entering into debate or discussions while in the Chair; and
- 11.1.10. The Chair shall vacate the Chair in order to move, second or debate on a motion, and shall resume the Chair following the vote on the matter.

11.2. Right to Expel

The Chair may expel or exclude from any meeting any person or Member whom the Chair feels has exhibited improper conduct at the meeting in accordance with the *Municipal Act* S.241(2), as amended.

11.3. Chair Moving a Resolution or Debating

When the Chair wishes to move or second a resolution before Council or enter into debate on a specific topic, he/she may call the Deputy Mayor to the Chair, present his/her resolution or comments from the floor and remain out of the Chair until the motion, all amendments, and the main motion to it have been disposed of. In the event that the Deputy Mayor is unable to assume the Chair, the Mayor shall call for an alternate Member to assume the Chair.

11.4. Absence of Mayor and Deputy Mayor

In the absence of the Mayor and Deputy Mayor, the Clerk shall convene the meeting and call for a motion to fill the role of acting Chair. The matters contained herein shall apply to the acting Chair in the same manner as they apply to the Chair.

11.5. Appeal of Chair's Ruling

If a Member disagrees with the ruling of the Chair, he or she may appeal the ruling of the Chair. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to calling the vote.

12. Conduct of Members

Members shall conduct themselves in accordance with the Municipal Code of Conduct (CLK03-2021).

12.1. No Member shall:

- 12.1.1.** Speak disrespectfully of any Member of Federal or Provincial parliaments, other Members, Council or any official or employee of Arran-Elderslie;
- 12.1.2.** Use offensive words or un-parliamentary language;
- 12.1.3.** Engage in private conversation while in a Council meeting or use electronic devices (including cellular phones) in a manner which interrupts the proceedings of Council;
- 12.1.4.** Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- 12.1.5.** Speak on any subject other than the subject under debate;
- 12.1.6.** Where a matter has been discussed in closed session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed meeting;
- 12.1.7.** Criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
- 12.1.8.** Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

12.2. Addressing the Chair

Should more than one Member indicate the intent to address, the Chair shall determine who is entitled to the floor and the order of the remaining Members for speaking.

If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:

- 12.2.1.** After the first occurrence, the Chair calls the Member to order;
- 12.2.2.** After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair shall immediately order the Member to leave his/her seat and observe the meeting from the audience for the remainder of the Meeting;
- 12.2.3.** If the offending Member informs the Clerk that he/she wishes to apologize, the Clerk shall inform the Chair of the Member's request;
- 12.2.4.** At the next available opportunity in the meeting, the Chair shall allow

the offending Member to return to his/her seat to apologize to Council or a Committee/Board. The apology shall not include additional comments or debate by the offending Member or by Council or a Committee/Board;

- 12.2.5.** After an apology is made by the offending Member, Council or a Committee/Board may consent to allow the offending Member to return to the meeting;
- 12.2.6.** Should at any point the offending Member create a disturbance while seated in the audience, the Chair shall order the offending Member to leave the Council chamber or meeting room;
- 12.2.7.** Council cannot appeal and the offending Member cannot seek an apology from Council for the Chair's ruling;
- 12.2.8.** If the offending Member refuses to leave his/her seat or leave the Council chamber or meeting room, the Chair may request that the CAO contact security or police for assistance.

13. Duties of the Clerk

13.1. Role of the Clerk assigned by the Municipality related to Council

In addition to duties set out in the *Municipal Act*, other duties of the Clerk as assigned by the municipality;

- 13.1.1.** To sign every By-law and minutes approved by Council;
- 13.1.2.** To call the meetings to order and preside until the election of a Chair in the absence of the Mayor or Deputy Mayor;
- 13.1.3.** To advise the Chair on procedural matters;
- 13.1.4.** To prepare and circulate the agenda and supporting information;
- 13.1.5.** To prepare the draft minutes and distribute to Members to be included on the next available council meeting agenda;
- 13.1.6.** To advise all departments of decisions by Council; and
- 13.1.7.** To schedule delegations and presentations for Council meetings.

13.2. Powers of Deputy Clerk

In the absence of the Clerk, the Deputy Clerk shall have all of the powers and duties of the Clerk.

13.3. Delegation of Powers

- 13.4.** The Clerk may delegate in writing to any person, other than a Member of Council, any of the Clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.

14. Delegations/Presentations

14.1. Notice to Clerk

Any person desiring to present information on matters of fact or to make a request of Council shall give notice and disclose the subject matter to the Clerk fourteen (14) calendar days prior to the Council meeting at which such person desires to be heard. No delegation is permitted to discuss the same matter with Council or Committee/Boards more than twice in a calendar year.

14.2. Responsibility of Clerk

The Clerk shall evaluate the request for delegation and decide whether the request complies with the criteria set out within this By-law and will schedule delegations accordingly on first come, first served basis. No more than three (3) delegations shall be permitted at any one meeting, and no delegations shall be permitted after the agenda is set, unless it is of a time sensitive nature and is authorized by the Mayor or Chair.

14.3. Documentation Required

Any person who is scheduled to appear as a delegation before Council is required to submit to the Clerk, a written and/or electronic request to appear as a delegation, noting the subject matter, not later than 12 p.m. (noon) at least seven (7) days preceding the Council meeting. All materials to be presented to Council must be included with the original request.

14.4. Time Limit

Each delegation shall be limited in speaking to not more than ten (10) minutes. Extensions to these limits shall be at the discretion of Council. The Mayor or Chair shall notify the delegate when the time has elapsed.

14.5. Limit on Questions

Council Members shall limit their comments to questions for clarification purposes or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.

14.6. Delegate Address

All delegates shall address the Chair and shall state their name and who they represent.

14.7. Conduct of Delegates

No delegates shall:

14.5.1. Speak disrespectfully of any person;

14.5.2. Use offensive language;

- 14.5.3.** Speak on any subject other than the subject for which he/she has received approval to address Council; or
- 14.5.4.** Disobey the rules of procedure or any decision of the Chair or Council on any other procedural matters.
- 14.5.5.** Speak beyond the time limit permitted.

14.8. Delegation Curtailment

The Chair may curtail any delegation, any questions of a delegate or debate during a delegation for disorder or any other breach of this By-law, and if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

14.9. Refusal of Delegations

Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the municipality or the presentation is abusive or includes profanity or threats, including threats of litigation. A person involved in a matter of litigation or potential litigation with an individual Member of Council or Committee of the Whole, the municipality as a body, or any municipal staff Member, shall not be permitted to address Council on any topic that relates to the litigation or potential litigation.

14.10. Delegation, Correspondence and Petition Content

Every communication, including petitions designed to be presented to Council must be legibly written, typed or printed and shall not contain any obscene matter or language and shall be signed by at least one person and filed with the Clerk.

14.8 Presentations

Presentations that are requested by Council shall have a time limit as determined between the Clerk and the presenter. Presentations can include training for council, information from contractors, presentations of study findings by consultants or other such requests.

15. Members of the Public

15.1. Conduct of Audience at a Meeting

Members of the public who constitute the audience at a meeting shall refrain from any activity or behavior that would affect Council deliberations and shall not:

- i. Address Council or Committee/Board without permission;
- ii. Bring signage, placards or banners into meetings; or
- iii. Interfere with the conduct of the Council or Committee/Board meeting in

any way.

- iv. Speak disrespectfully of any Member of Federal or Provincialparliaments, Council or any official or employee of Arran-Elderslie;
- v. Use offensive words or un-parliamentary language;
- vi. Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council.
- vii. Enter into cross debate with the Presiding Officer, Members of Council, other delegations or staff;
- viii. Appear before Council for the sole purpose of generating publicity or personal attacks;

16. Rules of Debate

16.1. Addressing Council

To address Council a Member shall request to speak, be recognized by the Chair and direct all comments through the Chair. Members shall not speak more than twice on a motion except with the consent of Council and shall not speak a second time unless all Members have had an opportunity to speak once.

16.2. Address the Chair

Prior to speaking to any question or motion, each Member shall address the Chair.

16.3. Order of Speakers

When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

16.4. Interruptions

When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege;

16.5. Motion to be Repeated

Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.

16.6. Speaking to a Question

Members must indicate their intention to speak to a question through the Chair. No Member shall speak more than twice to the same question without Council's permission, except that a reply shall be permitted only from the Member who has presented the main motion. The total time a

Member may take to speak and obtain any necessary clarification shall not be more than five minutes regardless if they speak one or two times. The mover and seconder of a motion have the opportunity to speak first to a motion. Members' comments shall be relevant to the matter of business before Council or a Committee/Board. Members shall express themselves succinctly without repetition.

16.7. Content of Questions

A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated briefly and asked only of the Chair, the previous speaker, the CAO, Department Heads or their designates. A Member may also state a point to the matter under discussion without asking a question.

16.8. Point of Order

When a Member rises on a point of order or point of privilege, the Member shall ask leave of the Chair to explain the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point. Any Member may challenge the ruling of the Chair immediately following the ruling. The Chair's ruling is final unless it is challenged. Council's decision, by vote, is final if the Chair is challenged.

17. Motions

17.1. Motions in Writing

All substantive motions shall be in writing before being put to Council.

17.2. Motions outside Jurisdiction of Council

A motion or notice of motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

17.3. Withdrawn Motion

After a motion has been proposed and seconded, and placed in the hands of the Chair, it shall be considered to be in the possession of the Council but may be withdrawn by the mover and seconder if there are no objections from any Members. If any Member objects, the motion may only be withdrawn by a vote of the Members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented.

17.4. Motions Permitted Without Written Notice

Oral motions may be added to the agenda following Council approval by a two-thirds vote and on the recommendation of staff with respect to urgent matters.

The following may be introduced orally without written notice and without leave of Council, in accordance with section 1.36 "Notice of Motion" herein:

- i. A point of order, privilege or personal privilege;
- ii. A motion to recess;
- iii. A motion to adjourn;
- iv. A motion to call the question;
- v. A motion to separate the question;
- vi. A motion to receive an item;
- vii. A motion to refer;
- viii. A motion to defer; and
- ix. A simple amendment to a main motion.
- x. A motion to move into a closed session of Council.

17.5. Motions to be Moved and Seconded

A motion shall be moved and seconded before being open for discussion and consideration.

17.6. Members May Vote Against

A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

18. Specific Motions**18.1. Motion to Recess**

A motion to recess is not debatable.

18.2. Motion to Adjourn

A motion to adjourn the Council meeting is not debatable and shall always be in order except:

- i. When another Member is in possession of the floor;
- ii. When a vote has been called;
- iii. When the Members are voting;
- iv. When a Member has indicated to the Chair his/her desire to speak on the matter before Council; or

- v. A motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate, except for the Chair to indicate any remaining pressing needs, in which case the Member shall have the option to withdraw the motion to adjourn;

18.3. Call the Question

A motion to call the question is not debatable. A Member who moved the motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative. A motion to call the question shall be put immediately without debate.

18.4. Motion to Defer

A motion to defer is not debatable except with respect to the time period and shall include:

- 19.4.1.** The time to or period within which, consideration of the matter is to be deferred; and
- 19.4.2.** Whatever explanation is necessary to demonstrate the purpose of the motion to defer.

18.5. Consideration of Matter Previously Deferred

A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be placed on the agenda by staff or by a Member as a notice of motion.

18.6. Motion to Refer

A motion to refer, and any amendment to it, is debatable and shall include:

- i. The name of the Committee/Board or official to whom the motion or amendment is to be referred; and
- ii. The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

18.7. Motion to Amend

A motion to add, delete from, or substitute words in the main motion, shall:

- i. Be presented in writing and seconded by a Member;
- ii. Be open to debate;
- iii. Not propose a direct negative to the main motion;
- iv. Be relevant to the main motion;

- v. Have only one motion to amend the main motion at one time;
- vi. Have only one motion to amend a motion to amend the main motion at one time; and
- vii. Be put in the reverse order to that in which it is moved.

18.8. Voting on motion to amend

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

- i. A motion to amend the main motion;
- ii. A motion, as amended, to amend the main motion; and
- iii. The main motion, as amended.

18.9. Division of Motion

- i. Any Member may request the Chair to divide any motion into such parts as the Member may submit. If satisfied that the matter under consideration contains distinct proposals, the Chair shall make a ruling on whether to divide the motion and the vote upon each proposal shall be taken separately.
- ii. A Member may appeal the decision of the Chair to the Council which shall vote on whether or not to support the decision of the Chair.

18.10. Motion to Reconsider

- i. A motion to reconsider a decided matter shall only be introduced by a Member who voted with the majority on the original motion.
- ii. Reconsideration at the same meeting shall require a motion to reconsider.
 - a) After such notice is given no action shall be taken by the Council on the main motion until such reconsideration is disposed of.
 - b) No discussion of the main question shall be allowed unless a motion to reconsider is passed by a majority on a recorded vote.
- i. If a motion for reconsideration is made at a subsequent meeting, the main motion shall not be considered until the motion to reconsider is passed by and such vote shall be by a recorded vote.
- ii. A vote to reconsider shall not be reconsidered.
- iii. No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

18.11. Improper Motions

The Chair shall declare improper motions out of order. These motions include those that are:

- i. Are outside of the scope of jurisdiction;
- ii. Conflict with a previously adopted motion;
- iii. Present essentially the same question that has been defeated earlier in the same meeting without a motion to reconsider; or
- iv. Present a question that Council still has within its reach (such as an item that had been referred to Committee/Board or staff to come back to Council.

18.12 Notice of Motion

The Member shall file the written Notice of Motion with the Clerk by delivering a written copy of the Motion, signed by the mover and seconder. A Notice of Motion shall not be considered by Council unless the mover of the Motion attends the meeting. The motion shall be read by the Mayor without discussion or debate. The Clerk shall include the motion on the agenda of the next regular Council meeting for deliberation.

19. Voting**19.1. Order of Voting**

Motions relating to an item under consideration (main motions) shall be voted on in the following order:

- i. A motion to adjourn;
- ii. A motion to recess;
- iii. A motion to call the question;
- iv. A motion to defer;
- v. A motion to refer;
- vi. A motion to amend, in reverse order of its being placed; and
- vii. The main motion.

19.2. Members Shall Vote

Every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. If any Member present does not vote at a meeting of the Council where a question is put, he/she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.

19.3. Chair to State the Question

Immediately preceding the taking of a vote, the Chair shall state the question in the precise form in which it shall be recorded in the minutes unless the wording is provided for visually in front of the Members on their monitors.

19.4. Indication of Vote

A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested.

19.5. Conduct During a Vote

When the Chair calls for the vote on a question:

- Each Member shall occupy his/her seat and shall remain in place until the result of the vote has been declared by the Chair; and
- During this time no Member shall walk across the room or make any other noise or disturbance.

19.6. Majority Vote Required

All decisions of Council shall require a majority vote except as otherwise set out in this By-law.

19.7. Tie Votes

Any motion that receives a tie vote shall be deemed to have been decided in the negative.

19.8. Recorded Votes

A request by a Member present at the meeting for a recorded vote shall be made prior to the vote. When a recorded vote is requested by a Member, the Clerk or Committee/Board secretary, as applicable, shall record the name and vote of every Member on any resolution. When a recorded vote is recorded at Council or Committee/Board meetings, names shall be called in random order, and any failure to vote by a Member, including the Mayor, who is not disqualified from voting, shall be deemed a negative vote.

The Clerk shall announce the results after the vote has been called and Members present have participated (or abstained).

19.9. Announcing the Results

The Chair shall announce the result of the vote, with the exception of the recorded vote where the Clerk shall announce the result.

20. By-laws

20.1. Introduced by Motion

Every By-law shall be introduced by motion, specifying the title thereof.

20.2. Three Readings

Every By-law shall have three readings prior to being passed. By-laws shall be taken as read for the first, second and third readings. A By-law may be passed through all its stages and be finally passed at one meeting with a majority of Members present.

20.3. Confirmatory By-law

The proceedings of the previous regular meetings and special meetings of Council shall be confirmed by By-law so that every decision of Council and every resolution thereof 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.

20.4. Amendments to By-laws

All amendments to any By-laws approved by Council shall be deemed to be incorporated into the By-law and if the By-law is enacted by Council, the amendments shall be recorded by the Clerk.

20.5. Duty to Sign Every By-law

By-laws, once passed, shall be dated and duly signed by the Mayor and the Clerk or the deputies.

21. Committee/Boards

21.1. Council Rules apply to Committees/Boards

Unless stated otherwise, the rules governing the procedure of Council and the conduct of Members as Council shall be observed in all Committees/Boards so far as they are applicable. For greater certainty, when this By-law refers to "Council", then Council and Committee/Board are interchangeable with respect to following the procedure set forth in this By-law.

21.2. Composition

Council shall determine the appropriate number of Committee/Boards, their Membership, mandates and reporting practices. At the beginning of each Council term, Council shall establish its standing Committee/Boards (if any), the composition of such Committee/Boards, and appoint a Chair for each Committee/Board of Council. At Council's direction, the existence or composition of such Committees/Boards may be modified, including

the addition or deletion of any Committees/Boards, as appropriate.

21.3. Other Appointments

Appointments and nominees to other bodies shall be recommended by Council.

21.4. Ad Hoc/Special Committee/Boards

Council may, from time to time, appoint ad hoc/special Committee/Boards which shall report directly to Council. The establishment of such Committee/Boards should include a specific mandate, terms of reference, and terms of appointment. Ad hoc/special Committee/Boards shall report to Council with a recommendation with regard to their continuation, assumption of responsibilities by Council, or abolishment.

21.5. Duty of the Chair

A Chair and vice-Chair shall be appointed by the Members at the first regular scheduled meeting. Each Chair and/or vice Chair shall preside at every meeting of their Committee/Board, may vote on every question submitted for consideration and may require that resolutions be in writing.

21.6. Ex-Officio Membership

The Mayor shall be an ex-officio Member of all Arran-Elderslie Committee/Boards, subCommittee/Boards and working groups. He/she shall have the right to take part in discussions, but shall not be included to make up quorum. The Mayor shall have full voting privileges as an ex-officio Member.

21.7. Notice to Members

Notice of meetings including agendas, minutes and supporting documentation to the Members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency or if the Member does not have electronic mail. In the event of a meeting cancellation, staff shall notify the Members by email or by telephone as soon as possible.

21.8. Notice to the Public

Notice of meetings shall be given in accordance with section 4.9 of this By-law and meetings shall be posted as soon as practical after being established by Committee/Boards. Agendas shall be posted a minimum of two days prior to the meeting. In the case of emergency meetings, notice of the agenda shall be posted as soon as practical. In the event of a meeting cancellation, staff or the Committee/Board secretary, as applicable, shall post notice of the meeting cancellation on Arran-Elderslie's

website and email group. If the cancellation occurs at the last minute or after regular business hours and staff or the Committee/Board secretary, as applicable, is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so.

21.9. Role of Committee/Boards

The role of Committee/Boards shall generally be to make recommendations to Council on matters which are in their jurisdiction.

21.10. Action on Committee/Board Recommendations

No action shall be taken on Committee/Board recommendations until they are subsequently approved by resolution at Council.

21.11. Governing Rules of Procedure

The rules governing the procedure of the Council and the conduct of Members at Council shall be observed by Committee/Boards as far as they are applicable, and Committee/Boards set out in this section including:

- i. The number of times of speaking on any question shall not be limited;
- ii. A majority vote shall be required to decide any matter before the Committee/Board; and
- iii. Recorded votes shall be called to vote by name in random order.

21.12. Council Attendance at Committee/Board Meetings

Members of Council who are not Members of a specific Committee/Board may attend meetings of that Committee/Board as Members of the public and may, with consent of the Chair of that Committee/Board, take part in the discussion, but shall not be counted in quorum, shall not be entitled to make motions or vote, shall not be reimbursed for attendance at those meetings and shall not be entitled to attend any closed portion of a Committee/Board/Board meeting.

21.13. Absence of Chair

In the event of the Chair of a Committee/Board/Board not attending the Committee/Board at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Committee/Board vice-Chair shall call the meeting to order and preside until the arrival of the Committee/Board Chair.

Should the Committee/Board vice-Chair not be in attendance at the meeting, the recording secretary shall call the meeting to order and ask those Members in attendance to appoint one of the Members to act in the

place of the Committee/Board Chair for that meeting. Such Member shall then preside until the arrival of the Committee/Board Chair or the Committee/Board vice-Chair. The meeting must have a quorum to commence.

21.14. Absence of Committee/Board Member

Should any Member of a Committee/Board fail to attend three successive regular or special meetings without being authorized to do so by a resolution of the Committee/Board, the Committee/Board may certify such failure and provide notice to Council. Thereupon the Membership of such person on the Committee/Board shall be terminated by Council and Council may appoint another Member in their place.

21.15. Preparation of Agenda

The appropriate Arran-Elderslie staff person, Committee/Board secretary or Chair shall prepare Committee/Board agendas for distribution.

21.16. Committee/Board Delegations

Any person desiring to present information to a Committee/Board may do so subject to the following:

- i. Requests shall be in writing and the information to be presented shall be on matters of fact or to make a request of the Committee/Board;
- ii. Requests shall be made not less than seven days preceding the Committee/Board meeting at which such person desires to be heard;
- iii. Exceptions to the seven business days' notice requirement required in (b) above may be approved by the Committee/Board Chair;
- iv. Any person who is scheduled to appear as a delegation before a Committee/Board is requested to submit written documentation for the Committee/Board's consideration to the Committee/Board secretary not less than seven business days preceding the Committee/Board meeting; and
- v. Rules relating to time limits and conduct shall be as set out in Section 14.

21.17. Closed Session

No meeting of a Committee/Board shall be held in closed session except in accordance with Section 5.

21.18. Declarations of Pecuniary Interest

Members of Committee/Boards shall adhere to *The Municipal Conflict of*

Interest Act with respect to declarations of pecuniary interest in Committee/Boards;

21.19. Quorum

A quorum shall consist of more than 50% of the Membership of the Committee/Board. Where the number of Members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, at a minimum of two Members.

21.20. Committee/Board Minutes

Draft Committee/Board minutes shall be placed on the agenda for the next regular meeting of Council. Minutes shall be taken by the Clerk or any employee of the Corporation as delegated by the Clerk.

22. Disclosure of Pecuniary Interest

22.1. Where a Member of Council has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting at which the matter is the subject of consideration, the Member:

- a) shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the Member has a pecuniary interest;
- b) shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;
- c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
- d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration, as may be directed by the Clerk or the CAO, and remain absent from it where the matter is under consideration during closed session or as otherwise directed by the Clerk or the CAO; and
- e) where the interest of a Member has not been disclosed by reason of the Member's absence from a meeting where in the matter was discussed, the Member shall disclose the interest at the next meeting attended by the Member.

23. Amendments to By-law

Public Notice shall be given as required pursuant to the municipal Notice Policy prior to any amendment or repeal of this By-law being considered.

24. Conflict

24.1. Severability

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered severed from the remainder of this By-law, which shall continue to be in full force and effect;

24.2. By-law Versus Statute

If there is any conflict between this by-law and any statute, the provisions of the statute prevail.

25. Interpreting the Procedure By-law

25.1. A specific statement or rule in this Procedure By-law has greater authority than a general one; and

25.2. If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, or an appeal by a member, the Chair shall rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order, as amended.

25.3. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.

25.4. References to words in the plural include the singular, as applicable.

26. Enactment

By-laws No. 1-1999, 53-2009, 9-2019, 22-2016, 69-2017, and 23-2020, and are hereby repealed.

This By-law shall come into force on the date of passing.

Read a first, second, and third time this 6th day of December, 2021.

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk



MUNICIPALITY OF ARRAN-ELDERSLIE

SUBJECT: **Social Media Policy**

Date: **May 25, 2020**

POLICY NO:

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PURPOSE

To provide rules and guidelines on the acceptable participation in social media sites and networks. This policy is to be read in conjunction with other relevant policies such as but not limited to: Council Code of Conduct and the Workplace Violence and Harassment Policy.

While the Municipality recognizes the popularity of social networking, certain behaviours must be observed to protect both employees' and the corporation's reputation.

SCOPE

This Policy applies to all employees of the Municipality of Arran-Elderslie (including part-time, casual/temporary, full-time employees and volunteer firefighters) as well as to contractors, student co-op placements or internships, consultants, elected officials (Mayor / Council), members of boards and committees, and volunteers.

Participating in social media is considered an official corporate act, and therefore must be viewed in the same way as participating in other media, meetings or public forums.

This policy also applies to members of the public who use, comment or posts on Municipal social media sites and social networks. The policy applies to any and all social media platforms.

PROCEDURES

1) Definitions (for the purposes of this policy)

Council” or “Councillor” means the Council of the Municipality of Arran-Elderslie and any individual elected member of the Council of the Municipality of Arran-Elderslie.

Employee means an individual performing work for the Municipality of Arran-Elderslie, including full time, part-time, casual/temporary, and volunteer firefighters, as well as contractors, student co-op placements, consultants, board members and volunteers.



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Follow means to subscribe to a social media account of another user and receive their posts as updates.

Municipal Social Media Sites means social media sites created and managed by municipal staff.

Political material means comments or posts made by politicians, supporters or otherwise, for the purpose of political gain or to drive a political agenda.

Social media means the web-based technologies and sites and includes blogging, microblogging (Twitter), photo-sharing (Flickr, Instagram, Snapchat), video sharing or webcasting (YouTube, Facebook Live), and social networking (LinkedIn, Facebook, blogs, discussion boards) which allow users to interact with each other by sharing information, opinions, knowledge, photographs and interests.

Social Media Moderator means municipal staff tasked with posting and reviewing content on municipal Social Media sites.

2) Purpose and Use of Social Media

Social media should be used as a communications tool for the intent of enhancing communication from the Municipality to the public about programs and services for the following purposes:

- Raising awareness and sharing information.
- Recruiting volunteers and employees.
- Promoting Municipal events, programs, and services.
- Increasing access to information for specific audiences.
- Promoting opportunities for public involvement and comment on the Municipality's online engagement platform.
- Where possible, Municipal social media accounts should link back to the Municipal website for the purpose of downloading forms, documents, and providing specific or additional information.



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SUBJECT: Social Media Policy

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3) Creating a Municipal Social Media Site

- Departments wishing to use social media sites should work with the CAO/Clerk to discuss specific goals and objectives and identify specific sites and platforms.
- Login and password information will be provided to the CAO/Clerk and Social Media Moderator.

4) Administering Municipal Social Media Sites

- All Municipal Social Media Sites are administered by Municipal employees named as Social Media Moderator(s) by the department head or the CAO/Clerk.
- When a Social Media Moderator and/or the CAO/Clerk leaves Municipal employment, all passwords should be changed for those Social Media Sites to which they had access.
- An appropriate disclaimer or other terms and conditions, as approved by the CAO, should be accessible from each Municipal Social Media site.
- Content of Municipal Social Media Sites will be monitored by Social Media Moderators who are responsible for:
 - Correcting misinformation and ensuring content is up-to-date.
 - Ensuring responses to posts, in-box messages and discussion comments are made in a timely manner.
 - Removing any post that is considered to be false, defamatory, abusive, hateful, obscene, racist, sexually-oriented, threatening or discriminatory.
 - Denying access to, or blocking users, who continue to post inappropriate or offensive comments.



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5) Personal Use of Social Media by Councillors and Employees

The Municipality expects all Employees and Councillors who use social media to do so without breaching their duties to the Municipality and adhere to their respective Codes of Conduct and Policies.

Employees and Councillors should consider the following:

- Even if you do not explicitly identify yourself as a Municipal Employee or Councillor, others may identify you as an Employee or Councillor by your name, your place of work, a photograph, or by the content you post.
- Identifiable Municipal Employees should make it clear that their position does not officially represent the Municipality's position. Use phrases such as "in my personal view" or "Personally..." to communicate that you are expressing personal views.
- Do not use visual cues that suggest you represent the Municipality. Do not post Municipally owned logos, photographs, graphics or other media without the Municipality's authorization.
- Do not circulate any organizational or confidential information, such as internal deliberations about how decisions are made, personal information, such as client or employee information, or negative comments about the Municipality of Arran-Elderslie, Councillors, Employees or residents.
- Do not disparage or embarrass the Municipality, individual Councillors, Employees, and others associated with the Municipality.
- Do not engage in workplace discrimination or harassment, or activity that includes inappropriate comments, photographs, links, etc.

Overall, Employees and Councillors are expected to conduct themselves professionally both on and off-duty. Even when an Employee does not publicly associate themselves with the Municipality on social media, all materials associated with their page may be perceived to reflect upon the Municipality.



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Further, Employees and Councillors should not expect confidentiality or privacy in relation to their online activities as they pertain to the Municipality of Arran-Elderslie. The traditional legal view is that posting content on social media sites about an employer is considered a publication and not private activity. Councillors and Employees are personally responsible for the content they publish online as it relates to the Municipality.

Municipal employees who violate the terms of this policy with social media use, including personal social media use, may be subject to discipline up to and including dismissal for cause.

a. Municipal Councillor and Other Government Accounts

If a Councillor, MP, or MPP representing Arran-Elderslie, Bruce County, or the Grey/Bruce riding, has a social media account, the Municipality's social media accounts are permitted to like/follow the account.

Accounts belonging to Municipal Councillors must be created and maintained by the Councillor and not municipal employees.

The Municipality's social media accounts are permitted to share/re-post content from posts belonging a Municipal Councillor, MP, or MPP representing Arran-Elderslie, Bruce County, or the Grey/Bruce, riding if the content does not clearly promote or criticize a political party, candidate, or ideology. Appropriate sharable content includes, but is not limited to, community events, funding announcements, bill/law announcements, etc. Overall, Social Media Account Moderators should use their best judgement when sharing/re-posting content belonging to a Municipal Councillor, MP, or MPP.

Effective January 1st of an election year (the beginning of the Nomination Period), all links, likes/follows, and sharing of content with a Councillor, MP, or MPP site shall be stopped and blocked or removed until the Inaugural Meeting of the newly elected Council or Legislature is complete.

6) Citizen Conduct

The Municipality reserves the right to remove inappropriate, inaccurate, irrelevant or unproductive content (i.e. posts and comments) from social media accounts. If the user continues to post inappropriate, irrelevant,



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inaccurate or unproductive content, the Municipality may ban/block the user from the site at the discretion of staff.

The Municipality's social media accounts/pages that citizen conduct criteria applies to, are those that fall under the definition of Social Media. In this policy. For example, Facebook, Twitter, Instagram and YouTube accounts, websites, blogs, etc.

Comments, posts, or articles containing the following content will not be allowed:

- Comments not topically related to the topic and/or issue being commented upon.
- Account spamming, trolling or overposting.
- Posts that are meant to solicit sales, products, or goods and services.
- Profane, aggressive, hateful, defamatory, insulting, rude, abusive or violent language or content.
- Content that includes or includes links to objectionable material, as defined in this policy.
- Conduct or encouragement of illegal activity.
- Information that may compromise the privacy, safety or security of the Municipality, public, or public systems.
- Comments or posts that includes inaccurate material or misrepresent facts as known by the Corporation.
- Comments or posts that impersonate or misrepresent someone else, including public figures, Municipal staff or Municipal officials.
- Content that violates a legal ownership interest of any other party.

The Municipality of Arran-Elderslie is not responsible for any comments or use of material posted by users.

ATTACHMENT

**MUNICIPALITY OF ARRAN-ELDERSLIE**SUBJECT: **Social Media Policy**Date: **May 25, 2020**

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NONE



THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

1925 Bruce Road 10, Box 70, Chesley, ON N0G 1L0
519-363-3039 Fax: 519-363-2203

I acknowledge having received a copy of the "Social Media Policy" and acknowledge that I have read and understand the information that was contained in this document.

Name (please print):

Date:

Signature

Policy Name:	<i>Respect in the Workplace (Harassment and Violence)</i> <i>Policy No: HR2</i>
Department:	<i>Municipality Wide</i>
Effective Date:	<i>May 25, 2010</i>
Date Revised:	<i>June 15, 2011</i>
Authority:	<i>Occupational Health and Safety Act, R.S.O. 1990, c.O.1, (as amended by Bill 168)</i>

Purpose:

The Municipality of Arran-Elderslie is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Municipality of Arran-Elderslie's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

Scope:

This policy applies to, all employees, contractors and consultants. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during work -related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in company owned or leased facilities
- during telephone, email or other communications; and
- at any work-related social event, whether or not it is company sponsored

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the Municipality, such as customers or suppliers, although the available remedies may be constrained by the situation.

Definitions:

1. Discrimination

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario *Human Rights Code*, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and gender identity)

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- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment.

2. Sexual Harassment

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- sexual advances or demands that the recipient does not welcome or want
- threats, punishment or denial of a benefit for refusing a sexual advance
- offering a benefit in exchange for a sexual favour
- leering (persistent sexual staring)
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material
- distributing sexually explicit email messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or gestures
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, clothing or sex
- persistent, unwanted attention after a consensual relationship ends
- physical contact of a sexual nature, such as touching or caressing; and
- sexual assault

3. Discriminatory Harassment

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Discriminatory harassment includes comments or conduct, based on the protected grounds in the Ontario *Human Rights Code*, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds such as race, religion or sexual orientation
- imitating a person's accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a **poisoned working environment** and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual material such as posters, pictures, calendars, web site or screen savers
- distributing offensive email messages, or attachments such as pictures or video files
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature .

4. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupational Health and Safety Act*.

The *Occupational Health and Safety Act* defines workplace harassment as:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

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Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may 'constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect
- it is hostile, abusive or inappropriate
- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment

In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment are:

- verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- workplace pranks, vandalism, bullying and hazing
- gossiping or spreading malicious rumours
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- providing only demeaning or trivial tasks in place of normal job duties
- humiliating someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls or emails
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- making false allegations about someone verbally, in memos or other work related documents

What Isn't Harassment

Policy Name:	<i>Respect in the Workplace (Harassment and Violence)</i> <i>Policy No: HR2</i>
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Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- imposing discipline for workplace infractions; or
- requesting medical documents in support of an absence from work

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers, provided that none of the behaviours listed above as examples of workplace harassment are employed in the name of normal workplace conflict.

The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew *or should have known* that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop your behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

5. Workplace and Domestic Violence

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*.

Workplace Violence

Workplace violence is defined under the Occupational Health and Safety Act as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker

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- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails
- wielding a weapon at work
- stalking someone; and
- physically aggressive behaviours including hitting, shoving, standing excessive close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

Domestic violence

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle or public transportation

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Date Revised:	<i>June 15, 2011</i>
Authority:	<i>Occupational Health and Safety Act, R.S.O. 1990, c.O.1, (as amended by Bill 168)</i>

- adjusting your working hours and location so that they are not predictable; and facilitating your access to counseling through an employee assistance program or other community programs

We appreciate the sensitivity of these issues and will do our best to assist you as discretely as possible while maintaining your privacy.

Preventing Harassment and Violence

It is our mutual *responsibility* to ensure that we create and maintain a harassment and violence free workplace and address *violence* and/or the threat of violence from *all* possible sources (including customers, clients, *employers*, supervisors, workers, strangers and domestic/ intimate partners).

Municipality of Arran-Elderslie's Commitment

The Municipality of *Arran-Elderslie* will do its part by not tolerating or condoning discrimination, harassment or violence in the *workplace*. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace *violence*, investigating complaints and imposing suitable corrective measures.

Duties of Supervisors

Supervisors are expected to assist in creating a harassment-free workplace and to immediately contact the Workplace Respect Committee if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behavior. Supervisors *must* also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behavior to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- whether the person's history of violence was associated with the *workplace* or work;
- whether the history of violence was directed at a particular employee or *employees* in general; and
- how long ago the incidence of violence occurred

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In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behavior if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behavior as is reasonably necessary to protect the employee from physical injury.

Duties of All Employees

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

You are also required to report to your supervisor or the Workplace Respect Committee, the existence of any workplace violence or threat of workplace violence.

Procedure for Resolving and Investigating Harassment Complaints

Informal Procedure

If you believe that you are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Some of the things you can say that might stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying XXXXX."
- "It makes me uncomfortable when you XXXXX."
- "I don't find it funny when you XXXXX."

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop, e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself.

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It helps to keep a record of any incident(s) that you experience, e.g., a customer, supplier, etc. has harassed or discriminated against you. Please report the harassment to your supervisor, or a member of the Workplace Respect Committee. Although the Municipality of Arran-Elderslie has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

Formal Procedure

Workplace Respect Committee

If the complaint cannot be resolved informally or it is too serious to handle on an informal basis, you may bring a formal complaint to the Workplace Respect Committee. The Workplace Respect Committee acts as our workplace coordinators with respect to harassment and violence in the workplace.

The Workplace Respect Committee consists of the same individuals as are appointed to the Joint Health and Safety Committee from time to time.

If you bring a formal complaint we will need as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint form is available from the Clerk.

It is important that we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further harassment. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

Please note that it is not our policy to investigate anonymous complaints unless there are extenuating circumstances.

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Investigation Procedure

The Workplace Respect Committee will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the complaint.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses, if any
- reviewing any related documentation; and
- making detailed quotes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Clerk. A summary of the findings will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent as expeditiously as possible under the prevailing circumstances.

Corrective Action

The Clerk will determine what action should be taken as a result of the investigation with consultation from the Workplace Respect Committee.

The Workplace Respect Committee will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any where necessary.

If a finding of harassment is made, the Municipality of Arran-Elderslie will take appropriate corrective measures, regardless of the respondent's seniority or position in the Municipality.

Corrective measures may include one or more of the following:

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- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- demotion or denial of a promotion
- reassignment or transfer
- financial penalties such as the denial of a bonus or performance related salary increase; and
- any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation you will not be subject to any form of discipline. The Municipality of Arran-Elderslie will, however, discipline or terminate anyone who brings a false and malicious complaint.

Procedure for Resolving and Investigating Workplace Violence

Workplace Violence

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and you will need to be available for the purposes of investigating the incident. In some circumstances, and subject to the provisions of the Collective Agreement in the case of a member of Local 255 of the Canadian Union of Public Employees (the Union), you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

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- equipment to summon assistance such as fixed or personal alarms, locator or tracking
- systems phones, cell phones, etc.
- emergency telephone numbers and/or email addresses
- emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

Investigation Procedure

You are required to report the existence of any workplace violence or threat of workplace violence to your supervisor or the Workplace Respect Committee. The Workplace Respect Committee will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the incident.

The investigation will include:

- conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete the investigator(s) will prepare a detailed report of the findings. A copy of the report will be provided to the Workplace Respect Committee as a whole.

Corrective Action

The Clerk will determine what action should be taken as a result of the investigation.

If a finding of workplace violence is made, the Municipality of Arran-Elderslie will take appropriate corrective measures, regardless of the respondent's seniority or position within the

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Municipality.

Corrective measures may include one or more of the following:

- discipline, such as verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- a demotion or denial of a promotion
- reassignment or transfer
- financial penalties such as the denial of a bonus or performance related salary increase and
- any other disciplinary action deemed appropriate under the circumstances

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Municipality of Arran-Elderslie will, however, discipline or terminate anyone who brings a false and malicious complaint.

Procedures for Addressing Domestic Violence

If you are experiencing domestic violence that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting any member of the Workplace Respect Committee. The Workplace Respect Committee will assist you in preventing and responding to the situation.

Confidentiality of Complaints and Investigations

We recognize the sensitive nature of harassment and violence complaints and we will keep all complaints confidential, to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

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Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

Protection from Retaliation

The Municipality of Arran-Elderslie will not tolerate retaliations, taunts or threats against anyone who complains in good faith about harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated.



THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

1925 Bruce Road 10, Box 70, Chesley, ON N0G 1L0
519-363-3039 Fax: 519-363-2203

I acknowledge having received a copy of the "Respect in the Workplace Policy" and acknowledge that I have read and understand the information that was contained in this document.

Name (please print):

Date:

Signature



Policy CLK01-2023

Code of Conduct for Members of Council & Local Boards

Policy Name:	Code of Conduct for Members of Council & Local Boards		Policy No: CLK01-2023
Department:	Clerks		
Effective Date:	March 13, 2023		
Date Revised:			
Authority:	By-Law No. 17-2023	Repealed Authority:	By-Law 43-2021

1. Purpose

1.0 Application and Purpose

1.1 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedure By-law and other sources of applicable law, including but not limited to:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Human Rights Code*
- *Occupational Health and Safety Act*
- *Provincial Offences Act*
- *Criminal Code*

1.2 This Code of Conduct applies to all Members of the Council of the Municipality of Arran-Elderslie and, unless specifically indicated otherwise and with all necessary modifications, to all members of the Municipality's local boards.

1.3 While this Code of Conduct applies to members of the Municipality's local boards it is recognized that such members do not hold elected office, nor do they represent the Municipality in general and at all times.



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Code of Conduct for Members of Council & Local Boards

2.0 Statement of Principles

- 2.1 This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the Municipality by its Members as duly elected and/or appointed public representatives of local boards to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.
- 2.2 The principles set out in Sections 2.1 and 2.2 are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are *not* intended to be enforced independently as such.

All Members shall:

- serve and be seen to serve the public in a conscientious and diligent manner;
- observe and act with the highest standard of ethical conduct and integrity;
- avoid the improper use of the influence of their office and act without self-interest;
- perform their functions with honesty, integrity, accountability and transparency;
- perform their duties of office and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- be cognizant that they are at all times representatives of the Municipality and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Municipality; and
- uphold the spirit and the letter of the laws of Ontario and Canada and the laws and policies adopted by Council.

3.0 Definitions

- 3.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) “CAO” means the Chief Administrative Officer of the Municipality or designate;



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Code of Conduct for Members of Council & Local Boards

- (b) "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (c) "Clerk" means the Clerk of the Municipality or designate;
- (d) "confidential information" means information or records that are in the possession, in the custody or under the control of the Municipality that the Municipality is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedure By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation;
- (e) "conflict of interest" means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular matter;
- (f) "Council" means the council for the Municipality and includes, as the context may require and with all necessary modifications, any of the Municipality's local boards;
- (g) "frivolous" means of little or no weight, worth, importance or any need of serious notice;
- (h) "gift" means any kind of benefit, contribution or hospitality that has any financial or monetary value and includes the forms of benefits, contributions and hospitality that are set out in Section 7.0;
- (i) "Integrity Commissioner" means the person appointed by Council pursuant to section 223.3 of the *Municipal Act, 2001* to independently carry out the functions set out therein and such other functions as may be assigned by Council from time to time;
- (j) "local board" means a local board as that term is defined in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*;
- (k) "media" includes any radio, television, newspaper, magazine, website, blog, social media, Twitter feed, YouTube or any other vehicles for the public dissemination of information, whether digital, electronic or print;
- (l) "meeting" means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and



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- (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- (m) “Member” means a Member of the Council for the Municipality or a member of a local board, including a member of a joint board if that member is appointed by the Council to the joint board;
- (n) “Municipality” means The Corporation of the Municipality of Arran-Elderslie and includes, as the context may require and with all necessary modifications, any of the Municipality’s local boards;
- (o) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- (p) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (q) “pecuniary” means relating to or consisting of money or having financial, economic or monetary value;
- (r) “social media” means any third-party hosted technologies that allow the creation and exchange of user-generated content to share opinions, information and documents, and includes blogs, discussion boards and forums, microblogs, photo-sharing sites, social networks and video sharing services;
- (s) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (t) “staff” means the CAO and all officers, directors, managers, supervisors and all administrative staff, whether full-time, part-time, contract, seasonal or volunteer, as well as agents, consultants and volunteers acting in furtherance of the Municipality’s business and interest (not including a Member);



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- (u) “vexatious” means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4.0 General Obligations

4.1 A Member shall make every effort to:

- (a) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, gender identity, gender expression, race, creed, religion, ability and spirituality;
- (b) not make statements that are or ought to be known to be false or with the intent to mislead or misinform Council or the public;
- (c) not make disparaging comments about any other person (including a Member) or unfounded accusations about the motives of any person (including a Member); and
- (d) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the Municipality's Procedure By-law or other applicable procedural rules and policies.

5.0 The Role of Staff – Respectful Conduct Towards Staff

- 5.1 An individual Member neither directs nor oversees the functions of the staff of the Municipality. Council as a whole approves the budget, policies and governance of the Municipality through its by-laws and resolutions.
- 5.2 Staff serve Council and work for the Municipality as a body corporate under the direction of the CAO. Members shall acknowledge, respect and have regard for the administration, managerial and organizational structure of the Municipality when requesting information, advice or services from staff.
- 5.3 A Member shall comply with the Municipality's Council and Staff Relations Policy.



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- 5.4 A Member shall not publicly criticize Staff and any issue with respect to any Staff member shall be referred to the CAO who will direct the matter to the particular Staff member's appropriate superior (if not the CAO).
- 5.5 A Member shall respect the role of Staff in the administration of the business and governmental affairs of the Municipality, and acknowledge and appreciate that staff:
- (a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of Staff members whether professional or ethical or otherwise;
 - (b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any Staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - (c) carry out their municipal duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of Staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

6.0 Municipal Property

- 6.1 Council is the custodian of the assets of the Municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Municipality's property, including but not limited to land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Municipality, unless they are entitled to such use equally with any other resident and have paid fair market value for such use. No Member shall seek financial gain for themselves, family or friends from the use or sale of the



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Municipality's intellectual property, computer programs, technological innovations, or other patent, trademarks, official marks or copyright held by the Municipality.

- 6.3 A Member shall not use any Municipality property for activities not associated with their duties of office unless prior approval has been granted by Council.

7.0 Gifts, Benefits and Hospitality

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Municipality. A Member shall not accept any gift connected directly or indirectly with the performance of his or her duties except as provided in Section 7.3.
- 7.2 A gift provided to a Member's family that is connected directly or indirectly to the performance of the Member's duties shall be deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.3 For greater clarity, despite Sections 7.1 and 7.2, a Member is entitled to accept any compensation, remuneration or benefit authorized by law but shall not accept any gift other than in the following circumstances:
- (a) a gift that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation as set out in 7.3(g);
 - (b) a political contribution otherwise reported by law, in the case of a Member running for office;
 - (c) services provided without compensation by persons volunteering their time for a charitable or non-profit event or for the Member's re-election campaign;
 - (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;



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- (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Municipality;
- (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate municipal business purpose related to the business of the Municipality,
 - (ii) the person extending the invitation or a representative of the organization is in attendance,
 - (iii) the invitations are infrequent, and
 - (iv) the value is not greater than \$500.00 from a single source over a calendar year;
- (g) a gift (other than gifts as set out in Section 7.3(f)) not having a value greater than \$250.00 from a single source over a calendar year; and
- (h) a gift received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member.

7.4 A Member who has received and accepted a gift pursuant to Section 7.3(a), (f), (g) and (h) shall file a disclosure of the gift indicating the person, body or entity from which it was received together with the estimated value of the gift in accordance with the Disclosure Statement set out in Appendix "A". A Member shall submit the Disclosure Statement to the Clerk on an annual basis no later than March 31 for the preceding calendar year and it shall be a matter of public record.

7.5 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.



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8.0 Confidential Information

- 8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Municipality that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws, and information received during closed meetings of Council or committees of local boards. Examples of types of information that a Member must keep confidential, unless expressly authorized by Council, or as required by law, or the information is in the public realm, include, but are not limited to:
- (a) matters related to ongoing litigation or negotiation, or that are the subject of solicitor-client privilege;
 - (b) information provided in confidence, for example, the identity of a complainant where a complaint is made in confidence, personal information of an individual derived from municipal records or other information that a Member receives in confidence by virtue of their office as an elected representative;
 - (c) price schedules in contract tender or request for proposal submissions if so specified;
 - (d) personal matters about an identifiable individual;
 - (e) “personal information” as defined in the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (f) any census or assessment data that is deemed confidential; and
 - (g) the purchase or sale of personal or real property by the Municipality.
- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, from a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Municipality that is relevant to matters



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before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Municipality and must follow the same processes as any private person to obtain such information.

- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Municipality, Council or any other person, or for financial or other gain for themselves or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, municipal policies, procedures and rules, ethical standards and, where appropriate, professional standards.
- 8.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

9.0 Discrimination and Harassment

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive, demeaning or insulting words, phrases or expressions toward any member of the public, another Member or staff.
- 9.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, gender identity, gender expression, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.
- 9.4 A Member shall comply with the Municipality's Respect in the Workplace Policy.

10.0 Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.



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- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves or their family, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member shall recognize that they must comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A contravention of the *Municipal Conflict of Interest Act* by a Member shall not constitute a breach of the Code of Conduct but may be enforced in accordance with the provisions of the statute and section 223.4.1 of the *Municipal Act, 2001*.
- 11.2 A Member shall also avoid any conflict of interest that is a non-pecuniary interest in order to maintain public confidence in the Municipality and its local boards. If a Member has a non-pecuniary interest, the Member should declare the non-pecuniary interest and then leave the meeting at which the matter is being considered. Under no circumstance shall the Member participate in any discussion or vote on the matter or attempt to influence the voting on the matter in any way, before during or after the meeting.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and strictly adhere to any policies, procedures and rules enacted and/or established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and any of the Municipality's policies pertaining to elections. The use of the Municipality's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.



14.0 Communications and Media Relations

- 14.1 In order to foster respect for the decision-making process of Council, Members shall fairly and accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings. Members may publicly express the reason for voting differently than the majority but shall always do so in a respectful manner that supports the decisions of Council.
- 14.2 Members shall not indicate, implicitly or explicitly, in any communications with the media that they speak on behalf of Council, unless they have been expressly authorized to do so by Council.
- 14.3 Members shall refrain from making comments of a disparaging nature about Members, staff or persons that relate to the business of the Municipality.

15.0 Social Media

- 15.1 Members using social media shall:
- (a) ensure that all posts are accurate before uploading content to the internet;
 - (b) obtain permission before posting any third-party content;
 - (c) follow the same principles and guidelines as for other forms of communication by employing sound judgment and common sense, by acting with respect, dignity, courtesy and empathy; and
 - (d) ensure that it is noted that communications that are Member and constituent-related do not necessarily reflect the existing or future opinions, views or decisions of the Council.

16.0 Respect for the Code of Conduct

- 16.1 A Member shall respect the process for complaints made under the Code of Conduct, applications under the *Municipal Conflict of Interest Act* or through any process for complaints adopted by the Municipality.



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- 16.2 A Member shall not act in reprisal or threaten reprisal against any person, including another Member, who makes a complaint or provides information to the Integrity Commissioner during an investigation.
- 16.2 A Member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner. A Member shall not act in reprisal or threaten reprisal against the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner. The Integrity Commissioner is authorized to report any incidents of threats or reprisals to Council or the local board by a Member and may recommend penalties or remedial or corrections measures or actions against such Member. The Integrity Commissioner is also authorized to report to Council or the local board any attempt by a Member to use their office to influence any decision or recommendation of the Integrity Commissioner.
- 16.3 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct and shall not:
- (a) interfere with or obstruct an investigation by the Integrity Commissioner;
 - (b) destroy or damage documents or erase any digital or electronic communications or records;
 - (c) refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Municipality; or
 - (d) attempt to influence any other Member or staff with respect to the subject matter of the investigation or inquiry except as may be permitted pursuant to subsections 5(2.1) and 5.2(2) of the *Municipal Act Conflict of Interest Act*.
- 16.4 Staff shall remain neutral and impartial, and not seek to interfere with or attempt to subvert or obstruct the Integrity Commissioner in any way in carrying out its responsibilities and functions. Staff shall comply with any requests from the Integrity Commissioner for any assistance or information.



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17.0 Penalties for Non-Compliance with the Code of Conduct

17.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:

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

17.2 In the case of a local board, if the Council has not imposed either of the penalties set out in Section 17.1 on its Member, the Integrity Commissioner may report to the local board that, in his or her opinion, the Member has contravened the Code of Conduct in which case the local board may impose the penalties set out in Section 17.1.

18.0 Remedial Measures or Corrective Actions

18.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective actions or remedial measures, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council;
- (d) be removed from or not be appointed as chair of a committee of Council; and
- (e) comply with any other remedial measure or corrective action deemed appropriate by the Integrity Commissioner.

18.2 In the case of a local board, if the Council has not imposed either of the penalties set out in Section 17.1 on a Member or any remedial or corrective actions under



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Section 18.1, the local board may impose such remedial or corrective actions as are set out in Section 18.1(a)-(e).

19.0 Legal Fees

- 19.1 A Member of Council is entitled to seek the advice of the Integrity Commissioner with respect to their own obligations under the Code of Conduct, any ethical procedure, policy or rule, and sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*. As such, a Member is solely responsible for their own legal costs if they retain a lawyer or paralegal to provide legal counsel, advice or representation on any matter related to the Code of Conduct, any ethical procedure, policy or rule, and sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, including, but not limited to, an investigation and the imposition of penalties or remedial or corrective actions recommended by the Integrity Commissioner or as imposed by Council, a complaint to the Ontario Ombudsman or a judicial review application to the courts from a decision of Council based on a report and recommendations from the Integrity Commissioner, or any other related proceeding.

20.0 Complaint Protocol

- 20.1 The Complaint Protocol is Appendix "B" to the Code of Conduct and applies to complaints under the Code of Conduct and applications under the *Municipal Conflict of Interest Act*.

21.0 Short Title

- 21.1 This Code of Conduct for Members of Council and Local Boards shall be referred to by its short title "Council Code of Conduct".



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APPENDIX "A"

DISCLOSURE STATEMENT FOR GIFTS OR BENEFITS

Member's Name: _____

Gift Received: _____

Received From: _____

Date of Receipt: _____ Value or Estimate of Gift: _____

Please describe the circumstances under which the Gift was received:

Please describe your intentions with respect to the Gift:

Do you anticipate transferring the Gift described above to the Municipality or the local board?

Yes, immediately _____ No _____

Member's Signature

Date