

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 3156

Being a by-law to govern the proceedings and the calling of meetings of Council and Committees of the Town of Kapuskasing.

WHEREAS Section 238(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Municipal Act, 2001, S. O. 2001, as amended, provides that meetings shall be open to the public subject to prescribed exemptions;

AND WHEREAS the Council of the Corporation of the Town of Kapuskasing wishes to enact a new Procedural By-Law which reflects the objective of open and accountable government;


AND WHEREAS Kapuskasing Council deems it expedient to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING HEREBY ENACTS AS FOLLOWS:

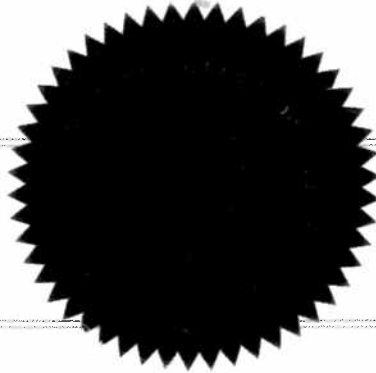
1. Schedule "A", as attached, forms part of this By-law and is hereby adopted.
2. By-Law No. 2380 and 2474 are hereby repealed.
3. That this By-Law is deemed to have come into force and take effect on the date of its passing.

ENACTED AND PASSED THIS 13TH DAY OF SEPTEMBER, 2010.

UNDER THE SEAL OF THE CORPORATION OF THE TOWN OF KAPUSKASING.


Mayor


Clerk



SCHEDULE "A" TO BY-LAW 3156

PROCEDURAL BY-LAW

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PROCEDURAL BY-LAW

1.0 DEFINITIONS

- 1.1 "CHAIR" means the Chairperson of a Department.
- 1.2 "CHIEF ADMINISTRATIVE OFFICER" means the Chief Administrative Officer of the Town.
- 1.3 "CLERK" means the Clerk of the Town.
- 1.4 "CLOSED MEETING" means a meeting closed to the public and as defined in Subsection 5.5 (a) of this By-Law.
- 1.5 "COMMITTEE" means any advisory or other committee, subcommittee or similar entity in which at least 50 per cent of the members are also members of Council.
- 1.6 "COUNCIL" means the members of the Council of the Town of Kapuskasing.
- 1.7 "DEPUTY MAYOR" means a Member who has been appointed as Deputy Mayor by Council.
- 1.8 "EMERGENCY" means a situation or pending situation that presents an urgent matter which is required to be dealt with in the most expedient manner.
- 1.9 "EX-OFFICIO MEMBER" means the Mayor.
- 1.10 "MAYOR" means the Head of Council or Member acting in the capacity of the Mayor.
- 1.11 "MEETING" means any Regular, Special, Committee or other meeting of Council.
- 1.12 "MEMBER" means a member of Council including the Head of Council.
- 1.13 "NOTICE" means notice provided by the Clerk's department of a meeting of Council in accordance with the requirements of the Procedural By-Law.
- 1.14 "QUORUM" means a majority (more than half) of the whole number of members of Council or a Committee except where it is reduced by the *Municipal Conflict of Interest Act*
- 1.15 "TOWN" means the Town of Kapuskasing.

2.0 INTENT OF BY-LAW

2.1 The rules and regulations contained in this by-law shall govern all proceedings of Council and shall be the rules and regulations for the dispatch of business by Council and its Committees as defined by Section 238 of the *Municipal Act, 2001, S. O. 2001, c.25*, as amended.

3.0 LOCATION

3.1 Meetings of Council shall be held in the Council Chambers, 88 Riverside Drive, Kapuskasing or such other place as Council from time to time may designate.

4.0 GENERAL RULES

4.1 The Mayor shall preside at all meetings of Council.

4.2 When the Mayor is absent or refuses to act, or the office is vacant, the Deputy Mayor shall act in the place of the Mayor.

4.3 The Mayor may expel from a meeting anyone who engages in improper conduct.

4.4 Should there be any difference of opinion on the intention of any of the rules of procedures detailed in this by-law or should some matter be raised that is not covered by this by-law, the official authority shall be Robert's Rules of Order.

4.5 In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Act* and the *Municipal Conflict of Interest Act*.

5.0 MEETINGS

5.1 REGULAR COUNCIL MEETINGS AND NOTICE OF MEETINGS

- a) Council meetings shall be held in the Council Chambers commencing at 5:00 p.m. as per the annual meeting schedule approved by Council.
- b) Council may alter the date and/or time of meeting provided that adequate notice of the change is undertaken.
- c) Notice of Council meetings shall be provided by means of an annual calendar of meeting dates which is approved by Council and is distributed to the Members, Chief Administrative Officer, General Managers, the local media and is available to the Public at the Clerk's office.
- d) Notice of Council meetings is posted monthly at the Civic Centre bulletin board and is available to the Public at the Clerk's office.

5.2 SPECIAL MEETINGS AND NOTICE OF MEETINGS

- a) The Mayor may, at any time, summon a special meeting.
- b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of Council members for the purpose and at the time and date mentioned in the petition.

- c) In either case of 5.2 a) or 5.2 b) the meeting shall be held not sooner than 24 hours, or as practicable, following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk and is available to the Public at the Clerk's office.
- d) Notice of Special Council meetings shall be provided to Members, Chief Administrative Officer and the local media by means of memorandum delivered, or sent via facsimile or e-mail, to be determined at the discretion of the Clerk.
- e) Meeting agendas will be sent via electronic e-mail to local media.

5.3 **INAUGURAL MEETING**

The inaugural meeting of Council after a regular election shall be held no later than the third Monday in December after Council take office.

5.4 **OPEN MEETINGS**

All Council and Committee meetings shall be open to the public.

5.5 **RULES FOR CLOSED MEETINGS**

- a) Notwithstanding Paragraph 5.4 above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered is in accordance with the *Municipal Act 2007*, S. O. 2001, c.25 as amended.
- b) All deliberations while in Closed Meeting shall remain confidential.

6.0 **AGENDAS**

6.1 The Clerk shall in consultation with the Chief Administrative Officer:

- a) Prepare Council agendas; and
- b) Accept items for agendas from the Chief Administrative Officer, Mayor or from members of Council or Committees.

6.2 Council agendas, along with supporting information, shall be prepared and made available to members, the Chief Administrative Officer and General Managers on the Friday prior to the meeting.

6.3 The Clerk shall have the agenda sent via electronic mail to the local media on the Friday prior to the meeting and supporting information will be distributed to the local media at the meeting.

6.4 The business of Council meetings shall be taken up in the order as listed on the agendas unless otherwise decided by the Mayor and Council.

6.5

Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law.

- (a) *Playing of O Canada.*
- (b) *Declaration of Conflict of Pecuniary Interest and General Nature Thereof.*
- (c) *Approval of Agenda.*
- (d) *Presentations*
- (e) *Adoption of Minutes*
- (f) *Unfinished Business.*
- (g) *Correspondence.*
- (h) *Reports*
- (i) *Staff Report*
- (j) *Motions and Notices of Motion.*
- (k) *General Items and New Business.*
- (l) *By-Laws.*
- (m) *Motion to Move to Closed Meeting*
- (n) *Adjourn from Closed Meeting*
- (o) *Report from Closed Meeting.*
- (p) *Confirmatory By-Law*
- (q) *Adjournment.*

7.0

PRESENTATIONS, PETITIONS AND DELEGATIONS

7.1 Individuals or groups wishing to address Council shall notify the Clerk in writing no later than the Wednesday preceding a Council meeting by providing the Clerk with a written copy of the presentation, unless otherwise approved by the Chief Administrative Officer or Mayor. Requests for deputations may be considered by the Mayor to be heard at the Council meeting regarding time sensitive matters or as otherwise deemed appropriate.

7.2

Individuals or groups shall be limited in speaking to not more than ten (10) minutes.

7.3

Verbal presentations to Council may be made in English or French.

8.0

MINUTES OF THE MEETING

8.1 The Clerk shall prepare the minutes of meetings of Council in accordance with the provisions of the *Municipal Act 2001*.

8.2

At each duly constituted meeting of Council, the minutes of the preceding Council and any Special meeting, shall be submitted for adoption and, after they have received approval by the majority of the members present, shall be signed by the Mayor and Clerk.

9.0

NO QUORUM

9.1 If no quorum is present 15 minutes after the time appointed for a Council meeting or Special Council meeting, the meeting shall stand adjourned.

9.2 If at any time during the meeting there is no quorum, the meeting shall be deemed be recessed until quorum is resumed. In the event that lack of quorum continues after 15 minutes, then the meeting shall be adjourned.

10.0 ROLE OF COUNCIL

10.1 It is the role of Council to carry out the responsibilities as outlined in the *Municipal Act*.

11.0 DUTIES OF THE MAYOR

In addition to the responsibilities outlined in the *Municipal Act* it shall be the duty of the Mayor to:

- a) Open the meeting by taking the chair and calling the members to order;
- b) Announce the business before Council in the order in which it is to be acted upon;
- c) Receive and submit all motions presented by the members;
- d) Put to a vote all questions which are moved and seconded and announce the results;
- e) Decline to put to vote motions which infringe upon the rules of procedure;
- f) Preserve order and decide questions or order.
- g) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation;
- h) Inform Council when necessary on a point of order or usage;
- i) Authenticate by signature all by-laws and minutes of Council and Special Council meetings;
- j) Call by name any member persisting in breach of the rules or order of Council thereby ordering the member to vacate the Council Chambers;
- k) Order any individual or group in attendance at the meeting to cease any behaviour which disrupts the order of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.
- l) Adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;
- m) Recommend to Council the Members of Council who are to serve on Committees;
- n) Enforce on all occasions the observance of order and decorum among the members;
- o) Represent and support Council, declaring its will and implicitly obeying its decisions in all things;
- p) Be ex-officio member of all Municipal Committees.

12.0 RULES OF CONDUCT

12.1 No Member shall:

- a) Be allowed to address Council or speak in debate without the permission of the Mayor;
- b) Use offensive words or unparliamentary language in or against Council or against any members, staff or guest;
- c) Disturb another, or Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- d) Speak on any subject other than the subject in debate;
- e) Resist the rules of Council or disobey the decisions of the Mayor or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- f) Leave a meeting without first obtaining permission from the Mayor or presiding officer;

- g) Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of Council, until the next meeting and without making an apology to Council; and
- h) Interrupt the member who has the floor except to raise a point of order.

13.0 RULES OF DEBATE

- 13.1 Every Member when speaking to any question or motion shall respectfully address the Mayor.
- 13.2 If the Mayor wishes to take part in the debate, the Mayor must leave the Chair and call upon another member to act in his/her place

14.0 MOTIONS

- 14.1 Insofar as practicable, all motions shall be in writing and signed by the mover and seconder.
- 14.2 Notice of motions, given in writing, except those listed in Paragraphs 14.9, 14.10 and 14.11, shall dealt with at the subsequent Council meeting.
- 14.3 Any motion may be introduced without notice if Council agrees on a majority vote to dispense with notice.
- 14.4 Any motion must be formally seconded before the question can be put or recorded in the minutes.
- 14.5 When a motion is presented to Council in writing it shall be read, or, if it is an oral motion, stated by the Mayor.
- 14.6 A motion to amend shall:
 - a) be presented verbally or in writing;
 - b) be dealt with by Council before a previous amendment of the main motion;
 - c) not be further amended more than once provided that further amendment be relevant to the main motion;
 - d) not propose a direct negative to the main motion.
- 14.7 After a motion to amend is presented, no member shall speak to the question nor shall any other motion be made until after the vote on the amendment is taken and the result is declared.
- 14.8 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 14.9 The following matters and motions may be introduced without written notice except as otherwise provided by these rules:
 - a) a point of order or personal privilege;
 - b) presentation of petitions;
 - c) to table.

14.10 The following motion may be introduced without notice but such motions shall be in writing and signed:
a) to adjourn.

14.11 The Chief Administrative Officer may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 14.2.

14.12 FRIENDLY AMENDMENTS

A friendly amendment is an amendment to a motion under debate that is perceived to parties as an enhancement to the original motion. Friendly amendments may be permitted by the Mayor after consent from the original mover of the motion and then by all of Council.

15.0 POINTS OF ORDER AND PRIVILEGE

15.1 Any member may appeal the decision of the Mayor, and the Council if appealed to, shall decide the question without debate and its decision shall be final.

16.0 VOTING

16.1 Voting shall be undertaken in accordance with the provisions of the *Municipal Act*.

16.2 Voting shall be by means of a show of hands either in favour of the motion or against the motion.

17.0 BY-LAWS

17.1 Every by-law shall be introduced upon motion by the Mayor specifying the title of the by-law.

17.2 Every by-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.

17.3 Every by-law enacted by Council shall be numbered, dated, signed by the Mayor and Clerk and embossed with the seal of the Corporation and shall be deposited with the Clerk for safekeeping.

17.4 Council shall employ a confirmatory by-law immediately prior to adjournment for the purpose of validating decisions or direction given and not set out in a by-law.

17.5 Any proposed by-law may be referred for review and comment, including the solicitor for the Corporation.

18.0 DISCLOSURES OF PECUNIARY INTEREST

18.1 Any member who has a direct or indirect pecuniary interest on matters brought before Council or Committee is required to make a disclosure of his/her interest and general nature thereof and shall refrain from discussing or voting on the particular matter.

18.2 The Clerk shall record the member's disclosure of pecuniary interest and general nature thereof in the minutes.

19.0 DEPARTMENTAL REPORTS TO COUNCIL

19.1 The Mayor shall present recommendations on the composition of the two Members appointed to the respective Departments and such appointments will occur at the first meeting of Council following an election. The appointment of the Members shall be by means of Council resolution and will be for the term of Council, with the resolution denoting the Chair for the Department. The other Councillor shall act as Chair for the department in the absence of the Chair.

19.2 In the event of vacancy occurring in the office of a member appointed to a respective Department during any term, the Council shall appoint a substitute member for the remainder of the term.

19.3 There shall be six municipal departments providing reports to Council and these shall be established as follows: Recreation and Culture, Finance, Health, Protective Services, Planning and Public Works.

19.4 Municipal Staff for each department shall prepare reports and recommendations for submission by the respective General Managers and for approval by the Chief Administrative Officer. The reports will be presented to Council for consideration by the Chair for the Department.

19.5 The Department Chair may, at his/her discretion, refer a matter of an urgent nature to Council or the Closed meeting, provided it is in accordance with 5.5.

20.0 DUTIES OF DEPARTMENT CHAIR

20.1 Subject to the approval of Council, except where otherwise provided, the respective Chair of the Department shall exercise the following duties:

A) RECREATION AND CULTURE DEPARTMENT

- (1) Consider and report on all matters concerning recreation programs, recreation facilities, leisure and cultural services, special events, community development, parks, playgrounds, beautification, Kapuskasing Library, Cemetery and other matters as may be referred by Council.
- (2) Consider any policy matters submitted on behalf of administration, committees and boards and make recommendations to Council in this regard.

B) FINANCE DEPARTMENT

- (1) Consider and report on all matters connected with expenditures, revenues, investments, assets, insurance, disposal of lands, airport operations, cost statements, and other matters as may be referred by Council.
- (2) Report on any amendments to the Municipal Act or related acts.
- (3) Ensure that control is exercised over all books, documents, vouchers and securities belonging to the Corporation, pertaining to expenditures and receipts.
- (4) Ensure that General Managers give and maintain the necessary security and control for the performance of their duties pertaining to financing.
- (5) Meet with and consider any requests from the Non-Union Management staff and report same to Council.
- (6) Examine the draft budget and present to Council.

C) HEALTH DEPARTMENT

- (1) Consider and report on all matters relating to health, welfare and social services in Kapuskasing and region, including the Porcupine Health Unit, Cochrane District Social Services Administration Board, North Cochrane District Family Services, Health Care Recruitment and Retention Committee, Accessibility Advisory Committee and other matters as may be referred by Council.
- (2) Be a catalyst in the provision of adequate patient care services through aggressively pursuing the recruitment of physicians qualified to practise as general practitioners, specialists with various credentials, medical personnel such as nurse practitioners and any required support staff.

D) PROTECTIVE SERVICES DEPARTMENT

- (1) Consider and report on all matters relating to fire protection, police protection, emergency management, traffic control and parking, metered parking, animal control, risk management, health and safety and other matters as may be referred by Council.
- (2) Meet with and consider any requests from the Firefighters Association and the Volunteer Firefighters Group and report same to Council.
- (3) Ensure that an adequate and qualified group of volunteer firefighters is available.

E) PLANNING DEPARTMENT

- (1) Recommend measures dealing with licencing and regulating for the safety and well being of the public.
- (2) Consider and report on all matters relating to land use, Zoning, Official Plan, regulations pertaining to buildings and structures, building permits, Business Improvement Area Board of Management, Kapuskasing Economic Development Corporation, requests from the Kapuskasing and District Planning Board, lease or sale of municipal property and other matters as may be referred by Council.

F) PUBLIC WORKS DEPARTMENT

- (1) Recommend to Council works of permanent improvement together with estimated costs.
- (2) Consider and report on all matters dealing with streets, street lighting sidewalks, lanes, bridges, drainage sewers, sewage disposal, garbage collection and disposal, municipal infrastructure, capital construction, Drinking Water Quality, water and sewer treatment plants, Cochrane-Timiskaming Waste Management Board, Kapuskasing-Moonbeam Landfill Site Management Board and other matters as may be referred by Council.
- (3) Meet with and consider any requests from the Canadian Union of Public Employees and report on same to Council.

21.0 DEPARTMENTAL MEETINGS

- 21.1 Meetings of Departments shall be held as and when deemed necessary by the Chair.
- 21.2 In addition to the attendance of the Departmental Chair, General Managers and other resource staff shall be in attendance in an advisory role as delegated by the Chief Administrative Officer or alternate.
- 21.3 The Clerk or designate shall be Secretary for all Departmental meetings.
- 21.4 The minutes of Departmental meetings shall be forwarded to Council.