

THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2019-80

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THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2019-80

WHEREAS section 238 of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a procedure By-Law for governing the calling, place and proceeding of meetings;

AND WHEREAS Notice of the Public Meeting in the matter of the Procedural By-Law was given by way of an advertisement in the North Bay Nugget on the 22nd day of June, 2019 and on the 29th day June, 2019;

AND WHEREAS a Public Meeting under the *Municipal Act, 2001*, as amended, in the matter of the Procedural By-Law was held on the 30th day of July, 2019;

AND WHEREAS Council approved the Procedural By-Law by General Government Committee Report No. 2019-13 passed on the 8th day of October, 2019.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

PART 1 - MEETINGS OF THE COUNCIL

1. DEFINITIONS

In this By-Law:

- 1.1 **"Ad Hoc Committee"** shall mean a Committee established by Council Resolution to review a specific issue; once the Committee has reported to Council with respect to its findings and recommendations, the Committee is automatically dissolved.
- 1.2 **"Advisory Committee"** shall mean any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.
- 1.3 **"Agenda"** shall mean a list of all items to be considered by the Council at the meeting for which the agenda was published.
- 1.4 **"Business Day"** shall mean Monday to Friday inclusive, except for Statutory or Civic Holidays observed in the Province of Ontario or any other day North Bay City Hall is not opened for business.
- 1.5 **"Call the question"** shall mean that the vote on the motion shall be taken.
- 1.6 **"Chair"** shall mean the Mayor or the Presiding Officer of a meeting.
- 1.7 **"Chief Administrative Officer"** shall mean the Chief Administrative Officer (CAO) of the Corporation as defined by the *Municipal Act, S.O. 2001, c. 25*, as amended and any successor legislation thereto or their designate.
- 1.8 **"City"** shall mean The Corporation of the City of North Bay.
- 1.9 **"Clerk"** shall mean the City Clerk or the Deputy City Clerk of the Corporation.

- 1.10 **"Closed Session"** (also known as an "in-camera meeting") shall mean any Meeting or portion of the Meeting of Council or Committee not open to the public and held in accordance with the *Municipal Act*, S.O. 2001, c. 25, as amended and any successor legislation thereto as amended.
- 1.11 **"Conflict of Interest"** shall mean a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, and any successor legislation thereto.
- 1.12 **"Corporation"** shall mean The Corporation of the City of North Bay.
- 1.13 **"Council"** shall mean the Council of the Corporation.
- 1.14 **"Defer", "Deferred" or "Deferral"**, shall mean to remove a main Motion from consideration of City Council or a Committee until such time as provided for in the Motion.
- 1.15 **"Deputy Mayor"** shall mean the Councillor appointed by Council to act in the absence of the Mayor in accordance with this By-Law and the *Municipal Act*, S.O. 2001, c. 25, as amended and any successor legislation thereto.
- 1.16 **"Emergency Meeting"** shall mean a Meeting of the Council called without Notice to address circumstances of emergency.
- 1.17 **"Ex-officio"** shall mean by virtue of office or position and carries with it the right to participate fully in all committee meetings and to vote unless prohibited by law, but does not count towards a quorum.
- 1.18 **"Holiday"** shall mean:
(a) any holiday as defined in the *Interpretation Act*, R.S.C. 1985;
(b) Boxing Day;
(c) any day proclaimed by Council as a civic holiday.
- 1.19 **"Improper conduct"** shall mean conduct which offers any obstruction to the deliberations or proper action of Council or a Committee.
- 1.20 **"Inaugural Meeting"** shall mean the first meeting of the newly elected Council held after a municipal election in a regular election year.
- 1.21 **"Local Board"** shall mean a municipal service board, transportation, commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.
- 1.22 **"Majority Vote"** shall mean the vote of more than half of the Members present and voting at a properly constituted meeting at which a quorum is present.
- 1.23 **"Mayor"** shall mean the Head of Council, or in their absence the Deputy Mayor, exercising the powers granted in accordance with the *Municipal Act*, S.O. 2001, c. 25, as amended and any successor legislation thereto and this By-Law.

- 1.24 **"Meeting"** shall mean any Regular, Special or other meeting of a Council or of a Committee Meeting of Council, where
- (i) a quorum of members is present; and
 - (ii) 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.
- 1.25 **"Member"** shall mean a member of Council or Committee.
- 1.26 **"Motion"** shall mean a proposal brought forward by a Member for consideration by Council or Committee that is moved and seconded by another Member.
- 1.27 **"Municipal Act"** shall mean the *Municipal Act*, S.O. 2001, c. 25, as amended and any successor legislation thereto.
- 1.28 **"Municipal Election"** shall mean a general municipal election or by-election held pursuant to the *Municipal Elections Act*, 1996 S.O. 1996, c. M.51, as amended and any successor legislation thereto.
- 1.29 **"Newspaper"** shall mean an on-line publication or a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than three (3) days, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers and includes the North Bay Nugget.
- 1.30 **"Notice"** shall mean a written document provided to Members and to the public that advises the recipient of the time and place of a Meeting.
- 1.31 **"Notice of Motion"** shall mean a signal of intent by a Member to have a Motion dealt with at a subsequent Meeting.
- 1.32 **"Officer"** includes the Chief Administrative Officer, Managing Directors, the Chief Financial Officer and Statutory Officers employed by the Corporation.
- 1.33 **"Open Session"** shall mean any part of a meeting not in "closed session".
- 1.34 **"Participant"** shall mean a person who (i) resides in the City; (ii) is the owner or tenant of land in the City; or (iii) is the spouse of such a person, who wishes to take part in the proceedings of Town Hall Meetings.
- 1.35 **"Pecuniary Interest"** shall mean a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O, 1990, c.M.50, as amended, and any subsequent legislation thereto.
- 1.36 **"Petition"** shall mean a document requesting Council's consideration of a matter that contains more than ten (10) signatures and does not include an electronic web-based document.
- 1.37 **"Point of Order"** shall mean an issue to which a Member calls attention to:
- (a) any breach of the rules of order pursuant to this Procedural By-Law; or
 - (b) any defect in the constitution of any Meeting; or
 - (c) the use of improper, offensive, abusive language or

- conduct; or
 - (d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - (e) any other informality or irregularity in the proceeding of the Meeting.
- 1.38 **"Point of Privilege"** shall mean a matter that a Member of Council considers to impugn the honour, dignity, character, rights, professionalism or integrity of the Council or the individual Members.
- 1.39 **"Presiding Officer"** shall mean:
 - (a) the Mayor, or
 - (b) in the absence of the Mayor, the Deputy Mayor, or
 - (c) a Member appointed pursuant to Section 10.
- 1.40 **"Presentation"** shall mean a person or group making a presentation to the Council in accordance with Section 38 herein.
- 1.41 **"Public Meeting"** shall mean any public meeting that Council believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation.
- 1.42 **"Public Notice"** shall mean a public notice published in accordance with the City's Notice By-Law 2007-190, as amended.
- 1.43 **"Published"** shall mean published in a daily or weekly Newspaper that, in the opinion of Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, including the North Bay Nugget and "publication" has a corresponding meaning.
- 1.44 **"Quorum"** shall mean a majority of the Members of Council.
- 1.45 **"Recess"** shall mean an interruption in the Meeting's proceedings which does not close a Meeting and after which the business will be resumed at exactly the point where it was stopped.
- 1.46 **"Recorded Vote"** shall mean the recording of the name and vote of every Member of Council on any matter of question, subject to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended, and any successor legislation thereto.
- 1.47 **"Regular Meeting"** shall mean a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.
- 1.48 **"Resolution"** shall mean a Motion duly voted on a by majority of Members present at the Meeting.
- 1.49 **"Rules of Order"** shall mean the rules, established by this By-Law to govern the proceedings of Council and its Committees.
- 1.50 **"Special Meeting"** shall mean a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.51 **"Standing Committees"** shall mean Committees made up of all Members. Three Standing Committees are hereby established namely:
 - (i) General Government;
 - (ii) Community Services; and
 - (iii) Infrastructure and Operations.

1.52 **"Statutory Public Meeting"** shall mean any public meeting that is required pursuant to provincial legislation.

1.53 **"Town Hall Meeting"** shall mean a public meeting of Council that provides members of the public an opportunity to offer comment on any matter within the mandate and jurisdiction of the Council.

1.54 "Website" shall mean the official internet website of the Corporation being www.cityofnorthbay.ca.

2. **GENERAL PROVISIONS**

2.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all Committees of Council, unless otherwise prescribed.

2.2 The rules and regulations contained herein may not be suspended except by a two-thirds (2/3^{rds}) affirmative vote of the number of Members of Council present and voting.

2.3 For the purpose of calculating a vote of two-thirds (2/3^{rds}) of the Members, any fraction shall be rounded to the next highest whole number.

2.4 A word in this By-Law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to inclusive of all genders and/or observations.

2.5 The Mayor may be addressed as "Mayor (surname inserted)" or as "Your Worship".

2.6 Members of Council may be addressed as "Councillor (surname inserted)".

3. **INAUGURAL MEETING**

3.1 The Inaugural Meeting date of each new Council shall be in a manner consistent with the *Municipal Elections Act* and the *Municipal Act*.

3.2 The Inaugural Meeting shall be ceremonial in nature for purposes of the members of Council taking their Oath of Allegiance and Declaration of Office.

3.3 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.

3.4 At the Inaugural Meeting, Council shall appoint, by By-Law, the Councillor who placed first in the Municipal Election as Deputy Mayor.

3.5 At the Inaugural Meeting, the Chair and Vice-Chair of the following Standing Committees shall be appointed:

- (i) General Government;
- (ii) Community Services; and
- (iii) Infrastructure and Operations.

4. **REGULAR MEETINGS**

- 4.1 Council shall hold combined Committee/Council meetings every two (2) weeks on Tuesday's commencing at 6:30 p.m. The Committee Meetings will commence at 6:30 p.m. and the Council Meeting shall commence immediately after the Committee Meeting or at 7:30 p.m., whichever comes first, in the Council Chambers of City Hall. Meetings shall stand adjourned at or before 10:00 p.m.
- 4.2 If there are no items to be heard at the Committee Meeting the Council Meeting will commence at 6:30 p.m.
- 4.3 When required, for planning matters, Council shall hold a special meeting at the call of the Chair.
- 4.4 The Regular Meetings of the Council and Committees shall be established on an annual basis by the Clerk and published on the Website.
- 4.5 Council may change the date and time of any Regular Meeting by resolution.
- 4.6 In the event that a Regular Meeting of Committee/Council falls on a Holiday, or on a day when City Hall is closed for business, Council shall meet at the designated hour on the first day following which is not a Holiday.
- 4.7 **Postponement – Emergency**
The Mayor may, when an emergency situation arises, postpone a Regular or Special Meeting for not more than three (3) business days.
- 4.8 **Postponement – Notice by Clerk**
Upon the postponement of a Meeting by the Mayor in accordance with section 4.7 of this By-Law, the Clerk shall attempt to notify the Members of Council on the postponement as soon as possible and in the most expedient manner available.
- 4.9 **Meetings During Election Period**
Subject to Section 8, Special Meeting, there shall be no Meetings of Council or Committees during the weeks containing advance voting dates and the week of voting day.

5. **SUMMER SCHEDULE**

- 5.1 There shall be one regular Meeting of Committees and Council on the second Tuesday in July and one regular Meeting of Committees and Council on the second Tuesday in August, unless otherwise required. The Meetings will be at the time and place set out in paragraph 4.1 hereof.

6. **PUBLIC MEETINGS**

- 6.1 Except as provided in this section, all Council and Committee Meetings shall be open to the public in a designated and accessible location.
- 6.2 All Meetings of Council shall take place in the Council Chambers, City Hall, 200 McIntyre Street East, North Bay unless another location is identified in a published Agenda.

7. **CLOSED SESSIONS**

- 7.1 All or parts of meetings may be held in Closed Session in accordance with the *Municipal Act*.
- 7.2 **Matters – Closed Session:**
A Meeting or part of a Meeting may be closed to the public if the subject matter being considered is in accordance with Section 239 of the *Municipal Act*, attached hereto as Schedule "B".
- 7.3 **Voting in a Closed Session:**
Notwithstanding this section, a Meeting shall not be closed during the taking of a vote, unless the vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.
- 7.4 **Minutes – Closed Session:**
The Clerk or their designate shall record, without note or comment the proceedings of the Closed Session. Minutes shall identify the Members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared Closed Session Agenda and shall note any direction given.
- 7.5 **Adoption of Closed Session Minutes:**
Minutes of a Closed Session of Council or a Committee of Council shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council. The adoption of the minutes is a procedural matter and does not affect the validity or affect the resolutions recorded in the minutes.
- 7.6 **Preservation of Confidentiality:**
- (a) All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential. No Member of the Council or staff shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a Closed Session agenda without the prior consent of the Council or Committee.
 - (b) Every person to be in attendance at a Closed Session meeting held pursuant to this section shall make an Affirmation of Confidentiality at the Inaugural Meeting of the Council and execute a Confidentiality Agreement in the form attached hereto as Schedule "A".
 - (c) No person in attendance at a Closed Session Meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such Closed Session Meeting.
- 7.7 For discussion of items regarding confidential matters related to an individual employee during a Closed Session Meeting, the Chief Administrative Officer will designate which staff members may be present.
- 7.8 The Clerk may require that extra copies of any reports or documents circulated at a Closed Session Meeting regarding confidential matters related to an individual employee shall be collected by the Clerk and returned to the Human Resources Department.

7.9 The Clerk shall be responsible to maintain a confidential copy of all Agendas and minutes of closed sessions.

7.10 **Closed Meeting Investigator**

Effective January 1, 2008, Council entered into an Investigator Services Agreement with Local Authority Services of the Association of Municipalities of Ontario for the provision of closed meeting investigation services in accordance with section 239.2 of the *Municipal Act*.

8. **SPECIAL MEETINGS**

8.1 The Mayor may summon a Special Meeting any time upon providing notice to each Member.

8.2 Upon the receipt of a petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and time mentioned in the petition.

8.3 **Special Meetings – Notice**

Notice of a Special Meeting called in accordance with this By-Law shall be delivered to the Members of Council by telephone, facsimile transmission and/or electronic mail, to the phone number, fax number or e-mail address as provided by the Members. It shall be the responsibility of the Chief Administrative Officer and/or Clerk or the Clerk's representative to use their best efforts to forward Members all Notices and Agendas for Special Meetings a minimum of twenty-four (24) hours in advance of such Meetings.

8.4 Public Notice shall be given to affected parties, the public and media.

8.5 **Special Meetings – Business Specified**

No business except the business dealing directly with the purpose mentioned in the Notice shall be transacted at a Special Meeting.

9. **EMERGENCY MEETINGS**

9.1 In the case of a disaster or emergency as defined in the municipality's Emergency Plan, an Emergency Meeting may be held without Notice, to deal with the emergency situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or the Clerk's representative shall use their best efforts to notify the members, the public and the media about the Meeting as soon as possible and in the most expedient manner available.

9.2 **Emergency Meetings – Business Specified**

No business except the business dealing directly with the emergency situation shall be transacted at an Emergency Meeting.

10. **TOWN HALL MEETINGS**

10.1 The purpose of a Town Hall Meeting is to allow Participants an opportunity to provide comment and input to Council as a whole. Town Hall Meetings are not a statutory requirement of Council and are offered as an added opportunity for dialogue with the community grounded in principles of transparency, responsiveness, participation, respect and collaboration.

- 10.2 The rules of decorum as set out in Sections 13, 38.3 and 38.4 of this By-Law will apply to Town Hall Meetings.
- 10.3 Two (2) Town Hall Meetings per year will be held at the call of the Presiding Officer. The Presiding Officer will determine the date, time and location of the Town Hall Meeting. Town Hall Meetings will be two (2) hours in length.
- 10.4 The Presiding Officer will chair the Town Hall Meeting.
- 10.5 The proceedings of Town Hall Meeting will not be recorded and minutes will not be available.
- 10.6 Participants may speak for up to three (3) minutes and may not speak a second time to ensure that all Participants have had an equal opportunity to speak.
- 10.7 Participants will be required to register by noon on the day preceding the Town Hall Meeting with the Clerk and provide a brief outline of their presentation.
- 10.8 Town Hall Meetings will not place within six (6) months of a Municipal Election.
- 10.9 At least two (2) weeks' notice must be provided on the City's Website prior to the Town Hall Meeting being held.

11. **MEETING TIME**

- 11.1. The Mayor, or in their absence, the Deputy Mayor, shall call Members to order as soon after the published or posted Meeting time and a Quorum is present.
- 11.2 (a) If the Mayor and Deputy Mayor are not present within ten minutes after the published or posted Meeting time, the Clerk shall call the Members to order and if a Quorum is present, the Clerk shall conduct a vote to choose a Member from among those present to preside as Chair during the Meeting or until the arrival of the Mayor or Deputy Mayor.
- (b) For a Committee Meeting, in the event that the Chair of a Committee does not attend, the Vice-Chair, or other Member, shall assume the Chair for the Meeting and shall preside until the arrival of the Chair and, while presiding, shall have all the powers of the Chair.
- 11.3 In the election of a Presiding Officer, the Clerk shall call the Meeting to order and preside.
- 11.4 If there is not a Quorum within fifteen minutes after the meeting time, the Clerk shall call the roll, take down the names of the Members present, and declare the Meeting cancelled.
- 11.5 (a) If during the course of a Meeting, the Quorum is lost, then the Meeting shall stand recessed and shall reconvene when a Quorum is regained as determined by the Mayor or Chair. In the event that the Quorum is not regained within thirty (30) minutes, then the Clerk shall record in the minutes the names of those present and the Meeting shall be ended without a formal adjournment.
- (b) The minutes of the Meeting which ended because a Quorum was lost, shall note that the Quorum was lost and shall include the names of the Members present at the time the Quorum was lost.

12. **ABSENCE FROM MEETING**

12.1 The Members of Council or Committee shall inform the Clerk of all planned absences, late arrivals and early departures from a Meeting in order that the recording of the minutes of such Meeting may accurately reflect attendance (i.e. vacation, illness, other municipal business, personal).

13. **RULES OF CONDUCT**

13.1 The Presiding Officer shall preserve order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting.

13.2 The Presiding Officer may expel or exclude any person who is guilty of improper conduct from any Meeting.

13.3 No person except a Member or Officer shall be allowed to come within the bar during a Council Meeting without permission of the Presiding Officer.

13.4 Every Member, prior to speaking:
(i) shall address the Presiding Officer;
(ii) shall confine their remarks to the question; and
(iii) shall not use any improper or offensive language or insulting expressions.

13.5 When two or more Members raise their hands to be recognized, the Presiding Officer shall name the Member whom they first recognized.

13.6 Upon being recognized by the Presiding Officer, a Member shall address the Presiding Officer.

13.7 While the question is being put, no one shall walk across or out of the Council Chambers, make any noise or disturbance or hold any private conversations, nor while a Member is speaking shall any other Member hold discourse or interrupt the speaker.

13.8 When the Council adjourns, the Members shall keep their seats until the Presiding Officer leaves the chair.

14. **LANGUAGE**

14.1 No Member shall speak disrespectfully of Her Majesty the Queen or of any member of the Royal Family, the Governor-General, Lieutenant-Governor or a Minister of the Crown.

14.2 No Member shall use offensive words in or against the Council, staff or against any Member thereof.

14.3 No Member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.

14.4 In case a Member refuses to obey the order of Council, they may, on the order of the Presiding Officer, be removed from their seat by the Police, but, upon an apology by the offender, they may retake their seat.

PART 2 - ROLES AND DUTIES

15. ROLE OF THE MAYOR

15.1 Section 225 and Section 226.1 of the *Municipal Act*, sets out the Role of the Mayor which is attached as Schedule "C" hereto.

16. DUTY OF THE MAYOR

16.1 It is the duty of the Mayor to preside at all Meetings of Council, and in addition to the requirements in the *Municipal Act* shall be responsible:

- (a) to open the Meeting of Council by taking the Chair and calling the Meeting to order;
- (b) to receive and submit, in the proper manner, all Motions presented by the Members;
- (c) to vote on all Motions before the Council unless prohibited from voting by law;
- (d) to put to vote all Motions and announce the result;
- (e) to sit as an Ex-Officio member of any Standing Committee of Council and to vote at such Meetings;
- (f) decline to put Motions to a vote which infringe upon the rules of procedure or are beyond the jurisdiction of Council;
- (g) to inform the Members of the proper procedure to be followed and to enforce the rules of procedure;
- (h) to enforce on all occasions, the observance of order and decorum among the Members;
- (i) to call by name any Member persisting in a breach of the rules of procedure and order the Member to vacate the Council Chambers;
- (j) to permit the questions to be asked through the Mayor of any officer of the City for information to assist in any debate when the Mayor deems it proper;
- (k) to provide information relating to the business of the City;
- (l) to authenticate by signature all By-Laws, agreements and minutes of Council;
- (m) to rule on any points of order raised by Members;
- (n) to represent and support the Council;
- (o) to maintain order;
- (p) to adjourn the Meeting when the business is concluded;
- (q) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act; and
- (r) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

17. ROLE OF THE COUNCIL

17.1 Section 224 of the *Municipal Act*, sets out the role of Council, which is attached as Schedule "C" hereto.

18. **DUTY OF COUNCILLORS**

18.1 It is the duty of Councillors to attend all Meetings of Council, and:

- (a) to prepare for Meetings, including reviewing the agenda and background information prior to the meeting;
- (b) to speak only to the subject under debate;
- (c) to vote on all Motions before the Council unless prohibited from voting by law;
- (d) to observe proper procedure and decorum at all times;
- (e) to state questions to be asked through the Presiding Officer;
- (f) to support the Council once a decision is made;
- (g) to attend Local Board and Committee Meetings to which the Member has been appointed by Council;
- (h) to carry out the duties of Councillor under the *Municipal Act* or any other Act; and
- (i) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

19. **DUTY OF THE CHIEF ADMINISTRATIVE OFFICER**

19.1 It is the duty of the Chief Administrative Officer to attend all Council Meetings, and:

- (a) to provide vision, leadership and enthusiasm for administration, planning, organizing, directing and controlling all municipal operations and services in accordance with the municipality's policies and relevant legislation;
- (b) to manage the assets, business and financial health of the municipality;
- (c) to manage the relationship between the elected officials and staff;
- (d) to provide municipal representation to government, media, community and public organizations;
- (e) to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (f) to perform such other duties as are assigned by City Council.

20. **DUTY OF THE CLERK**

20.1 It is the duty of the Clerk to attend all Council Meetings, and:

- (a) to prepare and distribute Agendas for all Meetings of Council in accordance with this By-Law;
- (b) to record, without note or comment, all resolutions, decisions and other proceedings of the Council, whether it is closed to the public or not;
- (c) if required by any Member present at a vote, to record the name and vote of every Member voting or any matter or question (Recorded Votes);
- (d) to keep the originals or copies of all By-Laws and of all minutes of the proceeding of the Council;

- (e) to perform other duties required under the *Municipal Act, Municipal Elections Act S.O. 1996, c. M. 51*, as amended and any successor legislation thereto, or as required under any other Act;
- (f) to authenticate by signature all By-Laws, agreements and minutes of Council;
- (g) to advise Council on meeting procedures; and
- (h) to perform such other duties as are assigned by the Council or Chief Administrative Officer.

PART 3 – PRESCRIBED NOTICE

21. NOTICE OF MEETINGS

- 21.1 Public Notice of Meetings shall be given by posting the Meeting schedule on the Website at the beginning of each calendar year. The Meeting schedule shall include the date and time of Council and Committees. Meeting locations shall be as indicated in section 4.1. The Meeting schedule is subject to change as necessary. Except for a Special Meeting or an Emergency Meeting, all Agendas will be posted no later than 24 hours before the hour appointed for the holding of such Meeting on the Website.
- 21.2 In the case that the Public Notice of Meetings cannot be posted on the Website the Clerk shall cause such Notice to be published in a Newspaper.
- 21.3 Nothing in this By-Law shall prevent the Clerk from using more comprehensive methods of Notice to provide for a longer Notice period, or additional Notices, where deemed desirable and subject to the approval by the Chief Administrative Officer.

22. EMERGENCY PROVISION

- 22.1 If a matter arises which in the opinion of the Chief Administrative Officer in consultation with the Mayor, is:
- (i) considered to be of an urgent or time sensitive nature, or
 - (ii) which could affect the health or well-being of the residents of the municipality, or
 - (iii) if a state of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-Law may be waived by the Chief Administrative Officer.
- The Clerk shall make their best efforts to provide such Notice as is reasonable under the circumstances.

PART 4 - VOTING & DEBATE PROCEDURES

23. CONFLICT OF INTEREST

- 23.1 The Clerk shall provide each Member of Council with a copy of the *Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended, and any successor legislation thereto, prior to being sworn into office.
- 23.2 A Member shall complete a Declaration of Pecuniary Interest, as set out on Schedule "D" hereto, and thereafter the Member shall read aloud, word for word the Declaration of Pecuniary interest, during the Meeting of Council, the Member shall then provide the signed Declaration of Pecuniary Interest to the Clerk.

- 23.3 If a Member deviates from the written Declaration of Pecuniary Interest the Clerk must record in the Minutes of the Council Meeting precisely what the Member has verbally declared.
- 23.4 The City Clerk shall establish and maintain a registry in which shall be kept, a copy of each Declaration of Pecuniary Interest filed by a Member.
- 23.5 The registry shall be available for public inspection on the Website or in person by attending at the Office of the City Clerk during regular business hours.

24. **DUTIES OF PRESIDING OFFICER**

- 24.1 The Presiding Officer may answer questions and comment in a general way without leaving the chair, however, if the Presiding Officer wishes to speak on a Motion taking a definite position and endeavouring to persuade the Council to support that position, the Presiding Officer must first leave the chair.
- 24.2 If the Presiding Officer desires to leave the chair for the purpose of taking part in the debate or for any other reason, the Presiding Officer shall designate the Deputy Mayor, or in the absence of the Deputy Mayor another Member to fill their place until they resume the chair.

25. **VOTING**

- 25.1 Every Member of Council, including the Head of Council, who shall be present when a question is put shall vote thereon unless they are disqualified to vote on the question. All votes shall be by show of hands except where a Recorded Vote is requested by any Member.
- 25.2 The Presiding Officer shall announce the result of every vote.

26. **RESULT OF THE VOTE - DISAGREEMENT**

- 26.1 Any Member who disagrees with the announcement of the Presiding Officer that a Motion is carried or lost may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not having been already introduced.

27. **TIE VOTE – DEEMED NEGATIVE**

- 27.1 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

28. **NO VOTE – DEEMED NEGATIVE**

- 28.1 If any Member present refuses to vote, for other than a Conflict of Interest, it shall be recorded as a vote in the negative.

29. **RECORDED VOTES**

- 29.1 Where required by statute, and whenever any Member shall request a Recorded Vote, the names of those who vote for and against the question shall be entered in the minutes.
- 29.2 Subject to the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended, and any successor legislation thereto, where a Recorded Vote is requested each Member present in the chamber shall announce their vote openly.

29.3 The Clerk shall begin the Recorded Vote with the Member who requested the Recorded Vote, and proceed in random order on a predetermined computer generated form, to poll all Councillors and the Presiding Officer.

30. **PRIVILEGE**

30.1 A Member may raise a Point of Privilege at any time if they consider that their integrity or the integrity of the Council as a whole has been impugned, whereupon the Presiding Officer shall:

- (a) interrupt the matter under consideration;
- (b) ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
- (c) rule on the Point of Privilege immediately without debate by Council.

30.2 If there is no appeal, the decision of the Presiding Office is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

31. **POINTS OF ORDER AND BOURINOT'S RULES**

31.1 The Presiding Officer may call to order any Member who is speaking.

31.2 A Member called to order shall remain seated and shall not speak until the Point of Order has been determined by the Presiding Officer, unless permitted to explain.

31.3 Whenever the Presiding Officer elects or is required to decide a Point of Order, the point shall be stated, a ruling made and the reason therefore given by the Presiding Officer.

31.4 A Member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.

31.5 In the event that this By-Law does not address an issue, then Bourinot's Rules of Order, Fourth Edition, shall apply.

31.6 (a) When a Member is speaking, no Member shall make any disturbance or pass between the speaker and the Presiding Officer or interrupt the speaker, except to raise a Point of Order.

(b) Every Member shall speak only to the matter under debate.

31.7 Any Member may require the Motion under discussion to be read at any time, but not so as to interrupt a Member speaking.

31.8 (a) Without leave of the Presiding Officer, no Member shall speak more than once on the same question, except to explain, without introducing new matter, a material part of a speech which may have been misconceived.

(b) A reply is allowed to any Member who has made a substantive Motion, or amendment, the previous question or an instruction to a Committee except with the permission of the Presiding Officer.

32. **THE QUESTION**

32.1 When a question is finally put by the Presiding Officer, no

Member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.

32.2 The decision by the Presiding Officer that the question has been finally put shall be conclusive.

33. **TO AMEND THE BY-LAW**

33.1 This By-Law may not be repealed, altered or amended except in accordance with the provisions of the City of North Bay's Notice By-Law 2007-170, as amended.

34. **TO AMEND MOTIONS**

34.1 A Motion to amend, add, delete from, or substitute words in the main Motion, shall:

- (a) be presented in writing and seconded by a Member;
- (b) be open to debate;
- (c) not propose a direct negative to the main Motion;
- (d) be relevant to the main Motion;
- (e) have only one Motion to amend the main Motion at one time;
- (f) have only one Motion to amend a Motion to amend the main Motion at one time; and
- (g) be put in the reverse order to that in which it is moved.

34.2 Voting on the main Motion and amending Motions shall be conducted in the following order:

- (a) a Motion to amend the main Motion;
- (b) a Motion, as amended, to amend the main Motion; and
- (c) the main Motion, as amended.

35. **DIVISION OF MOTION**

35.1 (a) Any Member may request the Presiding Officer to divide any Motion or report into such parts as the Member may submit and the Presiding Officer shall make a ruling on whether to divide the Motion.

(b) A Member may appeal the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.

36. **MOTION TO RECONSIDER**

36.1 (a) Subject to section 36.2, herein, a Motion to reconsider shall require notice at the meeting the question is decided.

(b) After such notice is given, no action shall be taken by the Council on the main Motion until such reconsideration is disposed of.

(c) After any question has been decided, any Member may, if the required notice has been given, at the first regular Meeting held thereafter, move for reconsideration thereof.

(d) No discussion of the main question shall be allowed unless reconsidered.

36.2 (a) If a Motion for reconsideration is made at a subsequent meeting, the question shall not be considered unless a majority of the whole Council votes therefore and such vote shall be by a recorded vote.

(b) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

36.3 No Motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

PART 5 - AGENDA AND MOTIONS

37. AGENDA

37.1 The Clerk shall prepare for the use of the Members an Agenda as follows:

- (1) Call to Order
- (2) Declaration of Pecuniary Interest and the General Nature Thereof:
 - (i) For the agenda for this meeting; and
 - (ii) For minutes of a meeting at which a member was not in attendance.
- (3) Public Presentations
- (4) Minutes
- (5) Motions for Reconsideration
- (6) Reports of Standing Committees
- (7) Correspondence
- (8) By-Laws
- (9) Motions
- (10) In-Camera Correspondence
- (11) Giving Notice (Notice of Motion)
- (12) Confirmatory By-law
- (13) Motion to Adjourn.

37.2. (a) The business shall be taken up in the order in which it stands upon the Agenda in all cases except where a majority of the Members otherwise agree.

(b) A Motion which is not listed on the Agenda may be presented at Council Meetings, if not more than one Member present at the Meeting objects to its consideration.

37.3 A copy of Committee recommendations, staff reports and letters received by the Clerk by Monday at 4 p.m. shall be provided to all Members of Council by circulation of the Agenda.

37.4 Reports From Municipal Officers

(a) Reports from Officers shall be signed by the writer. Signatures are required from the writer, Manager, Director and Managing Director. The Chief Financial Officer's signature is required on all reports with financial implications. The Chief Administrative Officer shall sign all reports to Council.

(b) Reports shall be submitted to the Chief Administrative Officer no later than noon (12:00 p.m.) on Friday of the week preceding the publication of the Council Agenda for approval and signature.

(c) Where the Chief Administrative Officer determines a matter to be of an extremely urgent matter then a staff report submitted after Monday at noon (12:00 p.m.) may be shown on the Agenda without copies being provided.

- (d) Any staff reports received by the Clerk after noon (12:00 p.m.) on the Monday of the week preceding the Council Meeting shall be referred to the next scheduled Council Meeting.
- (e) An Officer shall reply promptly in writing in response to all requests for reports made by Council resolution.

38. **PRESENTATIONS**

38.1 Presentations will be received at both Regular and Special Meetings of Council. Presentations at Regular Meetings shall be on a subject within the jurisdiction or influence of local government. Presentations at the Special Meeting shall be related to the Agenda item.

38.2 Presentation:

- (a) In order to make a ten (10) minute Presentation to Council, the presenter must apply to the Clerk using the prescribed form, attached hereto as Schedule "E". Such form is to be received by the Clerk by no later than 4:00 p.m. on the Friday of the week preceding the publication of the Agenda for the Regular or Special Council Meeting. In addition to the information set out in the prescribed form, the presenter must provide the Clerk with the purpose of the Presentation and provide an outline of the Presentation, by 10:00 a.m. on the Monday prior to the Regular or Special Council Meeting.
- (b) There is a maximum of three (3) ten (10) minute scheduled Presentations per Regular or Special Council Meeting.
- (c) Presenters who have scheduled a ten (10) minute Presentation and wish to make a visual presentation using a City laptop must provide the visual presentation to the Clerk by no later than 10:00 a.m. on the Monday prior to the Regular or Special Meeting of Council.

38.3 General Provisions:

- (a) The Clerk has discretion to schedule Presentations. The presenter may not be scheduled on a date that the presenter has requested.
- (b) The maximum number of presenters in any Presentation (including the spokesperson) shall be three (3).
- (c) The Clerk shall inform the presenter of the guidelines affecting the Presentation (e.g. maximum time, maximum of three (3) presenters and adherence to subject) and obtain an acknowledgement by the presenter of their understanding of those guidelines.
- (d) No presenter shall be permitted to make a Presentation when the subject matter to be addressed relates to a recommendation of any tribunal that has conducted a hearing under the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.

- (e) No Presentation shall be made to Council or Committee or Local Boards on matters relating to litigation or potential litigation involving the City, a Local Board or a Member, including those matters which are before and under the jurisdiction of any court or administrative tribunal.
- (f) No person will be permitted to address Council with respect to a labour management dispute or issue, unless provided for by legislation or collective agreement.
- (g) Presenters appearing before Council who have previously appeared before the same Council on the same subject shall be limited to providing only new information in their second or subsequent appearances.
- (h) In unique circumstances, the time limit may be extended by the Council by a Majority Vote of the Members present. Such a question shall be decided by Council without debate.
- (i) No presenter shall:
 - (i) speak disrespectfully of any person;
 - (ii) use offensive words or unparliamentary language;
 - (iii) speak on any subject other than the subject for which they received approval to address; or
 - (iv) disobey the rules of order or a decision of the Presiding Officer.
- (j) After the presenter has completed the Presentation, Members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- (k) The Presiding Officer may curtail any presenter, any questions of a presenter or debate during a Presentation for disorder or for any other breach of this By-Law and, should the Presiding Officer rule that the Presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.
- (l) Public Presentations made at the beginning of the Meeting shall be considered by Council at the end of the Agenda of that meeting.
- (m) The above guidelines shall apply where applicable to a Statutory Public Meeting held under the authority of specific legislation.

38.4 Sanctions:

- (a) Where a Presenter disregards any one (1) or more of the rules of this By-Law, the Chair shall advise the presenter of the error, remind them of the rules, and request that they adhere to the rules; or if the presenter repeatedly ignores the rules, the Chair may call an end to their Presentation.
- (b) Where a presenter repeatedly disregards any one or more of the rules the Chair may immediately order the presenter to leave the meeting room for the remainder of the Meeting.
- (c) If the presenter refuses to leave the Meeting, they may be escorted from the building.
- (d) Council may, at its discretion, prohibit anyone from making Presentations for a period of time.

39. **MOTIONS**

- 39.1 (a) Every Motion shall be in writing, shall be seconded by a Member and shall be read by the Clerk before debate or before being put from the Chair.
- (b) Where the question under consideration contains separate propositions then, at the request of any Member, any separate matter shall be put separately.
- (c) Subject to paragraph (b), upon the Motion of the Chair of Committee, similar routine matters may be dealt within the same resolution.
- 39.2 After a Motion is read by the Clerk, it shall be deemed to be in the possession of the Council, but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
- 39.3 A Member bringing forward a Motion shall provide the Motion to the Chief Administrative Officer with a copy to the Clerk at least two (2) weeks in advance of the Meeting they wish the Motion to be heard.
- 39.4 A Member bringing forward a Motion to a Meeting may, where possible, provide verbal notice of their intention to do so to the whole of Council at a Meeting prior to the Motion being heard.

40. **PRECEDENCE**

- 40.1 (a) When a question is under debate, the only Motions noted in order shall be:
- i. to extend the time of the Meeting;
 - ii. to refer to a Standing Committee;
 - iii. to amend;
 - iv. to lay on the table;
 - v. to postpone to a certain time and day;
 - vi. to move the previous question
- (b) These six (6) Motions identified in Section 40.1(a) hereto shall have precedence in the order in which they are listed.
- 40.2. (a) On a Motion to postpone to a certain time and day, only the question of time and day so mentioned is open to debate, after an explanation by the moving Member of the Motion.
- (b) A Motion to refer to a Standing Committee shall designate the Committee and shall not be debated, other than as to timing and shall be decided before any Motion to amend the resolution.
- (c) A Motion to refer for a staff report shall name the Chief Administrative Officer.

PART 6 - BY-LAWS & CORRESPONDENCE

41. **BY-LAWS**

- 41.1 (a) No By-Law shall be presented to Council unless there is a Resolution to authorize the By-Law.
- (b) Each Member shall be supplied with a copy of every By-Law prior to consideration of the By-Law by the Council.

- (c) No By-Law shall be introduced for first reading in blank, incomplete, or imperfect form.
- 41.2 (a) A By-Law shall be passed by being given three (3) readings.
- (b) A By-Law shall be given each reading by reference to its By-Law number in the same Resolution.
- (c) At the request of any Member, the reading of any By-Law shall be deleted from a consolidated Motion and dealt with by separate Motion.
- (d) A By-Law shall be deemed to have been read upon the number, title or heading being read or taken as read, unless a Member requires the By-Law or any portion thereof to be read in full.
- (e) The minutes of the Meeting shall reflect both the number and the title of the By-Law, notwithstanding that the Resolution refers only to the number of the By-Law.

41.3 **First Reading**

The first reading of a By-Law shall be decided by Resolution without amendment or debate.

41.4 **Second Reading**

- (a) The second reading of a By-Law shall be decided by Resolution at which time the contents of the By-Law shall be debated.
- (b) The contents of the By-Law may be changed by an amending Resolution to authorize the second reading.
- (c) An amending Resolution may be introduced to refer the By-Law to a Standing Committee for further consideration.
- (d) A By-Law referred to a Standing Committee shall be considered during the next scheduled Standing Committee Meeting and a report shall be submitted for Council's consideration.

41.5 Unless otherwise required by statute or by the direction of the Chair to be heard at two separate Council Meetings, any By-Law shall be given three readings and passed at the same Meeting on a vote of a majority of all Members by separate Motion.

41.6 **Third Reading**

Every By-Law which has been read a first and second time may, at the same Meeting or at a subsequent Meeting, be read a third time and finally passed.

41.7 **Records**

The Clerk shall endorse on every By-Law the dates of the three readings thereof.

41.8 Every By-Law passed by Council shall be numbered, sealed with the corporate seal, signed by the Mayor and the Clerk and the By-Law shall be entered in a By-Law register to be kept by the Clerk.

42. **MINUTES**

42.1 There shall be attached to every minutes of the proceedings of the Council a progressive marginal number of each year on every document or certified copy or minute communicated to any Committee and shall bear the number of the Resolution to which it refers.

42.2 After the minutes of each Meeting of the Council have been approved by the Council, the minutes shall be immediately signed by the Mayor and Clerk.

43. **DOCUMENTS**

43.1 All original documents, including By-Laws, contracts, agreements, deeds, leases, bonds or other securities, addressed to or considered by the Council, shall remain in the custody of the Clerk.

44. **CORRESPONDENCE**

44.1 All correspondence addressed to the Mayor and/or the Council, received by the Office of the City Clerk, which refers to the business of the Corporation, shall be provided to the Mayor and/or Council together with copies to the appropriate member of staff via email.

45. **APPLICATIONS UNDER THE *PLANNING ACT***

45.1 (a) Any application for approval under the *Planning Act*, R.S.O. 1990, c.P.14, as amended and any successor legislation thereto, by any numbered or otherwise unidentifiable company shall include the name, address and telephone number of the principal owners of such companies on a separate page to be filed with the Clerk.

(b) The Clerk shall make such information available on a confidential basis to Councillors and members of the Committee of Adjustment, upon request.

(c) The names of the principal owners of any such numbered or otherwise unidentifiable company shall be included on the Agenda item relating to any such application upon approval by resolution of Council.

PART 7 - COMMITTEES

46. **STRIKING COMMITTEE**

46.1 (a) A Striking Committee shall recommend to Council appointments to Agencies, Boards and Commissions, which may be required during the life of the Council.

(b) The Mayor shall be the Chair of the Striking Committee.

(c) Member of Council shall select Committee position and membership in the order of electoral finish.

47. **STANDING COMMITTEES**

47.1 (a) The Mayor shall be an Ex-officio member of each Committee.

(b) All Members of Council shall be appointed to the General Government Committee, Infrastructure and Operations Committee and the Community Services Committee.

- (c) The Chair and Vice-Chair appointments to Standing Committees shall be made in order of preference, based on the Councillor's standing in the Municipal Election results.

47.2 A majority of the Members of a Standing Committee shall constitute a Quorum.

47.3 The Clerk shall attend all Meetings of Standing Committees to record all reports as directed by the Chair thereof.

47.4 All completed reports of Standing Committees shall be presented for adoption at the next Council Meeting.

47.5 Each Standing Committee name and jurisdictions are outlined on Schedule "F" attached hereto.

48. **STANDING COMMITTEE PROCEDURES**

48.1 The Clerk shall prepare a list of matters referred to each Standing Committee prior to the scheduled Meeting, together with a list of all outstanding requests on reports and the proposed due date of such report.

- 48.2 (a) The Agenda for a Standing Committee Meeting shall be selected from the items referred to it by Council that are within that Committee's jurisdiction (as per Schedule F hereto) and should be announced by the Committee Chair at the preceding Council Meeting whenever possible. The Chair of each Standing Committee may consult with the Chief Administrative Officer and the Managing Director of the respective Business Unit and advise the Clerk of the matters to be dealt with.
- (b) The Chair shall provide a draft Recommendation on each matter by 4 p.m. of the Monday prior to a Committee Meeting and advise the Clerk of any members of the public who are to be invited to or allowed to address the Council in Committee Meetings.
- (c) The Clerk shall ensure that available and relevant documentation is circulated to all Members on the Wednesday preceding the Standing Committee Meeting, with a draft recommendation for consideration. Draft recommendations will be taken from the staff report.
- (d) The order of business at the Standing Committee Meetings shall be:
 - (i) any scheduled Statutory Public Meeting (chaired by the Chair of the appropriate Standing Committees);
 - (ii) any special public Presentation (chaired by the Presiding Officer);
 - (iii) Standing Committee Meetings (chaired by the Chair of the appropriate Standing Committee).
- (e) Standing Committees shall consider only those matters referred to it by Council.

- 48.3 (a) The Chair of each Standing Committee shall:
- (i) read the draft recommendation;
 - (ii) request a report from or accommodate questions of the Chief Administrative Officer and staff; or interested members of the public as required at the discretion of the Chair;
 - (iii) consider comments by the Members.
- (b) Members and staff are not to debate the matter.
- (c) At the conclusion of the deliberations, the Committee Chair will read the draft recommendation and where the majority of the Members of the Committee agree with the draft recommendation, it shall be brought forward to a Meeting of Council.
- (d) Public presentations shall not be permitted during Standing Committee unless approved by the Presiding Officer or the Chair, and noted on the Committee Agenda. The Presiding Officer shall be the Chair for all public presentations, except those comprising part of a scheduled Statutory Public Meeting.
- (e) The Presiding Officer may at any time assume the Chairmanship of a public presentation at a Committee Meeting where in the opinion of the Presiding Officer it is necessary to maintain or restore order.
- 48.4 (a) The Committee Meeting shall be one (1) hour in length with each Standing Committee Meeting having a curfew of twenty (20) minutes. The length of the Committee Meeting may be extended by a specific number of minutes upon a majority vote of all the Member of Council present to permit a greater period of time for any one or more Standing Committee business.
- (b) A Motion to extend a committee curfew is a Motion of Council-in-Committee, not of the Standing Committee, and may be moved or seconded by any Members of Council present, such Motion to include a specific number of minutes by which the curfew is proposed to be extended and shall only be open to discussion and amendment with respect to the number of minutes.
- (c) The Standing Committees shall alternate which Standing Committee goes first by rotation every third (3rd) meeting:
- Week 1: General Government, Community Services, Infrastructure and Operations
 - Week 2: Community Services, Infrastructure and Operations, General Government
 - Week 3: Infrastructure and Operations, General Government, Community Services
- 48.5 All Members of a Standing Committee shall sign the report as assenting to or dissenting from the terms thereof.
- 48.6 (a) Any report of Standing Committee may be voted upon item by item upon the request of any Member.

- (b) Any report of a Standing Committee may be divided into one or more reports upon the request of any Member.

48.7 No Committee shall have the authority to bind the Corporation.

48.8 The rules of Council shall be observed during Standing Committee Meetings except that:

- (a) recommendations have to be moved or seconded or in writing;
- (b) no Motion for the previous question or for an adjournment is allowed; and
- (c) the names of the Members shall not be recorded on a vote;

48.9 (a) Questions of order arising during Standing Committee shall be decided by the Chair of the Standing Committee, subject to an appeal to the Council.

- (b) If any disorder shall arise in the Committee the Mayor shall immediately resume the Chair, without any question being put.

48.10 The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee Meeting.

49. **HEARING COMMITTEE**

49.1 A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, By-Law or decision where such a hearing is required.

49.2 The Hearing Committee shall be comprised of the Mayor, the Chair and the Vice-Chair of the Standing Committee to which the matter relates, or their nominees from the Standing Committee. Any other Member may sit to hear the interested parties, but shall not be a Member of the Hearing Committee for the purpose of making a recommendation to the Council.

49.3 The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended, and any successor legislation thereto.

49.4 Except as otherwise herein provided this By-Law applies to the Hearing Committee.

49.5 Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of the fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefore on the merits on the application in respect of which the hearing has been conducted.

49.6 After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any By-Law or make any decision that it might have done, passed or made, had it conducted the hearing itself.

50. **AD HOC COMMITTEES**

- 50.1 Ad Hoc Committees may be established by Council, from time to time for consideration of special projects.
- 50.2 Prior to the establishment of an Ad Hoc Committee which Council has determined will include members of the public, the Clerk shall place an advertisement in a Newspaper inviting members of the public to apply to be a member of the Committee.
- 50.3 Council shall give each Ad Hoc Committee a clear mandate and well defined terms of reference that shall include:
- (a) the mandate,
 - (b) the membership,
 - (c) the composition, including the applicable staff members,
 - (d) the reporting relationships,
 - (e) the staff and other resources to be made available, and
 - (f) a start and finish date.
- 50.4 The Chair and Vice-Chair shall be determined and appointed at the first meeting by the Ad Hoc Committee Members.
- 50.5 The Mayor shall be Ex-officio, a Member of all Ad Hoc Committees of Council and shall be entitled to vote and to make Motions and amendments.
- 50.6 Any Member of Council may attend and participate in meetings of Ad Hoc Committees, but may not vote.
- 50.7 The Ad Hoc Committee shall meet in accordance with the meeting schedule established by the Committee at a location to be determined by the Chair.
- 50.8 The Procedural Rules governing meetings of Council as set out in this By-Law shall apply with necessary modifications to any Meeting of an Ad Hoc Meeting.
- 50.9 The Council may terminate an ad hoc Committee at its discretion.

PART 8 – GENERAL PROVISIONS

51. **INTERPRETATION RULES:**

- 51.1 Wherever this By-Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read with By-Law with the neutrality applicable to the circumstances.
- 51.2 Reference to items in the plural include the singular, as applicable.
- 51.3 The word "include" is not to be read as limiting the phrases or descriptions that precede it.
- 51.4 References to laws in this By-Law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario and Canada, as may be applicable.

52. **SEVERABILITY**

- 52.1 If a court or tribunal of competent jurisdiction declares any portion of this By-Law to be illegal or unenforceable, that portion of the By-Law shall be considered to be severed from the balance of the By-Law, which shall continue to operate in full force and effect.

53. **REPEAL**

53.1 By-Law No's 2017-01, 2018-02 are hereby repealed.

54. **ENACTMENT**

54.1 This By-Law shall take force and effect on January 1, 2020.

Read a First Time in Open Council this 22nd day of October, 2019.

Read a Second Time in Open Council this 22nd day of October, 2019.

Read a Third Time in Open Council and Enacted and passed this 22nd day of October, 2019.

Mayor Allan McDonald
SIRE\CO1\PROCEDURALBYLAW2019-80

City Clerk Karen McIsaac

**SCHEDULE "A" – AFFIRMATION OF CONFIDENTIALITY AND
CONFIDENTIALITY AGREEMENT**

**TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW 2019-80**

Affirmation of Confidentiality

I, _____, Member of the Council of The Corporation of the City of North Bay, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council Meetings of The Corporation of the City of North Bay that come to my knowledge or possession by reason of those Meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me

At the City of North Bay

In the District of Nipissing

This ____ day of _____, 20____

Name:

A Commissioner, etc.

Confidentiality Agreement

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential Meeting held by the Council of The Corporation of the City of North Bay in connection with any matter designated as confidential by the Procedural By-Law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at North Bay, Ontario, this ____ day of _____, 20____

Witness

SCHEDULE "B" – MUNICIPAL ACT, 2001, s. 239

**TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

Municipal Act, 2001, s. 239

239. (1) Meetings open to public - Except as provided in this section, all meetings shall be open to the public.
- (2) Exceptions - A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which the Council has authorized a meeting to be closed under another Act; and
 - (h) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman of Ontario, a locally-appointed Ombudsman, or an appointed closed meeting investigator;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- (3) Other criteria - A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.
- (3.1) Educational or Training Sessions - A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- 1. The meeting is held for the purpose of educating or training the members.
 - 2. At the meeting no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

**SCHEDULE "B" – MUNICIPAL ACT, 2001, s. 239 continued
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

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- (4) Resolution - Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or committee of either of them shall state by resolution,
- (a) the fact of the holding of the closed meeting and the general nature of the subject matter to be considered at the closed meeting; and
 - (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- (5) Open Meeting - Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.
- (6) Exception - Despite section 244, a meeting may be closed to the public during a vote if,
- (a) Subsection (2) or (3) permits or requires the meeting to be closed to the public;
 - (b) The vote is a procedural matter of for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- (7) Record of Meeting - A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.
- (8) Same - The record required by subsection (7) shall be made by,
- (a) the clerk, in the case of a meeting of council; or
 - (b) the appropriate officer, in the case of a meeting of a local board or committee.
- (9) Record may be disclosed - Clause 6(1)(b) of the *Municipal Freedom of information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1).

**SCHEDULE "C" – ROLE OF MAYOR AND COUNCIL
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

Municipal Act, 2001 S. 224, 225 and 226.1

224. Role of council – It is the role of council,
- (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 service the municipality provides;
 - (d) to ensure that the 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 operation 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 the *Municipal Act* or any other Act.
225. Role of head of council – It is the role of the head of council,
- (a) to act as the Chief Executive Officer of the municipality;
 - (b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
 - (c) to provide leadership to the Council;
 - (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council as described in clauses 224 (d) and (d,1);
 - (d) to represent the municipality at official functions;
 - (e) to carry out the duties of the Head of Council under any Act; and
 - (f) to fulfill the responsibility of the Head of Council as prescribed in North Bay's Emergency Response Plan.
- 226.1 Head of council as chief executive officer – as chief executive officer of a municipality, the head of council shall,:
- (a) uphold and promote the purposes of the municipality;
 - (b) promote public involvement in the municipality's activities;
 - (c) act as the municipality's representative both within and outside the municipality, and to promote the municipality locally, nationally and internationally; and
 - (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

**SCHEDULE "D" – DECLARATION OF PECUNIARY INTEREST
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

**DECLARATION OF
PECUNIARY INTEREST**

I, _____, declare a pecuniary interest in relation
(Name of Member)

to Agenda Item No. _____ because _____

(REASON FOR CONFLICT – PLEASE BE SPECIFIC)

Signature

Date:	Resolution No.
Secretary's Signature:	

(Form to be attached to file copy of Resolution).

**SCHEDULE "E" – REQUEST FORM FOR PRESENTATION
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

Request Form for Presentation Before Council

Person(s) to Appear: _____

Preferred Date: _____

Alternate Date: _____

General Outline of Subject Matter: (10 Minutes allotted for Presentation)

Person Requesting Appearance (if different from those appearing):

Name: _____

Title/Organization: _____

Telephone No.(s): _____

I would like to use the City's Laptop for a presentation: Yes No

**** Anyone wishing to conduct a laptop presentation **must** provide an electronic version in Microsoft PowerPoint by **10:00 a.m. on the Monday prior to the Regular or Special Scheduled Meeting of Council to clerksoffice@cityofnorthbay.ca**. PowerPoints will **NOT** be permitted if received late.****

Date Submitted: _____

Signature of Person Requesting Appearance: _____

This form may be submitted to the Clerk's Office by email to clerksoffice@cityofnorthbay.ca, by fax at 705-495-4353 or in person.

Reminder:

A outline of the presentation must be submitted by 10:00 a.m. on the Monday prior to the Regular or Special Council Meeting. There are no guarantees that by requesting a certain date(s) your presentation will be accepted, as prior commitments may make it necessary to schedule an alternate date.

Disclaimer: Please note that submission of this form does not guarantee the approval of your request for a presentation. In addition, all information submitted will be considered to be public information and therefore subject to full disclosure, under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended and any successor legislation thereto.

Personal information collected through this form is pursuant the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S. O. 1990, Chapter M.56, as amended, and will be used to create the Council Agenda and will become a public document. Questions about this collection should be directed to the City Clerk, 200 McIntyre Street East, North Bay (705) 474-0400.

**SCHEDULE "F" – STANDING COMMITTEES
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-80**

GENERAL GOVERNMENT COMMITTEE

The General Government Committee shall have jurisdiction over the Office of the Chief Administrative Officer and the Corporate Services Division, including:

Asset Management	Legal Services
By-Law Enforcement	Licensing
Customer Service Centre	Local Board Liaison
Council Liaison and Support	Ontario Court of Justice Provincial
Finance and Assessment	Offences Administration
General Administration	Policy Development
Human Resources	Procurement
Information Systems and Technology	Realty Management
Insurance and Risk Management	Records Management
	Vital Statistics
	Workplace Risk Management

INFRASTRUCTURE AND OPERATIONS COMMITTEE

The Infrastructure and Operations Committee shall have jurisdiction over the Infrastructure and Operations Division including:

Aquatic Centre	Parking Maintenance
Building Facilities	Roads and Traffic
Cemeteries	Sewage Collection and Treatment
Construction Contract Administration and Management	Stormwater System
Infrastructure, Engineering and Design	Survey and Inspection
Environmental Services	Traffic Planning and Engineering
Fleet and Equipment Maintenance	Transit, Parabus and Crossing Guards
Marina and King's Landing	Waste Management and Recycling
Parks and Pathways Maintenance	Water Treatment and Distribution
	Winter Control and Snow Dump

COMMUNITY SERVICES COMMITTEE

The Community Services Committee shall have jurisdiction over the Community Services Division, including:

Arena Services	Community Centres
Arts, Culture, Recreation and Leisure Services	Economic Development
Building and Planning Services	Emergency Planning and Operations
Community Partnerships	Fire Services
	Grant Access Program
	Parks and Pathways Development