



City of Kenora

Committee of the Whole Agenda

Monday, December 5, 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 December 20, 2022 meeting:-

- Establish the 2023 meeting calendar and amend the Procedural Bylaw
 - Adopt a new Public Notices Bylaw

Blessing & Land Acknowledgement – Councillor Bernie

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 October 3, 2022 and the Special Committee of the Whole meetings held October 25, November 17, 22, 24 (2 sessions) 29, 30, be confirmed as written and filed.

D. Deputations/Presentations

- Joe Barnes, Kenora Chiefs Advisory Projects
 - Teika Newton – sustainability & climate
- Susan Evenden – Anicinabe Park contract extension
 - Susan Evenden – Old Chalet Lane closure
 - Dean Barclay – Old Chalet Lane closure

E. Reports:

1. Corporate Services / Finance / Human Resources

Item Subject

-
- 1.1. 2023 Council Meeting Calendar & Adoption of new Procedural Bylaw
 - 1.2. Public Notices Bylaw Amendment

- 1.3. Conventional Transit Contract Extension
- 1.4. City/CUPE Joint Gender Neutral Job Evaluation
- 1.5. 2023 Economic Adjustment - Professional & Managerial Pay Grid

2. Fire & Emergency Services

Item Subject

No Reports

3. Engineering & Infrastructure

Item Subject

- 3.1 Coker Road Closure Update

4. Community Services

Item Subject

- 4.1 Application to Ontario Trillium Fund – Resilient Communities

5. Development Services

Item Subject

- 5.1 Application to FedNor Investment Attraction Project

Other:

Next Meeting

- Wednesday, January 11, 2023

Motion - Adjourn to Closed Meeting:

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: -

- i) Labour Relations (2 matters-salary review, vacancy)
- ii) Disposition of Land (1 matter-application to purchase municipal property)
- iii) Personal Matter about an Identifiable Individual (2 matters-NWHU, Accessibility Advisory Committee Appointments)
- iv) 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 (1 matter-policing coalition)

Adjournment.



October 15, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

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

Re: Procedural Bylaw Amendment / 2023 Council Meeting Schedule

Recommendation:

That Council gives three readings to a bylaw to adopt an amended Rules of Order and Procedures for the Council of the City of Kenora; and further

That Council hereby accepts the 2023 Council meeting calendar as presented; and further

That in accordance with By-law Number 144-2007, public notice is hereby given that Council intends to establish their 2023 meeting calendar and amend the Procedural bylaw; and further

That bylaw number 102-2022 be hereby repealed.

Background:

Annually, the Clerk will establish the meeting calendar for the Council meetings the following year based on the Procedural bylaw along with any established conferences.

Council elect recommended to Administration that meetings change from the established Tuesdays to Wednesdays and meeting times for Council be changed to 5:00 p.m.

In accordance with our Procedural Bylaw (being amended at this meeting), the calendar will now follow the second Wednesday as Committee of the Whole and the third Wednesday as Council, wherever possible.

The calendar reflects normal practice of making shifts to the calendar to accommodate municipal conferences and may be amended from time to time should municipal conferences conflict. The conferences have been noted on the calendar for reference.

Budget: N/A

Risk Analysis: There is no risk associated with this report as it is administrative in nature only.

Communication Plan/Notice By-law Requirements: Communications will publish meeting dates/times and live stream options.

Strategic Plan or other Guiding Document:

Goal 4.4 - Enhance City communications to the community on municipal services, developments, and affairs.

January 2023

February 2023

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	1	2	3	4

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 New Year's Day	2	3	4	5	6	7
8	9	10	11 9:00 a.m. Committee of the Whole	12	13	14
15	16	17	18 5:00 p.m. Council	19	20	21
22 ROMA Toronto	23 ROMA Toronto	24 ROMA Toronto	25	26	27	28
29	30	31	1	2	3	4

February 2023

March 2023

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6	7 FCM Sustainable Communities Conference Ottawa	8 9:00 a.m. Committee of the Whole	9 FCM Sustainable Communities Conference Ottawa	10 FCM Sustainable Communities Conference Ottawa	11
12	13	14	15 5:00 p.m. Council	16	17	18
19	20 Family Day (STAT)	21	22	23	24	25
26	27	28	1	2	3	4

March 2023

April 2023

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	1	2	3	4
5	6	7	8 9:00 a.m. Committee of the Whole	9	10	11
12	13	14	15	16	17	18
19	20	21	22 5:00 p.m. Council	23	24	25
26	27	28	29	30	31	1

April 2023

May 2023

Su	Mo	Tu	We	Th	Fr	Sa
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3	4	5	6	7 Good Friday (STAT)	8
9 Easter Sunday	10 Easter Monday (STAT)	11	12 9:00 a.m. Committee of the Whole	13	14	15
16 OGRA Conference Toronto	17 OGRA Conference Toronto	18 OGRA Conference Toronto	19 5:00 p.m. Council	20	21	22
23	24	25	26 NOMA Thunder Bay	27 NOMA Thunder Bay	28 NOMA Thunder Bay	29
30	1	2	3	4	5	6

May 2023

June 2023

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	1	2	3	4	5	6
7	8	9	10 9:00 a.m. Committee of the Whole	11	12	13
14 Mother's Day	15	16	17 5:00 p.m. Council	18	19	20
21	22 Victoria Day (STAT)	23	24	25 FCM Conference Toronto	26 FCM Conference Toronto	27 FCM Conference Toronto
28 FCM Conference Toronto	29	30	31	1	2	3

June 2023

July 2023

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5		7	8	9	10
11	12	13	14 9:00 a.m. Committee of the Whole	15	16	17
18 Father's Day	19	20	21 National Aboriginal Day 5:00 p.m. Council	22	23	24
25	26	27	28	29	30	1 Canada Day

July 2023

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25	26	27	28	29	30	1 Canada Day
2	3	4	5	6	7	8
9	10	11	12 9:00 a.m. Committee of the Whole	13	14	15
16	17	18	19 5:00 p.m. Council	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

August 2023

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2	3	4	5
6	7 Civic Holiday (STAT)	8	9	10	11	12
13	14	15	16	17	18	19
20 AMO London	21 AMO London	22 AMO London	23 AMO London	24	25	26
27	28	29	30	31	1	2

September 2023

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1	2
3	4 Labour Day (STAT)	5	6	7	8	9
10	11	12	13 9:00 a.m. Committee of the Whole	14	15	16
17	18	19	20 5:00 p.m. Council	21	22	23
24	25	26	27	28	29	30 National Day for Truth and Reconciliation

October 2023

November 2023

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9 Thanksgiving (STAT)	10	11 9:00 a.m. Committee of the Whole	12	13	14
15	16	17	18 5:00 p.m. Council	19	20	21
22	23	24	25	26	27	28
29	30	31 Halloween	1	2	3	4

November 2023

December 2023

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6	7	8 9:00 a.m. Committee of the Whole	9	10	11 Remembrance Day
12	13	14	15 5:00 p.m. Council	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

December 2023

January 2024

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13 9:00 a.m. Committee of the Whole	14	15	16
17	18	19	20 5:00 p.m. Council	21	22	23
24	25 Christmas Day	26 Boxing Day	27	28	29	30
31	1 New Year's Day	2	3	4	5	6

The Corporation of the City Of Kenora

By-law Number ~~102~~-2022

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

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

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

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

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

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

Part 2 - General Rules

2.1 Rules - regulations - observed - at all times

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

2.2 Rules - observed - modifications - permitted

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

2.3 Parliamentary procedure - proceedings

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

2.4 Rules – Council to introduce new Item on Agenda

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

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

2.5 Deputy Mayor – 8 month Rotation of Members

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

2.6 Absence - Mayor – Deputy Mayor - Authority

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

2.7 Members of Council – Notify Clerk - Absence

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

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

2.8 Members of Council – Absence – Maternity/Paternity Leave

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

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

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

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

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

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

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

2.9 Minutes of Meetings

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

2.10 Taping/Televising/Recording

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

2.11 Electronic Participation by Members

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

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

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

2.12 Electronic Participation by Members during an Emergency

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

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

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

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

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

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

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

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

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

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

2.13 Cell phones/ Smart Phones

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

2.14 Council Member Announcements

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

2.14 Staff at Council and Committee of the Whole Meetings

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

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

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

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

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

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

City Official and (first and surname) as requested.

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

Part 3 – Giving of Public Notice & Scheduling of Meetings

3.1 Meetings – Open to the Public

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

3.2 Public Notice and Contents

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

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

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

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

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

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

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

3.4 Public Notice – Closed Meetings

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

3.5 Public Notification – Other Meetings

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

3.6 Public Notice – Adoption of Procedural By-law

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

3.7 Emergency or Disaster – Notice not Required

In the event of a disaster or emergency as defined in the Emergency Plan, an emergency meeting may be held without notice to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or Clerk's designate, to notify the Members about the meeting as soon as possible and in the most expedient manner available.

3.8 Minimum Requirements

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

3.9 Subordinate to other required Forms of Notice

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

Schedule of Meetings

3.10 Inaugural - December - Time Chosen

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

3.11 Regular Council - Monthly - Time

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

3.12 Committee of the Whole Meetings

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

3.13 Municipal Elections - Meeting Time - Exception

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

3.14 Calling of Special Council or Committee of the Whole Meetings

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

3.15 Cancellation/Postponement of Meeting - Notice by Clerk

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

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

Part 4 - Closed Meetings

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

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

4.2 Electronic Participation

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

4.3 Motion to move into Closed Meeting

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

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

4.4 Closed Items to be included on Open Agenda

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

4.5 Closed Meeting Reports/Agendas/Minutes

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

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

4.6 Motions permitted in Closed Meeting

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

4.7 Moving out of Closed to Regular Meeting to Vote

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

4.8 Minutes – Closed Meeting

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

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

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

4.9 Closed Meeting Chair – Deputy Mayor

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

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

4.10 Closed Meeting Investigation – Report

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

Part 5 - Proceedings - Council Meetings

5.1 Agenda – Established by Clerk

The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for electronic distribution of the agenda to each Council Member, the Chief Administrative Officer and all Directors (including any staff/media requesting same), and posting on the Portal (www.kenora.ca) 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. L a n d A c k n o w l e d g e m e n t / 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:

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

5.7 By-laws

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

5.8 Three Readings required before Enactment

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

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

5.9 Curfew – Regular Council Meetings

Council shall adjourn no later than three (3) hours past commencement of the usual ~~twelve~~~~five~~–(5:42) o'clock meeting time, typically before the hour of three (3) o'clock in the ~~afternoon~~~~evening~~, unless otherwise ordered by a unanimous vote of members present.

Part 6 – Rules of Conduct and Debate

6.1 Order - decorum - maintained - Mayor

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

6.2 Mayor - speaking on motion - to leave Chair

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

6.3 Member Speaking - recognition by Mayor - required

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

6.4 Speaking - order - determination

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

6.5 Disruption - Council - by member - prohibited

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

6.6 Disruption – Electronic Participation

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

6.7 Offensive language - insults - prohibited

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

6.8 Disobedience - rules - points of order - prohibited

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

6.9 Leaving seat - disturbance during vote - prohibited

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

6.10 Interruption - speakers - exception

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

6.11 Leaving meeting - not to return - Mayor informed

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

6.12 Disorderly conduct - member to be removed - question

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

meeting.

6.13 Apology - member to resume seat - by permission

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

Part 7 – Motions in Council

7.1 Motions in Writing

All substantive motions introduced to Council shall be in writing.

7.2 Addressing Council

Members shall rise to read motions presented to Council.

7.3 Disposition of motion

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

7.4 Motion to Defer (later in same meeting)

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

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

7.5 Motion to Defer (to subsequent meeting)

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

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

7.6 Motion to Defer Indefinitely

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

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

7.7 Motion to Amend

- Shall be presented in writing;
- Shall not negate the main motion;
- Shall receive disposition of Council before a previous amendment or the question;
- Shall not be further amended more than once, provided that further amendment may be made to the main question;
- Shall be relevant to the question to be received;
- Shall not be received proposing a direct negative to the question;
- May propose a separate and distinct disposition of a question;
- Shall be put in the reverse order to that in which it is moved.

7.8 Motion to Withdraw

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

7.9 Ultra Vires Motion

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

7.10 Motion to Reconsider

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

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

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

7.11 Motion to Refer

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

7.12 Notice of Motion

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

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

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

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

7.14 Speaking to motion – exception - vote - reply

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

7.15 Motion - under debate - read - at any time

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

7.16 Motion under debate – questions – before vote

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

Part 8 – Voting by Council

8.1 **Mandatory vote – all members**

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

8.2 **Amendment to Motion - Voted on first**

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

8.3 **Voting - order**

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

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

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

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

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

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

8.6 **No vote - deemed negative - exception**

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

8.7 **Secret voting - on motion - prohibited**

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

8.8 **Result - announced**

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

8.9 **Result - disagreement - objection immediate - retaken**

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

8.10 **Tie vote - deemed negative**

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

8.11 **Recorded vote - When called for**

Any Member present may request that a vote be recorded and shall call for a recorded vote immediately prior to, or following, the taking of the vote. Each Member present, except a Member disqualified from voting by any Act, shall announce his or her vote openly when asked by the Clerk. The Clerk shall request Council Members to announce their vote in alphabetical order, and then will request the Mayor to announce his/her vote last. The names of those who

voted for and against shall be noted in the Minutes. If any Member does not advise of their vote, they shall be deemed as voting in the negative. The Clerk shall announce the result of the vote.

8.12 Recorded vote - all member to vote - exception

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

8.13 Voting - number of members - calculation

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

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

8.14 Open Voting Only

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

8.15 Consent Agendas

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

8.16 Consent Agenda - Council Procedure

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

Part 9 – Deputations

9.1 Addressing in Council

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

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

9.2 Addressing in Committee

Any person desiring to present information or speak at a Committee of the Whole Meeting

shall have an opportunity to do so at the commencement of the meeting as provided for on the Agenda and will be announced by the Chair. The prescribed "Deputation Request Form" must be filed with the Clerk according to timelines noted on the prescribed form in advance. Such persons shall have up to fifteen (15) minutes to address and exchange information with Council and Members may engage in dialogue with the person or persons. The Mayor/Deputy Mayor may use their discretion should the fifteen minute time-frame not be met.

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

9.3 Deputation Request Form Necessary

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

9.4 Deputation Request Form Deadlines

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

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

For Special Council/Committee Meetings:

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

9.5 Curtailment of Time

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

9.6 Location

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

9.7 Presentation in Person

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

9.8 Behaviour of Deputant

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

Deputation participants are expected to sit in the general public seating area and present their

information from the podium.

No Deputant shall:

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

9.9 Conduct by the Public

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

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

9.10 Expulsion

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

9.11 Recording of Deputation for the Minutes

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

9.12 Written Submission

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

9.13 Deputations During Emergency Provision

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

9.14 CAO - Directors or Applicable Staff - address to Council

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

9.15 Business - stated - matters - related to

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

9.16 Repetition - prevented - hearing declined - exception

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

already appeared and spoken at the meeting.

9.17 Appearance - previous - limitation - new information

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

9.18 Deputations – Request of Council or Committee

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

9.19 Quantity of Deputations at a Meeting

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

9.20 Petitions to Council

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

9.21 Materials to Council

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

9.22 Anonymous Correspondence to Council

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

Part 10 - Committee of the Whole

10.1 General and Notice

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

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

10.2 Schedule of Meetings (Dates & Times)

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

10.3 Meetings – Special Committee of the Whole

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

10.4 Meetings – Closed

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

10.5 Procedure - Modifications

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

10.6 Order of Business

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

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

10.7 Points of Order – Decision by Mayor/Deputy Mayor

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

10.8 Curfew – Committee of the Whole Meetings

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

10.9 Timing of Meetings

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

Second Tuesday/Wednesday of every month, except August, between 9:00 a.m. and 1:00

p.m. (or otherwise advertised)

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

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

10.10 Staff Reports – Process and Deadline

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

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

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

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

10.11 Reports - Publicly Posted on City Portal

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

10.12 Late Committee Reports

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

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

Part 11 – Other Committees of Council

11.1 Mayor – Ex-Officio Member – All Meetings

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

11.2 Appointments of Committee Members

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

11.3 Report Recommendations to Council

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

11.4 Minutes

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

11.5 Curfew – Motion

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

11.6 Procedure - modifications

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

11.7 Council may establish Advisory Committees from time to time

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

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

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

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

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

The Clerk, or designate, in accordance with the applicable Department, is to prepare the necessary agenda for the public meeting which could include but is not limited to a hearing for an

Official Plan or Zoning By-law Amendment (which may be done at the Committee of the Whole level), requirements under the Notice By-law, the Rental Housing Protection Act or Municipal Licensing Appeals.

13.2 Timing of Meetings

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

13.3 Minutes

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

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

Part 14 – Severability

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

Part 15 – Enactment

15.1 Repeal & Effective Date

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

**By-Law Read a First & Second Time this 19th day of July, 2022
By-Law Read a Third & Final Time this 19th day of July, 2022**

The Corporation of the City of Kenora:-

Daniel Reynard, Mayor

Appendix “A” to By-law Number 102-2022

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

- ✓ The security of the property of the municipality or local board;
- ✓ Personal matters about an identifiable individual, including municipal or local board employees;
- ✓ A proposed or pending "acquisition" of land for municipal or local board purposes;
- ✓ For the disposition of land;
- ✓ Labour relations or employee negotiations;
- ✓ Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- ✓ The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ✓ A matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
- ✓ If the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act;
- ✓ Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- ✓ A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- ✓ A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- ✓ A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Section 239 (3.1) – Educational or Training Sessions

- ✓ A meeting of a council or local board or of a committee of either may be closed to the public if the following conditions are both satisfied:-
 1. The meeting is held for the purpose of educating or training the members.
 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Appendix 'B' to By-law Number 102-2022

Declaration of a Pecuniary Interest

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

Date: _____

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

1. My pecuniary interest is:

Direct _____ OR Indirect _____

2. Relates to:

Myself ___ My Spouse ___ My Child ___ A Parent ___

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

Print Name _____ Signature _____

Date Submitted to Clerk _____

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



November 28, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

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

Re: Public Notices Bylaw

Recommendation:

That Council gives three readings to adopt a new bylaw with respect to Policies to the Provision of Public Notice; and further

That in accordance with Public Notices bylaw 144-2007 public notice is hereby given that Council intends to adopt a new public notices bylaw at its December 20, 2022 meeting; and further

That bylaw number 144-2007 be hereby repealed.

Background:

Section 270 of the Municipal Act, 2001, provides that Municipalities shall adopt and maintain policies with respect to the circumstances in which the Municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given. Sections 23.1 to 23.3 of the Municipal Act, 2001, authorize Municipalities to delegate powers and duties under certain Statutes, subject to restrictions as set out therein.

The City's existing Public Notices Bylaw, 144-2007, required a broad review to ensure all applicable legislative changes have been included to meet any Ontario Regulation or Act that may have been introduced or amended. The new bylaw meets new and existing legislation and provides guidance for the municipality where public notice is mandated, or suggested. Of course, the Clerk has the discretion to provide additional notice beyond the prescribed notice.

Budget: N/A

Communication Plan/Notice By-law Requirements: Public notice on the agenda as well as bylaw required

Strategic Plan or other Guiding Document:

The Public Notices bylaw is a guiding document for Council and Administration which dictates public notice requirements for the Municipality.

The Corporation of the City of Kenora

By-Law Number - 2022

A By-law to Adopt Policies with Respect to the Provision of Public Notice

Whereas Section 270 of the *Municipal Act, 2001*, provides that Municipalities shall adopt and maintain policies with respect to the circumstances in which the Municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given; and

Whereas various Statutes and Regulations, including the *Municipal Act* prescribe certain circumstances when Municipalities shall provide notice; and

Whereas Sections 23.1 to 23.3 of the *Municipal Act, 2001*, authorize Municipalities to delegate powers and duties under certain Statutes, subject to restrictions as set out therein;

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

Interpretation

1. (1) For the purpose of this By-law:

"Act" means the *Municipal Act*, S.O. 2001, c.25, as amended and revised;

"Clerk" means the Clerk of the Corporation;

"Council" means the Council of the Corporation;

"Corporation" means The Corporation of the City of Kenora;

"Local Posting Sites" means bulletin boards located at such sites within the Municipality as may be designated by the Clerk;

"Municipal Newsletter" means a printed publication of the Corporation consisting in great part of local and municipal news and publicly circulated in the Municipality by the Corporation;

"Municipal Website" or "Portal" means the official internet website of the Corporation, however named or identified;

"newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one (1) week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers;

"published" means published in a newspaper that, in the opinion of the Clerk, has such circulation within the Municipality as to provide reasonable notice of a Subject Matter to those affected thereby;

"Social Media Site" means a site for technology-based interactive digital channels that facilitate the creation and sharing of information, ideas, interests, and other forms of expression through virtual communities and networks.

"Subject Matter" means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given.

(2) Reference to the *Act* or any other Statute or Regulation or any provision thereof shall be construed as a reference to any amendment, revision or re-numbering thereof or to any provision enacted in substitution therefore.

Application

2. Where:
 - (i) the Corporation is required to provide public notice under the provisions of the *Act* or under any other Statute or Regulation; or
 - (ii) notice is required to be provided in relation to any Subject Matter as prescribed in this By-Law or in any other By-Law or Resolution of the Corporation;

to the extent that the same is not prescribed in the *Act* or in the Statute, Regulation, By-Law or Resolution requiring the notice, the form, manner, and times notice shall be given shall be governed by the provisions of this By-law.

Form of Notice

3. The Notice shall:
 - (a) be in writing;
 - (b) describe the Subject Matter under consideration or otherwise involved;
 - (c) describe who will deal with the Subject Matter, such as Council, a Committee of Council, or other person, tribunal, officer or body having jurisdiction;
 - (d) set out the date, time and location where the Subject Matter will be considered or dealt with;
 - (e) where the matter relates to a defined location, sufficient particulars of the location to identify it, such as by reference to a Municipal address, highway intersection, legal description or plan;
 - (f) where written submissions may be made, contain the name and title of the Official to whom they are to be sent and to whom any inquiries may be made, together with the address of the Official and the deadline for receipt of such submissions; and
 - (g) be clearly identified as a notice given by the Corporation.

Manner of Notice

4. (1) Notice shall be given in the manner and at the times set forth in Schedule "A" hereto.
- (2) Notwithstanding anything herein contained, Council may, by Resolution, vary the method of providing notice in any case where, in its discretion, an alternative method is considered reasonable.
- (3) Notwithstanding anything herein contained,
 - (i) the Clerk may provide additional notice in such manner as he or she deems appropriate, including without limitation, by publication on one or more Social Media sites.

Rules

5. Except where otherwise provided in this By-Law, or in the *Act* or in any other Statute, Regulation or By-Law, the following Rules shall apply.
 - (1) Any person entitled to notice may at any time waive the requirements relating thereto.
 - (2) Where a notice does not strictly comply with the provisions hereof but would

substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance herewith.

- (3) Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice and the same shall apply *mutatis mutandi* with respect to subsequent deferrals.
- (4) Where notice is required to be given to an owner of land, the owner shall be deemed to be the person shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the Clerk has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.

Delegation of Concurrent Authority to the Clerk

6. (1) Where Notice is required to be given under the *Act* or under any other Statute or Regulation, or any By-Law of the Municipality, to the extent that the form, manner and times of the Notice are not specified in this By-Law or in such legislation or By-Law, there is hereby delegated to the Clerk the power and duty to determine and implement the same.
- (2) Where the Clerk has acted under the authority of Subsection 1 of this Section, he or she shall, as soon as is practicable thereafter, provide on a Council Agenda, a report as to the action taken and a recommendation as to any amendment to the requirements of this By-Law as the Clerk considers appropriate.
- (3) Any power delegated to the Clerk in this By-Law may also be exercised by Council Resolution.

Greater Notice

7. The Council declares that notice given in accordance herewith is considered adequate, but that greater or more comprehensive notice may be given by an officer of the Corporation and shall be deemed to comply herewith.
8. By-law 144-2007 of the Corporation is hereby repealed.
9. This By-Law shall come into force and take effect upon the final passing hereof.

Enacted and passed this ___ day of _____, 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

By-law read a First & Second Time this 20th day of December, 2022

By-law read a Third & Final Time this 20th day of December, 2022

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

SCHEDULE "A"

I - METHODS AND TIMES FOR GIVING NOTICE

In this Schedule:

"Notice Method 1" means notice given by ordinary, prepaid mail;

"Notice Method 2" means notice given by registered mail;

"Notice Method 3" means notice delivered personally to the person to be notified;

"Notice Method 4" means notice published in a newspaper once a week for three (3) successive weeks prior to the consideration or occurrence of the Subject Matter;

"Notice Method 5" means notice published in a newspaper not less than one (1) week prior to the consideration or occurrence of the Subject Matter.

"Notice Method 6" means posted on the property affected.

"Notice Method 7" means notice posted at Local Posting Sites.

"Notice Method 8" means listing and identifying the Subject Matter on a regular council Agenda.

"Notice Method 9" means posting the notice on the Municipal Website.

"Notice Method 10" means notice in an issue of the Municipal Newsletter circulated not more than Six(6) weeks and not less than One(1) week prior to the consideration or occurrence of the subject matter.

2. In the case of Notice Methods 1, 2, 3, 6, 7, 9 and 10, the mailing, delivery, posting or circulation shall take place not less than 7 days prior to the consideration or occurrence of the Subject Matter.

II - NOTICE REQUIREMENTS

A. GENERAL

1. NOTWITHSTANDING any other provisions of this Schedule:
 - (a) In all cases where Notice is required to be given to a specific person, identifiable group of persons, applicant, party to a proceeding, owner, officer, agency, office or representative of the Crown or other authority having jurisdiction, Notice may be given by one or more of Notice Methods 1, 2, or 3 or, where the Notice relates to an identified property, by Notice Method 6.
 - (b) Notice Methods 2 or 3 may in all cases be used in lieu of Notice Method 1.
 - (c) Where Notice is required to be sent to an owner of land, the Clerk may rely on the name and address shown on the assessment rolls or as appears on the Parcel Register, Abstract Index or Index of Executions as referred to in Paragraphs 374(1) 2 and 3 of the *Act*.
 - (d) Where the Act prescribes that Notice shall be by mail but does not specify the type of mail, it shall be given by either registered mail or ordinary prepaid mail.
 - (e) Where another by-law provides for the giving of a specific type of notice, such provisions shall prevail over the provisions hereof.

B. TABLE

2. The following Table shall apply to notices given pursuant to this By-law. Statutory references are to the *Municipal Act* unless otherwise stated.

SUBJECT MATTER	SPECIAL STATUTORY REQUIREMENTS Relating to Notice	NOTICE METHOD
Description	Statutory Reference*	
<u>BUDGET</u> Adoption or Amendment	S. 290	8
<u>CORPORATE STRUCTURE</u> Restructuring Proposal – Notice of Public Meeting	S. 173(3)	4
Change of Name of Corporation	S. 187(3)	1
Dissolution of Local Board	S. 216	5
Changing Composition of Council	S. 217	4
<u>Wards</u> - By-Law to Consider - Notice after Passage	S. 222(1) S. 222(3)	4
<u>FEES AND CHARGES</u>	See Regulation 584/06 Section 4	Any of the options as set out in Regulation
<u>HIGHWAYS</u> Permanent closure	S. 34	4
Alteration	S. 9	4
Restricting Public Passage	S. 35	4
Restricting access by abutting owner	S. 35	4
Tree Cutting	S. 62	1
Naming or Renaming		4
<u>LAND</u> Sale Procedures	S. 9	As set out in Land Sale Procedure By-Law

<u>LICENSING</u> Licensing Fines – Collection of Unpaid	S. 441	Council may authorize Treasurer or Treasurer’s delegate to give specified notice to persons against whom fines imposed, so that if unpaid they are deemed unpaid taxes	One or more of 1, 2 or 3 as determined by the Treasurer
<u>PRIVATE ROADS</u> Naming and Changing Name	S. 48	Public Notice required	4
<u>PROCEDURAL BY-LAW</u> - Enactment - Notice of Public Meetings	S. 238(2) and S.238(2.1)	Act requires Procedural By-Law to provide for Public Notice of Meetings	5 As set out in Procedural By-Law
<u>PUBLIC UTILITIES</u> Shut off	S. 81(1)	Reasonable notice required	One or more of 1, 2, 3 or 6 as determined by the Clerk
<u>TAX ARREARS</u> Notice of Registration	S. 374	Notice of registration to be sent to listed persons within 60 days of registration of Tax Arrears Certificate	2
Final Notice Registration	S. 379(1)	Further notice to listed persons within 30 days after expiry of 280 days from registration of Tax Arrears Certificate	2
Sale of Land by Public Tender	Regulation 181/03	See Regulation for Forms and Process	
Sale of Land by Public Auction	Regulation 181/03	See Regulation for Forms and Process	
Notice of Payment into Court	S. 380(3)	Within 60 days after payment into Court, copy of statement to be sent to Public Guardian and Trustee and to persons to whom Notice sent under Subsection 379(1)	2
<u>TAXATION</u> Municipal Capital Facilities Exemption	S. 110(8)	Act prescribes to whom Notice of tax exemption is to be given	1
Comparable Properties	S. 331(10)	Within 60 days of receiving Notice under Clause 331(10)(a), Notice to be given to owner of Assessment Corporation’s determination and amounts	1
Alternative Tax Installments	S. 342		1
Tax Bills	S. 343	Act requires bill sent at least 21 days before due	1
Tax Status Determination	S.348(2) and (3)	Act requires Notice of Taxes and related late payment charges to every taxpayer who owes taxes from a preceding year	1 (may be sent with Tax Bill)

Tenants – Rents Paid to Treasurer	S.350(1)	<i>Act</i> requires notice to be given to Tenant in writing containing specified information	One or more of 1, 2, 3 or 6 as determined by the Treasurer
Seized Property – Sale of	S.351(8)	<i>Act</i> requires public notice by Treasurer or Treasurer’s Agent containing specified information	5
Division into Parcels	S. 356(5)	<i>Act</i> requires Notice to applicants and owners of decision and last day for appeal within 14 days after decision	1
Cancellation, Reduction, Refund of Taxes	S.357(5)(b)	<i>Act</i> requires notice to applicants <u>by mail</u> at least 14 days before the meeting	1
Notice of Meeting to Consider Decision	S.357(6)	<i>Act</i> requires that Council notify applicants within 14 days after making decision, of the Decision and specifying the last day for appeal	1
Overcharges	S. 358(6)	<i>Act</i> requires copy of Application sent to Assessment Corporation and Registrar of Assessment Review Board	1
	S. 358(8)	<i>Act</i> requires Treasurer to notify Applicants of invalid applications under 358(5)	1
Increase in Taxes	S. 359(4)	<i>Act</i> requires Notice to Treasurer and person in respect to whom application made, of decision and last day for appeal within 14 days of decision	1



November 30, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

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

Re: Conventional Transit Operation Contract Extension

Recommendation:

That three readings be given to a bylaw to authorize a contract extension agreement with First Student/Transit Canada for the operation of the City's conventional transit system ending December 31, 2023; and further

That all other terms and conditions of the original agreement outlined in bylaw number 161-2017 remain in force and effect.

Background:

Kenora has had a Public Transit System in continuous operation since 1934; the longest continuous operation for any Ontario Municipality with a population under 20,000. The City of Kenora now provides one transit service to the former three communities of Kenora, Keewatin, and Jaffray Melick.

The current conventional busing model used in Kenora is classified as a traditional fixed route busing. City owned buses travel along predefined routes stopping only at defined bus stops while maintaining a schedule. The day-to-day operating of the bus service is outsourced to First Student Canada, which is overseen by the City's Corporate Services Department.

In 2017 Council entered into a five year agreement with First Student/Transit Canada for the operation of the conventional transit services for the City of Kenora. Under this agreement, the Contractor provides all maintenance and storage facilities and equipment, bus drivers, dispatchers, mechanics, supervision, clerical staff, and management required to carry out the service in accordance with the contract.

The Contractor works with the City to distribute transit route maps and timetables to the ridership and the City distributes, or makes available to the general public, the bus route schedules and promotes the service. The Contractor is responsible for the day to day operation of the service, and staffing the bus operations.

The City is responsible for the maintenance of the bus stops and bus shelters and establishes the rates and routes for the transit. The Contractor notifies the Municipality promptly of any missed trips, road calls, detours, changes in the routes or extraordinary delays or cancellations caused by any abnormal or emergency factors. Over the past year there has been an increased interruption of service from the extreme worker shortage and the lack of drivers available to operate the service. Each driver must hold a Class CZ license and be trained in the operation of the specialized bus.

The City of Kenora receives all revenues collected from all sources, including passenger revenue, advertising, contract services, etc. relating to the operation of the transit service. Coin boxes from the buses are dropped off at City Hall on a weekly basis and the staff in the Corporate Services Division process their coin.

Current Transit Fares Include:

All Riders - \$ 2.50

Passes - \$ 37.50 (15 rides, plus 2 bonus rides=17)

Passes - \$ 50.00 (based on 20 rides, plus 2 bonus rides =22)

Transit ridership has continued to decline over the past five years. We have made significant investment and improvements to the transit system with investments in new buses, new shelters, amended bus routes, increased notice of bus times and visibility of transit times, as well as promotion. A comprehensive review of the transit routes were conducted four years ago which included surveys with the ridership and extensive discussions with the bus drivers for feedback. From this consultation, new routes were introduced, yet ridership continued to decline. This service continues to be highly subsidized by the municipality.

In 2022 the City applied for a Micro Transit Study grant opportunity and was successful in the application. This Rural Transit Solutions fund is the first federal fund to target the development of transit solutions in rural communities. It is making \$250 million in federal funding available over 5 years, beginning in 2021, to support the development of locally-driven transit solutions that will help people living in rural communities. With this funding, we will undertake a feasibility study to determine an optimal transit solution for Kenora, and the study will explore ride-sharing, on demand services, and mobility as a service options. The project main deliverable, a Micro-Transit Feasibility Study will summarize the study work undertaken, a preferred conceptual service plan and estimated capital and operating costs. The tender is currently out for the micro-transit feasibility study and the work for this study will be conducted in 2023 with a report available mid year to Council for a decision/direction on the service.

The contract with First Student Canada ends December 31, 2022. In order to continue service until the study is complete, we have asked First Student for a one year extension to the existing contract. This will allow us the time to conduct the study, prepare a recommendation for Council and a decision made for the service in 2024. The extension agreement is before you today.

Budget: 2022 budget for the operation of the transit is \$341,312 with budgeted revenue at \$82,000 with current revenues at \$48,101. In 2020 transit operation cost the municipality \$329,929 and in 2021 \$322,079. Granted that both of these years would have also been impacted by COVID and an even further reduction in transit ridership due to lockdowns and closures. The 2023 extension agreement includes a 6.5% increase for the operation.

Risk Analysis: There is a medium risk associated with this report. Should Council not authorize the extension of the agreement, conventional transit services would cease on January 1st, 2023. While this is a decision of Council, there would be an impact to users of the transit system and a gap with this type of transportation service available until a new solution is found.

Communication Plan/Notice By-law Requirements: A bylaw is required for the execution of the transit agreement.

**EXTENSION OF AGREEMENT TO PROVIDE TRANSPORTATION SERVICES FOR
CITY OF KENORA**

THIS EXTENSION AND AMENDMENT TO CONTRACT is made and entered into as of the ___day of December, 2022, by and between the City of Kenora and First Student, ULC.

WITNESSETH:

WHEREAS, the Parties entered into that certain Agreement dated January 1st, 2018 (hereinafter the "Contract"); and

WHEREAS, the current Agreement shall terminate on December 31st, 2022;

WHEREAS, the Parties desire to amend and extend the Agreement;

NOW THEREFORE, the Parties mutually agree as follows:

1. Term. The Agreement shall be extended for one (1) additional year until December 31, 2023.

2. Rates of Compensation. The rates of compensation are attached as Exhibit A.

Except as amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Extension has been signed and executed in duplicate on behalf of the Parties by persons duly authorized on the day and year written below.

City of Kenora

First Student, ULC

By: _____

Title: _____

Dated: _____

By: _____

Title: _____

Dated: _____

**City of Kenora
Transportation Rates
Jan 1, 2023 - Dec 31, 2023**

6.50%

2023

Regular Home-To-School

Hourly Transportation Rate Municipal Owned bus

97.76

Hourly Transportation Rate Contractor Owned bus
(Spare bus)

99.62

Disinfecting/Cleaning

Per Bus Per Day

9.86



November 29, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Roberta Marsh, Director of Human Resources, Risk & Insurance

Re: City/CUPE Joint Gender Neutral Job Evaluation

Recommendation:

That Council receive the following report for information purposes.

Background:

The Pay Equity Act was enacted in 1987, the purpose of the act is to redress systemic sex-based wage discrimination in Ontario workplaces. The Act applies to all public sector employers and all private sector employers with more than ten employees, to all employees of these employers, and to their bargaining agents.

The Act requires assessment of all jobs in an organization and an unbiased comparison of the work done by women to the work done by men in order to determine whether the women are being compensated equitably. The CUPE Gender-Neutral Job Evaluation Plan is recognized nationally as best practice to achieve Equal Pay for Work of Equal Value.

Job Evaluation is the process that measures the value of jobs in relation to each other: this value is expressed in points. These points support the organization, determination, and placement of individual jobs on the salary/wage schedule that is negotiated through Collective Bargaining. Job evaluation applies the following principals in the assessment and determination of the value:

- a) The jobs is rated on the content of job, and not the performance of the incumbent(s).
- b) Jobs are evaluated without regard to existing wage rates;
- c) Jobs are rated against established degree levels in each of the factors in a consistent and objective manner.

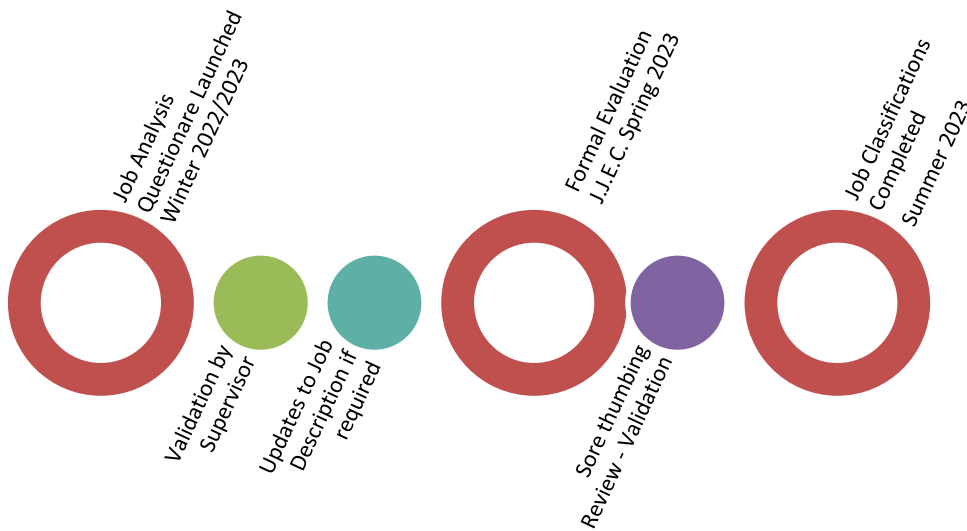
On November 14, 2022 The City of Kenora and CUPE Local 191 renewed our shared commitment to carry out Joint Gender-Neutral Job Evaluation in accordance with the general objectives and principles set out in CUPE Gender-Neutral Job Evaluation Program.

The Parties have agreed to Terms of Reference that will guide and support the process including the procedure for maintenance and outlines the mandate for the Joint Job Evaluation Committee (J.J.E.C.)

The J.J.E.C. consists of equal representation and participation from the parties, 3 representatives from the employer and 3 representatives from the local union. The mandate of the (J.J.E.C.) is to maintain the CUPE Gender-Neutral Job Evaluation Program by:

- a) Evaluating all the jobs using the job evaluation plan;
- b) Maintaining the integrity of the program;
- c) Recommending to the parties changes to the job evaluation plan, its procedures or methods, as may be deemed necessary from time to time.
- d) Recording the results and rationale on the rating sheet and complete the Advice of Rating Form. Copies of the Advice of Rating Form and job description will be provided to the J.J.E.C., Co-chairs, incumbent(s), supervisor and the union.

Joint Job Evaluation Process and Timeline



Budget / Financial Implications:

The City of Kenora achieved pay equity in 2011, classification adjustments have not occurred since that date. That said, if upon review it is determined that pay equity is of concern related to a specific job, compensation adjustment would be required in accordance with the Act. It is anticipated that the budget impacts will be immaterial and managed within the 2023 Operating Budget.

Risk Analysis:

Low financial risk, although it is possible that pay equity may not be achieved in particular job the financial impact would be insignificant to the overall operating budget.

Moderate strategic risk exists as the City of Kenora will be entering into collective bargaining with CUPE Local 191 in December of 2023. This information will be used by both parties to during the course of bargaining.

Impact x Likelihood = Risk Level

Likelihood	Impact				
	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5)	M	H	H	C	C
Likely (4)	L	M	H	C	C
Possible (3)	L	M	M	H	H
Unlikely (2)	L	L	M	M	H

Low operational risk exists as the City of Kenora and CUPE Local 191 have signed the Terms of Reference that guides the process, this will ensure that process runs smoothly with limited disruption to the operation.

Communication Plan/Notice By-law Requirements:

The J.J.E.C will develop and manage joint communications to support education and awareness amongst employees within the CUPE Bargaining group.

Strategic Plan or other Guiding Document:

Charting Our Course 2027 – Strategic Plan

- 4.2 Maximize human capacity and capability
- 4.3 Improve the fiscal planning capacity of our administration.
- 4.4 Enhance City communications to the community on municipal services, developments and affairs.



November 29, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Roberta Marsh, Director of Human Resources, Risk & Insurance

Re: 2023 Economic Adjustment - Professional & Managerial Pay Grid

Recommendation:

That Council hereby review and consider economic adjustment to the Professional and Managerial Pay Grid effective January 1, 2023, in accordance with HR-3-1 Salary Administration Policy.

Background:

Economic adjustments to the Management Pay Grid may be authorized by Council through budget approval.

Factors to be considered when any adjustment is to be made to the Professional and Managerial Pay Grid shall include:

- Ability of the Municipality to pay based on approved budget guidelines.
- Wage and benefit package approved by Council for City employees covered by CUPE, IBEW, and KPFFA Collective Agreements
- Effective date for any economic adjustment.

For 2023 negotiated wage increases for the City's bargaining groups are as follows:

CUPE – Main	1.5%
IBEW	1.5%
KPFFA	1%
CUPE - Library	1.5%

In 2022 the Management Pay Grid received and economic adjustment of 1.5%, this increase was consistent with the negotiated increases collectively bargained for CUPE (Main and Library) and IBEW.

The following options for economic adjustment are available for Council consideration:

- 1.5% effective January 1, 2023, reflective of the increase received by CUPE (Main and Library) and IBEW. This option ensures that the salary differential is maintained for those who supervise employees within the above noted bargaining units.
- 1.37% effective January 1, 2023, reflects an average of the increases received by all bargaining groups.
- An economic adjustment at a level determined by Council
- No economic adjustment

Budget / Financial Implications:

Council approved economic adjustment will be built into the 2023 Operating Budget. A 1.5% economic adjustment to the Management Pay Grid equates to approximately \$74,542.00

Risk Analysis:

Economic adjustment to salaries presents a Moderate Risk to operating budgets.

Inflation rates present a high risk to compensation. It is unclear as to whether or not these higher rates will become the new norm or are merely a short term market pressure stemming from the pandemic-altered economy. Compensation presents a High Risk to the City’s ability to attract and retain talent.

Impact x Likelihood = Risk Level

Likelihood	Impact				
	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5)	M	H	H	C	C
Likely (4)	L	M	H	C	C
Possible (3)	L	M	M	H	H
Unlikely (2)	L	L	M	M	H

Communication Plan/Notice By-law Requirements: N/A

Strategic Plan or other Guiding Document:

Charting Our Course 2027 – Strategic Plan

- 4.2 Maximize human capacity and capability
- 4.3 Improve the fiscal planning capacity of our administration.
- 4.4 Enhance City communications to the community on municipal services, developments and affairs.

December 2, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Marco Vogrig P.Eng., Acting Director of Engineering and
Infrastructure Services
David Mellor, P.Eng., Project Engineer

Re: Coker Road Update

Information Report Only:

The purpose of this report is to provide an update to Council on the status of the Coker Road.

During May and early June of the 2022 flooding event, a 370 m long portion of the Coker Road was inundated by approximately 0.45 m to 0.75 m of flood waters. The flooding resulted in the closure of the road.

Figure 1 below displays the location of the area affected by the flood waters and road closure.

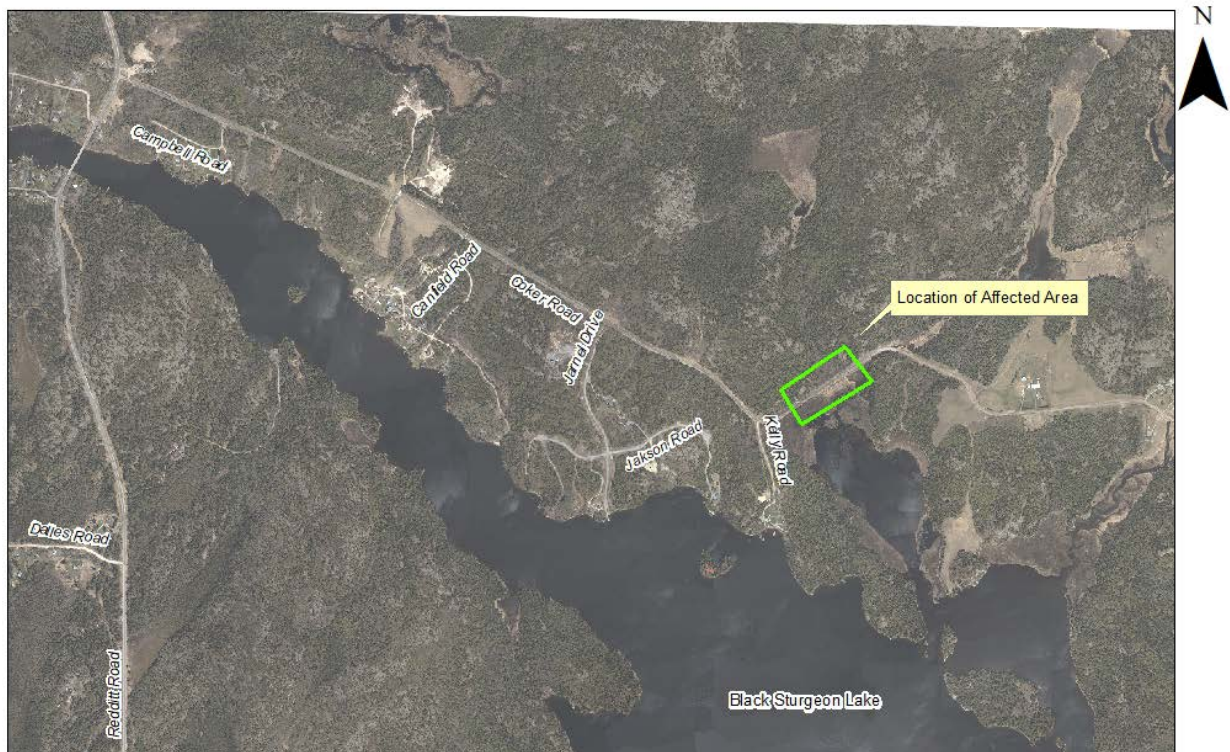


Figure 1: Coker Road Location Plan

The prolonged submersion of the road surface resulted in extensive potholes, granular surface degradation, and other surface deformations to be repaired prior to opening the road for public use.

As the flood waters began to stabilize in early June, the Emergency Operating Committee determined that rehabilitation and potential grade raise work should be considered to reopen the affected area of the Coker Road. During a June 10th, 2022 Special Meeting of Council, a report was presented detailing the damage sustained to the Coker Road and laid out options for Council consideration. A resolution was passed to allocate funds to support the work.

Contractors completed the rehabilitation and grade raise work on June 28th, 2022 resulting in the reopening of the Coker Road. Included in the scope of work was road sub-base and base support, replacement and installation of additional storm water drainage culverts and granular surface placement.

The existing road base was assessed to be stable given the age of the Coker Road, indications of previous stabilization work completed prior to amalgamation, and no known history of significant settlement in the road after amalgamation. Engineering staff anticipated some settlement would occur and initiated a bi-annual monitoring program with measurements occurring after the spring thaw and prior to the winter freeze. The first set of measurements occurred on October 28th 2022, which indicated minimal amounts of settlement typical of a granular road construction project.

During grading operations on November 2nd, 2022, a City staff member reported a concern with the road as it appeared to have settled in a localized area. The road was promptly inspected on November 2nd confirming settlement was occurring outside of typical levels. The morning of November 3rd the Coker Road had settled in excess of 1m from its June 2022 level. Given the extreme change in condition over a short time period the Coker Road was closed to the public.

The area was monitored daily from November 3rd to November 10th 2022 to measure settlement. The settlement appeared to subside on November 6th. The two photos below show the affected area both during construction in June and on November 8th. Additional time was given from November 6th to the 10th to confirm staff observations that settlement had subsided.



Figure 2: Left Photo: November 8 / Right Photo: June 28

The length of the settlement area is approximately 90 m longitudinally. Referencing the photos above, the north lane abutting the bedrock can be observed to be experiencing more substantial settlement, thus creating an unstable road surface. The south lane has experienced settlement over the same longitudinal area however, the surface appears to be more stable and observations indicate that it experiences less severe changes.

Given our findings, rehabilitation efforts began on November 14th, 2022 where geotextile and geogrid stabilization fabrics, a culvert, and granular materials were added to the affected area. Monitoring continued during construction and isolated settlement persisted however, the amount of settlement appeared to be reducing indicating the road was beginning to stabilize.

Material placement continued through to November 22nd in an effort to stabilize the road base which proved to be unsuccessful. On November 24th bedrock refusal drilling was performed which indicated bedrock depths ranging from 13.5m to 17.5m below grade. Given the depth to bedrock, soil type observed during test pitting, and level of effort undertaken to stabilize the road to date, the decision was made to cease rehabilitation operations.

A detailed geotechnical analysis is required to determine a solution to stabilize the Coker Road. The City's Engineering Department does not have the capacity or specialized knowledge to complete this level of geotechnical analysis in house. Stantec has been engaged through the City's General Engineerings Services Agreement to complete the work.

The geotechnical analysis will include borehole drilling to determine the soil type, stratification and bearing capacity parameters. The results of the geotechnical analysis is anticipated to provide a long term solution and associated cost estimates to stabilize the road. Concurrently, City engineering staff will be assessing alternate solutions outside the scope of Stantec's geotechnical analysis such as relocation of this section of road to ensure all viable options are entertained.

Administration understands the impact the closure of the Coker Road has on residents and service providers in the area. In addition to a long term stabilization plan, Stantec will be providing an opinion on the City's ability to reopen the road a short term basis in its current condition. This could involve opening the road to a single shared lane arrangement for the winter.

Currently, potential option(s), future scopes of work, and a work schedule are to be determined based on the results of the geotechnical investigation with a further follow up report to Council upon receipt of the geotechnical findings.



December 5, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

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

**Re: Application to the Ontario Trillium Foundation - Resilient
Communities Fund**

Recommendation:

That Council hereby authorizes a funding application to the Ontario Trillium Foundation (OTF) under its Resilient Communities Fund by The Muse.

Background:

The Resilient Communities Fund is a funding envelope to support recovery efforts for Municipalities as a result of COVID 19. This funding is intended to support projects that are immediate, medium and longer-term recovery projects.

Applicants can apply for up to \$200,000 and there is no requirement for the municipality to co-fund the project.

Projects should demonstrate how the project helps to rebuild an organization's capacity, enhance its resiliency, and meet changing needs of the community that focus on:

- Developing new approaches;
- Starting new activities;
- Adjusting strategies, or
- Planning for future challenges.

Administration feels that the planned Muse project is a good fit for the criteria identified. The project is to purchase a large document scanner that is capable of scanning the bound copies of the Miner and News (which were donated to the Lake of the Woods Museum during COVID) as well as the rest of the archival collection. The digitization of the collection ensures the continued preservation of fragile and at-risk documents and the continued use of those documents without physical handling which can degrade them. In addition, the hiring of part-time contract staff, a Digitization Coordinator, will be included in the grant application. This person will oversee the project and train the volunteers in the use of the equipment.

The total amount of the request from OTF will be \$110,000.

Budget: There is no negative financial impact related to this application. OTF does not require a financial contribution from the applicant for this funding envelope.

Risk Analysis: The financial risk of this application is related to not submitting a funding application. If successful, the City of Kenora will be in an improved financial position.

Communication Plan/Notice By-law Requirements: By-law if contribution agreement is received from the Ontario Trillium Foundation.

Strategic Plan or other Guiding Document:

This application aligns with the 3-year Strategic Plan of The Muse (2021-2023):

Vitality: Strength in Resources

1.4.1 Ensure the preservation of vulnerable collections.



December 5, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Stace Gander, Director of Community Services
Megan Dokuchie, Economic Development Officer**

**Re: Application to FedNor – Investment Attraction Strategy and
Implementation Project**

Recommendation:

That Council approves an application to FedNor in the amount of \$270,000 for the delivery of an Investment Attraction Strategy and Implementation Project; and further

That Council confirms its financial commitment of up to \$30,000 for the project to be funded through Municipal Accommodation Tax revenues; and further

That Council hereby approves any cost overruns associated with the project.

Background:

The COVID-19 global pandemic greatly impacted the momentum of planned development in the City of Kenora. Projects that had been positioned to break ground were suddenly stalled. At the time, City staff shifted focus on assisting local businesses with response and recovery. Looking ahead, the City of Kenora will focus on a strategy to accelerate investment attraction, economic growth and recovery. This will include creating resources that will support the attraction of new development activity to the municipality.

The 2022 City of Kenora Strategic Plan includes the focus area of Tourism, Economic Growth and Development. To enable this, the plan prioritizes the activation of the 2021 Five Year Tourism and Economic Development Strategy. The Tourism and Economic Development Strategy includes the goal to generate new development, business growth and economic diversity through objectives including to support the growth and retention of local businesses and growth in emerging sectors.

To achieve this objective, the strategy outlines several tactics. Specifically, to “position Kenora to take advantage of strategic sector opportunities” which includes well defined actions. Current external developer market data is outdated and there is the need to redevelop materials and data in order to maximize effectiveness in supporting investment attraction efforts.

City staff are proposing to deliver an Investment Attraction Strategy and Implementation project which will outline new and innovative ways to facilitate business growth, retention and investment that align with local and regional economic trends, emerging opportunities and the needs of developers.

Project outcomes include:

1. The delivery of a comprehensive and well-researched understanding of current and forecasted economic clusters and specific sectors of importance to Kenora and how they may evolve in the future, including if proposed major industrial projects in the Northwestern Ontario region are realized. This includes understanding Kenora's current labour conditions and labour needs required to support growth of different sectors;
2. The identification of tangible actions the City and its partners can implement to better position Kenora to attract new investment in current and emerging sectors, including spinoffs from proposed major industrial projects in the Northwestern Ontario region; and
3. The development of innovative, modern, and effective investment facilitation materials and instruments across different mediums for specific types of development.

The project is anticipated to be delivered in two phases to include:

- a) The assessment of current and future states of key traditional and emerging economic sectors, including Kenora's current position to attract labour force and as a place for investment; and
- b) The development and implementation of broad and sector-specific marketing initiatives for the municipality and its partners to promote Kenora as a place for investment and employment alongside the development of a suite of investment materials across different mediums that are modern, visually appealing, and targeted to broader and sector-specific audiences.

Budget: The total estimated cost for this project is \$300,000. Funding assistance from FedNor will be requested at 90 percent of eligible costs. The City of Kenora contribution will be allocated from Municipal Accommodation Tax revenues.

Risk Analysis: This application has the potential to significantly reduce financial risk to the municipality in the completion of this initiative. There is risk to not apply. Should this application be approved, financial assistance will contribute to 90 percent of eligible project costs.

Communication Plan/Notice By-law Requirements: None.

Strategic Plan or other Guiding Document:

2022-2027 City of Kenora Strategic Plan

2.1.5 Activate the City of Kenora 5-Year Tourism and Economic Development Strategy and initiate an update of the Strategy by 2027.

2021 Five Year Tourism and Economic Development Strategy

TACTIC – Position Kenora to take advantage of specific strategic sector opportunities

1. Assess current state of economic conditions to understand relevant priority sectors;
2. Undertake analysis of priority sectors to support Kenora's economic competitiveness;
3. Utilize sector profiles to support investment attraction efforts;
4. Research proposed major industrial projects in Northwestern Ontario and determine potential opportunities associated for Kenora to capture;
5. Explore strategies to capture economic spinoffs resulting from major industrial and resource development projects tentatively planned or being assessed in the region (e.g. MNWO, Ring of Fire);
6. Conduct a Labour Market Needs and Retention Strategy for specific sectors.