

# The Corporation of the City Of Kenora

## By-law Number 157-2022

### A By-Law to Establish Rules of Order and Procedures For the Council of the City of Kenora

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Whereas Section 238(2) of the Municipal Act, 2001, c. 25, as amended, authorizes the Council of every municipality to pass by-laws governing the proceedings of Council, the conduct of its Members and the calling of Meetings; and

Whereas the Municipal Act, 2001, c.25, as amended, provides that the Procedural By-law shall provide public notice of meetings; and

Whereas it is desirable that there be rules governing the order and procedures of the Council; and

Now Therefore Be It Resolved That the Council of the Corporation of the City of Kenora enacts as follows:-

#### Part 1 – Definitions

- 1.1 **Act** – means the Municipal Act, S.O. 2002, c.25, as amended or re-enacted from time to time
- 1.2 **Acting Mayor** - means a Member who has been appointed by Council to act as the Mayor in his or her absence by By-law
- 1.3 **Addition to Agenda** - means an urgent matter requiring immediate action or attention, typically involving a deadline date that cannot be met if the item is not added to a certain agenda.
- 1.4 **Administration** - means the body of persons employed by the Corporation or contracted by the Corporation for services.
- 1.5 **Advisory Committee** – means a Committee appointed by Council which membership is composed of a majority of members of the public, or a minority of Members of Council and is not bound by Closed Meeting rules under the Municipal Act.
- 1.6 **Agenda** – means a list of items on an Agenda of Council or Committee and which may contain recommendations to be considered and which may also contain certain notices for the information of the public in accordance with this by-law.
- 1.7 **Amend** - means a change in wording or substance of a Motion before Committee or Council or a prior decision of Council.
- 1.8 **Announcement** - means verbal information publicly announced at the end of Committee of the Whole and Council meetings by members of Council which includes significant events, announcements of community interest and business that is of interest to the community as a whole.

- 1.9 Chair** - means the person presiding at a Meeting which most common to be the Mayor, Deputy Mayor or Acting Deputy Mayor.
- 1.10 Chief Administrative Officer or CAO** - means the Chief Administrative Officer of the Corporation of the City of Kenora or an Acting Chief Administrative Officer duly appointed by the Chief Administrative Officer to act in the CAO's absence.
- 1.11 City** – means the Corporation of the City of Kenora.
- 1.12 City Clerk** – means the City Clerk of the Corporation of the City of Kenora or Deputy Clerk in the absence of the Clerk, or those who have been designated by the Clerk who shall have the powers and duties of the Clerk on behalf of the City.
- 1.13 Closed Meeting—or In-Camera Meeting** - means a meeting, or part of a meeting, that is closed to the public to consider matters authorized under the Municipal Act or other enabling Statute. Members may participate in a closed or in camera meeting electronically and will be counted for the purposes of quorum in a closed session.
- 1.14 Committee** – means a Committee, sub-Committee or similar entity established by Council of which at least 50 percent of the members are also members of Council. Such Committee is bound by the Closed Meeting rules under the Municipal Act.
- 1.15 Committee of the Whole** – means a meeting comprised of Members of Council as a whole.
- 1.16 Council** – means the elected Council of the City of Kenora.
- 1.17 Debate** - means regulated discussion, and speaking in advocacy of a position on an issue.
- 1.18 Defer** - means to remove a main Motion from consideration of City Council or a Committee until such time as provided for in the deferral Motion
- 1.19 Deputation** – means a request in writing by an individual/group/organization who is not a member of Council or staff, who wishes to appear before a regular or special meeting of Council or Committee and address the Members, typically relating to an issue or item on the meeting agenda.
- 1.19.1 Deputy/Acting Mayor** –means the Member of Council appointed by way of resolution at the Inaugural Meeting who may act in the Mayor's absence and while so acting, such member has and may exercise all rights, powers and authority of the Mayor.
- 1.20 Electronic Participation** – means participation by members in which members are not physically present in the designated meeting location and participate remotely either by video conferencing, teleconference or any other electronic means in which it allows them to participate in an audio and or visual manner. Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

- 1.21 Emergency** – means in the event of an emergency being declared by the Premier, Cabinet or the municipal Head of Council under the Emergency Management and Civil Protection Act. Once the Emergency declaration has ended, regular meeting rules apply.
- 1.22 Mayor** – means the Head of Council of the City of Kenora.
- 1.23 Meeting** – means any regular, special, or other meeting of Council, of a local board or of a committee of either of them, where, a quorum of members is present, and 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 called in accordance with this By-law.
- 1.24 Member** – means a Member of Council or a Committee.
- 1.25 Motion** – means a question or a recommendation to be considered by the Council or a Committee which is moved, seconded, presented, read and is subject to debate. When a motion is adopted, it becomes a resolution.
- 1.26 Newspaper** – means a printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and available to the public and to regular subscribers and distributed for sale or gratis on a daily and/or weekly basis. This includes the “on-line” version posted on the internet.
- 1.27 Notice** – means a written, printed, published, verbal, electronic or posted notification or announcement to the public generally, but does not include notice given to specified persons.
- 1.28 Point of Order** – means a statement made by a Member during a Meeting drawing to the attention of the Chair an alleged breach of the Rules of Procedure. It may be called to bring attention to:
- Breaches of the rules of order of Council
  - Difficulty in continuation of the meeting
  - Improper, offensive or abusive language
  - Notice that the discussion is outside the scope of the motion or the notice of motion
  - Irregularities in the proceedings.
- 1.29 Point of Privilege** - means the raising of a question which concerns a Member, or the Council collectively, when a Member believes that their rights or, the integrity of Council as a whole, have been impugned.
- 1.30 Publish** – means publicly announced in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and includes posting on the Municipal website, newspaper, social media or broadcasting on a local radio station. “Publishing, published and publication” have corresponding meanings.

- 1.31 Presentation** - means a formal presentation to a Committee of the Whole Meeting or Council meeting to address Council or present reports, studies, interim or final results of a study or the presentation of projects, plans, promotions of a city-wide event either directly supported by the City or sponsored or promoted by a community group.
- 1.32 Presiding Officer** – means the Mayor or Deputy Mayor, or the person appointed by the Members present at a meeting in the event the Mayor or Deputy Mayor are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting.
- 1.33 Quorum** – means a majority of the Members of Council or Committee of the Whole, subject to the provisions of the Municipal Conflict of Interest Act, 1990, as amended. Electronic participation under regular meeting provisions, members may participate electronically, and are counted for quorum.
- 1.34 Radio Station** – means a radio station which can be locally received using FM frequencies.
- 1.35 Recess** - means to take a break during a meeting for a defined period of time.
- 1.36 Recorded Vote** – means the recording of the name and vote of every member of Council of which is recorded by the Clerk on a motion during a Council meeting, upon request of any member of Council prior to the vote.
- 1.37 Resolution** – means a motion that has been resolved by Council.
- 1.38 Rules of Procedure** – means the rules and regulations which are set forth in this bylaw.
- 1.39 Substantive Motion** – means any motion except one of the following:
- a) To refer;
  - b) To defer;
  - c) To amend;
  - d) To table the question;
  - e) To recess;
  - f) To vote on the question;
  - g) To reconsider
  - h) To adjourn;
  - i) To divide
- 1.40 To Defer** – means a motion to postpone all discussion or action on a matter until a future date or time, which is established as part of the motion
- 1.41 To Refer** – means a motion to direct the matter under discussion to Council, a Committee of Council, staff or another Committee or group for further consideration or review.
- 1.42 To Table** – means a motion to postpone a matter without setting a future date or time for consideration and for which consideration may be resumed at any time by a motion to lift from the table

**1.43 Reconsider** - means to re-open debate on a prior decision of Council only, as if the decision had never been made, in strict accordance with the requirements of this By-law. Reconsideration has a corresponding meaning.

**1.44 Website** – means the official internet website of the Corporation of the City of Kenora.

## **Part 2 - General Rules**

### **2.1 Rules - regulations - observed - at all times**

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committee of the Whole and shall be the rules and regulations for the order and dispatch of business in the Council.

### **2.2 Rules - observed - modifications - permitted**

The rules contained in this by-law shall be observed, with the necessary modifications, in every meeting of Council.

### **2.3 Parliamentary procedure - proceedings**

Those proceedings of the Council, the Committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with generally accepted parliamentary procedure, such as the Bourinot's Rules of Order.

### **2.4 Rules – Council to introduce new Item on Agenda**

When it is necessary to deal with an extraordinary item not provided for on the agenda, a motion shall be required to be introduced that a new item be presented for a specific matter, (and shall precede the main motion to be introduced) and such motion shall not proceed without the unanimous consent of Council.

The Member making such request is to state the nature of the motion and the reason for introducing the new item. Any extraordinary item that is introduced shall not contravene the provisions of the Notice By-law.

### **2.5 Deputy Mayor – 8 month Rotation of Members**

The position of Deputy Mayor shall be on a rotating basis among the six Members of Council whereby each Member shall be appointed Deputy Mayor for an eighth month period commencing in alphabetical order, the first of which will be appointed by Resolution at the Inaugural Meeting of a newly elected Council.

### **2.6 Absence - Mayor – Deputy Mayor - Authority**

In the absence of the Mayor from the Municipality, or if he/she is absent through illness or if he/she refuses to act or if the office is vacant, the Deputy Mayor for the purposes of this by-law shall act in the place of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting. In the absence of the Deputy Mayor, the previously appointed Deputy Mayor may preside, or a Presiding Officer may be appointed by the members by resolution where possible.

### **2.7 Members of Council – Notify Clerk - Absence**

Members of Council are requested to notify the Clerk when the member is aware that he/she will be absent from any meeting of Council or for any duration that may interfere with the business of Council.

The office of a member of Council will become vacant if the member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council. This is in accordance with Section 259 (1)(c) of the Municipal Act, 2001, as amended, with exception to section 2.8 of the Procedural bylaw.

## **2.8 Members of Council – Absence – Maternity/Paternity Leave**

Pregnancy and/or Parental Leave – an absence of 20 consecutive weeks or less as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259(1.1) of the Municipal Act, 2001.

A Member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.

Legislative and administrative matters requiring action during a Member's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Member's wishes

A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.

A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.

Members of Council and City staff are responsible for adhering to the parameters of this leave.

The member's seat remains vacant during the duration of the leave, unless that member chooses to return prior to the 20 weeks.

## **2.9 Minutes of Meetings**

Minutes shall be taken of any and all meetings, open or closed. The Clerk shall take minutes for meetings of Council.

## **2.10 Taping/Televising/Recording**

Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded so long as the taping, televising or recording is carried out in a manner that does not interfere with the proceedings of the meeting and provided same has been authorized by the Clerk.

## **2.11 Electronic Participation by Members**

Participation in Council or Committee of the Whole meetings by electronic means is permitted under the following conditions:

- The Clerk has the sole discretion to determine the electronic means of participation of requesting members;
- All meeting facilities must enable the meeting participants and the public to hear and or watch and hear, each other. Members may participate electronically in both Open and Closed Council and Committee of the Whole Meetings including Special Meetings;
- The Chair is required to be present in person. If the Chair is participating electronically an alternate Chair will be determined by those present, typically the Deputy Mayor;
- Members participating electronically do count in establishing quorum provided they are visibly present for the session. Should a member be participating via teleconference only, they are not counted for quorum;
- To ensure that a quorum can be achieved, Members must notify the Clerk one day in advance of the meeting of their intent to participate electronically;

- Members may only participate electronically up to a total of four (4) meetings which includes Committee of the Whole and Council, in a calendar year (January-December) unless there are extenuating circumstances which have been approved by Council. Electronic participation does not remove the requirement for members under The Municipal Act s. 259 Vacancies, (1) (c) regarding being absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council;
- The intent is to have all Members of Council present for meetings whenever possible. Members are encouraged to attend meetings in person wherever possible;
- Members attending electronically may not have full visual access to all portions of the meeting including presentations, deputations and materials presented in person at the meeting. The Clerk will circulate such documents following the meeting;
- Members must connect electronically to the meeting no later than 10 minutes prior to the commencement of the meeting to allow the Clerk ample time to ensure connectivity and advance preparation of the meeting;
- Members attending electronically must advise members of Council if they need to disconnect from the meeting for any reason at any time by indicating to the Chair of their departure. The Clerk shall record in the minutes the time the member left the meeting. In the event connection is lost during any meeting, the member shall attempt to reconnect to the meeting without disruption to the meeting. In the event a reconnection does not occur the member attending electronically shall be considered to have left the meeting at the point of disconnection;
- The member shall be allowed to vote, and their vote will be required to be verbally announced. The Chair shall recognize electronic participants by requesting a verbal 'aye or nay' vote in the event of voice attendance only, or a raised hand in the event of visual attendance. This shall be followed at the end of the vote of members in attendance. Electronic members need to ensure they address the Chair by vocalizing their request for discussion prior to the vote called;
- Members need to present in a manner similar to being present in the open meeting. They are responsible for ensuring there is no background noise at their location that would interfere with the meeting. Audio should be muted at all times except for when addressing meeting attendees;
- Members must adhere to the Rules of Order in this Procedural bylaw when attending in an electronic format and all decorum and rules apply while attending remotely;
- The Clerk may provide for electronic participation of staff including electronic participation of the Clerk where necessary.

## **2.12 Electronic Participation by Members during an Emergency**

In the event of an emergency declared by the Premier, Cabinet or the Municipal Head of Council under the Emergency Management and Civil Protection Act, members may, where deemed necessary by the Mayor or Clerk, meet in an electronic meeting for the purposes of conducting the business of Council.

Under the emergency provision, members may participate in both open and closed sessions in the electronic format. It is permitted, when deemed necessary, for all members to participate remotely.

Members participating electronically count towards quorum and are permitted to vote.

Meetings held under this provision would still be required to follow existing meeting rules

including providing of notice of meetings to the public, maintaining meeting minutes, and subject to certain exceptions, that meetings continue to be open to the public.

The Mayor, in consultation with the Clerk, may exclude members of the public, including deputations, depending on the nature of the emergency.

In the event that members of the public are not permitted to attend a meeting in-person due to the emergency, and electronic participation of the public cannot be facilitated, the public will be requested to provide their comments in writing to the Clerk prior to the meeting and the comments will be distributed to members of Council, In the event the Clerk believes that electronic participation by the public can be facilitated, then the Clerk shall make this option available upon receiving a written request to appear as a delegation. The remainder of the regular rules for delegations as set out in this bylaw shall apply.

Where circumstances allow, meetings will be live streamed or recorded and made available following the meeting.

The Clerk may provide for electronic participation of staff including electronic participation of the Clerk where necessary.

During a state of emergency, the provisions of this section pertaining to electronic participation applies. Once the emergency has ended, regular meeting rules apply including the regular electronic meeting provisions

### **2.13 Cell phones/ Smart Phones**

All phones are required to be turned to vibrate during all Council and Committee meetings. This applies to all Members, Staff, Media and the public.

### **2.14 Council Member Announcements**

Member announcements are limited to two (2) minutes each. Announcements will not be recorded in the minutes.

### **2.14 Staff at Council and Committee of the Whole Meetings**

Senior Leadership Team Members who have agenda items to present are expected to attend the Committee of the Whole meeting but not the Council meeting unless otherwise requested by the CAO. If a member wishes a Senior Leadership Team Member who does not have an agenda item to attend a meeting, the member shall so notify the CAO by 12 noon on the working day prior to the meeting to make such request. It is the sole discretion of the CAO to direct that staff person to attend.

### **2.15 Proper Address for Members of Council/Administration/Public:**

(a) The Mayor shall be addressed as: "MAYOR (surname inserted) or (first name and surname) as requested", or, alternatively, as "YOUR WORSHIP".

(b) The Chair of Committee of the Whole shall be addressed as CHAIR (insert surname) or alternatively CHAIR (first name and surname) as requested.

(c) All other Members are to be addressed as: "COUNCILLOR (surname inserted) or alternatively COUNCILLOR (first name and surname) as requested".

(d) Members of Administration shall be addressed as: "TITLE" or 'CITY OFFICIAL" (surname inserted) (i.e. City Manager (surname inserted) Clerk (surname inserted) Alternative Title or



City Official and (first and surname) as requested.

(e) Presenters/Deputants shall be addressed as 'PRESENTER/DEPUTANT" (surname inserted) or (first name and surname) as requested)

## **Part 3 – Giving of Public Notice & Scheduling of Meetings**

### **3.1 Meetings – Open to the Public**

All meetings of Council shall be open to the public and held at the Council Chambers at City Hall, One Main Street South, unless otherwise advertised.

### **3.2 Public Notice and Contents**

The published agenda shall be considered as adequate public notice and deemed to have been given by its being posted on the website ([www.kenora.ca](http://www.kenora.ca)) and available for public review in the office of the City Clerk no later than 4:00 p.m. on the applicable business day preceding the regularly scheduled meeting.

Every notice of a meeting of Council or Committee shall indicate the day, date, time and place of commencement of the meeting.

### **3.3 Public Notice – Special Meetings of Council or Committee of Council**

A minimum of **twenty-four (24)** hours public notice shall be given (see exception in Section 3.7) prior to the holding of the special meeting, typically held in Council Chambers. The advance public notice shall be given to Council, appropriate staff, the affected parties, the public, and shall state the specific business to be considered at the special meeting.

Notice of the special meeting shall be posted on the Portal at least twenty-four (24) hours preceding the meeting, as well as advertised in the media at the Clerk's discretion as to the appropriate form of media publicity.

No other business than that stated in the Notice, and subsequently on the agenda, shall be considered at a special meeting.

For purposes of a Special Council Meeting, the Rules of Order contained herein with respect to the reading of the blessing, confirming previous Minutes, etc. are deemed to be suspended, unless a majority of the members deem otherwise.

### **3.4 Public Notice – Closed Meetings**

If it is necessary for a closed meeting to be held that is not on a regularly scheduled meeting date, a minimum of **twenty-four (24)** hours public notice shall be given prior to the holding of an In-Camera meeting not already provided for on any meeting agenda where notice is deemed to have been given. The advance public notice shall be given to Council, appropriate staff, the affected parties, the public, and shall state the general nature of business to be considered.

### **3.5 Public Notification – Other Meetings**

Notice shall be given for any meeting, open or closed, and such notice shall be determined by the Clerk in accordance with this by-law.

**3.6 Public Notice – Adoption of Procedural By-law**

Before passing a Procedural By-law, or amendment, the Council shall give notice of intention to pass such by-law by providing notice on the applicable agenda preceding the meeting, subsequently posted on the Portal.

**3.7 Emergency or Disaster – Notice not Required**

In the event of a disaster or emergency as defined in the 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 Clerk's designate, to notify the Members about the meeting as soon as possible and in the most expedient manner available.

**3.8 Minimum Requirements**

The notice requirements set out in this by-law are minimum requirements only and the Clerk may give notice in an extended manner if in the opinion of the Clerk and/or Member of Council, the extended manner is reasonable and necessary in the circumstances.

**3.9 Subordinate to other required Forms of Notice**

The notice requirements set out in this by-law shall be subject to any specific requirements for the fixing of notice as prescribed by legislation or as directed by Council.

## Schedule of Meetings

**3.10 Inaugural - December - Time Chosen**

Following the municipal election, the Inaugural Meeting shall be held on the Fifteenth day of November at 5:00 p.m. in City Hall Council Chambers.

**3.11 Regular Council - Monthly - Time**

Following the Inaugural Meeting, regular Council meetings shall be held in the Council Chambers at City Hall, as established annually by Council in December of the previous year, or earlier, and posted publicly. Meetings are typically held the third Wednesday of the month, but are amended from time to time as required. August meetings are suspended unless a special meeting is required.

**3.12 Committee of the Whole Meetings**

Committee of the Whole meetings shall be held in the Council Chambers at City Hall, as established annually by Council in December of the previous year, or earlier, and posted publicly. Meetings are typically held the second Wednesday of the month, but are amended from time to time as required. August meetings are suspended unless a special meeting is required.

**3.13 Municipal Elections - Meeting Time - Exception**

Notwithstanding any other provision of this by-law, in the month in which a regular municipal election is held, the Council shall not meet in that month, unless required in accordance with Section 3.3.

**3.14 Calling of Special Council or Committee of the Whole Meetings**

The Mayor or designate may, at any time, call a special meeting of Council or Committee of the Whole, or upon receipt of a petition signed by a majority of the members, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition, in accordance with the notice provisions contained in this Section.

### **3.15 Cancellation/Postponement of Meeting - Notice by Clerk**

Any meeting may be cancelled or postponed and re-scheduled to a day, time and place. Such changes shall be given in the form of a written notice by the Clerk, provided at least 24 hours' notice can be given, or if known in advance, Council shall adopt a motion for this purpose.

If the 24 hour advance notice cannot be provided for whatever reason, the Clerk shall attempt to notify the Members and the general public as soon as possible and in the most expedient manner available.

## **Part 4 - Closed Meetings**

### **4.1 Criteria & Procedure – Closed (In-Camera) Meetings**

Meetings shall be closed to the public as provided for in the Municipal Act, 2001, as amended (see Appendix A to this by-law).

### **4.2 Electronic Participation**

Where members are participating electronically, each member will be requested by the Clerk at the start of the meeting to confirm they are alone in the room they are participating and that no other individual may hear proceedings of the confidential in-camera session. This confirmation will be recorded in the minutes to emphasize the importance of confidentiality of the session.

### **4.3 Motion to move into Closed Meeting**

Prior to Council/Committee resolving into a Closed Meeting for one of the reasons in accordance with the Act as noted above, Council shall state by motion:-

- a) the fact of holding the Closed Meeting and the provision under the Act;
- b) the general nature of the matter to be considered.

### **4.4 Closed Items to be included on Open Agenda**

Before Council or a Committee moves into a closed meeting, a public motion authorizing the closed meeting and stating the general nature of the matter or matters to be considered at the closed meeting shall be passed; no additional matters shall be considered by Council or Committee at the closed meeting.

### **4.5 Closed Meeting Reports/Agendas/Minutes**

Closed Meeting Reports shall be so marked and attached to the closed agenda and circulated to Council prior to the regular Council or Committee of the Whole meeting.

Closed Meeting Agendas and Minutes shall be so marked and circulated by either the Clerk or Deputy Clerk and identified with a coloured background. Closed Agendas and Minutes shall be emailed directly to Council, the CAO. The Clerk shall file the Closed Meeting Minutes in the Clerk's office vault.

### **4.6 Motions permitted in Closed Meeting**

A vote may not be taken at a meeting which is closed to the public, with the exception of motions for procedural matters such as confirming minutes and adjourning the meeting, as well as written motions for giving directions or instructions provided such direction is not a decision by the Council or Committee.

#### **4.7 Moving out of Closed to Regular Meeting to Vote**

Members shall adjourn from the Closed Meeting and reconvene in the Open Meeting to report from the Closed Meeting and to vote, if necessary, on any motion. Such motions pertaining to direction and action from the Closed Meeting shall provide as much detail as possible for reporting out to the Open Meeting, and if applicable, identifying the specific staff position required to follow-up on the recommended course of action set out by Committee or Council, as the case may be, from the Closed Meeting.

#### **4.8 Minutes – Closed Meeting**

Closed Meeting Minutes shall be formatted with a coloured background so they are distinguishable from Regular Minutes.

For the purpose of a Closed Meeting, the Clerk or Recording Officer shall record the following, without note or comment:

- i) The starting time of the closed meeting and fact of the holding;
- ii) All those in attendance;
- iii) Any Declarations of Pecuniary Interest & general nature thereof;
- iv) Any Closed Deputations
- v) The general nature of the matter considered at the closed meeting;
- vi) Approval of previous Closed Minutes
- vii) Personal information shall not be recorded;
- viii) The disposition of the matter;
- ix) Reports/recommendations to be moved into Open Meeting for a vote;
- x) The concluding time of the closed meeting.

#### **4.9 Closed Meeting Chair – Deputy Mayor**

The Deputy Mayor shall be the Presiding Officer/Chair as the case may be for Closed Council/Committee Meetings and who shall give their report to Council/Committee when they return to the regular meeting to consider the disposition of the matter by voting on a motion. In the event the Deputy Mayor is not present, the previously appointed Deputy Mayor shall act in their place.

In the event that previous Deputy Mayor is not present, members present will mutually appoint the Chair prior to the start of the meeting.

#### **4.10 Closed Meeting Investigation – Report**

If the municipality or local board receives a report under Subsection (10) of Section 239.2 of the Municipal Act, 2001 the municipality or local board as the case may be, shall pass a resolution stating how it intends to address the Closed Meeting Investigator's report

### **Part 5 - Proceedings - Council Meetings**

#### **5.1 Agenda – Established by Clerk**

The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for electronic distribution of the agenda to each Council Member, the Chief Administrative Officer and all Directors (including any staff/media requesting same), and posting on the Portal ([www.kenora.ca](http://www.kenora.ca)) for public review no later than 4:00 p.m. on the applicable business day preceding the regularly scheduled meeting outlining the "Order of Business" as follows:

**5.2 Regular Order of Business:-**

1. Call to Order
2. Land Acknowledgement / Blessing
3. Public Information Notices
4. Declarations of Pecuniary Interest & General Nature Thereof
5. Consent Agenda
5. Confirmation of Previous Minutes
6. Presentations
7. Deputations
8. Additions to Agenda (urgent only)
9. Appointments
10. Items from Committee of the Whole
11. Housekeeping Resolutions
12. Tenders
13. By-laws
14. Notices of Motion
15. Proclamations
16. Announcements (non-action)
17. Adjournment (to Closed Meeting, if required)
18. Business arising from Closed Meeting (if applicable)
19. Close Meeting

**5.3 Call to order - quorum present**

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to order by the Mayor.

**5.4 No Quorum**

If no quorum is present one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting. A quorum for meetings for the purpose of Council shall be a majority of the total members, or, the presence of at least four (4) Members

Should any Council Member in attendance make a Declaration of Pecuniary Interest thereby reducing the number present to less than a quorum, the meeting may continue.

**5.5 Declaration of Pecuniary Interest – Duty of Member/Completion of Form**

Members shall comply with the Municipal Conflict of Interest Act, and in accordance with the Act any Member shall disclose any direct or indirect pecuniary interest as follows:-

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall remove themselves from the table by stepping back and moving to a different part of the room, but is not required to leave the room;
- (d) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

At the applicable meeting, a Member shall complete and read from the necessary Declaration Form regarding their Declaration of Pecuniary Interest and shall provide the form to the Clerk for recording it in the Minutes (see Appendix B to this by-law).

All Declarations shall be recorded exactly as submitted by the member by the Clerk accordingly both in the Minutes and on any applicable resolution. The Clerk, as soon as reasonably possible following the meeting, shall add the declaration to the Council Registry which will be publicly posted on [www.kenora.ca](http://www.kenora.ca) for public inspection. The Clerk shall maintain a copy of each statement filed by the member.

No Member shall request any staff member for their opinion or to comment on whether or not the Member has a Pecuniary Interest, whether direct or indirect. Members may seek a legal opinion as to whether they may or may not have a Pecuniary Interest on a particular matter.

## **5.6 Minutes**

The Minutes of the Council shall be taken by the Clerk or designate, and shall consist of a record of all proceedings taken during a Council meeting pursuant to the Municipal Act, 2001, as amended. The Clerk or designate shall record, without note or comment, the following information for the purpose of the official Minutes:

- Date, place and time of meeting
- Name of the Presiding Officer
- Members both present and absent (regrets)
- Identify any members participating electronically
- Member who reads the Land Acknowledgment/Blessing
- Member who makes a Declaration of Pecuniary Interest & General Nature Thereof
- Any public deputation including the name of the person/group
- Follow up discussion/direction to staff on a particular matter
- Recorded Votes
- Notices of Motions
- Announcements
- Proclamations
- Time of Adjournment/Close of Meeting

## **5.7 By-laws**

By-laws shall be introduced in the applicable section on the Council agenda. If applicable, by-laws of an urgent nature that fall under 'additions to the agenda' may be considered and presented with the additional item under that section of the meeting, provided they are in accordance with the Notices of Motion bylaw.

## **5.8 Three Readings required before Enactment**

Every by-law shall receive three readings (first, second and third) by Council before being enacted. By-laws may be presented for one or two readings at the direction of Council or staff prior to the Council Meeting depending on the nature of the by-law.

In accordance with this Section, authorization is given to dispense with the actual reading of the by-laws and that only the titles of each by-law shall be read within the applicable motion.

## **5.9 Curfew – Regular Council Meetings**

Council shall adjourn no later than three (3) hours past commencement of the usual five(5) o'clock meeting time, typically before the hour of three (3) o'clock in the evening, unless otherwise ordered by a unanimous vote of members present.

## Part 6 – Rules of Conduct and Debate

### 6.1 Order - decorum - maintained - Mayor

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.

### 6.2 Mayor - speaking on motion - to leave Chair

The Mayor may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or to speak on a motion by taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the chair, and shall designate another member to fill his/her place until he/she resumes the chair.

### 6.3 Member Speaking - recognition by Mayor - required

Before a member may speak to any matter, he/she shall first be recognized by raising their hand to be addressed by the Mayor. When a member is participating electronically, the member must endure to speak when it is most appropriate and other members have completed their discussion by verbally or visually indicating to the Mayor that they wish to speak.

### 6.4 Speaking - order - determination

When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the member who is to speak first.

### 6.5 Disruption - Council - by member - prohibited

A member shall not disturb the Council by any disorderly deportment.

### 6.6 Disruption – Electronic Participation

A member shall not participate electronically where rules of order and decorum are not respected and adhered to. Should the electronic participation of a member be deemed disruptive to a meeting, the Mayor may instruct the Clerk to terminate the electronic participation by that member provided the Mayor has advised the member that the participation/actions are disruptive to the meeting.

### 6.7 Offensive language - insults - prohibited

A member shall not use profane or offensive words or insulting expressions.

### 6.8 Disobedience - rules - points of order - prohibited

A member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.

### 6.9 Leaving seat - disturbance during vote - prohibited

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

### 6.10 Interruption - speakers - exception

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

### 6.11 Leaving meeting - not to return - Mayor informed

A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Mayor.

**6.12 Disorderly conduct - member to be removed - question**

In the event that a member persists in a breach of the rules prescribed in this by-law, the Mayor has the sole discretion to order the member to leave his/her seat for the duration of the meeting.

**6.13 Apology - member to resume seat - by permission**

If the member apologizes, the Mayor, with the approval of the Council, may permit him to resume his/her seat.

**Part 7 – Motions in Council****7.1 Motions in Writing**

All substantive motions introduced to Council shall be in writing.

**7.2 Addressing Council**

Members shall rise to read motions presented to Council.

**7.3 Disposition of motion**

Every motion in Council must be voted on and either carried, defeated, or deferred before any other motion (other than a motion to amend), can be introduced; deferred; amended, etc.

**7.4 Motion to Defer (later in same meeting)**

This motion provides a mechanism whereby a motion can be set aside and taken up again at any time later in the meeting by moving a procedural motion to resume consideration of the matter.

- Motion is not debatable
- Is not amendable
- Approval requires a two-thirds majority of votes cast

**7.5 Motion to Defer (to subsequent meeting)**

This motion enables the discussion of a substantive issue to be put off to a subsequent meeting.

- Motion shall state the substantive issue and the date and/or time of the postponement
- Is debatable only with respect to the date and time
- Must have a seconder
- Amendments restricted to the stated date/and or time
- Approval by majority.

**7.6 Motion to Defer Indefinitely**

This motion provides a mechanism whereby an issue can be fully discussed, although no decision is to be taken.

- Is debatable and is not restricted so substantive issue can be fully discussed
- Approval by majority.

**7.7 Motion to Amend**

- Shall be presented in writing;
- Shall not negate the main motion;
- Shall receive disposition of Council before a previous amendment or the question;
- Shall not be further amended more than once, provided that further amendment may be made to the main question;
- Shall be relevant to the question to be received;
- Shall not be received proposing a direct negative to the question;



- May propose a separate and distinct disposition of a question;
- Shall be put in the reverse order to that in which it is moved.

### **7.8 Motion to Withdraw**

A motion shall only be withdrawn by the Mover and Seconder, and only with the consent of the majority of Council.

### **7.9 Ultra Vires Motion**

Council shall not consider a motion that is ultra vires (beyond its power of authority).

### **7.10 Motion to Reconsider**

The following are the rules applicable to a motion to reconsider:

1. Shall be moved by a member voting on the prevailing side.
2. Shall not be debated;
3. Shall not be amended;
4. Shall not be considered if the action approved in the motion cannot be reversed;
5. Suspends action on the motion to which it applies until it has been decided.

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

### **7.11 Motion to Refer**

A motion to refer, or to refer back to a Committee or a member of staff with instructions may be put forth and amended but shall be disposed of by Council before the original motion or any other motion pertaining to the original motion.

### **7.12 Notice of Motion**

A member may introduce a new matter by way of notice of motion. The notice of motion shall be read at a meeting of Council (not Committee) and then shall be placed on the next regular Council meeting Agenda by the Clerk, unless the Member otherwise states a specific Council meeting date.

A notice of motion when introduced is not moved or seconded but the motion shall be moved and seconded at the subsequent meeting, at which time it is then debatable/amendable.

### **7.13 Speaking to motion - limitation - subject - maximum 5 minutes**

When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes.

### **7.14 Speaking to motion – exception - vote - reply**

A member shall not speak more than once to any motion, but the member who has made a motion shall be allowed to speak for a maximum of 5 minutes to answer any questions.

### **7.15 Motion - under debate - read - at any time**

A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

### **7.16 Motion under debate – questions – before vote**

When a motion is under debate, a member may ask a concisely worded question of another member, or City Administration, through the Mayor prior to the motion being put to a vote by the Mayor in accordance with this by-law.

## Part 8 – Voting by Council

### 8.1 Mandatory vote – all members

The Mayor and all Members present are required to vote by a CLEAR show of hands when a question is put forth, unless they have declared a Pecuniary Interest on a particular item.

### 8.2 Amendment to Motion - Voted on first

A motion to amend an amendment to a motion shall be voted on first.

### 8.3 Voting - order

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) A motion to amend a motion to amend the main motion;
- (b) A motion (as amended or not) to amend the main motion; and
- (c) The main motion (as amended or not).

### 8.4 Motion to vote - immediately - after all have spoken

A motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the motion have spoken in accordance with the provisions of this by-law.

### 8.5 Speaking - after motion - before vote announced

After a motion is put to a vote by the Mayor, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Mayor.

### 8.6 No vote - deemed negative - exception

Every member who is not disqualified from voting by reason of a Declaration of Pecuniary Interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.

### 8.7 Secret voting - on motion - prohibited

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

### 8.8 Result - announced

The Mayor shall announce the result of every vote, except in the case of a recorded vote in which the Clerk shall announce the result.

### 8.9 Result - disagreement - objection immediate - retaken

If a member disagrees with the number of votes for and against a motion as announced by the Mayor, he/she may object immediately to the Mayor's declaration and, with the consent of the Council, the vote shall be retaken.

### 8.10 Tie vote - deemed negative

When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.

### 8.11 Recorded vote - When called for

Any Member present may request that a vote be recorded and shall call for a recorded vote immediately prior to, or following, the taking of the vote. Each Member present, except a Member disqualified from voting by any Act, shall announce his or her vote openly when asked by the Clerk. The Clerk shall request Council Members to announce their vote in alphabetical order, and then will request the Mayor to announce his/her vote last. The names of those who voted for and against shall be noted in the Minutes. If any Member does not advise of their vote, they shall be deemed as voting in the negative. The Clerk shall announce the result of the vote.

**8.12 Recorded vote - all member to vote - exception**

All members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a Declaration of Pecuniary Interest.

**8.13 Voting - number of members - calculation**

In every vote/recorded vote required of the whole Council, the number of members constituting the Council shall be determined by excluding:-

- (a) The number of members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*, and
- (b) The number of seats that are vacant on the Council by reason of The *Municipal Act, 2001*, as amended.

**8.14 Open Voting Only**

No voting shall take place at any meeting that has been closed to the public in accordance with Section 239 of the Act, except as it may pertain to a procedural matter or for giving direction or instructions to municipal officials/employees.

**8.15 Consent Agendas**

If a Member declares a pecuniary interest on an item that is included on the consent agenda, the item will be considered under the heading "Matters Excluded from Consent Agenda".

**8.16 Consent Agenda - Council Procedure**

- a) The Chair will ask for a Motion to adopt all items on the consent agenda.
- b) Members will identify any items to be excluded from consent agenda for discussion under the agenda heading "Matters Excluded from Consent Agenda".
- c) A vote will be taken on the balance of the consent agenda items

## Part 9 – Deputations

**9.1 Addressing in Council**

Any person desiring to present information or speak to Council at a Council Meeting shall have an opportunity to do so at the commencement of the meeting as provided for on the Agenda and will be announced by the Presiding Officer. The prescribed "Deputation Request Form" must be filed with the Clerk according to timelines noted on the prescribed form in advance. Such persons shall have no more than five (5) minutes at a Council meeting to address Members and no debate on any subject shall be engaged in by either Council or those providing the Deputation. The Mayor/Deputy Mayor may use their discretion should the five minute time-frame not be met.

If a Deputation Request (with or without the completed Request Form) is received at the commencement of a meeting, the discretion rests with the Mayor/Deputy Mayor as to whether or not the Deputation will be heard.

**9.2 Addressing in Committee**

Any person desiring to present information or speak at a Committee of the Whole Meeting shall have an opportunity to do so at the commencement of the meeting as provided for on the Agenda and will be announced by the Chair. The prescribed "Deputation Request Form"

must be filed with the Clerk according to timelines noted on the prescribed form in advance. Such persons shall have up to fifteen (15) minutes to address and exchange information with Council and Members may engage in dialogue with the person or persons. The Mayor/Deputy Mayor may use their discretion should the fifteen minute time-frame not be met.

If a Deputation Request (with or without the completed Request Form) is received at the commencement of a meeting, the discretion rests with the Mayor/Deputy Mayor as to whether or not the Deputation will be heard.

### **9.3 Deputation Request Form Necessary**

A signed Deputation Request Form shall be submitted to the Clerk with a legibly written presentation provided before, during or following the deputation.

### **9.4 Deputation Request Form Deadlines**

**For Council Meetings:** A Deputation Request Form shall be completed and submitted to the Clerk's Office before 10:00 a.m. on the day of a regular Council Meeting that sets out the topic to be addressed, together with the date of the meeting and the name and contact information (phone number, email address) of the person or group making such request.

**For Committee Meetings:** A Deputation Request Form shall be completed and submitted to the Clerk's Office no later than the Friday at 12 noon in advance of the requested Committee meeting to attend so that it can be included on the Committee of the Whole agenda.

### **For Special Council/Committee Meetings:**

Typically deputations are not included on Special Meeting Agendas, and will be heard at the pleasure of the Mayor/Deputy Mayor, provided it relates to the subject matter on the agenda.

### **9.5 Curtailment of Time**

The Head of Council or Deputy Mayor may curtail any deputation for disorder or any other breach of this by-law, and, if the Head of Council or Deputy Mayor rules that the deputation is concluded, the person or persons appearing shall withdraw.

### **9.6 Location**

No person, except Council Members and authorized staff shall be allowed to come within the Council Members' seating location during a meeting without the permission of the Head of Council, Deputy Mayor or Clerk. The public is expected to speak from the lectern provided in Council Chambers to address Council.

### **9.7 Presentation in Person**

All deputations must be conducted in person in the meeting room that the meeting is being conducted with the Mayor having discretion to permit deputations/presentations in another format.

### **9.8 Behaviour of Deputant**

Deputation participants are attending a business meeting of Council and as such proper decorum is expected of all those in attendance. As may be necessary from time to time, the Mayor, Deputy Mayor or Clerk shall advise of the rules of order contained in this Section of the By-law to contingents of the public in attendance either observing or addressing Council, particularly on a sensitive issue.

Deputation participants are expected to sit in the general public seating area and present their information from the podium.

**No Deputant shall:**

1. Speak without first being recognized by the Presiding Officer or Chair
2. Speak disrespectfully of any person
3. Use offensive words or gestures, or make abusive comments,
4. Speak on any subject other than the subject stated on their Deputation Request Form
5. Disobey the Rules of Procedure or a decision of the Council or Committee

**9.9 Conduct by the Public**

Members of the public, who constitute the audience at a meeting, shall not:-

- Address Council or Committee without permission
- Bring signage, placards or banners into such meetings
- Engage in any activity or behaviour that would affect the deliberations
- Bring food into the Council Chambers or meeting unless so authorized
- Allow cellular phones to ring so as to disrupt the proceedings

**9.10 Expulsion**

The Presiding Officer or Chair may cause to expel and exclude any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Clerk may be called upon to seek the appropriate assistance from police officers for this purpose.

**9.11 Recording of Deputation for the Minutes**

The Clerk or designate shall record, without note or comment, a brief summary of a public deputation where no written deputation is presented, including the name of the person/group represented. Where a written deputation is presented it shall be duly noted in the Minutes that a written deputation was received, and filed with the Clerk for the public record.

**9.12 Written Submission**

Presenters are required to provide their speaking notes in advance of the meeting to the Clerk for purposes of the official record.

**9.13 Deputations During Emergency Provision**

Where electronic participation by Members is required during an emergency, delegations may be limited to written submission only. Delegations requests for meetings held during an Emergency will be reviewed as received and will be accommodated in the most reasonable manner at the time. The discretion lies with the Mayor and Clerk.

**9.14 CAO - Directors or Applicable Staff - address to Council**

Notwithstanding the provisions of Section 9.1 of this by-law, the City CAO, Directors or applicable staff to the subject being discussed shall be permitted to address Council and the person(s) making the deputation with advance permission of the head of Council.

**9.15 Business - stated - matters - related to**

Persons appearing before the Council shall confine their remarks to the business stated in their request.

**9.16 Repetition - prevented - hearing declined - exception**

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the Mayor or Deputy Mayor may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

**9.17 Appearance - previous - limitation - new information**

Any person appearing before Council who has previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and subsequent appearances.

**9.18 Deputations – Request of Council or Committee**

From time to time it may be necessary for the Council or a Committee to invite a person, group or organization to attend a meeting to discuss a specific matter or issue. Unless otherwise required by law and the provisions of the Municipal Act, these deputations shall be open to the public.

**9.19 Quantity of Deputations at a Meeting**

Committee of the Whole meetings will permit up to 4 deputations per meeting on a first filed basis. For Council meetings, there will be up to 8 permitted deputations per meeting. It will be at the discretion of the Clerk, or Deputy Clerk, if additional deputations will be permitted to appear on the agenda at any particular meeting.

**9.20 Petitions to Council**

Should a member of the public wish to present a petition to Council on a particular matter, such petition must be presented at an open meeting of Council or Committee of the Whole through a deputation request and copies will be circulated to Members of Council by the Clerk.

**9.21 Materials to Council**

Any member of the public making a deputation to Council shall provide the Clerk with any records pertaining to their deputation. The Clerk will circulate to members of Council on their behalf. Any electronic copies should be forwarded to the Clerk in advance of the meeting.

**9.22 Anonymous Correspondence to Council**

Correspondence received by the City addressed to Council with no name and contact information attached to such correspondence will not be circulated to Council or filed for record.

**Part 10 - Committee of the Whole****10.1 General and Notice**

All Members of Council are Members of the Committee of the Whole, a majority of which shall be required to carry the consensus to Council. Only Members of Council shall be entitled to vote.

Such Members may meet from time to time in addition to the times specified in this by-law as a Committee of the Whole for the purpose of considering any matter or thing referred to or brought before the Committee for consideration and/or report. Meetings of a Committee of the Whole may be called by the Mayor or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice, in accordance with the Notice provisions contained in this by-law.

**10.2 Schedule of Meetings (Dates & Times)**

Committee of the Whole meetings shall be held in the Council Chambers at City Hall, as established annually by Council in December of the previous year, or earlier, and posted publicly. Meetings are typically held the second Wednesday of the month, but are amended from time to time as required.

**10.3 Meetings – Special Committee of the Whole**

Special meetings of a Committee of the Whole may be called by the Mayor or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice as provided for in Section 3 this by-law.

**10.4 Meetings – Closed**

A Committee of the Whole meeting, or any part thereof, may be closed to the public, provided the required notice has been given and such meeting does not contravene the provisions of the Municipal Act (as set out in Section 4.2 of this By-law). The Deputy Mayor shall chair the meeting.

**10.5 Procedure - Modifications**

The rules governing the procedure of the Council and the conduct of its members shall be observed in

Committee of the Whole meetings, with the necessary modifications.

**10.6 Order of Business**

**The following sections shall be included on the Committee of the Whole Agenda:**

- Land Acknowledgement and Blessing
- Notices in accordance with the Notice By-law provisions
- Declarations of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Deputations/Presentations
- Reports from Administration
- Proclamations
- Announcements
- If required to move into a Closed Session, such items will be listed in a general nature for this purpose.
- Close Meeting

**10.7 Points of Order – Decision by Mayor/Deputy Mayor**

Points of order arising in a Committee of the Whole shall be decided by the Mayor or Presiding Chair.

**10.8 Curfew – Committee of the Whole Meetings**

The Committee of the Whole shall adjourn no later than four (4) hours past commencement of the usual nine o'clock (9:00 a.m.) meeting time, even in the event of a Deputation taking place during the meeting. The meeting shall not continue beyond the hour of one o'clock (1:00 p.m.) in the afternoon, unless otherwise ordered by a unanimous vote of members present. This does not include any hours spent in an in-camera meeting to resume to the open meeting.

**10.9 Timing of Meetings**

Subject to Statutory Holidays, vacation schedules, and conferences, etc., and unless otherwise recommended by the Clerk and so agreed to by Council and advertised with the appropriate public notice in accordance with this by-law, monthly Committee of the Whole shall be held as set out below. Should the meeting day fall on a Public Holiday, the Committee shall meet at the same hour the following day that is not a Public Holiday; when this occurs the ensuing Council meeting will also move to the following day at the same hour.

**Second Wednesday of every month, except August, between 9:00 a.m. and 1:00 p.m. (or otherwise advertised)**

**Committee of the Whole Meeting comprised of reports from the following Departments:**

- Corporate Services & Finance (including any Human Resources items)
- Community Services
- Fire & Emergency Services
- Engineering & Infrastructure
- Development Services
- Economic Growth & Recovery

**10.10 Staff Reports – Process and Deadline**

All staff reports shall be completed by staff in the format identified by the Clerk.

Should Council wish to submit a report for consideration, the member of Council will discuss the matter with the CAO, and if deemed necessary, by direction of the CAO to the applicable staff, it will be prepared and submitted by the applicable Department staff on behalf of the Councillor.

Staff reports with the exception of Closed Meeting Reports, shall be uploaded by the applicable department by the deadline of 12 noon on the Tuesday (one week) prior to the Committee of the Whole meeting.

The CAO and/or Clerk as the case may be will then approve final report versions (or otherwise reject) together with the applicable information, attachments, etc. to allow the information to be released to Council for viewing/printing. Recommendations contained in the reports shall form the basis of the Committee agenda.

**10.11 Reports - Publicly Posted on City Portal**

Committee of the Whole meeting open reports shall be attached to the Committee of the Whole agenda as appropriate.

**10.12 Late Committee Reports**

Should an urgent matter arise where a staff report requires to be presented to Committee for action and the deadline has passed, the following process shall apply:

- Approval of the CAO, or designate, is required before the report can be added to an agenda or introduced at the meeting;
- If approved, the report shall be forwarded by the Clerk or CAO to members of Council. If time does not permit for emailing the report, it shall be presented at the applicable meeting with sufficient copies provided by the Department for Members of Council, CAO and Clerk;
- Late reports shall be posted to the Portal as soon as possible but only after Council has had an opportunity to review.

**Part 11 – Other Committees of Council****11.1 Mayor – Ex-Officio Member – All Meetings**

The Mayor shall be Ex-Officio of all Committees of the Council, shall not be counted for purposes of quorum but shall be entitled to attend, participate and vote.

**11.2 Appointments of Committee Members**

Committee appointments shall consist of only Council Members and shall be made by resolution of Council at its Inaugural Meeting, or as required from time to time.



**11.3 Report Recommendations to Council**

Directors with the responsibility of that area, or designate, or the CAO, shall present the report recommendations to Members at the Committee of the Whole meeting which items will then go forward to the Council Meetings for ratification whether supported or rejected.

**11.4 Minutes**

Minutes of the proceedings of various City Committee meetings shall be recorded and filed with the Clerk's office by an administrative appointed officer of the City and electronically circulated by that person to each Member of Council, the Chief Administrative Officer and the respective Department Lead (including any staff requesting same). The Clerk's Department shall post Committee Minutes on the Portal and will be included in minute listings for Council resolution support.

**11.5 Curfew – Motion**

Should the Committee not be able to carry out its business during the allotted time set out in this by-law, it shall be necessary to order, by a unanimous vote of members present, for the meeting to continue.

**11.6 Procedure - modifications**

The rules governing the procedure of the Council and the conduct of its members shall be observed in Committee meetings with the necessary modifications.

**11.7 Council may establish Advisory Committees from time to time**

While Advisory Committees are not bound by the Closed Meeting rules in the Municipal Act, Council encourages that Advisory Committees meet in public and only meet in Closed Session as may be required from time to time.

When Council establishes an Advisory Committee it shall be done by resolution, and shall set both the mandate and the term of the Committee. Appointments to an Advisory Committee shall also be by way of resolution. Any Terms of Reference shall be established by by-law.

**Part 12 - Confirmatory By-Law****12.1 Proceedings – all matters**

The proceedings at every open and special meeting of Council shall be confirmed by by-law at the regular meeting of Council to which it applies (in the case of a special meeting it will be so confirmed at the next regular Council Meeting). This action is required so that every decision of the Council at that meeting and every resolution adopted at such meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted. A confirmatory by-law, when introduced, shall be taken as having been read and shall be voted on without debate.

**Part 13 - Procedures – Public Hearings of Council****13.1 Agenda**

The Clerk, or designate, in accordance with the applicable Department, is to prepare the necessary agenda for the public meeting which could include but is not limited to a hearing for an Official Plan or Zoning By-law Amendment (which may be done at the Committee of the Whole level), requirements under the Notice By-law, the Rental Housing Protection Act or Municipal Licensing Appeals.

**13.2 Timing of Meetings**

Public meetings required to be held by Council in accordance with various legislation will be scheduled following regular meetings of Council or Committee of the Whole at a time to be determined, and held in Council Chambers, from time to time there may be more than one Public Meeting scheduled and the times are to be slotted accordingly by the Clerk, based on the same timetable; however these meetings should be scheduled in such a way as to not interfere with the holding of the regular Committee/Council meeting. Public Meetings as they relate under the Planning Act may be held prior to or following the Committee of the Whole regularly scheduled meeting, or Council if necessary.

**13.3 Minutes**

The Clerk, or designate is to record the date, time, place, reason for meeting, and persons in attendance, together with the following:

- Presiding Officer, to advise why public meeting is being held;
- Clerk to confirm sufficient notice was provided in the opinion of the Clerk;
- Presiding Officer to ask if anyone wishes to receive written notice of the adoption of the Bylaw(s) to leave name with Clerk;
- Presiding Officer to ask if anyone wishes to express any view on the amendment(s) or matter the matter;
- Report to be given describing amendment(s) or matter at hand;
- Presiding Officer to ask if anyone wishes to speak in favour or in opposition to the amendment(s) or matter;
- Presiding Officer to ask if there are any questions;
- Presiding Officer to declare public meeting closed.

**Part 14 – Severability**

**14.1** Each and every one of the provisions of this By-law is severable and if any provision of this By-law should, for any reason, be declared invalid by any Court of competent jurisdiction, it is the intention Council that each and every one of the then remaining provisions of this By-law remain in full force and effect.

**Part 15 – Enactment****15.1 Repeal & Effective Date**

That upon enactment of this By-law which shall come into force effective, By-law Number 102-2022, as amended, shall be repealed.

**By-Law Read a First & Second Time this 20<sup>th</sup> day of December, 2022**

**By-Law Read a Third & Final Time this 20<sup>th</sup> day of December, 2022**

**The Corporation of the City of Kenora:-**

\_\_\_\_\_  
**Andrew Poirier, Mayor**

\_\_\_\_\_  
**Heather Pihulak, City Clerk**

### Appendix “A” to By-law Number 157-2022

#### Section 239 Excerpt from the Municipal Act for permitted purposes to moving into Closed Meetings;

- ✓ The security of the property of the municipality or local board;
- ✓ Personal matters about an identifiable individual, including municipal or local board employees;
- ✓ A proposed or pending "acquisition" of land for municipal or local board purposes;
- ✓ For the disposition of land;
- ✓ Labour relations or employee negotiations;
- ✓ Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- ✓ The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ✓ A matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
- ✓ 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;
- ✓ Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- ✓ 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;
- ✓ 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
- ✓ 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.

#### Section 239 (3.1) – Educational or Training Sessions

- ✓ A meeting of a council or local board or of a committee of either 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.

Appendix 'B' to By-law Number 157-2022

**Declaration of a Pecuniary Interest**

**(To be completed by the Member and submitted to the Clerk at the same day meeting the pecuniary interest is being declared).**

Date: \_\_\_\_\_

I, \_\_\_\_\_, am declaring direct or indirect pecuniary interest as it relates to Agenda Item number \_\_\_\_\_, regarding \_\_\_\_\_

**1. My pecuniary interest is:**

Direct \_\_\_\_\_ OR Indirect \_\_\_\_\_

**2. Relates to:**

Myself \_\_\_ My Spouse \_\_\_ My Child \_\_\_ A Parent \_\_\_

**3. The nature of my interest is as follows:-**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Print Name \_\_\_\_\_ Signature \_\_\_\_\_

Date Submitted to Clerk \_\_\_\_\_

\*This declaration will form part of the Registry following the meeting in which it was declared.