

THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2011-186

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THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2011-186

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 section 270.(1)(1) of the *Municipal Act, 2001*, as amended, provides that every municipality shall adopt and maintain policies with respect to the sale and other disposition of land;

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 2nd day of July, 2011 and the 9th day of July, 2011;

AND WHEREAS a Public Meeting under the *Municipal Act, 2001*, as amended, in the matter of the Procedural By-law was held on the 2nd day of August, 2011;

AND WHEREAS Council approved the Procedural By-law by General Government Committee Report No. 2011-15 passed on the 15th day of August, 2011.

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

PART 1 - MEETINGS OF THE COUNCIL

1.0 DEFINITIONS:

In this by-law:

- 1.1 “**Ad Hoc Committee**” shall mean a Committee established by Council to review a specific matter and once the Committee has reported with respect to its findings and recommendations, the Committee is automatically dissolved.
- 1.2 “**Call the question**” shall mean that the vote on the motion shall be taken.
- 1.3 “**Chair**” shall mean the Mayor or the Presiding Officer of a meeting.
- 1.4 “**Chief Administrative Officer**” shall mean the Chief Administrative Officer (CAO) of the Corporation.
- 1.5 “**Clerk**” shall mean the City Clerk or the Deputy City Clerk of the Corporation.
- 1.6 “**Closed Session**” shall mean that part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*.
- 1.7 “**Corporation**” shall mean The Corporation of the City of North Bay.
- 1.8 “**Council in Committee meeting**” shall mean a meeting of the whole of the Council where the Chair of each Committee may act, in turn, as a Presiding Officer to report to the Council on the deliberations of each Committee.
- 1.9 “**Defer**”, “**Deferred**” or “**Deferral**”, when used in connection with a matter or item before the Council or a Committee, shall mean that the matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that it specified in the motion to defer.

- 1.10 “**Delegation**” shall mean a person intending to address the Council or Committee on a matter where a decision to the Council may be required.
- 1.11 “**Deputy Mayor**” shall mean the Councillor appointed by Council to act in the absence of the Mayor in accordance with this By-law.
- 1.12 “**Emergency Meeting**” shall mean a meeting where the health or welfare of the community is involved.
- 1.13 “**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.
- 1.14 “**Holiday**” shall mean any holiday as defined in the *Interpretation Act, R.S.O. 1990, c.1.11* or Boxing Day.
- 1.15 “**Improper conduct**” shall mean conduct which offers any obstruction to the deliberations or proper action of Council.
- 1.16 “**In-Camera**” shall mean a closed session of Council or Standing Committee which is closed to the public in accordance with the *Municipal Act*.
- 1.17 “**Inaugural Meeting**” shall mean the first meeting of Council held after a municipal election in a regular election year.
- 1.18 “**Local Board**” shall mean a local board as defined in the *Municipal Act, 2001*.
- 1.19 “**Majority Vote**” shall mean the vote of more than half of the Members present at a properly constituted meeting at which a quorum is present.
- 1.20 “**Mayor**” shall mean the Head of Council acting as the Chief Executive Officer of the Corporation.
- 1.21 “**Meeting**” shall mean any regular, special or other meeting of a Council, or a local board or of a committee of either of them.
- 1.22 “**Member of Council**” shall mean any Councillor or the Mayor of the Council.
- 1.23 “**Motion**” shall mean a proposal by a Member for the Council to adopt a resolution.
- 1.24 “**Municipal Act**” shall mean the *Municipal Act, S.O. 2001, c. 25*, as amended and any successor legislation thereto.
- 1.25 “**Municipal Election**” shall mean a general municipal election held pursuant to the *Municipal Elections Act, 1996*.
- 1.26 “**Newspaper**” shall mean 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.
- 1.27 “**Notice of Motion**” shall mean a signal of intent to have a motion dealt with at a subsequent meeting.
- 1.28 “**Officer**” includes the Chief Administrative Officer, Managing Directors and the Chief Financial Officer employed by The Corporation of the City of North Bay.

- 1.29 “**Open Session**” shall mean any part of a meeting not in “closed session”.
- 1.30 “**Pecuniary Interest**” shall mean a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O., 1990, Ch. M.50*, as amended, and any subsequent legislation thereto.
- 1.31 “**Petition**” shall mean a written request signed by one or more persons.
- 1.32 “**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 or abusive language; 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.
- 1.33 “**Point of Personal Privilege**” shall mean a matter that a Member of Council considers to impugn the integrity of the Council or the individual Member.
- 1.34 “**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.
- 1.35 “**Public Meeting**” shall mean a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public Meeting.
- 1.36 “**Public Notice**” shall mean a public notice published in accordance with the City’s Notice By-law.
- 1.37 “**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.
- 1.38 “**Quorum**” shall mean the minimum number of Members who must be present at the meetings for business to be legally transacted.
- 1.39 “**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*.
- 1.40 “**Regular Meeting**” shall mean a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.
- 1.41 “**Resolution**” shall mean the decision of the Council on any motion.
- 1.42 “**Rules of Order**” shall mean the rules, established by this by-law to govern the proceedings of Council and its Committees.
- 1.43 “**Special Meeting**” shall mean a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

2.0 **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 affirmative vote of the number of Members of Council present and voting.
- 2.3 For the purpose of calculating a vote of two-thirds 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 both genders.
- 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)".

3.0 INAUGURAL MEETING

- 3.1 The Inaugural Meeting date shall be held not later than the second Monday in December at 7:00 p.m.
- 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 The Inaugural Meeting shall be opened with prayer by the officiating clergy chosen by the Head of Council elect.
- 3.4 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:
 - (a) all required Council appointments to local agencies, boards and committees shall be appointed for the term of the Council unless otherwise provided by statute or by law; and
 - (b) the following Standing Committees shall be appointed:
 - (1) General Government;
 - (2) Community Services; and
 - (3) Engineering and Works.

4.0 REGULAR MEETINGS

- 4.1 The dates of regular Council meetings shall be established by resolution at the Inaugural Meeting, to commence on the following Monday.
- 4.2 The regular meetings of the Council and Committees shall be established on an annual basis by the Clerk, and approved prior to the end of November of the previous calendar year.
- 4.3 Council may change the date of any regular meeting by resolution.
- 4.4 If a Monday designated for the holding of a Council meeting falls on a public 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 public holiday.

4.5 **Postponement - Emergency**

The Mayor may, when an emergency or extraordinary situation arises, postpone a meeting for not more than three (3) days.

4.6 **Postponement – Notice by Clerk**

Upon the postponement of a meeting by the Mayor in accordance with section 4.5 of this by-law, the Clerk shall attempt to notify the Members of Council of the postponement as soon as possible and in the most expedient manner available.

5.0 PUBLIC MEETINGS

5.1 Except as provided in this section, all Council and Council-in-Committee meetings shall be open to the public in a designated and accessible location.

6.0 CONFIDENTIAL MEETINGS

6.1 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) labor 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; and
- (g) a matter in respect of which the Council has authorized a meeting to be closed under any Act.

6.2 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, R.S.O., 1990.*

6.3 Before holding a meeting or part of a meeting that is to be closed to the public, Council, shall state by resolution,

- (a) the fact of the holding of the closed meeting; and
- (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.

6.4 Once in a closed session, no item shall be added to the agenda for that closed session.

6.5 The Presiding Officer may call an in-camera meeting after 7:00 p.m. on any Regular Meeting night to discuss the matters referred to in the above paragraph 6.1.

6.6 If a meeting is closed to the public:

- (a) the Presiding Officer shall inquire as to whether any Member present has a conflict of interest, to allow a Member to declare any conflict, the reasons therefor and leave the meeting; and
- (b) no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the *Municipal Freedom of Information and*

Protection of Privacy Act, R.S.O., 1990.

- 6.7 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.
- 6.8 Minutes shall be kept of all closed meetings, identifying 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 pursuant to section 6.1 above.
- 6.9 No Member of the Council 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.
- 6.10 For discussion of items regarding confidential matters related to an individual employee during a closed session, the Chief Administrative Officer will designate which staff members may be present.
- 6.11 The Clerk may require that extra copies of any reports or documents circulated at a closed session regarding confidential matters related to an individual employee shall be collected by the Clerk and returned to the Human Resources Department.
- 6.12 The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.
- 6.13 **Confidentiality**
- (a) Every person to be in attendance at an in-camera 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 as Schedule "A".
 - (b) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.
- 6.14 **CAO Briefings**
- (a) The Council may meet from time to time to be advised by the Chief Administrative Officer on administrative matters, other matters or of background information.
 - (b) The Council shall not make any decision regarding any matter at any such meeting with the Chief Administrative Officer.
- 6.15 **Educational or Training Sessions**
- (a) The Council may meet from time to time for educational or training sessions during *in-camera* meetings pursuant to section 238.3(1) of the *Municipal Act, 2001*, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
 - (b) Before holding a meeting or part of a meeting in-camera for educational or training purposes, Council shall state by resolution,
 - (i) the fact of the holding of the closed meeting;
 - (ii) the general nature of the subject matter to be considered at the closed meeting; and
 - (iii) that it is closed pursuant to section 238.3(1) of the *Municipal Act*.

6.16 **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 238.1 of the *Municipal Act, 2001*, as amended.

7.0 SPECIAL MEETINGS

7.1 The Mayor may summon a Special Council Meeting any time upon notice to each Member.

7.2 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 at the time mentioned in the petition.

7.3 **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 and the media all notices and agendas for Special Council Meetings a minimum of 24 hours in advance of such Meetings.

7.4 **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.

8.0 EMERGENCY MEETINGS

8.1 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 or extraordinary situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or the Clerk's representative to use their best efforts to notify the Members and the media about the meeting as soon as possible and in the most expedient manner available.

8.2 **Emergency Meetings – Business Specified**

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

9.0 QUORUM

9.1 A majority of all Members shall constitute a quorum.

10.0 MEETING TIME

10.1. The Mayor, or in his absence, the Deputy Mayor, shall call Members to order as soon after the meeting time as a quorum is present.

10.2 (a) If the Mayor and Deputy Mayor are not present within ten (10) minutes after the meeting time, the Clerk shall call the Members to order and if a quorum is present, a Member shall be chosen from among those present to preside 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.
- 10.3 In the election of a Presiding Officer, the Clerk shall call the meeting to order and preside.
- 10.4 If there is no quorum within fifteen (15) minutes after the meeting time, the Clerk shall call the roll, take down the names of the Members present, and declare the meeting cancelled.
- 10.5 Unless otherwise determined by Council resolution, all Regular Council and Standing Committee meetings shall commence at 7:00 p.m. in the Council Chambers of City Hall.
- 10.6 (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. In the event that the quorum is not regained within thirty (30) minutes, 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.

11.0 ABSENCE FROM MEETING

- 11.1 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).

12.0 CONDUCT

- 12.1 The Presiding Officer shall preserve order and decorum.
- 12.2 The Presiding Officer may expel or exclude from any meeting any person who is guilty of improper conduct.
- 12.3 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.
- 12.4 Every Member, prior to speaking, shall address the Presiding Officer, shall confine his remarks to the question and shall not use any indecorous or offensive language.
- 12.5 When two or more Members raise their hands to be recognized, the Presiding Officer shall name the Member whom he first recognizes.
- 12.6 Upon being recognized by the Presiding Officer, a Member shall address the Presiding Officer.
- 12.7 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 when a Member is speaking shall any other Member hold discourse or interrupt the speaker.

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

13. LANGUAGE

- 13.1 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.
- 13.2 No Member shall use offensive words in or against the Council or against any Member thereof.
- 13.3 No Member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.
- 13.4 In case a Member refuses to obey the order of Council, he may, on the order of the Presiding Officer, be removed from his seat by the Police, but, upon an apology by the offender, he may retake his seat.

14.0 ADJOURNMENT

- 14.1. A meeting shall always adjourn by 11:00 p.m. unless a majority of Members vote otherwise.

PART 2 - ROLES AND DUTIES

15. ROLE OF THE MAYOR

- 15.1 It is the role of the Mayor as 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;
 - (d) to provide information and recommendations to Council with respect to the role of Council;
 - (e) to represent the municipality at official functions;
 - (f) to carry out the duties of the Head of Council under any Act; and
 - (g) to fulfill the responsibility of the Head of Council as prescribed in North Bay's Emergency Response Plan.
- 15.2 As Chief Executive Officer of the 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.

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 put to vote all motions and announce the result;
 - (d) to sit as an ex-officio Member of all Standing Committees of Council and to vote at such Meetings;
 - (e) decline to put motions to a vote which infringe upon the rules of procedure;
 - (f) to inform the Members of the proper procedure to be followed and to enforce the rules of procedure;
 - (g) to enforce on all occasions, the observance of order and decorum among the Members;
 - (h) to call by name any Member persisting in a breach of the rules of procedure and order the Member to vacate the Council Chambers;
 - (i) 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;
 - (j) to provide information relating to the business of the City;
 - (k) to authenticate by signature all by-laws, agreements and minutes of Council;
 - (l) to rule on any points of order raised by Members;
 - (m) to represent and support the Council;
 - (n) to maintain order;
 - (o) to adjourn the meeting when the business is concluded;
 - (p) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act; and
 - (q) to act in accordance with his Oath of Allegiance and Oath of Elected Office.

17. ROLE OF THE COUNCIL

- 17.1 It is the role of the 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 in accordance with applicable legislation;

- (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;
- (e) to ensure that accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (f) to maintain the financial integrity of the municipality; and
- (g) to carry out the duties of Council under the *Municipal Act* or any other Act.

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 Agency, 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 the Council of the

municipality.

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 on 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 1996*, 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 parliamentary procedure; 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 Where notice of a Public Meeting is required to be given, the Clerk shall cause such notice to be published in the newspaper.
- 21.2 No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 238 of the Act.
- 21.3 Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices where deemed desirable by the Chief Administrative Officer and subject to the approval of the Chief Administrative Officer.
- 21.4 **Emergency Provision**
If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or 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, and the Clerk shall make his best efforts to provide such notice as is reasonable under the circumstances.

PART 4 - VOTING & DEBATE PROCEDURES

22. CONFLICT OF INTEREST

- 22.1 All Members have a personal obligation to comply with the *Municipal Conflict of Interest Act*.
- 22.2 A Member shall declare a conflict of interest in accordance with the *Municipal Conflict of Interest Act* and
- (a) shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any motion in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- 22.3 If the conflict under section 22.2 above is with respect to an item on a closed session agenda, in addition to complying with the requirements of section 22.2 above, the Member shall forthwith leave the closed session or that part of the closed session during the matter is under consideration.
- 22.4 Where the interest of a Member has not been disclosed as required by section 22.2 above, by reason of the Member's absence from the meeting referred to therein, the Member shall disclose the interest and otherwise comply with section 22.2 above at the first meeting of Council attended by the Member after the meeting referred to in section 22.2 above.
- 22.5 Subject to compliance by all Members with the *Municipal Conflict of Interest Act*, the Presiding Officer may vote with the other Members on all questions.

23. DUTIES OF THE PRESIDING OFFICER

- 23.1 The Presiding Officer may answer questions and comment in a general way without leaving the Chair, but if he wishes to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, he must first leave the chair.
- 23.2 If the Presiding Officer desires to leave the chair for the purpose of taking part in the debate or for any other reason, he shall designate another Member to fill his place until he resumes the Chair.

24. VOTING

- 24.1 Every Member of Council who shall be present when a question is put shall vote thereon unless he is disqualified to vote on the question. All votes shall be by show of hands except where a recorded vote is requested by any Member.
- 24.2 The Presiding Officer shall announce the result of every vote.

25. RESULT OF THE VOTE - DISAGREEMENT

- 25.1 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.

26. TIE VOTE – DEEMED NEGATIVE

26.1 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. (*Municipal Act, 2001, c.25, s.245*).

27. NO VOTE – DEEMED NEGATIVE

27.1 If any Member present refuses to vote, for other than a conflict of interest, it shall be recorded as a vote in the negative.

28. RECORDED VOTES

28.1 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.

28.2 Subject to the *Municipal Conflict of Interest Act*, where a recorded vote is requested each Member present in the chamber shall announce their vote openly.

28.3 The Clerk shall begin the recorded vote with the Member who requested the recorded vote, and proceed in random order to poll all Councillors and lastly the Presiding Officer.

29. PRIVILEGE

29.1 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.

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

29.3 Where the Presiding Officer considers the integrity of any City employee has been impugned or questioned, the Presiding Officer may permit the Chief Administrative Officer to make a statement to the Council.

30. POINTS OF ORDER AND BOURINOT'S RULES

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

30.2 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.

30.3 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.

30.4 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.

- 30.5 In the event that this by-law does not address an issue, then Bourinot's Rules of Order shall apply.
- 30.6 (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.
- 30.7 Any Member may require the motion under discussion to be read at any time, but not so as to interrupt a Member speaking.
- 30.8 (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, but not to any Member who has moved an order of the day, the previous question or an instruction to a Committee except with the permission of the Presiding Officer.

31. THE QUESTION

- 31.1 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.
- 31.2 A decision by the Presiding Officer that the question has been finally put shall be conclusive.
- 31.3 No Member shall comment upon any vote by the Council.

32. TO AMEND THE RULES

- 32.1 No rule contained in this by-law shall be suspended, repealed, altered or amended unless the Clerk receives two weeks prior written notice thereof.

33. TO AMEND MOTIONS

- 33.1 Every amendment shall be in writing and shall be decided before the main question is put.
- 33.2 Only one amendment shall be allowed to an amendment.
- 33.3 Amendments shall be put in reverse order to that in which they are moved, except when a motion properly put is put in the following words: "Put the question now".
- 33.4 If such a motion is defeated then the amendment or amendments shall be considered in reverse order.
- 33.5 If a vote on an amendment is carried, then the main motion shall be deemed to be carried, as amended.
- 33.6 (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 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.

- 33.7 If a proposed amendment or an amendment to an amendment is lost, then unless a further amendment is put, the main question shall be put.
- 33.8. When putting an amendment, the Clerk shall read the wording as it appears in the main motion, read the proposed amendment and then read the wording as it would be if the amendment carried.

34. RESCISSION

- 34.1 No matter decided within the calendar year shall be considered without the prior consent by resolution of a majority of the whole Council.

35. RECONSIDERATION

- 35.1 (a) There shall be no reconsideration unless notice thereof is given at the meeting at which the question was 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.
- 35.2 (a) If a motion for reconsideration is made at the next 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.

PART 5 - AGENDA AND MOTIONS

36. AGENDA

- 36.1 The Clerk shall prepare for the use of the Members an Agenda as follows:
- (1) Roll Call
 - (2) Public Presentations
 - (3) Minutes
 - (4) Closed Meeting Minutes (The minutes for the Closed Meetings of Council will be available for Council viewing in the Clerk's Office prior to being adopted by Council)
 - (5) Reports of Standing Committees
 - (6) Correspondence
 - (7) By-Laws
 - (8) Motions
 - (9) In-Camera Correspondence
 - (10) Motions for Reconsideration
 - (11) Giving Notice
 - (12) Motion to Adjourn.
- 36.2. (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 of Council present at the meeting objects to its consideration.

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

36.4 **Reports From Municipal Officers**

- (a) Reports from municipal 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 4 p.m. on the Wednesday before the Council Meeting 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 Wednesday at 4 p.m. may be shown on the Agenda without copies being provided.
- (d) Any staff reports received by the Clerk after Wednesday at 4 p.m. shall be referred to the next following Council meeting.
- (e) An Officer shall reply promptly in writing in response to all requests for reports made by Council resolution.

37. DELEGATIONS / PUBLIC PRESENTATIONS

37.1 Public 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.

37.2 Persons wishing to make a formal presentation to Council must register with the Clerk prior to 4:30 p.m. on the Wednesday preceding any Regular or Special Council Meeting. Where possible, a written copy of the submission shall be provided to the Clerk prior to 4:30 p.m. on the Thursday preceding any Regular or Special Council Meeting.

37.3 The maximum number of presenters in any presentation (including the spokesperson) shall be three.

37.4 The Clerk shall inform the presenter of the guidelines affecting the presentation (e.g. maximum time, maximum of three presenters and adherence to subject) and obtain an acknowledgement by the presenter of his understanding of those guidelines.

37.5 (a) A public presentation, which has been registered with the Clerk may address a matter of municipal jurisdiction for up to ten (10) minutes.

- (b) An unregistered public presentation of up to five (5) minutes may be made at the Regular Council meeting to address a matter of municipal jurisdiction.

- (c) Notwithstanding subsections (a) and (b) above, no delegation shall

be permitted 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.

- 37.6 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.
- 37.7 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.
- 37.8 In unique circumstances, the time limit may be extended by the Council by a majority vote of the Council Members present. Such question shall be decided by Council without debate.
- 37.9 No presenter shall:
- (a) speak disrespectfully of any person;
 - (b) use offensive words or unparliamentary language;
 - (c) speak on any subject other than the subject for which he received approval to address; or
 - (d) disobey the rules of order or a decision of the Presiding Officer.
- 37.10 After the presenter has completed the presentation, Members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- 37.11 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 Procedural 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.
- 37.12 Public presentations made at the beginning of the meeting shall be considered by Council at the end of the Agenda of that meeting.
- 37.13 The above guidelines shall apply where applicable to a statutory public meeting held under the authority of specific legislation.

38. MOTIONS

- 38.1 (a) Every motion shall be in writing, shall be seconded 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 of Council, any separate matter shall be put separately.
- (c) Subject to paragraph (b), upon the motion of the Chair of a Committee, similar routine matters may be dealt with in the same resolution.
- 38.2 After a motion is read by the Clerk, it shall be deemed to be in the possession of the Council, but may, with the unanimous consent of the Council, be withdrawn at any time before decision or amendment.

39. PRECEDENCE

- 39.1 (a) When a question is under debate, the only motions in order shall be:

1. to extend the time of the meeting;
 2. to refer to a Standing Committee;
 3. to amend;
 4. to lay on the table;
 5. to postpone to a certain time and day;
 6. to move the previous question.
- (b) These six motions shall have precedence in the order in which they are listed.
- 39.2. (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 mover of the motion.
- (b) A motion to refer to 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

40. BY-LAWS

- 40.1 (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 or in imperfect form.
- 40.2 (a) A by-law shall be passed by being given three readings.
- (b) A by-law shall be given each reading by reference to its by-law number in the same resolution in which all by-laws relating to a particular Committee are being considered.
- (c) At the request of any Member of Council, 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 motion refers only to the number of the by-law.
- 40.3 **First Reading**
The first reading of a by-law shall be decided by resolution without amendment or debate.
- 40.4 **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 Standing Committee meeting and a report shall be submitted for Council's consideration.

40.5 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.

40.6 **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.

40.7 **Records**

- (a) The Clerk shall endorse on every by-law the dates of the three readings thereof.
- (b) 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.

41. **MINUTES**

41.1 There shall be attached to all Minutes of the proceedings of the Council a progressive marginal number of each year and every document or certified copy or Minute communicated to any Committee of the Council as hereinbefore required shall bear the number of the Resolution to which it refers.

41.2 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.

42. **DOCUMENTS**

42.1 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.

43. **CORRESPONDENCE**

43.1 All correspondence addressed to the Mayor or the Council, which refers to the business of the Corporation, shall be included in the information section of the Council Agenda for the Mayor and Councillors; and shall, when required, be referred by the Clerk in consultation with the Chief Administrative Officer to the appropriate staff for response to the Council within six (6) weeks.

43.2 Every communication to be considered by Council shall be in writing.

43.3 (a) All correspondence relating to a matter previously referred to a Standing Committee shall be referred by the Clerk to the Standing Committee to which it properly belongs unless otherwise directed by the Committee Chair.

- (b) If a correspondent complains of a present personal grievance requiring immediate remedy, the complaint may be considered and disposed of forthwith.

APPLICATIONS UNDER THE *PLANNING ACT*

- 43.4 (a) Any application for approval under the *Planning Act* 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, Members of the Committee of Adjustment and Members of the Planning Advisory Committee, 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

44. STRIKING COMMITTEE

- 44.1 (a) A Striking Committee to recommend appointments to Agencies, Boards, Commissions and Standing Committees shall consist of the Mayor and the Council.
 - (b) The Mayor shall be the Chair of the Striking Committee.
 - (c) Councillors shall select Committee position and Membership in the order of electoral finish.
- 44.2 The Striking Committee shall recommend appointments to local Boards and Committees which may be required during the life of the Council.

45. STANDING COMMITTEES

- 45.1. (a) The Mayor shall be an Ex-officio Member of each Standing Committee.
 - (b) Four Councillors shall be appointed to the General Government Committee.
 - (c) Three Councillors shall be appointed to each of the Engineering and Works Committee and the Community Services Committee.
 - (d) Appointments to Standing Committees shall be made in order of preference, based on the Councillor's standing in the Municipal Election results.
- 45.2 A majority of the Members of a Standing Committee, including the Mayor, shall constitute a quorum.
- 45.3 The Clerk shall attend all meetings of Standing Committees to record all reports as directed by the Chair thereof.
- 45.4 All completed reports of Standing Committees shall be presented for adoption at the next Regular Council Meeting.

46. GENERAL GOVERNMENT COMMITTEE

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

Access North Bay	Administrative Approvals
By-law Enforcement	City Hall Maintenance
Council Liaison and Support	Finance and Assessment
General Administration	Health and Safety
Human Resources	
Information Systems & Technology	Insurance and Risk Management
Legal Services	Licensing
Local Board Liaison	
Ontario Court of Justice Provincial Offences Administration	
Parking Administration	Policy Development
Procurement and Inventory	Realty Management
Records Management	Special Project Co-ordination
Training and Development	Vital Statistics

47. ENGINEERING AND WORKS COMMITTEE

47.1 The Engineering and Works Committee shall have jurisdiction over the Engineering, Environmental Services and Works Division including:

Construction Contract Administration	
Construction Management	Drafting
Engineering and Design	Environmental Services
Fleet and Equipment Maintenance	
Infrastructure Planning and Management	
Roads and Traffic	Service Contract Administration
Sewage Collection and Treatment	Stormwater System
Survey and Inspection	Traffic Planning and Engineering
Waste Management and Recycling	Water Distribution
Water Treatment	Winter Control and Snow Dump

48. COMMUNITY SERVICES COMMITTEE

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

Arena Buildings	
Building Facility Repair & Maintenance	
Building & Fire Code Inspection and Enforcement	
Building Services	Cemeteries
Crossing Guards	Development Administration
Economic Development & Tourism	
Emergency Planning & Operations	
Fire Protection	Grant Access Program
Land Use Planning	Leisure Services
Marina and King's Landing	Marketing & Promotion
North Bay Airport	Parks & Pathways
Parking Maintenance	
Transit Services	

49. STANDING COMMITTEE PROCEDURES

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

- 49.2 (a) The agenda for a Standing Committee meeting will be selected from the items referred to it by Council that are on that Committee's file 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 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 Wednesday before 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 will ensure that available relevant documentation is circulated to all Members of Council on the Friday preceding the Standing Committee meeting, with a draft recommendation for the Standing Committee to consider. Draft recommendations will be taken from the staff report unless the Committee Chair advises otherwise.
- (d) Where no staff report exists, or no recommendation is contained therein, or where the Committee Chair wants a different draft recommendation to be considered, it will be the responsibility of the Committee Chair to provide an appropriate draft recommendation to the Clerk for circulation.
- (e) The order of business at the Standing Committee Meetings will 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).
- (f) Standing Committees shall consider only those matters referred to it by Council.
- 49.3 (a) The Chair of each Standing Committee shall:
- (i) introduce the other Members of the committee and identify the subject matter;
 - (ii) read the draft recommendation;
 - (iii) 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;
 - (iv) consider comments by the Members of the Committee; and
 - (v) consider comments by the other Members of the Council.
- (b) A Member and staff are not to debate the matter.
- (c) At the conclusion of the discussion, the Committee Chair and the Clerk shall settle the wording of the recommendation to be proposed to the next Regular Council Meeting and the Chair shall poll the Members of the Committee on such recommendations.
- (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.
- 49.4 (a) Each Standing Committee meeting shall be subject to a curfew of 60 minutes (or, where a Council meeting is scheduled for the same evening, 20 minutes);
- (i) whether or not any other Committee has used less or more than its 60 minutes (or 20 minutes when a Council meeting is scheduled for the same evening);
 - (ii) subject to the proviso that, upon a majority vote of all the Members of Council present, the curfew may be extended by a specific number of minutes.
- (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 meeting:
- | | |
|---------|---|
| Week 1: | General Government, Community Services, Engineering & Works |
| Week 2: | Community Services, Engineering & Works, General Government |
| Week 3: | Engineering & Works, General Government, Community Services |
- 49.5 (a) All Members of a Standing Committee shall sign the report as assenting to or dissenting from the terms thereof.
- (b) In the absence of not more than two (2) Members of a Standing Committee another Member of Council may second the Committee Report.
- 49.6 (a) Any report of a 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.
- 49.7 No Committee shall have the authority to bind the Corporation.
- 49.8 The rules of Council shall be observed during Standing Committee meetings except that:
- (a) no recommendation has 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.
- 49.9 (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 Presiding Officer shall immediately resume the Chair, without any question being put.

49.10 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.

50. HEARING COMMITTEE

- 50.1 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.
- 50.2 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 Councillor 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.
- 50.3 The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- 50.4 Except as otherwise herein provided this by-law applies mutatis mutandis to the Hearing Committee.
- 50.5 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.
- 50.6 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.

51. AD HOC COMMITTEES

- 51.1 Ad Hoc Committees may be established by Council, from time to time for consideration of special projects.
- 51.2 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.
- 51.3 Each Ad Hoc Committee shall be given 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.
- 51.4 The Chair and Vice-Chair shall be determined and appointed by the Mayor.

- 51.5 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.
- 51.6 Any Member of Council may attend and participate in meetings of Ad Hoc Committees, but may not vote.
- 51.7 The Ad Hoc Committee shall meet in accordance with the meeting schedule established by the Ad Hoc Committee at a location to be determined by the Chair.
- 51.8 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 Committee meeting.
- 51.9 The Council may terminate an Ad Hoc Committee at its discretion.

PART 8 – BUDGET, REAL ESTATE & INSURANCE

52. FINANCIAL

- 52.1. No Committee or Officer shall exceed the appropriation made to any department for any purpose, without the prior consent of the Council.

53. BUDGET

- 53.1 The Treasurer shall provide a monthly financial report to the Council.

54. REAL ESTATE

54.1 Qualified Appraisal

In this section “qualified appraisal” shall mean an appraisal in writing by an A.A.C.I. or C.R.A. as determined by the professional guidelines of appraisers, unless the Council agrees to deem the assessed value to be the appraised value on the recommendation of the Chief Administrative Officer.

54.2 Council Direction

Before selling real property, other than lanes, the Council shall be consulted in-camera with a recommendation as to the manner of the sale, whether the property is regarded as surplus to municipal needs, whether the property should be rezoned prior to sale and the sale shall proceed as Council directs.

54.3 Declaration of Surplus

Before selling real property Council shall by resolution passed at a meeting open to the public declare the real property to be surplus.

- 54.4 Each new Council shall be provided with a list of all surplus properties by the Chief Administrative Officer.

54.5 Notice of Surplus

Before selling real property Council shall give notice to the public of the location of the surplus land by publication in a newspaper having a general circulation within the municipality at least once, no less than fourteen (14) days prior to the proposed sale, and provide notice in writing to the North Bay real Estate Board.

54.6 Appraisals

Before selling real property Council shall obtain at least one appraisal of the fair market value of the real property except for the real property listed

in subsection 54.7.

- 54.7 An appraisal is not required for the sale of the following classes of land:
- (a) land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*;
 - (b) closed lanes if sold to an owner of land abutting the closed lanes;
 - (c) land assessed with a current value of less than \$10,000.00, upon the recommendation of the Chief Administrative Officer;
 - (d) industrial lands sold under sections 107 and 108 of the *Municipal Act, 2001*;
 - (e) easements granted to public utilities or to telephone companies;
 - (f) land being sold to a municipality;
 - (g) land being sold to a local board, including a school board and a conservation authority;
 - (h) land being sold to the Crown in right of Ontario or Canada and their agencies.

54.8 **Methods of Sale**

Real property shall be sold by public tender, save and except where:

- (a) the real property is being sold to the abutting or adjacent landowner is a road allowance or lane;
- (b) the real property cannot be built on as a separate parcel and is being sold to the abutting landowner;
- (c) the real property is industrial land in an industrial park;
- (d) for economic development reasons the Council deems it desirable to proceed by way of another method of sale;
- (e) more than one qualified appraisal is obtained or where a qualified appraisal is peer reviewed by another qualified appraiser and the sale price meets or exceeds the appraised value;
- (f) Council has approved an alternate public competitive process;
- (g) where the real property is being sold for tax arrears; or
- (h) where there is a direct exchange of lands either:
 - (i) of similar size, value and zoning, or
 - (ii) where the land to be exchanged is included as all or part of a bid in response to a tender call, is accompanied by a qualified appraisal satisfactory to the Council and the exchanged land is required for municipal purposes.

54.9 **Commission**

- (a) Where a property is offered for sale by placard placed on the property, and where no direct offer is received within three (3) months, then the City may refer the property to the North Bay Real Estate Board.
- (b) Where an offer to purchase is submitted through a real estate agent at any time and the transaction has closed then the City shall pay a commission of 3% to such real estate agent.

54.10 **Notice**

Where a property is to be sold by public tender:

- (a) a placard shall be posted on the subject lands; and
- (b) notice in writing shall be given to the North Bay Real Estate Board at least fourteen (14) days prior to tender closing.

54.11 **Tax Sales**

Where land is being sold for tax arrears then the Treasurer may either deem the appraised value to be the assessed value according to the last returned assessment roll or may request an appraisal.

54.12 **Register**

The Clerk shall establish and maintain a public register listing and describing all the real property owned or leased by the municipality.

54.13 **Road Allowance Right of First Refusal**

In the event that:

- (a) both sides of a road allowance lot or laneway are not acquired by each of the abutting owners within 60 days; and
- (b) one of the abutting owners is not prepared to acquire all of the road allowance lot within 60 days, then the road allowance lot shall be sold by tender as a single lot.

54.14 **Surplus Road Allowance**

When the Council has declared its intention to return surplus road allowance lands received within the previous ten (10) years by way of a registered plan to the original dedicating owner, then the Council may transfer such lands to the original dedicating owner for \$1.00.

54.15 **Parkland Right of First Refusal**

In the event that parkland previously dedicated to the City within the previous ten (10) years is deemed surplus then such lands shall be offered first to the developer from which the lands were dedicated based on the current appraised value thereof. In the event such developer does not acquire the lands within sixty (60) days then the lands may be offered for sale as provided for in this by-law.

54.16 **Laneways**

- (a) The sale of the whole of a laneway to one (1) abutting owner shall be permitted at the discretion of the Council;
- (b) The transfer of lands for the purpose of a road widening along an arterial or collector road shall be required prior to, or at the same time as, the transfer of the whole or part of the laneway being transferred to the abutting property owner.

55. USE OF CITY PROPERTY

- 55.1 No property of the Corporation shall be delivered or used outside the limits of the City of North Bay without either Council's or the Chief Administrator Officer's approval.
- 55.2 No property shall be made available to outside interests except as herein provided.
- 55.3 Use of real property owned by the Corporation (excepting public highways and lanes) shall only be put to personal or private use upon Council's approval of a written agreement.

- 55.4 The Chief Administrative Officer, or his authorized delegate, may authorize the rental and use of vehicles, equipment or corporate services of the City to local boards, other municipalities, corporations and individuals for specialized work or services, subject to the following conditions:
- (a) that the vehicles and equipment are operated by and the services are rendered by City employees;
 - (b) that the vehicles, equipment and services cannot be provided by a contracting firm or company in North Bay;
 - (c) that the rental and use of the vehicles and equipment shall not prejudice or delay work or services required by the City;
 - (d) that the rental or service fees shall be fixed and determined by the Chief Administrative Officer, or his authorized delegate, and they shall include the following:
 - (i) the wages of the operator;
 - (ii) the cost of the necessary public liability insurance;
 - (iii) the cost under the *Workplace Safety and Insurance Act, 1997*; and
 - (iv) all other applicable costs and expenses
 - (e) The Chief Administrative Officer, or his authorized delegate, shall consider, and if deemed advisable, revise the rental or service fees annually.
- 55.5 The Chief Administrative Officer may approve the lease of municipal real estate upon terms approved by resolution of the Council either in general terms or on a case by case basis.

56. PAYMENT

- 56.1 (a) No contractor or other person engaged on any work for the City shall be paid except according to the Purchasing By-law, the Purchasing Policy or according to written contracts authorized by by-law.
- (b) In all cases, the Treasurer, after making payment, will report without delay, to the next Council meeting by submitting the progress certificate so handled for approval.
- 56.2 (a) No goods or services shall be ordered except upon the authorization of the Chief Administrative Officer or Managing Director, or his authorized delegate.
- (b) No account for goods or services supplied shall be paid, unless the account is authorized by a department head.
- 56.3 (a) Every account for work done or for goods furnished shall be checked and certified by the superior officer under whose superintendence the work was done or goods provided.
- (b) A payment certificate shall refer to the by-law or resolution under which the expenditure was authorized.
- 56.4 After the accounts have been certified by the Treasurer, the responsible Committee Chair may also examine each such account and invoice, following which the Treasurer shall submit an itemized summary of all accounts to be prepared and signed by the Chair of the appropriate Standing Committee.

- 56.5 (a) After the list of accounts has been approved by Council, or a Managing Director or Chief Administrative Officer, the Treasurer shall issue the necessary cheques for payment thereof.
- (b) The list of accounts may include paid and unpaid accounts.

57. FRAUD

- 57.1 The various Officers of the Corporation shall forthwith report any frauds or attempted frauds of which any of them may become cognizant to the Chief Administrative Officer who shall report the same to the Council.

58. CLAIMS FOR DAMAGES

- 58.1 The Council shall obtain an investigation and report on all claims for damages, unless such claims are covered by insurance in which case the claim shall be referred to the insurer for disposition according to the law.
- 58.2 Subject to Section 58.1, the Clerk shall forward any notice of claim to the City Solicitor, who shall investigate and report on the same to the Council.

59. OFFICER'S REPORTS ON CLAIMS

- 59.1 The City Solicitor may require any Officer of the Corporation to report to him upon the claim, and such Officer shall immediately inquire into the circumstances and report the facts fully in writing to the City Solicitor.
- 59.2 Subject to Section 59.1, no claim shall be settled without the prior approval of the Council.

60. SALARY FOR MUNICIPAL OFFICERS

- 60.1 No Member of Council, while retaining his seat therein, shall be eligible for any office to which there is attached any salary, remuneration or emolument payable by the Council except as is provided by statute.

61. INDEMNITY POLICY

- 61.1 (a) Subject to the following provision the Council agrees to indemnify and save harmless its Members and its non-union employees for necessary and reasonable legal costs incurred in the defence of statutory offence or complaints other than *Criminal Code* or *Municipal Conflict of Interest* offence, arising because of acts performed in good faith in the ordinary course of their employment or office.
- (b) That Council may refuse payment under subsection (a) where in the opinion of the Council, the actions of the Member or non-union employee amounted to a gross dereliction of duty or deliberate abuse of the power.
- (c) (i) The Council may elect to provide legal counsel to defend a Member or a non-union employee in any legal proceeding, whereupon the cost of such counsel shall be borne by the Corporation regardless of the outcome of the proceedings.
- (ii) Where the Council elects to provide legal counsel under subsection (i), the Corporation shall not be responsible for

any other legal costs unless the counsel provided the City Council expresses the written opinion that it would be improper for him to act on behalf of another party to the charge or complaint.

- (d) For greater certainty, the Corporation shall not be liable to indemnify for legal costs arising from:
 - (i) the actions or omissions of Members of non-union employees acting in their capacity as private citizens;
 - (ii) disciplinary or discharge proceedings.
- (e) In this section, necessary and reasonable legal costs shall be determined in the first instance by the approval of the account by the City Solicitor, or in the case of a dispute by taxation of the costs on a solicitor and client basis.

PART 9 – GENERAL PROVISIONS

62. SEVERABILITY

62.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

63. REPEAL

63.1 By-law No. 2007-218 is hereby repealed.

64. ENACTMENT

64.1 This By-law shall take force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 29TH DAY OF AUGUST, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 29TH DAY OF AUGUST, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 29TH DAY OF AUGUST, 2011.

"original signature on file"

MAYOR ALLAN McDONALD

"original signature on file"

CITY CLERK CATHERINE CONRAD

**THIS IS SCHEDULE "A" TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2011-186**

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
