

PROCEDURAL BY-LAW NO. 2003-139

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THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2003-139

WHEREAS Procedural By-Law No. 2000-66 sets out comprehensive procedures for Council meetings as required by section 238 of the *Municipal Act*, 2001;

AND WHEREAS it is deemed desirable to consolidated amendments made to the by-law during the term of the Council regarding real estate sale procedures (s. 81), the exchange of lands (s. 81(viii)), prescribed notice under section 251 of the *Municipal Act* (s. 15), to delete an outdated reference to emergency meetings (formerly s. 4); and to recognize the duty of confidentiality at confidential meetings

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

PART 1 - MEETINGS OF THE COUNCIL

Rules of Order

1. In this by-law:

- a) "emergency meeting" means a meeting where the health or welfare of the community is involved.
- b) "corporation" means The Corporation of the City of North Bay.
- c) "Council in Committee meeting" means a meeting of the whole of the council where the Chair of each Committee may act, in turn, as a presiding officer to report to the Council on the deliberations of each Committee.
- d) "Presiding Officer" means
 - i) The Mayor, or
 - ii) in the absence of the Mayor, the Deputy Mayor, or
 - iii) a member appointed pursuant to Section 7.
- e) "Petition" means a written request signed by one or more persons.
- f) "Clerk" means the City Clerk or the Deputy City Clerk.
- g) "member" means any Councillor or the Mayor of the Council.
- h) "Officer" includes the Chief Administrative Officer and all Department Heads employed by The Corporation of the City of North Bay.

Inaugural Meeting

- 2. a) The Inaugural Meeting date shall:
 - i) be established by the retiring Council in each election year
 - ii) be binding upon the new Council;
 - iii) be held not later than the second Tuesday in December; and the meeting shall be held at 7:00 p.m.
- b) The dates of regular Council meetings shall be established by resolution at the inaugural meeting, to commence on the second following Monday.
- c) Council may change the date of any regular meeting by resolution.

Special Meetings

- 3. a) The Mayor may summon a special Council meeting any time upon notice to each member.
- b) Upon the receipt of a petition of the majority of the members, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- c) Notice of special meetings shall be given by the Clerk to each member by telephone or by written notice to the member's usual residence.

Adjournment

- 4. A meeting shall always adjourn by 11:00 p.m. unless a majority of members vote otherwise.

Quorum

- 5. A majority of all members shall constitute a quorum.

Meeting Time

6.
 - a) The Mayor, or in his or her absence, the Deputy Mayor, shall call members to order as soon after the meeting time as a quorum is present.
 - b) If the Mayor and Deputy Mayor are not present within ten minutes after the meeting time, the Clerk shall call the members to order and if a quorum is present, a member shall be chosen from among those present to preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
 - c) In the election of a Presiding Officer, the Clerk shall call the meeting to order and preside.
 - d) If there is no quorum within fifteen minutes after the meeting time, the Clerk shall call the roll, take down the names of the members present, and declare the meeting cancelled.
 - e) Unless otherwise determined by Council resolution, all regular Council and Standing Committee meetings shall commence at 7:00 p.m. in the Council Chambers of the City Hall.

Conduct

7.
 - a) The Mayor shall preserve order and decorum.
 - b) The Mayor may expel or exclude from any meeting any person who is guilty of improper conduct.
8. No person except a member or officer shall be allowed to come within the bar during a Council meeting without permission of the Presiding Officer.
9. While the question is being put, no one shall walk across or out of the Council Chambers, make any noise or disturbance or hold any private conversations.

Language

10.
 - a) No member shall speak disrespectfully of Her Majesty the Queen or of any of the Royal Family, the Governor-General, Lieutenant-Governor or a Minister of the Crown.
 - b) No member shall use offensive words in or against the Council or against any member thereof.
11.
 - a) No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.
 - b) In case a member refuses to obey the order of Council, he may, on the order of the Mayor, be removed from his seat by the Police, but, upon an apology by the offender, he may retake his seat.

Duties of Presiding Officer

12. The Presiding Officer shall leave the Chair to take part in the debate and shall call another member to fill his place until he resumes the Chair.
13.
 - a) When two or more members raise their hands to be recognized, the Presiding Officer shall name the member whom he or she first recognizes.
 - b) Upon being recognized by the Presiding Officer, a member shall address the Presiding Officer.

Public or Confidential Meetings

14.
 - a) Except as provided in this section, all Council and Council- in- Committee meetings shall be open to the public in a designated and accessible location.
 - b) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
 - i) the security of the property of the municipality or local board;
 - ii) personal matters about an identifiable individual, including municipal or local board employees;
 - iii) a proposed or pending acquisition or sale of land for municipal or local board purposes;
 - iv) labor relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - vi) a matter of respect of which the Council has authorized a meeting to be closed under another Act.

- c) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- d) The City Clerk shall act as head of the institution for the purposes of the Act.
- e) Before holding a meeting or part of a meeting that is to be closed to the public, Council, shall state by resolution,
 - i) the fact of the holding of the closed meeting; and
 - ii) the general nature of the matter to be considered at the closed meeting.
- f) The Mayor may call an in camera meeting after 7:00 p.m. on any regular meeting night to discuss the matters referred to in the above paragraph (b).
- g) If a meeting is closed to the public;
 - i) The Chair shall inquire as to whether any member present has a conflict of interest, to allow a member to declare any conflict, the reasons therefor and leave the meeting;
 - ii) no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*.
- h) Notwithstanding this section, a meeting shall not be closed during the taking of a vote.

Confidentiality

- i) Every person to be in attendance at an in-camera meeting held pursuant to this section shall make an affirmation of confidentiality at the inaugural meeting of the Council and execute a confidentiality agreement in the form attached as Schedule "A".
- j) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.
- k) Any person who contravenes subsection (j) of this section shall be guilty of an offence and upon conviction is liable to a fine under the *Provincial Offences Act*.

14.1 CAO Briefings

- (1) The Council may meet from time to time to be advised by the Chief Administrative Officer of administrative matters, other matters or of background information.
- (2) The Council shall not make any decision regarding any matter at any such meeting with the Chief Administrative Officer.

PART 2 – PRESCRIBED NOTICE

Definitions

- 15. 1) In this section 15:
 - i) "Act" means the *Municipal Act*, 2001, S.O., c. 25;
 - ii) "Clerk" means the Clerk of The Corporation of the City of North Bay;
 - iii) "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers;
 - iv) "Published" means published in a daily or weekly newspaper that, in the opinion of Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

Notice of Intention to Pass By-Law – Notice of Public Meeting

Manner of Notice

- 2) Where notice of intention to pass a by-law or notice of a public meeting is

required to be given, the Clerk shall cause such notice to be published in the newspaper.

Time of Notice

- 3) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given at least once, no less than fourteen (14) days prior to the proposed action being taken.

Form of Notice

- 4) Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - i) a description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - ii) the date, time and location of the meeting;
 - iii) where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
 - iv) the name and address of the person who will receive written comments on the issue, which is the subject of the meeting and the deadline for receiving such comments.

Financial

Adoption of Annual Budget

- 5) The notice provisions set out in Sections 2, 3 and 4 shall apply to the adoption of the annual budget in total.

Purchasing By-law

- 6) Where the total of the expenditure estimates, as approved in the budget, are to be increased above the total budget then the approval process set out under The Corporation of the City of North Bay's Purchasing By-law shall apply,
- 7) Notices of such an increase to the budget shall be included in a staff report and the printing of this item on the Council and/or Committee Agenda, with the notation "*Amendment to Budget*", shall constitute sufficient public notice thereof.

Operating Costs Incurred Prior to Budget Approval

- 8) Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

Improvements to Service

- 9) Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by The Corporation of the City of North Bay and its local boards; and barriers identified by The Corporation of the City of North Bay and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be published in the newspaper at the same time as prescribed in the Act for the publication of the Financial Statements of The Corporation of the City of North Bay.

General

- 10) Where separate by-laws have been enacted in accordance with the provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.
- 11) No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.
- 12) Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices.

Emergency Provision

- 13) If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if

so advised by a Provincial Ministry, the notice requirements of this by-law may be waived by the Chief Administrative Officer and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances.

PART 3 - VOTING & DEBATE PROCEDURES

Conflict of Interest

16. a) All members have a personal obligation to comply with the *Municipal Conflict of Interest Act*.
- b) Subject to compliance by all members with the *Municipal Conflict of Interest Act*, the Mayor may vote with the other members on all questions.

Tie Votes

17. a) When there is a tie vote on a substantive resolution, the subject matter of the resolution should be referred to Committee.
- b) When a Committee report on the subject matter is presented to Council, the Presiding Officer shall vote on the report and in the event of a tie, the motion is lost.

Negative Vote

18. If any member present refuses to vote for other than a conflict of interest, it shall be recorded as a vote in the negative.

Recorded Votes

19. Where required by statute, and whenever any member shall request a recorded vote, the names of those who vote for and against the question shall be entered in the Minutes.
20. a) Subject to the *Municipal Conflict of Interest Act*, where a recorded vote is requested each member present in the chamber shall announce their vote openly.
- b) The Clerk shall begin the recorded vote with the member who requested the recorded vote, and proceed in random order to poll all councilors and the Mayor

Privilege

21. Whenever any matter of personal privilege arises, it shall immediately be considered.

Points of Order and Bourinot's Rules

22. a) The Presiding Officer may call to order any member who is speaking.
- b) A member called to order shall remain seated and shall not speak until the point of order has been determined by the Presiding Officer, unless permitted to explain.
- c) Whenever the Presiding Officer elects or is required to decide a point of order, the point shall be stated, a ruling made and the reason therefore given by the Presiding Officer.
- d) A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.
- e) In the event that this by-law does not address an issue, then Bourinot's Rules of Order shall apply.
23. a) No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.
- b) In case a member refuses to obey the order of Council, he/she may, on the order of the Mayor, be removed from his/her seat by the Police, but, upon an apology by the offender, he/she may retake his/her seat.
24. a) When a member is speaking, no member shall make any disturbance or pass between the speaker and the Chair or interrupt the speaker, except to raise a point of order.
- b) Every member shall speak only to the matter under debate.
25. Any member may require the motion under discussion to be read at any time, but not so as to interrupt a member speaking.

26. a) Without leave of the Presiding Officer, no member shall speak more than once on the same question, except to explain, without introducing new matter, a material part of a speech which may have been misconceived.
- b) A reply is allowed to any member who has made a substantive motion, or amendment, but not to any member who has moved an order of the day, the previous question or an instruction to a committee except with the permission of the presiding officer.

The Question

27. a) When a question is finally put by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until after the results of the vote has been declared.
- b) A decision by the Presiding Officer that the question has been finally put shall be conclusive.
28. No member shall comment upon any vote by the Council.

To Amend the Rules

29. No rule contained in this by-law shall be suspended, repealed, altered or amended unless the Clerk receives two weeks prior written notice thereof.

To Amend Motions

30. Every amendment shall be in writing and shall be decided or withdrawn before the main question is put.
31. Only one amendment shall be allowed to an amendment.
32. a) Amendments shall be put in reverse order to that in which they are moved, except when a motion properly put is put in the following words: "Put the question now".
- b) If such a motion is defeated then the amendment or amendments shall be considered in reverse order.
- c) If a vote on an amendment is carried, then the main motion shall be deemed to be carried.
- d) 1) Any member may request the Presiding Officer to divide any motion or report into such parts as the member may submit and the Presiding Officer shall make a ruling on whether to divide the motion.
- 2) A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.
- e) If a proposed amendment or an amendment to an amendment is lost, then unless a further amendment is put, the main question shall be put.
33. When putting an amendment, the Clerk shall read the wording as it appears in the main motion, read the proposed amendment and then read the wording as it would be if the amendment carried.

Rescission

34. No matter decided within the calendar year shall be considered without the prior consent by resolution of a majority of the whole Council.

Reconsideration

35. a) There shall be no reconsideration unless notice thereof is given at the meeting at which the question was decided.
- b) After such notice is given, no action shall be taken by the Council on the main motion until such reconsideration is disposed of.
- c) After any question has been decided, any member may, if the required notice has been given, at the first regular meeting held thereafter, move for a reconsideration thereof.
- d) No discussion of the main question shall be allowed unless reconsidered.
36. a) If a motion for reconsideration is made at the next meeting, the question shall not be considered unless a majority of the whole Council votes therefore and such vote shall be by a recorded vote.
- b) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

Inquiries

37.
 - a) Inquiries about a matter may be raised by any member and put to the Presiding Officer or through him or her to the Chief Administrative Officer, who may call upon another officer to reply.
 - b) No argument or opinion shall be offered or fact stated except as is necessary to explain the inquiry or the answer.
 - c) A member and staff are not to debate the matter.
 - d) Inquiries may be in writing or may be made orally.
 - e) An officer shall reply promptly in writing in response to all requests for reports made by Council resolution.
 - f) The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee meeting.
38. When the Council adjourns, the members shall keep their seats until the Mayor leaves the chair.

PART 4 - AGENDA AND MOTIONS

Agenda

39. The Clerk shall prepare for the use of the members an Agenda as follows:
 - 1) Roll Call
 - 2) Proclamations
 - 3) Public Presentations
 - 4) Minutes
 - 5) Declarations of Conflict of Interest
 - 6) Reports of Standing Committees
 - 7) Correspondence
 - 8) Motions and Motions for Reconsideration
 - 9) By-Laws
 - 10) Questions and Inquiries
 - 11) Giving Notice
 - 12) Supplementary Correspondence
 - 13) Good News report
 - 13) In-Camera Correspondence
 - 14) Motion to Adjourn.
40.
 - a) The business shall be taken up in the order in which it stands upon the Agenda in all cases except where a majority of the members otherwise agree.
 - b) A motion which is not listed on the Agenda may be presented at Council meetings, if not more than one member of Council present at the meeting objects to its consideration.
 - c) A public presentation, which has been registered with the City Clerk prior to 11:00 a.m. on the business day immediately preceding any regular Council meeting, may address matters of municipal jurisdiction for up to 10 minutes
 - d) An unregistered public presentation of up to 5 minutes may be made at the regular Council meeting to address matter of municipal jurisdiction.
 - e) Public presentations made at the beginning of the meeting shall be considered by Council at the end of the Agenda of that meeting.

Motions

41.
 - a) Every motion shall be in writing, shall be seconded and shall be read by the Clerk before debate or before being put from the Chair.
 - b) Where the question under consideration contains separate propositions then, at the request of any member of Council, any separate matter shall be put separately.
 - c) Subject to paragraph (b), upon the motion of the Chair of a committee, similar routine matters may be dealt with in the same resolution.
 - d) A copy of Committee recommendations, staff reports and letters received by the Clerk by Wednesday at 4 p.m. shall be provided to all members of Council by circulation of the Agenda.

- e) Where the Chief Administrative Officer determines a matter to be of an extremely urgent matter, then a staff report submitted after Wednesday at 4 p.m. may be shown on the Agenda without copies being provided.
 - f) Any staff reports received by the Clerk after Wednesday at 4 p.m. shall be referred to the next following Council meeting.
42. After a motion is read by the Clerk, it shall be deemed to be in the possession of the Council, but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

Precedence

43. a) When a question is under debate, the only motions in order shall be:
1. to extend the time of the meeting
 2. to refer to a Standing Committee
 3. to amend
 4. to lay on the table
 5. to postpone to a certain time and day
 6. to move the previous question
- b) These six motions shall have precedence in the order in which they are listed.
44. a) On a motion to postpone to a certain time and day, only the question of time and day so mentioned is open to debate, after an explanation by the mover of the motion.
- b) A motion to refer to Committee shall designate the Committee and shall not be debated, other than as to timing and shall be decided before any motion to amend the resolution.
- c) A motion to refer for a staff report shall name the Chief Administrative Officer.

PART 5 - BY-LAWS & CORRESPONDENCE

By-laws

45. a) No by-law shall be presented to Council unless there is a resolution to authorize the by-law.
- b) Each member shall be supplied with a copy of every by-law prior to consideration of the by-law by the Council.
- c) No by-law shall be introduced for first reading in blank or in imperfect form.
46. a) A by-law shall be passed by being given three readings.
- b) A by-law shall be given each reading by reference to its by-law number in the same resolution in which all by-laws relating to a particular committee are being considered.
- c) At the request of any member of Council, the reading of any by-law shall be deleted from a consolidated motion and dealt with by separate motion.
- d) A by-law shall be deemed to have been read upon the number, title or heading being read or taken as read, unless a member requires the by-law or any portion thereof to be read in full.
- e) The minutes of the meeting shall reflect both the number and the title of the by-law, notwithstanding that the motion refers only to the number of the by-law.

First Reading

47. The first reading of a by-law shall be decided by resolution without amendment or debate.

Second Reading

48. a) The second reading of a by-law shall be decided by resolution at which time the contents of the by-law shall be debated.
- b) The contents of the by-law may be changed by an amending resolution to authorize the second reading.
- c) An amending resolution may be introduced to refer the by-law to a Standing Committee for further consideration.
- d) A by-law referred to a Standing Committee shall be considered during the

next Standing Committee meeting and a report shall be submitted for Council's consideration.

49. Unless otherwise required by statute or by the direction of the Chair to be heard at two separate Council meetings, , any by-law shall be given three readings and passed at the same meeting on a vote of a majority of all members by separate motion.

Third Reading

50. Any by-law may be read a second and third time and passed at the same meeting on a vote of a majority of all members.

Records

51. The Clerk shall endorse on every by-law the dates of the three readings thereof.
52. Every by-law passed by Council shall be numbered, sealed with the corporate seal, signed by the Mayor and the Clerk and the by-law shall be entered in a by-law register to be kept by the Clerk.

Minutes

53. There shall be attached to every Minutes of the proceedings of the Council a progressive marginal number of each year and every document or certified copy or Minute communicated to any Committee of the Council as hereinbefore required shall bear the number of the Resolution to which it refers.

Documents

54. All original documents, including by-laws, contracts, agreements, deeds, leases, bonds or other securities, addressed to or considered by the Council, shall remain in the custody of the City Clerk.

Correspondence

55. All correspondence addressed to the Mayor or the Council, which refers to the business of the Corporation, shall be included in the information section of the Council agenda for the Mayor and Councillors and shall be referred by the City Clerk in consultation with the Chief Administrative Officer to the appropriate staff for response to the Council within six weeks.
56. Every communication to be considered by Council shall be in writing.
57. a) All correspondence relating to a matter previously referred to a Standing Committee shall be referred by the Clerk to the Standing Committee to which it properly belongs unless otherwise directed by the Committee Chair.
b) If a correspondent complains of a present personal grievance requiring immediate remedy, the complaint may be considered and disposed of forthwith.

PART 6 - STANDING COMMITTEES

Striking Committee

58. a) A Striking Committee to recommend appointments to Boards, Commissions and Standing Committees shall consist of the Mayor and the Council.
b) The Mayor shall be the Chair of the Striking Committee.
c) Councillors shall select Committee position and membership in the order of electoral finish.
59. a) At the first regular meeting of a newly elected Council:
i) all required appointments to local boards and commissions shall be appointed for the term of the Council unless otherwise provided by statute or by law.
ii) the following Standing Committees shall be appointed:
1. General Government
2. Community Services
3. Engineering and Works
b) The Striking Committee shall recommend appointments to local Boards, Commissions and Committees which may be required during the life of the Council.

Standing Committees

- 60. a) The Mayor shall be a member of each Standing Committee ex officio.
- b) Four Councillors shall be appointed to the General Government Committee.
- c) Three Councillors shall be appointed to each of the Engineering and Works Committee and the Community Services Committee.
- 61. A majority of the members of a Standing Committee, including the Mayor, shall constitute a quorum.
- 62. The Clerk shall attend all meetings of Standing Committees to record all reports as directed by the Chair thereof.
- 63. All completed reports of Standing Committees shall be presented for adoption at the next Council meeting.

General Government Committee

- 64. The General Government Committee shall have jurisdiction over the Office of the Chief Administrative Officer and the Corporate Services Division, including:

Administrative Approvals	Council Liaison and Support
General Administration	Policy Development
Special Project Co-ordination	Access North Bay
Corporate Support	Economic Development and Tourism
Finance and Assessment	Health and Safety
Human Resources	Information Systems & Technology
Insurance and Risk Management	Legal Services
Licensing	Parking Administration and Maintenance
Marketing and Promotion	Provincial Offences Administration
Local Board Liaison	Procurement and Inventory
Realty Management	Records Management
Training and Development	Vital Statistics

Engineering and Works Committee

- 65. The Engineering and Works Committee shall have jurisdiction over the Engineering, Environmental Services and Public Works and Services Division including:

Construction Contract Administration	Construction Management
Drafting	Engineering and Design
Environmental Services	Water Distribution
Service Contract Administration	Sewage Collection and Treatment
Survey and Inspection	Traffic Planning and Engineering
Waste Management and Recycling	Water Treatment
Cemeteries	Fleet and Equipment Maintenance
Roads and Traffic	Stormwater System
Winter Control and Snow Dump	Infrastructure Planning and Management

Community Services Committee

- 66. The Community Services Committee shall have jurisdiction over the Community Services Division, including:

Building Services	Marina and King's Landing
Arena Buildings	Chief Commanda II
City Hall Maintenance	Crossing Guards
Development Administration	Parks and Pathways
Emergency Planning and Operations	Fire Protection
Transit Services	Building & Fire Code Inspection and Enforcement
Leisure Services	North Bay Airport
Land Use Planning	
Building Facility Repair & Maintenance	

Standing Committee Procedures

- 67. The Clerk shall prepare a list of matters referred to each Standing Committee prior to Standing Committee meetings, together with a list of all outstanding requests on reports and the proposed due date of such report.

68. a) The agenda for a Standing Committee meeting will be selected from the items referred to it by Council that are on that Committee's file and should be announced by the committee chair at the preceding Council meeting whenever possible. The Chair of each Standing Committee may consult with the Chief Administrative Officer and the Managing Director of the Business Unit and advise the Clerk of the matters to be dealt with.
- b) The Chair shall provide a draft recommendation on each matter by 4 p.m. of the Wednesday before a Committee meeting and advise the Clerk of any members of the public who are to be invited to or allowed to address the Council in Committee meetings.
- c) The Clerk will ensure that available relevant documentation is circulated to all members of Council on the Friday preceding the standing committee meeting, with a draft recommendation for the standing committee to consider. Draft recommendations will be taken from the staff report unless the Committee Chair advises otherwise.
- d) Where no staff report exists, or no recommendation is contained therein, or where the Committee Chair wants a different draft recommendation to be considered, it will be the responsibility of the Committee Chair to provide an appropriate draft recommendation to the Clerk for circulation.
- e) The order of business at the Standing Committee Meetings will be:
- i) any scheduled statutory public meeting (chaired by the chair of the appropriate Standing Committees);
 - ii) any special public presentation (chaired by the Mayor);
 - iii) Standing Committee meetings (chaired by the chair of the appropriate Standing Committee);
 - iv) other business (chaired by the Mayor).
- f) Standing Committees shall consider only those matters referred to it by Council.
69. a) The Chair of each Standing Committee shall:
- i) introduce the other members of the committee and identify the subject matter;
 - ii) read the draft recommendation;
 - iii) request a report from or accommodate questions of the Chief Administrative Officer and staff; or interested members of the public as required at the discretion of the Chair;
 - iv) consider comments by the members of the Committee; and
 - v) consider comments by the other members of the Council.
- b) At the conclusion of the discussion, the Committee Chair and the City Clerk shall settle the wording of the recommendation to be proposed to the next Council meeting and the Chair shall poll the members of the Committee on such recommendations.
- c) Public presentations shall not be permitted during Standing Committee unless approved by the Mayor or the Chair, and noted on the Committee Agenda. The Mayor shall be the Chair for all public presentations, except those comprising part of a scheduled statutory public meeting.
- d) The Mayor shall be the Chair for all public presentations to regular Council meetings.
- e) The Committee Chair shall be the Chair for all public presentations of scheduled statutory public meetings.
- f) The Mayor may at any time assume the Chairmanship of a public presentation at a Committee Meeting where in the opinion of the Mayor it is necessary to maintain or restore order.
70. a) Each Standing Committee meeting shall be subject to a curfew of 60 minutes (or, where a Council meeting is scheduled for the same evening, 40 minutes);
- i) whether or not any other committee has used less or more than its 60 minutes (or 40 minutes),
 - ii) subject to the proviso that, upon a majority vote of all the members of Council present, the curfew may be extended by a specific number of minutes.
- b) A motion to extend a committee curfew is a motion of Council-in-Committee, not of the Standing Committee, and may be moved or seconded by any members of Council present, such motion to include a specific number of minutes by which the curfew is proposed to be

- extended and shall only be open to discussion and amendment with respect to the number of minutes
- c) The Standing Committees shall alternate which Standing Committee goes first by rotation every third week:
- Week 1: General Government, Community Services, Engineering & Works
- Week 2: Community Services, Engineering & Works, General Government
- Week 3: Engineering & Works, General Government, Community Services
- d) The Standing Committee Agenda shall be available to the media and the public at the time of the meeting.
71. a) All members of a Standing Committee shall sign the report as assenting to or dissenting from the terms thereof.
- b) In the absence of not more than 2 members of a Standing Committee another member of council may second the Committee Report.
72. a) Any report of Standing Committee may be voted upon item by item upon the request of any member.
- b) Any report of a Standing Committee may be divided into one or more reports upon the request of any member.
73. Any other committee shall include the Mayor as a member ex officio and at least two other Councillors to be nominated by the Striking Committee.
74. No Committee shall have the authority to bind the Corporation.
75. a) The rules of Council shall be observed during Standing Committee meetings except that:
- i) no recommendation has to be moved or seconded or in writing;
- ii) no motion for the previous question or for an adjournment is allowed;
- iii) the names of the members shall not be recorded on a vote; and
- iv) members may sit when speaking.
76. a) Questions of order arising during Standing Committee shall be decided by the Chair of the Standing Committee, subject to an appeal to the Council.
- b) If any disorder shall arise in the Committee, the Mayor shall immediately resume the Chair, without any question being put.

Hearing Committee

77. a) A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, by-law or decision where such a hearing is required.
- b) The Hearing Committee shall be comprised of the Mayor, the Chair and the Deputy Chair of the Standing Committee to which the matter relates, or their nominees from the Standing Committee. Any other Councillor may sit to hear the interested parties, but shall not be a member of the Hearing Committee for the purpose of making a recommendation to the Council.
- c) The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- d) Except as otherwise herein provided this by-law applies mutatis mutandis to the Hearing Committee.
- e) Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of the fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefore on the merits on the application in respect of which the hearing has been conducted.
- f) After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.
- g) Any Councillor who sits during a Hearing Committee shall be paid a hearing fee of \$50.00 per half day.

PART 7 - ACCOUNTS, PROPERTY, CLAIMS

Financial

78. No Committee or officer shall exceed the appropriation made to any department for any purpose, without the prior consent of the Council.

Budget

79. The Treasurer shall provide a monthly financial report to the Council.

Real Estate

80. 1) In this section "qualified appraisal" means an appraisal in writing by an A.A.C.I. or C.R.A. as determined by the professional guidelines of appraisers, unless the Council agrees to deem the assessed value to be the appraised value on the recommendation of the Chief Administrative Officer.

Council Direction

- 2) Before selling real property other than lanes, the Council shall be consulted in camera with a recommendation as to the manner of the sale, whether the property is regarded as surplus to municipal needs, whether the property should be rezoned prior to sale and the sale shall proceed as Council directs.
- 3) Before selling real property Council shall by resolution passed at a meeting open to the public declare the real property to be surplus.
- 4) Each new Council shall be provided with a list of all surplus properties by the Chief Administrative Officer.

Notice of Surplus

- 5) Before selling real property Council shall give notice to the public of the location of the surplus land by publication in a newspaper having a general circulation within the municipality at least once a week for two consecutive weeks and provide notice in writing to the North Bay real Estate Board.

Appraisals

- 6) Before selling real property Council shall obtain at least one appraisal of the fair market value of the real property except for the real property listed in subsection 7.
- 7) An appraisal is not required for the sale of the following classes of land:
- (i) land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*;
 - (ii) closed lanes if sold to an owner of land abutting the closed lanes;
 - (iii) land assessed with a current value of less than \$10,000.00, upon the recommendation of the Chief Administrative Officer;
 - (iv) industrial lands sold under sections 107, 108 and 109 of the *Municipal Act 2001*;
 - (v) easements granted to public utilities or to telephone companies;
 - (vi) land being sold to a municipality;
 - (vii) land being sold to a local board, including a school board and a conservation authority;
 - (viii) land being sold to the Crown in right of Ontario or Canada and their agencies.

Methods of Sale

- 8) Real property shall be sold by public tender, save and except where:
- (i) the real property is being sold to the abutting or adjacent landowner to a road allowance or lane;
 - (ii) the real property cannot be built on as a separate parcel and is being sold to the abutting landowner;
 - (iii) the real property is industrial land in an industrial park and is being sold for the uniform price of \$20,000 per acre;
 - (iv) for economic development reasons the Council deems it desirable to proceed by way of another method of sale;
 - (v) more than one qualified appraisal is obtained or where a qualified appraisal is peer reviewed by another qualified appraiser and the sale

- price meets or exceeds the appraised value;
- (vi) Council has approved an alternate public competitive process;
- (vii) where the real property is being sold pursuant to the *Municipal Tax Sales Act*; or
- (viii) where there is a direct exchange of lands either:
 - (a) of similar size, value and zoning, or
 - (b) where the land to be exchanged is included as all or part of a bid in response to a tender call, is accompanied by a qualified appraisal satisfactory to the Council and the exchanged land is required for municipal purposes.

Commission

- 9) (i) Where a property is offered for sale by placard placed on the property, and where no direct offer is received within 3 months, then the City may refer the property to the North Bay Real Estate Board.
- (ii) Where an offer to purchase is submitted through a real estate agent at any time and the transaction has closed then the City shall pay a commission of 3% to such real estate agent.

Notice

- 10) Where a property is to be sold by public tender:
 - (i) a placard shall be posted on the subject lands; and
 - (ii) notice in writing shall be given to the North Bay Real Estate Board at least 14 days prior to tender closing.
- 11) Where land is being sold under the *Municipal Tax Sales Act* then the Treasurer may either deem the appraised value to be the assessed value according to the last returned assessment roll or may request an appraisal.
- 12) The Chief Administrative Officer shall be responsible for obtaining all appraisals of the fair market value of real property.

Register

- 13) The Clerk shall establish and maintain a public register listing and describing all the real property owned or leased by the municipality;

Road Allowance Right of First Refusal

- 14) In the event that:
 - (i) both sides of a road allowance lot are not acquired by each of the abutting owners within 60 days; and
 - (ii) one of the abutting owners is not prepared to acquire all of the road allowance lot within 60 days, then
 the road allowance lot shall be sold by tender as a single lot.

Surplus Road Allowance

- 15) (i) The Council has declared its intention to return surplus road allowance lands received on a registered plan to the original dedicating owner; and
- (ii) where the Council has declared its intention to proceed by Request for Proposals.

Parkland Right of First Refusal

- 16) In the event that parkland previously dedicated to the City is deemed surplus then such lands shall be offered first to the developer from which the lands were dedicated based on the current appraised value thereof. In the event such developer does not acquire the lands within the 60 days then the lands may be offered for sale as provided for in this by-law.

Use of City Property

- 81. a) No property of the Corporation shall be delivered or used outside the limits of the City of North Bay without either Council or C.A.O. approval.
- b) No property shall be made available to outside interests except as herein provided.

- c) Use of real property owned by the Corporation (excepting public highways and lanes) shall only be put to personal or private use upon Council approval of a written agreement.
- d) The Chief Administrative Officer, or his authorized delegate, may authorize the rental and use of vehicles, equipment or corporate services of the City to local boards, other municipalities, corporations and individuals for specialized work or services, subject to the following conditions:
 - i) that the vehicles and equipment are operated by and the services are rendered by City employees;
 - ii) that the vehicles, equipment and services cannot be provided by a contracting firm or company in North Bay;
 - iii) that the rental and use of the vehicles and equipment shall not prejudice or delay work or services required by the City;
 - iv) that the rental or service fees shall be fixed and determined by the Chief Administrative Officer or his authorized delegate and they shall include the following:
 - a) the wages of the operator
 - b) the cost of the necessary public liability insurance
 - c) the cost under the *Worker's Compensation Act*
 - d) all other applicable costs and expenses
 - v) The Chief Administrative Officer or his or her authorized delegate shall consider, and if deemed advisable, revise the rental or service fees annually.
- e) The Chief Administrative Officer may approve the lease of municipal real estate upon terms approved by resolution of the Council either in general terms or on a case by case basis.

Payment

- 82. a) No contractor or other person engaged on any work for the City shall be paid except according to the Purchasing By-law, the Purchasing Policy or according to written contracts authorized by by-law.
- b) In all cases, the Treasurer, after making payment, will report without delay, to the next Council meeting by submitting the progress certificate so handled for approval.
- 83. a) No goods or services shall be ordered except upon the authorization of the C.A.O. or Managing Director, or his or her authorized delegate.
- b) No account for goods or services supplied shall be paid, unless the account is authorized by a department head.
- 84. a) Every account for work done or for goods furnished shall be checked and certified by the superior officer under whose superintendence the work was done or goods provided.
- b) A payment certificate shall refer to the by-law or resolution under which the expenditure was authorized.
- 85. After the accounts have been certified by the Treasurer, the responsible committee Chair may also examine each such account and invoice, following which the Treasurer shall submit an itemized summary of all accounts to be prepared and signed by the Chair of the appropriate Standing Committee.
- 86. a) After the list of accounts has been approved by Council, or a Managing Director or C.A.O., the Treasurer shall issue the necessary cheques for payment thereof.
- b) The list of accounts may include paid and unpaid accounts.

Fraud

- 87. The various officers of the Corporation shall forthwith report any frauds or attempted frauds of which any of them may become cognizant to the Chief Administrative Officer who shall report the same to the Council.

Claims for Damages

- 88. The Council shall obtain an investigation and report on all claims for damages, unless such claims are covered by insurance in which case the claim shall be referred to the insurer for disposition according to the law.
- 89. Subject to Section 88, the City Clerk shall forward any notice of claim to the City Solicitor, who shall investigate and report on the same to the Council.

Officer's Reports on Claims

90. The City Solicitor may require any officer of the Corporation to report to him upon the claim, and such officer shall immediately inquire into the circumstances and report the facts fully in writing to the City Solicitor.
91. Subject to Section 87, no claim shall be settled without the prior approval of the Council.

Salary for Municipal Officers

92. No member of Council, while retaining his/her seat therein, shall be eligible for any office to which there is attached any salary, remuneration or emolument payable by the Council except as is provided by statute.


Indemnity Policy

93. a) Subject to the following provision the Council agrees to indemnify and save harmless its members and its non-union employees for necessary and reasonable legal costs incurred in the defence of statutory offence or complaints other than Criminal Code or Municipal Conflict of Interest offence, arising because of acts performed in good faith in the ordinary course of their employment or office.
- b) That Council may refuse payment under subsection (a) where in the opinion of the Council, the actions of the member or non-union employee amounted to a gross dereliction of duty or deliberate abuse of the power.
- c) i) The Council may elect to provide legal counsel to defend a member or a non-union employee in any legal proceeding, whereupon the cost of such counsel shall be borne by the Corporation regardless of the outcome of the proceedings.
- ii) Where the Council elects to provide legal counsel under subsection (i), the Corporation shall not be responsible for any other legal costs unless the counsel provided the City Council expresses the written opinion that it would be improper for him to act on behalf of another party to the charge or complaint.
- d) For greater certainty, the Corporation shall not be liable to indemnify for legal costs arising from:
- 1) the actions or omissions of members of non-union employees acting in their capacity as private citizens;
- 2) disciplinary or discharge proceedings.
- e) In the section, necessary and reasonable legal costs shall be determined in the first instance by the approval of the account by the City Solicitor, or in the case of a dispute by taxation of the costs on a solicitor and client basis.
95. By-law No. 2000-66 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 8TH DAY OF SEPTEMBER, 2003.

READ A SECOND TIME IN OPEN COUNCIL THIS 8TH DAY OF SEPTEMBER, 2003.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 15TH DAY OF DECEMBER, 2003.


MAYOR


CITY CLERK

SCHEDULE "A"

Affirmation of Confidentiality

I, _____, member of the Council of The Corporation of the City of North Bay, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the City of North Bay that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me
At the City of North Bay
In the District of Nipissing
This day of December, 200

Name:

A Commissioner, etc.

Confidentiality Agreement

By signing this document, I agree that :

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of The Corporation of the City of North Bay in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at North Bay, Ontario, this day of December, 2003

Witness