

BOARD - COMMITTEE

Chapter 105 LOCAL BOARD - PROCEDURE

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Article 1 INTERPRETATION

105.1.1 Agenda - defined

“agenda” means a list of all items to be considered by the board at the meeting for which the agenda was prepared.

105.1.2 Chair - defined

“Chair” means a member appointed by the board as Chairperson and responsible for facilitating the meeting.

105.1.3 City - defined

“City” means the Corporation of the City of Orillia.

105.1.4 Clerk - defined

“Clerk” means the City Clerk of the Corporation of the City of Orillia or designate.

105.1.5 Closed session - defined

“closed session” means the portion of a meeting that is not open to the public to deal with matters set out in section 239 of the *Municipal Act*.

105.1.6 Committee - defined

“committee” means an advisory, ad hoc or other committee or sub-committee of which at least 50% of the members are also members of one or more councils or local boards and all other special purpose bodies to which Council appoints all members.

105.1.7 Council - defined

“Council” means the Council of The Corporation of the City of Orillia.

105.1.8 Deputation - defined

“deputation” means the presentation of a petition, brief or request by an individual or organization.

105.1.9 Emergency - defined

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.01 of the *Emergency Management and Civil Protection Act*.

105.1.10 Local board - defined

“local board” means a board or committee established or exercising any power under any Act except a school board, a conservation authority, a police services board or a public library board.

105.1.11 Meeting - defined

“meeting” means any regular, special or other meeting of a local board where:

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

105.1.12 Member - defined

“member” means a member of the local board and includes the Chair.

105.1.13 Quorum - defined

“quorum” means a majority of the members (50% + 1).

105.1.14 Recess - defined

“recess” means an interruption in a meeting’s proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

105.1.15 Secretary - defined

“Secretary” means the person, who may or may not be a member of the board, to:

- (a) prepare the agendas for all meetings of the board in cooperation with the Chair,
- (b) record the decisions of the board in minute form, respecting each item on the agenda,
- (c) keep the books and records of the board, and
- (d) perform such other duties as are determined by the board.

105.1.16 Vice-Chair - defined

“Vice-Chair” means a member appointed by the board to preside at the meetings of the board in the Chair’s absence.

105.1.17 Website - defined

“website” means the domain name www.orillia.ca

Article 2
CHAIR - COMMITTEE

105.2.1 Chair - role

The role of the Chair shall be to preside over meetings in an impartial manner; to demonstrate positive leadership and maintain decorum; to encourage participation and contributions by all members; and, to act as spokesperson and/or signing officer as required for reports and correspondence of the board.

105.2.2 Election - Chair - procedure

At the first meeting in December or January following the appointment of any new members, a Chair is elected. Where indicated within the constitution by-law of a local board, a Vice-Chair shall also be elected.

105.2.3 Election - procedure

The following procedure shall be followed for elections:

- (a) The Secretary chairs the meeting during the conduct of the election.
- (b) The floor is opened for nominations.
- (c) Candidates are nominated by a member stating "I nominate (name) for election to the position of Chair".
- (d) A nomination does not require a seconder.
- (e) The Secretary will request acceptance of the nomination by stating "(name) has been nominated, is he/she willing to be nominated?"
- (f) The Secretary will then ask three times if there are any other nominations.
- (g) The Secretary will then declare nominations closed.
- (h) The Secretary will call for a vote by a show of hands.
- (i) If there is a tie, lots are drawn by choosing at random, a name "out of the hat".
- (j) The Secretary shall declare the member elected.
- (k) The newly elected Chair assumes the office upon being declared elected.

Article 3 MEMBERS - APPOINTMENTS

105.3.1 Qualifications - members

The qualifications of all members appointed to local boards shall be the same as the qualifications to be elected as a member of Council, as set out in the *Municipal Act* and the *Municipal Elections Act*.

105.3.2 Qualifications - exception

Notwithstanding Section 105.3.1, certain local boards require some of their members to have certain expertise or may require representation from other agencies/organizations as stated in their constitution by-law.

105.3.3 Qualifications - remain qualified

A member shall remain qualified throughout his/her term or be deemed to have resigned; however, Council may, at its discretion, adopt a resolution allowing the member to remain as a member on the local board until the completion of his/her current term.

105.3.4 Term - three-year - staggered basis

Unless Provincial legislation requires that the members of specific local boards be appointed for terms consistent with the terms of the Council that appoints them, all members are to be appointed for three-year staggered terms, so that approximately one-third of the members' terms come due in any one year.

105.3.5 Members - consecutive terms

With the approval of Council, members may serve a maximum of two consecutive full terms on a local board. However, it shall be possible for members to serve in excess of two consecutive full terms if the initial appointment was to complete the partial term of a member who resigned or was terminated.

105.3.6 Members - eligibility - absence

Notwithstanding Section 105.3.5, a member shall be eligible to be appointed to serve a further two full terms after an absence from the local board for a minimum of one full term.

105.3.7 Appointing authority

Council is the authority that makes the appointments to the local boards and to support, or make changes in, any authorizing legislation.

105.3.8 Repealing appointment

A member of a local board may be removed by Council whenever, in its judgment, the best interests of the City would be served.

105.3.9 Dissolving local board

Unless the local board is established by Provincial legislation, Council may dissolve a local board whenever, in its judgment, the best interests of the City would be served by passing a by-law to repeal the establishing chapter.

Article 4 MEETING - SCHEDULES

105.4.1 First meeting - newly appointed

The first regular meeting of a newly appointed local board shall be held in the month of December or January as soon as possible after Council has appointed any new members to the local board.

105.4.2 First meeting - agenda - responsibility

The past Chair and/or the Secretary shall be responsible for the content of the agenda for the first meeting.

105.4.3 Schedule of meetings - decided at first meeting

At the first regular meeting of a newly appointed local board, the local board shall establish by resolution, the regular dates, times and locations of the local board meetings for that year.

105.4.4 Special - summoned by Chair - at any time

The Chair may, at any time, summon a special meeting of the local board, and it shall be his or her duty to summon a special meeting whenever requested in writing by a majority of the members of the local board, provided twenty-four hours' notice is given. The meeting notice shall state the business to be considered and no other business other than that stated in the notice shall be considered at such meeting.

105.4.5 Special - summoned by Secretary - upon receipt of petition

Notwithstanding Section 105.4.4., the Secretary shall, upon receipt of a petition of a majority of the members of the local board, summon a special meeting for the purpose and at the date and time mentioned in the petition.

105.4.6 Schedule of meetings - Clerk's Office - available to public

Notwithstanding Sections 105.4.4 and 105.4.5, the Secretary shall inform the Clerk of the dates, times and locations of all regular, special, committee or sub-committee meetings of the local board, at least seven days preceding the meeting.

105.4.7 Meetings - electronic - not permitted

Meetings of the local board are not permitted to be conducted electronically by e-mail or by any other electronic means.

105.4.8 Meetings - electronic - exception

Notwithstanding 105.4.7, meetings of the City of Orillia Boards and Committees may be conducted electronically in open or closed session, as directed by Council, as follows:

- a) Board and Committee members, while participating electronically, shall count towards quorum;
- b) The forum being used to host the electronic meeting permits all parties to participate fully in the meeting through technology that is readily available,

including, but not limited to, computer, smart phone, cell phone and landline telephone; and,

- c) The notice for the meeting shall clearly indicate:
 - i) That the meeting will be held electronically;
 - ii) That anyone wishing to provide comments shall do so in writing to the Secretary of the Board/Committee prior to the meeting date for inclusion in the agenda, or when feasible, circulated as an addendum;
 - iii) The instructions for participating;
 - iv) The manner in which the electronic meeting will be made available to the public for viewing and/or review.
- d) Staff presentations and public deputations will be accommodated electronically and a request for electronic participation shall be provided to the Secretary of the Board/Committee by the agenda submission deadline in order to enable the necessary arrangements to be made.
- e) In the event of technical failure during the meeting, the board or committee may recess to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, the meeting may continue.

105.4.9 Provision of public notice

The provision of a monthly schedule of regular and special committee meetings at the City Clerk's Office and the posting of the monthly schedule on the City website shall constitute public notice of meetings.

105.4.10 Meetings - open to public - exception - closed session

All local board meetings, including any regular, special, committee, sub-committee or other meetings of the local board, shall be open to the public, with the exception of closed session meetings dealing with items as set out in Section 239 of the *Municipal Act*, 2001.

105.4.11 Deputation - notice - information - requirements

Any person wishing to appear as a deputation before the local board at a regular meeting, must give notice in writing, including the subject matter of the deputation, to the Secretary not later than 12:00 noon seven days prior to the regular local board meeting so that such deputation may be reflected on the agenda for the local board meeting.

105.4.12 Deputation - procedure

The following procedure shall be followed for deputations:

- (a) Deputations shall be scheduled at the beginning of the meeting.

- (b) A maximum of three speakers shall be permitted per deputation, and each deputation shall be limited to a maximum of fifteen minutes.
- (c) Members shall not interrupt a deputant while he/she is speaking, except on a point of order.
- (d) Members may ask questions of deputants following completion of the deputation, but shall not enter into debate with deputants.
- (e) The Chair shall grant deputation requests, at his/her discretion, provided the subject matter of the deputation falls within the local board's mandate.
- (f) Requests from deputants who have previously addressed the local board on a topic shall not be granted unless they can prove that they have new information to present.
- (g) The Secretary shall inform the members of requests which are not granted.
- (h) No more than two deputations shall be scheduled for any local board meeting, subject to the necessity to deal with matters of an urgent nature.

Article 5 QUORUM

105.5.1 Quorum - present - call to order

As soon as a quorum is present after the scheduled commencement of the meeting, the Chair shall call the meeting to order.

105.5.2 Quorum - not present - names recorded - adjournment

If no quorum is present within 30 minutes after the scheduled commencement of the meeting, the Secretary shall record the names of the members present, for attendance purposes, and the meeting shall stand adjourned until the next regular meeting, subject to the provisions of Section 105.4.4 and 105.4.5.

105.5.3 Quorum - determination - vacancies

If one or more vacancies exist on a local board, the quorum is determined by the total members permitted on the local board in accordance with its constitution.

Article 6 RULES

105.6.1 Rules - regulations - observed

The rules and regulations in this Chapter shall be observed in all proceedings of the local board and shall be the rules and regulations for the order and dispatch of business of the local board.

105.6.2 Chair - chosen

If the Chair does not attend within fifteen minutes after the scheduled commencement of the meeting, the Secretary shall call the members to order and if a quorum is present, request a member to act as Chair and preside during the meeting, or until the arrival of the Chair.

105.6.3 Order - decorum - preserved by Chair

The Chair shall preserve order and decorum and decide questions of order, subject to an appeal to the local board by any member and in the absence of the Chair, the member acting as Chair shall have the same authority while presiding at the meeting as the Chair would have had if present.

105.6.4 Adjournment - by motion - always in order - exception

Adjournments in all other cases than provided in Section 105.5.3 shall be made by motion and are always in order provided such motion be made so as not to interrupt a member while addressing the Chair, and confining the member to the question in debate.

105.6.5 Adjournment - 9:00 p.m. - exception

The local board meeting shall adjourn by 9:00 p.m. unless members of the local board by majority vote extend this time.

105.6.6 Robert's Rules of Order - Parliamentary Authority

The governing rules of procedure set out herein are the rules of procedure to be followed by the local board. Where the Chapter is silent on a rule, the parliamentary authority to be used shall be Robert's Rules of Order.

**Article 7
RULES OF DEBATE****105.7.1 Participation - Chair**

If the Chair desires to leave the Chair for the purpose of taking part in the debate, another member of the local board shall be called upon to assume the Chair until the Chair resumes that position.

105.7.2 Speaking - order - determination

When two or more members request to speak, the Chair shall designate the member who has the floor.

105.7.3 Speaking - reply - maximum duration - five minutes

No member, without leave of the local board, shall speak to the same motion, or in reply, for longer than five minutes.

105.7.4 Vote - call - disturbance - prohibited

When the Chair is calling a vote, no member shall walk across or out of the room or make any noise or disturbance; nor, when a member is speaking, shall any other member pass between the member speaking and the Chair, or interrupt that member except to raise a Point of Order or Point of Personal Privilege.

105.7.5 Reading - motion - under debate - at any time

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

**Article 8
CONDUCT OF MEMBER****105.8.1 Speaking - disrespectfully - prohibited**

A member shall not use profane or offensive language or speak in a disrespectful or insulting manner.

105.8.2 Speaking - through Chair - only

No member shall speak to another member except through the Chair.

105.8.3 Speaking - motion in debate - only

When recognized by the Chair, members shall speak only with regard to the subject matter of the motion in debate.

105.8.4 Reflection upon vote - prohibited

No member shall reflect upon any vote of the local board, except for the purpose of moving that such vote be rescinded.

105.8.5 Speaking - audience - prohibited

No member shall engage with members of the audience during the proceedings of a meeting.

105.8.6 Disobey - rules - decisions - prohibited

No member shall disobey the rules of the local board or the decision of the Chair.

105.8.7 Disobedience - member ordered to leave - apology

If any member disobeys the rules of the local board, he or she may be ordered by the Chair to leave his or her seat for that meeting; but, in the case of an apology being made by the offender, he or she may, by majority vote of the members present, be permitted to retake his or her seat.

**Article 9
MOTIONS****105.9.1 Motion - seconded - read by Chair - debated**

All motions shall be seconded before being debated or read by the Chair.

105.9.2 Motion - seconded - read by Chair - in possession of local board

After a motion is read or stated by the Chair, it shall be deemed to be in possession of the local board but may, with the permission of the local board, be withdrawn at any time before a decision or amendment.

105.9.3 Motion - verbal

All motions shall be in writing, except motions which may be made verbally:

- (a) to adjourn;
- (b) to approve the minutes;
- (c) to approve the agenda;
- (d) to proceed past 9:00 p.m.;
- (e) to appeal the decision of the Chair;
- (f) to postpone;
- (g) to recess;
- (h) to withdraw;
- (i) to rise to open session.

105.9.4 Motion - under debate - motion permitted - set out

When a question is under debate, no motion shall be received unless:

- (a) to read it;
- (b) to amend it;
- (c) to postpone it;
- (d) to withdraw it;
- (e) to move that the vote be taken;
- (f) to extend the time for adjournment; or
- (g) to recess.

105.9.5 Motion to postpone

A motion to postpone to a specific day shall not be received and stated by the Chair until he or she has determined that sufficient discussion has taken place.

105.9.6 Motion to recess

A recess shall be convened by motion.

105.9.7 Amendment - in writing - decided - withdrawn

Every amendment shall be made in writing, shall be germane to the main motion and shall be decided or withdrawn before the main motion is called to a vote.

105.9.8 Amendment - to amendment - one only

Only one amendment shall be allowed to an amendment, and any further amendments must be to the main motion.

105.9.9 Motion - taken separately - upon request

When the question under consideration contains distinct propositions, upon the request of any member the vote upon each proposition shall be taken separately.

105.9.10 Vote - finally called - speaking - other motion

After a vote is finally called by the Chair, no member may speak to the motion, nor shall any other motion be made until the result of the vote has been declared.

105.9.11 Rules - contravened - member apprised

Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the local board, members shall be apprised immediately before calling the vote, and the Chair shall cite the rule of authority applicable to the case.

105.9.12 Reconsideration - authority - main motion

A local board may revisit the vote taken on a resolution from a previous meeting by introducing a motion to reconsider, subject to the following conditions:

- (a) Resolutions adopted by a previous Council term are not considered a reconsideration for the current Council term subject to (c) below; and
- (b) That an agenda submission be provided as set out in 105.11.1
- (c) That no part of the motion to be reconsidered has been implemented resulting in legally binding commitments; and
- (d) That the motion to be reconsidered has not been previously reconsidered within the current term of Council; and
- (e) That the motion to reconsider is adopted by two-thirds vote of members present prior to
- (f) That no discussion, except that obtaining information that justifies the reconsideration, shall be allowed until the motion for reconsideration is decided upon.

**Article 10
VOTING ON MOTION**

105.10.1 Non-vote deemed negative - exception

Every member who is present when a motion is put forth shall vote unless the member has a pecuniary interest. In such case, the member shall refrain from taking part in the discussion and from voting on the motion. If any member present persists in refusing to vote for other than the reason stated in this section, that member shall be deemed as voting in the negative.

105.10.2 Equality of votes - deemed lost

Any motion on which there is an equality of votes shall be deemed to be lost.

Article 11**AGENDA****105.11.1 Agenda - prepared by Secretary - items to be considered**

The Secretary shall, in cooperation with the Chair, prepare an agenda for each regular, statutory or special meeting of the local board, its committees or sub-committees. All proposed business shall be provided in writing and pertain to matters within the mandate or terms of reference of the local board.

105.11.2 Agenda - deadline - material submission

The deadline for receipt of written material by the Secretary to be included in the agenda shall be 12:00 p.m. (Noon) seven days prior to the meeting.

105.11.3 Agenda - addendums

The Secretary shall add such items to the agenda after the distribution deadline that are of an urgent nature or are items of importance or relevance to items on the agenda. Such items shall appear on an "Addendum to Agenda" sheet which shall be made available to the local board and the public at the start of the meeting and which shall be considered part of the regular agenda for the named date. Late agenda items shall be received by the Secretary no later than 10:00 a.m. on the day of the meeting.

105.11.4 Agenda - format - regular

- (a) The agenda format for all regular meetings of the local board shall be as outlined in Schedule "A", in keeping with the format used by the Clerk's Department;
- (b) Notwithstanding (a) above, special or statutory meetings may be prepared similarly to the format outlined in Schedule "A".

105.11.5 Business - order - as specified

The business shall, in all cases, be taken up in the order in which it stands upon the Agenda unless otherwise decided by a motion of the local board.

105.11.6 Agenda - prepared - distributed - deadline

For all regularly scheduled meetings of the local board, the Secretary shall prepare and distribute the agenda as follows:

- (a) by the Thursday preceding the date of the meeting, to the Office of the Clerk for review and subsequent circulation to Council and/or placement on the website; and,
- (b) at least forty-eight hours preceding the meeting, to all members of the local board.

Article 12
ORDER OF PROCEEDINGS IN CLOSED SESSION

105.12.1 Matters considered - closed meeting

A local board may only consider subject matters at a closed session meeting:

- (a) as stated in Section 239 of the *Municipal Act, 2001*, and
- (b) that are determined to be matters within the mandate of the local board, and
- (c) reviewed and approved by the Clerk.

105.12.2 Closed session - resolution at open meeting

For closed session matters listed on the agenda, the local board shall, in open session, pass a resolution which advises that the local board intends to move into closed session and states the general nature of the matter(s) to be considered.

105.12.3 Chair

The Chair of the local board shall be the Chair of the closed session meeting, who shall maintain order in the meeting.

105.12.4 Rules of order - no voting - exception

There shall be no voting in a closed session meeting, unless it is for a procedural matter or for giving direction.

105.12.5 Motions - open session

Any motions arising as a result of closed session discussion will be presented in open session.

Article 13
GENERAL PROVISIONS

105.13.1 Minutes - produced by Secretary

The Secretary shall produce minutes, without note or comment, for all regular, special and closed session meetings of the local boards in formal session, but there shall be no requirement for the production by the Secretary of minutes for the sub-committee meetings of the local boards.

105.13.2 Minutes - copy - Clerk

The minutes shall be copied to the Clerk for circulation to Council, and/or placement on the website.

105.13.3 Press releases

Press releases are to be received and reviewed by the Communications Manager who shall distribute to Council, and to the media.

Adopting By-law: By-law 1995-76, 8 May 1995.

By-law Amendments: By-law 2002-173, 16 December 2002; By-law 2007-130, 13 August 2007; By-law 2008-12, 21 January 2008.

Repealed and Replaced: By-law 2011-100, 15 August 2011.

Repealed and Replaced: By-law 2012-138, 22 October 2012.

By-law Amendments: By-law 2013-123, 30 September 2013.

Repealed and Replaced: By-law 2018-8, 29 January 2018.

By-law Amendments: By-law 2020-32, 20 April 2020; By-law 2020-74, 27 August 2020; By-law 2020-83, 5 October 2020.

**SCHEDULE "A"
AGENDA FORMAT**

1. Open Session
2. Chair
3. Call to Order
4. Approval of Agenda
5. Disclosure of Interest
6. Deputations
7. Minutes
8. Closed Session (IF REQUIRED)
 - Motion to move into Closed Session
 - Closed Session Items
 - Motion to Rise to Open Session
9. Open Session
10. Motions arising from Closed Session Discussions
11. Correspondence - Information Items
12. Correspondence - Action Items
13. Reports
14. Deputation Motions
15. Date of Next Meeting
16. Adjournment