



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

**AGENDA
COMMITTEE OF THE WHOLE
COMMITTEE**

Tuesday, October 27th, 2009

2:30 p.m.

**Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario
Council Chambers**

- *2:30 p.m. Committee of the Whole*
- *7:00 p.m. Public Meeting – Development Charges*
- *Following Council*

Chair, Deputy Mayor Bruce Horlin

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
- 3. APPROVAL OF MINUTES**

Suggested Motion:

*“**THAT**, the minutes of the Committee of the Whole Committee meeting held on October 6th, 2009 be approved as circulated;*

***AND THAT**, the minutes of the “Special” Committee of the Whole Committee meeting held on October 15th, 2009 be approved as circulated.”*

- 4. APPROVAL OF AGENDA**

Suggested Motion:

*“**THAT**, the agenda be adopted as presented.”*

- 5. DELEGATIONS & PRESENTATIONS**

- i) **North Shore Road Construction (verbal).**
Nancy Markle, Resident.

- 6. COMMUNICATIONS**

- i) **09-10-15 Councillor Communication Package – cover sheet attached, page 6.**

Suggested Motion:

*“**THAT**, the communication items for the October 27th, 2009 Committee of the Whole Committee meeting be received for information only.”*

7. REPORTS

- i) **Report #CS-10-2009 Supply of Hanging Baskets and Flowers in Lanark Village – attached, page 8.**
Margot Hallam, Community Services.

Suggested Motion:

“THAT, Providence Point be awarded the contract for the supply, delivery and hanging of the flower baskets in Lanark Village at a cost of \$7940.38 for 2010 and \$7940.38 for 2011, plus applicable taxes;

AND THAT, these funds be drawn from the Recreation and Culture section of the 2010 & 2011 Budgets.”

- ii) **Report #CS-09-2009 Tatlock Hall - Heating System – attached, page 10.**
Margot Hallam, Community Services.

Suggested Forthwith Motion:

“THAT, J.P. Brankin & Sons Ltd. be awarded for the contract for the installation, materials and labour relative to the Tatlock Hall renovations for \$12, 192.00 plus applicable taxes;

AND THAT, these funds be drawn from the Tatlock Hall Moving Expenses Line of the 2009 Budget.”

- iii) **Report #PWWM-XX-2009 Road Construction – Middleville – deferred to the next meeting.**
Scott Cameron, Public Works Superintendent.

- iv) **Report #PWWM-XX-2009 2010 Projects – to be distributed at the meeting.**
Scott Cameron, Public Works Superintendent.

- v) **Report #C-08-2009 Closed Meeting Investigator – Revised – attached, page 12.**
Amanda Mabo, Clerk/Deputy CAO.

Suggested Motion:

“THAT, the Township of Lanark Highlands enter into discussions with Stephen Fournier to provide “investigator Services” as the Township’s Closed Meeting Investigator;

THAT, should a contract be reached where the terms are satisfactory to both Mr. Fournier and the Township, the necessary by-law to appoint Stephen Fournier as the Closed Meeting Investigator for the Township of Lanark Highlands be presented at a Township Council meeting.”

- vi) **Report #C-11-2009 Municipal Drug Strategy Committee - Terms of Reference – attached, page 25.**
Amanda Mabo, Clerk/Deputy CAO.

Suggested Forthwith Motion:

“THAT, the Terms of Reference for the Lanark Highlands – Municipal Drug Strategy Committee be approved.”

- vii) **Downtown Village Parking (verbal).**
Councillor Peter McLaren.

- viii) **November 12th Committee Meetings.**
Amanda Mabo, Clerk/Deputy CAO.

8. IN-CAMERA ITEMS

- i) **CONFIDENTIAL: OMB Pre-Conference Hearing – McKinnon Pit (verbal).**
Bob Fletcher, Mayor.

Suggested Motion:

“THAT, the Committee move “in camera” at ___ p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

AND THAT, T. Derreck, Chief Administrative Officer; A. Mabo, Clerk/Deputy CAO and R. Bunker, Treasurer remain in the room.”

Suggested Motion:

“THAT, the Committee return to regular session at ___ p.m.”

- **Chair’s Rise & Report**

9. NEW/OTHER BUSINESS

- i) **Report #C-10-2009 Procedural By-Law Draft #1 - attached, page 31.**
Amanda Mabo, Clerk/Deputy CAO.

Suggested Motion:

“THAT, Sections 2.0, 7.0, 11.0 and 12.0 of the Draft Procedural By-Law be approved and be presented at the December 15th, 2009 Township Council meeting in the final version of the new Procedural By-Law for final approval.”

10. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- *None.*

11. ADJOURNMENT

COMMUNICATIONS



1. **Lanark County Media Release:** Council seeks to maintain children's services funding – *attached, page 3.*
2. **Lanark County Media Release:** Highlights from County Council Meeting Wednesday, September 23rd, 2009 – *attached, page 5.*
3. **Lanark County Media Release:** Lanark Lodge receives accreditation with 100 per cent compliance – *attached, page 6*
4. **AMCTO Express...October 1, 2009** – *attached, page 7.*
 - Approval Process for Renewable Energy Projects Announced
 - Workplace Violence & Harassment Legislation
 - Recent Accessibility Developments
 - New Cemetery Regulations Coming
 - Reminder: Broadband Funding Application Deadline
 - Online Forums Fostering Information - Sharing
5. **Community Schools Alliance** – MPP Letter in Support of a "Smart Moratorium" on School Closures – *attached, page 9.*
6. **AMO: Alert No: 09/068:** Southern Ontario Municipalities Invited to Submit Funding Requests – *attached, page 11.*
7. **Lanark County Public Invitation:** Lanark County Ambulance Service Open House – *attached, page 12.*
8. **Lanark County Tourism:** OVTA Tourism News - September 18, 2009 – *attached, page 13.*
9. **Big Brothers Big Sisters of Lanark County:** BIG Fall Newsletter 2009 – *attached, page 15.*
10. **AMO:** Media & Communications Training – *attached, page 18.*
11. **Big Brothers Big Sisters of Lanark County:** Curl for Kids 2009 – *attached, page 20.*

REPORTS

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

COMMITTEE OF THE WHOLE

October 27th, 2009

Report #CS-09-2009
of Community Services

TATLOCK HALL – HEATING SYSTEM

STAFF RECOMMENDATION(S)

“**THAT**, Council accept the bid of J.P. Brankin & Sons Ltd. for the Installation, materials and labour relative to the Tatlock Hall renovations;

AND THAT, Council authorize staff to enter into a contract with J.P. Brankin & Sons Ltd. for the following amounts:

- \$12, 192.00 plus taxes

AND THAT, these funds be drawn from the Tatlock Hall Moving Expenses Line of the 2009 budget.

AND THAT these recommendations are considered and approved forthwith.

BACKGROUND

Renovations at the Tatlock Hall are ongoing. The project is being managed by the Admin. Asst/Community Service and each item of the work is tendered separately to ensure the most cost efficient renovation.

DISCUSSION

The RFQ for the provision of the supply and installation of the heating system brought three responses as detailed on the attached document. The bid submitted by J.P. Brankin & Sons Ltd was the low bid. The company is locally owned and operated.

An insurance certificate and WSIB certificate will be provided prior to the start of the project

Bidder	TOTAL
J.P. Brankin & Sons Ltd.	\$12,692.00
Joe Ferguson Heating	\$21,300.00
Giles Refrigeration	\$ 13,250.00

FINANCIAL IMPLICATIONS

The Tatlock Hall project is proceeding as budgeted in 2008.

CONCLUSIONS


Per the recommendation

Prepared and Submitted By:

Approved for Submission By:



**Margot Hallam
Community Services**



**Tom Derreck,
Chief Administrative Officer**

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

COMMITTEE OF THE WHOLE

October 27th, 2009

Report #CS-10-2009
of the Community Services

SUPPLY OF HANGING BASKETS AND FLOWERS IN LANARK VILLAGE

STAFF RECOMMENDATION(S)

“**THAT**, Council accept the bid of Providence Point for the supply, delivery and hanging of the flower baskets in Lanark Village at a cost of \$7940.38 for 2010 and \$7940.38 for 2011, plus applicable taxes;

THAT, Council authorizes staff to enter into contracts with the recommended supplier;

AND THAT, these funds be drawn from the Recreation and Culture section of the 2010 & 2011 budget.”

BACKGROUND

Green Acres Greenhouses held this contract in Lanark Village for the past four years. In the past it was a three year contract but given the time line last year the RFP was not issued until later in the season and other suppliers were not able to compete. That contract was reissued for the 2009 season only.

The recent RFP resulted in only two bids being submitted for the supply of annuals for the hanging baskets and flower boxes. This proposal is for 2010 & 2011 which will bring this contract due at the same time as the Grass Maintenance contract.

DISCUSSION

The bid results for 2010 & 2011 are as follows:

Bidder	2010	2011	TOTAL
Green Acres Greenhouses	\$8215.00	\$8315.00	\$16,530.00
Providence Point	\$7940.38	\$7940.38	\$15, 880.76

CONCLUSIONS

Per the recommendation

Prepared and Submitted By:



**Margot Hallam
Community Services**

Approved for Submission By:



**Tom Derreck,
Chief Administrative Officer**

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

CORPORATE SERVICES COMMITTEE

October 8th, 2009

Report #C-08-2009 - REVISED
of the Clerk

CLOSED MEETING INVESTIGATOR

STAFF RECOMMENDATION(S)

“**THAT**, the Township of Lanark Highlands enter into discussions with Stephen Fournier to provide “investigator Services” as the Township’s Closed Meeting Investigator;

THAT, should a contract be reached where the terms are satisfactory to both Mr. Fournier and the Township, the necessary by-law to appoint Stephen Fournier as the Closed Meeting Investigator for the Township of Lanark Highlands be presented at a Township Council meeting.”

BACKGROUND

The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that as of January 1st, 2008, any person can request that an investigation be undertaken respecting whether a municipality, local board, or a committee of either, has complied with the closed meeting rules contained within the *Municipal Act* or a Procedural By-Law.

At that time, there were three options available to the municipality for conducting such investigations. If the municipality chose not to appoint a closed meeting investigator then the Provincial Ombudsman would undertake the investigation. If the municipality chose to appoint an investigator they could have done so through the Local Authority Services (LAS) or through a Private Individual.

In 2007, the Township appointed Mr. Brian Donaldson as the Closed Meeting Investigator.

DISCUSSION

On July 14, 2009, Mr. Donaldson advised the Township that his two year contract was coming to an end on December 31st of this year and that he would not be seeking to renew his contract beyond that date. As a result, the Township must re-look at the available options for a closed meeting investigator.

OPTIONS CONSIDERED

Option #1 - Do Nothing

By not appointing a Closed Meeting Investigator, the Provincial Ombudsman automatically becomes the Investigator.

- the Township will not be able to negotiate the terms and conditions of the contract
- there is no motivation for a prompt outcome or associated impacts on staff time
- there is no obligation for confidentiality and potential release of information to the media
- public perception may be damaged due to the high profile investigation of this body

Option #2 - LAS.

Amberley Gavel Ltd. have been contracted by LAS to offer an investigative service for municipalities.

- provides documents for implementation
- experienced and trained professionals conduct the investigations
- assign investigators from Eastern Ontario for Eastern Ontario municipalities
- training and education is provided to municipalities
- decisions from past investigations are provided
- multiple investigators are available
- credibility is achieved by association with AMO (Association of Municipalities of Ontario)

Option #3 – Private Individual

- local individual has extensive municipal experience
- agrees that timing and timely decisions are essential
- relationship with municipality is defined by negotiated contract
- no defined training requirements or minimum qualifications

FINANCIAL IMPLICATIONS

OPTIONS	FEES	PROCESS
Provincial Ombudsmen	Currently No Charge (future unknown) <i>*annual budget reduction of \$200/year</i>	Provincial Appointment
LAS (Local Authority Services)	Annual Retainer \$300 Fee For Service \$156.25/hour (plus out of pocket expenses) <i>*annual budget increase of \$100/year based on no complaints</i>	Pass Appointment By-Law Sign Agreement
Private Individual	Annual Retainer \$250 <i>*one- time fee, paid only in first year of contract</i> Fee For Service \$100/hour (plus mileage) <i>*annual budget increase of \$250/year in 2010 only, based on no complaints in</i> <i>*annual budget reduction of \$250/year every year after 2010, based on no complaints</i>	Pass Appointment By-Law Sign Agreement

CONCLUSIONS

The recommendation is to proceed with the appointment of a Private Individual (Option #3). The out of pocket expenses would be minimal if an investigation was to occur as there would be no requirement for hotel expenses as the Private Individual lives within driving distance.

ATTACHMENTS

- i) Appendix "A" The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended
- ii) Appendix "B" Sections regarding Closed Meeting Investigator
- iii) Appendix "C" Ombudsman Closed Meeting Investigator Process
- LAS Closed Meeting Investigator Program

Prepared and Submitted By:

Amanda Mabo

**Amanda Mabo,
Clerk/Deputy CAO**

APPENDIX "A"

MUNICIPAL ACT, 2001, S.O. 2001, c. 25, (as amended)

SECTIONS OF ACT REGARDING CLOSED MEETING INVESTIGATOR

Investigation

239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 239.2 (1); or
- (b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 104.

Matters to which municipality is to have regard

(3) In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same, investigator

(4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same

- (5)** The matters referred to in subsections (3) and (4) are,
- (a) the investigator's independence and impartiality;
 - (b) confidentiality with respect to the investigator's activities; and

(c) the credibility of the investigator's investigative process. 2006, c. 32, Sched. A, s. 104.

Delegation

(6) An investigator may delegate in writing to any person, other than a member of council, any of the investigator's powers and duties under this Part. 2006, c. 32, Sched. A, s. 104.

Same

(7) An investigator may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 104.

Status

(8) An investigator is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 104.

Application

(9) Subsection 223.13 (6) and sections 223.14 to 223.18 apply with necessary modifications with respect to the exercise of functions described in this section. 2006, c. 32, Sched. A, s. 104.

Report and recommendations

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. A, s. 104.

Publication of reports

(11) The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 104.

Questions about Closed Meeting Investigations

What happens when the Ombudsman receives a closed meeting complaint?

Complaints about closed municipal (or local board²) meetings are handled according to the same process the Ombudsman's Office uses **for all complaints**. Details of the complaint are documented, and an Ombudsman representative checks to determine whether the municipality has appointed a closed meeting investigator other than the Ombudsman. If so, the complaint is referred back to the municipality.

If there is no other investigator, or if the municipality has already chosen the Ombudsman as its investigator, a complaint may be filed directly with the Ombudsman's Office – there is no need to complain through the municipality. The municipality will normally be notified. If a municipality receives a complaint (and it does not have its own investigator), it is expected to forward the complaint immediately to the Ombudsman's Office.

How long does the complaints process take?

The intake and preliminary assessment of a complaint is normally completed within **5 to 7 business days**. Not all complaints result in a formal investigation. The Ombudsman's Office will normally obtain relevant information from the municipality and make preliminary inquiries with respect to the allegations, and determine whether the complaint can be resolved informally. If so, the complainant and municipality will generally both be advised that there will be no further investigation.

² Throughout this guide, except where specified or in excerpts from legislation, references to “municipalities” can be understood to include councils, local boards that are subject to the open meeting requirements, and committees of either of them.

The Ombudsman may also use his discretion under the *Ombudsman Act* to decide not to investigate, for instance, where he finds a complaint to be **frivolous or vexatious**.

What happens when an investigation is launched?

If the complaint appears to have merit and cannot be resolved informally, a formal investigation may be commenced. Both the complainant and the municipality are then notified.

Investigations are conducted in accordance with the provisions of the *Ombudsman Act* and are completed **on a priority basis**. Generally, the Office of the Ombudsman aims to complete investigations of closed meeting complaints **within 60 days**. Some investigations may take longer if there are exceptional circumstances, such as difficulty in obtaining timely information from the municipality, or a particularly complex issue.

What does an investigation entail?

The Ombudsman's Office conducts investigations by **gathering relevant evidence** – reviewing documents and interviewing witnesses. Interviews are often conducted in person and are generally electronically recorded in order to ensure accuracy.

Under the *Ombudsman Act*, the Ombudsman and his investigators **have the power to:**

- Make inquiries of such persons as they think fit [s. 18(3)];
- Require the municipality to provide information, documents or anything they believe relates to the investigation [s. 19(1)];
- Summons and examine witnesses under oath, including complainants, officers or employees of the municipality, or anyone else relevant to the investigation [s. 19(2)];
- Enter and inspect (upon notification to the municipality) any premises the municipality occupies [ss. 25(1) and 25(2)].

Ombudsman investigations are conducted in private. Municipal solicitors or parties other than the witness are not normally present during interviews.

Are complaints confidential?

Any information received relating to a complaint **cannot be disclosed**, except where permitted by the *Ombudsman Act*. The Ombudsman's Office is also not subject to the application of freedom of information and privacy legislation.

Generally, the Ombudsman **does not release the identity of complainants**. The identity of a specific complainant is normally not relevant to a closed meeting investigation, which focuses on whether or not the meeting was properly closed under the law.

When does the Ombudsman report on his investigations?

If the Ombudsman determines that there has been a contravention of the open meeting requirements or a procedure by-law in relation to open meetings, **he will report his opinion and reasons to the municipality** and make recommendations to address his concerns. Once provided with an Ombudsman report, the municipality is required, pursuant to subsection 239.2(11) of the *Municipal Act, 2001*, **to make it available to the public**. Reports are also made available to the public on the Ombudsman's website.

If a complaint raises a broader public policy issue of relevance throughout the province, the Ombudsman may choose to **table his report with the Legislature** pursuant to the *Ombudsman Act*, and also make it available to the public.

Once the Ombudsman's report is finalized and ready to be made public, **complainants are contacted**. They are provided with copies of the report when it is made public.

In addition, each year the Ombudsman publishes and tables with the Legislature **an annual report** on his Office's operations and investigations.

What if the municipality is *not* found to have violated the requirements?

In cases where the Ombudsman does not find a contravention of the open meeting requirements, the Ombudsman **may still produce a report** and provide it to the municipality. The Ombudsman believes that such reports **should also be made public** by the municipality, and publicized on the Ontario Ombudsman website.

If no report is produced, the complainant and the municipality will be contacted and advised of the results of the investigation.

What consequences are there for the municipality?

If the Ombudsman finds that a municipality violated the open meeting requirements, the Ombudsman **will generally make recommendations** to address the matter and to improve the practices of the municipality with respect to openness and transparency. The Ombudsman **does not have the authority to change or reverse decisions** that a municipality may have made at the meeting in question. Ultimately, the Ombudsman's recommendations are not binding and it is up to the municipality to decide whether or not to accept and implement them. Since the Ombudsman's report is made public, however, municipal officials will likely have to explain the reasons for their decisions publicly.

Neither the *Municipal Act, 2001* nor the *Ombudsman Act* **provide for any appeal** of the Ombudsman's decision. Once the Ombudsman has concluded an investigation and issued findings and recommendations, the matter is considered closed. Investigations are not reopened except in very rare circumstances, such as where new evidence comes to light that was not previously available. The Ombudsman may, however, conduct follow-up inquiries with the municipality to determine whether or not his recommendations have been implemented.

APPENDIX "C"



LAS Closed Meeting Investigator Program

Since January 2008 any person can request that an investigation be undertaken respecting whether a municipality, local board, or a committee of either, has complied with the closed meeting rules contained within the *Municipal Act*. The LAS program was developed in response to this addition to the Act.

Local government in Ontario must be transparent and accountable

All meetings of a municipal Council, local board, or committee must be open unless the subject matter falls into one of the topics for which a Council may choose to close all or part of a meeting - listed in section 239 of the *Municipal Act*, or if it is a meeting being held for educating and training but not advancing the business of the municipality or local board.

Municipalities are able to appoint an Investigator for the purpose of examining any closed meeting complaint. If a municipality chooses not to appoint an Investigator, then the provincial Ombudsman can investigate any complaint received.

What should be considered in appointing an Investigator?

In choosing an investigator a municipal Council should consider the intent and wording of the Act: sections 239.1 and 239.2 were enacted to enhance *transparency* and *accountability*. Council needs to consider if its choice achieves that goal.

In addition, the Act specifically speaks to *impartiality*, *credibility*, *confidentiality*, and *independence* with respect to the investigation process. Council must consider these factors in their decision making process.

**142 municipalities and local boards have chosen LAS
as their Closed Meeting Investigator!**

Why appoint LAS as Investigator?

This program assists municipalities in demonstrating that they are mature and accountable orders of government, capable of managing their own affairs. The business model for this program ensures that all Investigators possess extensive knowledge of, and an appreciation for, the municipal environment.

The Closed Meeting Investigator Service is complementary to LAS' existing program of providing valuable services to municipalities where value can be enhanced through group procurement.

About the LAS Program:

LAS has engaged an experienced third party company, Amberley Gavel Ltd., to offer this program to municipalities. To ensure a comprehensive service offering, Amberley Gavel maintains a roster of experienced and trained individuals located across the province to provide required investigative services related to closed meeting complaints.

LAS and Amberley Gavel offer a number of additional services to all participants beyond actual closed meeting investigations. Most important is a password protected website which includes a repository of all completed reports and other information materials.

New resources are regularly posted to the site to assist members in learning more about closed meeting best practices. Past updates have offered recommendations on such topics as:

- ✓ **Reasons for holding a closed meeting**
- ✓ **Notice to the public**
- ✓ **Public Resolutions authorizing a closed meeting**
- ✓ **Voting at a closed meeting**
- ✓ **What Committees and Local Boards must comply with sections 238 & 239**
- ✓ **Minutes of a Closed Meeting**

All recommendations are drawn from the actual findings of the Closed Meeting Investigations completed to date, which are all posted on the Amberley Gavel website. Many program members have used this information to help educate municipal staff, local boards, as well as members of the public.

What are the fees related to the LAS program?

There are two types of fees with respect to a municipality's agreement with LAS:

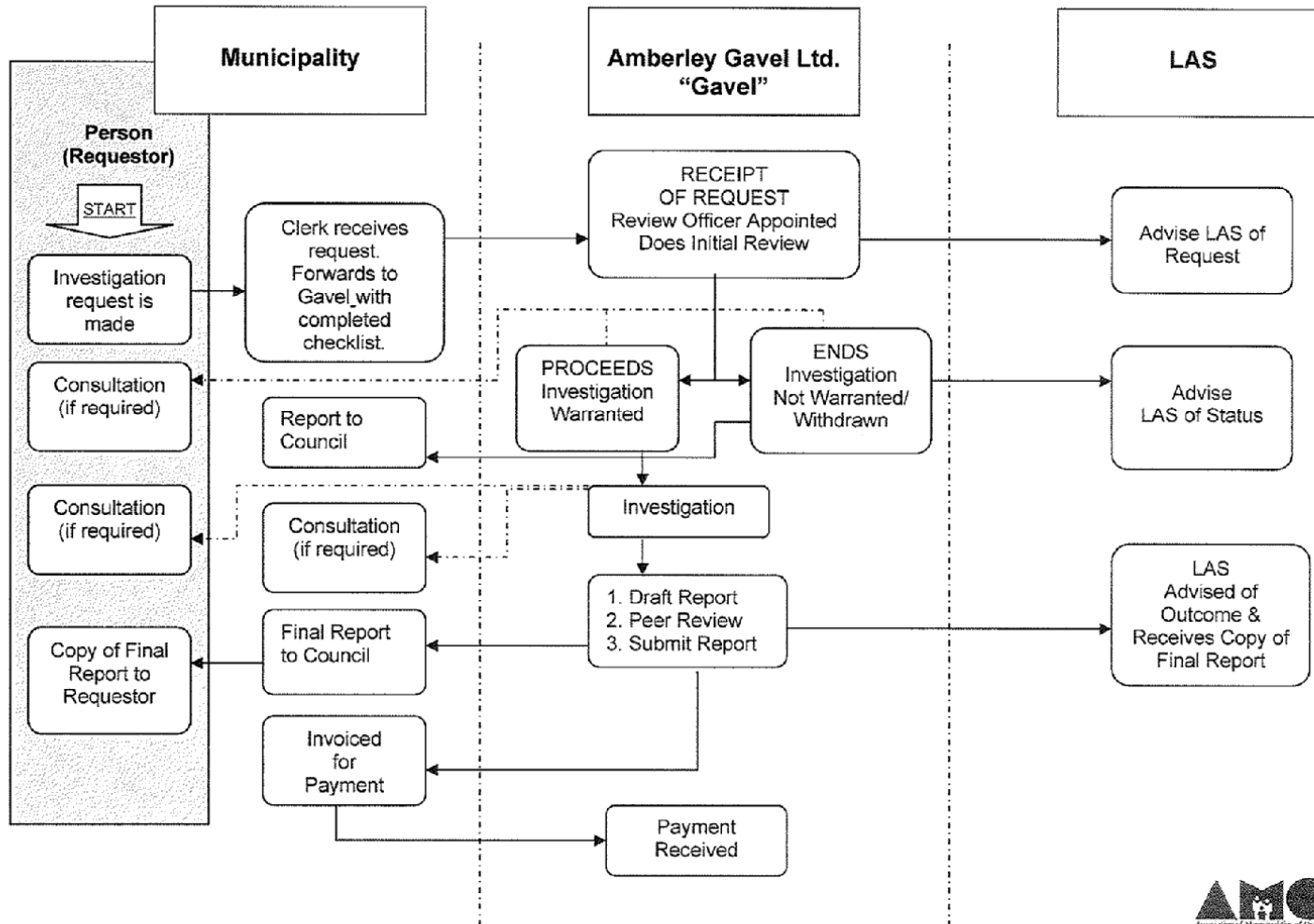
- ✓ Retainer fee of \$300 per year – this covers administrative overhead as well as costs associated with training, and development of educational materials.
- ✓ Hourly investigation fee of \$156.25 plus any reasonable out of pocket expenses for any investigation provided

Note that LAS cannot act as Investigator for any requests made between January 1, 2008 and the date of the municipal appointment of LAS as Closed Meeting Investigator; the provincial Ombudsman would assume this role.

Additional program information is available on the LAS website: www.LAS.on.ca

For enrollment materials please contact: Jason Hagan, LAS Program Coordinator at 416-971-9856 ext. 320, or by email: jhagan@amo.on.ca

INVESTIGATION REQUEST PROCESS



**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

COMMITTEE OF THE WHOLE

October 27th, 2009

Report #C-11-2009
of the Clerk

**LANARK HIGHLANDS
MUNICIPAL DRUG STRATEGY COMMITTEE
TERMS OF REFERENCE**

STAFF RECOMMENDATION(S)

“**THAT**, the Terms of Reference for the Lanark Highlands – Municipal Drug Strategy Committee be approved.”

BACKGROUND

On September 22nd, 2009 the Municipal Drug Strategy Network of Lanark County and the Town of Smiths Falls made a presentation to Lanark Highlands Council requesting the formation of a local Municipal Drug Strategy Committee.

DISCUSSION

Council established a local Committee and directed the Clerk/Deputy CAO to prepare a Terms of Reference.

Once the Terms of Reference are approved, an ad will be run seeking membership for the Committee, during the first two weeks of November. The members will be appointed at November 24th Township Council meeting. However, the first Joint Meeting is already scheduled for Friday, November 20th at 9:00 a.m. It is recommended that the Clerk/Deputy and the Council Representative attend this first Joint meeting. Therefore, it is recommended that the Council Rep be appointed at the November 10th Township Council meeting.

FINANCIAL IMPLICATIONS

Mileage – up to \$1,500 per year

ATTACHMENTS

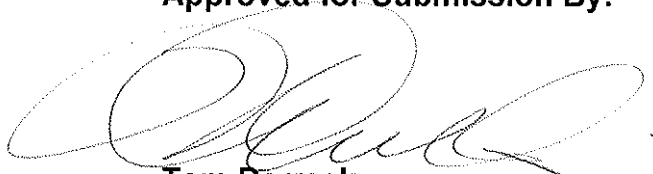
i) Terms of Reference

Prepared and Submitted By:

Handwritten signature of Amanda Mabo in black ink.

**Amanda Mabo,
Clerk/Deputy CAO**

Approved for Submission By:

Handwritten signature of Tom Derreck in black ink.

**Tom Derreck,
Chief Administrative Officer**

TERMS OF REFERENCE

PURPOSE

The Township of Lanark Highlands Municipal Drug Strategy Committee is a Sub-Committee of Council that provides direction for the planning and implementation of the local municipal drug strategy network. The Committee holds the mission and vision of the drug strategy network:

- Mission:** To address alcohol and other drug related problems through communication and collaboration across the four pillars of prevention, enforcement, harm reduction and treatment to meet the needs of the Township of Lanark Highlands.
- Vision:** Our vision for the Township of Lanark Highlands is a healthy community, free from alcohol and drug misuse/abuse.

MANDATE

The primary responsibilities of the Committee are to:

- educate local community regarding drug strategy network initiatives
- plan, implement and evaluate programs and activities that address the four pillars of prevention, treatment, enforcement and harm reduction
- identify local service system issues regarding substance abuse
- advocate on behalf of the community when required on policy and/or funding issues

MEMBERSHIP

Members will be asked to commit to serving a term of no less than one (1) year.

Membership may include representatives that either live or work with the Township from:

- Local Health and Social Services
- School Council
- Youth
- Church
- Municipal Council and Staff

- Media
- Police
- Local Businesses
- Community Groups
- Sponsors
- Service Providers (local physicians, hospitals, mental health, addictions)
- Teachers
- Parents

COMMITTEE STRUCTURE

Voting Members

- 1 Township Councillor
- 2 Representatives from the Membership List

*Mayor is Ex-Officio

Staff Resources (Non-Voting Members)

- 1 Clerk/Deputy CAO

MEETINGS

There will be a maximum of 6 meetings a year at the call of the Chair. The meetings will be held in a meeting room at the Township of Lanark Highlands Municipal Office, unless otherwise posted.

All meetings shall be conducted in accordance with the Township's Procedural By-Law.

Committee Members may also attend up to 4 meetings a year of the Municipal Drug Strategy Network.

REPORTING PROCESS

The Municipal Drug Strategy Committee is a Sub-Committee of Council. Minutes of meetings shall be included in the agenda of the Building, Planning and Protective Services Committee as information. Any action items requiring Council approval will be presented in the form of a motion to the Building, Planning and Protective Services Committee for recommendation to Council. The Council representative on the Committee will speak to any questions arising from the minutes or action items.

The Municipal Drug Strategy Committee will work in conjunction with the Police Services Board on similar areas of interest.

STAFF AND SUPPORT SERVICES

The Committee will require the Clerk/Deputy CAO to provide assistance in preparation of agendas and minutes, as well as other assistance as required. Other staff resources may be required as deemed necessary.

BUDGET

No Member of the Municipal Drug Strategy Committee shall receive remuneration.

Mileage will be paid in accordance with Township's policies and procedures. All amounts will be expended to the Governance Budget for Travel Expenses.

TERM

The Term of the Municipal Drug Strategy Committee shall end by a resolution of Council. The requirement for a Municipal Drug Strategy Committee will be reviewed at least once every term of Council.

Dated: October 27th, 2009

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

COMMITTEE OF THE WHOLE

October 27th, 2009

Report #C-10-2009
of the Clerk

**PROCEDURAL BY-LAW
DRAFT #1**

STAFF RECOMMENDATION(S)

“**THAT**, Sections 2.0, 7.0, 11.0 and 12.0 of the Draft Procedural By-Law be approved and be presented at the December 15th, 2009 Township Council meeting in the final version of the new Procedural By-Law for final approval.”

BACKGROUND

The current Procedural By-Law was passed back in 2002. Since that time there has been a series of amending by-laws. As well, there have been amendments to the Municipal Act, including Bill 130 that has changed the way the Township and Council conducts business with regards to Accountability and Transparency, Public Notice, Closed Meetings, etc.

DISCUSSION

The Procedural By-Law needs to be revised in order to consolidate the many amendments and include the legislative changes into one document for ease of use for both Councillors and Staff. Also with the revision, the layout has been improved to include a table of contents and a re-organization of the information so that it flows more smoothly.

Some sections of the current by-law contradict each other and other sections are open to interpretation. In order to ensure that in each instance the same procedure is applied in the same manner, the process for each procedure has been laid out in detail. In many instances, the Township is currently undertaking these procedures and they have now been reduced to writing.

OPTIONS CONSIDERED

The goal for approval of the new Procedural By-law would be to approve the new by-law no later than the last Council meeting in December. This would allow potential candidates for the 2010 Municipal Election to be provided a copy on the first day the Nomination and Campaign period begins, which is Monday, January 4th, 2010.

The Procedural By-Law is a lengthy document and therefore Councillors have been provided with the Table of Contents so they can see how the document flows. The method of review and approval will be to review, discuss and approve a number of sections at a time. The following is the schedule of review for each of the sections:

Tuesday, October 27 th	2.0 Interpretation
	7.0 Council and Committee Meetings & Schedules "A" and "B"
	11.0 By-Laws
	12.0 Amendment of Procedural By-Law
Tuesday, November 10 th	8.0 Order of Business and General Rules
	9.0 Commencement and Adjournment of Meetings
	10.0 Motions
Tuesday, November 24 th	5.0 Role of the Chair
	6.0 Rules of Conduct for Members and Attendees
	1.0 Definitions
Tuesday, December 1 st	Wrap-Up for any outstanding items
Tuesday, December 15 th	Approval at Council Meeting

During the review process, if there are any comments or questions, it is suggested that you please contact the Clerk/Deputy CAO so that she may answer your questions or have the opportunity to research the answers prior to the next meeting.

**Note: Sections 3.0 Role of the Mayor and Deputy Mayor and 4.0 Role of Council Members have been removed from the Procedural By-Law and will be included in the Code of Conduct.*

FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

N/A

ATTACHMENTS

i) Procedural By-Law – Draft #1 Sections:

	Table of Contents
2.0	Interpretation
7.0	Council and Committee Meetings
11.0	By-Laws
12.0	Amendment of Procedural By-Law

Prepared and Submitted By:



**Amanda Mabo,
Clerk/Deputy CAO**

Approved for Submission By:



**Tom Derreck,
Chief Administrative Officer**

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

BY-LAW NO. 2009-XXX

**BEING A BY-LAW TO ESTABLISH THE RULES GOVERNING THE ORDER AND
PROCEEDINGS OF COUNCIL AND COMMITTEES
OF THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
(PROCEDURAL BY-LAW)**

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

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

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2.0 INTERPRETATION

- 2.1** The rules and regulations contained in this By-Law shall be observed in all proceedings of Council to which they apply and shall be the rules and regulations for the order and dispatch of business at meetings of Council and its Committees.
- 2.2** All reference to the Mayor shall, in the absence of the Mayor, refer to the Deputy Mayor or to the person so named in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 2.3** Subject to the requirements of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the rules and regulations contained herein may be suspended by resolution for a single occasion by a vote of at least two-thirds of the entire Council, unless otherwise provided by law.
- 2.4** Committees may not pass a motion to suspend the rules of this By-Law.
- 2.5** The Chair shall be responsible to interpret the rules of procedure under this By-Law with the advice and assistance of the Clerk.
- 2.6** The Clerk or the Clerks' designate shall be secretary of Council and Committees of Council.
- 2.7** Where procedural matters of Council or Committees of Council are not governed by the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended, or provisions of this By-Law, Bourinot's Rules of Order shall apply.

7.0 COUNCIL AND COMMITTEE MEETINGS

7.1 Inaugural Meeting

7.1.1 The Inaugural Meeting shall be conducted in accordance with Schedule "A".

7.2 Election of Deputy Mayor

7.2.1 The term of the Deputy Mayor shall be for the Term of Council.

7.2.2 Notwithstanding Section 7.2.1 above, a candidate for Deputy Mayor may be nominated and elected for consecutive terms.

7.2.3 The Deputy Mayor shall be elected at the Inaugural Meeting in accordance with Schedule "A".

7.3 Election of Committee Chairs

7.3.1. Committee of the Whole

7.3.1.1 Council shall appoint a Member to act as Chair for each Committee of the Whole Committee for the term of Council at the Inaugural Meeting, with the exception that the Deputy Mayor shall assume the Chair of the Committee of the Whole Committee.

7.3.2 Steering & Sub-Committees

7.3.2.1 Each Steering and Sub-Committee shall appoint a Member of that Steering or Sub-Committee to act as Chair on an annual basis at their first meeting each year. The Chair shall be limited to a Member of Council only.

7.4 Council Meetings

7.4.1 Township Council meetings shall generally be held in the Council Chambers at the Lanark Highlands Municipal Office on the second and fourth Tuesdays of each month commencing at 7:00 p.m., as outlined in the Meeting Schedule.

7.5 Committee of the Whole

7.5.1 Township Council shall conduct its business using a Committee of the Whole System. The Committee of the Whole meetings shall be separated into the following five (5) areas of service delivery:

7.5.1.1 Building, Planning & Protective Services

Building, Planning and Protective Services shall be responsible for:

- a) Building
- b) Emergency Planning
- c) Fire Services
- d) Mississippi-Rideau Source Water Protection
- e) Mississippi Valley Conservation
- f) Planning
- g) Police Services
- h) Other Environmental and Rural Issues

7.5.1.2 Public Works & Waste Management

Public Works shall be responsible for:

- a) Bridges
- b) Fleet
- c) Roads
- d) Sewer & Water
- e) Waste Management

7.5.1.3 Community Services

Community Services shall be responsible for:

- a) Arena
- b) Community Centres
- c) Economic Development
- d) Museums
- e) Public Library
- f) Tourism
- g) Youth Centre

7.5.1.4 Corporate Services

Corporate Services shall be responsible for:

- a) Accessibility
- b) Coordination of Policy for all Township Departments
- c) Corporate Contracts
- d) Finance
- e) Governance Issues
- f) Human Resources
- g) Information Technology
- h) Legislation Review and Comment
- i) Township Records and Communications

- j) Any issues not presently designated to another Committee of the Whole

7.5.1.5 Committee of the Whole

Committee of the Whole shall be responsible for:

- a) Budget
- b) Major Projects
- c) Any issues or items of an urgent nature

7.5.2 Committee of the Whole Committee meetings shall generally be held in the Council Chambers at the Lanark Highlands Municipal Office, as outlined in the Meeting Schedule, as follows:

7.5.2.1 Committee of the Whole meetings shall generally be held at 2:30 p.m. on the second & fourth Tuesday of the month.

7.5.2.2 Corporate Services meetings shall generally be held at 6:00 p.m. on the second Thursday of the month.

7.5.2.3 Building, Planning & Protective Services meetings shall generally be held immediately following the Corporate Services Committee meetings.

7.5.2.4 Public Works & Waste Management Committee meetings shall generally be held at 6:00 p.m. on the fourth Thursday of the month.

7.5.2.5 Community Services Committee meetings shall generally be held immediately following the Public Works & Waste Management Committee meetings.

7.5.3 The authority of any Committee of the Whole is limited to the making of recommendations to Council. No decision to take any action or do anything other than administrative in nature shall be recognized as emanating from any Committee of the Whole, and all affirmative Committee of the Whole recommendations shall be referred to the next regularly scheduled Council Meeting, generally held two weeks later, before becoming effective.

7.5.4 Notwithstanding Subsection 7.5.3, Committee of the Whole recommendations that are adopted forthwith shall be referred to the Council Meeting immediately following the Committee of the Whole Meeting at which the motion was adopted.

7.5.5 Council shall appoint a Member to act as Chair for each Committee of the Whole Committee for the term of Council at the Inaugural Meeting, with the exception that the Deputy Mayor shall assume the Chair of the Committee of the Whole Committee.

7.6 Special Meetings

7.6.1 The Mayor at any time may call a special meeting of Council that is in addition to the published Meeting Schedule approved annually by Council.

7.6.2 The Mayor or Committee of the Whole Chair may call a special meeting of one of the Committees of the Whole that is in addition to the published Meeting Schedule approved annually by Council.

7.6.3 Notwithstanding 7.6.1 and 7.6.2, a special Council or Committee of the Whole meeting may be called by the Clerk once a resolution to do so has been adopted by Council or upon receiving a petition from a majority of Council or Committee of the Whole Members.

7.6.4 The resolution or petition shall clearly state the purpose, date and time of the special meeting. The petition shall be signed, by those Members calling the special meeting, and delivered to the Clerk.

7.6.5 The only business to be dealt with at a special meeting shall be that stated on the Agenda of the meeting.

7.6.6 A minimum of forty-eight (48) hours notice of all special meetings of Council shall be given to the Members and the media by the Clerk's Office.

7.7 Emergency Meetings

7.7.1 The Mayor at any time may, in the event of an emergency, call an emergency meeting of Council without giving forty-eight (48) hours notice of the meeting, provided that the Clerk has diligently attempted to advise all Members immediately upon being advised of the intention of the Mayor to hold an emergency meeting.

7.7.2 The only business to be dealt with at an emergency meeting of Council shall be with respect to that emergency.

7.7.3 In the case of an emergency meeting, Council may hold its meeting(s) and keep its public office at any convenient location within or outside of the Municipality.

7.8 Steering and Sub-Committees

- 7.8.1** Every Steering and Sub-Committee shall have a Terms of Reference approved by Council. The Terms of Reference shall contain a mandate and purpose, committee structure, number of meetings, number of members required for quorum, reporting process, staff and support services, budget (if applicable) and completion date.
- 7.8.2** The authority of any Steering or Sub-Committee is limited to making recommendations to a Committee of the Whole Committee. No decision to take any action other than administrative in nature shall be recognized as emanating from any Steering or Sub-Committee.
- 7.8.3** Minutes of Steering and Sub-Committees shall be included in the agenda of the applicable Committee of the Whole Committee as information. Any action items requiring Council approval will be presented in the form of a motion to the Committee of the Whole Committee for recommendation.
- 7.8.4** A Steering Committee shall be deemed to be dissolved at the completion of its mandate based on the Terms of Reference or by a resolution of Council.
- 7.8.5** Steering and Sub-Committees shall adjourn no later than thirty minutes prior to all Council and Committee of the Whole meetings.
- 7.8.6** Lay Members shall be appointed by Council.

7.9 Boards & Commissions

- 7.9.1** Council shall appoint Members to sit on various Boards and Commissions for the term of Council at the first regularly scheduled Council Meeting following the Inaugural Meeting, unless otherwise provided by an Act or Regulation.
- 7.9.2** The Member of the Board or Commission shall provide a verbal Report on the Board or Commission at the applicable Committee of the Whole Committee as information.

7.10 Closed Session (“In Camera”)

- 7.10.1** Except as provided in this By-Law, all meetings of Council, Committee of the Whole, Steering and Sub-Committee meetings shall be open to the public.

- 7.10.2** No person shall be excluded from a meeting except for:
a) improper conduct determined by the Mayor/Chair or;
b) where a meeting or portion of a meeting is closed to all persons other than the Members of that body and those identified to remain in the room.
- 7.10.3** The Clerk shall remain in the room for all closed sessions.
- 7.10.4** In accordance with Schedule "B" a meeting or part of a meeting may be closed to the public.
- 7.10.5** Council shall move into closed session by using the prescribed resolution form in Schedule "B".
- 7.10.6** A meeting shall not be closed to the public during the taking of a vote except where:
a) the vote is for a procedural matter or giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.
- 7.10.7** Confidential discussion during a closed session shall be limited to the issue declared and nothing in this by-law confers the power of any Member or Members of Council to make any decision or take any action unless, or until such action is presented and decided upon at a duly called and constituted open meeting of Council.
- 7.10.8** No Member, Staff or other person present shall in any way, notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential without approval of such release by Council.
- 7.10.9** Upon returning to open session, the Chair shall rise and report the following:
a) a statement resulting from the closed session;
b) declarations of pecuniary interest during the closed session.
- 7.10.10** The Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to closed sessions.
- 7.10.11** Whenever possible, confidential documents will be provided in a secure manner to Council Members prior to the meeting.

- 7.10.12** Copies of any confidential documents circulated during the meeting shall be returned to the Clerk at the end of the closed session and destroyed.
- 7.10.13** Where practical, closed sessions shall be scheduled at the end of the meeting.
- 7.10.14** All Members and Staff have a personal obligation to the Corporation to treat identified documents in confidence and not to use them to the detriment of the Corporation.
- 7.10.15** The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or Staff ceases to be employed by the Corporation.

7.11 Public Information Sessions/Centres

- 7.11.1** Public Information Sessions/Centres may be scheduled from time to time as warranted.
- 7.11.2** A Public Information Session/Centre shall be called by the Clerk once a resolution to do so has been adopted by Council or upon receiving a petition from a majority of Council Members. The petition shall clearly state the purpose, date, and time of the meeting, and the person who will act as Chair of the session.

7.12 Public Meetings (Statutory)

- 7.12.1** Public Meetings shall be scheduled as prescribed for the purpose of meeting the requirements of an Act, Regulation or By-Law.
- 7.12.2** A Public Meeting shall be called by the Clerk as required under the Public Notice Policy (By-Law No. 2007-820) and amendments thereto or as required under an Act or Regulation. The notice shall clearly state the purpose, date, time and location of the meeting, and the person who will act as Chair of the session.
- 7.12.3** The Clerk shall prepare an agenda for the meeting and keep a record of the proceedings.

7.13 Notice of Meetings

- 7.13.1** The Clerk shall give notice of each meeting to the Members, Department Heads, Media and the Public.

7.13.2 The meeting agenda shall constitute notice, except for Public Meetings (Statutory).

7.13.3 Notice for Public Meetings shall be as prescribed.

7.13.4 Council and Committee of the Whole agendas shall be made available by 1:00 p.m. on the Friday prior to the meeting.

7.13.5 Agendas shall be posted on the Township website.

7.13.6 Refer to Subsections 7.6 and 7.7 for Special and Emergency Meetings.

7.13.7 Committee meetings may be cancelled in consultation with the Mayor, Chair, Chief Administrative Officer and Clerk if insufficient business will be before the Committee. Notice of cancellation should be provided as soon as possible.

7.13.8 If it appears that inclement weather, or like occurrence, or an emergency situation will prevent the Members from attending a meeting, the Mayor may direct the Clerk to postpone that meeting by contacting as many members as they are able to reach.

7.14 Meeting Schedule

7.14.1 The Meeting Schedule will outline the dates of Regular Council and Committee of the Whole Committee meetings and Professional Development Events as assigned.

7.14.2 Regular Council Meetings are held twice a month except during the month that has been declared the "Summer Recess".

7.14.3 Committee of the Whole Committee Meetings are held six times per month except during the month that has been declared the "Summer Recess".

7.14.4 Special and Emergency Meetings may be called during the month that has been declared the "Summer Recess".

7.14.5 Any Council or Committee of the Whole Committee Meeting that is not on the Council/Committee Calendar will be deemed to be a "Special" Council or Committee of the Whole Committee Meeting.

7.14.6 A rescheduled meeting shall not be considered a "Special" Council or Committee of the Whole Committee Meeting.

7.15 Election Year

7.15.1 In the year of a municipal election, after the election an orientation shall be held for all members of Council.

7.15.2 Lame Duck Council

7.15.2.1 In an election year, when it has become mathematically impossible for three-quarters of the members of the outgoing council to be re-elected, the council shall be subject to the following limitations;

Council cannot:

- a) appoint or remove from office any officer of the municipality;
- b) hire or dismiss any employee of the municipality;
- c) dispose of any real or personal property of the municipality which had a value exceeding \$50,000 when it was acquired by the council before nomination day in the year of the election;
- d) make any expenditures or incur any other liability which exceeds \$50,000 if not included in the most recent budget adopted by the council before nomination day in the year of the election.

Council may be in Lame Duck when:

- a) after nomination day but before election day, there is less than three-quarters of existing Members certified as candidates or acclaimed; or
- b) after election day but before the new Council is sworn in, less than three-quarters of the existing Members have been re-elected.

SCHEDULE "A"
Inaugural Meeting

	Agenda Item:	Rules:	Conducted By:
i	Call to Order	<p>The first meeting of Council in the year of a Municipal Election shall be on the first Tuesday of December at 7:00 p.m. or at such hour as may be fixed by by-law.</p> <p>The Clerk shall notify all Members at least one (1) week in advance of the meeting as to time and date.</p>	Clerk
ii	Roll Call	The Clerk shall ensure that a majority of the members are present.	Clerk
iii	Devotional Service	Selected by the Clerk	Reverend
iv	Declaration of Office for All Members of Council	Conducted as per Section 232 (1), the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25, as amended.	Clerk
v	Oath of Office for All Members of Council		Clerk
vi	Mayor Assumes the Chain of Office	The Chain of Office is placed on the newly elected Mayor and the Mayor takes the Chair.	Clerk
vii	Councillor Remarks	Each Councillor, in reverse order of Ward may give opening remarks.	Mayor
viii	Mayor's Inaugural Remarks and Introduction of Special Guests		Mayor

	Agenda Item:	Rules:	Conducted By:
ix	Election of Deputy Mayor (County Councillor)	The Clerk shall act as Presiding Officer for the purpose of election of the Deputy Mayor.	Clerk
xii	Call for Nominations from the Floor	Verbal Motion(s) for Nominations Up to a maximum of five (5) minutes shall be devoted to receiving nominations, after which no nominations shall be received. Each mover and seconder shall be entitled to a maximum of five (5) minutes to address Council in support of their nominee.	Clerk
xiii	Nominations Close	Verbal Motion	Clerk
xiv	Nominations Stand	Clerks asks candidates if they wish their name to stand. If only one Councillor accepts the nomination for the position then Councillor shall be acclaimed. (skip to step xx)	Clerk
xv	Candidates to Address Council	Nominees shall speak in the reverse order of their nomination.	Clerk
xvi	Questions of Candidates from the Floor	Up to a maximum of five (5) minutes shall be devoted to receiving questions of Candidates, after which no questions shall be received.	Clerk
xvii	Appointment of Scrutineer	Verbal Motion	Clerk
xviii	Declare Recess to Vote		Clerk
xix	Voting	The election shall be by secret ballot. Each member shall have one (1) vote. The nominee receiving the majority of the votes cast shall be declared as Deputy Mayor.	Clerk, CAO and Scrutineer

	Agenda Item:	Rules:	Conducted By:
		<p>Where no nominee receives in excess of half of the votes cast, the nominee receiving the lowest number of votes shall be dropped from the future ballots.</p> <p>In case of equality of votes, the successful nominee shall be determined by the Clerk, by placing the names of the nominees on equal size pieces of paper in a container and one (1) name being drawn by a person chosen by the Clerk.</p> <p>The Clerk and Chief Administrative Officer shall count the votes and shall forthwith announce the results.</p> <p>The number of votes cast per candidate shall remain confidential.</p> <p>All ballots shall be destroyed following the election.</p>	
xx	Announcement of Successful Candidate		Clerk
xxi	Deputy Mayor's Inaugural Remarks		Deputy Mayor
xxii	Appointment of Committee of the Whole Chairs	<p>The Clerk shall act as Presiding Officer for the purpose of election of Committee of the Whole Chairs.</p> <p>Council shall appoint a Chair of each Committee of the Whole Committee for the term of Council.</p> <ul style="list-style-type: none"> a) Corporate Services b) Building, Planning & Protective Services c) Public Works & Waste Management d) Community Services <p><i>(steps xxiii to xxxi are repeated for each Chair position, excluding xxiii which will be conducted only once)</i></p>	Clerk

	Agenda Item:	Rules:	Conducted By:
xxiii	Call for Nominations from the floor for Committee of the Whole Chairs	Verbal Motion(s) for Nominations. Up to a maximum of five (5) minutes shall be devoted to receiving nominations for Chairs, after which no nominations shall be received. Each mover and seconder shall be entitled to a maximum of five (5) minutes to address Council in support of their nominee.	Clerk
xxiv	Nominations Close	Verbal Motion	Clerk
xxv	Nominations Stand	Clerks asks candidates if they wish their name to stand.	Clerk
xxvi	Candidates to address Council	Nominees shall speak in the reverse order of their nomination.	Clerk
xxvii	Questions of Candidates from the Floor	Up to a maximum of five (5) minutes shall be devoted to receiving questions of Candidates, after which no questions shall be received.	Clerk
xxiii	Appointment of Scrutineer	Verbal Motion.	Clerk
xxix	Declare Recess to Vote		Clerk
xxx	Voting	The election of Chair shall be by secret ballot. Each member shall have one (1) vote. The nominee receiving the majority of the votes cast, shall be declared as chair of the respective Committee. Where no nominee receives in excess of half of the votes cast, the nominee receiving the lowest number of votes shall be dropped from the future ballots.	Clerk, Chief Administrative Officer and Scrutineer

	Agenda Item:	Rules:	Conducted By:
		<p>In case of equality of votes, the successful nominee shall be determined by the Clerk, by placing the names of the nominees on equal size pieces of paper in a container and one (1) name being drawn by a person chosen by the Clerk.</p> <p>The Clerk and Chief Administrative Officer shall count the votes and shall forthwith announce the results.</p> <p>The number of votes cast per candidate shall remain confidential.</p> <p>All ballots shall be destroyed following the election of Committee of the Whole Chairs.</p>	
xxx	Announcement of Successful Candidate		Clerk
xxxii	Singing of "O Canada"		Mayor
xxxiii	Adjournment until Regular Meeting	Verbal Motion.	Clerk

SCHEDULE "B"
In-Camera Motion Form



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

**IN-CAMERA
MOTION FORM**

Date: _____ Topic: _____

Committee:

- | | | |
|---|---|---|
| <input type="checkbox"/> Township Council | <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Community Services |
| <input type="checkbox"/> Committee of the Whole | <input type="checkbox"/> Building, Planning & Protective Services | |
| <input type="checkbox"/> Public Works | <input type="checkbox"/> Other _____ | |

RESOLUTION #: _____

Moved By: _____

Seconded By: _____

"THAT, Council/Committee move "in camera" at _____ to address a matter pertaining to:

- security of the property of the municipality or local board;

- personal matters about an identifiable individual, including municipal or local board employees;

- a proposed or pending acquisition or dispersion of land by the municipal or local board;

- labour relations or employee negotiations;

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

- a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;

- the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.

AND THAT _____
remain in the room.

Mayor/Chair

[M.A. 2001, c. 25, s. 239(2) &(3)]

11.0 BY-LAWS

11.1 By-Law Approval Process

- 11.1.1** Every by-law shall be listed on the agenda by an identifying number, followed by a brief description of the intent of the By-Law.
- 11.1.2** No By-Law, except a By-Law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered by a Committee of the Whole.
- 11.1.3** Notwithstanding Subsection 11.1.2 above, new By-Laws of an urgent nature, requiring an immediate decision may be considered.
- 11.1.4** Upon accepting a motion to approve a by-law listed on the agenda, the Chair shall announce first, second and third reading of the by-law, pausing at third reading to determine if there are any questions or discussion by the Members, before putting final approval of the by-laws to a vote.
- 11.1.5** After third reading, every by-law may be debated, subject to amendment, and may be deferred or referred to a committee or staff for further consideration.
- 11.1.6** Upon a two-thirds vote of the Members present, third reading of any by-law may be postponed until the next meeting.
- 11.1.7** The Clerk shall be authorized to make minor corrections to any by-law resulting from technical, or typographical errors prior to the by-law being signed.
- 11.1.8** Every by-law passed by Council shall be signed by the Mayor and the Clerk, sealed with the seal of the Corporation, show the date of all readings, and shall be bound in a volume for the year in which it was passed.

11.2 By-Law versus Resolution

- 11.2.1** A resolution is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall be passed to give direction to staff. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

11.2.2 A by-law shall be used, but not limited to, implement policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a municipal corporation and whether it is being transacted under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

11.3 Confirming By-Law

The proceedings at every regular and special meeting of Council shall be confirmed by by-law, so that every decision, unless required by an Act, Regulation or By-Law, of Council at that meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

12.0 AMENDMENT OF PROCEDURAL BY-LAW

12.1 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of Council unless:

- a) Notice of intention of proposed amendment or repeal has been given at a previous regular meeting of Council; and
- b) One notice in a local paper, a minimum of fourteen (14) days prior to passing the by-law is given (By-Law No. 2007-820).

12.2 The waiving of this notice by Council is prohibited (By-Law No. 2007-820).

12.3 This by-law shall be reviewed once every term of Council.

13.0 ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

14.0 BY-LAWS TO BE REPEALED

THAT, By-Laws 2002-370, 2004-500, 2006-711, 2008-881 and 2008-902 be repealed.

15.0 EFFECTIVE DATE

This By-Law will come into effect on the day of its passing.

This By-Law read a first, second and third time **this day of, 2009.**

Bob Fletcher, Mayor

Amanda Mabo, Clerk