

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 2380

Being a by-law to govern the proceedings of Council and Committees of the Town of Kapuskasing and to repeal By-Law No. 1773.

WHEREAS, pursuant to Section 55 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994, every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS, pursuant to Section 102 of the Municipal Act, R.S.O. 1990, Chapter M.45, every Council may pass by-laws to govern the conduct of its members;

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

1. The rules and regulations contained in this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the dispatch of business by Council and its Committees.

COUNCIL MEETINGS

2. Regular meetings of Council shall be held in the Council Chambers, or at such place as Council from time to time may appoint, every third Monday at 5:00 p.m., commencing on the third Monday of the month of January.
3. The inaugural meeting of Council after a regular election shall be held not later than the second Monday in December or at its first regular meeting prior to the second Monday in December after the newly appointed or reappointed members of Council take office.
4. When the day for a regular meeting of Council is a public or civic holiday, Council shall, unless Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.
5. Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted and/or published in local newspapers.
6. (a) The Head of Council 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 (a) or (b) above, the special meeting shall be held not sooner than 48 hours following the Head's summons or receipt of the petition, as the case may be and the Clerk shall provide written notice of the special meeting immediately following receipt of the summons or petition.
 - (d) Notwithstanding the notice requirement set out above, in the event of a bona fide emergency the meeting may be held as soon 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.
 - (e) Unless otherwise specified in the notice described in Paragraph 6(c) above, a special meeting shall be held in the Council Chambers.
 - (f) The notice of a special meeting shall specify the purpose for the meeting.
- 7.
- (a) The Mayor shall preside at all meetings of Council.
 - (b) When the Mayor is absent or refuses to act, or the office is vacant, the Deputy Mayor shall act in the place and stead of the head, and, while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor.
 - (c) Notwithstanding Paragraph 7(b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
 - (d) The Mayor or presiding officer may expel from a meeting anyone who engages in improper conduct.
- OPEN MEETINGS
- 8.
- (a) All Council and Committee meetings shall be open to the public.
 - (b) Notwithstanding Paragraph 8(a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - i) *the security of municipal property;*
 - ii) *personal matters about an identifiable individual including municipal employees;*

- iii) *a proposed or pending acquisition of real property for municipal purposes;*
 - iv) *employee negotiations or labour relations;*
 - v) *litigation or potential litigation including matters before administrative tribunals, affecting the Town;*
 - vi) *a matter in respect of which Council or a Committee of Council has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament.*
 - vii) *the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose.*
- (c) Before all or part of a meeting is closed to the public, Council shall state:
- i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter(s) considered at the closed meeting.
- (d) Subject to subsection (e), a meeting shall not be closed to the public during the taking of a vote.
- (e) Despite Paragraph 29 a meeting may be closed to the public during a vote if,
- i) Paragraph 8(b) permits or requires a meeting to be closed to the public; and,
 - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- (f) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

MINUTES OF THE MEETING

9. (a) The Clerk shall prepare the minutes. The Clerk shall sign the minutes immediately to substantiate their authenticity until they are signed by the Mayor or Deputy Mayor following approval by Council.
- (b) At each duly constituted regular meeting of Council, the minutes of the preceding regular meeting, and any special meeting, shall unless otherwise decided by Council, be submitted for adoption and, after they have received approval by the majority of the members present, shall be signed by the Mayor.

AGENDAS AND SUPPORTING MATERIAL

10. (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- (b) Insofar as is practicable, Council and Committee agendas, along with supporting material, shall be prepared and made available to members on the Thursday prior to a regular meeting.
- (c) The business of Council and Committee meetings shall be taken up in the order as listed on the agendas unless otherwise decided by the Mayor or the presiding officer.
- (d) Individuals or groups wishing to appear at a regular meeting shall advise the Clerk not later than noon on the Wednesday prior to a regular meeting or may be heard by leave of the presiding officer, but shall be limited in speaking to not more than ten (10) minutes. At the Mayor or Chair's discretion, this time may be extended, but is not to exceed twenty (20) minutes total time. A delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes. Verbal presentations to Council or Council Committee may be made in English or French. In the case of a presentation in the French language, the Clerk or a person appointed by the Mayor or Chair will be responsible for the translation of the presentation into English.
- (e) Written reports of officers shall, insofar as is practicable, be made available to Council on the Thursday prior to a regular meeting.
- (f) 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) *Conflict of Interest Disclosure.*
 - (b) *Minutes of Previous Meeting.*
 - (c) *Unfinished Business.*
 - (d) *Presentations.*
 - (e) *Correspondence.*
 - (f) *Petitions and Delegations.*
 - (g) *Report of Committees of the Whole.*
 - (h) *Staff Report.*
 - (i) *Motions and Notices of Motion.*
 - (j) *General Items and New Business.*
 - (k) *By-Laws.*
 - (l) *Resolution to Move to an In-Camera (Closed) Meeting.*
 - (m) *Adjournment.*

- (g) The business of Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.

NO QUORUM

- 11. If no quorum is present one-half hour after the time appointed for a Council or Committee meeting, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

CURFEW

- 12. Council and Committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a resolution passed by unanimous vote.

DUTIES OF THE MAYOR

- 13. It shall be the duty of the Mayor or other presiding officers:
 - (a) to open the meeting by taking the chair and calling the members to order;
 - (b) to announce the business before Council in the order in which it is to be acted upon;
 - (c) to receive and submit, in the proper manner, all motions presented by the members;
 - (d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - (e) to decline to put to vote motions which infringe upon the rules of procedure;
 - (f) to enforce on all occasions the observance of order and decorum among the members;
 - (g) to call by name any member persisting in breach of the rules or order of Council thereby ordering the member to vacate the Council Chambers;

- (h) to authenticate by signature all by-laws, resolutions and minutes of Council;
- (i) to inform Council when necessary or when referred to for the purpose, on a point of order or usage;
- (j) to select the members of Council who are to serve on Committees;
- (k) to represent and support Council, declaring its will and implicitly obeying its decisions in all things;
- (l) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation;
- (m) to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;
- (n) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

14. No member shall:

- (a) use offensive words or unparliamentary language in or against Council or against any members, staff or guest;
- (b) disturb another, or Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- (c) speak on any subject other than the subject in debate;
- (d) resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- (e) leave a meeting without first obtaining permission from the Mayor or presiding officer;
- (f) 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.
- (g) interrupt the member who has the floor except to raise a point of order.

15. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

MOTIONS/RULES OF DEBATE

16. Subject to Paragraph 17 and insofar as is practicable, notice of motions, except those listed in Paragraphs 32 and 33, shall be given in writing to the Clerk not later than 4:30 p.m. on the Thursday preceding the next regular meeting so that the matter may be included in the Council agenda package.
17. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
18. Any motion must be formally seconded before the question can be put or a motion recorded in the minutes.
19. When a motion is presented to Council in writing it shall be read, or, if it is an oral motion, stated by the Mayor or presiding officer.
20. (a) A motion to amend shall:
 - i) be presented in writing;
 - ii) be dealt with by Council before a previous amendment of the main motion;
 - iii) not be further amended more than once provided that further amendment may be made to the main motion;
 - iv) be relevant to the main motion;
 - v) not propose a direct negative to the main motion;
21. Once read or stated by the Mayor or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
22. Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
23. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
24. Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.
25. On a recorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.

26. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
27. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
28. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
29. Subject to Paragraph 8(e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
30.
 - (a) Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
 - (b) When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
31. 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.
32. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - (a) a point of order or personal privilege;
 - (b) presentation of petitions;
 - (c) to lay on the table (to defer temporarily);
 - (d) to postpone indefinitely or to a specific day;
 - (e) to move the previous question (immediate vote on the main motion).
33. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
 - (a) to refer;
 - (b) to adjourn;
 - (c) to amend;
 - (d) to suspend the rules of procedure.
34. Except as provided in Paragraph 32 all motions shall be in writing and signed by the mover and seconder.
35. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 16.

36. Council may, from time to time, employ a confirming resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a by-law or resolution.

POINTS OF ORDER AND PRIVILEGE

37. The Mayor or presiding officer shall preserve order and decide questions or order.
38. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

39. No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.
40. Every by-law shall be introduced upon motion by a member specifying the title of the by-law.
41. 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.
42. Every by-law shall be given three readings prior to passage.
43. The first and second readings of a by-law shall be decided without amendment or debate.
44. By-laws may be given three readings on the same day except when requested otherwise by a majority of the members present or as otherwise provided in law.
45. Upon passage by-laws shall be numbered, signed by the Mayor or presiding officer and Clerk and embossed with the seal of the Corporation.
46. Any proposed by-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

STANDING COMMITTEES

47. There shall be the following Standing Committees of Council:
RECREATION AND CULTURE COMMITTEE
FINANCE COMMITTEE
HEALTH COMMITTEE
PROTECTIVE SERVICES COMMITTEE

PLANNING COMMITTEE
PUBLIC WORKS COMMITTEE

Each Committee shall consist of at least two Council members and the Mayor ex-officio.

The Mayor shall present recommendations on the composition of Committees with the Committee members appointed at the first regular Council meeting in December of every year by resolution of Council, with the resolution denoting the Chairperson. The other Councillor on the Committee shall act as Committee Chairperson in the absence of the Chairperson.

DUTIES OF STANDING COMMITTEES

48. Subject to the approval of the majority of Council, except where otherwise provided, the Standing Committees shall exercise the following duties:

RECREATION AND CULTURE COMMITTEE

- (1) Consider and report on all matters concerning recreation programs, recreation facilities, leisure and cultural services, parks, playgrounds, beautification, community pride programs and barrier-free access to recreation facility buildings.
- (2) Provide liaison and review any reports and/or minutes submitted on behalf of the following boards and committees:
 - ▶ Kapuskasing Beautification Committee
 - ▶ Kapuskasing Museum Board
 - ▶ Kapuskasing Library Board
 - ▶ Kapuskasing Citizens Recreation Committee
- (3) Examine the annual budget under committee jurisdiction and make recommendations to Council.
- (4) Consider and regulate all expenditures with specific attention provided to those expenditures that are beyond annual budget provisions.
- (5) Consider any policy matters submitted on behalf of administration, committees and boards and make recommendations to Council in this regard.
- (6) Review on a annual basis and make recommendations to Council regarding the implementation of any adjustments to rental fees for recreation facilities and user fees for recreation programs.
- (7) Consider and report on such matters as may from time to time be referred to the Committee by Council.

FINANCE COMMITTEE

- (1) Consider and report on all matters connected with expenditure, revenue and investments.

- (2) Act as the general government committee and 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 all Heads of Departments give and maintain the necessary security and control for the performance of their duties pertaining to financing.
- (5) Regularly review and report upon accounts payable and taxes in arrear.
- (6) Ensure that all Corporation assets and actions are adequately insured.
- (7) Consider and report on any matters connected with the sale or disposal of lands which may have been acquired through tax registrations.
- (8) Monthly review of all expenditures and revenue and comparison with budget provisions.
- (9) Twice annually have prepared year end budget forecasts.
- (10) Examine the annual budget under Committee jurisdiction and present to Council.
- (11) Consider and regulate all expenditures in the General Government Departments.
- (12) Consider and report on such matters as may from time to time be referred to the Committee by Council.

HEALTH COMMITTEE

- (1) Consider and report on all matters relating to health, welfare and social services in Kapuskasing and region.
- (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.
- (3) Provide liaison and review any reports and/or minutes submitted on behalf of the following agencies:
 - ▶ Porcupine Health Unit
 - ▶ Cochrane District Welfare Administration Board
 - ▶ North Cochrane District Family Services
 - ▶ Cochrane District Homes for the Aged Board of Management
 - ▶ North Cochrane Addiction Services Inc.
 - ▶ Hearst, Kapuskasing & Smooth Rock Falls Counselling Services
 - ▶ Habitat Interlude
 - ▶ Health Care Recruitment Committee
 - ▶ Sensenbrenner Hospital Board
 - ▶ Kapuskasing Regional Doctor's Office Inc. Board

- ▶ Kapuskasing Region Community Health Centre Committee
 - ▶ North Cochrane Social Services Task Force
 - ▶ Long Term Care (L.T.C.) Planning Committee
 - ▶ Ministry of Community and Social Services
 - ▶ Ministry of Health
- (4) Examine specific agency expenditures which impact upon or are subsidized by the municipality.
 - (5) Make recommendations to Council with respect to approval of per capita costs or funding appropriations provided to specific agencies by the municipality.
 - (6) Consider and report on such matters as may from time to time be referred to the Committee by Council.

PROTECTIVE SERVICES COMMITTEE

- (1) Consider and report on all matters relating to fire protection and control.
- (2) Meet with and consider any requests from the Firefighters Association and report same to Council.
- (3) Ensure that an adequate and qualified group of volunteer firefighters is available.
- (4) Monthly review the reports presented by the Fire Chief pertaining to fires, parking tickets issued and number of 911 calls.
- (5) Examine the annual Fire Department budget and present to Council.
- (6) Consider and regulate all expenditures in the Fire Department.
- (7) Consider and report on such matters as may from time to time be referred to the Committee by Council.
- (8) Consider and report on all matters relating to police protection for the municipality.
- (9) Consider and report on traffic control and parking.
- (10) Consider and report on animal control within the municipality.
- (11) Monthly review the animal control reports.
- (12) Consider and report on such matters as may from time to time be referred to the Committee by Council.
- (13) Provide liaison and review any reports and/or minutes submitted on behalf of the Police Services Board.

PLANNING COMMITTEE

- (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 and regulations of buildings and structures.
- (3) Consider and report on all subdivision plans, Zoning By-Law and Official Plan amendments.

- (4) Review all requests submitted to the Kapuskasing and District Planning Board and the Committee of Adjustment pertaining to land severances and minor zoning variances.
- (5) Recommend and report on street lighting within the municipality.
- (6) Consider and report on all matters connected with the leasing or sale of Corporation property.
- (7) Review all subdividers' agreements.
- (8) Make recommendations to Council as required on store closing hours and regulations.
- (9) Regularly review all building permit lists as submitted by the Building Inspector.
- (10) Review all business licencing reports.
- (11) Examine the annual budget under Committee jurisdiction and present to Council.
- (12) Consider and regulate all expenditures in the Other Protection section of the budget.
- (13) Consider and report on such matters as may from time to time be referred to the Committee by Council.
- (14) Review any reports and/or minutes of the Non-Profit Housing Corporation.

PUBLIC WORKS COMMITTEE

- (1) Recommend to Council works of permanent improvement together with estimated costs.
- (2) Consider and report on all matters dealing with streets, sidewalks, lanes, bridges, drainage sewers, sewage disposal, garbage collection and disposal, town cleanliness, pest and insect control and general public safety.
- (3) Be responsible for the proper execution of all works of a capital construction nature.
- (4) Be responsible for the major maintenance and construction of all Corporation buildings and structures.
- (5) Meet with and consider any requests from the Canadian Union of Public Employees and report on same to Council.
- (6) Examine and regulate all expenditures in the Public Works Department.
- (7) Examine the annual Public Works budget and present to Council.
- (8) Consider and report on such matters as may from time to time be referred to the Committee by Council.
- (9) Provide liaison and review any reports and/or minutes submitted on behalf of the Cemetery Board and the Cochrane Timiskaming Recycling Association.

COMMITTEE MEETINGS

49. (a) The Standing Committees shall meet as Committees of the Whole of Council in the Council Chambers, or at such place as Council from time to time may appoint, every third Monday at 5:00 p.m., commencing on the second Monday of the month of January.
- (b) Notwithstanding Paragraph 49(a), Standing Committees of Council shall hold meetings as and when deemed necessary.

COMMITTEE PROCEDURE

50. In the event of a vacancy occurring in the office of a member of the Standing Committees during any term, the Council shall appoint a substitute member to such Committee for the remainder of the term.
51. The Chairperson of each Committee and the members thereof shall hold office until their successors are appointed.
52. A quorum in any Committee is a majority of the voting members of the Committee.
53. The Chairperson of a Standing Committee may, at his/her discretion, refer a matter of urgent nature to the Council, or the In-Camera (closed) meeting, which due to the time element, cannot be properly presented to the next regular meeting of a Committee.
54. The Committee Chairperson, or in his/her absence, the acting Chairperson on the Committee shall preside at every meeting and may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided in the negative.
55. When a point of order is raised or when a member is called to order in a Committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chairperson, subject to an appeal to the members of the Committee.
56. The Committee Chairperson shall be entitled to vote at meetings thereof as a member of such Committee but shall not have a second or casting vote in the event of an equality of votes on any question.
57. A Standing Committee may appoint a special committee from members to investigate and report on any matters related to Committee business, provided that
 - (a) the special committee, in all cases, reports directly to the appointing Committee; and
 - (b) the established special committee does not have the power to appoint additional sub-committees, nor shall it add to its membership without permission from the original Standing Committee.

58. The Clerk/Deputy Clerk shall be the Secretary of all Standing Committees of Council (but he/she may assign his/her duties as Secretary of any Committee to an employee of the Corporation).
59. A copy of the minutes of the Standing Committees shall be forwarded to the Council at least forty-eight (48) hours prior to the next regular Council meeting.
60. Deputations may address a Committee by requesting the Clerk of the municipality, or his/her appointee, to place their name in deputation on the agenda for the particular meeting. Notwithstanding the above and at the Committee's discretion, any deputations other than those listed may be heard on any item appearing on the agenda.
61. No item of business may be dealt with by a Committee after 11:00 p.m. without the consent of a majority of the members.

SUSPENSION OF RULES

62. Any procedure required by this by-law may be suspended with consent of a majority of the member of Council present.

GENERAL

63. When the Mayor is absent on a temporary basis, under no circumstances shall Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by by-law or unless the expenditure is required as a result of an emergency.
64. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act, 1994, upon Proclamation.

65. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this by-law, including any amendments thereto.
66. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of Council and the waiving of notice is prohibited.
67. 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.
68. By-Law No. 1773 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF JULY, 1995.

READ A THIRD TIME AND PASSED THIS 15TH DAY OF AUGUST, 1995.

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

P. Perras
Mayor

Y. Brousseau
Clerk

CONSOLIDATED COPY 2003