



City of Kenora

Committee of the Whole Agenda

Tuesday, July 12, 2022

9:00 a.m.

City Hall Council Chambers

Live Stream Access: <https://kenora.civicweb.net/Portal/>

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its July 19, 2022 meeting:-

- Authorize a budget amendment in the amount of \$33,075.00, plus HST, of which \$8,740 is to be funded through the Parking Meter Reserves, and the balance of 24,335 + total HST is to be funded through the Parkade/Parking Rentals Reserve to upgrade the metered parking kiosk machine technology to EMV-enabled credit card transactions
 - Amend the Procedural bylaw to incorporate recommended administrative changes
- Authorize a budget amendment in the amount of \$112,040 to be funded primarily through private sector donations for the purchase of the Walter J. Phillips' watercolour "Norman Bay, 1922"

Blessing & Land Acknowledgement

Councillor Van Walleggem

B. Declaration of Pecuniary Interest & the General Nature Thereof

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

C. Confirmation of Previous Committee Minutes

Motion:

That the Minutes from the last regular Committee of the Whole Meeting held June 7, 2022 and the Special Committee of the Whole meetings held June 10 & 21, 2022 be confirmed as written and filed.

D. Deputations/Presentations

- Suzy Melo, BrookMcIlroy - Update on the pocket park project

E. Reports:

1. Corporate Services/Finance/Human Resources

Item Subject

- 1.1. May 2021 Financial Statements
- 1.2. Municipal Insurance Renewal
- 1.3. Budget Amendment – Parking Meter Kiosks
- 1.4. Procedural Bylaw Review

2. Fire & Emergency Services

Item Subject

No Reports

3. Engineering & Infrastructure

Item Subject

- 3.1 Blue Box Recycling Transition Decision

4. Community Services

Item Subject

- 4.1 Budget Amendment - Purchase of a Walter J. Phillips' Watercolour
- 4.2 Community Museum Operating Grant Application
- 4.3 Recovery Fund for Heritage Organizations Application
- 4.4 Creighton Youth Centre Lease Extension-243 Rabbit Lake Rd

5. Development Services

Item Subject

- 5.1 Impacts of Bill 109 - Site Plan Control
- 5.2 Open & Establish a Public Highway – Dufresne Island North

Other:

Next Meeting

- Tuesday, August 2, 2022

Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session at _____ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- Disposition of Land (2 items-243 Rabbit Lake Rd lease, Central Park)

- i) Educating & Training Members of Council (1 matter-CAO update)

Adjournment.



July 2, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Charlotte Edie, Director of Finance

Re: May 2022 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at May 31, 2022.

Background:

Attached for your information, please find the May 2022 summary expense and user fee statements for the City of Kenora and the Council department. At the end of May, if expenditures were uniform, 41.67% of the budget should be used with 58.33% of the budget remaining.

Overall: General Operations

- Expenses at the end of May 2022 were under budget to budget with 62.08% remaining to be spent.
- User fee revenues to the end of May 2022 are under budget with 64.29% left to collect.

Significant differences in the general operations are as follows:

- Human resources – ‘vacancy recovery’ is built into the budget which reduces the total budgeted expenditures, causing variances to be larger.
- Roads departments expenses all below budget pending maintenance season. Flooding expenses begin in May with more significant expenses incurred in June.
- Winter Control Maintenance – balance is considerably higher than 2021 due to several significant winter events. Shortfalls will come out of the winter maintenance reserve. This will be determined once all 2022 expenditures have been recorded.
- General vehicles and equipment – the insurance allocation was posted in January this year, fuel costs are higher than usual due to the winter control activity.
- Starter Company – new programs initiated; increase in corresponding funding.

Overall: Sewer and water

- Expenses at the end of May 2022 were under budget with 68.21% remaining to be spent.
- User fee revenues to the end of May 2022 are around the budget target with 59.48% left to collect. Revenue accruals have not been set up or reversed.

Overall: Solid Waste

- Expenses at the end of May 2022 were under budget with 64.37% remaining to be spent.
- User fee revenues to the end of May 2022 are under budget with 67.42% to be collected.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

Strategic Plan or other Guiding Document:

Our Mission: To be an accountable, collaborative, and informed team that takes pride in delivering value-added municipal services.

Corporate value: We administer municipal finances in a prudent, accountable, and transparent manner that is mindful of the financial implications of our daily decisions.

ERM Assessment: Monitoring financial statements on a monthly basis mitigates some of the uncertainty related to projected costs vs actual expenditures.



July 12, 2022

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Roberta Marsh, Director of Human Resources, Risk and Insurance

RE: 2022/2023 Municipal Insurance Renewal

Recommendation:

That Mayor and Council hereby accepts the proposal for renewal of the 2022/2023 Municipal Insurance Program as presented by Westland Insurance Group Ltd. and Intact Public Entities (IPE) in the amount of \$531,257.00 plus applicable taxes; further that

That Council directs Administration to explore Cyber Insurance and to present back options for coverage.

Background:

The proposal for the 2022/2023 Municipal Insurance Program represents an overall increase of 19.3% (\$85,892.00) from the 2021/2022 program.

In June of 2022 The Corporation of the City of Kenora (The City) participated in an Insurance Survey led by Town St. Mary's. Approximately 46 Municipalities responded, five (5) of which were direct comparators, single tier with populations between 15,000 – 50,000. The survey focused on general liability and served to identify best practices for insurance programs. While it is noted that insurance premiums have many different factors such as claims history, risk profile, deductibles, limits, policies, etc. that can impact the results, clear best practices emerged.

The City has a comprehensive program further supported through the third party administration delivered by Westland Insurance Group Ltd. The City's General Liability Insurance premium for 2022 is \$125,931 and the cheapest amongst single tier comparable municipalities with a per capita spend of approximately \$6.74.

In 2022 we experienced an increase due to claims history and inflationary increases. The City has a current property loss ratio is 90.3% with a claim in 2019 of \$432,576. Loss ratio is calculated on premium dollars paid by the insured versus claims dollars paid by IPE. The example here would be for a loss ratio of 90%. This would mean for every dollar in premium paid by the insured, IPE would have paid out \$0.90 in claims. This is simply premium dollars in vs claims dollars paid with no adjustments for overhead. Companies usually look at a 5 to 6 year loss ratio.

At present The City has four open liability and six auto claims, with 1 new claim in the past term.

It was noted through the insurance survey that the City is the only single tier municipality out of its comparators to not have cyber insurance. Cyber insurance protects our business systems against cyber security and data breaches.

As part of the renewal, the City is required to provide updated versions of our abuse policies. Human Resources is working with Community Services to ensure this requirement is met.

Budget: Insurance renewal was included in the Approved 2022 Operating Budget

Risk Analysis:

The 2022 Municipal Insurance Program supports the City's ERM Strategy focused on mitigation and transfer of hazard/pure risks.

Communication Plan/Notice By-law Requirements:

Upon approval by council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

2022-2027 City of Kenora Strategic Plan
Focus Area: Service Delivery and Organizational Capacity
Goal 4.3 Improve fiscal planning capacity of our administration

City of Kenora Enterprise Risk Management Strategy

Consultation:

Bruce Graham, Risk Management & Loss Prevention Officer

Appendix



37435 - 2022

Municipal Insurance



July 5, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Lajeunesse, Enforcement Services Manager

Re: Budget Amendment – Metered Parking Kiosk Machines - Upgrade to EMV-Enabled Credit Card Transactions

Recommendation:

That Council hereby approves a budget amendment in the amount of \$33,075.00, plus HST, of which \$8,740 is to be funded through the Parking Meter Reserves, and the balance of 24,335 + total HST is to be funded through the Parkade/Parking Rentals Reserve to upgrade the metered parking kiosk machine technology to EMV-enabled credit card transactions; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2022 Capital Budget at its July 19, 2022 meeting for this purpose; and further

That Council gives three readings to a bylaw to amend the 2022 Operating & Capital Budget for this purpose.

Background:

The City of Kenora received notice in May 2022 from its metered parking equipment supplier J.J. MacKay Canada, that due to the Payment Card Industry's mandates to only accept credit card payments using EMV technology, all Unattended Cardholder-Activated Terminals must be EMV-enabled by October 14, 2022. EMV is a payment method based on a technical standard for smart payment cards and for payment terminals and automated teller machines which can accept them. EMV stands for "Europay, Mastercard and Visa", the three companies that created the standard.

EMV technology will eliminate credit card payments made using the magnetic stripe, to increase the security of each payment for both the merchant and the cardholder. If the City wishes to continue accepting credit card payments directly at our metered parking kiosk machines (other than through the Hotspot App option), we must proceed with the upgrades to this equipment. J.J. MacKay Canada has sourced a new EMV card reader that will easily retro fit their machines, ideal for outdoor unattended payments and compatible with the power constraints of solar powered equipment. The card reader kit comes with a contactless antenna that will allow the kiosk meters to also accept Interac Flash payment and other contactless payment schemes such as Visa payWave, Mastercard PayPass, Apple Pay and Google Pay. The cost of each card reader kit is \$1,200.00 plus HST and shipping. There are 27 kiosks in total, 4 of which are seasonal (boat launches). The card reader hardware upgrade can occur on street and will take approximately 10 minutes per unit, bylaw enforcement staff will perform these upgrades on site.

Budget: Total impact to the 2022 capital budget is an increase of \$33,075.00, plus HST, of which \$8,740 is to be funded through the Parking Meter Reserves, and the balance of 24,335 + total HST is to be funded through the Parkade/Parking Rentals Reserve

Risk Analysis:

There is a medium to high risk if the parking machines are not upgraded to the EMV technology, the machines will then only be able to accept quarters, loonies or toonies, or be used with the Hotspot App, similar to the individual meters that were initially replaced with the machines, greatly impacting the convenient credit card payment option available to our parking customers. It is also costly to run the equipment and not have it function at its full capacity.

Communication Plan/Notice By-law Requirements: Resolution & bylaw required

Strategic Plan or other Guiding Document:

Charting our Course 2027 Strategic Plan

- 4.1 Modernize City service provision to improve “customer” experiences
- 4.1.3 Employ technology to enhance the “customer experience”



July 2, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services/City Clerk

Re: Procedural Bylaw Review

Recommendation:

That three readings be given to a bylaw to adopt a new Procedural Bylaw which establishes the rules of order and procedures for Council for the Corporation of the City of Kenora; and further

That in accordance with Public Notices Bylaw 144-2007, public notice is hereby given that Council intends to amend it's Procedural bylaw to incorporate recommended changes; and further

That bylaw number 135-2020 be hereby repealed.

Background:

As part of my ongoing policy review prior to the end of this term of Council, the Procedural bylaw is included in this review. While the incoming Council will have an opportunity to review the Procedural bylaw and further amend based on their input, the outgoing Council has experience working with the existing bylaw and may have recommended changes.

I have endeavored to include specific areas of review where I have received feedback from various members of Council. These areas have been highlighted, and comments included for Council discussion as a whole. Any changes/direction as a result of that discussion will be included in the final amendment to the bylaw prior to passing.

Deputy Mayor - The first area for review is the appointment of the Deputy Mayor. Historically, since Amalgamation, the Deputy Mayor has been a rotational appointment for 8 month terms in alphabetical Council order. This provides the opportunity for each member of Council to have the experience of the Mayoral duties, which includes chairing meetings (both open and closed sessions). It varies across the province how Deputy Mayors are appointed/selected. Here are some of the more common options:

- Include as part of the election ballot and the public votes for Deputy directly
- Member of Council with the highest number of votes in the election
- Annually reviewed and appointed for a selected duration (some use monthly/quarterly). This method allows those members who do not wish to act in the Deputy Mayor capacity the option to opt out.
- Appointed on a set rotational basis for the entire term of Council

In addition, the Procedural bylaw determines who chairs the closed sessions. It has been questioned if this should default to the Mayor and all meetings chaired by that role. In the absence of the Mayor, it would then be the Deputy Mayor.

Proxy Voting - On July 21st, 2020, the Ontario government made amendments to the Municipal Act, 2001 which allows municipalities the option of authorizing proxy voting for Members of Council. With Bill 197: The COVID-19 Economic Recovery Act, 2020, municipalities had to amend their procedure bylaw to allow members of Council to appoint another member of the same Council to act in their place when they are absent. The Province has positioned proxy voting as a way to ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing. While this allows a member of council to continue to represent the interests of their constituents should they be waylaid by illness, it could also be applied to a leave of absence, such as parental leave, a policy for which is now mandatory under s.270 of the Municipal Act as a result of amendments made through Bill 68: The Modernizing Ontario's Municipal Legislation Act, 2017.

While there are a number of international legislative bodies at a provincial, state or federal level that have utilized proxy voting to conduct business, an initial scan of jurisdictions at the local level suggest that such a mechanism is unique in its application to members of a municipal council.

Consent Agendas - One area I have been considering as Clerk for several years is the option to include a Consent Agenda. In the Clerk's world, one of the best kept time-saving secrets is to use a consent agenda. This agenda type helps to ensure well-organized and efficient meetings and streamline routine meeting item approvals.

A consent agenda (also known by Roberts Rules of Order as a "consent calendar") groups routine meeting discussion points into a single agenda item. In so doing, the grouped items can be approved in one action, rather than through the filing of multiple motions. The amount of time spent at each meeting reviewing and approving routine, recurring items that do not require debate or discussion has up until now been included in 'housekeeping reports'. With a consent agenda, we would be grouping all those topics and approving them with one action.

All documentation associated with consent items must be provided to meeting participants in advance so that they can still make an informed vote on all grouped items. Council members must review the documentation before the meeting to ensure that they are informed of the issues that are to be passed as part of the consent group. Council members must be given an opportunity to ask associated questions—and have them answered—before the vote. Simple questions, clarifications, or short amounts of dialogue relative to a consent item may be discussed after the motion, but before approval. What is important is not to remove consent items entirely from the consent agenda for the sole purpose of answering a simple question, as this would undermine the efficiency of the consent agenda process. However, if an item needs to be moved out of the consent agenda, we can remove that one single item.

On meeting day, at the start of the meeting, the meeting chair asks members of Council if anyone wants to discuss any items listed on the consent agenda. If it is determined that an item on the consent agenda requires discussion, it is removed from the consent portion and addressed individually. For future meetings in which there is no question or concern over the item, it may be placed back into the agenda's consent portion.

An item from the consent agenda must be moved at the request of any Council member if the individual wants to vote against the specific item as the item no longer has Council's consolidated approval. Consent agendas may not be used to force the approval of items through a process that eliminates their review. The meeting chair reads aloud the

remaining consent items and may move to adopt the consent agenda as a whole. A vote doesn't need to be taken on the consent agenda. Instead, the items may be approved, pending the absence of any objections.

The clerk includes the full text of all resolutions and reports approved as part of the consent group in the minutes. The following types of items are sometimes included in the consent portion of meeting agendas:

- Topics of a routine/recurring nature
- Procedural decisions
- Non-controversial issues that do not require debate or deliberation
- Items previously discussed for which the team has come to a consensus, but that still need an official vote

The following items may be well-suited as consent items:

- The previous meetings' minutes
- Financial reports or any other reports that are informational only and that do not require debate
- Investment reports
- Individual program/department update reports
- Committee appointments
- Staff appointments that require confirmation
- Meeting minutes from other boards/committees
- Water & Wastewater monthly summary reports

Other areas not captured in the review, but open to Council discussion include meeting dates/times and electronic participation. These are areas that I suggest are left to the new Council for consideration.

Budget: there is no budget impact related to this report

Risk Analysis: there is a low risk associated with this report. Procedural bylaw currently exists, and this report makes simple modifications to the bylaw.

Communication Plan/Notice By-law Requirements: Public notice & bylaw

The Corporation of the City Of Kenora

By-law Number ~~135~~ - 2020

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

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~~ ~~1.1~~ **Act** – means the Municipal Act, S.O. 2002, c.25, as amended or re-enacted from time to time

~~1.1~~ ~~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~~ ~~1.2~~ **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.

~~1.2~~ ~~1.4~~ **“Administration”** means the body of persons employed by the Corporation or contracted by the Corporation for services.

1.3 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.

~~1.5~~ ~~1.4~~ **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.

~~1.3~~ **“Amend”** means a change in wording or substance of a Motion before Committee or Council or a prior decision of Council.

1.6 “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.

1.7 “Chair” means the person presiding at a Meeting which most common to be the Mayor, Deputy Mayor or Acting Deputy Mayor.

1.5 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.

1.6 City – means the Corporation of the City of Kenora.

1.7 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.

1.8 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.

1.9 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.

1.10 Committee of the Whole – is a Committee comprised of Members of Council as a whole.

1.11 Council – means the elected Council of the City of Kenora.

“Debate” means regulated discussion, and speaking in advocacy of a position on an issue.

“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

1.12 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.

1.13 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.

Commented [HP1]: Council to discuss changes to the Acting Mayor role and options available for appointment

1.14 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.

1.15 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.

1.16 Mayor – means the Head of Council of the City of Kenora.

1.17 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.

1.18 Member – means a Member of Council or a Committee.

1.19 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.

1.20 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.

1.21 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.

1.22 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.

“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.

1.23 Publish – means ~~publicly announced published in a newspaper that~~ 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.

“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.

1.24 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.

1.25 Proxy – means appointing another member of Council to act in another members place when they are absent from a meeting due to illness, leave of absence, or another need such as practicing physical distancing. The member must follow the process established by the Clerk for appointing and revoking proxies.

Commented [HP2]: Council to discuss including proxy options.

1.26 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.

1.27 Radio station – means a radio station which can be locally received using FM frequencies.

“Recess” means to take a break during a meeting for a defined period of time.

1.28 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.

1.29 Resolution – means a motion that has been resolved by Council.

1.30 Rules of Procedure – means the rules and regulations which are set forth in this bylaw.

1.31 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

1.32 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

1.33 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.

1.34 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

“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.

1.35 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 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.

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.
- 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.

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

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) and available for public review in the office of the City Clerk ~~and/or in the foyer at City Hall~~ 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 ~~first day of December at 12:00 p.m. (noon) in Council Chambers.~~ 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 Tuesday of the month, but are amended from time to time as 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 Tuesday of the month, but are amended from time to time as 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

~~Members are to participate in closed meetings electronically.~~

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.

Commented [HP3]: Council to discuss the Chair of the closed sessions

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 – ~~set~~ 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 Managers (including any staff/media requesting same), and posting on the Portal (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 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:

- o Date, place and time of meeting
- o Name of the Presiding Officer
- o Members both present and absent (regrets)
- o Identify any members participating electronically
- o Member who reads the **Land Acknowledgment/Blessing**
- o Member who makes a Declaration of Pecuniary Interest & General Nature Thereof
- o Any public deputation including the name of the person/group
- o Follow up discussion/direction to staff on a particular matter
- o Recorded Votes
- o Notices of Motions
- o Announcements
- o Proclamations
- o 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 twelve (12) o'clock meeting time, typically before the hour of three (3) o'clock in the afternoon, 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 Proxy Voting

Commented [HP4]: Council to discuss Proxy voting

In order to help ensure continued representation of constituents interests on municipal council when a member is unable to attend in person, proxy voting shall be permitted under the following guidelines:

- a) Proxy voting is not mandatory and the member who will be absent shall decide/determine if they wish to exercise their right for proxy voting.
- b) Members must adhere to the process for exercising their proxy voting that is established by the Clerk.
- c) A member cannot act as a proxyholder for more than one other member of Council at a time.
- d) An appointed proxy is not counted when determining if a quorum is present.
- e) A proxy appointment is only valid if the member notifies the Clerk of the appointment in advance of the meeting, in accordance with the process established by the Clerk.
- f) Should a member wish to exercise their right for proxy voting, they may identify as part of their instruction to their proxy which items on the agenda they wish to exercise their right to vote. The agenda items they wish to exercise their proxy will be identified in advance through the process established by the Clerk.
- g) Proxy appointments are valid for only the meeting identified on the form established by the Clerk and expire following that scheduled meeting.
- h) A proxy holder may participate in the meeting on behalf of that member by voting, speaking to or asking questions on behalf of the appointing member. The member shall make it known to the Chair that they are exercising their proxy's turn in the debate and identify such prior to making any statements on their behalf.
- i) When a recorded vote is taken, the Clerk shall record the name and vote of every proxyholder and the name of the member of Council for whom the proxyholder is acting.
- j) Council member absence rules still apply.
- k) A member may not appoint a proxy on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*.

8.16 Consent Agendas

a) 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".

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

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 - Managers or Applicable Staff - address to Council

Notwithstanding the provisions of Section 9.1 of this by-law, the City CAO, Managers 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 Tuesday 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:

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

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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 ~~Deputy Mayor~~ 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 Tuesday of every month 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:

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

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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 ~~to the Committee Reports Document Centre on SharePoint~~ 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

Department Leads with the responsibility of that area, 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 prior to regular meetings of Council or Committee of the Whole at a time to be determined, and held in Council Chambers, ~~for a duration between fifteen (15) to thirty (30) minutes.~~ From time to

Commented [HP5]: Council to discuss timing of ZBA/OP meetings

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 14-15 – Enactment

4415.1 Repeal & Effective Date

That upon enactment of this By-law which shall come into force effective, By-law Number ~~43~~135-2020, as amended, shall be repealed.

By-Law Read A First & Second Time this ~~25th day of August, 2020~~ 19th day of July, 2022

By-Law Read A Third & Final Time this 19th day of July, 2022 ~~25th day of August, 2020~~

The Corporation of the City of Kenora:-

Daniel Reynard, Mayor

~~Kelly Galbraith~~ Heather Pihulak, Deputy City Clerk

Appendix “A” to By-law Number ~~135-2020~~

**Excerpt from the Municipal Act
for process to moving into Closed Meetings.**

Section 239

- 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 ~~135-2020~~

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 _____

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.



July 5, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Marco Vogrig P. Eng., Acting Director of Engineering and
Infrastructure Services

Re: Blue Box Recycling Transition Decision

Recommendation:

That Council hereby directs administration to opt in and provide Blue Box curb side collection services for single-family residences, multi-family residences, long-term care homes, retirement homes and schools, as a contractor to Circular Materials Ontario (CMO), for the transition period from July 1, 2023 to December 31, 2025.

Background:

The Ontario provincial government through Regulation 391/21 via the Resource Recovery and Circular Economy Act 2016, has initiated the implementation of full producer based operated and funded Blue Box recycling program. CMO is the firm the producers have secured to operate the recycle program throughout Ontario which entails curb side collection including the responsibility for associated receiving facilities and final destination and reuse of recycled materials. The curb side collection only pertains to single-family residences, multi-family residences, long-term care homes, retirement homes and schools with commercial, industrial and certain institutional sources considered non-eligible recyclables under the producer-based program.

As previously indicated the City, by opting in to provide curbside collection during the transition period, would be a contractor under an agreement with Circular Materials, and will no longer have full autonomy in recycling via the Blue Box program. Unfortunately, the City does not have the option to carry on recycling operations as they currently exist beyond June 30, 2023 as a result of the new provincial regulation. From July 1, 2023 to December 31, 2025, which shall be deemed the transition period, CMO is providing the option for those municipalities currently providing recycling collection services to maintain these services via a direct agreement as a contractor to CMO. Thus, the City would be bound by the terms of the CMO agreement while providing the collection services during the transition period. Should the City not opt in to provide curb side collection, CMO would be making arrangements for a contractor to take over the recycling collection system and would be working directly with their chosen contractor, and the City would no longer be providing recycling services as of July 1, 2023.

The current immediate target for CMO is to determine which municipalities will be opting in or out of curb side collection for the transition period in order for Circular Materials to secure contractors for those areas that opt out and to have these contractors in place by July 1, 2023. Therefore, CMO has requested a response by July 15, 2022 from current recycling collection providers to indicate if they will be opting in or out of providing collection service for the transition period. In addition to curb side collection services, further arrangements and agreements are being made by CMO to include depots and public space collection along with promotion and education agreements in the very near future which are also anticipated revolve around the July 1, 2023 transition start date.

The proposed CMO agreements have been reviewed and would appear to form a reasonable contract between City and CMO should the City opt in to providing curb side collection during the transition period. The terms of the agreement would pose more reporting requirements for the City to submit to CMO and is anticipated to be within the current work load and capabilities of existing Solid Waste staff. The proposed CMO collection agreement does require the City to make some upgrades to its Solid Waste vehicle GPS data collection and capabilities which the City GPS provider has indicated these requirements can be accommodated. One outstanding issue that has not been determined by CMO at this point in time is the location of their receiving facility where the City would be required to deliver collected recyclables. Currently the only information regarding the location of the receiving facility is that it is to be located with a 60 minute drive of the centroid of the City. Based on this information the probability is that the receiving facility could be located in Kenora or potential Vermilion Bay. If the receiving facility is not located within the City limits it would be a change from current operations where the current collection trucks are able to unload locally at the City's transfer station.

The funding arrangement that CMO has created for its collection contractors is based on an assumption that one hundred percent of the collection costs will be covered by CMO based upon 2020 Data Call information related to single-family residences, multi-family residences, long-term care homes, retirement homes and school collection. This is in comparison to the current Continuous Improvement Fund which currently only reimburses the City at approximately fifty percent of these specific source recycling operations costs with the balance being funded through taxation. Non-eligible recycle material related to commercial, industrial and certain institutional sources can be collected and taken to CMO's receiving facility in which the City's payment for eligible recycling sources, being single-family residences, multi-family residences, long-term care homes, retirement homes, and schools, would be deducted and reduced accordingly. Alternatively, the City will have the option during the transition period to send non-eligible recyclables to other markets and receivers as is done under current operations and not have to rely on the CM receiving facility.

The proposed CMO collection agreement does provide the opportunity for up to three one year extensions beyond the conclusion of the December 31, 2025 transition period, but would need approval by CMO and cannot be unilaterally acted upon by the City. This extension opportunity could provide further flexibility for the City to remain in recycle collection services beyond the December 31, 2025 date should CMO wish to approve such extensions. The agreement(s) related to the potential extension(s) is still under development by CMO and will not be available until sometime in the future.

The recommendation to remain in Blue Box collection for at least the transition period has been arrived at to keep recycling and garbage collection operations paired together for synergies and cost sharing which maintains a reasonable operational cost for the garbage side of the Solid Waste operations. Should there be no sharing of costs with the inclusion of recycling there are likely impacts to sustaining lower cost garbage and waste operations which could lead to a reduction in garbage services and or increase in fees related to waste disposal. Remaining in recycling collection during the transition period will also afford the City to take time and assess its Solid Waste operations over the next two to three years to make a future decision if it may be advantageous to pursue a CMO approved service extension beyond the December 31, 2025 transition end date. The City would still retain the decision to opt out of recycling at the end of the transition period based upon either a favourable or non-favourable experience of the transition period.

Budget: There is no immediate budget impact, although there may be some unknown financial impacts once the contracts are implemented.

Risk Analysis: There is a medium risk associated with this report as the deadline for direction is quickly approaching. This allows us to keep operations together for synergies and cost sharing which maintains a reasonable operational cost for the garbage side of the Solid Waste operations. Should there be no sharing of costs with the inclusion of recycling there are likely impacts to sustaining lower cost garbage and waste operations which could lead to a reduction in garbage services and or increase in fees related to waste disposal.

Communication Plan/Notice By-law Requirements: Resolution required

Strategic Plan or Other Guiding Document:

2022-2027 Strategic Plan

Goal 1.1 - Position Kenora for growth through proactive infrastructure planning.

Goal 1.2 - Ensure well maintained and sustainably financed City infrastructure.

Goal 1.2 - Seek sustainable solutions to reduce environmental impacts of City operations.



July 12, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Lori Nelson, Manager of the Muse
Stace Gander, Director of Community Services**

Re: Budget Amendment - Douglas Family Art Centre Capital Budget

Recommendation:

That Council hereby approves a budget amendment in the amount of \$112,040 to be funded primarily through private sector donations for the purchase of the Walter J. Phillips' watercolour "Norman Bay, 1922"; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the Douglas Family Art Centre 2022 Capital budget at its July 19, 2022 meeting for this purpose; and further

That Council give three readings to a By-law to amend the Douglas Family Art Centre 2022 Capital budgets for this purpose

Background:

The foundational collection of the Douglas Family Art Centre is composed of the Lake of the Woods works of Canadian artist Walter J. Phillips. Phillips, most noted for his mastery of the colour woodblock print, was also an accomplished watercolourist. While many prints of his woodblocks were made, each of his watercolours are unique.

Since the establishment of the Douglas Family Art Centre, several additions to the collection have been made, as desirable works have become available through donation, sale or auction. The purchase of works has been made possible through donations from the public sector. An important function of the Art Centre is to manage the collection which includes an Art Centre Advisory Committee. This on-going activity is reflected in the Art Centre's operating budget.

In 2022, Muse staff became aware of two Phillips' Lake of the Woods watercolours that were going up for auction at Waddington's – "Norman Bay, 1922" and "Winnipeg River". Both were deemed valuable additions to the collection by the Art Centre Curator and the Art Centre Advisory Committee. Staff were tasked with finding private sector donors to support the potential purchase of these pieces. Four donors were identified, three of whom committed specific amounts to contribute should the Art Centre be successful in their bids. The fourth donor was willing to supply the remaining funds needed.

Both the Curator and the primary donor were "in attendance" at the on-line auction in June. Bidding was done in conjunction with the donor's approval. In the end, the Art Centre was successful in its bid for "Norman Bay, 1922", the preferred watercolour of the two being auctioned. The hammer price for the piece was \$90,000. With the buyer's premium and tax, the total was \$122,040. All funding for this purchase has been provided by private sector donations, with the exception of \$10,000 which is being drawn from the Art Centre's acquisition budget allocation.

At the June 22, 2022 Muse Board meeting, the following motion was approved:

Motion: Moved by Lesley Ratchford, seconded by Chris Van Wallegem to approve the recommendation of the Art Centre Advisory Committee for the auction acquisition of the W.J. Phillips' watercolour, Norman Bay, 1922, in the amount of \$122,040; and to fund the purchase of the piece by the following means: \$10,000 being drawn from the operating budget (Acquisitions) and \$112,040 being provided by private donors who have committed their financial support. Carried.

The development of the Phillips' collection at the Douglas Family Art Centre is vital to its growth and reputation. Already, it has been recognized in national art circles as the expert on Phillips' Lake of the Woods woodcuts and watercolours. The support of the private sector made the Art Centre possible. That continued support is ensuring that its collection is enhanced and is recognized nationally.

Budget: There is nominal pressure to the City as a result of this amendment as the majority of the funds are coming from private donations.

Risk Analysis: The risk impact is minimal. The funds for this purchase have been secured through private sector funding and a budgeted amount in the Art Centre operating budget.

Communication Plan/Notice By-law Requirements:

Community Services: Finance and Administration: Resolution and By-law required.

Strategic Plan or Other Guiding Document:

City of Kenora Charting Our Course 2027 (Strategic Plan 2022-2027)

3.1 Deliver coordinated four-season cultural and recreational infrastructure, programs and events.

5-year Tourism and Economic Development Strategy

1.2 Support Kenora's development as a destination for arts, culture and heritage.

The Muse Strategic Plan

Goal 1 - Vitality: Strength in Resources

1.4 Develop more diverse revenue streams and look at the models of sustainability in other museums and art galleries.



July 12, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Lori Nelson, Manager of the Muse
Stace Gander, Director of Community Services**

Re: Community Museum Operating Grant Application

Recommendation:

That Council of the City of Kenora approves an application by The Muse to the Community Museum Operating Grant to assist with operational expenses at the Lake of the Woods Museum.

Background:

The Ministry of Heritage, Sport, Tourism and Culture Industries offers a Community Museum Operating Grant (CMOG) to museums in Ontario who meet established museum standards – governance, finance, collections, exhibition, interpretation and education, research, conservation, physical plant, community, and human resources. The Lake of the Woods Museum has been receiving this annual operating grant for over 35 years. For the past ten years or more, the amount granted to the Lake of the Woods Museum has remained at \$29,096, as no further monies have been added to this funding program. Application for the grant must be submitted each year.

Budget: There is a positive budget impact of \$29,096 to the Museum's operating budget, upon grant approval.

Risk Analysis: The risk lies in not applying for the CMOG each year. Once a museum has been removed from the program, it is not likely to be re-entered in it. The money for the program is limited and there is a list of museums waiting to be entered into the program for operational funding.

Communication Plan/Notice By-law Requirements: Resolution only

Strategic Plan or Other Guiding Document:

City of Kenora Charting Our Course 2027 (Strategic Plan 2022-2027)

3.1 Deliver coordinated four-season cultural and recreational infrastructure, programs and events.

5-year Tourism and Economic Development Strategy

1.2 Support Kenora's development as a destination for arts, culture and heritage.

The Muse Strategic Plan

Goal 1 - Vitality: Strength in Resources

1.3 Develop more diverse revenue streams and look at other models of sustainability in other museums and art galleries.



July 12, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Lori Nelson, Manager of The Muse
Stace Gander, Director of Community Services

Re: Recovery Fund for Heritage Organizations

Recommendation:

That Council hereby approves an application to the Museum Assistance Program to the Department of Canadian Heritage for the Recovery Fund for Heritage Organizations to assist with operating expenses for the Lake of the Woods Museum as a result of COVID.

Background:

The Government of Canada has implemented the Recovery Fund for Heritage Organizations to help secure the viability of Canadian heritage organizations experiencing reduced revenues while operating under capacity restrictions and audience hesitancy to return to in-person activities. Funding will also ensure that heritage institutions are able to contribute to the resilience of their communities as Canada recovers from the COVID-19 pandemic.

The aim of the Recovery Fund for Heritage Organizations, available under the Museums Assistance Program, is to support ongoing operating costs for heritage organizations to allow them to continue to care for their heritage collections, as they seek to recover from pandemic-related losses.

Eligible organizations with heritage collections include municipal museums with a distinct budget which provides public access through regular hours of operation and have had annual expenses in 2019 between \$2,000 and \$1,000,000. The Lake of the Woods Museum is eligible for this funding.

Eligible expenses may include but are not limited to: on-going operations, collections management activities, salaries and wages, utilities, insurance, materials and supplies, and other costs related to the care of the collection.

The amount granted will be determined based on 2019 expenses, as supported by financial statements. The applicable formula for the Lake of the Woods Museum is as follows: For annual expenses between \$100,001 and \$1,000,000: a variable amount equivalent to 8% of annual expenses up to a maximum of \$80,000.

Funding from the Fund is for expenses incurred between April 1, 2022 and March 31, 2023.

Budget: There is a positive budget impact to the Museum anticipated to be \$42,000.

Risk Analysis: There is a low positive financial risk in making application to the Recovery Fund for Heritage Organizations, as it will assist with operating expenses for the Museum.

Communication Plan/Notice By-law Requirements: No by-law required.

Strategic Plan or Other Guiding Document:

City of Kenora Charting Our Course 2027 (Strategic Plan 2022-2027)

3.1 Deliver coordinated four-season cultural and recreational infrastructure, programs and events.

5-year Tourism and Economic Development Strategy

1.2 Support Kenora's development as a destination for arts, culture and heritage.

The Muse Strategic Plan

Goal 1 - Vitality: Strength in Resources

1.3 Develop more diverse revenue streams and look at other models of sustainability in other museums and art galleries.

July 19, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Stace Gander, Director of Community Services

Re: Lease Agreement with William W. Creighton Youth Services

Recommendation:

That Council authorizes the Mayor and Clerk to enter into an extended lease agreement between the Corporation of the City of Kenora and William W. Creighton Youth Services, for the term ending March 31, 2023 for the municipal property located at 243 Rabbit Lake Road, legally described as Part of Plan KR-810, being part of Part 1 of Parcel 25003; and further

That three readings be given to a by-law for this purpose.

Background:

On March 20, 2018, a lease Agreement was executed between the City of Kenora and William W. Creighton Youth Services. Upon review, while the term of the lease was set to be five (5) years, the language in the lease had the lease expiring one (1) year earlier than intended. The purpose of this report and associated lease amendment is to correct the administrative error in the March, 2018 Agreement.

Images of location:



Budget: Monthly lease payments of \$2,388.60 plus applicable taxes is already budgeted for in the 2022 operating budget.

Risk Analysis: There is minimal risk associated with this recommendation.

Communication Plan/Notice By-law Requirements: By-law required.

Strategic Plan or Other Guiding Document:

Five Year Economic Development and Tourism Strategy

- Improve the development readiness of publicly owned residential, commercial and industrial lands;
- Encourage temporary uses on public vacant lands that promote economic activity as an interim use prior to development.



June 30, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Site Plan Control – Impacts of Bill 109

Recommendation:

That Council hereby approves amendments to By-Law 189-2010 and Bylaw 78-2016, as amended, to bring the by-laws into compliance with changes required by Bill 109, the *More Homes for Everyone Act, 2022*, and implement additional minor updates; and further

That bylaw number 189-2010 and bylaw number 78-2016 be hereby repealed; and further

That Council gives three readings to two by-laws for this purpose.

Background:

On April 14, 2022, Bill 109, the *More Homes for Everyone Act, 2022*, received royal assent, just two weeks after it was introduced by the provincial government on March 30, 2022. Changes made to the *Planning Act* by Bill 109 require municipal councils to delegate site plan control decisions to staff (*i.e.* an officer, employee or agent of the municipality). This applies to all applications received on or after July 1, 2022.

The City of Kenora's current Site Plan Control Bylaw #189-2010, as amended, along with Bylaw #78-2016, which delegates authority for Site Plan Control approval to the City Planner and the Chief Building Official, or in their absence, the Planning Assistant or Manager of Community & Development Services. It further provides that Council retains all powers and authority under Section 41 (Site Plan Control Area) of the Planning Act, where an application is referred to Council by the City Planner and/or Chief Building Official, or a request in writing is made by the applicant or a member of City Council. This referral to Council is not permitted under the Bill 109 amendments.

At this time, we are also recommending that terminology be updated, to reflect title changes, replacing Planning Assistant with Associate Planner and replacing Manager of Community & Development Services with Director of Development Services.

Bill 109 also extended the site plan application review timeline from 30 days to 60 days. This means that an applicant can only appeal a municipality's failure to approve their site plan application to the Ontario Land Tribunal (the "**Tribunal**") beginning 60 days after the application was submitted, rather than 30 days.

Lastly, the changes establish complete application requirements for site plan applications, similar to current complete application requirements for other types of

applications under the *Planning Act*, with recourse if the application has not been deemed complete within 30 days of acceptance by the municipality.

Budget: N/A

Risk Analysis: There is a low risk associated with this proposed by-law amendment, as the amendment is required by changing legislation to remove provisions that are not allowed under provincial law.

Communication Plan/Notice By-law Requirements: None

Strategic Plan or other Guiding Document:

Strategic Plan Goal 4.1: Modernize City service provision to improve “customer” experiences.

The Corporation of the City of Kenora

By-Law Number 189 - 2010

A By-Law to Designate the Whole of the City of Kenora as a Site Plan Control Area, Pursuant to Section 41 of the Planning Act, R.S.O. 2001, Chapter P-13, As Amended and to Adopt Certain Procedures for the Processing of Site Plan Control Applications and to Exempt Certain Classes of Development from Approval of Plans and Drawings and to Repeal By-Law Number 63-2010

Whereas Subsection 41(12) of The Planning Act, R.S.O., 2001, c.P.13 provides that a Council of a local municipality may, where in an official plan an area is shown or described as a proposed site plan control area, designate the whole or any part of such area as a site plan control area; and

Whereas the Official Plan for the City of Kenora describes the whole of the City of Kenora as an area subject to Site Plan Control.

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

All lands within the limits of the City of Kenora effective July 14, 2005 are subject to the provisions of this By-law, and of S.41(4) of the Planning Act, R.S.O. 2001 c.P-13.

2. GENERAL PROVISIONS

Subject to Section 3 (a), Exemptions, the following residential, commercial, industrial and institutional developments shall be subject to Site Plan Control:

- (1) New non-residential developments or additions to existing non-residential developments.
- (2) Any residential development containing four (4) or more dwelling units.
- (3) The development, redevelopment, alteration or expansion of any above ground broadcasting and communications buildings or structures.
- (4) The development, redevelopment, alteration or expansion to any above ground utilities infrastructure, including wind or water turbines.
- (5) Commercial Parking Lots and Commercial Parking Structures as defined in Section 14 of this By-law.
- (6) Day Care Centre: Any facility which is constructed or converted for use as a Day Care Centre as defined in Section 14 of this By-law, unless included as part of a previously approved commercial development.
- (7) Any patio accessory to a commercial use and located outdoors on private property; this does not apply to industrial or institutional uses.
- (8) Environmental Areas: Any development on or adjacent to lands designated environmental protection area, environmental resource area, environmental wetland area, area of natural or scientific interest or similar designation in an Official Plan, including Black Sturgeon Lake, or identified through reports required as a component of an application for development, made under the *Planning Act*. This section applies equally to the adjacent lands. For the purpose of this section, adjacent lands means those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.
- (9) Harbourtown Centre: Any development located within the Harbourtown Centre.

(10) Propane: Any propane transfer station.

(11) Any development on property located on Tunnel Island, north of Lakeview Drive and owned or controlled by the City of Kenora.

(12) Any new development of, or conversion to, a community based care facility, school, place of worship, private social facility, hospital, cultural facility or community centre.

(13) Any new development of or conversion to community homes, residential care facilities, detoxification centres, recovery homes, crisis care shelters, corrections residences or community support houses as defined in Section 14 of this By-law.

(14) Any development of real property designated under the Ontario Heritage Act where the addition or alteration has the effect of adding one or more dwelling units, adding more than 100 square metres of building area or altering site grading; and any development of new buildings or additions more than 100 square metres on lands abutting a real property designated under the Ontario Heritage Act.

(15) Any development of a commercial outdoor recreational facility such as a campground, swimming pool or amusement park.

(16) Any industrial development including, but not limited to, the lands known as the City of Kenora Industrial Park per Schedule B to this By-law.

3. EXEMPTIONS

The following classifications of development shall be exempt from Site Plan Control:

(a) Developments which upon, preliminary review by the City of Kenora's City Planner and/or the Chief Building Official, or in their absence, or in conjunction with, the Planning Assistant or Manager of Community & Development Services, determine that the development complies with Municipal By-laws and is beyond the intent of this By-law or the scope of Section 41 of The Planning Act, R.S.O. 2001, Chapter P-13. **[Amended by by-law 78-2016]**

- (1) Notwithstanding Section 2.8 and 2.9, regarding development near designated environmental areas and Harbourtown Centre, to the contrary, one or two or three unit dwellings shall be exempt from site plan control, unless site plan control has been made a condition of consent for severance, easement, lease, lot addition or of approval of a subdivision or condominium description;
- (2) Notwithstanding Section 2.8 and 2.9, regarding development near designated environmental areas and in the Harbourtown Centre area, to the contrary, a bed and breakfast with not more than 4 guest bedroom or building or structure accessory thereto;
- (3) Notwithstanding Section 2.8 and 2.9, regarding development near designated environmental areas and in the Harbourtown Centre area, to the contrary, a building or structure accessory to a non-residential use if the gross floor area of the accessory building or structure is less than 10 square metres;
- (4) Works which result from the requirements of the Fire Marshall's Act or an Order issued by the Corporation's Fire Department.
- (5) Where there is an approved Site Plan, any deviation from any dimension respecting the location of buildings and structures shown in the approved plans provided the deviation does not exceed 0.3 metre and, further, provided the deviation does not result in a violation of the requirements of any By-law enacted by the Corporation or other applicable law.
- (6) Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.

- (7) Signs, which are not erected as part of a commercial development, and temporary construction buildings placed in accordance with any applicable By-law.
- (8) A utility installation having a gross floor area of less than 10 square metres
- (9) Any change to the public parking area in a commercial parking lot necessary to provide handicapped parking or an authorized sign required by By-law, provided the change is accommodated within an area of the public parking area used for the parking of motor vehicles or vehicular access to an area used for the parking of motor vehicles,
- (10) Any change to the following developments:
 - (i) bed and breakfast with not more than 4 guest bedrooms,
 - (ii) group home that accommodates 10 or less people not including staff, within one building;
 - (iii) one-unit dwelling,
 - (iv) triplex dwelling,
 - (v) two-unit dwelling,
 - (vi) involving a swimming pool, deck, landscaping, site works including driveways, or an outdoor recreational structure that serves the development.

4. DELEGATION OF AUTHORITY

(1) The City of Kenora's City Planner and the Chief Building Official, or in their absence, the Planning Assistant or Manager of Community & Development Services, are hereby delegated as being appointed officers of the City to exercise Council's powers or authority under section 41 of the Planning Act, R.S.O. 2001, c.P.13, as amended, to approve plans and drawings, to impose conditions and to require agreements. **[Amended by by-law 78-2016]**

~~(2) Notwithstanding the provisions of Section 5(1) of this By-law, where a development is referred back, or requested to be referred back, to Council, Council's power and authority with respect to all powers or authority under section 41 of the Planning Act, shall be retained, unless Council elects to delegate same to the Property and Planning Committee. **[Amended by by-law 78-2016]**~~

(3) Except for the exemptions listed in Section 3 above, no persons shall undertake any development in the City of Kenora until the City of Kenora City Council or the Ontario Municipal Board, in accordance with Section 41 of the Planning Act, has approved of the plans and any required Agreements have been entered into respecting matters set out in Section 41 of the Planning Act, R.S.O. 2001, Chapter P-13 as amended.

5. APPROVAL AUTHORITY

~~Notwithstanding the provisions of Section 4 (1) of this By-law, the Property and Planning Committee of Council shall retain all powers and authority under Section 41 of the Planning Act where:~~

~~(1) The City of Kenora's City Planner and/or the Chief Building Official at his/her sole discretion refers the matter to Council; or **[Amended by by-law 78-2016]**~~

~~(2) The applicant requests in writing that the matter be referred to Council; or **[Amended by by-law 78-2016]**~~

~~(3) Any member of City Council may make a request in writing, to the Manager of Community & Development Services, that the request for Site Plan Control Approval be referred to Council. Upon receipt of such request, the Community & Development Services Manager, or, in the absence of the Manager, City Planner and/or the Chief Building Official, shall refer the matter to Council; or **[Amended by by-law 78-2016]**~~

~~(4) Notice of receipt of an Application for Site Plan Control Approval shall be circulated to the Mayor and members of City Council at the same time as it is circulated to the internal technical departments and external agencies for review and comment; or~~

(5) Council, at the time of consideration of an Application for Official Plan Amendment and/or Zone Change, may pass a resolution requesting that the development proposal be subject to Site Plan Control ~~and/or that the Application be referred to the Committee for approval.~~ **[Amended by by-law 78-2016]**

6. AGREEMENTS

(1) Council's authority under Section 41(7)(c) of the Planning Act to require an owner to enter into an agreement with The Corporation of the City of Kenora and the authority to approve the form of agreement is hereby delegated to the Chief Building Official or City Planner or the Community & Development Services Manager and they are hereby authorized to recommend execution of any agreement or amendments thereto which may be required pursuant to the provisions of this By-law; **[Amended by by-law 78-2016]**

(2) The Mayor or Clerk is hereby authorized to execute on behalf of The Corporation of the City of Kenora under corporate seal any agreement which may be required pursuant to the provisions of this By-law upon the written recommendation of the Chief Building Official or City Planner, or the Manager of Community & Development Services, as the case may be; **[Amended by by-law 78-2016]**

~~(3) Where the matter has been referred to Council pursuant to Section 6 of this By-law, Council shall exercise the same authority as provided for in Section 6(1) and 6(2) of this By-law with the necessary modification and such actions shall be evidenced by way of resolutions passed by Council;~~ **[Amended by by-law 78-2016]**

(4) Registration of Agreement: Any agreement or amendment thereto entered into in accordance with this By-law, shall be registered against the title of the land to which it applies;

(5) Section 427 of the Municipal Act, R.S.O. 2001 Chapter M.45, applies to any requirements made under clauses 7(a) and (b) of Section 41 of the Planning Act and to any requirements made under an agreement entered into under Clause 7(c) of Section 41 of the Planning Act, so that, in default of anything being done pursuant to those sections and agreements by the person required to do it, it may be done at his expense and the expense may be recovered in like manner as municipal taxes.

7. EXECUTION OF AGREEMENTS

The Mayor and City Clerk of the City of Kenora are authorized to execute any agreement required pursuant to this by-law and affix the corporate seal.

8. LIENS

(1) When ~~Council~~ the City of Kenora causes any work to be done pursuant to any approval provided for in this by-law, the City shall have a lien for any amount expended by or on behalf of the City and for an administrative fee of ten percent of any amount expended by or on behalf of the City, and the certificate of the City Clerk as to the total amount expended shall be admissible in evidence as prima facie proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

(2) Before the certificate of the City Clerk is issued under subsection 8.(1), an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrances and the affected owner, mortgagees or other encumbrances shall have two

weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to Council.

9. PRIOR APPROVALS

Plans, drawings, agreements or other matters approved under Section 41 of the Planning Act by an old municipality shall hereafter be continued, enforced and deemed to have been approved or executed under this by-law.

LETTERS OF UNDERTAKING

9. (1) In the case of a residential development, a letter of undertaking generally in the form shown at Schedule 1 may be provided as an alternative to an agreement where,

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (b) special measures for the protection of existing private trees are not required,
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit, and
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions.

(2) In the case of non-residential development, a letter of undertaking generally in the form shown at Schedule 1 may be provided as an alternative to an agreement where,

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit,
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions, and
- (e) the total amount of securities to be provided to the City does not exceed \$5,000.

(3) For small projects to which there is either no security required, or security that does not exceed \$5,000.00 in value, the City Planner, Planning Assistant or Manager of Community & Development Services has the authority to execute letters of undertaking as outlined. **[Amended by by-law 78-2016]**

10. ADMINISTRATION

(1) Issuance of Building Permits

(a) Notwithstanding any provisions of the Building By-law or any other By-law of the Corporation to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Municipality for such development have been approved ~~by Council, its delegate, the~~ appointed officers, or where a referral has been made to the Ontario Municipal Board or so ordered by a Court of competent jurisdiction;

(b) Nothing in this By-law shall prevent development on any lands subject to this By-law where such development is proceeding in accordance with a valid building permit which was issued by the Corporation prior to the passing of this By-law.

(2) Violations and Penalties

(a) Subject to Section 2, no person shall deviate from the plans approved pursuant to this By-law;

(b) Any person who contravenes any of the provisions of Section 41 of the Planning Act, or its successors thereto, or the provisions of this By-law is guilty of an offence and on conviction is liable to the penalties provided for in Section 67 (1) and (2) of the Planning Act, or its successors thereto, as follows:

i) Where a person is convicted, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than \$25,000; and

b) on a subsequent conviction, to a fine or not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

ii) Where a corporation is convicted, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than \$50,000; and

b) on a subsequent conviction, to a fine or not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

(3) Validity

If any section, clause or provision of this By-law is, for any reason, 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 hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

(4) Interpretation

For the purposes of this By-law, words used in the present tense also include the future; words in the singular also include the plural and words in the plural include the singular number; words in the neuter gender include the masculine and the feminine; and the word "shall" is mandatory.

(5) Imperial Values

Only the values provided with metric units of measure which appear in the By-law are official.

(6) Financial Securities

Where an agreement is required pursuant to Section 6. of this By-law, and said agreement requires the submission of financial securities to ensure the satisfactory completion/maintenance of the works required by the Agreement and approved plans listed therein, the amount of the financial security shall be calculated on the basis of the total value of construction, as follows:

- 10% of the first \$500,000.00 of the total value of construction; plus
- 1% of the balance of the value of construction in excess of \$500,000.00.

The total value of construction shall include any proposed buildings, site grading, storm water management facilities, landscaping and paving works, sidewalks, fences, retaining walls, on-site lighting, accessory buildings, or similar required works as shown on the approved plans.

(7) Costs

Unless otherwise negotiated, ~~and approved by Council~~, payment of all fees/costs associated with the agreement, or the works required within the agreement, shall be the responsibility of the Applicant/property owner.

11. SCHEDULE

Schedule 1 and Schedule A forms part of this by-law.

12. REPEAL

By-law No.63-2010 is hereby repealed.

13. SHORT TITLE

This by-law may be cited as the Site Plan Control By-law, 2010.

14. DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions and interpretations shall apply:

(1) **Building By-law** - means any By-law of the Corporation passed pursuant to the *Building Code Act*, as amended;

(2) **Building Permit** - means a permit required by the Building By-law;

(3) **Commercial Parking Lot** - means an open area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street or public lane or parking structure, used for the temporary parking of five or more motor vehicles and available for the public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than parking areas which are accessory to a permitted use on the same lot. A commercial parking lot shall have its principal access to a public street or public laneway and shall constitute the main use of the lot;

(4) **Commercial Parking Structure** – means a partially open and/or enclosed area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street or public lane, used for the temporary parking of five or more motor vehicles and available for public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than parking areas which are accessory to a permitted use on the same lot. A commercial parking structure shall have its principal access to a public street or public laneway and shall constitute the main use of the lot;

(5) **Committee** - means the Property and Planning Committee of the City of Kenora;

(6) **Corporation** - means The Corporation of the City of Kenora;

(7) **Council** - means the Municipal Council of the Corporation of the City of Kenora;

(8) **Community Home** - means a community-based group living arrangement, in a single housekeeping unit, for up to a maximum of seven (7) individuals, exclusive of staff and/or receiving family, who are receiving care consistent with their needs. A Community Home is licensed, funded or approved by the Province of Ontario. Community Homes may provide an eighth bed on an emergency basis which shall be occupied for a maximum of thirty (30) days;

(9) **Community Support House**- means a community-based group living arrangement, in a single housekeeping unit, for persons from out of the City requiring primarily short term accommodation, which may include incidental counselling services. A Community Support House is intended to provide accommodation for the relatives and friends of persons who may be incarcerated in a local penal institution or who may be receiving treatment in a local medical facility. A Community Support House is licensed, funded or approved by the Province of Ontario;

(10) **Corrections Residence**- means a group living arrangement, in a secure facility for persons who have been placed on probation, who have been released on parole, who are admitted to the facility

for correctional or rehabilitation purposes or who are awaiting trial, and live together under responsible twenty-four (24) hour secure supervision consistent with the requirements of its residents and accepted standards for secure detention. A Corrections residence is licensed, funded or approved by the Province of Ontario or the Federal Government;

(11) **Crisis Care Shelter** - means a group living arrangement, in a single housekeeping unit, for persons in a crisis situation requiring shelter, protection, assistance, counselling or support and in which it is intended that short term accommodation of a transient nature be provided. A Crisis Care Shelter is licensed, funded or approved by the Province of Ontario;

(12) **Day Care Centres** – A premises as defined by the Day Nurseries Act, RSO, 2001, that receives more than five children primarily for the purpose of providing temporary care or guidance (or both) for a continuous period not exceeding 24 hours, and the children are:

- a) under 10 years of age; or
- b) under 18 years of age if the day nursery will be for children with a developmental disability. under ten years of age in all other cases.

(13) **Development** – means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act* R.S.O. 2001, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1).

(14) **Detoxification Centre**- means an institution or single housekeeping unit in which persons who are addicted to chemical substances and/or alcohol are admitted for withdrawal, treatment and/or rehabilitation and live together under responsible twenty-four hour supervision consistent with the requirements of its residents. A Detoxification Centre is licensed, funded or approved by the Province of Ontario and shall be registered with the City of Kenora;

(15) **Drawing** - means a graphic rendering, bearing a drawing number, date or date of revision and drawn to scale, showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected, which is sufficient to display:

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

(16) **Erect** - means the carrying out of any activity within the meaning of **Development** herein;

(17) **Land** - includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and lands covered with water and any right or easement affecting them;

(18) **Land Lease Community Home** - means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home;

(19) **Mixed Commercial/Residential Development** - means a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes;

(20) **Municipal Act** - means the Municipal Act, R.S.O. 2001, Chapter M.45, and any amendments thereto;

(21) **Person** - includes any association, firm, partnership, syndicate, company, Corporation, its agents or trustee, and the heirs, administrators, executors, assigns and other legal representatives of such person to whom the context may apply according to law;

(22) **Plan** - means a formal drawing, bearing a drawing number, date or date of revision and author's registration stamp drawn to scale and showing;

- (a) the location of all buildings and structures to be erected;
- (b) the location of all facilities and works to be provided in conjunction with (1) above; and
- (c) all facilities and works required by Council pursuant to Section 41 of the Planning Act, R.S.O. 2001, Chapter P-13 as amended;

(23) **Planning Act** - means the Planning Act, R.S.O. 2001, Chapter P-13 as amended;

(24) **Recovery Homes** - means a group living arrangement, in a single housekeeping unit that is developed for the treatment and education of persons with alcohol or drug related problems and/or dependencies. Recovery Homes provide a continuum of care through short-term or long-term residential programs offering a wide variety of therapies dealing with the individual's physical, social, psychological, occupational, spiritual and nutritional needs. Recovery Homes shall provide responsible twenty-four (24) hour supervision, consistent with the needs of the residents. A Recovery Home is licensed, funded or approved by the Province of Ontario;

(25) **Residential Care Facilities** - means a community based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, who are receiving care and/or supervision consistent with their needs. A Residential Care Facility is licensed, funded or approved by the Province of Ontario;

14. That this By-law shall take effect and come into force upon third and final reading thereof;

By-law read a First and Second Time this 14th day of October, 2010

By-law read a Third and Final Time this 14th day of October, 2010

The Corporation of the City of Kenora:-

.....MAYOR
Leonard P. Compton

..... D/Clerk
Heather L. Kasprick



July 4, 2022

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Melissa Shaw, Land Acquisition and Divestment Officer

RE: Open & Establish a Public Highway of the Corporation of the City of Kenora

Recommendation:

That Council gives three readings to a bylaw to open up and establish a public highway of the Corporation of the City of Kenora; and further

That the consent of the Minister of Transportation ("the Minister") to such opening is required pursuant to Subsection 24(3) of the Public Transportation and Highway Improvement Act R.S.O. 1990, c. 50; and further

That the following lands as identified in Schedule 'A' described as 10 metres east, 1 metre north, 10 metres west and 1 metre south of property legally described as PT LT 26 PL M133 PT 1 23R11889; KENORA; Being a portion of PIN 421802505 (LT); and established as a road bearing no name; and further

The Mayor and Clerk be hereby authorized and directed to take such action and execute such documents, under the Corporate Seal of the Corporation where required, as may be necessary and expedient to give effect to this By-law.

Background:

In the year 2000, at amalgamation of the three communities, the City of Kenora and the Ministry of Transportation (MTO) were approached by residents on the north side of Dufresne Island requesting that an access road be built across from the Beryl Winder Road. The access was to provide an approach for the residents of the north side of Dufresne Island.

A piece of land, for the proposed parking lot, was donated to the City in 2011 (By-law 16-2011), lands identified as Part 1 23R 11889, and a Traffic Study was conducted. In 2016, the Ministry of Transportation provided an Agreement within By-law 65-2018 for the requested approach road and parking area for twenty-four (24) vehicles. The legal agreement enabled access as a permanent public side road, attached to a parking lot.

As of today's date the access which services the 24-parking lot has temporary status until the Ministry of Transportation receives an application for entrance permit from the City of Kenora, including the submission of a road opening by law. The entrance into the parking lot which is approximately 10m² in size shall be deemed a public highway to support an application for entrance permit. The remaining area legally described as PT LT 26 PL M133 PT 1 23R11889 shall remain municipally owned property, operating as a private parking lot.

Subsection 31 of The Municipal Act, R.S.O., 2001, provides that a Council of a local municipality may, by by-law, establish a highway; land may only become a highway by virtue of a by-law passed under subsection (1).

Budget: A commercial entrance permit/public road fee with the Ministry of Transportation: \$860.00 plus the legal fees associated with registration of the application to establish a public highway.

Risk Analysis:

As per the requirements of the City's ERM policy, there would be a moderate risk if the assumption of roads in not completed. This project is an example of a positive improvement to inventory of City owned lands and clean-up of municipally owned roads/lanes/highways. Staff recommends continued review of unopened roads/laneways/ highways throughout the City of Kenora, as budget allows.

Communication Plan/Notice By-law Requirements: Bylaw required
Director of Operations and Infrastructure, Director of Development Services, GIS Technician, Land Acquisition and Divestment Officer

Strategic Plan or other Guiding Document:

Goal 1.1- Position Kenora for growth through proactive infrastructure planning.
Goal 1.2- Ensure well maintained and sustainably financed City infrastructure

Schedule A

Public side road, identified name "Beryl Winder Road North", described as 10 metres east, 20 metres north, 10 metres west and 20 metres south of property legally described as PT LT 26 PL M133 PT 1 23R11889; KENORA; a portion of PIN 421802505 (LT)



The Corporation of the City of Kenora

By Law Number xx - 2022

A By-law to Open Up and Establish a Public Street or Highway of The Corporation of the City of Kenora

Whereas it is advisable and expedient to open up and establish the hereinafter referred to Lands as a public highway of The Corporation of the City of Kenora;

Whereas the . consent of the Minister of Transportation ("the Minister") to such opening is required pursuant to Subsection 24(3) of the Public Transportation and Highway Improvement Act R.S.O. 1990, c. 50;

Now therefore the Council of the City of Kenora Enacts as follows:

1. That the following lands, namely:

As identified in Schedule 'A' attached to and forming part of this by-law;

Described as 10 metres east, 1 metre north, 10 metres west and 1 metre south of property legally described as PT LT 26 PL M133 PT 1 23R11889; KENORA; Being a portion of PIN 421802505 (LT);

Shall be on the same are hereby opened up, made and established as an public street or highway with an unassigned name of the Corporation of the City of Kenora

2. This By-law shall come into force and take effect on the final passage hereof and when the consent of the Minister is endorsed hereon pursuant to Subsection 24(3) of the *Public Transportation and Highway Improvement Act* and registration in the Land Registry Office for the District of Kenora has been completed.

By-law read a first and second time this 19th day of July, 2022.

By-law read a third and final time this 19th day of July, 2022

The Corporation of the City of Kenora:

The Minister of Transportation of the Province of Ontario hereby consents to this By-law pursuant to subsection 24(3) of the *Public Transportation and Highway Improvement Act* this ____ day of _____, 2022

Dan Reynard, Mayor

Heather Pihulak, City Clerk

Franca Sacchetti, Director of Operations Northwest Region

City of Kenora By-law No. XX - 2021, Schedule "A" – A By-law to Open Up and Establish a Public Highway, Unassigned Name of The Corporation of the City of Kenora

