

# Information for Applicants

## 2024 Council Vacancy Councillor Position



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## Introduction

Thank you for your interest in serving the public as part of the Council of the Municipality of Kincardine! Serving on Council is an important role as it involves making decisions that affect the present and future of the Municipality of Kincardine.

You are applying to serve the public in the capacity of Councillor Ward 1, which will require approximately a two (2) year commitment of considerable time and energy. You are getting ready to embark on a journey that will be both rewarding and challenging. We hope that with this package, your trip through the election process will be a little easier.

The Municipal Elections Act, 1996 sets out in detail the requirements to be met by candidates for office. These requirements have been summarized for your convenience. You may wish to obtain your own updated copy of the Municipal Elections Act, 1996 which can be downloaded from the Ministry's website at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

It is important to note that the contents of this package are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references.

You are advised to read the enclosed material carefully. It is important that you are aware of your responsibilities. Please do not hesitate to contact me with any questions you may have about the process.

Jennifer Lawrie, Manager of Legislative Services/Clerk  
Municipality of Kincardine  
519-396-3468 ext. 7111  
[jlawrie@kincardine.ca](mailto:jlawrie@kincardine.ca)

## Frequently Asked Questions

### Important Dates

Date	Reason
September 23, 2024	Applications may be filed starting at 9:00 a.m.
October 25, 2024	Applications accepted from 8:30 a.m. to 3:00 p.m. Unofficial List of Applicants will be published.
October 30, 2024	An applicant may withdraw their application by filing a written withdrawal in person with Clerk's Office by 2 p.m.
November 6, 2024	Special Council Meeting (5:00 p.m.) – Council to review candidates and their Expression of Interest and vote to fill the vacancy. Appointment By-law and Oath of Office for new Councillor to proceed at the Council Appointment Meeting immediately after completion of voting.
November 13, 2024	Regular Council Meeting at 5 p.m. – First regular Council Meeting as a new Councillor.

### What is the Term of Office?

As you will be filling a vacancy on Municipal Council, your term starts on November 6, 2024 when you take your Oath of Office and ends when the new Council is sworn in after the 2026 Municipal and School Board Election – November 15, 2026.

### Who can be a Candidate?

Candidates for the office of Councillor Ward 1 must meet the same criteria as eligible voters or electors. You must be:

- A resident of the Municipality of Kincardine, or an owner or tenant of land in the Municipality of Kincardine, or the spouse of such an owner or tenant;
- A Canadian citizen;
- At least 18 years old; and
- Not prohibited from voting under Section 17(3) of the Municipal Elections Act, 1996, as amended, or otherwise by law.

Please note that Section 29(4) of the Municipal Elections Act states that “if a Municipality is divided into wards, a person is eligible to be nominated for an office in an election in any ward of the municipality”.



## Applicants

In order to be considered for declaration as a legally qualified municipal candidate, you must file a Council Vacancy Application Form, a Declaration of Qualification Form, and a Freedom of Information (FOI) Release Form.

Candidates shall also submit to the Clerk by the closing time for nominations, an expression of interest including your background information, relevant qualifications, and why you are interested in the position for consideration of Council. These expressions of interest will be typewritten on letter size (8 ½ x 11) paper, shall not exceed two (2) pages in length (one sided) and will include the candidates name and address.

**The deadline for filing is Friday October 25, 2024 at 3:00 p.m.**

Please note: These documents must be **filed in person**; it may not be faxed or emailed.

Appointments can be made by contacting the Clerk at [jlawrie@kincardine.ca](mailto:jlawrie@kincardine.ca) or 519-396-3468 ext. 7111.

## What are the responsibilities of Council?

Council is made up of the Mayor, Deputy Mayor, three (3) Councillors-at-Large, two (2) Councillors Ward 1, one (1) Councillor Ward 2 and one (1) Councillor Ward 3. The role of Council is laid out in Section 224 of the [Municipal Act, 2001, S.O. 2001, c. 25](#)

- (a) To represent the public and consider the well-being and interests of the municipality;
- (b) To develop and evaluate the policies and programs of the municipality;
- (c) To determine which services the municipality provides;
- (d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
  - (d.1) To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) To maintain the financial integrity of the municipality; and
- (f) To carry out the duties of council under this or any other Act.

## How can I learn more about being a Councillor?

Please review this guide and the [Ontario Municipal Councillor's Guide](#) to understand the role of Councillor.

Per the [Municipality of Kincardine Procedure By-law](#), it is the role of the Member of Council to:

- Come prepared for every Meeting, including reviewing the Agenda and background information prior to the Meeting.

- Act in accordance with their Declaration of Office and all Municipal Policies and procedures including but not limited to the Code of Conduct for Members of Council, Local Boards and Committee Members and the Council Staff Relations Policy.
- Carry out the responsibilities of their roles as described in any Act, or a by-law or policy of the Municipality.
- Abide by and uphold the by-laws and policies of the Municipality and under no circumstances take it upon themselves individually to circumvent established policies.
- Respect the rules of procedure at all Meetings.
- No individual Member has the authority to direct or interfere with the performance of any work for the Municipality.

### **Will I be paid as a Councillor?**

Basic Salary: The level of Council remuneration can be found in Council Remuneration & Expense Policy.

The basic salary covers the following meetings and activities each month:

- Two (2) Regularly Scheduled Council Meetings;
- Community events; and
- Meetings with Department Heads.

Per Diems: The level of per diems are determined by Council. Per diems are currently set as follows:

- Half-day (up to three (3) hours not including breaks)      \$ 80.00
- Full day (more than three (3) hours not including breaks)      \$150.00

Per diems may be claimed for:

- Special Meeting of Council;
- Special Budget Meeting;
- Committee of Council Meetings; and
- Attendance at a convention/conference/training session.

### **What is the time commitment**

The time commitment varies from individual to individual. A Member can expect to devote time for a minimum of two meetings per month along with various duties on Committees as appointed by Council. As a new Member, you can expect the spend hours in training and learning how to be a Councillor.

This would include:

- Training required for a new Council member
- Council Meetings - typically, the second and fourth Wednesday of each month at 5:00 p.m. in the Council Chambers at the Municipal Administration Centre (1475 Concession 5, Kincardine).
- Attendance at extra Committees that a Member can be expected to be appointed to by Council.
- Attendance at Special Council meetings (i.e. Budget) that can occur during the daytime or evening.
- Telephone calls and contact with constituents
- Reading and research time for each agenda.
- Special Community Events (i.e. ceremonies, parades, etc.)

Below is a list of upcoming meetings for the remainder of 2024 and early 2025.

Date	Time	Type
Wed. November 13, 2024	5 p.m. – 8 p.m.	Regular Meeting
Wed. November 27, 2024	5 p.m. – 8 p.m.	Regular Meeting
Tues. December 10, 2024 *	9 a.m. – 2:30 p.m.	Special Budget Meeting
Wed. December 11, 2024	5 p.m. – 8 p.m.	Regular Meeting
Mon. January 13, 2025 *	9 a.m. – 2:30 p.m.	Special Budget Meeting
Wed. January 15, 2025	5 p.m. – 8 p.m.	Regular Meeting
Mon. January 27, 2025 *	9 a.m. – 2:30 p.m.	Special Budget Meeting
Wed. January 29, 2025	5 p.m. – 8 p.m.	Regular Meeting
Wed. February 12, 2025	5 p.m. – 8 p.m.	Regular Meeting

\*Note that these dates are tentative

## What Questions should I consider before the Council Appointment Meeting?

Here is a sample of the types of questions you may consider before at the Council Appointment Meeting.

1. What do you see as the 3-5 priorities Council should consider in 2025?
2. What are your priorities for development in the Municipality of Kincardine?
3. What are some of the challenges you see facing the Municipality of Kincardine?
4. What are some opportunities you see facing the Municipality of Kincardine?
5. Council is a significant time commitment. How will this fit in with your other commitments?
6. What do you believe is the role of Council in our community?
7. What is your approach to handing controversial or complicated issues?



## **How do I contact the Clerk's Office?**

For more information, please contact the Clerk:

Jennifer Lawrie, Manager of Legislative Services/Clerk  
1475 Concession 5, RR #5, Kincardine, ON N2X6  
519-396-3468 ext. 7111 [jlawrie@kincardine.ca](mailto:jlawrie@kincardine.ca)

## Council Vacancy Policy

**Policy No.:** COUNCIL.06

**Section:** Your Government and People

**Policy Title:** Council Vacancy Policy

**Adopted Date:** September 11, 2024

**By-law No.:** 2024 - 124

**Revision Date:**

### 1. Purpose

The purpose of this Policy is to provide for an accountable and transparent process for filling any Vacancy that occurs on Council.

In accordance with the Municipal Act, S.O. 2001, c.25, when the office of a Member of Council becomes vacant, Council is required to declare the office vacant and determine if the seat will be filled by by-election or appointment. A vacancy can occur in several different ways, including the death or resignation of a Member or when a Member becomes disqualified from holding office.

### 2. Scope

This Policy applies to any Vacancy on Council during the term of Council.

### 3. Definitions

For the purposes of this policy, the following definitions are used:

**Act** means the Municipal Act, S.O. 2001, c. 25, as amended.

**Appointment** means the process of Council appointing a qualified elector to fill a vacancy for the remainder of the current Council term.

**By-election** means an election held to fill any vacancy, conducted in accordance with the provisions of Section 65 of the Municipal Elections Act, 1996, as amended.

**Clerk** means the Manager of Legislative Services/Clerk of the Municipality of Kincardine, or their designate(s).

**Council** means the Council of The Corporation of the Municipality of Kincardine.

**Eligible Elector** has the same meaning as subsection 17(2) of the Municipal Elections Act, 1996, namely a person:

- (a) who is resident of the Municipality of Kincardine, or an owner or tenant of land in the Municipality or the spouse of such an owner or tenant;
- (b) who is a Canadian Citizen;
- (c) who is at least 18 years old; and
- (d) who is not prohibited from voting under any other Act or from holding municipal office.

**MEA** means the Municipal Elections Act, 1996.

**Municipality** means The Corporation of the Municipality of Kincardine.

**Regular Election Year** means the year established for a regular municipal election in accordance with the Municipal Elections Act, 1996, as amended.

**Vacancy** means when an office on Council is vacant in accordance with Section 259 of the Act, and “Vacant” has a corresponding meaning.

#### **4. Responsibility**

- 4.1 The Clerk is responsible for the administration and interpretation of this Policy, including advising Council on its application.
- 4.2 Council is responsible for the enactment of this Policy as well as complying with this Policy.
- 4.3 The Clerk is authorized to make such administrative changes to this Policy as appropriate to keep the Policy current. Any revision to the intent of the Policy shall be presented to Council for approval.
- 4.4 The documents attached to this Policy as Appendices may be updated under the direction of the Clerk.

#### **5. Policy Objective**

- 5.1 The Municipality of Kincardine is committed to an open, accountable, and transparent government.
- 5.2 The Policy shall be used to determine if a vacant Council office will be filled by by-election or appointment, and to outline the process when appointing a Municipal Council Member, a Candidate, or an Eligible Elector to fill a vacancy.

## 6. Declaring a Vacancy

- 6.1 In accordance with Section 262 (1) of the Act, Council shall declare a vacancy:
- a. In the case of a death of a Member of Council, at one of the next two meetings of Council; or
  - b. In any other case, at its next meeting.

## 7. Calling a By-Election

- 7.1 **By-law for calling a By-election:** In accordance with Section 263 (5) of the Act, Council shall pass a by-law calling for a by-election within sixty (60) days of declaring a vacancy. To afford the Clerk sufficient time to prepare for a by-election, a by-law calling for a by-election shall be placed on a Council agenda no earlier than the 50<sup>th</sup> day after a Vacancy is declared.
- 7.2 **Nomination Day:** In accordance with Section 65(4)(1)(i) of the MEA, the Clerks shall fix Nomination Day to be a day not more than 60 days after Council passed a by-law calling for a by-election.
- 7.3 **Voting Day:** In accordance with Section 65(4)(3) of the MEA, Voting Day for a by-election shall be 45 days after Nomination Day.

## 8. Appointment Process

- 8.1 In accordance with Section 263(5)(1)(i) of the Act, if a Vacancy is to be filled by Appointment the vacancy shall be filled within 60 days of declaring the vacancy.
- 8.2 **Vacancy in the office of Mayor/Deputy Mayor:** If a vacancy in the office of the Mayor or Deputy Mayor is to be filled by Appointment, Council may choose to fill the vacancy by appointing:
- a. a current Member of Council;
  - b. an unsuccessful candidate for the same office in the most recent regular election; or
  - c. any other qualified elector.
- 8.3 **Vacancy in the office of Councillor-at-Large or Ward Councillor:** If a vacancy in the office of Councillor-at-Large is to be filled by appointment, Council may choose to fill the vacancy by appointing:
- a. an unsuccessful candidate in the most recent regular election; or
  - b. any other qualified elector.

- 8.4 **Appointment of current Members of Council to fill a Vacancy:** if Council chooses to fill a vacancy in accordance with sections 8.2 (a) of this Policy, the appointment process shall generally be in accordance with the “Procedure to Appoint a Member of Council to fill a Vacancy” attached as Appendix “A” to this Policy.
- 8.5 **Appointment of a previous candidate to fill a Vacancy:** If Council chooses to fill a vacancy in accordance with either 8.2 (b) or 8.3 (a) of this Policy, the appointment process shall generally be in accordance with the “Procedure to Appoint a Previous Candidate to fill a Vacancy” attached as Appendix “B” to this Policy.
- 8.6 **Appointment of a qualified elector to fill a Vacancy:** If Council chooses to fill a vacancy in accordance with either 8.2 (c) or 8.3 (b) of this Policy, the appointment process shall generally be in accordance with the “Procedure to Appoint a Qualified Elector to fill a Vacancy” attached as Appendix “C” to this Policy.
- 8.7 Nothing in this Policy shall be interpreted as denying Council its authority to do anything permitted or required under the Act.

## 9. Related Documents/Legislation

- a) Municipal Act, S.O. 2001, c. 25, as amended.
- b) Municipal Elections Act, 1996, as amended.



## Appendix C

### Procedure to Appoint an Eligible Elector to fill a Vacancy

The following procedure will be followed by Council when appointing an Eligible Elector to fill a vacancy.

#### A. Definitions

**Candidate** means an Eligible Elector who has submitted an application for appointment to the Clerk, in accordance with this procedure, and who has been certified as a candidate by the Clerk.

**Chair** means the Member of Council presiding at the Council Appointment Meeting.

**Clerk** means the Manager of Legislative Services/Clerk of the Municipality of Kincardine, and their designate(s).

**Container** means any box prepared by the Clerk to be used in the drawing of the name of individual nominees as required in these procedures.

**Council Appointment Meeting** means the regular or Special Council Meeting where Council will appoint someone to fill a vacancy.

**Eligible Elector** means a person who is a qualified elector in accordance with the Municipal Elections Act, 1996.

**Nominee(s)** means an individual(s) whose name appears on the Slate of Nominees.

**Slate of Candidates** means a list of all the individual candidates.

**Slate of Nominees** means a list of all the individual candidates, who have been nominated in accordance with this procedure, for appointment to fill a vacancy.

#### B. General

1. Council is required to declare the office vacant in accordance with the Act and may resolve to fill the vacancy by the appointment of an eligible elector.
2. Council, in consultation with the Clerk, will fix the date of a meeting when this decision will be made – the Council appointment meeting.

3. To be considered for appointment, an eligible elector must meet all the requirements to hold a vacant office in the Municipal Elections Act and must not otherwise be disqualified from holding that office.
4. It is the eligible elector's sole responsibility to meet any deadline or otherwise comply with any requirement established by the Council, the Clerk, the Municipal Elections Act or the Municipal Act as part of the appointment process.

### **C. Notice Process**

1. Notice of Council's decision to appoint an Eligible Elector shall be provided as follows:
  - i. Notice of the vacancy shall be posted by the Clerk on the Municipal Website and in local newspaper(s).
2. The notices will identify Council's intention to appoint an Eligible Elector to fill the vacancy, and:
  - i. The eligibility requirement to fill the vacancy;
  - ii. Any requirement established by the Clerk, including but not limited to:
    - a. Application forms and/or written expression of interest;
    - b. Statement of qualifications form;
    - c. Declarations of eligibility;
    - d. FOI Release Form; and
    - e. Deadline for submissions.

### **D. Application Process**

1. Any Eligible Elector wishing to be considered for appointment to fill the vacancy shall complete and sign the prescribed Council Vacancy Application Form and a Council Vacancy Declaration of Qualification.
2. Forms shall be submitted in person at the Municipal Administration Centre during the Application period as determined by the Clerk.
3. All applicants must provide the Clerk with government issued identification and proof of eligibility within the municipality when filing a nomination.
4. The surname on the application and the surname on the identification must be the same. Some flexibility will be given subject to the approval of the Clerk.

5. Applicants shall also submit to the Clerk by the closing time of the nominations period an expression of interest, including the applicants background information, relevant qualifications and why the person is interested in the vacant office. Expressions of Interest will be typewritten on letter size (8 ½ x 11) paper, shall not exceed two (2) pages in length (one sided), and will include the applicants name and address.
6. Expressions of Interest that do not meet the requirement as set out in section D 5 shall not be included in any Council meeting agenda or provided to Council by the Clerk.
7. An unofficial list of persons who have submitted forms will be prepared and updated as soon as practicable after receipt of the required forms. This list will be posted on the Municipality of Kincardine's website ([www.kincardine.ca](http://www.kincardine.ca)).

#### **E. Freedom of Information Release Form**

1. All application forms and expressions of interest are collected under the authority of the Municipal Elections Act, 1996 and will be included in the Council Agenda, as well as being made available for public inspection in the office of the Clerk until the next regular election.
2. The entire Council proceedings related to the Council Vacancy will be dealt with in open session of Council.
3. A Freedom of Information (FOI) Release form is required to be filled out by applicants.

#### **F. Review of Applications**

1. The Clerk shall examine all the application forms received from the applicants by the deadline to ensure the eligibility of the applicant. At a minimum, the Clerk shall ensure that the applicant has:
  - i. Complied with any requirements established by Council or the Clerk;
  - ii. Is eligible under the Municipal Act, the Municipal Elections Act, or any other legislation, to hold the office that has been declared vacant.
2. The Clerk will certify a list of all Candidates who are eligible for appointment. Applicants that do not meet the eligibility requirements will be notified in writing, and their names shall be provided to Council for information purposes only.
3. The Clerk shall provide notice to the certified list of Candidates of the date and time for the Council Appointment meeting. Candidates are solely responsible for attending any Council Appointment meeting which will not be rescheduled due to a Candidates conflict.

4. Any Council agenda documentation related to Candidates will be published in alphabetical order by surname.
5. An official list of certified Candidates will be posted on the Municipal website once applications have been certified and the application period has expired.
6. A certified Candidate may withdraw their application by filing a written withdrawal on the prescribed form in the Clerk's Office before a date set by the Clerk. The candidate shall appear in person with identification in order to withdraw the application.

### **G. Nomination Process**

1. At the Council Appointment meeting, the Chair will outline the following:
  - i. Council has declared a seat vacant in accordance with the Act and resolved to fill the vacancy by the appointment of an Eligible Elector.
  - ii. A general overview of how the appointment process will be conducted.
2. The Clerk will read out the names of all the individuals certified to be eligible for nomination (alphabetically by surname). The Chair will call for a motion from Council to constitute the official Slate of Candidates eligible for nomination.
3. Candidates will be permitted participate remotely.
4. Each of the Candidates on the Slate of Candidates will be offered the opportunity to address Council for a period of not more than ten (10) minutes. The order of speakers will be drawn by the Clerk from the container.
5. Candidates not presenting shall be sequestered in a separate area until it is that persons' turn to speak.
6. Once a Candidate has finished speaking, each Council member may ask a maximum of two (2) questions per Candidate. No scoring system shall be used in considering the answers to the questions. It is not mandatory for Council to ask any questions or for any candidate to participate in answering any or all of the questions.
7. Once all of the Candidates have addressed Council, the Chair will call for nominations, subject to the following:
  - i. Only a Member of Council may nominate an individual candidate from the Slate of Candidates.
  - ii. Each Member of Council may nominate one or more candidate(s).
  - iii. Nominations must be done by formal resolution (i.e. a mover and seconder are required).

- iv. Candidates do not need to be present to be nominated.
8. The Chair will call three times for further nominations. Hearing none, the Chair will request a motion to close the nominations.
9. Once the nominations are closed, the Chair will read aloud all the names of the Candidates who have been nominated.
10. The Chair will request a motion to adopt the names as the Slate of Nominees.

## **H. Acclamation Procedure**

1. If the Slate of Nominees includes only one (1) Nominee, the Chair will declare the Nominee elected and the Clerk will prepare a motion or by-law to submit to Council for consideration.

## **I. Voting Procedure**

1. If the slate of nominees includes more than one (1) nominee, rounds of voting will be conducted as follows:
  - i. In accordance with Section 244 of the Act, no vote shall be taken by ballot or by any other method of secret voting.
  - ii. Pieces of paper with each of the Nominees names will be created by the Clerk and placed in a container provided by the Clerk. Each of these pieces of paper will be equal in size and type and will contain the name of one nominee only.
  - iii. The Clerk will draw the name of the Nominees to be voted on by Council.
  - iv. Council will vote on each Nominee drawn by the Clerk at the same time by way of a public vote by show of hands.
  - v. Each Member of Council may vote for one (1) Nominee only in each round.
2. Round of voting shall continue until a Nominee has received more than one-half (1/2) of the votes of the Members of Council present, or until a tie is broken in accordance with section I.3.v.b of this procedure.
3. Where a round of voting does not result in a Nominee receiving more than one-half (1/2) of the votes of the Members of Council present:
  - i. In any round of voting, one (1) vote shall be considered the lowest number of possible votes; and
  - ii. Where nominees receive zero (0) votes, they will be automatically excluded from the Slate of Nominees in the next round of voting; and
  - iii. The nominees with the fewest number of votes will be automatically excluded from the Slate of Nominees in the next round of voting.



Example in a contest with four (4) Nominees and 8 Members of Council present, a nominee will need a minimum of 5 votes to be appointed:

Nominee A – 4 votes

Nominee B - 3 votes

Nominee C – 1 vote

Nominee D – 0 votes

In the above scenario, as no majority was achieved, Nominee D is automatically eliminated with 0 votes and Nominee C is eliminated from further voting, and another round of voting will occur.

- iv. The Clerk will record the votes and announce the results verbally at the end of each round of voting.
  - v. The Clerk will ask if any nominee present wishes to withdraw their name from the contest after each round of voting.
  - vi. **Equal Votes for all Nominees:** Where the votes case is equal for all the nominees:
    - a. If there are three or more Nominees remaining, the Clerk will draw the name of one Nominee to be excluded from the subsequent voting. In other words, the names not pulled by the Clerk will continue to be eligible Nominees.
    - b. If only two (2) Nominees remain, the Clerk will break the tie by pulling the name of the unsuccessful Nominee. In other words, the name remaining in the container is the Nominee to be declared elected by the Clerk.
4. Upon conclusion of voting, the Clerk will note the Nominee receiving the votes of more than half of the number of voting members or the Nominee selected through section I 3 v b.
  5. A by-law confirming the appointment of the successful Nominee shall be enacted by Council immediately after the conclusion of the voting and the new member shall take their Declaration of Office before taking their seat on Council.

## J. General Voting Rules

1. Each piece of paper used by the Clerk to draw the names of candidates or nominees in accordance with the requirements of this Procedure will be created by the Clerk and will be equal in size and type and will contain the name of only one individual.
2. Only the Clerk or the Clerk's designate may handle the pieces of paper and the container referenced in this procedure.

Records will be retained per the Municipality of Kincardine's Record Retention By-law.

## General Information

### History

The Corporation of The Municipality of Kincardine was formed following the amalgamation in 1999 of the former Town of Kincardine, Township of Bruce and the Township of Kincardine. Prior 1999, the Township of Bruce and the Village of Tiverton amalgamated.

The Municipality is unique in that it is comprised of various landscapes and communities including being home to 50 km of shoreline on Lake Huron, hosting both urban and rural communities, agricultural lands, and is home to Bruce Power, which provides nuclear power to homes and businesses in Ontario and medical isotopes across the world.

The Municipality of Kincardine is one of eight member municipalities within Bruce County and is represented at County Council through the Mayor. The Municipality of Kincardine holds strong relationships with their neighbouring municipalities and the lower-tier municipalities in Bruce County.

### Mapping

Interactive Ward Mapping:

<https://brucecounty.maps.arcgis.com/apps/instant/lookup/index.html?appid=2a1675def4414db694ccaecd400dc911>

Bruce County Mapping: <https://maps.brucecounty.on.ca/>

### Corporate Mission, Vision & Values

#### Mission

The Municipality of Kincardine provides quality services that address the needs of our citizens, provide long-term sustainability, and improve the well-being of the community.

#### Vision

Energy. Opportunity. Balanced Lifestyle.

#### Values

Values guide our everyday interactions. Values determine behaviour. Together they form culture. The following values serve as our collective commitment to how we work with citizens, visitors, community partners, and each other.

- Collaboration: We involve and engage the community to encourage high levels of participation and form partnerships to make a positive impact.
- Accountability: We are responsible for decisions made and actions taken and will conduct ourselves with openness and transparency that inspires trust.

- **Respect:** We create an environment where we celebrate our diversity, we practice high standards of ethical behaviour and provide a safe space for sharing points of view.
- **Excellence:** We deliver excellent services in our every interaction to increase customer satisfaction and build confidence in the Municipality of Kincardine.
- **Safety:** We create an environment where safety is never compromised, and we work together to prevent accidents and keep each other safe.

For more information, please refer to the [Integrated Strategy 2.0](#)

## **Role of Staff**

A key feature of effective and efficient councils is a well-developed understanding of council-staff relations and the role of each party. Just as section 224 of the Municipal Act outlines the role of council, section 227 sets out the role of staff:

It is the role of the officers and employees of the municipality:

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

There are also some specific provisions about the duties of some officers of the municipality, such as the Clerk and the Treasurer.

As a Councillor, you can assist staff by:

- Making yourself aware of the full range of duties and responsibilities of staff; and
- Preparing for Council meetings (reviewing the agenda, talking to staff about the history and background of issues, and knowing your constituents' situations and concerns).

## **Council Staff Relations**

Council and administration have different roles within the municipality, but their roles have common goals and purposes. In general, it is the role of the elected council to represent the community and set the direction and policy for the municipality, and it is the role of staff to manage people and resources to achieve council's vision.

Generally, Council sets the policy direction for the municipality, and staff provides the research and expert advice to help Council with their decision-making process. Once Council makes a decision,

staff has general responsibility to implement the policy of Council. For example, by administering and delivering services and programs to the community.

The relationship between Council and Staff is a vital component of an effective municipal government. Staff and Council rely on one another to move the municipality forward.

Both staff and council provide leadership; council provides political leadership, while administration provides leadership to the organization.

For information regarding Council-Staff relationships, please refer to Council and Staff Relations Policy.

## **Code of Conduct**

The Council of the Municipality of Kincardine has adopted the [Code of Conduct for Members of Council, Local Boards, and Committee Members](#). The Code of Conduct demonstrates Council's commitment to achieving the highest standards of conduct which is essential to maintaining and ensuring public trust and confidence in the Municipality's decision-making and operations. Council Local Board and Committee Members shall act in an accountable and responsible manner, with integrity and fairness in the decision-making process.

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

### **Compliance with the Code of Conduct**

Members of Council are expected to adhere to the provisions of the Code of Conduct. Where Council has received a report by its Integrity Commissioner that in his or her opinion there has been a violation of the Code of Conduct, the Municipal Act, 2001 provides Council with the authority to impose the following sanctions:

- (a) A reprimand; and

- (b) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

### **Integrity Commissioner/Closed Meeting Investigator/Ombudsman**

Through By-law, the Municipality of Kincardine appointed Principles Integrity as the Integrity Commissioner. The role of the Integrity Commissioner is to support members of Council (and members of the Municipality's Local Boards) to perform their functions in accordance with the Code of Conduct and other rules or policies governing their ethical behaviour.

Council members may seek advice from the Integrity Commissioner. The Integrity Commissioner also receives complaints about a member's ethical compliance and may conduct a formal investigation if the matter cannot be resolved informally.

### **Municipal Conflict of Interest Act**

The Municipal Conflict of Interest Act requires Members of Council to declare any direct or indirect pecuniary interest in relation to a matter under consideration. A pecuniary interest relating to a matter is one where there is a reasonable likelihood or expectation of financial loss or gain by the Member or related persons as defined in the [Municipal Conflict of Interest Act](#). The onus to declare a pecuniary interest rests with the member, and there is a time dedicated for these declarations on every meeting agenda.

All members of Council, Committees or Local Boards must submit their disclosures of pecuniary interest in writing to the Clerk at the meeting or as soon as possible after the meeting during which they verbally disclose an interest using the Declaration of Pecuniary Interest Form.

The Municipal Conflict of Interest Act requires that every municipality establish and maintain a registry of all declarations made by members at a Council, Committee or Board meeting. Councillor can submit their declaration by completing the Declaration of Pecuniary Interest Form and submitting it to the Clerk.



## Municipal Government 101

### What are Local Governments?

Local government is the broader term which covers both municipalities and local special purpose bodies (such as school boards, library boards, and conservation authorities).

### What is a Municipality?

A municipality is a corporation - a legal device that allows residents of a specific geographic area to provide services that are of common interest.

Section 2 of the Municipal Act provides that "municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction, and each municipality is given powers and duties under the Act and many other Acts for the purpose of providing good government with respect to those matters."

The Municipality of Kincardine is the lower-tier municipality in the two-tier structure of the County of Bruce. Lower-tier municipalities are also sometimes referred to as local municipalities.

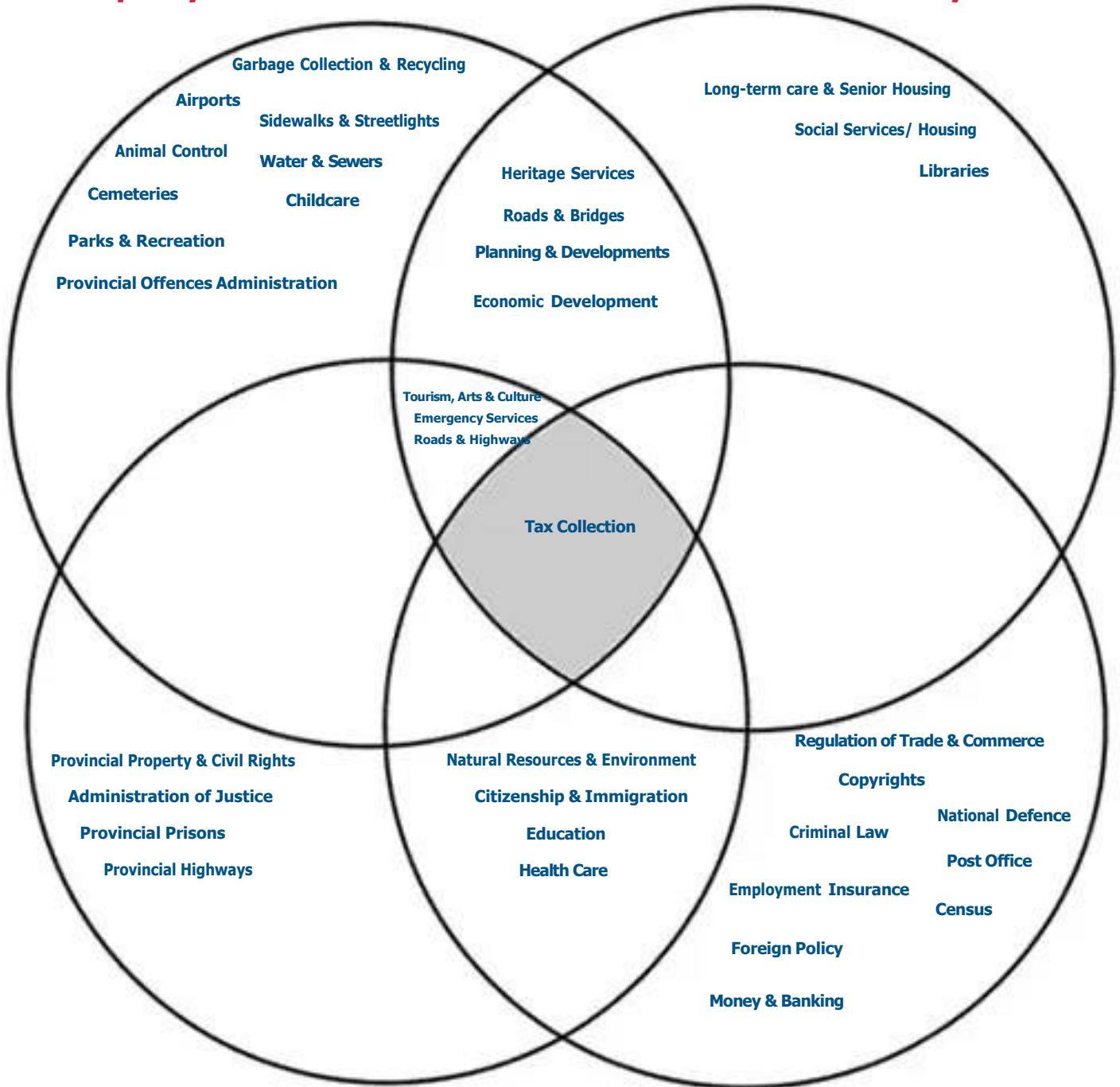
### County of Bruce

The Municipality of Kincardine is the lower-tier municipality in the two-tier structure of the County of Bruce. The county differs in that its governing body is not directly elected but consists of representatives who have been elected to specified positions within the constituent lower tier municipalities.

Counties are not empowered to levy or collect taxes directly. Instead, they requisition from their local municipalities the funds required for county purposes and the local municipalities levy the amounts so required in addition to the sums needed for their own undertakings.

**Municipality of Kincardine**

**County of Bruce**



**Provincial Government**

**Federal Government**

## **Accountability and Transparency**

**Accountability:** The principle that the Municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

**Transparency:** The principle that the Municipality actively encourages and fosters stakeholder participation and openness in its decision-making process. Additionally, transparency means the Municipality's decision-making process is open and clear to the public.

Accountability and transparency are important principles underlying the decisions made by Council and the work undertaken by Municipal staff. The Municipality of Kincardine undertakes or has undertaken a number of initiatives, policies and practices to demonstrate its commitment to accountability and transparency, including:

- Open public meetings;
- Availability of reports, agendas and minutes on the municipal website;
- On-going communication efforts with residents, businesses and other stakeholders;
- Quality customer service approach; and
- Formal complaint and feedback processes.

There are a number of mandated policies that Ontario municipalities are required to have in place which describe the management of their affairs and achieve their goals.

## **Municipal Freedom of Information**

The Municipality of Kincardine strives to provide as much information as possible to the public while keeping personal and protected information private.

Under the [Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#), the Municipality of Kincardine is required to create an open and accountable government by providing the general right of public access to information held by these governments beyond that outlined in the Municipal Act, while ensuring that personal privacy is protected.

The purpose of the Act is to:

- provide a right of access to information under the control of institutions in accordance with the principles that,
  - information should be available to the public,
  - necessary exemptions from the right of access should be limited and specific, and
  - decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and

- to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

The [Information and Privacy Commissioner of Ontario](#) provides a Request Form under the Municipal Freedom of Information and Protection of Privacy Act. The form and a \$5.00 application fee is required for all access requests and to be submitted to the Clerk.

## General Meeting Information

### Regular Meetings of Council

Council meetings take place the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month starting at 5 p.m. They are a formal meeting and it is where motions are debated and are formalized by resolution or by-law. Meetings are open to the public. These meetings take place in the Council Chambers at the Municipal Administration Centre (1475 Concession 5).

Agendas for these meetings are available to each member of Council the Thursday at 4:30pm, preceding a regular meeting of Council. The agenda for a Council meeting will be posted on the municipal website. The meetings are lived streamed and the video of the meetings can be found the Municipality's YouTube Channel and attached to the minutes of the meetings.

### Special Meetings of Council

The Mayor or in the absence of the Mayor, the Deputy Mayor, may at any time call a special meeting or upon receipt of a petition of the majority of the members of the Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition. At least forty-eight (24) hours' notice of all special council meetings shall be given by the Clerk. Such notice shall be provided by email or telephone, to the members of Council. Notice to the public will be posted on the municipal website and if sufficient time, be published once in a newspaper of general circulation in the municipality.

At special meetings of the Council, it shall not be competent to consider or decide upon any matter unless such matter has been listed in the notice calling the meeting.

### Procedural By-law 101

The [Municipality of Kincardine Procedure By-law](#) contains the rules of procedure for Council and Committee meetings. It describes how the meetings are to be conducted and is a very important tool for Members of Council and Staff to be familiar with.

### What's my Role? (Section 5)

The roles of various attendees at Council are outlined including the Mayor, Council Members, the CAO and the Clerk.

### What is Regular Meeting of Council? (Section 11)

This section describes the location, date and time of meetings along with the order of business.

### What is the Consent Agenda? (Section 20)

The Consent Agenda deals with items of routine business that are unlikely to be subject to debate by Council. Items are considered in one motion.

### What is the Decorum in the Council Chambers? (Section 7.2)

Council affirms that the business of Council is important and it will not tolerate any incivility in its Meetings on the part of any individual or group, and that the Mayor or Chair is expected to maintain decorum by all persons in attendance at the meeting.

7.2 b outlines the behaviour the no person participating in the meeting, including members of the audience, may undertake. Below are some examples:

- i. Make deprecating comments about, or speak disrespectfully of, or malign the integrity of staff, the public, Mayor, Members of Council, or Committee;
- ii. Use indecent, offensive, defamatory, disrespectful or insulting language or an aggressive one of attack;
- iii. Use Offensive words;
- vi. Enter into cross debate with the Chair or any decision of Council on questions of order or practice;
- viii. Address Council without permission.

### What if I have Questions about the Agenda? (Section 10)

Council Members will endeavour to submit all questions related to an Agenda to the Clerk and CAO no later than noon, two days prior to the meeting. Staff, through the CAO and Clerk will provide responses or an explanation of the work required to provide the response, no later than 2:00 p.m. one day before the scheduled meeting.

### What are the Rules of Debate? (Section 28)

The Mayor will preserve order and decorum in the meeting and all questions or discussion will be address to the Mayor.

“Through the Mayor” – When a member of Council or Staff speak they are speaking to the Mayor. You will hear them say “Through the Mayor” when they want to answer a question or address a comment made by a Member. This helps to keep decorum and cross debate.

#### How do I vote? (Section 24)

Votes are done in person by raising your hand and virtually by stating your vote. You can not “abstain” or refuse to vote unless you have a pecuniary interest. If you do not vote, you are counted as a “no” vote.

If a member calls for a recorded vote, the Clerk will reach each members name in alphabetical order with the Mayor last and each member will state either yes or no to the motion.

#### Can I participate electronically? (Schedule A- Hybrid Meeting Procedure)

Yes, Members of Council are permitted to attend meeting electronically.