

## **COUNCIL**

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## Article 1 INTERPRETATION

### 12.1.1 Chair - defined

“Chair” means any member appointed as Chairperson and responsible for facilitating the meeting.

### 12.1.2 City - defined

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

### 12.1.3 City Centre - defined

“City Centre” means the Administration Office of the Corporation of the City of Orillia located at 50 Andrew Street South, Suite 300, Orillia, L3V 7T5.

### 12.1.4 Clerk - defined

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

### 12.1.5 Closed session - defined

“closed session” means Council Committee meeting to deal with matters set out in Section 239 of the *Municipal Act*.

### 12.1.6 Consent agenda - defined

“consent agenda” means a list of items on the agenda containing recommendations from staff as to their disposition, all of which may be adopted by one motion of Council Committee, or upon request of any member, any item may be pulled for consideration.

### 12.1.7 Council Committee - defined

“Council Committee” means all members of Council sitting in an advisory capacity with the ability to make recommendations to Council. Meetings of Council Committee may be held in the following manner:

- (a) Regularly Scheduled
- (b) Special - meeting called when necessary.
- (c) Special - closed session - meeting called when necessary to deal with a subject matter pursuant to Section 239 of the *Municipal Act, 2001*.
- (d) Budget Committee - meeting called when necessary.

### 12.1.8 Enquiries - defined

“Enquiries” means a process in which members may, in written motion form during the ‘Enquiries’ portion of the agenda, request a report or memo on matters within the jurisdiction of the City.

**12.1.9 Holiday - defined**

"holiday" means:

- (a) any holiday as defined by the *Employment Standards Act*;
- (b) Remembrance Day, Easter Monday and the Civic Holiday.

**12.1.10 Mayor - defined**

"Mayor" means the Head of Council or any Member of Council acting in the capacity of Mayor with respect to the role of presiding at meetings.

**12.1.11 Meeting - defined**

"meeting" means any regular, special or other meeting 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."

**12.1.12 Member - defined**

"Member" means a member of Council and includes the Mayor.

**12.1.13 Quorum - defined**

"Quorum" means a majority of the members (50% +1).

**12.1.14 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.

**12.1.15 Website - defined**

"website" means the domain name [www.orillia.ca](http://www.orillia.ca)

## Article 2 ESTABLISHMENT - COMMITTEE

**12.2.1 Council Committee - composition**

A Council Committee is hereby established and all members of Council shall be members of the committee.

**Article 3  
CHAIR - COMMITTEE**

**12.3.1 Committee Chairmanship - rotation - determination**

At the beginning of each Council term, the Clerk shall assign the chairmanship of Council Committee for open and closed session for the duration of the term.

**12.3.2 Absent - Mayor to take place**

In the event that the current Chair of open or closed sessions of Council Committee is ill or absent or unable to act, the Mayor shall be Chair.

**12.3.3 Budget Committee - Chair - Mayor**

The Mayor, or in his/her absence the current Chair of Council Committee, shall be Chair of all Budget Committee meetings.

**12.3.4 Any meeting - discretion of Mayor**

Despite the provision of Section 12.3.1, the Mayor, at his or her discretion, may assume the Chair at any regular, special or closed session meeting of Council Committee.

**Article 4  
MEETING - LOCATION - SCHEDULES**

**12.4.1 Newly - elected Council - first meeting**

The first regular Council Committee meeting of the newly-elected Council shall be held on the second Monday of December following the election.

**12.4.2 Regular - date - set by resolution**

Council shall establish, by resolution, the regular meeting dates of Council Committee for the following year. Regular Council Committee meetings shall be held on alternate Mondays from Council except when Monday is a holiday or when otherwise specified by Council resolution.

**12.4.3 Council Committee - closed session - time**

Depending on agenda items, Council Committee may meet in closed session by passing the required motion in open session to move into closed session. Council Committee will then recess and reconvene in open session at 4:00 p.m. in the Council Chamber. Any motions resulting from closed session discussions will be dealt with in open session.

**12.4.4 Schedule of meetings - maintained - Clerk's Office**

The Clerk shall maintain in his or her office, for public inspection, a schedule of all the meeting dates, times and locations for all meetings of Council Committee.

**12.4.5 Council Committee - meeting location**

All regularly scheduled Council Committee meetings shall be held at the City Centre. Council Committee meetings may be held electronically as determined by Council.

**12.4.6 Special Council Committee - meeting location**

Special Council Committee meetings shall be held at a time and location as determined by the Mayor in consultation with the Clerk.

**12.4.7 Budget Committee - meeting location**

Budget Committee meetings shall be held at the City Centre. Budget Committee meetings may be held electronically as determined by Council.

**12.4.8 Council Committee - Alternative format - determined by Council**

Notwithstanding Section 12.4.3, Council Committee meetings may be scheduled earlier in the day with open session immediately following closed session as determined by Council.

**12.4.9 Meetings - televised - recorded**

Meetings of Council Committee, except when meeting in closed session, may be televised and/or recorded.

**12.4.10 Meetings - open to public**

All Council Committee meetings shall be open to the public, except when meeting in closed session to deal with items set out in Section 239 of the *Municipal Act, 2001*.

**12.4.11 Open public forum - procedure**

- (a) Each speaker shall be required to provide their name and whether they are a resident or non-resident.
- (b) Each speaker shall speak only to issues within municipal jurisdiction.
- (c) Each speaker shall be limited to a maximum of 5 minutes.
- (d) Each open public forum period shall be limited to a maximum of 30 minutes.
- (e) Members shall not answer questions from the speaker(s).
- (f) If a question is directed to members which requires staff input, the Chair may request the speaker to put their concerns in writing.
- (g) Speakers may participate in alternative formats, including video conferencing and telephone. In the case of electronic participation, speakers shall register with the Clerk in advance of the meeting. Requests must be received by the Clerk's Office by 12:00 p.m. on the day of the meeting.



## Article 5 QUORUM

### 12.5.1 Quorum - present call to order

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

### 12.5.2 Quorum - not present - names recorded - adjournment

If no quorum is present within 30 minutes after the scheduled commencement of the meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

## Article 6 RULES

### 12.6.1 Rules - regulations - observed

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

### 12.6.2 Chair - chosen

If the Chair does not attend within fifteen minutes after the scheduled commencement of the meeting, the Mayor shall call the meeting to order and preside until the arrival of the Chair.

### 12.6.3 Point of Order - stated - appeal

- (a) A member may raise a Point of Order and state the Point of Order to the Chair.
- (b) The member shall identify the procedural rule that has been broken.
- (c) The Chair shall make a decision or ruling on the point of order. The point is declared either "well taken" or "not well taken" with a short explanation of the ruling.
- (d) A member shall only address the Chair for the purpose of appealing the Chair's decision.
- (e) If no member appeals, the decision of the Chair shall be final.
- (f) If appealed, with a seconder, the members shall decide on the Point of Order by a majority vote of the members and the decision is final. The motion to appeal the decision of the Chair is debatable.

### 12.6.4 Adjournment 11:00 p.m. - unless otherwise approved

The Council Committee meeting shall adjourn by 11:00 p.m. unless members, by majority vote, extend this time.

**12.6.5 Transferring items from closed session**

At the outset of discussion of a closed session item in closed session, any member who believes that the agenda item does not qualify for discussion in closed session shall request that the item be transferred to open session and a vote of the members shall decide the question.

**12.6.6 Robert's Rules of Order - Parliamentary Authority**

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

**12.6.7 Entry - Council platform permission**

No person, except members of Council and staff, shall be allowed onto the Council platform during a meeting without the permission of the Chair.

**Article 7  
ELECTRONIC MEETING PARTICIPATION****12.7.1 Electronic Meeting Participation**

Members of Council may participate electronically in a meeting which is open or closed to the public. A member of Council who is participating electronically in such a meeting may be counted in determining whether or not a quorum of members is present at any point in time. Electronic participation shall include, but is not limited to, participation by teleconference or video conference.

- (a) Any member of Council wishing to participate electronically in a meeting shall provide notice to the Clerk by 12:00 p.m., or as soon as is practicable, on the day of the meeting to provide staff an opportunity to make necessary arrangements for the technological needs of electronic participation.
- (b) The Chair shall request that each member participating electronically declare their vote either by a show of hands or state verbally whether they are for or against the motion.
- (c) Members of Council participating electronically in closed session shall ensure confidentiality is maintained at all times.
- (d) In the event of technical failure during the meeting, Council Committee may take a recess to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, the meeting may continue.

## **Article 8 DECLARATION OF INTEREST**

### **12.8.1 Declaration of Pecuniary Interest and General Nature Thereof**

Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council, Committee or Local Board defined under the *Municipal Conflict of Interest Act*, at which the matter is the subject of consideration, the member:

- (a) Shall, at the beginning of each 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 to the matter.
- (c) Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- (d) When the meeting is in Closed Session, shall leave the closed meeting or part of the closed meeting during which the matter in relation to which the interest has been declared is under consideration.

### **12.8.2 Written statement - required**

In addition to a verbal declaration, each member must provide to the Clerk at the meeting a written statement of the member's pecuniary interest(s), if any, in accordance with the *Municipal Conflict of Interest Act*. The statement shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item(s) to which the statement relates.

### **12.8.3 Declarations - registry**

A registry of declarations made by members will be posted on the City Website in accordance with the Clerk's administrative procedures.

## **Article 9 RULES OF DEBATE**

### **12.9.1 Participation - Chair**

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

### **12.9.2 Speaking - order - determination**

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

### **12.9.3 Speaking - reply - maximum duration - fifteen minutes**

No member, without leave of Council Committee, shall speak to the same motion, or in reply for longer than 15 minutes.

**12.9.4 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 Privilege.

**12.9.5 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 10  
CONDUCT OF MEMBER****12.10.1 Speaking - disrespectfully - prohibited**

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

**12.10.2 Speaking - through Chair - only**

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

**12.10.3 Speaking - motion in debate - only**

Members shall only speak to the motion in debate.

**12.10.4 Reflection upon vote - prohibited - exception**

No member shall reflect upon any vote of Council Committee.

**12.10.5 Speaking - audience - prohibited**

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

**12.10.6 Disobey - rules - decisions - Council Committee - prohibited**

No member shall disobey the rules of Council Committee or the decision of the Chair.

**12.10.7 Disobedience - member ordered to leave - apology**

If any member disobeys the rules of Council Committee, 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 11  
MOTIONS****12.11.1 Motion - seconded - read by Chair - debated**

All motions shall be seconded before being debated or read by the Chair. When a motion is seconded, it shall be read or stated by the Chair before debate.

**12.11.2 Motion - seconded - read by Chair - possession of Committee**

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

**12.11.3 Motion - verbal**

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

- (a) to adjourn;
- (b) to approve the minutes;
- (c) to approve the agenda;
- (d) to proceed past 11:00 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

**12.11.4 Motion - under debate - motion permitted - set out**

When a motion 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; or
- (f) to extend the hour for closing proceedings.
- (g) to recess

**12.11.5 Motion to postpone**

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

**12.11.6 Motion to recess**

A recess shall be convened by motion.

**12.11.7 Motion to amend - process**

- (a) The member shall verbally announce the intent of the proposed amendment prior to the written motion to amend being seconded and presented to the Mayor/Chair for full introduction;
- (b) The motion to amend shall be dealt with before the main motion is dealt with;
- (c) The motion to amend shall be germane to the main motion.

**12.11.8 Amendment - in writing - decided - withdrawn**

Every amendment submitted 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.

**12.11.9 Amendment - to amendment - one only**

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

**12.11.10 Motion - taken separately - upon request**

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

**12.11.11 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.

**12.11.12 Rules - contravened - member apprised**

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

**12.11.13 Point of privilege - consideration - immediate**

Points of privilege may affect an individual member or all of the members. A motion to raise a point of privilege may be raised by a member at any time, with recognition from the Chair, for the purpose of drawing Council's attention to a matter that requires immediate consideration. The Chair shall make a decision.

## Article 12 VOTING ON MOTIONS

**12.12.1 Non-vote deemed negative - exception**

Every member who is present when a motion is put forth shall vote unless the member has declared 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.

**12.12.2 Equality of votes - deemed lost**

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

**12.12.3 Chair not required to vote**

Notwithstanding Section 12.11.1, the Chair is not required to vote when a motion is put forth.

**Article 13  
MANDATE - COMMITTEE**

**12.13.1 Advisory only - no legislative authority**

Council Committee shall be advisory and shall not have legislative authority.

**12.13.2 Council Committee - report - recommendation**

Council Committee shall report the proceedings to Council in the form of a Summary Report which shall include all recommendations adopted by Committee.

**Article 14  
MUNICIPAL STAFF SUPPORT**

**12.14.1 Clerk - Secretary for all Committee meetings - duty**

The Clerk shall be the Secretary for all Council Committee meetings and will prepare agendas and keep the minutes and records of the meetings.

**12.14.2 Chief Administrative Officer - Clerk**

The Chief Administrative Officer and Clerk or designate shall attend all meetings of Committee.

**12.14.3 Enquiries - process**

Enquiries relating to matters within the jurisdiction of the City may be made by members under the Enquiry portion of the agenda. All enquiries shall be received by the Clerk no later than 12 noon on the Wednesday preceding the meeting for placement under the "Enquiries" portion of the agenda. All adopted motions shall be reported in accordance with 12.13.2.

**Article 15  
AGENDA**

**12.15.1 Agenda - Council Committee**

(a) The agenda format for all regular meetings of Council Committee shall be as follows:

1. Open Session
2. Chair
3. Call to Order
4. Approval of Agenda
5. Disclosure of Interest
6. Minutes
7. Closed Session
  - Motion to move into Closed Session
  - Closed Session Items
  - Motion to Rise to Open Session
8. Open Session - 4:00 p.m.
9. Motions Arising from Closed Session Discussions
10. Consent Agenda
11. Board Reports
12. Council Referrals
13. Departmental Reports
14. Enquiries
15. Announcements
16. Open Public Forum
17. Adjournment

(b) Notwithstanding (a) above, special meetings of Council Committee may be prepared similarly to the above-noted agenda format.

**12.15.2 Business - order - as specified**

The business shall, in all cases, be taken up in the order as listed on the agenda unless otherwise decided by the members under the heading "Approval of Agenda."

**12.15.3 Agenda - prepared - deadline**

For all regularly scheduled meetings of Council Committee, the Clerk shall have the agenda prepared and distributed to the members no later than the Thursday preceding the regular Council Committee meeting and available to the public after 10:30 a.m. on the Friday preceding the meeting.



**Article 16**  
**PUBLIC NOTICE**

**12.16.1 Public Notice - Council Committee meetings**

Public notice of regular Council Committee meetings shall be given as follows:

- (a) annual schedule shall be posted on the City's website at the commencement of each year;
- (b) advertised monthly in the Council Calendar;
- (c) advertised monthly in the newspaper; and
- (d) advertised in the newspaper on the Thursday preceding the meeting.
- (e) advertised on the City's Corporate social media sites the day of the meeting.

**12.16.2 Public Notice - Special Council Committee and Budget Committee meetings**

Public notice of Special Council Committee and Budget Committee meetings shall be given as follows:

- (a) at the City Clerk's Office;
- (b) on the City's website; and
- (c) advertised in the newspaper as soon as practical.
- (d) advertised on the City's Corporate social media sites the day of the meeting.

**Adopting By-law:** By-law 1994-11, 10 January 1994.

**By-law Amendments:** By-law 1995-75, 8 May 1995; By-law 1997-124, 6 October 1997; By-law 1998-134, 19 October 1998; By-law 1999-41, 1 March 1999; By-law 2000-19, 31 January 2000; By-law 2000-29, 14 February 2000; By-law 2001-16, 29 January 2001; By-law 2001-76, 11 June 2001; By-law 2001-134, 10 September 2001; By-law 2002-118, 9 September 2002; By-law 2002-171, 16 December 2002; By-law 2004-18, 2 February 2004; By-law 2007-130, 13 August 2007; By-law 2008-12, 21 January 2008.

**Repealed and Replaced:** By-law 2008-206, 19 January 2009.

**By-law Amendments:** By-law 2010-21, 22, February 2010; By-law 2011-101, 15 August 2011.

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

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

**Repealed and Replaced:** By-law 2018-6, 29 January 2018.

**By-law Amendment:** By-law 2019-3, 21 January 2019. (Effective May 1, 2019)

**Repealed and Replaced:** By-law 2019-22, 1 April 2019.

**By-law Amendments:** By-law 2020-17, 18 March 2020; By-law 2020-48, 25 May 2020; By-law 2020-70, 27 August 2020; By-law 2020-93, 9 November 2020.