

**THE CORPORATION OF THE MUNICIPALITY OF  
MARKSTAY-WARREN  
SPECIAL COUNCIL MEETING  
AGENDA**

October 6, 2025

7:00 pm

Markstay-Warren Council Chambers  
21 Main Street South  
Markstay, Ontario

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**Pages**

<b>1. Opening remarks and call meeting to order</b>	
<b>2. Land acknowledgment</b>	
<b>3. Roll Call</b>	
<b>4. Approval of the Agenda</b>	
<b>5. Closed Session</b>	
As per Section 239 of the Municipal Act, exceptions as per subsection (2):	
A meeting or part of a meeting may be closed to the public if the subject matter being considered is:	
1. Labour relations or employee negotiations	
2. Litigation or potential litigation	
3. Personal matters about an identifiable individual	
4. Advice that is subject to solicitor-client privilege	
<b>6. Disclosure of Pecuniary Interest and General Nature Thereof</b>	
<b>7. Notice of Motion</b>	
7.a Notice of Motion - Council Meetings	5
<b>8. New Business</b>	
8.a Public Works Infrastructure Update	6
8.b Review Delegation Process	11
8.c Explore Build Canada Homes Fund - Municipal Owned Lands	
8.d CAO Report on Committees - Proposed By-Law	12
8.e By-Laws	

8.e.1	By-Law 2025-34 - Procedures By-Law	14
8.e.2	By-Law 2025-35 - Employee Policy Manual - Right to Disconnect Policy	55
8.e.3	By-Law 2025-36 - Artificial Intelligence Policy	58
8.e.4	By-Law 2025-37 - Record Retention By-Law	66
8.e.5	By-Law 2025-38 - Vote by Telephone or Internet for Municipal Elections	80
8.e.6	By-Law 2025-39 - Appoint AMPS Screening Officers	84

## 9. Adjournment

**LA CORPORATION DE LA MUNICIPALITÉ DE  
MARKSTAY-WARREN  
RÉUNION EXTRAORDINAIRE DU CONSEIL  
ORDRE DU JOUR**

le 6 octobre 2025

19 h 00

Salle du Conseil Markstay-Warren

**Pages**

<b>1. Remarques préliminaires et ouverture de la réunion</b>	
<b>2. Reconnaissance des terres</b>	
<b>3. Appel nominal</b>	
<b>4. Approbation de l'Ordre du jour</b>	
<b>5. Séance à huis clos</b>	
Conformément à l'article 239 de la Loi sur les municipalités, une réunion ou une partie de réunion peut être tenue à huis clos si l'objet de la réunion est : 1. La sécurité des biens de la municipalité ou du conseil local ; 2. Des renseignements personnels concernant des personnes identifiables.	
<b>6. Divulgence des intérêts pécuniaires</b>	
<b>7. Rapports des Comités, Agents municipaux, Chefs de départements</b>	
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<b>8.c Explore Build Canada Homes Fund - Municipal Owned Lands</b>	
<b>8.d CAO Report on Committees - Proposed By-Law</b>	12
<b>8.e By-Laws</b>	
8.e.1 By-Law 2025-34 - Procedures By-Law	14
8.e.2 By-Law 2025-35 - Employee Policy Manual - Right to Disconnect Policy	55
8.e.3 By-Law 2025-36 - Artificial Intelligence Policy	58
8.e.4 By-Law 2025-37 - Record Retention By-Law	66
8.e.5 By-Law 2025-38 - Vote by Telephone or Internet for Municipal Elections	80

**9. Levée de la réunion**

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**TO: Council**

**DATE: August 25, 2025**

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**SUBJECT:** Notice of Motion from Councillor Frappier

**THAT** Council reduce the amount of Special Committee meetings we are having.

I am putting a Motion that we hold 2 meetings Regular Council meetings per month be it on the first and third Monday of each month.

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Attn: Members of Council

## 1 EXECUTIVE SUMMARY

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This report contains details regarding infrastructure projects which are in progress, nearing completion or held over to the following year.

## 2 PROJECTS

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### 2.1 ROAD RESURFACING

#### 2.1.1 Gravel Application 2024

In 2024, the Municipality used funds from NORDS and OCIF to resurface several roads with a 3" lift of Quarry A Gravel. Quarry A gravel is crushed from source rock and the fines come from the crushed rock. As a result, it forms a superior topping to our existing roads. The reviews from residents on the re-surfaced roads have been positive as well as the feedback from the crews. The quarry A gravel packs faster and stays in place and resists potholes longer.

#### 2.1.2 Markstay Streets Revitalization Project 2024-2025

The Markstay Streets Revitalization project is nearing completion. The project saw the complete rehabilitation of Church St. and Millichamp St. and the surface paving of Rejean, Rita, Rolland, Birch Spruce, Hawthorne, Hagar and Front St.. Front St. exhibited some movement over the winter and, as the project stayed well within budget, the Municipality decided to use some of those funds to perform a complete rehabilitation for the section of Front St. between Main and Church St.

Some final touches are underway as the ditches are being re-adjusted and the washout from 3 weeks prior is excavated and some additional work is being done to prevent erosion and improve drainage outside of the contract limits.

##### 2.1.2.1 *Additional Crushing Negotiated through the Contract*

Through the GIP Markstay Streets Revitalization contract, the Municipality had a significant quantity of pit run A crushed. The additional material was crushed as a negotiation to use Markstay sourced gravel to lower project costs, the additional value was to be given to the Municipality in the form of additional crushed gravel. This material is excellent for some of the major projects we have come up with the bridge work. While the material can be used for the roads, the pit run material has significant sand content. It typically requires some compaction and the addition of calcium to have it held in place.



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### **2.1.2.2 Waste Materials from the Markstay Streets Revitalization Project**

Also through the Markstay Streets Revitalization contract, the Municipality has asked to retain the asphalt grindings. With consultation through our project engineers, grindings are suitable for use as a road topping on gravel roads. If it is used on roads, it is not a contamination concern. The behaviour of the grindings is like premium A Grade gravel. It will compact in warm weather but will not form a cohesive layer like concrete. This material will be used on some of our lower traffic roads where frequent grading is typically not required. This allows us to place the topping and allow it to work more effectively. Higher traffic roads have much higher demands and are better suited to the Quarry A Gravel.

The material excavated from the project has also been retained as the new excess soils legislation came into effect in January 2024. This new legislation requires that we are responsible for materials excavated through projects and ensure that we understand the nature of any contamination of the soils. The soil pulled from the project did show salt contamination and can be used for fill on Municipal Projects but must maintain a buffer from any natural water sources. This soil was deemed as suitable material for use in the landfill, to re-habilitate our gravel pits and for road work. It does have a high clay content and is not well suited for road bedding which is typically composed of a B Grade Gravel.

## **2.2 BRIDGES AND CULVERTS**

### **2.2.1 Leeftink**

Inspection completed Wednesday September 24<sup>th</sup>. Found that not much has changed since the previous year and the structure will be sound over the winter. There are recommendations coming to remediate the ramp on the north side which has some delamination occurring on the I-beam supporting it. All repairs are minor and not relating to the main bridge structure.

In addition to the inspection, geotechnical samples have been taken with a vision to having the design work take place in Q1 2026 and construction starting in in Q2.

### **2.2.2 Sutcliffe Bridge**

Sutcliffe Bridge is undergoing an evaluation which will determine whether the structure can be re-habilitated. Geotechnical analysis of the area is also underway to evaluate the ground in the vicinity of the bridge. This information will be used to prepare the tender to repair or replace Sutcliffe Bridge.

### **2.2.3 Dupuis Road Culvert #11**

Dupuis Road Culvert has been flagged as in need of replacement. Evaluation of the culvert is underway as long as the geotechnical analysis of the ground surrounding the culvert. The geotechnical analysis is the part of the information required to start the design in Q1 2026

### **2.2.4 North Road Culvert#**

North Road Culvert was flagged by the OSIM last year as having a critical defect. The outermost section of the culvert 15 ft away from the roadside failed underneath. This culvert is being inspected and the geotechnical evaluation in underway to have it replaced in Q2 2026.



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## **2.3 WINTER PREPARATION**

### **2.3.1 Tenders For Materials**

Tender for Salt and RFP for Sand is out and closed as of October 3<sup>rd</sup>. Numbers will be presented on the October 20<sup>th</sup> Regular Council Meeting. For immediate delivery.

### **2.3.2 Equipment Issues**

As we approach winter and get our trucks ready for the snow, we are running into a few critical issues requiring immediate attention.

As you may recall, there are a few vehicles in our fleet that are nearing end of life and require replacement. During the budgeting process, the replacement of unit 334: 2008 Case Loader was removed in the hope that we could push the replacement for another year. The unit is currently tagged out with an anticipated. Our Western Star Plow Trucks 338 from 2015 and 343 from 2016 are at their anticipated replacement cycle (8-10 years). Our loader used exclusively for the land fill has also been parked since the summer as the back end locked up again. I offer the following recommendations to council:

#### ***2.3.2.1 Unit 345: John Deere 1989 Loader***

This unit is very old and is increasingly difficult to find parts for. While the main construction is quite solid, the repairs for this unit have been increasing year over year and we have been running into significant increases in down time. While this unit is tagged out for a seized back end, the newer 2018 John Deere Loader has been used to push the dump as regularly required throughout the year. The Public Works crew has voiced their concerns that pushing the dump does cause higher risk to damage to the tires and the unit must be thoroughly cleaned when it returns to the shop before any additional services are performed. As the primary loader, having this unit out of service has a direct impact on winter operations as it is used to load the vehicles with winter sand. As shown in the "Consolidation Plan" Study, movement of equipment or materials between the Markstay and Warren Yards presents a significant impact on winter operations.

The long term plan is to replace this loader, however the replacement can be an older unit moved out of circulation (for example unit 334 if it is repaired) or a used unit.

#### ***2.3.2.2 Unit 334: 2008 Case Loader***

The Case Loader was anticipated to be replaced last year. Due to financial stresses, replacement of this unit has been pushed for the past 2 years. The unit has significant issues with the transmission, brakes as well as rust throughout the machine. I had an assessment done in the context of prolonging it's life by performing the repairs to delay replacement and then having the unit cycle to managing the land fill. The repair estimate is budgeted around \$60,000. A tender for repair or replacement is currently released and expected to be presented for the November Special Meeting of Council.

The new unit must be in place before December 1<sup>st</sup>, which may not be possible with a new unit. Lead times will be part of the request for proposal.





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### **2.3.2.3 Plow Trucks 334 and 343**

The trucks are in immediate need of a new conveyor bed and associated chains. The anticipated costs are roughly \$10,000 in parts per truck (These are from the manufacturer, Gincore, directly. A third-party substitution is not an option) with additional installation cost anticipated to be near \$10,000 per truck. If the repair is not performed there is a high chance the trucks will fail early in the winter and be taken out of service. One truck has already experienced an issue with material lost through the conveyor causing a highway incident. This is currently being processed as a 'less than deductible' claim and our broker have been working to guide us through the process to ensure the required level of due diligence is followed. The repair should provide 2-5 years extra life on the truck as long as the chassis is maintained. This is considering that the replacement is for the high wear component of the truck and it is likely that another costly repair may be required for the box or one of the other plow components in that time.

I recommend that we start the process of tendering for a replacement for both these vehicles as the vehicle market has had long lead times for any large trucks over the past year. With respect to a new vehicle, it would not be uncommon for us to expect a 1 year lead time.

## **2.4 HYDRANT REPAIR TENDER**

The tender results for the hydrant repair will be presented at the meeting today. There are 2 hydrants in Warren: The first is located at 1 Warren Av. The second one is located at 8960 Hwy 17. The sample station located on Lucien St. is the third item requiring repair.

Each of these items was flagged by the City of Sudbury as defective, but they were unable to provide us with a repair of these items and through a bit of further investigation provided the necessary requirement for us to run the project on our own with the assistance of the water department as certified on site OIC (Operator in charge) as required by regulations for any construction work on active water lines.

Being a small municipality using a larger city to maintain our water system has presented some unique challenges in scheduling these types of infrastructure projects as they do not follow the same scale and magnitude of most construction projects and often require supervision through different bodies. (i.e. the Municipality, The water supply operator and the construction company) Working through this project, Markstay-Warren is aiming to be in a position to move much more rapidly on these types of projects in the future.

## **2.5 KUKAGAMI LAKE WATER SYSTEM EXPANSION**

The water connection at Kukagami Lake Road was put in place in 2023 and through efforts between the Municipality of Markstay-Warren and the City of Greater Sudbury, we are close to adding the contract amendments to allow us to sell water to the Sudbury Lime Facility. (The phase 1 portion of the project).

Phase 2 of the project was to expand the system to allow residential water connections in the area. During our negotiations with the City of Sudbury, we indicated that we are interested in bringing the booster station for Markstay-Warren back online and have been looking into sampling and chlorination requirements for the area.



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The modelling performed for the Kukagami Lake Connection also included a water system model for Markstay which will be invaluable for determining the capacity and upgrading the system in the village for the expansion of housing.

## **2.6 WARREN WELLS**

The Warren Wells have not had a visual inspection since they have been installed. To meet the recommendations set out by the water authority, we will be inspecting the wells this year. Based on the age of installation, there is an expectation that we will likely need to make some repairs in 2026.

## **2.7 WARREN WATER SYSTEM HARDNESS**

The Municipality of Markstay-Warren has been investigating solutions for the water hardness in Warren. The hardness is a direct result of the well-source water. Well water is filtered by the materials it passes through as it reaches the aquifer, but as a result it picks up minerals. In Ontario, water hardness is not a metric that is typically regularly monitored or controlled. We have looked at water softening solutions which are expensive and introduce 'buffer minerals which, while dealing with the hard properties of water tend to add more minerals which cause problems with sedimentation and deposition in infrastructure and home appliances.

Through our investigation with Efficiency Capital, the Municipality has been introduced to a system which precipitates hard water using an electrostatic filter. The company D-Scale is trying to get their system into small water treatment plants and also has a use case for the arena specifically. We are still evaluating the system, power and maintenance requirements.

Ronny Theiss P.Eng.  
Manager of Public Works  
Municipality of Markstay-Warren  
Phone: 705-853-4536 ext. 208  
Email: [rtheiss@markstay-warren.ca](mailto:rtheiss@markstay-warren.ca)



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## Delegation Request Form/Demande pour être une délégation

**DATE OF MEETING/DATE DE LA RÉUNION:** \_\_\_\_\_

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Name/Nom: \_\_\_\_\_ Date: \_\_\_\_\_

Address/Adresse: \_\_\_\_\_

Email Address/Courriel: \_\_\_\_\_

Organization /Organisation: \_\_\_\_\_

Telephone: \_\_\_\_\_

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### Topic - Sujet

(Please enclose documentation supporting your request)

(S.V.P. inclure documentation d'appui à votre demande)

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\_\_\_\_\_  
Signature of applicant / Signature du demandeur

\_\_\_\_\_  
Signature of Clerk / Signature du Greffier

**Presentation cannot exceed 15 minutes.  
La présentation aura un temps limite de 15 minutes.**

**Date:** September 30, 2025

**From:** CAO/Clerk

**Subject:** Adoption of By-law 2025-XX – Terms of Reference for Committees of Council

To present for Council's consideration By-law 2025-XX, a by-law to establish and adopt Terms of Reference for standing committees of the Municipality of Markstay-Warren.

## Background

Section 10(2) of the Municipal Act, 2001 provides authority for single-tier municipalities to pass by-laws respecting governance structure and local boards.

Section 9 of the Municipality's Procedure By-law 1999-08 outlines rules under which Council may create committees of Council.

A comprehensive review has been undertaken to update and formalize the committees of Council through consistent Terms of Reference.

## Proposal

By-law 2025-XX establishes the following committees and their Terms of Reference (attached as Schedules):

Schedule A – Environmental Landfill Advisory Committee (ELAC)

Schedule B – Finance and Housing Advisory Committee (FHAC)

Schedule C – Recreation & Community Advisory Committee (RCAC)

Schedule D – Emergency and Public Services Advisory Committee (EPAC)

Schedule E – Emergency Management & Community Control Advisory Committee

Each committee's composition and Terms of Reference are formally established.

1. The Terms of Reference form part of the by-law.
  2. A mandatory review of the by-law will occur at least once every Council term.
  3. Any previous by-laws inconsistent with this new by-law are repealed.
  4. The by-law comes into effect upon final passing by Council.
- No direct financial impact beyond existing budget allocations for committee operations.
  - Administrative workload will include orientation of committee members and maintaining consistency with approved Terms of Reference.

## Recommendation

That Council adopt By-law 2025-XX, being a by-law to establish and adopt Terms of Reference for the committees of the Municipality of Markstay-Warren.

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY- WARREN**

**BY- LAW 2025- XX**

**A BY- LAW TO ESTABLISH AND ADOPT TERMS OF REFERENCE**

**FOR COMMITTEES FOR THE MUNICIPALITY OF MARKSTAY- WARREN**

**WHEREAS** Section 10(2) of the Municipal Act, as amended, provides that a single- tier municipality may pass by- laws respecting the governance structure of the municipality and its local boards;

**AND WHEREAS** Section 9 of the Municipality's Procedure By- law 1999-08 establishes the rules and procedure under which Council may create Committees of Council.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY- WARREN ENACTS AS FOLLOWS:**

1. That the composition and Terms of Reference for the following Committees be established by the Municipality of Markstay- Warren:

Schedule A – Environmental Landfill Advisory Committee (ELAC)

Schedule B – Finance and Housing Advisory Committee (FHAC)

Schedule C – Recreation and Community Advisory Committee (RCAC)

Schedule D– Emergency and Public Services Advisory Committee (EPAC)

Schedule E – Emergency Management and Community Control Advisory Committee (EMCCAC)

2. That the attached Terms of Reference shall form part of this By- law.

3. That this By- law be reviewed at least once every Council term to evaluate the effectiveness of each Committee of Council.

4. That any by- law inconsistent with this By- law is hereby repealed.

5. That this By- law comes into force and takes effect upon the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.**

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**MAYOR**

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**CLERK**

**Subject:** Proposed Revised Procedure By-law 2025-34  
**Prepared by:** Chief Administrative Officer (CAO)  
**Date:** September 30, 2025

## Purpose

To present Council with the revised Procedure By-law 2025-34 for consideration and adoption. This by-law governs the calling, place, and proceedings of Council and Committee meetings, ensuring compliance with the Municipal Act, 2001 and enhancing governance practices in the Municipality of Markstay–Warren

## Background

- Under Section 238(2) of the *Municipal Act, 2001*, municipalities are required to pass a procedure by-law to regulate meetings.
- The Municipality's current procedure by-law dates back to **2001 (By-law 2001-02)** and **1999 (By-law 1999-08)**, with limited amendments over the years.
- Outdated provisions no longer reflect best practices, particularly in the areas of:
  - Electronic participation,
  - Closed session procedures,
  - Delegation rules,
  - Committee structures, and
  - Governance transparency.

The proposed **By-law 2025-34** repeals both **2001-02** and **1999-08** and replaces them with a comprehensive, modernized framework.

## Key Changes and Improvements

1. **Expanded Roles and Duties**
  - Clarifies statutory roles of Council, Mayor, Deputy Mayor, Clerk, CAO, and Administration in alignment with the *Municipal Act*.
2. **Meeting Structure**
  - Establishes a consistent schedule of **Regular Meetings on the first and third Mondays** of each month at 7:00 p.m. (with exceptions for holiday periods).
  - Formalizes inaugural meetings, special meetings, and Committee of the Whole.
3. **Electronic Participation**
  - Provides detailed rules for electronic meetings during declared emergencies, ensuring public access and transparent participation.
4. **Agendas & Consent Agendas**
  - Strengthens process for agenda preparation and introduction of addendums.
  - Introduces **consent agenda** procedures for routine matters, streamlining meetings.
5. **Closed Meetings**
  - Aligns with Section 239 of the *Municipal Act* and requires public reporting after closed sessions.

- Explicitly prohibits disclosure of confidential information from closed sessions.
- 6. **Rules of Conduct & Debate**
  - Strengthens decorum, respectful conduct, and the use of the Council Code of Conduct.
  - Provides clear processes for points of order, points of privilege, and handling disorderly conduct.
- 7. **Motions & Voting**
  - Modernizes rules on motions, reconsideration, amendments, and recorded votes.
  - Establishes clearer order of precedence for motions.
- 8. **Committees of Council**
  - Requires **Terms of Reference** for all new Committees.
  - Ensures appointments occur at the start of a Council term with transparent recruitment of stakeholders and citizens.

## Implications for the Municipality

- **Governance Modernization** – Updates procedures that were more than 20 years old, aligning the Municipality with current standards.
- **Transparency & Accountability** – Strengthens public notice, meeting records, and reporting requirements.
- **Efficiency** – Streamlines decision-making with consent agendas and clearer rules of debate.
- **Legal Compliance** – Ensures conformity with the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and open meeting requirements.

## Recommendation

That Council:

1. **Receive this briefing note** for information; and
2. **Adopt By-law 2025-34**, being a by-law to govern the calling, place, and proceedings of meetings of Council and its Committees for the Municipality of Markstay–Warren.

# **THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN**

## **BY-LAW 2025-34**

### **A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS FOR THE MUNICIPALITY OF MARKSTAY-WARREN**

**WHEREAS** every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings, pursuant to Section 238 (2) of the *Municipal Act*;

**AND WHEREAS** the procedure by-law shall provide for public notice of meetings, pursuant to Section 238 (2.1) of the *Municipal Act*;

**AND WHEREAS** Council deems it expedient to adopt a new by-law to govern the order, CONDUCT OF ITS MEMBERS, and proceedings of Council and Committees of the Corporation of the Municipality of Markstay-Warren;

**NOW THEREFORE** the Council of the Municipality of Markstay-Warren enacts as follows:

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That By-law 2001-02, and associated amendments are hereby repealed. ....	24
That By-Law 1999-08, and associated amendments are hereby repealed. ....	24
This by-law shall come into force and take effect immediately upon the final passing thereof. ....	24

## **PART 1 - GENERAL**

### **1.1 Short Title**

a) This By-law shall be referred to as the 'Procedure By-law'.

### **1.2 Definitions**

"Addendum" means an additional item or set of items added to the agenda of a council meeting after the original agenda as been published.

"Ad hoc Committee" means a special purpose committee with a limited duration, appointed by Council to carry out a specific task and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

"Advisory Committee" means a committee established by Council which is advisory or consultative in nature with jurisdiction for providing advice and recommendations to Council regarding a specific subject.

"Agenda" means the written order of business for a council or committee meeting.

"By-law" means a formal law passed by Council under its legislative authority. By-Laws are legally binding (e.g., zoning by-law, noise by-law, user fees by-law). They require readings and a vote in a Council meeting.

"CAO" means the Chief Administrative Officer of the Corporation of the Municipality of Markstay-Warren.

"Chair" means the Mayor or designated presiding officer at a Council or Committee meeting.

"Clerk" means the Clerk of the Corporation of the Municipality of Markstay-Warren or his/her designate pursuant to section 228 of the *Municipal Act, 2001*.

"Closed Session" means a meeting or portion thereof, which is closed to the public pursuant to Section 239 of the *Municipal Act, 2001*.

"Committee of the Whole" means a committee composed of all Members of Council to facilitate discussion, debate and consider reports, by-laws and other matters in a less formal manner.

"Committee" means a committee established by Council and as defined in the Committee's Terms of Reference, but excludes Committee of the Whole.

"Communications" means all forms of communication with Council, includes but is not limited to the following: Letter, memorandum, report, notice, email, facsimile, petition, brochure, newspaper/magazine article, social media, etc.

"Consent Agenda" shall mean those items on a Council or Committee agenda which are of a routine or repetitive nature, or are unlikely to require debate, and may be summarily dealt with in accordance with the agenda format.

“Council” means the Council of the Corporation of the Municipality of Markstay-Warren which is comprised of five Members and includes a Mayor and four Councillors from the Municipality.

“Councillor” means a Member of Council of the Corporation of the Municipality of Markstay-Warren, but does not include the Mayor.

“Delegation” means an appearance by a person, group of persons, firm or organization to address Council or a Committee.

“Deputy Mayor” means a Member of Council who is appointed or elected in accordance with the municipality’s governance structure to act in the place of the Mayor when the Mayor is absent, refuses to act, or the office is vacant, and who may carry out the duties and exercise the powers of the Mayor as set out in the Municipal Act, 2001, other applicable legislation, or municipal by-laws.

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet), and with or without in person attendance;

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of the Municipality of Markstay-Warren; or all or part of the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9.*; and shall mean any period of time when the implementation of significant measures during a pandemic period such as social distancing and avoiding gatherings of individuals are required;

“Emergency Management Act” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9, as amended;

“Majority” means more than half of the votes cast by Members present and eligible to vote.

“Mayor” means the Head of Council of the Corporation of the Municipality of Markstay-Warren.

“Meeting” means any regular, special or other meetings of a council, of a local board or of a committee of either of them, where,

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

“Member” means a Member of Council or a Committee, a person duly elected or appointed to serve on Council or a Committee for the Corporation of the Municipality of Markstay-Warren.

“Minutes” are the official written record of a Council or Committee meeting summarizing discussions, decisions made, and actions assigned. They provide transparency and are approved at a later meeting.

“Motions” shall mean a question to be considered by the Council or a Committee which is moved, seconded, presented, read by the presiding officer or Clerk and is subject to debate. When a motion is carried or defeated it becomes a “RESOLUTION” and presents the vote and will of Council.

“Municipality” means the Corporation of the Municipality of Markstay-Warren.

“Notice of Motion” means an advance notice to Council on a matter which Council will be asked to take a position.

“Pecuniary Interest” means a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, as amended.

“Point of Order” means a matter that a Member considers to be departure from or contravention of the rules, procedures or generally accepted practices of the Council.

“Point of Personal Privilege” means a matter that a Member considers to impugn his/her rights, integrity or that of Council or a Committee.

“Policy” means a guiding principle or framework adopted by Council to steer decision-making and operations (e.g., procurement policy, hiring policy). Policies set the “rule of the game” for consistent governance.

“Prevailing Member” means any member who voted with the majority on an issue or question that was dealt with by a resolution.

“Procedure” means the detailed steps or methods, usually developed by staff, to implement policies or Council decisions (e.g., how procurement bids are processed, how meetings are conducted under the Procedural By-law).

“Quorum” means the majority of the total voting Members required to constitute Council or a Committee. Three (3) Members of Council shall constitute a Quorum of Council. A quorum of any of the advisory committees shall be a majority of its members.

“Recorded Vote” means recording in the Minutes, the name and vote of each Member present on any matter or question where any Member requests that the vote be recorded.

“Resolution” means a formal decision or direction of Council recorded in the minutes, but not a law. Resolutions often authorize actions, approve reports, or give direction to staff.

“Rules of Procedure” means the applicable procedural rules and rules of conduct contained in this by-law.

“Standing Committee” means a Committee which has a continuing existence, comprised of, appointed by and directly reporting to Council.

“Two-Thirds Vote” means the affirmative vote of two-thirds (2/3) of the Members present and eligible to vote.

### **1.3 Rules of Procedure**

- a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and Committees. For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this by-law, the most recent edition of *Robert’s Rules of Order* in existence at the time shall be referred to.
- b) Except as provided elsewhere in this by-law, the rules and regulations contained in this by-law may be temporarily suspended by a two-third majority vote of the Members Present.

## **1.4 Amendment**

- a) Any provision contained in this by-law shall only be amended or repealed by two-thirds vote of the Members present at any meeting of Council, provided that notice of the proposed amendment or repeal is given at a preceding regular meeting, and such notice may not be waived.

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

### **2.1 Role of Council**

- a) As defined within the *Municipal Act*, Section 224, it is the Role of Council:
  - (1) to represent the public and to consider the well-being and interest of the municipality;
  - (2) to evaluate the policies and programs of the municipality;
  - (3) to determine which services the municipality provides;
  - (4) to ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - (5) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
  - (6) to maintain the financial integrity of the municipality; and
  - (7) to carry out the duties of Council under the Municipal Act, 2001 or any other Act

### **2.2 Role of the Mayor (Head of Council)**

- a) As defined within the *Municipal Act*, Section 225, it is the role of the Head of Council:
  - (1) to act as chief executive officer of the municipality;
  - (2) to preside over Council meetings so that its business can be carried out efficiently and effectively;
  - (3) to provide leadership to the Council:
    - a. (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224(d) and (d.1) of the *Municipal Act*;
  - (4) to represent the municipality at official functions; and
  - (5) to carry out the duties of the Head of Council under the Municipal Act, 2001 or any other Act.
- b) As defined within the *Municipal Act*, Section 226.1, it is the role of the head of council as chief executive officer of a municipality to:
  - (1) uphold and promote the purposes of the municipality;
  - (2) promote public involvement in the municipality's activities;
  - (3) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - (4) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
- c) The Mayor, by virtue of his/her office, shall be an ex-officio Member of all Committees of Council and shall be entitled to vote as a member of such Committees but is not counted in the quorum.

### **2.3 Role of the Deputy Mayor**

- a) In the absence of the Mayor, the Deputy Mayor shall preside at meetings as Chair.
- b) The Clerk shall prepare a resolution for the first regular meeting of Council, and every other regular Council meeting held in December of each year to appoint a Deputy Mayor from the Members of Council to act in the absence of the Mayor for the duration of that year.

## 2.4 Duties of the Chair

- a) The duties of the Chair are:
- (1) To open the meeting by taking the Chair and calling the Members to order;
  - (2) To announce the business before the Council in the order in which it is to be acted upon as outlined on Agenda;
  - (3) To receive and submit, in the proper manner all motions presented by the Members;
  - (4) To put to a vote all questions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the results of such vote;
  - (5) To decline to put to a vote motions which infringe upon the rules of procedure;
  - (6) To enforce on all occasions the observance of order and decorum among the Members and guests;
  - (7) To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;
  - (8) To authenticate by signature all By-laws, resolutions and minutes of the Council;
  - (9) To inform the Council or Committee when necessary, or when referred to for the purpose, on a point of order;
  - (10) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
  - (11) To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation and Committees;
  - (12) To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting;
  - (13) To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
  - (14) To call a 5 minutes rest period every hour of the meeting, as needed;
  - (15) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or other place of meeting, as the case may be;
  - (16) To adjourn the meeting without question in the case of any person or group who refused to vacate the place of meeting after being ordered to do so by the Chair.
- b) The Chair may state the relevant facts on any matter, including his/her position on any matter either before the commencement of debate on any matter, or without entering into further debate, may speak to close the debate on any matter after all Members wishing to speak has spoken.
- c) If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place until the debate is closed and in such case the Chair waives his/her privilege to close the debate. The Member acting in the Chair's place may close the debate.

## 2.5 Duties of the Clerk

- a) As defined within the *Municipal Act*, Section 228(1), a Municipality shall appoint a Clerk whose duty it is:
- (1) to prepare agendas or Council and Committee meetings as applicable;
  - (2) record, without note or comment, all resolutions, decisions and other proceedings of the Council;
  - (3) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
  - (4) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
  - (5) to perform the other duties required under this Act or under any other Act; and
  - (6) to perform such other duties as are assigned by the Municipality.

- b) If a member leaves a meeting after the roll call but before adjournment of the meeting, the Clerk shall note the time of departure in the minutes.

## **2.6 Role of the Chief Administrative Officer**

- a) The Chief Administrative Officer shall be appointed by by-law and is responsible to Municipal Council for the efficient management and general control of the administration of the Corporation's various administrative departments.
- b) All reports and recommendations of department heads shall be coordinated through the Chief Administrative Officer.

## **2.7 Role of the Municipal Administration**

- a) As defined within the *Municipal Act*, Section 227, it is the role of the officers and employees of the municipality:
  - (1) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
  - (2) to undertake research and provide advice to council on the policies and programs of the municipality; and
  - (3) to carry out other duties required under this or any Act and other duties assigned by the municipality

## **PART 3 - MEETINGS**

### **3.1 Location of Meetings**

- a) Council Meetings shall be held in the Council Chambers in the Municipal Complex located at 21 Main Street, Markstay or in such other location as determined by the Council.
- b) Council may, by Resolution passed by a majority of the Members present, dispense with or alter the date, time or place of a meeting, provided that adequate notice of the change is posted at the Municipal Office and provided that the location be within the boundaries of the Municipality.

### **3.2 Notice of Meetings**

- a) The schedule of Council Meetings for the following calendar year shall be prepared by the Clerk and published on the municipal website.
- b) Notice of a meeting shall be provided in the form of an Agenda. The Agenda shall be posted on the Municipal website by the end of day on the Friday prior to the scheduled meeting.

### **3.3 Cancellation and Rescheduling of Meetings**

- a) Council, by Resolution, may cancel or reschedule any meeting at the preceding Regular Meeting.
- b) The Mayor may cancel any meeting if notice has been given that a quorum will not be available to conduct a meeting.
- c) If the designated meeting day falls on a public holiday, Council shall meet at the designated time, the first day following, which is not a public holiday; or at another date and time set by resolution of Council.

### **3.4 Staff Participation**

- a) Officers and employees shall attend meetings as required by Council or the Chief Administrative Officer in order to assist and support the Members and may leave the meeting after their presentation.
- b) Members shall, whenever possible, communicate their concerns, raise questions or clarify issues to Staff in advance of discussing them at a Meeting. Requests for reports or direction to employees shall be by Resolution of Council. See also the Council/Staff Protocol attached as Appendix 'A'.

### **3.5 Inaugural Meeting**

- a) The first meeting in a new term of Council shall be held at 7:00 p.m. in the Council Chamber of the Municipal Complex on the first Monday in December following a regular election.
- b) At the Inaugural Meeting, each Member present shall make his/her declaration of office and sign the Council's Code of Conduct, and Council shall not proceed with any regular business at this meeting.

### **3.6 Regular Meetings**

- a) Regular Meetings of Council shall be held on the First and Third Monday of each month commencing at 7:00 p.m., except for the First Monday in January, the Third Monday in July, the First Monday in August and the Third Monday in December.
- b) The Clerk shall prepare in consultation with the Mayor and CAO the Regular Meeting Agendas in the following Order of Business:
  - 1. Opening Remarks and Call to Order
  - 2. Land Acknowledgement
  - 3. Roll Call
  - 4. Adoption of the Agenda
  - 5. Closed Session
  - 6. Reporting from Closed Session
  - 7. Disclosure of Pecuniary Interest
  - 8. Petitions and Delegations
  - 10. Reports from Committees, Municipal Officers, Department Heads
  - 11. Consent Agenda
    - 11.1 Adoption of Minutes
  - 12. Routine Management Report
  - 13. Correspondence for Council Information Only
  - 14. New Business
  - 15. Unfinished Business
  - 16. By-Laws
  - 17. Motions
  - 18. Notice of Motion
  - 19. Addendum
  - 20. Announcements and Inquiries
  - 21. Adjournment



### 3.7 Special Meetings

- a) The Mayor may at any time call a Special Meeting of Council by providing written directions to the Clerk stating the date, time and purpose for the special meeting.
- b) Notice of a special meeting may be given to Council by telephone, or personal contact as determined by the Clerk and as time permits.
- c) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting of Council for the purpose, date and time as stated in the petition.
- d) In either circumstance, the Clerk shall give notice of a special meeting and its purpose to the public and all Members at least twenty-four (24) hours prior to holding the meeting.
- e) On urgent or extraordinary occasions, the Mayor may call a special/emergency meeting without the notice provided in Section 3.8 (c), which shall be held in the Council Chambers, unless otherwise stated in the notice.

### 3.8 Closed Meetings

- a) All meetings of the Council and its Committees shall be open to the public. Council may, by resolution, close a meeting or part of a meeting to the public in accordance with s. 239 (2), (3) and (3.1) of the Municipal Act, as amended and attached as Appendix "D".
- b) When a closed session is required, it may be held prior to 7:00 p.m. Except for opening the meeting, approving the agenda, obtaining declarations of pecuniary interest and the holding of a closed session, all other matters on the agenda shall not be addressed prior to 7:00 p.m.
- c) Prior to moving into a closed meeting, the Committee/Council shall state by resolution the fact of the holding of the closed meeting; and the general nature of the matter to be considered. All attendees shall retire from the Council Chambers. When in Closed Session, no one shall leave and re-enter the meeting room without the approval of the Chair.
- d) Minutes of the closed meetings shall be kept in the form of Minutes, as those kept for open sessions and shall be adopted at the next scheduled closed meeting and kept in a secure location by the Clerk.
- e) Voting shall take place in open session, however Council may vote during a closed meeting if the meeting was permitted or required by s. 239(2) or (3) of the *Municipal Act* and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or to persons retained by the Municipality. All votes under s. 239(6) of the *Municipal Act, 2001* shall be taken in accordance with the voting process set out in this Bylaw, as applicable, including the requirement of a mover and seconder and a written resolution.
- f) Auditors annual report shall be presented to Council and debated in Closed meetings. Once approved in open Council, it shall be made available to the public.
- g) Upon resuming in open session, the Chair shall provide a verbal report to the public on the disposition of items discussed in closed meeting without revealing any confidential security, personal, personnel or legal matters.
- h) Members shall not release, make public or in any way divulge any confidential information or any aspect of Closed Session deliberations, unless expressly authorized or required by law.

### **3.9 Committee of the Whole Meetings**

- a) Council may move into Committee of the Whole following a motion to do so, duly moved and seconded.
- b) The Deputy Mayor shall be the Chair of the Committee of the Whole meetings.
- c) The rules set out in this By-law continue to apply during a meeting of the Committee of the Whole, except that Members may speak more than once on a matter, provided that every Member who wishes to speak has done so.

## **PART 4 - MEETING PROCEDURES**

### **4.1 Agendas**

- a) The Clerk shall accept items for any Agenda from Staff, the Mayor or Chair, and from Members of Council or Committee up to the Agenda deadline, seven (7) full days before the meeting date.
- b) The Clerk shall prepare and distribute the Agenda along with supporting material for Council Meetings (as much as feasibly possible) to Council Members and to all Department Heads and publish the Agenda not less than four (4) working days before the meeting date. Committee Agendas, insofar as practicable, shall be done two (2) working days prior to the meeting.
- c) The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda; however, the Chair, with the general agreement of the majority of the Members present, may vary the order in which the items are presented.
- d) All items on the Agenda not dealt with at a meeting shall be placed on the Agenda for the next meeting unless otherwise decided by resolution passed by a majority of the Members present.
- e) Amendments and/or additions to the proposed Agenda presented after the closing of the deadline for preparation of the Agenda and prior to the meeting, which are considered as being urgent and/or require the immediate attention of Council shall be considered during the Approval of the Agenda and require a two-thirds majority vote to be added. Items added to the Agenda shall be added under the respective area of the agenda.

### **4.2 Consent Agendas**

- a) The purpose of the Consent Agenda is to approve matters of repetitive or of routine nature for convenience and for expediting the meeting. Council may, by one resolution adopt the Consent Agenda in its entirety. Members of Council who wish to address and debate a specific item on the Consent Agenda may identify such items, which shall be extracted and dealt with separately while all other items remaining are voted on collectively. The balance of the Consent Agenda items shall be adopted in one resolution, however, are recorded separately in the minutes of the meeting.

### **4.3 Call to Order and Quorum**

- a) The Chair shall call the Members to order as soon as there is quorum after the time set for the start of the meeting. Once the Chair has called the meeting to order, the Clerk shall record in the minutes those Members who were present, and those Members absent. If a member arrives after the roll call, the Clerk shall note the time of arrival in the minutes.

- b) The Mayor shall Chair Meetings unless he/she is unavailable or has a conflict, in which case the Deputy Mayor will Chair. If the Mayor or in the case where a quorum is present and the Mayor has not attended within ten (10) minutes after the time appointed, the Deputy Mayor shall call the Members to order and assume the Chair during the meeting for as long as the Mayor is absent.
- c) In the absence of the Mayor and the Deputy Mayor, and if a Quorum is present, the Clerk shall call the Members to order. An Acting Chair shall be chosen from the Members by the Members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor.
- d) In the event that a quorum is not present within thirty (30) minutes after the designated start time of the meeting, the Clerk shall indicate that no Quorum is present and record the names of the Members present and the meeting shall stand adjourned until the next Meeting called in accordance with the provisions of this by-law.
- e) Members of Council are encouraged to notify the Clerk, or designate, when the Member is aware that he/she will be absent from any meeting of Council.
- f) If at any time during the meeting there is no quorum, the meeting shall automatically be deemed to stand recessed until there is a quorum again in attendance or should the lack of quorum continue for thirty (30) minutes, then the meeting shall automatically be adjourned until the next regular meeting, or until a special meeting is called to deal with the matters still to be dealt with at the adjourned meeting.
- g) Quorum shall include members that participate electronically.

#### **4.4 Disclosures of Pecuniary Interest**

- a) When a Member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the member shall act in accordance with the Municipal Conflict of Interest Act, as amended (attached as Appendix "C") and declare a pecuniary interest.
- b) If the Chair has disclosed a pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the Chair during the deliberations on that matter, the remaining members present shall, from amongst themselves, appoint a member to act as Acting Chair for the portion of the meeting.
- c) The Member disclosing a pecuniary interest shall at a meeting or no later than 48 hours after declaring the pecuniary interest, file a written statement of the interest and its general nature with the Clerk on the Declaration of Interest Form.
- d) The Declaration of Interest Form, as prepared by the Clerk, shall form part of the Registry. The Registry shall be made available for public inspection and kept up to date, no later than 72 hours following the declaration, at the Clerk's Office during regular office hours and posted on the Municipal Website.
- e) If the matter in which the member has a pecuniary interest is discussed at a meeting closed to the public, the member must disclose his/her interest as outlined above, and also leave the meeting, or that portion of the meeting dealing with the matter.

- f) A member's disclosure of pecuniary interest during a closed meeting must also be recorded in the minutes of the next regular meeting that is open to the public. This can be achieved when the member declared a disclosure of pecuniary interest on the resolution adopting the minutes of the closed meeting in question, at which time, the member is again prohibited from discussing or voting on the minutes relating to the matter.

#### **4.5 Adoption of Minutes**

- a) It is the duty of the Clerk to duly record, without note or comment, all resolutions, decisions and other proceedings of the Council or Committee, the place, date and time of the meeting, the names of the Members in attendance and the absence of any Members and the reason for their absence, if known.
- b) The Clerk shall present the minutes of previous Meetings to Council for adoption. During the adoption of the minutes of a previous meeting, no changes can be made in the action taken at previous meetings of Council or Committee, except for changes in the form of errors. Omissions in the recording of any action taken at the previous meeting may be made in adopting the minutes.
- c) All council meetings, save and except Closed Session meetings, be allowed to be electronically recorded by the Clerk for the purpose of preparing the minutes of the meeting.

#### **4.6 By-laws**

- a) No by-law, except the by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter has been considered and approved by Council.
- b) Every proposed by-law presented to Council shall include the title, number, the number of required readings if more than one is mandated by statute and the authority under which the by-law is being proposed or a descriptive recital setting out the by-law's purpose.
- c) Every By-law:
  - (1) shall be introduced by motion specifying the title of the By-law and its purpose;
  - (2) shall be presented in printed format and shall contain no blanks except as may be required to conform to accepted procedure, or to comply with provisions of any Act;
  - (3) shall have three readings previous to it being passed;
  - (4) shall have the first and second reading decided without amendment or debate;
  - (5) shall be open to debate and amendment before it is ordered for third reading; and
  - (6) may be given three readings on the same day except when requested otherwise by a Resolution passed by a majority of the Members present, or unless provided by law or if the Clerk has received statements from members of the public contesting the by-law.
- d) A majority of Council present may request that the Clerk read a by-law or by-laws for clarification or benefit of the public. If reading is not required, all by-laws will be considered to have been read.
- e) All amendments to a By-law shall be presented in the form of a resolution and shall be voted on before the By-law is ordered for the third reading. The Clerk shall be authorized to provide a copy of the By-law, as amended, and shall be responsible for its correctness when amended.
- f) Every by-law enacted by Council shall be numbered, indicate the date of passage, be signed by the Mayor and the Clerk, and be affixed with the corporate seal.
- g) A By-law to confirm proceedings shall be passed at each Regular Meeting of Council to confirm the decisions of Council.

#### **4.7 Addendum**

- a) There shall only be an addendum to an agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the agenda and prior to the meeting, which items the Clerk believes are of urgent nature and require immediate consideration of Council/Committee at the meeting.
- b) Before any addendum may be dealt with, a resolution must be passed by a majority of the members present, authorizing the Council/Committee to deal with all or any of the items on the addendum.

#### **4.8 Announcements and Inquiries**

- a) Announcements and Inquiries may be made by Members of Council and the Public with permission of the Chair. This section of the Agenda allows an opportunity to make brief verbal comments, reports such as conference, meeting, event and/or training attendance, announcements of community events and inquiries pertaining to items on the current Agenda for the purpose of clarification only, and shall not be used to table new items that require Council's/Committee's consideration. Inquiries and announcements made by members of the public shall be directed to Council only.
- b) The Announcements and Inquires section of the Agenda may be cancelled, at the discretion of Council, without notice, by resolution passed by two-thirds of the Members present.

#### **4.9 Adjournment**

- a) All regular meetings shall stand adjourned when the Council has completed all items as listed on the Agenda or at 10:00 pm. In the event the business before Council has not been completed by 10:00 pm., then Council, by resolution passed by a majority of the Members present, may approve an extension of the meeting to the hour of 10:30 pm. At 10:30 pm. the unfinished business shall be deferred to the next Regular Council Meeting of Council, unless continued by the unanimous consent of all Members present.
- b) Members of Council and the public may not leave their places on adjournment until the Chair leaves the chair,

#### **4.10 Electronic Participation at Meetings During Declared Emergencies**

- a) Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting during an Emergency in accordance with section 238 of the Municipal Act, 2001.
- b) The Clerk shall be authorized, in consultation with the Mayor, to establish Procedures for Electronic Meeting during a Declared Emergency to determine the appropriate and available technology to provide electronic means of participation in each meeting and to amend the procedures, provided that it allows for the following to occur simultaneously:
  - (1) ability to conduct essential municipal business during an Emergency in accordance with Council's Procedure By-law;
  - (2) that each participant may hear any persons authorized to speak, or watch and hear, each other;
  - (3) rules to be enacted for the conduct of debate and voting; and
  - (4) the public to hear, or watch and hear, the participation of all the members of Council and the meeting proceedings.
  - (5) the Procedures and any amendments will be circulated to all Members of Council and posted to the Municipality's website.

- c) A member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a quorum of members is present at any point in time in accordance with section 4.3, Call to Order and Quorum, of this by-law and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- d) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this bylaw.
- e) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- f) Delegations shall only be permitted at the discretion of the Clerk, in consultation with the Mayor, and must be specific to the emergency or a pressing matter of municipal business.
- g) Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means.
- h) There shall be no Announcements and Inquiries section on any Agenda for an Electronic Meeting. The public are encouraged to view the Agenda prior to the meeting and submit any questions, comments or inquiries relating to an item on the agenda to the Clerk at clerk@frenchriver.ca by 4:00 PM on the date of the meeting.

## **PART 5 - COMMUNICATIONS, DELEGATIONS AND PETITIONS**

### **5.1 Written submissions for Council**

- a) Every petition, communication or correspondence intended to be presented to Council shall be delivered to the Clerk by at least 12:00pm six (6) working days prior to the meeting date. If it is not received by the said deadline, it shall be placed on the Agenda of the following meeting. It must be legible and not contain any defamatory allegations and shall be signed by the author(s) and their return mailing address must be noted thereon.

### **5.2 Petitions**

- a) Petitions may be submitted by residents in accordance with the Municipality's Petition Policy and if, in the opinion of the Clerk, the matter warrants the consideration of Council, place the petition on an agenda. When in the opinion of the Clerk, the petition or correspondence requires the consideration of a Committee or department head, it shall be directed to the appropriate individual(s) for such consideration and subsequently the recommendation and/or report shall be included in the Agenda of Council.

### **5.3 Delegations**

- a) A delegation may be heard at a Committee Meeting or at a Regular Council Meeting provided that the following requirements are complied with:
  - (1) A written request on the prescribed Delegation Request Form is submitted to the Clerk at least six (6) working days prior to the Meeting at which the delegation was requested; and
  - (2) Submission of documentation supporting the request to be presented to Council
- b) The Clerk, in consultation with the Mayor, shall make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Committee or Department Head and shall reply to such delegation requests in writing or by telephone, as time permits, indicating approval, refusal, deferral or referral of the delegation and reasons thereof.

- c) A delegation shall have up to fifteen (15) minutes to make its presentation. The Clerk shall monitor the time at the commencement of the delegation presentation. The Chair shall, at the conclusion of the fifteen minutes, inform the delegation that the time limit has been reached. The time limit may be extended by such amount of time as the Council or Committee deems advisable upon general agreement.
- d) A maximum of two (2) persons shall be permitted to address the Members for each delegation representing a group or organization. Delegations are encouraged not to repeat information presented by an earlier delegation.
- e) No more than two (2) delegations shall be allowed at any meeting. Delegations will be provided in the order in which they were received by the Clerk.
- f) No delegation will be permitted to address Council with respect to a specific issue dealt with during closed session, under the provisions of the Municipal Act.
- g) Delegations shall abide by the Rules of Conduct as set out in Section 5.4 and shall:
  - (1) not speak on any subject other than the subject for which they have received approval to address;
  - (2) not enter into cross debate with other delegations, administration, Members or the Chair;
  - (3) not appear for the purpose of publicly announcing a local event; and
  - (4) refrain from public outbursts, shouting, or behavior intended to disrupt the debate, discussion and/or general proceedings of the Meeting
- h) If a Delegation does not comply with the Rules of Conduct, the Chair may restrict any delegation, any questions of a delegation or debate during a delegation the person or persons appearing shall withdraw from the delegation table, and the decision of the Chair shall not be subject to challenge.
- i) Upon the completion of a presentation by a delegation, any discourse between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation. Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted.
- j) The Clerk is given authority to refuse delegations that are not permitted under the following circumstances:
  - (1) The request is not submitted within the time required in Section 5.3 a);
  - (2) No written submission together with handouts or materials is provided with the request to appear;
  - (3) The subject matter is deemed to be beyond the jurisdiction of Council;
  - (4) The issue is specific to a labour/managerial dispute, or other matter properly held in Closed Session;
  - (5) The issue has been or is to be considered by the Committee of Adjustment;
  - (6) Council has previously made a decision on the issue.
- k) In the event a delegation request is refused, the Clerk, in consultation with the Mayor shall provide to the person(s) in writing, with a copy to Council, the reasons for the refusal.

- l) Despite Section 5.3 a) herein, any person may request to make a presentation to Council at a Meeting, respecting an item on the Agenda provided that:
  - (1) The request is made to the Clerk prior to 3:00 pm on the day of the meeting, and
  - (2) The request is approved by a majority of the Members present and if approved by Council or Committee, such delegation shall be placed as the final delegation on the Agenda;
  - (3) Not more than 1 delegation shall be added under the provisions of this article;
  - (4) The subject matter does not pertain to a matter dealt with by Council in Closed Session under the provisions of the Municipal Act.

#### **5.4 Conduct of Members of the Public**

- a) No person at a meeting shall:
  - (1) speak aloud at a meeting or address Members without first receiving permission of the Chair to do so;
  - (2) speak disrespectfully of any persons;
  - (3) use profane or offensive words or insulting expressions against the Council or Committee or against any member, staff or guest;
  - (4) resist the rules of Council or Committee or disobey the decisions of the Chair or of Council or Committee on questions of order or practice or upon the interpretation of the rules of Council;
  - (5) leave his seat or make any noise or disturbance while a matter is being considered or discussed by Council or Committee or while a vote is being taken and until the results of such vote are declared;
  - (6) cause any disturbance to the Council or Committee or staff or guest or any person in attendance;
  - (7) interrupt any member while speaking through speaking out, noise or disturbance;
  - (8) enter the meeting while a vote is being taken;
  - (9) be permitted to attend another meeting of Council or Committee after being ordered to vacate, having committed a breach of any rule of Council, and without having first met with the Mayor or Chair and the Chief Administrative Officer, and having satisfied the Mayor that their conduct at future meetings will be in conformity to the rules of this By-law.

### **PART 6 - RULES OF CONDUCT AND DEBATE**

#### **6.1 Rules of Conduct and Debate - General**

- a) Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- b) Members shall:
  - (1) act in accordance with their Declaration of Office;
  - (2) refrain from speaking to a question or motion, until the Member has been recognized by the Chair, all remarks shall be respectfully made through the Chair,
  - (3) not use indecent, offensive, or insulting expressions, at any time, toward other Members, members of the administration, delegations or members of the public;
  - (4) not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability;
  - (5) speak only to the subject under debate;
  - (6) not leave their seat, or make any noise or disturbance while a matter is being considered or discussed by Council; while a vote is being taken or until the results are declared;
  - (7) not enter a meeting while a vote is being taken;
  - (8) not disturb another member, staff or guest, or conduct themselves in a disorderly manner disturbing the speaker or the assembly;



- (9) not interrupt any Member while speaking by speaking out, making noise or creating a disturbance except to raise a point of order;
  - (10) not leave a meeting without first obtaining permission from the Chair;
  - (11) obey the rules of the Council or a decision of the Chair, or Council, on a Question of order, or upon the interpretation of the Rules of Council.
- c) A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.
  - d) The Member will be permitted to retake his/her seat provided the Member has apologized to Council.
  - e) The member who moves a main motion has the first right of speaking on that motion, and the seconder has the right of speaking second on the motion.

## **6.2 Point of Order**

- a) The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting. The minutes will reflect the Point of Order, and the Chair's ruling.
- b) Any Member may at any time raise a Point of Order to call attention to what the Member believes to be a violation of the rules of procedure.
- c) The member shall, when once recognized by the Chair, state the point of order with concise explanation and the Chair shall rule upon the point of order.
- d) When a Point of Order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.
- e) Unless a Member immediately appeals the ruling of the Chair, the Chair's ruling shall be final.
- f) If an appeal is made, the Member appealing shall state the reasons for the appeal and the Chair may offer reasons in favour of upholding his or her ruling and the Members shall vote on the appeal without debate.
- g) If the appeal is upheld, then the Chair shall change his/her ruling accordingly or if the appeal is rejected, then the Chair's ruling stands and no further avenues of appeal are allowed.

## **6.3 Point of Privilege**

- a) Where a Member considers that the Member's rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, but not so as to interrupt a speaker who has the floor, for the purpose of drawing the attention of the Council to the matter.
- b) Upon being recognized by the Chair, the Member shall state the question of privilege and the Chair shall rule whether the question is properly one of privilege and admissible. The Chair's ruling shall be final and subject only to appeal to the Council.
- c) An appeal to the Council will be by verbal Motion duly seconded and requires a majority vote to overturn the Chair's ruling. The appeal Motion is not debatable and the result of the vote is final.

## **PART 7 - MOTIONS**

### **7.1 Motions - General**

- a) Members of Council or Committee, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law.
- b) All motions shall be moved and seconded before being read and prior to any debate on the question; when it is adopted it becomes a Resolution.
- c) Any member may require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another member who is speaking.
- d) A motion properly before the Council for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.

### **7.2 Order of Precedence of Motions**

- a) Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order (lowest rank is 13):

(1)	Fix the time to Which to Adjourn	Privileged and Undebatable
(2)	Adjourn	Privileged and Undebatable
(3)	Recess	Privileged and Undebatable
(4)	Raise a Question of privilege	Privileged and Undebatable
(5)	Call the orders of the Day	Privileged and Undebatable
(6)	Lay on the Table	Secondary and Undebatable
(7)	Previous question	Secondary and Undebatable
(8)	Limit/extend limits of debate	Secondary and Undebatable
(9)	Postpone to a certain time	Secondary and Debatable
(10)	Refer	Secondary and Debatable
(11)	Amend	Secondary and Debatable
(12)	Postpone indefinitely	Secondary and Debatable
(13)	Main Motion	Debatable

### **7.3 Motions Introduced by Council Orally**

- a) The following matters may be introduced orally, without written notice and without leave:
  - (1) a point of order or personal privilege;
  - (2) a motion to defer;
  - (3) a motion to amend;
  - (4) a motion to refer;
  - (5) a motion to table the question;
  - (6) a motion to vote on the question;
  - (7) a motion to suspend the rules of procedure;
  - (8) a motion to recess;
  - (9) a motion to adjourn.

#### **7.4 Dispensing with Notice**

- a) A motion may be introduced without notice, if Council, without debate, dispenses with notice, on the affirmative two-thirds vote of the Members present.

#### **7.5 Request to Divide a Question**

- a) When the motion under consideration contains several distinct propositions, a Member may require that each proposition be voted on separately (known as 'splitting the motion'), provided the Member receives the support of a majority of the Members present.
- b) If a Member objects to the division, the Chair will call the vote on the question or whether the motion should be divided; a simple majority is required to divide the question and is not debatable.

#### **7.6 Notice of Motion**

- a) Notice of all new motions, except motions listed in Section 7.3, shall be given in writing in the appropriate motion format and delivered to the Clerk prior to the Tuesday preceding the date of the Council meeting at which the matter is to be considered. Such notices shall be included in the Agenda for that meeting under the item "Notice of Motion".
- b) A Notice of Motion, in writing, may also be received by the Clerk prior to the closing of the meeting and in this event, the Chair or Clerk shall read the motion and it shall be duly recorded in the minutes without debate, and shall form part of the Agenda for the subsequent meeting under the item "Notice of Motion".
- c) A motion for which notice was given in accordance to this By-law must be moved and seconded at the meeting on which it appears on the Agenda for debate.
- d) A motion not on the agenda or addendum shall not be presented without prior notice.
- e) Any motion may be introduced without notice, if Council dispenses with such notice by resolution passed by a majority of the members present.

#### **7.7 Request for permission to withdraw or modify a Motion**

- a) Before the motion is stated by the Chair, it belongs to the mover of the motion and he/she can withdraw it or modify it without the permission of Council.
- b) If the Member who seconds the motion withdraws his/her second from the modified form, the Chair can ask for another seconder to the motion.
- c) Before the Chair opens the discussion and/or debate on the motion, another member can ask the chair if the mover of the motion will accept a change in the motion. The mover can either accept or reject the proposed change. (this may be referred to as a 'Friendly Amendment'). If the mover rejects the proposed change, the member suggesting the change can propose a formal amendment after the motion has been open for discussion and/or debate by the Chair.
- d) Once a motion has been stated, it shall be deemed to be in possession of Council, but at any time, the member who moved a motion may request permission of the Council to withdraw or modify the motion before a decision or an amendment. Permission to withdraw is not debatable. If there is no objection, the motion is withdrawn with general consent. If there is an objection, anyone may second the motion to withdraw and the Chair puts it to a vote.

- e) A withdrawn motion is not recorded in the minutes unless the motion has been properly moved and seconded.

### **7.8 Motion to Amend**

- a) An amendment is designed to alter or vary the main motion without materially changing its intent or meaning. It may propose certain words be omitted, replaced or added. Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented. A motion to amend a motion in possession of Council shall;
  - (1) be made only to a previous question or to amend an amendment to the question;
  - (2) be relevant to the motion not contrary to the main intention of the motion;
  - (3) be voted on first, prior to the main motion;
  - (4) not be in order if, in essence, it constitutes a rejection of the main question.

### **7.9 Motion to Refer**

- a) A motion to refer the question should include;
  - (1) the name of the body or official to whom the question is to be referred;
  - (2) instructions respecting the terms upon which the question is to be referred.
- b) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.

### **7.10 Motion to Postpone or Defer**

- a) A motion to defer shall;
  - (1) include a reason for the deferral, and a fixed date to which the matter is differed.
  - (2) takes precedence over any motion or amendment except a motion to adjourn;
  - (3) be debated, however, the debate must be limited to the advisability of the proposed postponement;
  - (4) only be amended to change the length of the postponement;

### **7.11 Motion to Postpone Indefinitely**

- a) The motion to “Postpone Indefinitely” allows Council to avoid making a decision on a main motion by delaying the decision to an undetermined time beyond the current meeting.
- b) If the motion to “Postpone Indefinitely” is carried, the matter may not be brought back at the same meeting. If the motion is defeated, discussion on the main motion continues.
- c) The motion is debatable (only to outline the reasons why the motion should or should not be dealt with immediately) but not amendable and requires a majority vote.

### **7.12 Motion to Reconsider**

- a) When a Council or Committee has decided either for or against a certain question, it shall not reconsider the same question for a period of one (1) year.
- b) Notwithstanding the above paragraph, only a Member on a prevailing side can make a motion to reconsider. In the event of a resolution that was defeated due to an equality of votes, both sides shall be considered as prevailing.

- c) A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration and requires a two-thirds (2/3) vote of the Members present.
- d) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- e) A member may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered.
- f) If the motion to reconsider the vote is carried, the motion being reconsidered is taken up immediately as if it had never been voted on; procedurally, it is considered a newly made main motion and all rights of the Members are renewed with regard to debate.
- g) No more than two motions to reconsider the same questions shall be permitted in the same calendar year.

### **7.13 Ultra Vires Motion**

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

### **7.14 Motion to Adjourn**

- a) A motion to adjourn the Council or to end the debate (Call the Question) shall always be in order, except:
  - (1) when a Member is speaking;
  - (2) during the taking of a vote;
  - (3) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
  - (4) when a Member has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
  - (5) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

## **PART 8 - VOTING**

### **8.1 Voting - General**

- a) Every Member present at a meeting shall vote on the question unless prohibited by statute or this by-law, if prohibited from voting, the Clerk shall record in the minutes the name of the Member and the reason that he or she is prohibited from voting. If a Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.
- b) Voting shall be by way of a 'show of hands' in favor or against, except when a recorded vote is requested by any Member.
- c) The Chair, except where disqualified to vote, may vote on all questions and when it could affect the result of the vote, and when so doing, shall vote last.

- d) The Chair shall announce the results of the vote once the vote is completed and the Clerk shall record as follows:
  - (1) if passed, “Carried”;
  - (2) if not passed, “Defeated”; or
  - (3) if tied (equal votes), “Defeated”.
- e) After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- f) When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair. A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.
- g) If there is no request for a recorded vote, a member may request the Clerk to record his/her vote only, either for or against the question, as the case may be.
- h) Any question on which there is an equality of votes shall be deemed to be defeated, except where expressly provided in legislation.

## **8.2 Recorded Vote**

- a) Any Member may request a recorded vote immediately before or after the taking of a vote. The Clerk shall call by name the Members present in random order except for the Chair whose name shall be called last. Each Member present who is not disqualified from voting by statute or this By-law shall announce his vote openly. The Clerk shall record each Member’s vote in favour or against the question and announce the result of the vote.

## **PART 9 - COMMITTEES OF COUNCIL**

- a) Council may, from time to time, establish Advisory Committees, Ad Hoc Committees, Committees of Council or Standing Committees, in response to specific issues requiring immediate or long-term attention. No Committee shall have departmental jurisdiction.
- b) When establishing a Committee, Council shall adopt Terms of Reference that shall define the following provisions:
  - (1) the name of the Committee;
  - (2) the type of Committee;
  - (3) the composition of the Committee;
  - (4) the method in filling vacancies;
  - (5) the purposes and objectives of the Committee; and
  - (6) the term of the Committee, which shall not exceed the term of Council unless required by statute.
- c) At the first regular meeting of the new term of Council, or as soon thereafter as is reasonable, Council shall appoint Members to the Committees as required. Stakeholders and citizens shall be recruited in a public and transparent manner.

- d) The Minutes of the Committees of Council shall be adopted by each respective Committee and shall be forwarded to Council in a timely manner, to be received as information.
- e) Reports and recommendations of Committees shall be received and considered by Council on an ongoing basis.

**PART 10 - APPENDIXES**

Appendix “A” - Staff Personnel Policy, By-Law 2016-16, as amended  
Appendix “B” - Council Code of Conduct, By-Law 2019-01  
Appendix “C” - Municipal Conflict of Interest Act and Declaration Form  
Appendix “D” – Municipal Act, 2001, Meetings Open to Public

**PART 11 - ENACTMENT**

That By-law 2001-02, and associated amendments are hereby repealed.  
That By-Law 1999-08, and associated amendments are hereby repealed.  
This by-law shall come into force and take effect immediately upon the final passing thereof.

<b>READ A FIRST, SECOND, AND THIRD</b>	)	
	)	
	)	_____
	)	<b>MAYOR</b>
<b>TIME AND FINALLY PASSED THIS</b>	)	
	)	
	)	_____
<b>6<sup>TH</sup> DAY OF OCTOBER, 2025</b>	)	<b>CLERK</b>

## **Appendix “A”**

to By-Law 2025-34 – Procedures By-Law

References – “Staff Personnel Policy, By-Law 2016-16”, as amended



## **Appendix “B”**

to By-Law 2025-34 – Procedures By-Law

References – “Council Code of Conduct” By-Law 2019-01

## APPENDIX “C” to Procedure By-law 2025-34

### Municipal Conflict of Interest Act R.S.O. 1990, CHAPTER M.50

**Consolidation Period:** From March 8, 2018 to the [e-Laws currency date](#).

Last amendment: 2018, c. 3, Sched. 5, s. 37.

Legislative History: 1994, c. 23, s. 2; 1996, c. 32, s. 76; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156; 1999, c. 6, s. 41; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. C, s. 33; 2006, c. 32, Sched. D, s. 10; 2007, c. 7, Sched. 27; 2007, c. 8, s. 219; 2009, c. 33, Sched. 21, s. 7; 2016, c. 23, s. 58; 2017, c. 10, Sched. 3; 2018, c. 3, Sched. 5, s. 37.

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#### Definitions

1 In this Act,

“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; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

- (a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and
- (b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in section 1 of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2018, c. 3, Sched. 5, s. 37)**

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219; 2016, c. 23, s. 58.

#### **Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 156 (1) - 01/01/1998; 1999, c. 6, s. 41 (1) - 01/03/2000

2002, c. 17, Sched. F, Table - 01/01/2003

2005, c. 5, s. 45 (1, 2) - 13/06/2005

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006; 2006, c. 32, Sched. D, s. 10 - 01/01/2007

2007, c. 8, s. 219 - 01/07/2010

2016, c. 23, s. 58 - 01/01/2017

2018, c. 3, Sched. 5, s. 37 - not in force

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 10, Sched. 3, s. 1)**

#### **Principles**

**1.1** The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interests of members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c. 10, Sched. 3, s. 1.

#### Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 1 - 01/03/2019

#### Indirect pecuniary interest

**2** For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
  - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

#### Interest of certain persons deemed that of member

**3** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

#### Section Amendments with date in force (d/m/y)

1999, c. 6, s. 41 (2) - 01/03/2000

2005, c. 5, s. 45 (3) - 13/06/2005

#### EXCEPTIONS

#### Where s. 5 does not apply

**4** Section 5 does not apply to a pecuniary interest in any matter that a member may have,

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 4 of the Act is amended by striking out “Section 5 does not” at the beginning of the portion before clause (a) and substituting “Sections 5 and 5.2 do not”. (See: 2017, c. 10, Sched. 3, s. 2)**

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

#### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (1) - 01/01/2007

2017, c. 10, Sched. 3, s. 2 - 01/03/2019

#### **DUTY OF MEMBER**

##### **When present at meeting at which matter considered**

**5** (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
  - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- R.S.O. 1990, c. M.50, s. 5 (1).

##### **Where member to leave closed meeting**

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 5 of the Act is amended by adding the following subsection: (See: 2017, c. 10, Sched. 3, s. 3)**

##### **Exception, consideration of penalty**

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. 2017, c. 10, Sched. 3, s. 3.

##### **When absent from meeting at which matter considered**

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

#### **Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 3 - 01/03/2019

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections before the heading "Record of Disclosure": (See: 2017, c. 10, Sched. 3, s. 4)**

##### **Written statement re disclosure**

**5.1** At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

##### **Influence**

**5.2** (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

##### **Exception**

(2) However, if a municipality delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the *Municipal Act, 2001* or subsection 160 (5) of the *City of Toronto Act, 2006* to a person or body, and the person or body is considering exercising that power with respect to a member, subsection (1) of this section does not prevent the

member from attempting to influence any decision or recommendation of the person or body that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

**Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

**RECORD OF DISCLOSURE**

**Disclosure to be recorded in minutes**

**6** (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

**Idem**

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 10, Sched. 3, s. 5)**

**REGISTRY**

**Requirement to establish registry**

**6.1** (1) Every municipality and local board shall establish and maintain a registry in which shall be kept,

- (a) a copy of each statement filed under section 5.1; and
- (b) a copy of each declaration recorded under section 6. 2017, c. 10, Sched. 3, s. 5.

**Access to registry**

(2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine. 2017, c. 10, Sched. 3, s. 5.

**Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 5 - 01/03/2019

**REMEDY FOR LACK OF QUORUM**

**Quorum deemed constituted**

**7** (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

**Application to judge**

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

**Power of judge to declare s. 5 not to apply**

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 7 (3) of the Act is amended by striking out "section 5" and substituting "section 5, 5.1 or 5.2". (See: 2017, c. 10, Sched. 3, s. 6)**

**Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 6 - 01/03/2019

**ACTION WHERE CONTRAVENTION ALLEGED**

**Who may try alleged contravention of s. 5 (1-3)**

**8** The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 8 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 7)**

### **Application**

**8** (1) An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest may apply to a judge for a determination of the question of whether,

- (a) a member has contravened section 5, 5.1 or 5.2; or
- (b) a former member contravened section 5, 5.1 or 5.2 while he or she was a member. 2017, c. 10, Sched. 3, s. 7.

### **Six-week period**

(2) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

### **Exception**

(3) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:

1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* in accordance with those sections.
2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,
  - i. has advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
  - ii. has not completed the inquiry within the time limit set out in subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006*, or
  - iii. has terminated the inquiry under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*.
3. The application under this section includes a copy of the applicant's statutory declaration made under subsection 223.4.1 (6) of the *Municipal Act, 2001* or under subsection 160.1 (6) of the *City of Toronto Act, 2006*.
4. The application under this section is made within six weeks after the earlier of the following,
  - i. the day the Commissioner advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
  - ii. the last day on which the Commissioner is required under subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection, and
  - iii. the day the inquiry was terminated under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

### **Same, application by Integrity Commissioner**

(4) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if the applicant is an Integrity Commissioner and if the application relates to an inquiry conducted by the Commissioner under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

### **No application by Integrity Commissioner during regular election**

(5) No application shall be made by an Integrity Commissioner of a municipality during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 3, s. 7.

### **Limitation**

(6) Despite subsections (2), (3) and (4), no application shall be made after the sixth anniversary of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

### **Contents of notice of application**

(7) The notice of application shall state the grounds for finding that the member or former member contravened section 5, 5.1 or 5.2. 2017, c. 10, Sched. 3, s. 7.

### **Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

### **Who may apply to judge**

9 (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

### **Contents of notice of application**

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

### **Time for bringing application limited**

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 9 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 7)**

### **Power of judge**

9 (1) If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. 2017, c. 10, Sched. 3, s. 7.

### **Same**

(2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

- (a) took reasonable measures to prevent the contravention;
- (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner; or
- (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith. 2017, c. 10, Sched. 3, s. 7.

### **Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

### **Power of judge to declare seat vacant, disqualify member and require restitution**

10 (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

- (a) shall, in the case of a member, declare the seat of the member vacant; and
- (b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and
- (c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

### **Saving by reason of inadvertence or error**

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

### **Member not to be suspended**

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).



### **Transition: disqualification**

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

### **Definition**

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the *Education Act* as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 10 of the Act is repealed. (See: 2017, c. 10, Sched. 3, s. 7)**

### **Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 156 (2) - 01/01/1998

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

### **Appeal to Divisional Court**

**11** (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 11 (1) of the Act is amended by striking out “section 10” and substituting “section 9”. (See: 2017, c. 10, Sched. 3, s. 8)**

### **Judgment or new trial**

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

### **Appeal from order or new trial**

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

### **Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 8 - 01/03/2019

### **Proceedings not invalidated but voidable**

**12** The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 12 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 9)**

### **Proceedings not invalidated but voidable**

**12** (1) A member’s failure to comply with section 5, 5.1 or 5.2 does not invalidate any proceedings in respect of a matter referred to in those sections, but those proceedings are voidable in the circumstances described in subsection (2). 2017, c. 10, Sched. 3, s. 9.

### **Declaring proceedings void**

(2) Subject to subsection (3), if a member has failed to comply with section 5, 5.1 or 5.2 in respect of a matter referred to in those sections, the municipality or local board, as the case may be, may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter. 2017, c. 10, Sched. 3, s. 9.

### **Exception**

(3) Subsection (2) does not apply if declaring the proceedings to be void would adversely affect the rights that any person who acted in good faith and without actual notice of the failure to comply with section 5, 5.1 or 5.2 acquired under or by virtue of the proceedings. 2017, c. 10, Sched. 3, s. 9.

### **Section Amendments with date in force (d/m/y)**

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

### Other procedures prohibited

**13** Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 13 of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 3, s. 9)**

### Other proceedings prohibited

**13** (1) A proceeding that relates to a member's or former member's alleged conflict of interest and seeks a remedy described in subsection 9 (1) shall be brought only under this Act. 2017, c. 10, Sched. 3, s. 9.

### Same

(2) Subsection (1) does not affect the power of a municipality or a local board to reprimand a member or suspend a member's remuneration under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 9.

### Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

## GENERAL

### Insurance

**14** (1) Despite section 279 of the *Municipal Act, 2001* or section 218 of the *City of Toronto Act, 2006*, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

**Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 14 (1) of the Act is amended by striking out "section 5" and substituting "section 5, 5.1 or 5.2" in the portion after clause (c). (See: 2017, c. 10, Sched. 3, s. 10 (1))**

### Insurance Act does not apply

(2) The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

### Surplus funds

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with subsection 279 (2) of the *Municipal Act, 2001* or subsection 218 (3) of the *City of Toronto Act, 2006*, as the case may be. 2017, c. 10, Sched. 3, s. 10 (2).

### Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

### Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

### Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

### Section Amendments with date in force (d/m/y)

1996, c. 32, s. 76 (1) - 06/03/1997

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (2, 3) - 01/01/2007

2007, c. 7, Sched. 27, s. 1 - 05/05/2008

2009, c. 33, Sched. 21, s. 7 - 15/12/2009

2017, c. 10, Sched. 3, s. 10 (1) - 01/03/2019; 2017, c. 10, Sched. 3, s. 10 (2) - 01/03/2018

**Conflict with other Acts**

**15** In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

## Declarations of Interest Form

**Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50**

### **Agenda**

- ☐ Combined Council Meeting
- ☐ Regular Council Meeting
- ☐ Special Council Meeting
- ☐ Committee \_\_\_\_\_

### **Details**

Date of Meeting: \_\_\_\_\_

Report Number: \_\_\_\_\_

Subject Matter: \_\_\_\_\_

### **Member Signature/Certification**

I, Councillor \_\_\_\_\_, declare a potential (☐deemed/☐direct/☐indirect)  
pecuniary interest on the matter outlined above for the following reason:

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Councillor Signature: \_\_\_\_\_

\_\_\_\_\_ For  
an “indirect pecuniary interest” see Section 2 of the *Municipal Conflict of Interest Act*.

For a “deemed” direct or indirect pecuniary interest see Section 3 of the *Municipal Conflict of Interest Act*.

**APPENDIX “D”  
to Procedure By-law 2025-34**

**Municipal Act, 2001**  
[S.O. 2001, Chapter 25](#)

**Consolidation Period:** From January 1, 2018 to the [e-Laws currency date](#).  
Last amendment: [2017, c. 34, Sched. 35, s. 28](#).

**Meetings**

**Meetings open to public**

**239** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

**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). 2014, c. 13, Sched. 9, s. 22.

**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. 2006, c. 32, Sched. A, s. 103 (1).

**THE CORPORATION OF THE MUNICIPALITY OF  
MARKSTAY-WARREN**

**BY-LAW 2025-35**

**Being a by-law to amend By-Law 2016-16 as amended**

**WHEREAS** Council has adopted By-Law 2016-16, being a by-law to adopt a Personnel Policy;

**AND WHEREAS** Council from time to time may amend certain sections of the Personnel Policy;

**AND WHEREAS** Council ensures that the municipal corporate Human Resource Policies are current and relevant;

**NOW THEREFORE BE IT RESOLVED, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN HEREBY ENACTS AS FOLLOWS:**

1. That Schedule A to this by-law is added as "Appendix C - Right to Disconnect Policy" to By-Law 2016-16.
2. That the remainder of By-law 2016-16 as amended continue to be in force.

<b>READ A FIRST, SECOND AND THIRD</b>	)	_____
	)	<b>MAYOR</b>
<b>TIME AND FINALLY PASSED THIS</b>	)	
	)	
<b>6th DAY OF OCTOBER 2025</b>	)	_____
	)	<b>CLERK</b>

## Schedule “A”

<b>POLICY:</b>	<b>Right to Disconnect Policy</b>
Section:	Employee Relations
Effective Date:	
Most Recent Revision:	

### SCOPE

The health and wellbeing of our employees is of the utmost importance and we; the Municipality of Markstay-Warren (Municipality) encourage and support our employees in prioritizing their wellbeing and work life balance.

To support our employees in balancing their working and personal lives, whether working traditional hours in the workplace or remotely, the Municipality has implemented this Disconnecting-from-Work Policy to encourage employees to disconnect from work where possible.

### POLICY

An employee’s ability to disconnect from work depends on the Municipality’s operational needs and the duties and obligations of the employee’s position, subject to an employee’s employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.

Nothing in the Policy prevents the Municipality, or other employees of the Municipality, from contacting employees or colleagues outside of what may be considered normal working hours or standard business hours, subject to any rights or entitlements the receiving colleague or employee may have under their employment contract, applicable collective agreement and/or their minimum statutory entitlements.

This Policy does not afford employees a “right to disconnect” beyond what is within their individual employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA, which may include rights or entitlements with respect to: normal hours of work and hours free from work, overtime pay, meal and/or rest periods, public holidays and public holiday pay, and vacation.

Exemptions to this policy would allow for contact and communication in the event of an Emergency that requires a different response from the day-to-day operations of municipal employees involved in emergency operations including fire, police, and emergency medical services.

Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

### DEFINITIONS

**“Disconnecting from work”** means to not engage in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work outside of working hours.

**“Employee or Employees”** are those individuals who are considered employees of the Municipality under the Ontario Employment Standards Act, 2000 (the “ESA”);

**“Emergency”** a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.”



## **PROCEDURE**

This policy applies to all employees, as defined by the Ontario Employment Standards Act, 2000 (“ESA”). Unionized employees shall refer to their respective collective agreements.

### **Supervisors/Managers/Directors**

Responsible for making efforts to ensure that all employees, regardless of their place of work, are:

- informed of what their normal working hours are reasonably expected to be;
- aware of the situations/circumstances under which they are expected to respond outside of regular work hours;
- able to take applicable meal, rest periods and hours free from work as required by law, contract and/or applicable collective agreement language; and
- able to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement language.
- able to be free from non-urgent work outside of regular work hours.
- aware of the Municipality’s emergency procedures with respect to situations when work-related communications may be necessary during non-working hours due to an emergency situation.

### **Employees**

Responsible for ensuring that they, in the course of their work:

- cooperate fully with any applicable mechanism utilized by the Municipality to record working time or update their working status (e.g., out-of-office messages, internal messaging status);
- are mindful of colleagues’, customers/clients’, vendors’ and other third parties’ working hours and avoid communicating outside of regular working hours;
- ensure that they take ownership of their work and meet the Municipality’s operational needs;
- notify their supervisor or manager, in writing, using appropriate forms, of any overtime requests or requirements that may be out of their control;
- report, to their supervisor/manager any concerns or issues they may have which they feel may be impacting their ability to disconnect-from-work. Employees will not be subject to reprisal for reporting such concerns.

The Chief Administrative Officer is responsible for overseeing adherence to the Policy and for investigating/assisting to resolve any concerns or issues that may be raised pursuant to the terms of this Policy.

## **RELEVANT LEGISLATION**

- Ontario Working for Workers Act, 2021, S.O. 2021, c. 35 - Bill 27
- Ontario Employment Standards Act, 2000, S.O. 2000, c. 41
- Ontario Occupational Health and Safety Act, R.S.O. 1990, c. O.1
- Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9

**Subject:** Proposed By-law 2025-36 – Municipal Artificial Intelligence (AI) Policy  
**Prepared by:** Chief Administrative Officer (CAO)  
**Date:** September 30, 2025

## Purpose

To present Council with a proposed new by-law establishing a *Municipal Artificial Intelligence (AI) Policy*. This by-law sets out expectations for the responsible, ethical, and transparent use of Artificial Intelligence (AI) and Generative AI (Gen AI) technologies within the Municipality of Markstay–Warren.

## Background

Artificial Intelligence tools, including Large Language Models (LLMs) and other forms of Generative AI, are rapidly expanding in the public sector. While these technologies offer significant potential to improve service delivery, data analysis, and decision-making, they also raise important considerations related to privacy, transparency, accountability, and public trust.

The Information and Privacy Commissioner of Ontario (2024) and recent provincial and federal legislation—**Bill 194 (Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024)** and **Bill C-27 (Artificial Intelligence and Data Act)**—underscore the need for municipalities to adopt clear policies governing the use of AI in public administration

By-law 2025-36 has been drafted to align with these legal frameworks and best practices while responding to emerging local governance needs.

## Key Elements of the Proposed Policy

### 1. Scope

- Applies to all municipal staff (office staff, outside workers, fire department, and library).
- Excludes outside service providers (DSAB, Planning Board, OPP, etc.).

### 2. Guiding Principles

- **Ethical Use** – Fair, non-discriminatory, respect for human rights.
- **Transparency** – Clear communication on how AI is used in municipal decision-making.
- **Accountability** – Defined roles and responsibilities for AI use.
- **Privacy & Security** – Compliance with privacy legislation, protection of personal data.

### 3. Prohibited Uses

- No entry of confidential or private information into AI tools.
- AI cannot replace human judgment or make decisions about specific individuals or organizations.
- AI use must be avoided if it risks public trust or safety.

#### 4. **Non-Conformance and Enforcement**

- Misuse of AI subject to investigation, potential revocation of IT access, and possible disciplinary/legal consequences.
- Municipality reserves right to inspect IT systems to ensure compliance.

#### 5. **References**

- Bill 194 (Ontario) and Bill C-27 (Federal).
- Guidance from the Information and Privacy Commissioner of Ontario.

## **Implications for the Municipality**

- **Operational Benefits:** Improved efficiency in data analysis, document drafting, and resident service delivery.
- **Risk Mitigation:** Clear safeguards to protect resident privacy, uphold Council's accountability, and ensure alignment with new legal obligations.
- **Governance Modernization:** Positions Markstay–Warren as a leader among small municipalities in adopting forward-looking digital governance practices.

## **Recommendation**

That Council:

1. **Receive this briefing note** for information.
2. **Adopt By-law 2025-36** to establish the Municipal Artificial Intelligence Policy as presented.

**THE CORPORATION OF THE MUNICIPALITY OF  
MARKSTAY-WARREN**

**BY-LAW 2025-36**

**Being a by-law to adopt a Policy on the use of Artificial Intelligence (AI) and  
Generative Artificial Intelligence (Gen AI) Technology**

**WHEREAS** the Corporation of the Municipality of Markstay-Warren recognizes the growing use and influence of Artificial Intelligence (AI) and Generative Artificial Intelligence (Gen AI) technologies in professional, administrative, and operational functions;

**AND WHEREAS** it is deemed necessary to establish clear expectations, guidelines, and responsibilities for the appropriate, ethical, and responsible use of such technologies within the organization;

**NOW THEREFORE BE IT RESOLVED, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN HEREBY ENACTS AS FOLLOWS:**

1. This Bylaw be cited as the " Municipal Artificial Intelligence Policy By-Law".
2. The document titled "Schedule A" for the Municipal Artificial Intelligence Policy, attached hereto and forming part of this Bylaw, is hereby adopted as the official policy of the Municipality of Markstay-Warren concerning the use, governance, and management of Artificial Intelligence and Generative Artificial Intelligence technologies.
3. This Policy applies to all staff members employed with the Municipality of Markstay-Warren including Office Staff, Outside Workers, Fire Department and Library.
4. This Bylaw shall come into force and take effect on the date of its final reading and adoption.

<b>READ A FIRST, SECOND AND THIRD</b>	)	_____
	)	<b>MAYOR</b>
<b>TIME AND FINALLY PASSED THIS</b>	)	
	)	
<b>6th DAY OF OCTOBER 2025</b>	)	_____
	)	<b>CLERK</b>

# Municipal Artificial Intelligence Policy

## Document Control

Policy Owner	CAO
Policy Approver(s)	Management Team, Council
Related Policies	
Related Procedures	Breach Reporting
Storage Location	
Effective Date	
Next Review Date	

Version	Change	Author	Date of Change
Draft	Draft	R Theiss	Sept. 15, 2025

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## 2 PURPOSE

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The purpose of this policy is to establish expectations for responsible, ethical and appropriate use of Artificial Intelligence (AI) and Generative Artificial Intelligence (Gen AI) Technology.

## 3 SCOPE

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This policy applies to all staff members employed with the Municipality of Markstay-Warren including Office Staff, Outside Workers, Fire Department and Library.

Municipal Services including DSAB, the Planning Board, Ontario Provincial Police or other services administered outside of direct Municipal Hires are exempt from this provision.

## 4 DEFINITIONS

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**Accountability:** The obligation of municipal staff, elected officials, and partners to accept responsibility for their actions, decisions, and use of resources, and to be answerable to Council, residents, and oversight bodies in a transparent and ethical manner.

**Artificial Intelligence (AI):** The use of computer systems and software to perform tasks that normally require human intelligence, such as recognizing patterns, making decisions, or processing natural language. In a municipal context, AI may be applied to improve service delivery, data analysis, and decision-making.

**Bias:** A systematic or unfair tendency in data, processes, or decision-making that results in outcomes which may disadvantage or unduly benefit individuals or groups. Bias can arise in human judgment, in the way data is collected, or in the design and training of AI systems.

**Confidential Information:** Information in the custody or control of the municipality that is not publicly available and is protected by law, contract, or policy. This includes personal information about residents, proprietary business information, and records exempt from disclosure under applicable legislation (e.g., municipal freedom of information laws).

**Fairness:** The principle that municipal decisions, services, and processes are conducted without discrimination, favoritism, or undue disadvantage, and that all individuals and groups are treated equitably and consistently.

**Generative Artificial Intelligence (Gen AI):** A type of AI that can create new content, such as text, images, or audio, based on patterns learned from large datasets. Within a municipal setting, Gen AI may be used to assist with drafting documents, analyzing data, or generating public communications, subject to safeguards for accuracy, privacy, and transparency.

**Large Language Model (LLM):** A type of generative AI trained on vast amounts of text data to understand and produce human-like language. LLMs can assist municipalities in drafting



communications, summarizing information, or analyzing documents but must be used with caution to prevent errors, bias, or misuse.

**Machine Learning (ML):** A branch of artificial intelligence in which computer systems learn patterns from data and improve performance on tasks without being explicitly programmed. In municipal applications, ML may be used for predictive analytics, trend detection, or service optimization.

**Privacy:** The right of individuals to control the collection, use, and disclosure of their personal information by the municipality, in compliance with relevant legislation and municipal policy.

**Privacy Breach:** An incident where personal or confidential information is collected, used, disclosed, or accessed in ways that are unauthorized, unlawful, or inconsistent with municipal policy, potentially leading to harm for individuals or loss of public trust.

**Transparency:** The practice of conducting municipal business openly and making information about decisions, processes, and operations accessible, understandable, and timely to residents, subject to legal and privacy obligations.

## 5 POLICY STATEMENT

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AI is a rapidly evolving and complex set of technologies which are finding use cases in many different areas of business and daily life including business systems and software used by municipal governments. This policy assists the municipality in leveraging AI technologies for the public good: enhancing efficiency and productivity while mitigating potential risks and complying with applicable laws and regulations. This policy considers privacy, confidentiality and data security.

Gen AI is one of the most rapidly evolving areas of AI technologies. It uses LLM to generate new output and content through natural language processing. LLM depend on “very large volumes of personal information or data sets that may not be properly protected and may not always be lawfully collected at the source”: (Information and privacy Commissioner of Ontario, 2024) Lack of data protection, and therefore lack of data privacy is a significant concern if sensitive, personal or confidential information becomes available to Gen AI systems.

Gen AI presents many opportunities for municipal government operations in research and decision making. Gen AI is excellent at performing analysis of large data sets and providing summaries of documents. It can provide quick answers to any topic it is trained on and therefore is well placed to act as an automated assistant, chatbot or could be used to provide brainstorming services. These are examples of effective AI use which may provide value to citizens through improved service.

## 6 GUIDING PRINCIPLES

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### 6.1 ETHICAL USE

AI tools should be employed in ways that are fair, non-discriminatory and respect human rights.



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## **6.2 TRANSPARENCY**

The decision-making process of AI systems must be understandable. Stakeholders should be informed about how AI is used and how decisions are made.

## **6.3 ACCOUNTABILITY**

Clear accountability for the outcomes of AI systems must be established. This includes defining the roles and responsibilities for those involved in developing, deploying and monitoring AI systems and tools.

## **6.4 PRIVACY AND SECURITY**

AI use must comply with all applicable data privacy laws and regulations. Data collected and used by AI systems must be protected from unauthorized access and breaches.

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## **7 PROHIBITED USE**

All staff is expected to comply with applicable laws and regulations and policies.

Confidential or private information is not to be entered into the AI tools

AI is not meant to replace human expertise or judgment and must not be used to make recommendations impacting a specific individual or organization.

Use of AI should consider the potential impact to the public and should be avoided or constrained where there may be an impact on public trust or safety.

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## **8 NON-CONFORMANCES**

Allegations of misconduct and/or misuse of AI will be investigated and pending on the severity of the allegations, the use of municipal IT infrastructure and devices may be temporarily or permanently revoked. Legal action according to applicable laws and contractual agreements may also be undertaken depending on the issue. Failure to comply with this policy could result in disciplinary action up to and including termination.

Suspect activity or abuse should be reported to an immediate supervisor and the Health and Safety Representative and Human Resources Officer.

The municipality reserves the right to inspect all ITT systems. This includes E-mail, messages or chats, internet traffic or files stored in private areas of its network to assure compliance with this policy under proper information technology process and guidelines.





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## 9 REFERENCES

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### 9.1 LEGISLATION

**Bill 194 “The Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024”:** A statute passed in Ontario. It establishes new legal requirements governing cybersecurity, the public sector’s use of artificial intelligence (AI), and privacy protections for citizens.

**Bill C-27 “Artificial Intelligence and Data Act”:** An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act, and to make consequential and related amendments to other Acts. It is also known as the Digital Charter Implementation Act, 2022.

### 9.2 REFERENCE DOCUMENTS:

Information and Privacy Commissioner of Ontario. (2024). Artificial Intelligence in the public sector: Building trust now and for the future. Retrieved 03 14, 2024, from Office of the Information and Privacy Commissioner of Ontario: <https://www.ipc.on.ca/artificial-intelligence-in-the-public-sector-building-trust-now-and-for-the-future/>

**Subject:** Proposed By-law 2025-37 – Records Retention Policy  
**Prepared by:** Chief Administrative Officer (CAO)  
**Date:** September 30, 2025

## Purpose

To provide Council with a briefing on the proposed By-law 2025-37, which establishes a comprehensive Records Retention Policy for the Municipality of Markstay–Warren. This by-law sets clear retention, preservation, and destruction standards for municipal records in compliance with legislative requirements.

## Background

The Municipal Act, 2001 requires municipalities to retain and preserve their records in a secure and accessible manner. Sections 254 and 255 specifically authorize municipalities to set retention periods for records and allow their destruction once those periods expire.

Additionally, the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** and its regulations impose obligations to ensure that records containing personal information are retained for appropriate periods while safeguarding access, privacy, and legal compliance

The absence of a modern, consolidated retention framework exposes municipalities to risks including:

- **Non-compliance** with statutory obligations;
- **Inefficient recordkeeping** practices leading to excess storage costs;
- **Exposure in litigation or audits** due to inconsistent document management;
- **Reduced transparency and accessibility** for residents.

By-law 2025-37 addresses these issues and establishes a governance framework for the municipality's recordkeeping.

## Key Features of the By-law

1. **Application**
  - Applies to all records in the custody and control of the Municipality, including those of pre-amalgamation entities.
  - Excludes constituency records of elected officials.
2. **Definitions**
  - Provides clarity on terms such as “Archival Record,” “Transitory Record,” “Information Hold,” “Retention Period,” and “Source Record.”
3. **Retention Schedule**
  - Clerk authorized to establish and amend the Retention Schedule.

- Retention periods determined based on operational, legal, fiscal, and historical value.
- 4. **Digitization**
  - Source records may be digitized, with digital versions deemed the official record.
- 5. **Destruction**
  - Permitted only after retention periods expire, records are deemed transitory, or source records have been digitized.
  - Safeguards in place to prevent premature destruction when an **Information Hold** applies (e.g., litigation, MFIPPA request).
- 6. **Archival Records**
  - Clerk may designate certain records of enduring historical value as Archival Records.
- 7. **Precedence**
  - By-law prevails over other by-laws where inconsistencies exist.

## Implications for the Municipality

- **Compliance:** Ensures adherence to provincial legislation and best practices.
- **Efficiency:** Reduces storage costs and administrative burden by eliminating unnecessary records.
- **Accountability & Transparency:** Establishes clear rules for retention, digitization, and destruction of municipal records.
- **Risk Mitigation:** Protects the municipality in cases of litigation, audits, or access-to-information requests.

## Recommendation

That Council:

1. **Receive this briefing note** for information.
2. **Adopt By-law 2025-37** to implement the Records Retention Policy and Retention Schedule for the Municipality of Markstay–Warren.

# **THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN**

## **By-law 2025-37**

### **A By-law of the Corporation of the Municipality of Markstay-Warren to Establish Retention Periods for Municipal Records**

**Whereas** Section 254 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that a municipality shall retain and preserve the records of the municipality in a secure and accessible manner;

**And Whereas** Section 255 (2) of the *Municipal Act, 2001* provides that a record of a municipality may be destroyed if a retention period for the record has been established, and:

- (a) the retention period has expired; or
- (b) the record is a copy of the original record;

**And Whereas** Section 255 (3) of the *Municipal Act, 2001* provides that the municipality may establish retention periods for the records of the municipality;

**And Whereas** Section 5 of Regulation 823/90 authorized by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 provides that an institution that uses personal information shall retain the personal information for the shorter of one (1) year after use or the period set out in a by-law or resolution;

**Now therefore Council of the Corporation of the Municipality of Markstay-Warren hereby enacts as follows:**

**1. In this By-law:**

"Archival Record" means a Record that is deemed to have enduring significance and historical value for the Municipality.

"Constituency Record" means a Record pertaining solely to the political activities or constituency business of an elected official.

"Copy" means a duplicate of a Record in any form or medium.

"Destroy" means the process of eliminating or deleting the data, document or Record so that the recorded information no longer exists.

"Information Hold" means a process that prevents a Record from being destroyed before the event to which the Record is relevant has been resolved.

"Municipality" means the Corporation of the Municipality of Markstay-Warren.

"Original" means the definition given under Section 12(1) of the *Electronic Commerce Act, 2000*, S.O. 200, c. 17 and provides that a legal requirement to retain a document that is originally created, sent or received in written form is satisfied by the retention of an electronic document if:

- (a) the electronic document accurately represents the information contained in the document that was originally created, sent or received; and,
- (b) the information in the electronic document will be accessible so as to be usable

for subsequent reference by any person who is entitled to have access to the document or who is authorized to require its production.

"Personal Information" has the same meaning as defined by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.

"Record" has the same meaning as defined by Section 2 of Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 and excludes Constituency Records.

"Retention Period" means the period of time during which a Record must be kept before it may be disposed of in accordance with this By-law and the Retention Schedule.

"Retention Schedule" means the schedule maintained by the Municipality Clerk for the purpose of prescribing how long Records must be retained.

"Source Record" means a physical hardcopy Record.

"Transitory Record" means a Record which is required for a limited time solely to complete a routine action, solely to prepare another Record, not required to sustain administrative or operational functions, or is insignificant or of no value in documenting municipal business transactions, and includes but is not limited to:

- (a) working documents, such as drafts or preliminary versions, and supporting materials used in the preparation of final documents, such as reports, contracts, calendars, policies and procedures, letters and memos;
- (b) printouts and extracts from databases;
- (c) voicemail messages, text messages and IM messages;
- (d) announcements and notices of a general nature;
- (e) emails to schedule or confirm meetings or events;
- (f) automated messages generated by computer applications including email automatic replies;
- (g) emails that do not relate to or advance business of the Municipality;
- (h) copies of publications, such as published reports, administrative manuals, telephone directories, catalogues, or pamphlets;
- (i) obsolete publications, pamphlets or blank forms;
- (j) miscellaneous notices concerning administrative matters or other minor issues;
- (k) correspondence, including emails, that is widely distributed, such as minutes, agendas, and newsletters, unless a Copy has been annotated to reflect significant input or for other institutional purposes;
- (l) unsolicited advertising materials, including brochures, company profiles and price lists; and
- (m) recordings or notes used to create the adopted or finalized minutes or meeting Records.

## **2. Application**

- (1) This By-law shall apply to all Records in the custody and control of the Municipality, including Records of the former townships or municipalities which now comprise the geographic territory of the Corporation of the Municipality of Markstay-Warren.
- (2) Constituency Records are not Records of the Municipality and are not subject to the application of this By-law.

### **3. Responsibility**

Every department is responsible for managing Records in accordance with this By-law.

### **4. Retention Schedule**

- (1) Records, regardless of format, will be classified, retained and destroyed in accordance with this By-Law and the Retention Schedule.
- (2) The Municipality Clerk, or their delegate, shall have the authority to establish and amend Retention Periods set out in the Retention Schedule for the Municipality.
- (3) The Municipality Clerk, in consultation with the applicable departments, shall ensure that Retention Periods set out in the Retention Schedule comply with all relevant legal requirements.
- (4) In determining the Retention Periods for any Records, the Municipality Clerk shall consider:
  - (a) the operational nature of the Records;
  - (b) the legal nature of the Records, including the period necessary to:
    - (i) comply with statutory and regulatory requirements;
    - (ii) fulfill requirements imposed by agreements, permits, or similar documents; or
    - (iii) ensure that the Records are available in case of investigation or litigation
  - (c) the fiscal nature of the Records, including the time necessary for audit or tax purposes; and
  - (d) the historical nature of the Records.

### **5. Digitization of Records**

Source Records created or received in hardcopy format may be converted to a digital format in compliance with the standard operating protocol approved by the Municipality Clerk and as amended from time to time. The digital format will be deemed the Original Record.

### **6. Destruction of Records**

No Record shall be destroyed unless:

- (a) the period established for the Record as established by the Municipality Clerk has expired and the Record is not subject to an Information Hold; or
- (b) the Record is a Copy of the Original Record; or
- (c) the Record is a Transitory Record; or
- (d) the Record is a Source Record which has been digitized in compliance with the standard operating protocol.

### **7. Archival Record**

A Record that has historical value as determined by the Municipality Clerk, or their delegate, may be retained as an Archival Record.

## 8. Information Holds

- (1) In the event of litigation, potential litigation, investigation, or a request made under the *Municipal Freedom of Information and Protection of Privacy Act*, all applicable Records to the matter, regardless of format, shall be retained for the longer of the Retention Period noted for the Record in the Retention Schedule or the Retention Period for the litigation, claims, investigations, or request made under the *Municipal Freedom of Information and Protection of Privacy Act*.
- (2) In the event of an incident which may give rise to litigation involving a minor child, all applicable Records to the matter are to be retained for the longer of the Retention Period noted for the Record in the Retention Schedule or two years after the minor child reaches the age of majority.

## 9. Precedence

Unless otherwise specified, this By-law shall prevail over all other by-laws or provisions in other by-laws found to be inconsistent with this By-law or its Retention Schedule.

## 10. Effective Date

This Bylaw shall come into force and take effect on the date of its final reading and adoption.

**READ A FIRST, SECOND AND THIRD**

**TIME AND FINALLY PASSED THIS**

**6th DAY OF OCTOBER 2025**

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**MAYOR**

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**CLERK**

**1251646497,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Audit – Year End Financial Audit	Includes: Auditors reports, year end working papers, grants, journal entries, accounting Soft documentation, trial balance, annual audited financial statements, Excludes: Solicitor's Correspondence	Treasurer	Permanent
Audit - Year End Financial Audit Solicitor's		Treasurer	7 years
Treasurer	Includes: Treasurer vendor charges, Accounts Receivable offset to Treasurer, voucher register and invoices (by batch number), cancelled cheques, cheques and/or EFT registers, duplicate payment report, register of cheque and EFT sequence Excludes: Treasurer leases	Treasurer	7 years
Energy Management	Includes: Utilities and Energy Savings Program	Assets	7 years
Development Charges Background Study	Excludes: Development charges background study working materials	Treasurer	Permanent
Development Charges Background Study Working Materials	Excludes: Development charges background study	Treasurer	Expiry of By- law + 5 years
Budget Documents	Includes: System generated reports, working notes, calculations, background variances	Treasurer	15 years
Maintenance Records – Buildings	Includes: Maintenance Care software system information, preventative maintenance schedules and everyday tasks, tree maintenance performed by Building Maintenance. Excludes: Maps and plans	Building Maintenance	Retained in accordance with system capacity
Building Services & Enforcement	Includes: Building permits, supporting documents, inspections, development charges	SEBBS	Permanent
By-law Enforcement	Includes: Orders to Comply, Inspection Reports, Stop Work Orders, working notes, correspondence, exhibits, photographs, animal control, tickets, etc. Excludes: By-Law Enforcement Officer notebook, Vicious Dog Notices, and prosecutions related to property (use, zoning, construction, etc.)	SEBBS	15 years
By-Law Enforcement Officer Notebooks	Includes: By-law Daily Occurrence Reports and By-law Incident Reports	SEBBS	Termination, Resignation or Retirement of Employee + 15 years
By-law Registers		CAO/Clerk	Superseded
By-law Exemptions	Includes: Noise exemptions	SEBBS	Concluded + 2 years
Lottery Licenses and Parking Enforcement Application Files		CAO/Clerk	5 years
Parking	Includes: Records and studies regarding parking issues, e.g. accessible parking, lot and garage operations, fire routes, employee parking, etc.	CAO/Clerk	5 years
Parking Tickets	Includes: Issued, paid, returned or voided tickets Excludes: Provincial Offences Office records	SEBBS	2 years
Security Requests		CAO/Clerk	2 years



**1251646497,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Security Pass Logs		CAO/Clerk	10 years
Control of Keys Logs and Lists		CAO/Clerk	Termination, Resignation or Retirement of Employee + 1 year
Vicious Dog Notices		SEBBS	25 years
Video Surveillance Footage – Unrelated to an Investigation or Claim		CAO/Clerk	7 to 14 days
Cemetery Records	Includes: Burial permits, maps, plot ownership, interment right holder contracts, etc.	CAO/Clerk	Permanent
MFIPPA - Freedom of Information Request	Excludes: Files under appeal	CAO/Clerk	Completion + 2 Years
Privacy Breach and Complaint Files		CAO/Clerk	Conclusion + 2 years
Vital Statistics Registries		CAO/Clerk	Permanent
By-laws		CAO/Clerk	Permanent
Council and Committee – Agenda Materials and Minutes		CAO/Clerk	Permanent
Council and Committee – Supporting Materials	Includes: Videos, voting slips, resolutions	CAO/Clerk	Subject to system capacity
Election Planning Material	Includes: Voting locations, training materials, location staffing, protocols, etc.	CAO/Clerk	12 years
Public Engagement Platform/Portal – Questionnaires	Includes: Statistical analysis Excludes: Responses to surveys	CAO/Clerk	Completion of project + 5 years
Public Engagement Platform/Portal Responses	Excludes: Questionnaires and analyses	CAO/Clerk	Completion of project + 2 years
Media Relations	Includes: Responses to media outlet, media advisories, media inquiries Excludes: PSA posted on City Website, Media Request Log	CAO/Clerk	2 years
Media Request Log		CAO/Clerk	3 years
PSA Posted on Website(s)		CAO/Clerk	10 years
Social Media		CAO/Clerk	Life of platform or account
Branding and Design Files - Short term or transitory Projects and Events		CAO/Clerk	Completion of project + 2 years
Branding and Design Files - Significant Projects and Events		CAO/Clerk	Completion of project + 4 years
Communication Plans		CAO/Clerk	Completion of project + 5 years
Communication Project Administrative Files		CAO/Clerk	Completion of project + 2 years
Survey Questionnaires	Includes: Statistical analysis	CAO/Clerk	10 years
Survey Questionnaires – Raw Data		CAO/Clerk	1 year
Environmental Services – Annual Monitory Reports and Certificates of Approval		CAO/Clerk	Permanent
RPRA Statistical Reporting		CAO/Clerk	Permanent
Environmental Services Files	Includes: Solid waste, garbage, recycling, composting, household hazardous waste, landfill sites, advisory panels, tipping fee scale tickets, High Density Residential Agreements, Environmental Services crew cards, etc.	PW Manager	7 years
Solid Waste Master Plan		PW Manager	Expiry + 5 years

**1251646497,,By-Law 2025-37 Record Retention Schedule - 2025**

Record Type	Description	Responsible Department	Retention Period
Bank	Includes: Bank correspondence, bank deposit books, bank reconciliations, bank statements, cash receipts from Vailtech, miscellaneous revenue, financial transaction, and deposits	Treasurer	7 years
Financial Information System (FIS)]	Includes: Account number changes	Treasurer	2 years
Financial Information System (FIS)	Includes: Accounting Software customization documents, access request forms	Treasurer	Until no longer valid
Financial Records	Includes: HST, loans, reserve funds, reserves and obligatory, security deposits, subsidies, trust funds and closure of account	Treasurer	7 years
Monthly Financial Statements		Treasurer	1 year
Investments	Includes: Term deposits and promissory notes	Treasurer	Maturity of Financial Instrument + 10 years
Debentures/Bonds	Includes: initial issuance as well as all records of payments made to investors, registers, coupons, etc.	Treasurer	Final payment +10 years
Fire Inspections and Investigation Reports	Includes: Investigations involving the Office of the Fire Marshall, fire suppression operation, etc.	Fire Services	Permanent
Fire Services Training Records	Includes: Fire Services training reports	Fire Services	Permanent
Fire Services Files	Includes: Fireworks approvals, Ontario Fire Marshal Monthly Reports, Oxygen level reporting, public education and community outreach Excludes: Site Plan Approvals and Safety Plans	Fire Services	7 years
Vehicle Maintenance Records		PW Manager	Life of asset +2 years
Circle Check Books		PW Manager	7 years
Treasurer Administrative Files	Includes: Organizational Charts, Succession Planning, general, health & Safety Bulletins/Alerts, Health & Safety Workplace Inspections, concern forms, JHSC Minutes and Formal Recommendations, Job Postings	Treasurer	5 years
Treasurer – Health and Safety	Includes: Executive Placement, Employee Survey, Claims Regarding WSIB or Insurance Carriers, Workers' Compensation Reports Health & Safety: Ministry of Labour Orders, Health and safety training, critical injuries and violent incident files, risk assessments, Designated substance surveys	Treasurer	10 years
Treasurer - Employee Files	Includes: Notice of Hire/Successful Applicant Notices, Termination, Resignation, Retirement, Change of Information, Relieving and Absence forms, Tuition Reimbursement Forms, Job Evaluations, Performance Evaluations, Pension Records (OMERS), STD/LTD/WSIB Claim/Employee Medical Records, Occupational Hygiene Testing, Medical Surveillance, Occupational Incident Reports	Treasurer	Termination, Resignation or Retirement of Employee + 60 years
Grievances		CAO/Clerk	Expiry of applicable CBA + 20 years
Job Descriptions and Evaluations		CAO/Clerk	Redundancy + 10 years

**1251646497,,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Human Resources & Organizational Development – CBA	Includes: Collective Bargaining Agreements (CBA) and negotiations material, group insurance/dental plans	CAO/Clerk	Permanent
HR Complaints and Investigations (not resulting in litigation)	Includes: Workplace harassment investigation files	CAO/Clerk	Termination, Resignation or Retirement of Employee + 7 years
Employee Benefits Insurance Contract		Treasurer	Conclusion of the Contract + 7 years
IT Backup		CAO/Clerk	2 years
Open Data Publication		CAO/Clerk	Refresh of Open Data Set
Email Backups		CAO/Clerk	2 years
It Inventory		CAO/Clerk	Lifespan of Hardware + 1 year
IT Project Lead Files	Includes: Program committee files	CAO/Clerk	Lifespan of System + 2 years
Litigation Files	Excludes: Claim Files	CAO/Clerk	Conclusion + 10 years
Prosecution Files		CAO/Clerk	Expiry of appeal period + 3 months
Legal Issue Management – Routine (General) Response		CAO/Clerk	5 years
Legal Issue Management – Solicitor- Client Advise	Includes: Formal legal opinions	CAO/Clerk	Resolution + 15 years
Title Searches		SEBBS	5 years
Parks and Trail Management	Includes: Design, set-up, landscaping, maps, plans, maintenance,	PW Manager	7 years
Memorial Gifts	Includes: Trees, benches, picnic tables, etc.	PW Manager	2 years
Leisure Services Grants - Received	Includes: Government grants, summer student grants, participation grants	Treasurer	Expiry of Grant + 2 years
Leisure Services Grants – Issued	Includes: HCI Grants, Neighbourhood Association Grants	Treasurer	Expiry of Grant + 2 years
Naming By-law Files	Includes: Street, parks, and building naming	PW Manager	7 years
Road Patrol Inspections	Includes: Inspections of road conditions, missing and damage road signage, etc.	PW Manager	7 years
Linear Infrastructure Complaints, Concerns, and Inspection Reports	Includes: Infrastructure inspections (fire hydrants, watermain valves, manholes, curb stops, tunnel inspections, Depot inspections, sign inspections, culvert inspections, site inspections, etc.)	PW Manager	7 years
Linear Infrastructure Crew Sheets (Crew Cards)		PW Manager	7 years
Linear Infrastructure Employee Schedules	Includes: Job assignments, vacation requests, etc.	PW Manager	2 years
Traffic Protection Plans and Tailgate Sessions	Includes: Toolbox talks, health and safety pointers, etc.	PW Manager	10 years
Work Orders and Crew Cards	Includes: Linear infrastructure (roads, sewers, guiderails, plowing, etc.) operational maintenance	PW Manager	7 years
Linear Infrastructure Services Project and Asset Maintenance Costs		PW Manager	Life of Asset + 2 years
Linear Infrastructure Services Project and Asset Maintenance Costs		PW Manager	Life of Asset + 2 years

**1251646497,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Procurement Contract Files	Includes: -Contract Documents • Contract/Agreement • All referenced documents, such as technical specifications, drawings, reports, background studies, etc. • Purchase Order(s) • Bid Solicitations (inc. Addenda) • Supplier Bid, Proposals, Quote, etc. • Contract amendments (inc. extensions) -Certificates of insurance and WSIB Certificates -Performance guaranties/sureties/bonds Excludes: Procurement Files	Treasurer	Expiry date of contract (includes warranty period if applicable) + 10 years
Daily Occurrence Logs	Includes: Building maintenance daily walkthroughs	Originating Department	7 years
Maps and Plans	Includes: Registered deposit (R Plans), property survey plans as received from Registry Office, digital maps, plans and drawings of municipal buildings, areal mapping and surveying	SEBBS	Permanent
Land Surveys Certificates, Surveyor's Plans		SEBBS	Permanent
Data Analytics and Change Reports and Supporting Materials	Excludes: Council Reports	CAO/Clerk	10 years
Administrative Files – General		CAO/Clerk	2 years
Grants	Includes: Agreements, application, claim forms, support documents	Treasurer	expiry of grant agreement + 2 years
Celebration, Ceremonies, and Events – Small, Routine, Third Party Events	Includes: HR events, coordination, participation, openings, anniversaries, event permits, etc. Excludes: Certificates of insurance	CAO/Clerk	2 years
Celebration, Ceremonies, and Events – Large or Significant	Includes: Coordination, participation, openings, anniversaries, event permits, etc. Excludes: Certificates of insurance	CAO/Clerk	10 years
Facility Bookings	Includes: Permits, agreements and bookings issued for the rental of facilities Excludes: Certificates of insurance	Originating Department	Expiry of Agreement + 2 years
Sponsorship Agreements	Includes: Cash and value in kind sponsorship	Treasurer	Duration +2 years
Agreements – Service Agreements		CAO/Clerk	Duration + 10 years
Agreements and Contracts	Excludes: Grant Agreements	CAO/Clerk	Conclusion of the agreement or contract + 10 years
Appeals and Hearings	Includes: Appeals, hearings and legal proceedings before a court or administration tribunal including the Privacy Commissioner's Office, Ontario Land Tribunal, Human Rights Appeals, Ontario Labour Relations Board appeals, etc. Excludes: Long-term and short-term leave appeals	CAO/Clerk	Conclusion +10 years
Street Files	Includes: Road information sheets, files created under the Naming By- law, etc.	PW Manager	Permanent
Fire Services Vehicle, Mechanical, Tools, and Equipment Maintenance		Fire Services	Decommissioned + 2 years
Municipal Drain Files		PW Manager	Permanent

**1251646497,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Engineering Studies	Includes: Watershed studies, geotechnical studies, storm sewer analysis, soil studies, etc.	PW Manager	Permanent
Inventory Control	Includes: Supplies	Originating Department	2 years
Human Resources & Organizational Development – Financials	Includes: NEER statements, WSIB cost statements/schedule 2 invoices/ physician and administration fees statements, general invoices from external service providers	Treasurer	7 years
Corporate Policies, Procedures, Plans, and Standard Operating Protocols		CAO/Clerk	Superseded + 6 years
Administrative Work Instructions	Includes: Employee administrative instruction manuals	CAO/Clerk	Superseded
Licences and Permits – Not Related to Land, Buildings or Properties	Includes: Dog kennels, animal registrations, burn, business, day care, Special Occasion, rental, parking on street, vehicles, taxi, limo, shuttle, portable sign permits, road occupancy permits, etc.	CAO/Clerk	Expiry of Licence or Permit + 5 years
Certificate of Insurance		Treasurer	7 years
PHIPA Access Requests		CAO/Clerk	5 years
Recruitment Files	Includes: Applicant resumes, job interview questions, references, etc. Excludes: Materials related to a grievance	Treasurer	2 years
Payroll - Timesheets	Includes: Paid and unpaid leave requests	Treasurer	Current year + 6 years
Payroll	Includes: Payroll authorizations, M.M.M.S. exceptions, statements, payroll cheque requisitions to Treasurer, payroll reports, Receiver General, retro payment worksheets, federal/provincial remittance	Treasurer	Current Year + 6 years
Unemployment Insurance Commission Requests		Treasurer	11 years
Record of Employment		Treasurer	Permanent
Year End Statements (to include WSIB, EHT), Year End Payroll Registers, T4s & T4As		Treasurer	Permanent
Payroll Information	Includes: Rate of pay, work week beginning and ending dates, total hours worked, payment agreement or the employee's pay basis (e.g., hourly, salary, commission, etc.), and the employee's classification (e.g., exempt or nonexempt)	Treasurer	Current Year + 6 years
Procurement Files	Includes: Bid Solicitation (including addenda), supplier submissions (including quotes), evaluation and debriefing records Excludes: Procurement Contract Files	Treasurer	7 years
Procurement Card (P- Card) Records	Includes: Approved P-Card Applications, P-Card limit records and MCC restrictions	Treasurer	2 years
Procurement Card (P- Card) Transactions	Includes: Receipts/Invoices and approvals for P-Card transactions	Treasurer	7 years
Miscellaneous Property Inquires		CAO/Clerk	2 Years

**1251646497,,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Property Files – Acquisition and Expropriation	Includes: Property request forms, appraisal report, reporting information received from CAO/Clerk Excludes: Negotiations correspondence, internal consultations	SEBBS	Permanent
Property Files – Correspondence	Includes: Negotiations correspondence, internal consultations	SEBBS	5 years
Property Files – Sales, Disposition, Release of Interest in Land	Includes: Circulation memo and department responses, appraisal report, Agreement of Purchase and Sale, report information from CAO/Clerk Excludes: Negotiations correspondence, internal consultations	CAO/Clerk	Disposition or Release +15 years
Leases, Licences Agreements and Miscellaneous Agreements – Buildings and Land		CAO/Clerk	Expiry + 10 years
Appraisals for Parkland Entitlement	Includes: Cash-in-lieu of parkland for consent applications and subdivisions	CAO/Clerk	5 years
Accounts Receivable	Includes: Customer dunning letters, billing advices, collection agency correspondence Excludes: Customer statements, Accounts Receivable leases	Treasurer	7 years
Assessment Appeal Files	Includes: Documentation and correspondence required for proceedings, minutes, and final	CAO/Clerk	Conclusion of Appeal File + 10 years
Sale of Land by Public Tender Files	Includes: Tax registration files and documents related to the sale of land by public tender	CAO/Clerk	Current + 15 years form date of transfer
Tax Account Maintenance Updates		Treasurer	5 years
Tax Adjustment / Tax Write Offs		Treasurer	7 years
Tax and Assessment	Includes: Undelivered or returned interim and final tax bills	Treasurer	2 years
Tax Certificates		Treasurer	2 years
Tax Preauthorized Payment Application & Cancellation		Treasurer	June of Year Following the Year of Cancellation
Tax Registration Files	Includes: Arrears notices, MPAC verification, searches, legislated forms, cancellation documents for accounts paid in full	Treasurer	Current + 7 years from date of TACC issued
Tax: Rent Reduction Letters under the Tennant Protection Act		Treasurer	3 years
Tax Roll / Tax Collector's Roll		Treasurer	Permanent
Claims Against/By the Municipality	Includes: Notice of Claim, Statement of Claim, etc.	CAO/Clerk	The Longer of: Resolution of Claim +10 years, or Age of Majority of Minor +2 year
Insurance Policy – Declaration Pages		CAO/Clerk	Permanent
Insurance Policies	Excludes: Employee Benefits Insurance Policies	CAO/Clerk	Conclusion of the Policy + 7 years
DWQMS operational plan	Water/Wastewater	PW Manager	10 years
Internal QEMS audit results	Water/Wastewater	PW Manager	10 years
External QEMS audit results	Water/Wastewater	PW Manager	10 years
Water/Wastewater Management review documentation	Water/Wastewater	PW Manager	10 years

**1251646497,,,By-Law 2025-37 Record Retention Schedule - 2025**

<b>Record Type</b>	<b>Description</b>	<b>Responsible Department</b>	<b>Retention Period</b>
Documents/records required to demonstrate conformance with the DWQMS (specifically all the documents/records listed in Table 1)	Water/Wastewater	PW Manager	3 years
Water/Wastewater Logbooks or other record - keeping mechanisms	Water/Wastewater	PW Manager	5 Years
Training records for water operators and water quality analysts	Water/Wastewater	PW Manager	5 Years
Operational checks, sampling, and testing (e.g., chlorine residuals, turbidity, fluoride, sampling records), microbiological sampling and testing	Water/Wastewater	PW Manager	2 Years
Schedule 23 & 24 (LMR) and THM, HAA, nitrates, nitrites and lead program sampling and testing, Section 11 Annual Reports and Schedule 22 Summary Reports	Water/Wastewater	PW Manager	6 years
Sodium test results and related corrective action records/reports, 60-month fluoride test results (if the system doesn't fluoridate), engineering Reports	Water/Wastewater	PW Manager	15 years
Lead samples, correction action records/reports for E. Coli, Total Coliforms, and bacterial species	Water/Wastewater	PW Manager	2 years
Corrective action records/reports for chemical and radiological parameters under SDWA O. Reg. 169/03, pesticides not listed under O. Reg. 169/03 and health- related parameters in an order or approval	Water/Wastewater	PW Manager	6 years
Flow meter calibration records, analyzer calibration reports maintenance records/work orders	Water/Wastewater	PW Manager	2 years

**Subject:** Recommendation regarding alternative voting method for the 2026 Municipal and School Board Election

**Prepared by:** Chief Administrative Officer (CAO)

**Date:** September 29, 2025

## **Recommendation**

### **Be It Resolved That:**

Council for the Municipality of Markstay-Warren approve the use of **internet and telephone voting** as the alternative voting method for the 2026 Municipal and School Board Elections, and that the necessary by-law be prepared.

## **Background**

Pursuant to Section 42 of the *Municipal Elections Act, 1996*, Council may pass by-laws authorizing the use of voting and vote-counting equipment, as well as alternative voting methods.

Markstay-Warren previously conducted its elections using traditional paper ballots and tabulators. However, over the last two municipal elections, many Ontario municipalities have shifted toward electronic methods. In 2018, 194 municipalities used internet/telephone voting, up from 97 in 2014. By 2022, that number grew substantially, with approximately 80% of those municipalities relying exclusively on internet/telephone voting.

Voter turnout across Ontario has fluctuated between 38–55% over the past three elections. Alternative methods have been shown to maintain or improve turnout while increasing accessibility.

## **Analysis**

### **Overview**

Internet and telephone voting have become the most common methods of voting for municipal elections in Ontario. This method is safe, secure, and efficient. Studies, including research from the University of Toronto and the Centre for e-Democracy, confirm that internet voting is desirable for both administrators and electors, offering convenience, accessibility, and trust in the process.

Staff recommends internet/telephone voting for two primary reasons:

1. **Accessibility and Convenience** – voters can vote from home using their telephone, smartphone, tablet, or computer.
2. **Cost and Resource Efficiency** – eliminates manual ballot processing, reduces staffing requirements, and generates immediate results.
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## **Accessibility and Convenience**

Internet and telephone voting are fully compliant with the *Accessibility for Ontarians with Disabilities Act (AODA)*. These methods are straightforward, private, and allow voters to cast their ballot from anywhere.

In addition, a **Voter Assistance Centre (VAC)** will be established in Markstay-Warren during the voting period to provide in-person support for electors who require assistance.

## **Cost and Efficiency**

Based on previous municipal experiences, internet/telephone voting is expected to generate cost savings of approximately \$6,000 compared to vote-by-mail, not including reductions in staffing time. The automated tabulation process ensures that municipal operations continue without disruption during the election period.

## **Safety, Security, and Privacy**

Internet/telephone voting systems are built with encryption and multi-layered security stronger than most online banking systems. Providers are subject to rigorous audits, comply with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and meet or exceed Canadian and international standards.

## **Regional Comparison**

Neighboring municipalities, including French River, St. Charles, Killarney, Sudbury, Espanola and Sables-Spanish Rivers, have successfully adopted internet/telephone voting. Consultation with clerks from these municipalities confirms strong security, efficiency, and accessibility outcomes.

## **COVID-19 Considerations**

Although the pandemic emergency period has ended, the experience highlighted the importance of minimizing line-ups and gatherings. Internet/telephone voting avoids these risks while ensuring continuity of the democratic process.

## **Existing Policy**

The Municipality of Markstay-Warren has previously conducted its elections using traditional methods. No by-law currently exists authorizing electronic voting.

## **Strategic Goal**

**Excellence in Governance** – adopting modernized election processes that enhance transparency, accessibility, and efficiency.

## **Financial Commitment**

**Estimated Cost:** \$10,000–\$17,000

**Budgeted:** ☐ No ☒ To be included in the 2026 Election Budget

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## **Implementation**

If approved, internet/telephone voting will be implemented for the **2026 Municipal and School Board Elections** in the Municipality of Markstay-Warren.

THE CORPORATION OF THE MUNICIPALITY OF  
MARKSTAY-WARREN

BY-LAW 2025-38

Being a by-law to authorize the use of vote by telephone or internet  
for Municipal Elections

**WHEREAS** Section 42 of the Municipal Elections Act, 1996 provides that a council of a local municipality may pass a by-law authorizing electors to use an alternative voting method, such as voting by telephone or by internet, that does not require electors to attend at a voting place in order to vote.

**AND WHEREAS** Council deems it appropriate and in the public interest to use a vote by telephone or internet method in the 2026 Municipal Election.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN HEREBY ENACTS AS FOLLOWS:**

1. That the alternative voting method of "Vote by Telephone or by Internet" are hereby authorized for all municipal elections and by-elections for the Municipality of Markstay-Warren, until otherwise provided by by-law.
2. That the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreements to provide for the authorized alternative voting method.
3. That the Clerk of the Municipality of Markstay-Warren is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
4. That this bylaw shall come into force and take effect upon final passing thereof.

**READ A FIRST, SECOND AND THIRD**

**TIME AND FINALLY PASSED THIS**

**6TH DAY OF OCTOBER 2025.**

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MAYOR

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CAO/CLERK

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN**

**BY-LAW 2025-39**

**BEING A BY-LAW TO APPOINT SCREENING OFFICERS UNDER THE AMPS BY-LAW**

**WHEREAS** Council of Municipality of Markstay-Warren established a system of administrative penalties and administrative fees for the designated Municipal By-laws, or portions of the designated Municipal By-laws and established the position of Screening Officer to who may be delegated quasi-judicial and other authority under various Municipal By-laws;

**AND WHEREAS** the Council for the Municipality of Markstay-Warren deems it advisable to appoint the Screening Officers hereinafter referred to for the purposes designated.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN ENACTS AS FOLLOWS:**

1. **THAT** Council of the Municipality of Markstay-Warren hereby appoints the Municipal Clerk as the Screening Officer to conduct the Review Process, as outlined in Section 4. of the AMPS By-law and further appoints the Municipal Deputy Clerk to act in the same capacity as the Municipal Clerk in the Municipal Clerk's absence.
2. **THAT** the Screening Officers shall have no authority to further delegate his/her powers or duties.
3. **THAT** Council of the Municipality of Markstay-Warren further hereby appoints the Municipal Clerks of the Municipality of French River, the Municipality of St.-Charles and the Municipality of Killarney as alternate Screening Officers to conduct the Review Process, as outlined in Section 4. of the AMPS By-law in the case where a conflict of interest arises or as deemed necessary by the Municipal Clerk of the Municipality of Markstay-Warren.
4. This Bylaw shall come into force and take effect on the date of its final reading and adoption.

**READ A FIRST, SECOND AND THIRD**

**TIME AND FINALLY PASSED THIS**

**6th DAY OF OCTOER 2025**

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**MAYOR**

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**CLERK**