

BY-LAW 2006-100

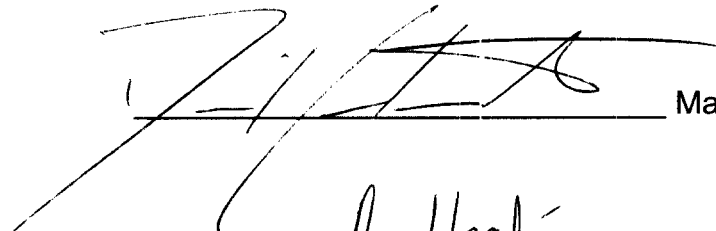
**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
ESTABLISH PROCEDURES FOR THE CITY
OF GREATER SUDBURY**

WHEREAS the Council of the City of Greater Sudbury wishes to establish a By-law governing the procedures of Council;

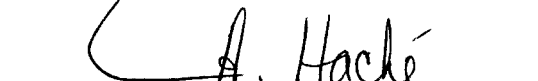
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. The attached Schedule "A", Council Procedure By-law, is hereby enacted, and adopted effective May 11th, 2006.
2. By-law 2002-202, and all amendments thereto are hereby repealed.
3. Articles 2.14, 2.15, 41.1, 43.1, 43.2, 44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 44.7, 44.8, 44.9, 44.10, 44.11, 44.12, 44.13, 44.14, and Schedule "C" of By-law 2001-03 of the Transition Board for the City of Greater Sudbury are hereby repealed.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 10th day of May, 2006.

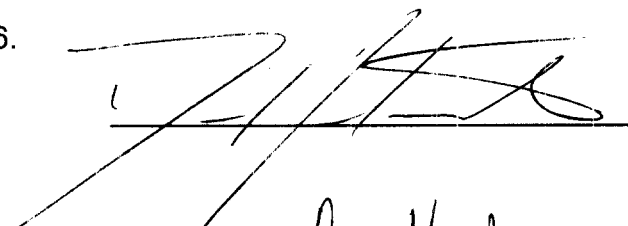


Mayor



Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN
COUNCIL** this 10th day of May, 2006.



Mayor



Clerk

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PART I - INTRODUCTION**ARTICLE 1****VISION, VALUES, GOALS****1.1 Preamble**

The City of Greater Sudbury, as part of its Procedure By-law, deems it desirable to include a Vision Statement for the municipality, which statement enunciates the values and goals of the corporation.

1.2 Vision

The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.

We will embrace the digital revolution to be an attractive location for information and communications technology-based businesses. We will build on our strengths as the centre for innovation in mining, health care and education and actively pursue emerging opportunities in the environmental and renewable energy sectors to be recognized as one of the smartest, greenest, most sustainable communities in the world.

Our success in creating jobs and fostering business development will enhance the City's tax base, helping generate the revenues needed to modernize, maintain and expand our infrastructure and foster human development. This will create a broad range of new opportunities so that our young people will be able to pursue rewarding careers here in Greater Sudbury. It will also lead to a dramatic improvement in the socioeconomic status of our citizens. This will help to brighten the future for our children. Increasing prosperity will also expand the opportunities to small and medium-sized businesses, helping revitalize our city.

Citizens will have access to quality health care in our community, including a full complement of medical professionals trained in the North for the North. We will excel in providing a safe, caring and stimulating environment for all ages.

People from across North America and around the world will consider Greater Sudbury to be a highly desirable place to live, work, study and play because of our attractive northern lifestyle, vibrant economy, environmental leadership, educational opportunities and excellent quality of life.

1.3 **Mission**

We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.

1.4 **Values**

We are committed to:

- providing high quality service with a citizen focus,
 - managing the resources in our trust efficiently, responsibly and effectively,
 - encouraging innovation and accepting risks,
 - developing organizational excellence,
 - maintaining honest and open communication,
 - creating a climate of trust and a collegial working environment,
 - acting today in the interests of tomorrow.
-

1.5 Broad Goals

- to foster economic development and job creation,
- to promote the well-being of our citizens in a healthy, safe and stimulating community,
- to protect and improve the environment and ecological health of the community,
- to develop a viable strategy to increase investment in infrastructure,
- to secure new sources of revenue through innovative strategies and partnerships,
- to ensure our community is attractive to young adults as a place to build careers and raise families,
- to respond to the needs of retired and older adults,
- to put children first,
- to present Greater Sudbury to the world as a dynamic and vibrant community.

1.6 Strategies

- Pursue growth;
 - Build public awareness through communication;
 - Engage citizens in community development;
 - Facilitate collaboration among community partners;
 - Foster innovation and creativity;
 - Plan for the future.
-

PART II - DEFINITIONS**ARTICLE 2****2.1 Advisory Panel - defined**

"Advisory Panel" means a body established by Council in accordance with Article 34 and shall include all bodies of an advisory or consultative nature established by Council, regardless of what the body is called.

2.2 Amendment - defined

"Amendment" means a change in the form of a Motion. An amendment is designed to alter or vary the terms of the main Motion without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.

2.3 Chair - defined

"Chair" means the person at a meeting who conducts the meeting and sees that the rules of procedure are observed and is actually presiding at the time, whether that person is the regular presiding officer or not.

2.4 Chair - Finance Committee - defined

"Chair - Finance Committee" means the Chair of the Finance Committee appointed in accordance with Article 33 herein.

2.5 Chair- Planning Committee - defined

"Chair - Planning Committee" means the Chair of the Planning Committee appointed in accordance with Article 33 herein.

2.6 Chair- Priorities Committee - defined

"Chair - Priorities Committee" means the Chair of the Priorities Committee appointed in accordance with Article 33 herein.

2.7 Chief Administrative Officer - defined

"Chief Administrative Officer" means the person appointed by by-law as the Chief Administrative Officer of the Corporation and whose duties are herein prescribed and in the *Municipal Act*.

2.8 Chief Executive Officer - defined

"Chief Executive Officer" shall mean the Mayor in accordance with the *Municipal Act*.

2.9 Citizen Delegation - defined

"Citizen Delegation" means any individual or public or citizen's group that wishes to appear before the Priorities or the Finance Committee to address existing or proposed policies that are within Council's jurisdiction and the Committee's mandate.

2.10 Clerk - defined

"Clerk" means the Clerk of the City of Greater Sudbury.

2.11 Committee - defined

"Committee" means any Committee established by Council from time to time and composed only of Members of Council.

2.12 Committee of the Whole - defined

"Committee of the Whole" means a Committee composed of all Members of Council.

2.13 Community Delegation - defined

"Community Delegation" means any public or citizen's group that wishes to make a presentation to Council that is for information only.

2.14 Consent Agenda - defined

"Consent Agenda" means those items on an agenda which may be summarily dealt with by Council or a Committee in accordance with Article 16.

2.15 Council - defined

"Council" means the Council of the City of Greater Sudbury.

2.16 Deputy Mayor - defined

"Deputy Mayor" means a Council Member appointed in accordance with Article 5 who shall act in the absence of the Mayor and who shall perform such duties as are prescribed herein or as may be determined from time to time by the Mayor.

2.17 Emergency - defined

"Emergency" means a situation or the threat of an impending situation abnormally affecting the property and/or health, safety, welfare and well being of the Citizens of the Municipality or the Municipal government, which by its nature and magnitude requires a controlled and coordinated response and is by its nature and magnitude distinct from the routine daily operations of the municipality.

2.18 Finance Committee - defined

"Finance Committee" means Council meeting as a Committee of the Whole and Chaired by the Chair - Finance Committee.

2.19 In-Camera - defined

"In-Camera" means a Committee sitting in closed session; that is, not open to the public.

2.20 Majority - defined

"Majority" means a simple majority of those present as outlined in Schedule "A" to this By-law, which Schedule shall form a part hereof.

2.21 Meeting - defined

"Meeting" means any meeting of the Council or, a Committee, as the case may be and shall be open to the public unless authorized to be in camera by the *Municipal Act*.

2.22 Member - defined

"Member" means a Member of Council or a Committee, as the case may be, and includes the Chair.

2.23 Motion - defined

"Motion" means a question to be considered by the Council or a Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution.

2.24 Municipal Act - defined

"*Municipal Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.

2.25 Municipality - defined

"Municipality" means the City of Greater Sudbury.

2.26 Nomination Committee - defined

"Nomination Committee" means a Meeting of the Committee of the Whole called for the purpose of considering and recommending to Council, Citizen appointments to agencies, boards and Advisory Panels, as determined by Council and Chaired by a Deputy Mayor.

2.27 Priorities Committee - defined

"Priorities Committee" means Council meeting as a Committee of the Whole and Chaired by the Chair - Priorities Committee.

2.28 Procedure By-Law - defined

"Procedure By-law" means this By-law as amended from time to time.

2.29 Public Hearing - defined

"Public Hearing" includes any hearing required to be held by law and conducted by Council or a Committee of Council to which responsibility to hold the hearing has been delegated.

2.30 Public Input Meeting - defined

"Public Input Meeting" means a meeting called by Council to receive the input of the public on any matter which Council wishes to receive public comment.

2.31 Roll Call Vote - defined

"Roll Call Vote" means a vote as provided for in the *Municipal Act*.

2.32 Routine Department Reports - defined

"Routine Department reports" includes reports from the Senior Management Team members approved by the Chief Administrative Officer which, in the opinion of the Clerk and the Chief Administrative Officer, are unlikely to require debate.

2.33 Secretary - defined

"Secretary" means the staff representative whose responsibility it is to attend Council or a Committee for the purpose of taking actions as set out in this By-law.

2.34 Two-thirds Majority - defined

"Two-thirds Majority" means a majority of two-thirds (2/3) of Members present as outlined in Schedule "A" to this By-law.

PART III - GENERAL PROVISIONS**ARTICLE 3****3.1 Rules - governing - proceedings- Council - Committees**

Subject to the provisions of the *Municipal Act*, the rules established by this By-law shall be the rules governing the proceedings of the Council and its Committees.

3.2 Rules - suspended - by resolution - exception

Any rules established by this By-law, other than a quorum requirement, may be suspended at or for a particular meeting by resolution adopted with the unanimous consent of all Members present and voting, provided that the suspension of the rules does not result in a contravention of the *Municipal Act*.

3.3 Rules of Order - governing proceedings

Subject to the provisions of the *Municipal Act* and any other Act and except as expressly provided in this By-law, the Rules of Order of the Parliament of Canada shall be the rules governing the proceedings of the Council or Committees and the conduct of the Members of same.

3.4 Rules of Order - Robert's - application

The most recent edition of Robert's Rules of Order in existence from time to time shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this By-law or respecting the Rules of Order of the Parliament of Canada.

3.5 Conflict - Rules of Procedure

In the event of any conflict between the provisions of this By-law, and those contained in any of the authorities set out previously, the provisions of this By-law shall apply.

3.6 Procedure - Interpretation by the Chair

Procedure shall be a matter of interpretation by the Chair or other presiding Member, subject to the appeal process as set out in Article 24.

3.7 Entrance - within enclosure - restricted - exception

No persons, except Members or the Clerk or the Secretary of the Council, or the Secretary of a Committee, as the case may be, shall come within the enclosure formed by the Member's chairs during meetings without permission from the Chair.

3.8 Entrance - without permission - improper conduct

Any person contravening this rule shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the Chair.

ARTICLE 4

MAYOR

4.1 Chair - all Council meetings

The Mayor shall be the Chair of Council meetings.

4.2 Ex-officio - all Committees

The Mayor shall be an ex-officio Member of all Committees of the Council, and shall be entitled to vote as a Member of such Committees.

4.3 Mayor - appointed by Council - Member of Board

Unless otherwise prohibited, whenever the Mayor is appointed by Council as a Member of a local board or committee, the Mayor may, from time to time, appoint in writing a Member as a designate to attend a meeting of the local board or committee, as the case may be.

ARTICLE 5**DEPUTY MAYORS, CHAIR, PLANNING COMMITTEE****5.1.1 Appointment - Deputy Mayors**

At the regular meeting of Council in December of an election year, and at the last regular meeting in June in the second year following an election, Council shall by By-law, appoint two (2) Members of Council as Deputy Mayors, to hold office for one half of the term of Council or until their successors are appointed in accordance with this By-law.

5.1.2 At the regular meeting of Council in December of each year, Council shall by By-law appoint a member of Council as Chair of the Planning Committee and a Member of Council as Vice-Chair of the Planning Committee, to hold office for the next succeeding year or until their successors are appointed in accordance with this By-law.

5.2 Service

No Member of Council shall simultaneously serve as a Deputy Mayor and the Chair of the Planning, Priorities or Finance Committees.

5.3 Absence Mayor

A Deputy Mayor shall act from time to time in the place and stead of the Mayor while the Mayor is absent from the municipality or is absent through illness or his/her office is vacant.

5.4 Selection Criteria

When appointing Deputy Mayors, Council should consider the abilities of the Councillors to speak fluently in both English and French, so as to ensure that at least one Deputy Mayor is bilingual.

5.5 Chair - Committee of the Whole

A Deputy Mayor shall be the Chair of all Committee of the Whole - *in camera* meetings.

5.6 Position - selection - authority

Where by reason of an equality of votes in selecting a Deputy Mayor, Article 37.10 applies to the appointment.

5.7 Re-appointment

A Member may be re-appointed by Council to the position of a Deputy Mayor, Chair of the Planning Committee, Priorities Committee or Finance Committee.

5.8 Mayor - Deputy - absent - Member designated

In the absence of both the Mayor and the two (2) Deputy Mayors, then an Acting Deputy Mayor designated pursuant to Article 5.10 shall be Chair of Council Meetings.

5.9 Acting Deputy Mayor - designation - rotation system

Where the Mayor and Deputy Mayors are absent from the municipality or absent through illness, or the Mayor or Deputy Mayors' office is vacant or the Mayor or Deputy Mayors refuse to act, there shall be a monthly rotation system whereby a Member of Council shall replace the Mayor or Deputy Mayors as Acting Deputy Mayor when they are absent simultaneously. The Acting Deputy Mayor shall be determined based on a rotation by Ward as shown in Schedules "B" and "B.1" attached to and forming part of this By-law.

5.10 Rotation - list - annual - prepared by Clerk

The Clerk within 30 days of the inaugural meeting of Council shall deliver to the Members of Council, the Chief Administrative Officer and the Senior Management Team, a list showing the rotation of Members for the term of Council. In the event the Councillor named on the list for that month is absent or unable to act, then the Councillor named for the next month shall be authorized to act.

ARTICLE 6**COMMITTEE OF MANAGEMENT - PIONEER MANOR****6.1 Appointment - Committee of Management - Pioneer Manor**

At the first regular meeting of Council in December of each year following an election, Council shall by By-law appoint three Members of Council as the Committee of Management for Pioneer Manor pursuant to the *Homes for the Aged and Rest Homes Act*, for the next succeeding calendar year or until their successors are appointed by Council.

6.2 Responsibilities - Committee of Management - Pioneer Manor

The Committee of Management appointed for Pioneer Manor shall exercise all the rights and fulfil all the duties assigned to a committee of management under the *Homes for the Aged and Rest Homes Act*, and regulations thereunder.

ARTICLE 7
CONVENING - MEETINGS

7.1 First Regular meeting - time - location

The first regular meeting of the Council shall take place on the first Thursday in December of the same year as an election year at the hour of 7:00 o'clock in the evening at a location chosen by the Clerk.

7.2 Council meetings - meeting dates

Regular Council meetings, other than the first meeting, shall be held on the second and fourth Wednesdays of each month during the months of January to June, both inclusive, and September to November.

7.3 Council meetings - 1 - July - August- December

During the months of July, August and December in each year, there shall be one regular meeting of Council to be held at a day and time designated by the Chief Administrative Officer.

7.4 Meetings of Council, Planning and Priorities Committees - July - August

During the months of July and August, the meetings of Council, the Planning Committee and the Priorities Committee shall be scheduled on the same day and shall be held consecutively.

7.5 Council meetings - time - location

Regular Council meetings shall be held at the hour of 7:00 o'clock in the evening on the days set out herein at Tom Davies Square, Sudbury or at a location chosen by the Clerk.

7.6 Special meeting - summoned - by Mayor - any time

The Mayor may, at any time, summon a special Council meeting to be held on such day at such time and in such a location as is chosen by the Mayor.

7.7 Special meeting - summoned - majority petition

Upon receipt of a petition of the majority of the Members of Council, the Clerk shall summon a special Council meeting for the purpose set out in the petition and on the day and at the time and in the location mentioned in the petition. Once such a petition is received by the Clerk, no Member may remove his or her name.

7.8 Special meeting - location - open - in-camera

If there is no By-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held and a special meeting may be either open or in-camera in accordance with the *Municipal Act*.

7.9 Special meeting - Committee of the Whole - summoned

A Deputy Mayor may, at any time, in consultation with the Clerk, summon a special meeting of the Committee of the Whole, except a Planning, Priorities or Finance Committee, to be held for the purpose of and at the time, place and location designated by the Deputy Mayor for those matters which have previously been referred to the Committee of the Whole by Council or within its terms of reference.

7.10 Special meeting - Planning Committee - summoned

The Chair of the Planning Committee may, at any time, in consultation with the Clerk, summon a special meeting of the Planning Committee to be held for the purpose of and at the time, place and location designated by the Chair, Planning Committee for those matters which have previously been referred to the Planning Committee or within its terms of reference.

7.11 Special Meeting - Priorities Committee - summoned

The Chair of the Priorities Committee may, at any time, in consultation with the Clerk, summon a special meeting of the Priorities Committee to be held for the purpose of and at the time, place and location designated by the Chair, for those matters which have previously been referred to the Priorities Committee or within its terms of reference.

7.12 Special Meeting - Finance Committee - summoned

The Chair of the Finance Committee may, at any time, in consultation with the Clerk, summon a special meeting of the Finance Committee to be held for the purpose of and at the time, place and location designated by the Chair, for those matters which have previously been referred to the Finance Committee or within its terms of reference.

7.13 Cancellation of Meetings

The Clerk on the direction of the Chief Administrative Officer may cancel any meeting of Council or a Committee.

7.14 Meeting - time - date - place - altered - by resolution

Subject to the provisions of the *Municipal Act*, the Members may, by resolution, dispense with or alter the time, day or place of any meeting.

ARTICLE 8
NOTICE OF MEETINGS

8.1 Notice - by Clerk - all Members

The Clerk shall give notice of each meeting in accordance with this Article to all Council Members, to Committee Members where required, to the Chief Administrative Officer, the Senior Management Team and to such other persons as the Mayor, Chair or the Clerk deem advisable.

8.2 Notice - form - agenda

The notice shall be in the form of an agenda which shall first make mention of the day, time and place for the meeting.

8.3 Agenda - Council - Committees - distribution

Subject to Articles 8.5 and 8.9, the agenda shall be sent electronically by the Clerk to each Council Member, the Chief Administrative Officer and the Senior Management Team, so as to be received not later than the Saturday previous to the day of the meeting. The Clerk shall ensure that an electronic copy of the agenda is posted to the municipality's internet web site prior to the meeting of Council or a Committee.

8.4 Agenda - others - ~~sent~~ residence - business

With respect to such other persons as the Clerk deems advisable to receive the agenda, the agenda shall be delivered electronically or sent by regular mail by the Clerk to the residence or place of business of such other persons so as to be received by such other persons not later than the day previous to the day of the meeting.

8.5 Agenda - special meeting - sent - informed by telephone

In the case of special meetings of Council or any Committee where time does not permit personal delivery or sending by mail of the aforementioned agenda to meet the deadline referred to in Articles 8.3 and 8.4, the Clerk shall attempt to inform each Member, the Chief Administrative Officer and the Senior Management Team and such other persons as the Mayor or the Clerk deem advisable of the date, time, place and purpose of the meeting by telephone, electronic mail or otherwise.

8.6 Notice - not received - validity of meeting - upheld

Failure of any person to receive notice of the meeting to whom notice of the meeting was required to be given, shall not affect the validity of the holding of the meeting or any action taken thereafter.

8.7 Notice - requested - sent - by Clerk

The Clerk shall by regular mail or electronically, or both notify any person who has requested to be notified in relation to a particular matter and the Clerk shall send the notice so as to be received by the person at least one day prior to the meeting.

8.8 Agenda - distribution

Nothing herein precludes the Clerk from distributing an agenda both electronically and by some other means.

8.9 Confidential Reports

Notwithstanding Article 8.8, all confidential reports shall be distributed in hard copy and not electronically.

ARTICLE 9
SEAT ALLOCATION

9.1 Council - established - by Mayor - Clerk

Prior to the commencement of the first regular meeting of the Council following an election, the Clerk, in consultation with the Mayor, shall establish for Council and Committee meetings, the seating arrangement to be used for the term of that Council.

9.2 Media - staff- public - Council meetings - established

The Clerk, in consultation with the Mayor shall designate the seating arrangement for the media, municipal staff and the public at Council meetings.

9.3 Seating arrangement - contravened - improper conduct

Any person who contravenes any established seating arrangement shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the Mayor.

PART IV - AGENDA**ARTICLE 10****AGENDAS - PREPARATION****10.1 Clerk - responsibility**

It shall be the duty of the Clerk to prepare the agendas of all Council and Committee meetings in accordance with the provisions contained in this Article.

10.2 Items - accepted - Senior Management Team - approval required

The Clerk shall accept items for any agenda from the Senior Management Team members with approval of the Chief Administrative Officer.

10.3 Correspondence - petitions - considered - included

The Clerk shall receive correspondence and petitions from the public and if, in the Clerk's opinion, the matter warrants the consideration of Council or a Committee, place the correspondence or petition on an agenda.

10.4 Correspondence - petition - to Senior Management Team - report

Before placing any correspondence or petition from the public on an agenda, the Clerk shall forward it to the Chief Administrative Officer and the appropriate Senior Management Team member requesting a report concerning same.

10.5 Correspondence - petition - report - approval required

The correspondence or petition together with the Senior Management Team member's report shall be approved for inclusion on an agenda by the Chief Administrative Officer prior to the Clerk including the matter on an agenda.

10.6 Items - public - refused - initiators - informed

When, in the opinion of the Clerk, in light of a report or reports of the Senior Management Team or otherwise, the Clerk does not consider that the matter warrants the consideration of Council or a Committee thereof, the Clerk, in consultation with the Chief Administrative Officer, may refuse to forward same to Council or a Committee thereof, as the case may be, and if the Clerk so refuses, the Clerk shall advise the correspondents or the petitioners of such refusal and indicate that they may request Council to consider such refusal.

10.7 Items - public - refused - reconsideration request

If the correspondents or the petitioners so request that Council consider the Clerk's refusal, and so advise the Clerk in writing, the Clerk shall place such request on the next Council meeting agenda and Council may, by resolution, passed by two-thirds of the Members present, set aside the Clerk's refusal and either deal with the matter at that time or at a later date determined by Council or refer the matter to an appropriate Committee.

10.8 Items - public - refused - appeal

At the appeal, copies of all correspondence or petitions as well as any requested department report received by the Clerk shall be attached by the Clerk to the appropriate agenda and noted thereon and forwarded to all Members.

10.9 Approved format - required - all agenda items

All items for any agenda must be in an approved format and must be received in writing by the Clerk no later than 9 a.m. on the Thursday of the week prior to the meeting concerned.

10.10 Headings - Staff Reports - Format - Deadline for receipt by Clerk

All headings for Staff Reports must be in an approved format and must be received in writing by the Clerk no later than 12 o'clock in the forenoon on the Friday two weeks prior to the meeting concerned.

ARTICLE 11
AGENDA FORMAT

11.1 Prepared - by Clerk - order

All Council agendas shall be prepared by the Clerk in writing and shall be in the following order:

- | | |
|---|---|
| 1. Moment of silent reflection; | |
| 2. Roll Call; | 10. Managers' reports; |
| 3. Declarations of Pecuniary Interest; | 11. By-laws; |
| 4. Community Delegations; | 12. Motions (those for which notice has been given either at a previous meeting or received by the Clerk prior to the agenda deadline); |
| 5. Presentations; | |
| 6. Public Hearings; | 13. Addendum; |
| 7. Matters arising from: | 14. Civic Petitions |
| i) Committee of the Whole; | 15. Question Period; |
| ii) Planning Committee; | 16. Notices of Motion; |
| iii) Priorities Committee; and, | 17. Committee of the Whole (incomplete items); |
| iv) Finance Committee | 18. Matters arising from Committee of the Whole; and |
| 8. Consent Agenda: | 19. Adjournment. |
| 1. Adoption of minutes; | |
| 2. Award of tenders; | |
| 3. Routine Management Reports; | |
| 4. Telephone Polls | |
| 5. Correspondence for information only; | |
| 9. Referred and Deferred items; | |

11.2 Prepared - Priorities Agenda - order

The Priorities Agenda shall be prepared by the Clerk in writing and shall contain the following:

Part I

1. Declarations of Pecuniary Interest;
2. Councillor Briefing Sessions;
3. Policy Discussion Papers:
Preliminary Discussion;
4. Policy Discussion Papers:
Decision Requested;
5. Addendum

Part II

1. Citizen Delegations
2. Citizen Petitions
3. Motions

11.3 Committee meetings - prepared - relevant headings

Unless otherwise indicated, all agendas prepared by the Clerk for Committee meetings shall be in the same format as Council agendas, provided however, that the Clerk and Chair of the Committee may include only those headings relevant to the particular Committee meeting and must include declarations of pecuniary interest.

11.4 Order - followed - exception - by resolution

The items on the agenda of each meeting shall be taken in the order in which they stand on the agenda unless otherwise decided by resolution by two-thirds of the Members present.

11.5 Items - not considered - transferred - next meeting

All items on an agenda not dealt with at a meeting shall be placed on the agenda for the next regular meeting unless otherwise decided.

11.6 Chief Administrative Officer's reports - format

The format of the Chief Administrative Officer's reports to Council or Committees shall be determined by the Chief Administrative Officer and the Senior Management Team from time to time.

11.7 In camera - items - to in-camera agenda

In the event the Clerk receives items for an "in camera" agenda, they will be placed on an agenda for a meeting of Council or a Committee to be held immediately preceding a meeting of Council or the Committee.

11.8 Clerk to distribute all Agendas

The Clerk shall ensure that all Agendas of Council, its Committees and Ad-Hoc Committees are provided to all Members.

ARTICLE 12

ROLL CALL

12.1 Moment of Silence - reflection

Upon calling a regular Council meeting to order, the Chair shall request the Members and those in attendance at the meeting to rise for a moment of silent prayer, meditation or reflection.

12.2 Roll call - by Clerk

After the moment of silence, prayer, meditation or reflection, the roll call shall be called by the Clerk.

12.3 Late arrival - Secretary to record - in minutes

If a Member arrives at a meeting after the roll has been called, the secretary of the meeting shall note the time of arrival in the minutes.

ARTICLE 13
PECUNIARY INTEREST

13.1 Pecuniary Interest - Members bound

Members are bound by the provisions of the *Municipal Conflict of Interest Act* and shall declare the pecuniary interest and its general nature.

ARTICLE 14
DELEGATIONS

14.1 Citizen Delegations

Citizen Delegations shall be heard at a meeting of the Priorities or the Finance Committee.

14.2 List - Citizen Delegations - Clerk

The Clerk shall maintain a list of Citizen Delegations to be scheduled in any given year which shall be posted on the City's internet site and shall be distributed to the Members of Council. Members of Council are to advise the Clerk of any Citizen Delegations they wish to have scheduled.

14.3 Policy Change or New Policy - Referred - Senior Management Team

Requests by a Citizen Delegation for policy changes or new policy shall be referred to the appropriate Senior Management Team member for review prior to any recommendation being presented to the Committee.

14.4 Priorities Committee - Budget Impact

Requests from Citizen Delegations to the Priorities Committee that have a significant budget impact not included in the current year's budget shall be referred to the Finance Committee or in the case of an emergency in the opinion of the Chief Administrative Officer, to a Special Meeting of Council called for that purpose only.

14.5 Community Delegations at Council

The Chief Administrative Officer may place a maximum of two (2) Community Delegations on a Council Agenda where the delegations are appearing for information only.

14.6 Presentation - time limitation - extension

A delegation shall have up to ten (10) minutes to make its presentation, although such time limit may be extended or reduced by decision of the Chair, by such amount of time as the Chair deems advisable following which there shall be up to twenty (20) minutes for questions from Members.

14.7 Delegations to be heard in order

The Clerk shall place each delegation on the appropriate Agenda and each delegation shall appear on the Agenda, and be heard, in the following order:

- (1) Delegations requested by Council, the Mayor, or Member of Council.
- (2) Delegations requested by the public.
- (3) Delegations requested by staff.

14.8 Decision of Clerk to be final

The decision of the Clerk as to the placement of a delegation on the Agenda shall be considered final.

14.9 Procedure Rules for Delegations

- (1) No public hearings shall be referred to the Priorities Committee.
 - (2) When hearing from a delegation, a Committee does not require a motion on the floor.
 - (3) The following procedures will apply to delegations appearing before the Priorities Committee:
 - (a) the Chief Administrative Officer or the Ward Councillor, if the matter is Ward specific, will introduce the matter;
-

- (b) the Chair will call the delegation to the podium to address the Committee; and,
- (c) after a delegation has spoken, any Member of the Committee, the Chief Administrative Officer or the Senior Management Team members may direct questions through the Chair to the delegation.

14.10 **Request - in writing - by Member - deadline**

A delegation may also appear before a Committee if a Member requests in writing to the Clerk that the delegation be placed on the agenda prior to 12 o'clock noon of the Wednesday of the second week prior to the meeting, and provided that the provisions of Article 14.9 are complied with.

14.11 **Request in writing - Requirements**

Where a delegation wishes to have any policy matter considered by Council, the letter, petition or other communication shall be addressed to the City Clerk, and the letter, petition or communication shall:

- (1) be printed, typewritten or legibly written;
 - (2) clearly set out the matter at issue and the request made of Council;
 - (3) in the case of a letter or communication:
 - (a) be signed with the name of the writer; and
 - (b) contain the mailing address, street address and telephone number of the writer;
 - (4) in the case of a petition:
 - (a) be signed by at least two (2) citizens resident in the municipality;
 - (b) set out the civic address of each petitioner; and,
-

- (c) indicate the name of a spokesperson, his or her mailing address, street address and telephone number;

and where a letter, petition or communication is received in the French language, the Clerk shall arrange for its translation and shall place both a copy of the original French language version and its English translation on the Agenda.

14.12 Clerk to Forward

On receipt of a communication intended for Council or a Committee of Council, the Clerk may include it as an item on the Agenda for the appropriate meeting of Council or a Committee of Council, together with any necessary reports from the administration or refer it to the administration for a reply.

14.13 Request - by delegation - deadline

Prior to 12 o'clock noon of the Wednesday of the second week prior to the meeting of Council or a Committee, the delegation shall submit its request in writing, together with a written submission detailing the matters that the delegation wishes to present to the Committee or Council.

14.14 Delegations encouraged to speak first to Staff

Depending on the situation in question, delegations shall be encouraged by the Chief Administrative Officer and the Clerk to first resolve the issue with staff. Matters which are operational or administrative only shall be referred to the appropriate Senior Management Team member for resolution.

14.15 Members and Senior Management Team to ask questions for clarification and additional information

Upon the completion of a presentation to Council or a Committee by a delegation, any discourse between Members of Council, the Committee, or the Senior Management Team and the delegation shall be limited to asking questions for clarification and obtaining additional, relevant information only. Members of Council or the Committee and the Senior Management Team shall not enter into debate with the delegation respecting the presentation.

14.16 Questions of Staff

Members shall not ask questions of staff until all representatives of a delegation have been heard.

14.17 Rules for Delegations

No delegation shall:

- (1) speak disrespectfully of any person;
- (2) use offensive words or unparliamentary language;
- (3) speak on any subject other than the subject for which they have received approval to address Council.

14.18 Chair may curtail any Delegation

The Chair may curtail any delegation, any questions of a delegation or Member of Council or debate during a delegation for disorder or any other breach of this By-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.

14.19 Request - presentation - prior to meeting

Any person present at a meeting may request to make a presentation to Council or a Committee, as the case may be, respecting an item on the agenda, provided that the request is made to the Clerk or Secretary prior to the commencement of the meeting and provided that the request is agreed to by two-thirds of the Members present. If agreed to, all such delegations shall be placed as the final delegation on the agenda.

14.20 Public hearing - presentation - prohibited

Where a public hearing is held by a Committee pursuant to the *Municipal Act*, no person shall be permitted to appear before Council in respect of that matter.

14.21 Secretary - announce - time remaining - expiry

The Secretary shall advise the meeting when there is one minute remaining and once the time allotted to a delegation has expired, the Chair shall so inform the delegation and the delegation shall immediately cease its presentation.

14.22 Delegation - speakers - maximum - three

A delegation may use a maximum of three (3) speakers in making its presentation.

14.23 Visual aids - use - as required - arrangement in advance

A delegation making its presentation may use such visual aids as it deems advisable provided that where such visual aids requires the use of municipal equipment, arrangements must be made by the delegation with the Clerk at least one (1) day prior to the meeting.

14.24 Delegation - listed on agenda - order - determination

Delegations shall be listed on the agenda and heard in the order determined by the Clerk and approved by the Chief Administrative Officer.

14.25 Limitation on appearance of Delegations

A delegation, once heard, shall not be entitled to be heard either at Council or a Committee on substantially the same matter for a period of twelve (12) months from the date of its first hearing.

ARTICLE 15
IN-CAMERA MEETINGS

15.1 Open Meetings

Subject to the *Municipal Act* all Council and Committee meetings shall be open to the public. The section of the *Municipal Act* which authorizes in-camera meetings is attached hereto as Schedule "C". The Clerk is authorized to replace this Schedule at any time the provisions of the *Municipal Act* are amended.

15.2 Commencement - adjournment - time for

Unless otherwise determined by the Chief Administrative Officer, in consultation with the Mayor, in-camera meetings shall be scheduled immediately prior to the regular or special meeting of Council or the Committee and shall adjourn at least ten minutes prior to the time scheduled for the commencement of the regular or special meeting of Council or the Committee.

15.3 Incomplete items - to Council agenda

Any matters not completed at the adjournment of the in-camera meeting held immediately prior to the meeting of Council or the Committee, shall be completed at the conclusion of the Council or Committee meeting in accordance with Article 11.1.

15.4 Request - by Member - requirements

If, during a meeting of Council or a Committee, a Member wishes to move "in-camera," the Member shall either move a motion to defer the matter to the in-camera item on the agenda or move a motion which would require a two-thirds vote of those Members present to immediately recess into the in-camera.

15.5 Closed meeting - resolution

Before all or part of a meeting is closed to the public, the Council or a Committee thereof, shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

15.6 Closed meetings - votes

A meeting of Council or a Committee thereof shall not be closed to the public during the taking of a vote unless the *Municipal Act* permits or requires a meeting to be closed to the public, and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under contract with the City.

15.7 Direction to Staff - In Camera

Direction to staff or consultants retained by the City may be provided at in-camera meetings when permitted under the *Municipal Act*, by consensus of Members present.

15.8 Speaking - not limited

The number of times a Member may speak on any question shall not be limited at an in-camera meeting, provided that no Member shall speak more than once until every Member who is entitled to do so shall have spoken.

15.9 Motion - for adjournment - not entertained

A motion for adjournment shall not be entertained by the Chair at an in-camera meeting.

15.10 Motion - to rise and report - always in order - exception

Except when a Member is in possession of the floor or during the taking of a vote, a motion to rise and report progress shall always be in order during an in-camera session and shall not require a seconder and shall be decided without debate.

15.11 Completion - reconvene - public session - report

Upon completion of the in-camera session, the Council or Committee, as the case may be, shall immediately reconvene in public session and the Chair of the in-camera session shall report the results therefrom.

15.12 Disclosure - in-camera -meeting

No Member, officer or employee shall disclose the content of the matter or substance of the deliberations of an in-camera meeting, unless expressly authorized to do so by Council or the Committee or as required by law.

ARTICLE 16
CONSENT AGENDA

16.1 Contents

The Clerk shall include the following in each Consent Agenda:

- (a) adoption of minutes;
- (b) award of tenders;
- (c) routine department reports;
- (d) telephone Polls;
- (e) correspondence for information only; and,
- (f) by-laws.

16.2 Introduction - by motion - moved - seconded

Subject to Article16.8, the Clerk shall introduce by way of a motion properly moved and seconded those items contained in Article16.1 (a), (b), and (c).

16.3 Mayor - inquiry - wish to debate

The Chair shall then inquire whether any Members wish to debate any items set forth in the resolution.

16.4 Member - wishing to debate - to advise Mayor

Any Member who wishes to debate any item set forth in the resolution shall advise the Chair of the item or items that the Member wishes to debate and any Member may move an amendment to an item in accordance with this By-law during the course of the debate on that item.

16.5 Debate - no amendments - call for vote - on item

If, at the conclusion of the debate, no amendments have been proposed to any of the items, the Chair shall then call for the vote on the resolution.

16.6 Debate - amendments proposed - report to Council

If, at the conclusion of the debate, amendments have been proposed to any of the items, the Chair shall report all such amendments to Council.

16.7 Amendments - original - voted on - separately

Each amendment shall then be voted on separately without further amendment or debate following which the Chair shall call for the vote on the original resolution making reference to the amended items.

16.8 Items - separately - where pecuniary interest

The Clerk shall separately introduce any item contained in Article 16.1 (a), (b), and (c) on which a Member has declared a pecuniary interest in accordance with the *Municipal Conflict of Interest Act*.

16.9 Items - appropriately worded - moved - seconded

Each item contained within Article 16.1 (a), (b), and (c) shall include its own appropriately-worded, properly moved and seconded motion.

16.10 By-law - introduction - written resolution

The Clerk shall introduce all by-laws by way of one written resolution properly moved and seconded without amendment or debate providing that all by-laws shall be read a first and second time.

16.11 By-law - Member - inquiry - wish to debate

The Chair shall, after the introduction of a by-law, inquire if there are any Members who wish to debate a by-law or by-laws set forth in the resolution.

16.12 By-law - Member - wishing to debate - Chair advised

Any Member who wishes to do so shall advise the Chair of a by-law or by-laws that the Member wishes to debate, and any Member may move an amendment to a by-law during the course of the debate on that by-law.

16.13 By-law - debate - no amendment - resolution passed

If, at the conclusion of the debate, no amendments have been proposed to any of the by-laws, the Chair shall then call for a reading of the resolution, properly moved and seconded, that all by-laws named therein shall be considered to have been read a third time and passed.

16.14 By-law - debate - amendments - report to Council

If, at the conclusion of the debate, amendments have been proposed to any of the by-laws, the Chair shall report all such amendments to Council.

16.15 By-law - amendments - original - voted on - separately

Each amendment shall then be voted on separately without further amendment or debate following which the Chair shall call for a reading of a resolution properly moved and seconded providing that all by-laws named therein shall be considered to have been read a third time and passed as amended.

16.16 By-law - heading - on consent agenda - meeting

Each by-law heading shall appear on the consent agenda of the Council agenda of the meeting where it is to be proposed.

16.17 By-law - source - number - readings - on agenda

The agenda shall make reference to the original source of the by-law, i.e. Council or Committee resolution or accompanying report, and shall include the by-law number and the number of readings to be given.

16.18 Administrative Amendments

The Clerk is hereby authorized to make such minor deletions, additions or other changes in form to any By-law or resolution before it is signed or sealed for the purpose of ensuring complete implementation of the actions of Council forming the subject matter.

ARTICLE 17
MINUTES - ADOPTION

17.1 Council - Committee of the Whole - action taken - no change permitted

Subject to Article 17.2, during the adoption of the minutes of a previous meeting of Council, or Committee of the Whole, no changes can be made in the action taken by Council or Committee of the Whole, at the previous meeting; only changes in the form of errors and omissions and recording of any action taken at the previous meeting may be made in adopting the minutes. Debate on any item contained in the minutes requires a motion for reconsideration.

17.2 Committee minutes - discussion of items

During the adoption of the minutes of the Planning Committee, Priorities Committee, or a Committee other than the Committee of the Whole, any Member may debate any items mentioned in the Committee minutes and Council may by resolution alter or reject any decision of the Committee, refer the matter back to the Committee for further consideration or defer the matter.

17.3 Committee minutes - errors - omissions

During the adoption of the minutes of a Committee, changes in form of errors or omissions in the recording of any action taken at the Committee meeting may be made in adopting the minutes.

ARTICLE 18
REFERRED - DEFERRED ITEMS

18.1 Items - deferred - included - next meeting agenda

Any item which is deferred by Council shall be included on the agenda of the next regular meeting of Council if not deferred to a subsequent meeting.

18.2 Agenda - placement - order

Items deferred to or referred to a subsequent meeting shall be included on the agenda under "referred and deferred items" and shall be included on the agenda in the order that the items were originally deferred or referred with the earliest being first on the agenda.

ARTICLE 19**ADDENDUM****19.1 Permitted - after deadline - urgent items - on approval**

There shall only be an addendum to an agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the agenda and prior to the meeting, which items the Clerk, with the consent of the Chief Administrative Officer, believes are of urgent nature and require the immediate consideration at the meeting.

19.2 Items - dealt with - resolution required - Council

Before any addendum may be dealt with at Council, a resolution must be passed by at least seven Members authorizing the Council to deal with all or any of the items on the addendum.

19.3 Items - dealt with - resolution required - Committee

At a Committee, before any addendum may be dealt with, a resolution must be passed by two-thirds of the Members present authorizing the Committee to deal with all or any of the items on the addendum.

19.4 Declaration - of pecuniary interest

The addendum shall include provision for declarations of pecuniary interest.

ARTICLE 20
QUESTION PERIOD

20.1 Inquiries - to Senior Management Team - matters - immediate

Inquiries during the question period shall be directed by Members to the Chief Administrative Officer or Senior Management Team members and shall deal with matters of immediate nature not previously dealt with at the meeting.

20.2 Chief Administrative Officer - response - immediate - later meeting

The Chief Administrative Officer or the Senior Management Team member asked a question during the question period may either answer immediately or indicate to the Chair that he or she will answer at a subsequent meeting or directly to the Member.

20.3 Question - recorded - answers or not - in minutes

Each inquiry made during the question period shall be recorded in the minutes of the meeting concerned and in addition, the minutes shall note whether the inquiry was answered or requires an answer at a subsequent meeting.

20.4 Inquiries at Committees

Inquiries made at a Committee must be made at the Committee that would normally deal with the issue.

20.5 Written Reports require Consent of majority of Members Present

Any request for a written response to an inquiry made by a Member at Council or Committee must first receive the consent of the majority of all Members present.

20.6 Councillor Information Requests

Any request for information made by a Member of Council or Committee that, in the opinion of the Senior Management Team member, will require more than 2 hours of staff time, must first receive the consent of the majority of Members of Council or the Committee present.

20.7 Limit on Number of Questions

No Member shall be permitted to ask more than two (2) questions without first receiving the unanimous consent of all Members present.

20.8 Announcements not to be recorded in Minutes

Where a Member wishes to make an announcement in lieu of a question, the Clerk shall not record the announcement in the Minutes without the unanimous consent of all Members present.

ARTICLE 21
NOTICE OF MOTION

21.1 Submitted - to Clerk - on the Wednesday two weeks in advance of meeting

Notices of motion may be submitted to the Clerk by a Member at any time and each notice of motion the Clerk has received by 12 o'clock noon of the Wednesday of the week prior to the meeting shall be included on the agenda for that meeting under the item "Motions".

21.2 Submitted - prior to close of meeting - recorded

A notice of motion in writing may also be received by the Secretary prior to the closing of the meeting and in this event, the Chair shall either read the notice of motion or declare the motion as read and it shall be duly recorded in the minutes and shall form part of the agenda for the subsequent meeting under the item, "motions".

21.3 Seconder - not required - before debate

The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate.

21.4 Motion - not on addendum - not presented - exception

A motion with respect to a matter not on an agenda shall not be presented without the prior notice required by Article 21.1 unless a resolution to so dispose with such notice is passed by at least seven Members at a meeting of Council or a two-thirds majority of those present at a meeting of a Committee.

21.5 Reading - Member submitting - need not be present

The Member who delivers a written notice of motion to the Clerk to be read at any meeting need not be at the meeting during the reading of the notice.

21.6 Moved - seconded - at meeting - before debate

A motion for which notice was given in accordance with this Article must be moved and seconded at the meeting on which it appears on the agenda for debate; the motion cannot be moved at any subsequent meeting without notice having been given pursuant to Article 21.1.

21.7 Automatic Withdrawal of a Member's Motion

Where a Member's Motion has appeared on two successive Council Agendas and not been dealt with, it shall be deemed to have been withdrawn and be dropped from the Agenda unless Council otherwise decides. The mover of a Notice of Motion may withdraw his or her motion any time prior to the commencement of debate on the motion.

ARTICLE 22
ADJOURNMENT

22.1 Motion - in order - exception - Member on floor

A motion to adjourn a meeting shall be in order except when another Member is in possession of the floor.

22.2 Motion - in order - exception - decision vote

A motion to adjourn a meeting shall be in order except when it has been decided that the vote be now taken.

22.3 Motion - in order - exception - during vote

A motion to adjourn a meeting shall be in order except during the taking of a vote.

22.4 Motion - subsequent - after intermediate proceedings

No subsequent motions to adjourn shall be made until after intermediate proceedings shall have taken place.

22.5 Automatic - 10 p.m. - exception - resolution

The Council meeting shall be deemed to be automatically adjourned at the hour of 10 p.m. if in session that hour, unless otherwise determined by resolution passed by two-thirds of the Members present.

22.6 Continuation - automatic adjournment - exception

Where by Article 22.5 a meeting continues past 10 p.m., the meeting shall be deemed to be automatically adjourned at the hour of 11 p.m. and each hour thereafter unless such proceedings be continued past that hour with the unanimous consent of all Members present.

PART V - RULES OF PROCEDURE**ARTICLE 23****QUORUM****23.1 Minimum - 50% - Members**

The quorum required to commence and continue a meeting of Council or a Committee shall be more than fifty percent (50%) of the Members.

23.2 Adjournment - no quorum - within 30 minutes

Unless a quorum is present within thirty (30) minutes after the time appointed for the commencement of the meeting, the meeting shall automatically be deemed to stand adjourned until the next regular meeting or until a special meeting is called to deal with matters intended to be dealt with at the adjourned meeting.

23.3 Adjournment - names - Members present - recorded

The Secretary of the meeting concerned shall record the names of the Members present at the expiration of the thirty (30) minute time limit and such record shall be appended to the agenda for the next meeting.

23.4 Recess - temporary lack of quorum - procedure

If at any time during the meeting there is not a quorum, the meeting shall automatically be deemed to stand recessed until there is a quorum again in attendance or until the Chair declares the meeting adjourned. Should the lack of a quorum continue for thirty (30) minutes from the time of its occurrence, then the meeting shall automatically be adjourned either until the next regular meeting day or until a special meeting is called to deal with the matters still to be dealt with at the adjourned meeting.

23.5 Present - meeting called to order

As soon as there is a quorum after the hour affixed for the commencement of the meeting, the Chair shall call the meeting to order.

23.6 Alternate Members for Quorum

- (a) If a quorum is not possible because of the absence of one or more Members of a Committee, any Member of Council present at the Committee meeting who is not a Member of the Committee may, with his or her consent entered on the Minutes, become an alternative Member of the Committee and will be counted to determine quorum.
 - (b) If more than one Member is present, priority for selection as an alternative Member will be determined in accordance with the rotation schedule for Acting Deputy Mayor, beginning with the current month's Acting Deputy Mayor.
 - (c) Only the number of Members required to complete quorum shall be added as an alternative Member of the Committee.
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ARTICLE 24**RULES OF DEBATE - IN COUNCIL AND COMMITTEES****24.1 Order - decorum - points of order - procedure - other**

The Chair shall preside over the conduct of the meeting including the preservation of good order and decorum, ruling of points of order, questions of privilege, points of information and ruling on all questions relating to the procedure of the meeting.

24.2 Council Meeting - Chair - appointed - Mayor absent

If the Mayor, Deputy-Mayors and Acting Deputy Mayor do not attend a Council meeting within fifteen minutes after the hour appointed for the opening of the meeting, the Members present forming a quorum, shall from amongst themselves appoint a Member to act as Chair in the place and stead of the Chair until the Chair arrives.

24.3 Committee Meeting - Chair - absent - Member appointed

If the Chair or Vice-Chair does not attend a Committee meeting within fifteen minutes after the hour appointed for the opening of the meeting, the Members present shall from amongst themselves appoint a Member to act as Chair in the place and stead of the Chair until the Chair arrives.

24.4 Council Meeting - Absence of a Chair

In the absence of a Chair at Council for any reason, then the Member designated pursuant to Schedules "B" or "B.1" shall be the Chair.

24.5 Ruling - subject to appeal

Any ruling made by the Chair is subject to an appeal to the Members by any Member.

24.6 Appeal - announced - reasons

If an appeal is made by a Member of a ruling by the Chair, the Member appealing shall, after announcing the appeal, state the reasons for such an appeal and the Chair may then indicate why the appeal should be rejected and the Chair's ruling upheld.

24.7 Appeal - without debate - vote

Without debate on the appeal, the Members by roll call shall then vote on the appeal.

24.8 Appeal - upheld - rejected - results

If the appeal is upheld, then the Chair shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands.

24.9 Chair - speaking - before debate

The Chair may speak on any matter before the commencement of debate on that matter.

24.10 Chair - speaking - close of debate

The Chair may speak to close the debate on any matter after everyone else wishing to speak has spoken.

24.11 Chair - participation - in debate - leaves chair

If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place and stead until the debate is closed and in such case the Chair waives his or her privilege to close the debate and the Member acting in the Chair's place may close the debate.

24.12 Pecuniary interest - declared - withdrawal - from chair

If a Chair has declared a pecuniary interest on any item on an agenda, then the Chair shall withdraw from the chair during the deliberation of that matter by Council or a Committee.

24.13 Speaking - without permission - improper conduct

No person shall speak aloud at a meeting or address Members without first receiving permission of the Chair to do so. All remarks shall be addressed to the Chair. Any person contravening this rule shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the Chair.

24.14 Recognition by Chair - acknowledgement - by speaker

After being recognized by the Chair, every Member shall respectfully acknowledge the Chair prior to speaking on any matter.

24.15 Ruling - by Chair - before presentation - prohibited

The Chair may not exclude any matter from an agenda or rule any item out of order until that item is placed before the Council or Committee.

24.16 Motion - mover - first - right to speak

A Member who moves a main motion has the first right of speaking on that motion after the Chair.

24.17 Motion - mover - seconder - right to speak

A main motion is one requiring a seconder, and the seconder has the right of speaking second on the motion.

24.18 Motion - in report - reading waived - optional

Where a motion is contained in a report attached to the agenda, the Chair may, at the time of introduction of the motion to the meeting, waive the reading of the motion.

24.19 Speaking - only once - exception

A Member shall not speak more than once on a matter without the leave of Council or Committee, as the case may be, except:

- (a) if questioned by another Member; or
- (b) to explain comments which the Member believes have been misunderstood; or
- (c) in the case of the mover of a main motion, in reply just before the Chair and after everyone else has spoken.

24.20 Right of reply - limitations

The right of reply does not apply to movers of amendments nor to the mover of the main motion if that Member has moved an amendment to the main motion.

24.21 Speaking - time limitation - exception

No Member, without the leave of the Council or Committee, as the case may be, shall speak to a matter or in reply for longer than 10 minutes.

24.22 Motions - all - moved - seconded - signed - exception

Except for the types of motions listed in Article 24.24 every motion, amendment to a motion or amendment to an amendment before being read and presented to the Chair for debate must be moved and seconded in writing and signed by the mover and seconder.

24.23 Mover - seconder - present - at vote

The mover and seconder of a motion or an amendment must both be present at the time a vote is taken for the vote to be valid.

24.24 Mover - only - no seconder required

The following motions require a mover only in order to be considered; they need not be seconded, nor in writing, nor signed by the mover in order to be considered:

- (a) motion to defer action;
- (b) motion to refer to a body certain;
- (c) motion that the vote now be taken;
- (d) motion to extend time limit and for delegation;
- (e) motion to overrule Clerk's decision on the appropriate body to consider a particular matter;
- (f) motion to overrule Clerk's refusal to place matter before Council or Committee;
- (g) motion to go "in-camera".

24.25 Mover - present - at vote

The mover must be present at the time the vote is taken on any motion referred to in Article 24.24.

24.26 Motions - limited - matter under debate

Subject to Article 24.22, when a matter is under debate, no motion shall be entertained other than a motion:

- (a) to refer to a certain body;
- (b) to amend;
- (c) to defer action;
- (d) to adjourn the meeting;
- (e) that the vote now be taken.

24.27 Motion - to refer - defer - adjourn - precedence

A motion to refer or defer shall take precedence over any motion or amendment except a motion to adjourn.

24.28 Motion - to refer - direction - required - not debatable

A motion to refer shall require direction as to the body to which it is being referred and is not debatable.

24.29 Motion - to defer - reason - time - required

A motion to defer must give a reason and a time certain to which the matter is deferred and is not debatable.

24.30 Motion - to vote - opportunity to speak - required

A motion that the vote be now taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak at least once on the particular matter.

24.31 Motion - to vote - entertained - vote - without debate

Once a motion that the vote be now taken is presented and entertained by the Chair, it shall be put to a vote without debate and if carried by a two-third vote of the Members present, the motion and any amendments thereto under discussion shall be submitted to vote forthwith without further debate.

24.32 Motion - outside jurisdiction - not in order

A motion relating to a matter not within the jurisdiction of the Council or a Committee is not in order and shall not be entertained by the Chair.

24.33 Conduct of Members

No Member shall:

- a) engage in private conversation while in the Council Chamber in such manner as to interrupt the proceedings of Council;
- b) speak on any subject other than the subject in debate; and
- c) where a matter has been discussed in-camera, disclose the content of the matter or substance of deliberations of the in-camera meeting, except as required by law.

24.34 Visitors

No person shall display signs or placards, applaud, engage in conversation or other behaviour which may disrupt debate.

ARTICLE 25
POINTS OF INFORMATION

25.1 Questions - previous speaker - through Chair

A Member may, through the Chair, ask questions to a previous speaker arising out of that speaker's remarks.

25.2 Explanation - previous speaker - through Chair

A Member may, through the Chair, seek an explanation from a previous speaker.

25.3 Questions - staff - present - through Chair

A Member may, through the Chair, ask questions during the discussion of any particular item on the agenda respecting the item of any staff of the municipality in attendance at the meeting.

25.4 Motion - ownership - withdrawal - majority consent

Every motion is the property of Council or Committee, as the case may be, after it is presented to the Chair and read to the meeting but may be withdrawn at a time prior to the vote thereon with the consent of the majority of Members present.

25.5 Motion - debated - in order - presentation

Motions shall be debated in the order of their presentation to the Chair.

25.6 Motion - reading - request - by Member - limitation

Any Member may, once only, require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another Member while the latter is speaking.

25.7 Respect - sovereign - Royal Family

No person at a meeting shall speak disrespectfully of the reigning sovereign, any Member of the Royal Family, the Governor General or the Lieutenant Governor.

25.8 Offensive - unparliamentary language - prohibited

No person at a meeting shall use offensive words or unparliamentary language.

25.9 Procedural rules - order - disobeyed - prohibited

No person at a meeting shall disobey the procedural rules or the decisions of the Chair or of the Council or Committee, as the case may be, on questions of order or practice or upon the interpretation of the procedural rules.

25.10 Leaving - seat - during vote - prohibited

No Member at a meeting shall leave his or her seat while a vote is being taken and until the results are declared.

25.11 Noise - disturbance - during vote - prohibited

No person at a meeting shall make any noise or disturbance while a vote is being taken and until the result is declared.

25.12 Entrance - to meeting - during vote - prohibited

No Member at a meeting shall enter the meeting while a vote is being taken.

25.13 Interruption - speaker - prohibited - exception

No person at a meeting shall interrupt a Member while speaking, by speaking out, making a noise or disturbance, except to raise a point of order.

25.14 Passing between - speaker - Chair - prohibited

No person at a meeting shall pass between a Member who is speaking and the Chair.

25.15 Improper conduct - expulsion - exclusion

Any person who contravenes any of the rules set out in Article 25 at a meeting shall be guilty of improper conduct and may be subject to expulsion or exclusion therefrom by the Chair.

25.16 Leaving meeting - prior to adjournment - procedure

If a Member desires to leave a meeting prior to adjournment and not return thereto, the Member shall so advise the Chair and the fact and time of the Member's early departure shall be recorded in the minutes.

ARTICLE 26
POINTS OF ORDER

26.1 Member - recognition - rise to speak

When a Member desires to call attention to what the Member believes to be a violation of the rules of procedure, the Member shall, when once recognized by the Chair, rise on a point of order.

26.2 Member - explanation - Chair - ruling

On raising the point of order, a Member shall state the point of order with a concise explanation and the Chair shall rule upon the point of order.

26.3 Ruling - appealed - immediately - or final

Unless a Member immediately appeals the ruling of the Chair, the ruling of the Chair on the point of order shall be final.

26.4 Ruling - appealed - procedure

If the ruling is appealed, the appeal procedure set out in Article 24 shall be followed.

26.5 Decision - debate resumed

Once the point of order has been dealt with, the debate shall resume at the point it was before the point of order was raised unless the decision on the point of order has changed this procedure.

26.6 Improper conduct - expulsion - meeting adjourned

Where a person has been deemed guilty of improper conduct by the Chair and is expelled or excluded from the meeting by the Chair and such person refuses to so leave, the Chair may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

26.7 Conduct - Members disobey rules of Council or Decision of Mayor

No Member shall disobey the rules of Council or a decision of the Mayor or Chair or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

26.8 Conduct - Question - Member ordered to Leave Seat

In case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his or her seat for the duration of the meeting of the Council".

26.9 Conduct - Member apologizes - Retake Seat

If the Member apologizes he or she may, by vote of the Council, be permitted to retake his or her seat.

ARTICLE 27
QUESTIONS OF PRIVILEGE

27.1 Member - address - permission

When a Member desires to address the meeting upon a matter that concerns the rights or privileges of the Council or Committee, as the case may be, or of a Member thereof, the Member shall be permitted to raise such matter of privilege.

27.2 Matter of privilege - precedence

A matter of privilege shall take precedence over other matters except for points of order and motions to adjourn.

27.3 Call to order - Members speaking - procedure

When a Member is called to order by the Chair so that a point of order or question of privilege can be dealt with, the Member shall stop speaking until the point of order or question of privilege, as the case may be, has been dealt with, after which such Member shall be entitled to resume the floor and continue speaking unless the decision on the point of order or question of privilege, as the case may be, requires the procedure to be changed.

ARTICLE 28
VOTING - AMENDMENTS

28.1 Amendment - presentation - limitation

The following rules shall apply to amendments to motions:

- (1) an amendment to a main motion or to an amendment must be similar in import to the question which it is proposed to amend but with sufficient variance to constitute a different question;
 - (2) only one amendment at a time can be presented to the main motion;
 - (3) only one amendment can be presented to an amendment;
 - (4) when an amendment to an amendment has been decided upon, another amendment to an amendment may be introduced;
 - (5) when an amendment to a main motion has been decided upon, another may be introduced;
 - (6) an amendment to the main motion cannot be withdrawn until the amendment to the amendment has been withdrawn or defeated;
 - (7) the order of voting shall be:
 - (i) an amendment to an amendment shall be voted upon
 - (ii) an amendment to a main motion shall next be voted upon, and
 - (iii) the main motion, as amended shall finally be voted upon.
-

28.2 Amendment - not yet read - read informally

Nothing in this Article shall prevent other proposed amendments which have not yet been read to the meeting but which have been presented to the Chair from being read informally to the meeting if requested by any Member so as to inform the Members of the various amendments presented to the Chair respecting the motion concerned.

28.3 Amendment

An amendment which in effect is nothing more than a rejection of the motion is not in order.

ARTICLE 29
VOTING - GENERAL

29.1 Voting - commenced - speaking - motions - prohibited

After the Chair commences to take a vote on a question, no Member shall speak to such question or present any other motion until a vote has been taken on such question.

29.2 Method - show of hands - exception - roll call vote

Voting shall be by way of a "show of hands" in favour or against, except when a roll call vote is requested by any Member.

29.3 Refusal - failure - to vote - deemed negative

Every Member present at a meeting, when a vote by way of "show of hands" is taken on a question, shall vote thereon unless prohibited by statute; and if any Member present other than the Chair refuses to vote or fails to vote, the Member shall be deemed as voting against the question.

29.4 Chair - right of vote

Nothing in Article 29.3 shall be deemed to prevent the Chair from voting on any question.

29.5 Chair - to announce - results

The Chair shall announce the results of the vote once the vote is completed.

29.6 Roll call vote - requested - vote announced - openly

A Member may request a roll call vote on any question and when a Member so requests a roll call vote, each Member present, unless otherwise prohibited by statute, shall announce his or her vote openly and individually in favour of or against the question.

29.7 Members - called - alphabetical order - Chair last

The Clerk shall call the names of the Members present in alphabetical order except for the Chair whose name shall be called last and the Clerk shall record each Member's vote and each Member's vote shall be recorded in the minutes.

29.8 Results - Clerk - to announce

After completion of the vote the Clerk shall announce the results.

29.9 Refusal - failure to vote - deemed negative

If, during the roll call vote any Member present refuses to vote or fails to vote, the Member shall be deemed and recorded as voting against the question.

29.10 Vote - tie - deemed negative

Any question on which there is an equality of votes shall be deemed to be lost except where otherwise expressly provided by statute.

29.11 Vote - retaken - disagreement - exception - roll call

If a Member disagrees with the announcement by the Chair of the results of any vote, except a roll call vote, the Member may object immediately to the Chair's declaration and require the vote to be retaken by a roll call vote by the Clerk.

29.12 Opposition - not recorded - exception - roll call

A Member's opposition to any question shall not be recorded in the minutes unless a roll call vote has been taken.

29.13 Propositions - distinct - vote taken separately

When the question under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.

29.14 Vote - simultaneous - recorded - request

A Member may request a simultaneous recorded vote on any question and when a Member so requests, each Member present, unless otherwise prohibited by statute, shall on a sheet of paper provided by the Clerk, simultaneously mark in favour of or against the question and sign.

29.15 Vote - simultaneous - collected - read - by Clerk

The Clerk shall collect the sheets of paper and shall read aloud the name and vote of each Member and record the results in the minutes.

29.16 Vote - simultaneous - result - announced

The Clerk shall announce the result of the simultaneous vote.

29.17 Vote - simultaneous - abstinence - deemed in negative

If during the simultaneous recorded vote any Member present refuses to vote or fails to vote, the Member shall be deemed and recorded as voting against the question.

29.18 Unanimous Vote

When a vote is taken, and no dissent is declared, the vote shall be deemed to be unanimously in favour of the question.

29.19 Member not in his or her seat

A Member not in his or her seat when the Chair calls for the question shall not be entitled to vote.

29.20 Friendly Amendments

Before the Chair states the motion, a Member may rise and ask if the maker of the motion would accept a change in it. The maker can either accept or reject the proposed change. If the maker rejects the proposed change, the Member suggesting the change can propose an amendment after it has been placed before the meeting. If the change is accepted by the maker, the changed motion may be read.

ARTICLE 30
VOTING - RECONSIDERATION

30.1 Motion - carried - lost - seconded - opened to debate

Once a motion has been made and carried or lost, it shall be in order for any Member who voted with the prevailing side to move for a reconsideration and if such motion is seconded, it shall be open to debate and be disposed of by the meeting.

30.2 Reconsideration - same meeting - motion passed

When a motion of reconsideration is made at the same meeting at which the question to be reconsidered was previously dealt with, the majority of Members present may pass such motion of reconsideration.

30.3 Reconsideration - subsequent meeting - upon 2/3 vote

Where a motion of reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was previously dealt with, the question shall not then be reconsidered unless two-thirds of the Members present pass a motion of reconsideration to do so.

30.4 Notice - motion - reconsideration

If a Member wishes to propose a motion for reconsideration at a subsequent meeting to that which the question to be reconsidered was previously dealt with, it must be preceded by a notice of motion of reconsideration given pursuant to Article 21.

30.5 Motion - reconsideration - limited - two annually

No more than two motions for reconsideration of any question shall be permitted in the same calendar year.

30.6 Question - not reconsidered - until motion - adopted

When Council has decided either for or against a certain question, a Committee shall not reconsider the same question during the same calendar year until a motion for reconsideration has been adopted by Council.

30.7 Action - delayed by motion - prohibited - exception

A notice of motion or reconsideration of any decided matter shall not operate to stop or delay an action on the decided matter unless the Council by a vote of at least two-thirds of Members shall so direct.

30.8 Affirmative vote - next order of business - exception

If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion of reconsideration calls for a future definite date for the reconsideration, and debate on the question to be reconsidered shall proceed as though it had never previously been voted on.

30.9 Debate - on motion - for reconsideration

Debate on a motion for reconsideration must be confined to reasons for or against reconsideration.

30.10 **Reconsider - question**

No Committee shall reconsider any question decided by Council during the current term nor consider any other matter which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.

ARTICLE 31**TELEPHONE / ELECTRONIC MAIL POLL****31.1 Exceptional matter - Emergency - immediate action - required**

Where a matter or an emergency nature arises which requires the approval of Council, and, in the opinion of the Chief Administrative Officer, requires immediate action by the Corporation prior to the next meeting of Council, the Chief Administrative Officer may direct the Clerk to conduct a telephone and/or electronic mail poll of Members of Council.

31.2 Resolution - read - included - next meeting - report

The resolution authorizing the appropriate action will be read to each Member of Council for information and that resolution will be included on the next regular meeting of Council, together with a report of the Clerk stating the results of the poll of Council.

31.3 Action - authorized - Chief Administrative Officer - duty

If, as a result of the poll of Council, the action is authorized, the Chief Administrative Officer shall direct the staff to take the appropriate action.

PART VI - COMMITTEES- ADVISORY PANELS - PUBLIC MEETINGS**ARTICLE 32****COMMITTEES OF COUNCIL****32.1 General Responsibility of all Committees**

It shall be the responsibility of all Committees of Council:

- (a) To take into consideration during deliberations and any resulting recommendations Council's "One Community - One Vision - One Direction: Mapping the Vision for the City of Greater Sudbury", as set out in Article 1 and as amended from time to time by Council;
- (b) To consider and report on any and all matters referred to it by Council;
- (c) To provide direction and guidance to staff, through the Chief Administrative Officer, set priorities and ensure co-ordination among the policies, programs and services of the Municipality;
- (d) To provide a forum for public participation and for detailed discussion of Council's decision-making; and,
- (e) To promote accountability.

32.2 Authority of Committees

All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other By-law.

32.3 Expenditure of Funds by Committees

Committees shall not recommend the expenditure of any funds not provided for in the current year's budget approved by Council unless their recommendation specifically identifies the expenditure as unbudgeted and further identifies a source of funds for the expenditure.

32.4 Committees Established

Effective the first day of January, 2003 the following Committees of Council shall be established:

- (1) Planning Committee;
 - (2) Priorities Committee;
 - (3) Finance Committee; and
 - (4) Nomination Committee.
-

ARTICLE 33**PLANNING COMMITTEE, PRIORITIES & FINANCE COMMITTEE****33.1 Planning Committee - Established and Composition**

The Planning Committee shall be composed of five (5) Members appointed by Council, one (1) of whom shall be appointed as Chair and one (1) other Member who shall be appointed as Vice-Chair.

33.2 Planning Committee - Mandate

The Planning Committee shall hear matters and make decisions regarding issues dealing with the disposition of surplus municipal lands, street name approvals, street name changes - building renumbering, road and lane closures, disposition or opening of footpaths, matters involving heritage designations, land use issues including land acquisitions and expropriations, and except where otherwise provided either in this By-law or the *Municipal Act*, all hearings which are subject to or governed by the provisions of the *Statutory Powers Procedures Act*, including business and taxicab licensing matters.

33.3 Appointment of Members, Chair and Vice-Chair

- (1) At the first regular meeting of Council following its Inaugural Meeting, or as soon after the commencement of the term as is reasonably possible, Council shall by by-law appoint five (5) Members of Council to be Members of the Planning Committee to hold office for the term of Council or until their successors are appointed in accordance with this By-law.
-

- (2) Annually Council shall appoint one (1) of the five (5) Members of the Planning Committee as Chair and one (1) of the five (5) Members shall be appointed as Vice-Chair both of whom shall hold office for one year or until their successors are appointed in accordance with this By-law. Nothing in this By-law shall prohibit any member of the Planning Committee from being appointed Chair for consecutive terms.

33.4 Planning Committee - Chair to Vote

The Chair, and in the absence of the Chair, the Vice-Chair, shall preside at every meeting of the Planning Committee and shall vote on all questions.

33.5 Planning Committee - Chair - Service

No Member of Council shall simultaneously serve as a Deputy-Mayor and Chair of Planning Committee.

33.6 Authority of Vice-Chair

The Vice-Chair of the Planning Committee shall serve in circumstances where the Chair is absent from the City, absent through illness, or refuses to act and while so acting in the place and stead of the Chair shall have and may exercise all the rights, powers and authority of the Chair in the absence of the Chair.

33.7 Hearing of Applications

The Planning Committee shall hear all applications and hold all public hearings under the *Planning Act*, *Drainage Act*, *Development Charges Act*, the *Condominium Act* and any other statute which requires the Council of a municipality to hold public hearings on matters related to the development or use of land, and shall make recommendations to City Council on all planning matters.

33.8 Planning Committee meetings - meeting dates

There shall be a Planning Meeting held on the first and third Tuesday of each month, at 5:30 o'clock in the evening, except in the months of July, August and December, when one meeting shall be scheduled on a day and time designated by the Chief Administrative Officer.

33.9 Priorities Committee - mandate

The Priorities Committee shall undertake to:

- (1) exercise strategic leadership and promote the core values of Council;
- (2) develop new policies, monitor and evaluate new and existing policies in accordance with the overall strategic vision of Council;
- (3) request or commission research or other studies on matters of policy or service provision;
- (4) be the primary forum for the facilitation of public participation and consultation;
- (5) ensure effective communication of Council policies and strategies; and,
- (6) evaluate and monitor service delivery.

33.10 Priorities Committee Meetings - meeting dates

The Priorities Committee shall meet on the first and third Wednesday of each month except in the months of January, July, August and December, when one meeting shall be scheduled on a day and time designated by the Chief Administrative Officer.

33.11 Time and Location of Meetings

All meetings of the Priorities Committee shall commence at the hour of 5:30 o'clock in the afternoon, and shall be held in the Council Chamber, Tom Davies Square, Sudbury.

33.12 Automatic - 8:30 p.m. - exception - resolution

All Priorities Committee meetings shall be automatically adjourned at the hour of 8:30 p.m., if in session that hour, unless otherwise determined by resolution passed by two-thirds of the Members present.

33.13 Continuation - automatic adjournment - exception

Where by Article 33.11 a meeting continues past 8:30 p.m., the meeting shall be deemed to be automatically adjourned at the hour of 9 p.m. and each hour thereafter unless such proceedings be continued past that hour with the unanimous consent of all Members present.

33.14 Chair - Priorities Committee

A Member of Council shall be appointed annually by Council to serve as Chair of the Priorities Committee. Nothing in this By-law shall prohibit a Member from being appointed as Chair for a second term.

33.15 Vice-Chair - Priorities Committee

A Vice-Chair of the Priorities Committee shall be appointed annually by Council, to serve in circumstances where the Chair is absent from the City, absent through illness, or refuses to act and while so acting in the place and stead of the Chair, shall have and may exercise all the rights, powers and authority of the Chair in the absence of the Chair.

33.16 Responsibilities of the Chair and Vice-Chair

The Chair and Vice-Chair, when presiding, shall be responsible to ensure that:

- (1) the Committee deals with policy issues effectively;
- (2) the Committee makes all reasonable efforts to ensure that Part II of the Agenda - Citizen Delegations, commences at 7:00 p.m.;
- (3) public dialogue and communication on policy matters is effective and co-ordinated;
- (4) the needs of the Committee for administrative support, analysis and advice are provided through the Office of the Chief Administrative Officer;
- (5) the Committee is organized appropriately to carry out its workload.

33.17 Policy Discussion Papers

Staff reports to be prepared for the Priorities Committee shall be in the form of Policy Discussion Papers and shall be in a format approved by the Chief Administrative Officer from time to time.

33.18 Policy Discussion Papers - Presentation and Recommendation

Where possible, Policy Discussion Papers shall be presented by staff with on the first instance with no recommendations to be adopted at that meeting. Where possible, recommendations would be presented by staff at the following meeting.

33.19 Councillor Briefing Session

In circumstances where there are no Policy Discussion Papers on the Priorities Committee agenda, the Clerk shall schedule Councillor Briefing Sessions to be presented by staff to the Committee in areas of interest for the information and education of the Committee.

33.20 List - Councillor Briefing Sessions - Clerk

The Clerk shall maintain a list of Councillor Briefing Sessions which shall be circulated to Councillors by the Chair of Priorities. The list shall be updated and reviewed at the weekly management meetings of staff.

33.21 Priorities Committee - Rules of Procedure

The Chair, and in the absence of the Chair, the Vice-Chair shall preside at every meeting of the Priorities Committee and shall vote on all questions. The rules of procedure set out in Part V of this By-law shall be observed in Priorities Committee, so far as they are applicable, except that:

- a) motions shall not require a seconder;
- b) no vote shall be recorded;
- c) the number of times of speaking on any question shall not be limited; and
- d) no Member shall speak more than once except to make explanation until every Member who desires to speak shall have spoken.

33.22 Requirement for Recommendation to Council

The Priorities Committee shall not forward any item on its Agenda to Council without a recommendation.

33.23 No Action Binding on Council

No action of the Priorities Committee shall be binding on Council or the Municipality and no action shall be taken unless Council has adopted the report of the Priorities Committee.

33.24 Finance Committee - established

The Finance Committee shall be a meeting of the Committee of the Whole and shall meet at such times and location as determined by the Chair of the Finance Committee.

33.25 Finance Committee - Appointment of Chair and Vice-Chair

A Chair and Vice-Chair for the Finance Committee shall each be appointed by Council at the start of a Council term, or when otherwise required, both of whom shall hold office for that term or until their successors are appointed in accordance with this By-law. Nothing in this By-law shall prohibit a Member from being appointed Chair of Finance Committee for consecutive terms.

33.26 Finance Committee - Chair to Vote

The Chair, and in the absence of the Chair, the Vice-Chair, shall preside at every meeting of the Finance Committee and shall vote on all questions.

33.27 Finance Committee - Mandate

The Finance Committee shall be responsible in each year for reviewing current and capital budgets of the City and for making recommendations to Council, and shall meet throughout the year as required to:

- (a) review the City's current financial performance;
- (b) receive and review Auditor's and variance reports;
- (c) review the timetable and guidelines for the preparation of the following year's current budget; and,
- (d) establish priorities for capital projects for the following year's budget;

and shall hold at least one public meeting prior to the budget each year to receive public input on budget matters.

ARTICLE 34
HEARING COMMITTEE

34.1 Established - Purpose

A Hearing Committee is hereby established for the purpose of hearing any interested parties or affording them an opportunity to be heard on any matter which Council is required to hold a hearing.

34.2 Composition - three members - rotation - Schedule "H"

The Hearing Committee shall be comprised of three Members of Council who shall be determined in accordance with the rotation schedules marked as Schedules "H" and "H.1" to this By-law.

34.3 Mayor - ex officio Member

The Mayor shall be an ex officio Member of the Hearing Committee.

34.4 Limited - *Statutory Powers Procedure Act*

The Hearing Committee shall be bound by sections 5 to 15.2 inclusive and sections 21, 21.1, 21.2 and 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22 as amended.

34.5 Report - to Council - at conclusion of hearing

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 fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefore on the merits of the application in respect of which the hearing has been conducted.

34.6 Report - consideration - action - by Council

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.

34.7 Tax Relief

The Hearing Committee shall hear all representations to Council requesting tax relief.

ARTICLE 35
ADVISORY PANELS

35.1 Established

Advisory Panels shall be established by resolution in accordance with this Article for the purpose of providing advice, information and expertise to the municipality on specific municipal matters.

35.2 Composition - reporting

Advisory Panels shall be composed of stakeholders and the public and staff, and shall make recommendations to a Senior Management Team member who shall report those recommendations of the Advisory Panel to Council. Members of Council may be included as Members of Advisory Panels, provided they do not compose a majority of the Members.

35.3 Advisory Panels - Conduct of Meetings

Advisory Panels shall, at their first meeting, appoint from among the Members a Chair who shall conduct the meetings. Meetings of Advisory Panels are informal and do not require agendas or minutes and are not required to follow the rules of procedure set out in Part V of this By-law. Public notice of the meetings of Advisory Panels is not required and Advisory Panel meetings may be held in camera.

35.4 Advisory Panels - Annual Report

Every Advisory Panel, which mandate has not previously expired and reported finally to Council, shall report to Council in December each year on its activities, except in an election year where it shall report to Council in October.

35.5 Establish additional - Advisory Panels

A motion appointing an Advisory Panel shall include:

- (a) the name of the Advisory Panel;
- (b) the Members of the Advisory Panel;
- (c) the purposes and objectives of the Advisory Panel;
- (d) the term of the Advisory Panel and the date its mandate expires.

35.6 Accessibility Advisory Committee

An Accessibility Advisory Committee is hereby established in order to assist Council with its responsibilities under the *Ontarians with Disabilities Act, 2001* or the *Accessibility for Ontarians with Disabilities Act, 2005*, once proclaimed, and this Committee shall fulfill all responsibilities and provide all advice as required by the Act, and in particular:

- (a) advise the Council in each year about the preparation, implementation and effectiveness of:
 - (i) The City of Greater Sudbury Accessibility Plan;
 - (ii) The City of Greater Sudbury Transit Accessibility Plan;
 - (b) advise the Council on:
 - (i) Accessibility Standards for public facilities and programs;
 - (ii) Accessibility Guidelines for private sector development as part of the Site Plan Review Process Guide;
 - (c) based on adopted Accessibility Guidelines, the Accessibility Advisory Committee may select and review, in a timely manner, the site plans and drawings for new development, described in section 41 of the *Planning Act*; and,
 - (d) as requested by Council, provide advice to the City on matters related to Accessibility.
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35.7 Voting Members - Accessibility Advisory Committee

Council shall appoint to the Accessibility Advisory Committee a maximum of twelve members consisting of:

- (a) two members of City Council;
- (b) seven to ten persons with disabilities representatives of the range of disabilities noted in the Act; and,
- (c) zero to three members who may not have a disability, and who may be a caregiver of a person with disabilities;

and each voting member of the Committee is an independent representative to the Committee and does not represent the concerns of only one disability or group. The members of this Committee shall work together for the purpose of developing a common approach that is reasonable and practical.

35.8 Appointment Principles

Appointments to the Accessibility Advisory Committee shall be conducted in accordance with this By-law. In addition to the provisions of this By-law, and to ensure an inclusive Advisory Committee, Council shall ensure that:

- application forms shall be available in alternative formats upon request to the City Clerk's office;
 - the methods of advertising Accessibility Advisory Committee vacancies shall be tailored to the specific needs of this Committee. For example, in addition to local newspaper advertisements targeted advertising will take place through publications and/or local agency web sites, and will be distributed in alternative formats as appropriate. Further, the application process will be designed to allow for sufficient time for those with special needs to respond to the call for nominations.
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35.9 Accommodations for Participation at Meetings

Members of the City of Greater Sudbury Accessibility Advisory Committee shall serve without remuneration. Members who are persons with disabilities will be provided with those resources and accommodations necessary for them to fully participate in the meetings of the Committee, which might include such services as sign language interpretation or notetaking services. Members of the Accessibility Advisory Committee who require accommodations for participation at meetings are requested to discuss those requests with City staff who will make the necessary arrangements. The City will pay for these services directly and upon receipt of an invoice from the service provider.

35.10 Frequency of Meetings

Meetings of the Accessibility Advisory Committee will usually be held quarterly basis, with additional meetings scheduled on an as needed basis. The quarterly meetings of the Committee shall be advertised by the City Clerk's Section in the local media. Staff shall provide assistance to and serve as resource persons for Advisory Committees; however, as Advisory Committee Meetings are informal by nature, City staff shall not resource formal meeting protocols such as minutes taking.

35.11 Bicycle Advisory Panel

A Bicycle Advisory Panel is hereby established in order to assist staff and Council in implementing a vision for a safe and attractive bicycle transit system that links communities across the City of Greater Sudbury through a network of recreational and utilitarian trails designed to promote alternative non-motorized modes of transportation. The Panel will also assist staff, Council, Rainbow Routes, and other community partners in establishing a comprehensive plan for the development of a connected and destination-orientated multi-use trail system for the City of Greater Sudbury which includes the development of a City-wide bicycle route system. The Panel shall consist of two members of Council, a representative from Rainbow Routes and six members of the public.

ARTICLE 36
AD HOC COMMITTEES

36.1 Appointed - by Council - specific matters

Ad Hoc Committees of Council may be appointed by Council from time to time to consider specific matters and the following rules shall apply.

36.2 Motion to appoint - requirements

A motion appointing an Ad Hoc Committee shall include:

- (a) the name of the Ad Hoc Committee;
- (b) the Members of Council forming the Ad Hoc Committee;
- (c) the purposes and objectives of the Ad Hoc Committee;
- (d) the date by which the Ad Hoc Committee shall report to Council;
- (e) the term of the Ad Hoc Committee and the date its mandate expires.

36.3 Term - not extended - exception

Unless otherwise stated in the motion creating the Ad Hoc Committee, the term of an Ad Hoc Committee will not extend beyond the term of the Council by which it was created.

36.4 Meetings - arrangement - determined - by policy

Ad Hoc Committee meetings shall be arranged in accordance with the policy of Council as determined from time to time.

ARTICLE 37**NOMINATION COMMITTEE - CITIZEN APPOINTMENTS****37.1 Made by Committee of the Whole- Procedure**

Appointments to the various local boards, Advisory Panels and corporations of the City shall be recommended by the Nomination Committee at a meeting called for that purpose. In making such appointments, the procedure set out in this article shall apply unless otherwise provided in a shareholders' declaration.

37.2 Advertising - position - requirements - to local citizens

At least thirty (30) days prior to the Committee meeting at which a Citizen appointment is scheduled to be considered, the Clerk shall place an advertisement in a local newspaper to run on at least two occasions and place an advertisement on radio or television or both, as the Clerk deems advisable, on at least one (1) occasion outlining the position to be filled and inviting applications from interested citizens. A copy of each advertisement shall be provided to each Member of the Committee.

37.3 Applications - in writing - time limitation

All Citizen applications for appointment must be in writing and received by the Clerk at least four (4) clear days prior to the meeting of the Committee.

37.4 Applications - qualifying - included - Committee of the Whole Agenda

Copies of all applications received for each position from qualifying applicants shall be included with the agenda material for the Committee of the Whole meeting concerned.

37.5 Applicants - qualified - exact number - motion

Where there are only the exact number of qualified applicants as required for any position or positions, a motion to appoint the applicants to the position or positions concerned shall be presented and voted upon.

37.6 Applicants - qualified - more than required - selection

If there are more qualified applicants than positions available, then the Committee shall recommend from the qualified applicants the ones to fill the position or positions concerned.

37.7 Roll call vote - Committee - taken - regarding applicants

A roll call vote of the Committee shall be taken with respect to the qualified applicants for each position available.

37.8 Appointment - determined - by vote - exception

If upon the first roll call vote no applicant receives the votes of the majority of Members present, the name of the applicant receiving the least number of votes shall be dropped and the Members shall proceed to vote anew and so continue until either an applicant receives the votes of the majority of Members present, at which time such applicant shall be declared to be the recommended candidate; or, it becomes apparent by reason of an equality of votes that no applicant can be recommended by the voting process.

37.9 Voting - unsuccessful - position selected - by lot

Where by reason of an equality of votes, it becomes apparent that no applicant can be selected by the voting process, then the recommended applicant shall be the applicant selected by lot by the Clerk.

37.10 Special vote - applicants tied - least number of votes

In the case where no applicant receives the majority required for appointment on a roll call vote, and where two or more applicants are tied with the least number of votes, a special roll call vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next roll call vote.

37.11 Staff Member - appointment - conditions

Except where prohibited by law, the Committee may recommend the appointment of a Member of staff to a local board or outside agency in the place of a Member of Council when no Member of Council wishes to be appointed.

37.12 Further votes

If no person receives more than half the votes, the Clerk shall take another vote, excluding the person who received the fewest votes in the previous vote; if two or more persons received the fewest votes, the Clerk shall choose the person to be excluded by lot.

37.13 Term of Appointment - Citizens

Citizens appointed by the Committee to Advisory Panels, local boards and committees shall be appointed for the term of office coinciding with the term of Council, or the terms set out in such appointments, and until their successors are appointed unless otherwise provided by Council, the Committee or by law.

37.14 Council Appointments - ballots

At the first regular meeting of a new Council, or as soon thereafter as is reasonable, Council shall appoint Members to Committees by way of simultaneous, written, signed ballots which will be read aloud by the Clerk and recorded in the minutes.

37.15 Council Appointments - destruction of ballots

These ballots, as well as ballots used for simultaneous roll-call votes generally, may be destroyed by the Clerk and need not be retained following the confirmation of the minutes.

ARTICLE 38**PUBLIC INPUT - INFORMATION MEETINGS****38.1 Resolution - to receive - public comments**

Where Council by resolution directs a special meeting for the purpose of receiving public comments on any matter, then the following provisions shall apply:

- (a) the meeting may be conducted with four (4) or more Members present, provided that if less than a quorum of Council is present, then no resolutions may be enacted at the meeting; and
- (b) where less than a quorum is present but more than three (3) Members are present, only a motion appointing a Chair and a motion to adjourn shall be permitted.

38.2 Rules of Procedure - Public Input Meeting

Where Council has directed that a Public Input Meeting be held by a Committee, the following rules shall apply to the hearing of public comment:

- (1) all public input meetings shall be scheduled to start at 7:00 o'clock in the evening and adjourn automatically at 10:00 p.m; a motion to adjourn shall not be required.
 - (2) The Chair shall, prior to receiving public comment, briefly state the purpose of the public input meeting.
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38.2 Rules of Procedure - Public Input Meeting (continued)

- (3) Subject to the number of persons requesting to speak, the Chair may allow a maximum of five (5) minutes to each speaker, in order to allow as many persons as possible an opportunity to speak.
 - (4) Each speaker when called to the podium shall state his or her full name, identify his or her interest in the matter and, if the matter is subject to the enactment of a By-law by Council, state if he or she is in favour or not in favour.
 - (5) Each speaker shall address all remarks to the Chair of the public input meeting.
 - (6) Speakers shall be heard in the following order:
 - (i) those persons who have contacted the Clerk's Office prior to the close of the Agenda to have their names placed on the Speaker's List;
 - (ii) those persons who have added their names to the Speaker's List following the close of the Agenda and prior to the start of the public input meeting; and,
 - (iii) if time permits, any person in the public gallery may indicate his or her desire to address the public input meeting.
 - (7) upon the completion of a speaker's comments, a Member of Council may ask the speaker a question for the purpose of clarification or for obtaining additional relevant information only. No Member shall enter into debate with the speaker respecting his/her comments.
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ARTICLE 39
PUBLIC HEARINGS

39.1 Public Hearings - Rules

When a public hearing is required under the *Planning Act* or a public hearing is required under any other statute, the following rules shall apply to all such meetings and hearings, but to no other meetings:

- a) The rules set out in this Article shall take precedence over any other provision to the contrary in this By-Law.
 - b) The Chair at a public hearing shall commence the hearing by announcing "This is a public hearing under the provisions of the . . . Act concerning . . . Anyone who wishes to speak on this matter shall be allowed to do so".
 - c) In all such hearings, the order of speakers shall be:
 - (i) City staff, if any,
 - (ii) The Applicant, if any, and
 - (iii) Anyone else who wishes to speak on the matter, including Members of Council who are not Members of the Committee.
 - d) In all such hearings, anyone may address the Council or the Committee without prior notification to the Council or the Committee.
 - e) In all such hearings, no motion to refer or defer the hearing shall be in order until all persons who wish to address the Council or the Committee have had an opportunity to do so.
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39.1 Public Hearings - Rules (continued)

- f) The provisions of Article 14 of this By-Law shall not apply to delegations at any such hearing.
 - g) In all such hearings, no motion shall be read or voted upon until all persons who wish to address the Council or the Committee have done so.
 - h) No Member of Council or Committee shall enter or leave the room while a public hearing is in progress. If a Member arrives late while a public hearing is in progress or wishes to leave before the public hearing is complete, the Clerk shall note this in the report, and the Member shall take no part in any recommendation or motion.
 - i) Where a public hearing is to be continued at another date, the Chair shall inform the persons present of the time and place of the subsequent continuation or where the date or time is not known, notices of such subsequent continuation shall be sent to every person who leaves his or her name and address with the Clerk and to every person who has given the Clerk a written request for such notice.
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39.1 Public Hearings - Rules (continued)

- j) The Chair at a public hearing shall conclude the hearing by announcing "The public hearing concerning this matter is now complete. The . . . Committee (or Council) shall now resume, in order to discuss and vote on the application.) Following this announcement, it will not be in order for the Committee (or Council) to hear the Applicant or any other Member of the public. Following this announcement, it will not be in order for the Committee (or Council) to accept written submissions, from the Applicant or any other Member of the public. Following this announcement, the Committee (or Council) may discuss the application and vote upon it.
 - k) In all such hearings, the recommendation being presented shall be voted upon by all Members present (unless disqualified by reason of conflict of interest), including the Committee Chair and the Mayor.
 - l) Any motion resulting from a public hearing at the Committee level shall be in the form of a recommendation to Council, but shall not in itself approve or deny an application or any other matter.
 - m) The Clerk shall summarize all evidence and representations given and all findings of fact made at a public hearing, shall record in alphabetical order the names of all Members present and shall record their votes on all resolutions. Tied votes at a Committee shall be reported as such in the Clerk's report.
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39.1 Public Hearings - Rules (continued)

- n) More than one recommendation may result from a hearing, with one or more Members supporting each recommendation. In that event, Council will deal with the recommendation supported by the largest number of Members, unless Council directs otherwise.
 - o) Notwithstanding any other provision of this By-Law, where a hearing has been held at a Committee under this section, it is not in order for the Council, when discussing or confirming the minutes of the Committee pertaining to an application, or any resultant By-law, to hear the Applicant or any other Member of the public.
 - p) Notwithstanding any other provision of this By-Law, where a public hearing is complete, it is not in order for the Clerk to receive or circulate written submissions from the applicant or any other Member of the public.
 - q) Notwithstanding any other provision of this By-Law, where a public hearing is complete, it is not in order for a Member to receive or circulate written submissions from the applicant or any other Member of the public.
 - r) Notwithstanding any other provision of this By-law where a hearing has been held by the Committee of Adjustment, it is not in order for the Council when discussing or confirming an application to hear the applicant or any other Member of the public.
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39.1 Public Hearings - Rules (continued)

- s) If Council or the Planning Committee sees fit to consider a rezoning By-law that is different from a rezoning applied for, this By-Law will not be in order until such time as Council or the Planning Committee has dealt with a resolution to determine whether a further public hearing should be held.
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ARTICLE 40
DEVELOPMENT COMMITTEE

40.1 Establish - mandate

There shall be a Development Committee which shall have a mandate of:

- a) reviewing major development applications; and
- b) establishing administrative procedures to ensure that development applications are administered in a timely manner, having regard to the interests of the applicant and the public generally.

40.2 Composition

Membership on the Development Committee shall include:

Chief Administrative Officer
General Manager of Infrastructure & Emergency Services
General Manager of Growth and Development
Executive Director of Administrative Services
City Solicitor
Chief Financial Officer and Treasurer

40.3 Committee of Staff

The proceedings of the Development Committee are not governed by the provisions of this By-law.

ARTICLE 41**STAFF ATTENDANCE - COUNCIL MEETINGS****41.1 Senior Management Team - designates - to render assistance**

Members of the Senior Management Team or their designates shall render assistance to Council or Committees as required, and, subject to Article 41.2, shall attend meetings of the Council and Committees.

41.2 Staff - use - Councillors' lounge

Staff required to attend a meeting of Council or Committee, except the Chief Administrative Officer, Clerk and Council Secretary, may use the Councillors' lounge or such other location as Council may from time to time determine during those parts of the meeting when the Member of staff is not actually required to be in attendance.

ARTICLE 42
ANNUAL COUNCIL RETREAT

42.1 Council Retreat

A Council Retreat shall be held annually prior to budget deliberations to be organized by a planning group.

ARTICLE 43
AMENDMENT AND REVIEW

43.1 Notice - majority vote required

Any provision contained in this By-law may be repealed, amended or varied and additions may be made to this By-law by a majority vote, provided that no motion for that purpose may be considered unless notice thereof has been given at a preceding regular Council meeting and such notice may not be waived.

43.2 Procedure By-law - Review

This By-law shall be reviewed once during the term of each Council.

ARTICLE 44
TRANSITIONAL PROVISIONS

44.1 Former Municipality - defined

“Former Municipality” means

- i The Regional Municipality of Sudbury as on December 31, 2000.
- ii Each of The Corporation of the City of Sudbury, the Town of Capreol, the Town of Onaping Falls, the Town of Nickel Centre, the Town of Rayside-Balfour, the City of Valley East and the Town of Walden, all as on December 31, 2000.
- iii The Transition Board, established under the *City of Greater Sudbury Act, 1999*.
- iv Any local municipality and any geographic township or part thereof that became an area municipality or portion thereof upon the constitution of the Regional Municipality of Sudbury under the *Regional Municipality of Sudbury Act, 1972*.

44.2 Inherited By-law - defined

“Inherited By-law” means a By-law of a former municipality that was in force immediately prior to January 1st, 2001.

44.3 Inherited By-laws

Every By-law of a former municipality that was in force immediately prior to January 1st, 2001 shall be deemed to be a By-law or resolution of the City of Greater Sudbury on January 1st, 2001 and remains in force, in respect of the part of the City of Greater Sudbury to which it applied, until it expires or is repealed or amended to provide otherwise by the City of Greater Sudbury.

44.4 References to By-law

For all inherited By-laws:

- a) references to a "Mayor", or to a "Chair" are deemed to be references to the Mayor of the City of Greater Sudbury;
 - b) references to a "Clerk" are deemed to be references to the Clerk of the City of Greater Sudbury;
 - c) references to the "Commissioner of Corporate Services" or "General Manager of Corporate Services" are deemed to be references to the Executive Director of Administrative Services;
 - d) references to the "Commissioner of Health and Social Services" or "General Manager of Health and Social Services" are deemed to be references to the General Manager, Community Development;
 - e) references to the "Commissioner of Planning and Development" or "General Manager of Economic Development and Planning" are deemed to be references to the General Manager, Growth and Development;
 - f) references to the "Commissioner of Public Works" or "General Manager of Public Works" are deemed to be references to the General Manager, Infrastructure & Emergency Services;
 - g) references to the "Regional Engineer" or to the "City Engineer" or to "Town Engineer" or to the "Commissioner of Public Works" or to any of these titles, are deemed to be references to the General Manager, Infrastructure & Emergency Services;
 - h) references to the "Regional Planner" or to the "City Planner" or to the "Town Planner" or to the "Commissioner of Planning and Development", or to any of these titles are deemed to be references to the General Manager, Growth and Development;
 - i) references to the "City Treasurer" or to the "Regional Treasurer" or to the
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"Town Treasurer" or to any of these titles are deemed to be references to the Chief Financial Officer and Treasurer;

- j) references to a "municipality" or to any former municipality are deemed to be references to the City of Greater Sudbury unless the context refers otherwise, in which case it will be deemed to be a reference to the part of the municipal area to which it applied immediately before January 1st, 2001;
- k) references to "Regional Solicitor", "Town Solicitor" or "City Solicitor" are deemed to be references to the City Solicitor of the City of Greater Sudbury; and,
- l) references to "City Manager" will be deemed to be references to Chief Administrative Officer.

44.5 **Interpretation**

The provisions of the By-law apply to every By-law of the City of Greater Sudbury already in place whether as an inherited By-law or as a new By-law of the City of Greater Sudbury or as hereafter passed, except insofar as any provision:

- a) is inconsistent with the intent or object of the By-law; or
- b) would give to a word, expression or provision of the By-law an interpretation inconsistent with the context; or
- c) is in the By-law declared not applicable thereto.

44.6 **Exception**

Where a By-law contains an interpretation provision, it shall be read and construed as subject to the exceptions contained in Article 43.5.

44.7 Provision of By-law

The provisions of this By-law apply to the construction of it and to the words and expressions used in it.

44.8 Rules of Construction

The By-law shall be considered as always speaking and, where a matter or thing is expressed in the present tense, it is to be applied to the circumstances as they arise, so that effect may be given to each By-law and every part of it according to its true intent and meaning.

44.9 Preamble

The preamble of a By-law shall be deemed a part thereof and is intended to assist in explaining the purport and object of the By-law.

44.10 Marginal Notes - Headings

The marginal notes and headings in the body of a By-law and references to former enactments form no part of the By-law but shall be deemed to be inserted for convenience of reference only.

44.11 Remedial

Every By-law shall be deemed to be remedial whether its immediate purport is to direct the doing of any thing that the Council deems to be for the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the By-law according to its true intent, meaning and spirit.

44.12 Repeal, Amendment and Consolidation

Every By-law shall be construed as reserving to the Council the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever the repeal, amendment, revocation, restriction, or modification is considered by the Council to be required for the public good, unless otherwise prohibited by law.

44.13 Former Municipality

Where a By-law of a former local municipality, a former local board, a former area municipality, the former Regional Municipality of Sudbury or of the City of Greater Sudbury is repealed, the repeal does not, except as may otherwise be provided:

- a) revive any By-law not in force or existing at the time at which the repeal takes effect;
- b) affect the previous operation of any By-law so repealed;
- c) affect any right, privilege, obligation, or liability acquired, accrued, accruing or incurred under the By-law so repealed;
- d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof, or
- e) affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment.

44.14 Repeal

The repeal of a By-law of a former local municipality, a former local board, a former area municipality, the former Regional Municipality of Sudbury or of the City of Greater Sudbury shall be deemed not to be or to involve a declaration that the By-law was considered by the Council of the City of Greater Sudbury to have been previously in force.

44.15 Interpretation

In every By-law of the City of Greater Sudbury, unless the contrary intention appears:

- a) words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one, and females as well as males and the converse;
- b) a word interpreted in the singular number has a corresponding meaning when used in the plural;
- c) words directing or empowering a public official or functionary to do an act or thing, include his or her successors in office and lawful deputy;
- d) where the time limited by a By-law for the doing of any thing under its provisions expires or falls upon a holiday, the time so limited extends to and the thing may be done on the day next following that is not a holiday;
- e) where reference is made by number or letter to two or more sections, subsections, paragraphs, clauses or other provisions in a By-law, the number or letter first mentioned and the one last mentioned shall both be deemed to be included in the reference; and,
- f) where reference is made to a statute, it shall be deemed to refer to that statute, as amended, or replaced from time to time.

44.16 Idem

In every By-law of the City of Greater Sudbury, unless the context otherwise requires:

- a) "herein" used in a provision of a By-law relates to the whole By-law and not to that provision only;
 - b) "now", "next", "heretofore" and "hereafter" shall be construed as having reference to the date of the coming into force of the By-law;
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- c) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- d) "writing", "written" or any term of like import, includes words printed, painted, engraved, lithographed, photographed or represented or reproduced by any other mode in a visible form; and,
- e) "year" means calendar year.

44.17 Shall/May

The word "shall" shall be construed as imperative and the word "may" as permissive.

44.18 Time

Any reference to "time" in any By-law shall be deemed to refer to local time and daylight savings time when in effect.

ARTICLE 45
EFFECTIVE DATE

45.1 Effective Date

This By-law comes into force and takes effect on the 11th day of May, 2006.

READ THREE TIMES AND FINALLY ENACTED AND PASSED IN OPEN SESSION

THIS TENTH DAY OF MAY, 2006.

SCHEDULE "A"

The following rules shall apply when the By-law requires a Majority or Two-thirds Majority of Council, a Committee or Advisory Panel.

When the By-law calls for a Majority or a two-thirds Majority:

1. The count shall include only those present and not excluded from voting by the provisions of the Municipal Conflict of Interest Act, and
2. The Mayor or Chair shall be included in the count.

The following represents the required number of Members for a Majority or a Two-thirds Majority:

Members Present and Voting	Simple Majority	Two-thirds Majority
13	7	9
12	7	8
11	6	7
10	6	7
9	5	6
8	5	6
7	4	5
6	4	4
5	3	4
4	3	3
3	2	2

SCHEDULE "B"**ACTING DEPUTY MAYOR (Article 5.10)**

(This Schedule shall take effect on December 1, 2006)

The Acting Deputy Mayor shall be determined in accordance with the following:

1st Month of Term:	Ward 1 Councillor
Next Succeeding Month:	Ward 2 Councillor
Next Succeeding Month:	Ward 3 Councillor
Next Succeeding Month:	Ward 4 Councillor
Next Succeeding Month:	Ward 5 Councillor
Next Succeeding Month:	Ward 6 Councillor
Next Succeeding Month:	Ward 7 Councillor
Next Succeeding Month:	Ward 8 Councillor
Next Succeeding Month:	Ward 9 Councillor
Next Succeeding Month:	Ward 10 Councillor
Next Succeeding Month:	Ward 11 Councillor
Next Succeeding Month:	Ward 12 Councillor

The list then repeats.



SCHEDULE "B.1"**ACTING DEPUTY MAYOR (Article 5.10)**

(This Schedule shall expire on November 30, 2006 - see Schedule "B")

The Acting Deputy Mayor shall be determined in accordance with the following:

1st Month of Term:	Ward 1 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 2 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 3 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 4 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 5 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 6 Councillor whose last name comes first in the alphabet
Next Succeeding Month:	Ward 1 Councillor whose last name comes second in the alphabet
Next Succeeding Month:	Ward 2 Councillor whose last name comes second in the alphabet
Next Succeeding Month:	Ward 3 Councillor whose last name comes second in the alphabet
Next Succeeding Month:	Ward 4 Councillor whose last name comes second in the alphabet
Next Succeeding Month:	Ward 5 Councillor whose last name comes second in the alphabet
Next Succeeding Month:	Ward 6 Councillor whose last name comes second in the alphabet

The list then repeats.



SCHEDULE "C"**MUNICIPAL ACT, 2001, as amended.**

Note: This Act comes into force on January 1, 2003. See: 2001, c. 25, s. 485 (1).

Procedure By-law**Definitions**

238. (1) In this section and in section 239,

"committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards; ("comité")

"local board" does not include police services boards or public library boards; ("conseil local")

"meeting" means any regular, special, committee or other meeting of a council or local board. ("réunion") 2001, c. 25, s. 238 (1).

Procedure By-laws respecting meetings

(2) Every municipality and local board shall pass a procedure By-law for governing the calling, place and proceedings of meetings. 2001, c. 25, s. 238 (2).

Outside municipality

(3) The procedure By-law may provide that meetings be held and public offices be kept at a place outside the municipality within an adjacent municipality. 2001, c. 25, s. 238 (3).

Notice

(4) Before passing a By-law under subsection (2), a municipality and local board shall give notice of its intention to pass the By-law. 2001, c. 25, s. 238 (4).

Meetings**Meetings open to public**

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

Other criteria

(3) 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* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting; and

(b) the general nature of the matter to be considered at the closed meeting. 2001, c. 25, s. 239 (4).

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

(a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

Calling of meetings

240. Subject to the procedure by-law passed under section 238,

(a) the head of council may at any time call a special meeting; and

(b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. 2001, c. 25, s. 240.

Head of council

241. (1) The head of council, except where otherwise provided, shall preside at all meetings of the council. 2001, c. 25, s. 241 (1).

Power to expel

(2) The head of council or other presiding officer may expel any person for improper conduct at a meeting. 2001, c. 25, s. 241 (2).

Absence of head

242. A municipality may by by-law or resolution appoint a member of the council to act in the place of the head of council when the head of council is absent or refuses to act or the office is vacant and while so acting such member has all the powers and duties of the head of council. 2001, c. 25, s. 242.

Voting

243. Except as otherwise provided, every member of a council shall have one vote. 2001, c. 25, s. 243.

Open voting

244. Except as provided in section 233, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. 2001, c. 25, s. 244.

Tie votes

245. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. 2001, c. 25, s. 245.

Recorded vote

246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2001, c. 25, s. 246 (1).

Failure to vote

(2) A failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. 2001, c. 25, s. 246 (2).



SCHEDULE "D"
Code of Ethics and Conduct

PREAMBLE: The purpose of the Code of Ethics and Conduct is as follows:

1. To provide guidance to Council so as to ensure that each are accorded reasonable and fair treatment.
2. To assist Council Members in avoiding problems relating to role problems.
3. To preserve the integrity of the Council and administration.
4. To protect the individual rights of Council as normal citizens.

Primary Focus

Council Members recognize that its allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

Relationships to Council Members and/or Administration

Each member shall ensure that their behaviour prior to, during, or following a meeting or public hearing, towards other Council Members, Members of the administration, and representatives of the public at all times:

- (a) is courteous, professional, fair and unbiased;
- (b) contributes to the preservation of orderly decorum in a hearing;
- (c) avoids sarcasm, derogatory comments, or questions or comments designed to embarrass; and
- (d) is respectful of the rulings of the Council as a whole.

These guidelines are additional to any requirements at law and do not excuse any member from complying with any common law or statute law.

Fair Treatment

Each member has a responsibility to ensure that all persons are:

- (a) treated fairly regardless of race, gender, religion, age, disability or occupation;
- (b) dealt with in good faith;
- (c) dealt with without bias and in an even-handed temper; and
- (d) given an adequate opportunity to state their case.

As chair of Council and other meetings of Council, the Mayor (or whomever is filling the role of chair of that meeting) will not tolerate:

- discourtesy by one party to another;
- rudeness to Members of staff or the public; and/or
- disruptive behaviour.

Council Plans & Priorities

Council will be asked to approve a "corporate business plan" on an annual basis. This plan will set the stage for the general guidance of corporate actions. The corporate business plan will set forth the priorities as determined by Council as a whole and as advised by the administration (through the CAO).

The CAO will be charged with establishing the "administrative action plan" which will guide the staff's day-to-day objectives and priorities.

The CAO will be responsible for accomplishing the "corporate business plan" in its approved or amended form. The CAO will be given sole authority over the "administrative action plan" providing it is in keeping with the context and spirit of Council's "corporate business plan".

Authority and Powers

Both Council and its administration will respect the need for clear roles and powers. This aspect will be reviewed regularly to ensure that all parties are clear in this regard.

Each member of Council will respect the legislation which accords to Council the authority to make policy decisions which guide the actions of the CAO (and administration). As well, the Council will respect that authority which has been granted to the CAO by legislation and/or by-law and/or policy.

Council Members will refrain from attempting to direct the actions or unduly or inappropriately influence individual Members of staff. The authority to direct the administration has been delegated to the CAO.

Requests for Information

Council Members will direct their requests for information or action to the office of the CAO or to the appropriate Senior Management Team member. If the matter is subject to a current Council or policy, the administration will respond as quickly as possible in filling the request.

If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before the Council to receive its direction.

Policy Leadership

Council and administration will recognize and support the value of clear and consistent policies which convey the values and beliefs of Council as to what constitutes a reasonable and fair "policy". The administration, under the guidance of the Chief Administrative Officer, will draft policy statements for the approval of Council. Approved policies of Council will be implemented as expeditiously as possible and circulated throughout the organization.

Conflict of Interest

Neither Council Members nor Members of the administration will act in such a way as to constitute a conflict of interest. All residents will be treated equally. No special favour will be granted unless it is approved by a legal resolution of the Council. Decisions on matters of pecuniary interest (either direct or indirect) which impact family Members in a way not consistent with the population as a whole will be deferred pending the advice of the municipality's solicitor.

In this, as in all matters, the legislation will prevail.

Council Spokesperson

The official decisions of Council will be conveyed to the public and all others by way of Council resolutions, bylaws and policies. These decisions will be conveyed by the Mayor (or as delegated to another member of Council, the CAO or other senior municipal official) to the media and to the public.

Any other comments on Council positions by any other member of Council, which are not consistent with the official position of Council, should be prefaced as personal opinion only.

Public Statements

A Council member is not restricted in any public statement they choose to make, but as a member of Council they are expected to:

- (a) support the role of the Council and the performance of duties of its administration;
- (b) support the current policies of Council; and
- (c) support the decisions of the Council.

Any statement made by a member of Council, which is contrary to the policies and decisions of Council, should be prefaced as personal opinion only.

Any requests by the media to Members of the administration for comment or information on matters pertaining to a matter within the jurisdiction of the Council and not yet subject to an approved policy should be immediately referred to the CAO or the appropriate Senior Management Team member (unless otherwise delegated).

Acceptance of Gifts

A member of Council is expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall;

- (a) accept only those token gifts of protocol or social obligation that occur in normal business relationships, and
- (b) not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the duties of her/her office.

All gifts which exceed an individual value of \$100 shall be reported as early as possible to the CAO.

Bribery

A member is to be alert to any attempt of bribery and shall:

- (a) reject bribery in any form, and
- (b) report any attempt or perceived attempt to bribe to the Mayor and CAO.

Family Bias

Each member of Council and the administration is expected to avoid any actual or reasonable apprehension of bias in dealings with relatives (defined as immediate family) and shall not attempt to influence or persuade the administration to favour any family member in any dealing with the municipality e.g. employment, tenders, contracts, etc.

Confidentiality

Each member of Council and administration shall retain in confidence any matters presented to the Council or a committee in confidence and/or dealt with during an in camera meeting of Council or a committee.

Adherence to Code, Act and Procedures

Each member of Council shall:

- (a) adhere to all aspects of this code of ethics;
- (b) adhere to the requirements of the Municipal Act;
- (c) adhere to the requirements of Council policies and procedures.



SCHEDULE "E"**The Council/Chief Administrative Officer Covenant**

Obviously one of the keys to an effective organization is clarity and trust in the relationship between the Council and its CAO. One of the ways by which we believe it might be made appropriately clear is through establishing a Council-CAO covenant which commits both parties to seeking clarity in the relationship and to seriously undertaking to conduct their respective roles appropriately.

This covenant should be accepted or endorsed "in principle" by Council and be seen as an appendix to the CAO bylaw and/or contract.

WE, AS MEMBERS OF COUNCIL, WILL:

- carry out our responsibilities as set out in the applicable legislation to the best of our abilities
 - make decisions which we believe to be in the best interests of our citizens
 - review the background information and advice made available to us by the administration prior to rendering a decision
 - seek further input when we are unsure of the issues or uncertain as to the preferred course of action
 - refer any complaints, either written or verbal, about the decisions of Council or the actions of administration, to the CAO for review, comment and follow-up (as appropriate)
-

- refrain from making any commitments on behalf of Council to individual citizens or groups other than to take the request up with the Council or CAO and to respond appropriately
- seek to participate actively in the decision-making process
- ensure that the CAO and any employees of the Corporation are accorded respect in any personal and public comments; refrain from any public or private criticism of our administration wherein individual employees are identified
- act as good stewards of the City and as public servants of our citizens through ethical conduct
- provide effective leadership through guiding the corporation and the municipality through annual or longer term goals and priorities, through the budget approval process and by agreeing to reasonable policies which reflect, in our view, the best interests of a majority of our citizens
- ensure that we formally evaluate the performance of the CAO annually and involve the CAO in this process so as to ensure a full understanding of the Council's assessment.

Signatures - Mayor and Members of Council

I, THE CHIEF ADMINISTRATIVE OFFICER (CAO) WILL:

- adhere to all provisions of the Municipal Act and any other applicable legislation
 - conduct myself as your chief policy advisor in an honest and ethical manner
 - ensure that the Mayor and Councillors are accorded respect in all of my personal and public comments
 - provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council
 - guide the actions of the administration so that they are in accordance with the policies and objectives of Council
 - act only on the will of Council as a whole as established by the resolutions, policies and by-laws of Council
 - forward any complaints or concerns of Council to the appropriate department and individual so that a reply will be provided in a reasonable time
 - ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as your CAO
 - seek to ensure that Council is aware of any key issues as they arise
 - maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of the Provincial and Federal governments
 - listen carefully to the concerns of Council vis-a-vis my performance and seek to improve any deficiencies on an ongoing basis
-

- ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.

Signature:

Chief Administrative Officer: _____



SCHEDULE "F"

The Key and Distinctive Roles of Council

It is the role of Council,

- (a) to represent the public and to consider the well-being and interest of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative practices and procedures are in place to implement the decisions of Council;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under this or any other Act.

(Source: Section 224, of the *Municipal Act, 2001*)

Key Responsibilities

In supplement to the foregoing and not intended in any way to detract from the foregoing but rather to complement the legislation and to indicate what we view from experience as the expected significant responsibilities and obligations:

1. to work together as a body in order to provide leadership to the community and to the organization;
 2. to determine the wishes, priorities and requirements of the community's citizenry, and to represent these views to their colleagues on Council;
 3. to advise the public on how they might become involved in the political process; to ensure that there are avenues available for useful and timely input by the public;
-

4. to pass bylaws providing for public safety and good government; to respond to public complaints in an appropriate manner; to encourage a "customer first" focus;
 5. to seek the advice of the chief administrative officer on all policy matters and other key issues;
 6. to advise Council and the CAO (and relevant departments) through work on the various committees, commissions and boards; to act as a liaison on behalf of Council to such groups and to represent the views of Council (when known) at such meetings;
 7. to facilitate and encourage the administration to deliver the best level of service possible within policy and budget constraints; to monitor performance through casual observation, attendance at meetings and community feedback;
 8. to review and approve the annual budget (estimate of expenditures & revenues) and ensure that the CAO and, through the CAO, the department heads appropriately monitor their spending accordingly; to receive any requests for significant budget amendments and review the legitimacy of such changes;
 9. to encourage innovation and reward excellence; to support the ongoing development of the administration on an ongoing basis where appropriate and as approved by budget;
 10. to research background information on Council issues; to be prepared for all meetings;
 11. to approve policies which provide effective direction to Council decision-making.
-

Leadership:

1. Outline the future vision.
2. Set the priorities.
3. Uphold the laws governing the corporate and individual behavior of Council Members.

Representational:

1. Seek the input of the community on key issues.
2. Ensure that the vision is endorsed by the community.
3. Take issues forward on behalf of the community.

Conflict Resolution:

1. Resolve differences on matters within the jurisdiction of the City.

Policy Guidance:

1. Establish the policies and by-laws necessary to put Council decisions into action and to guide the activities and actions of staff.
 2. Ensure that present policies reflect the current Council's views.
 3. Provide for those policies which are required by legislation.
-

Determining Service Delivery:

1. Decide which services will be offered.
2. Determine the level of services.
3. Determine how these services will be delivered.
4. Ensure that those issues which are delegated by law or policy to the CAO are, in fact, delegated.

Monitoring Results:

1. Assess the annual results of the activities and projects undertaken by the municipality.
2. Review these against the objectives set at the outset of the year.
3. Ensure that the decisions of Council are properly discharged.

Fiduciary Leadership:

1. Ensure that an appropriate and comprehensive budget process has been established.
 2. Set the budget and tax rates; communicate this to the public; involve them in the process to the extent practical and reasonable.
 3. Monitor results and budget performance on a regular basis.
 4. Ensure that the external auditor has access to all necessary financial information.
 5. Review year-end results in relation to expected deliverables.
 6. Meet with the external auditor to review his/her comments on fiscal performance and the appropriateness of internal controls.
-

All Members Equal:

1. Regardless of personal views relative to effectiveness, the public believes that it elects "their" Council Members as being co-equal to all other Members on a Council.
 2. Council is to be viewed as a body where each brings separate gifts to the table but where each are a necessary complement of the whole.
 3. The effectiveness of a Council is often a reflection of the willingness of each member to participate as an equal representative of the public interest. That is, there must be a willingness by each member to view themselves and each of their colleagues as the elected voice and conscience of the public. The election process determined who the public views as best representing their opinions on how matters should be handled.
 4. As a general rule, the public has confidence that their elected Councillors collectively will exercise their responsibilities in favour of the electorate as a whole. This requires a recognition by each Councillor that the views of each are worthy of a good hearing. It requires patience and respect as evidenced by how the reasons of each other are debated and subsequently decided.
-

The Levers of Power of Council:

One of the principal distinctions of a Council as opposed to the administration is Council's mandate to establish the policies of the organization. If Council is to lead effectively, it must be capable of understanding and distinguishing the levers of power as compared to ways of staying busy. The key levers of power are as follows:

Legislative Authority:

1. The powers to govern and make decisions which are granted to the Council by the legislation.

Representation of the Public:

2. The authority to make decisions on behalf of others as granted to the Council by virtue of an election.

The Business Plan:

3. The planning document which outlines the vision, mission, goals, objectives and priorities of the Council.

The Budget:

4. The funding and allocation document which translates the Business Plan principles and priorities into the expenditures and revenues of the Council on specific programs and objects.

Power to Approve Bylaws:

5. The authority granted by legislation to the Council to create bylaws which force compliance by the public (or by that portion of the public so affected) as to a particular initiative requiring legal enforcement.
-

The Levers of Power of Council continued:**Power to Establish Governance Policies:**

6. The authority granted to the Council to approve those policies which set out how this Council will conduct its affairs and thus those policies which are to steer administrative action.

Authority over the Chief Administrative Officer:

7. The control which Council as a whole has over the entire organization due to its authority to appoint and remove the senior administrative official at its will, subject to the provisions in the Act and the appointing by-law.

Criteria for Successful Leadership:

Whether or not a Council is perceived by the community as providing effective leadership is a composite judgment which is seemingly based on several inter-related factors. These include the following:

- strong decisive leadership by Council on difficult issues
 - a willingness to abide by decisions even when there is considerable opposition
 - Council meetings which are noted for their attention to process and decorum and which result in sound decisions
 - obvious respect between Council and its administration
 - a sense of clear Council direction which is accepted by the majority of Council
 - sound policies and appropriate, responsive procedures; an unwillingness to be whipped around by momentary whims
-

- a Mayor who understands the role and who is held in respect by the rest of Council
- a high degree of trust and respect in the relationship between Council and its Chief Administrative Officer
- a reasonable, thorough yet prompt decision-making process
- a clearly defined business planning and budget process which includes some opportunity for planned public input
- a corporate sense to issues including an understanding of their implications and priority.

The *Municipal Act* empowers the Council to lead - to take charge. Council can only do this if it clearly recognizes the issues; understands its own sense of what is best for the community; seeks public input on the key issues; and is prepared to stand firm on what it believes to be the right course.



SCHEDULE "G"

The Key and Distinctive Role of the Mayor

It is the role of the head of Council,

1. to act as chief executive officer of the municipality;
2. to preside over Council meetings;
3. to provide leadership to the Council;
4. to represent the municipality at official functions; and
5. to carry out the duties of the head of Council under this or any other Act.

(Source: Section 225, of the *Municipal Act, 2001*)

Leadership Functions:

1. Chair of Regular Meetings of Council; Consensus-Seeker on Behalf of all Members .
 2. Key Spokesperson to the residents of the City and to the Administration .
 3. Recommend the Establishment of Council Committees and Appointment of Members to both Internal and External Boards and Committees.
 4. Make Recommendations re: Peace, Order, Good Government.
-

Communication Functions:

1. Brief Council Members on all Meetings and Correspondence.
2. Liaison with the Chief Administrative Officer.
3. Liaison with the Public.
4. Key Linkage and Spokesperson to Other Levels of Government.
5. Communicates the Decisions of Council to the Outside World; Expresses the "Will Of Council".

Monitoring Functions:

1. Act as Council's Eyes and Ears in Maintaining an Overseeing Role with regard to the Conduct of Municipal Officers.
 2. Recommend the Suspension of a Municipal Officer or Employee (If Necessary).
 3. Ensure that the Law Is Carried Out.
-

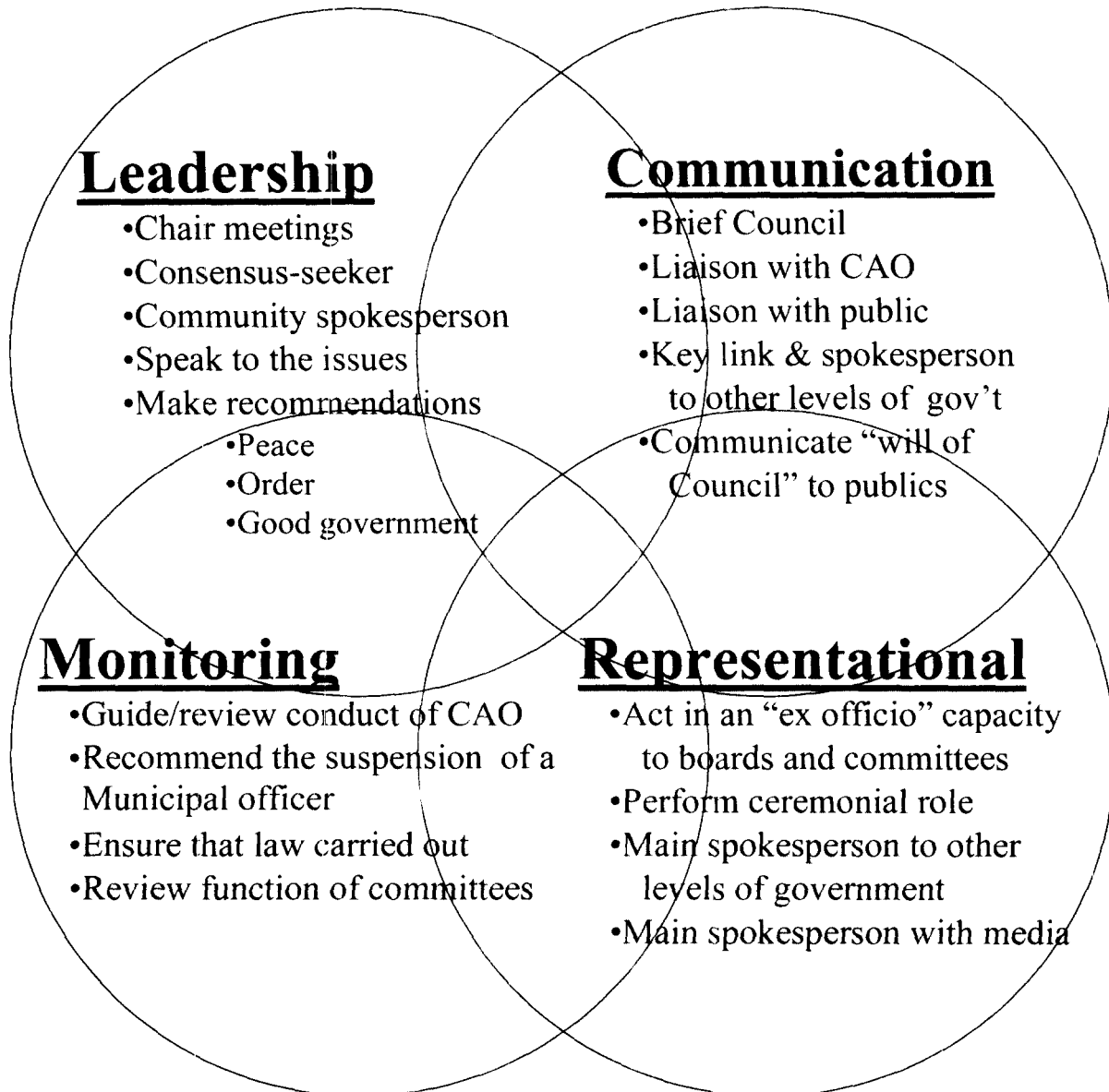
Representational Functions:

1. Acts In An "Ex Officio" Capacity to Boards and Committees (if so appointed).
2. Performs a Ceremonial Role on Special Occasions.
3. Main Spokesperson to Other Levels of Government.

Another way of describing this role of CEO includes:

- (a) Leadership Functions
- (b) Communication Functions
- (c) Monitoring Functions
- (d) Representational Functions:
 - i) ensure ongoing support by Council;
 - ii) increase the likelihood of Council being informed as to the issues; and,
 - iii) obtain an insight at least into how Council may react to a particular recommendation.

The Mayor is elected as a political leader and as a representative of the people. He/she is not expected to have any training as a municipal administrator. On the other hand, the Mayor needs to be able to understand community issues and concerns and to be able to **lead** the Council toward a successful resolution of the key issues.



SCHEDULE "H"**(Hearing Committee of Council)**

(This Schedule shall take effect on December 1, 2006)

Term	Ward Councillors
December 1 to December 31	1(Chair), 2, 3
January 1 to January 31	4(Chair), 5, 6
February 1 to February 28	7(Chair), 8, 9
March 1 to March 30	10(Chair), 11, 12
April 1 to April 30	1, 2(Chair), 3
May 1 to May 31	4, 5(Chair), 6
June 1 to June 30	7, 8(Chair), 9
July 1 to July 31	10, 11(Chair), 12
August 1 to August 31	1, 2, 3(Chair)
September 1 to September 30	4, 5, 6(Chair)
October 1 to October 31	7, 8, 9(Chair)
November 1 to November 30	10, 11, 12(Chair)



SCHEDULE "H.1"**(Hearing Committee of Council)**

(This Schedule shall expire on November 30, 2006 - see Schedule "H")

Term	Ward Councillor	For the Term ending 2006
January 1 to January 31	1(C), 3, 6	Councillor Kett (Chair) Councillor Rivest Councillor Craig
February 1 to February 28	2(C), 4, 5	Councillor Berthiaume (Chair) Councillor Callaghan Councillor Caldarelli
March 1 to March 30	3(C), 6, 1	Councillor Dupuis (Chair) Councillor Reynolds Councillor Gainer
April 1 to April 30	4(C), 2, 3	Councillor Thompson (Chair) Councillor Bradley Councillor Rivest
May 1 to May 31	5(C), 4, 1	Councillor Craig (Chair) Councillor Callaghan Councillor Kett
June 1 to June 30	6(C), 3, 5	Councillor Gasparini (Chair) Councillor Dupuis Councillor Gasparini
July 1 to July 31	1(C), 2, 4	Councillor Gainer (Chair) Councillor Berthiaume Councillor Thompson
August 1 to August 31	2(C), 1, 6	Councillor Bradley (Chair) Councillor Kett Councillor Reynolds
September 1 to September 30	3(C), 2, 5	Councillor Rivest (Chair) Councillor Berthiaume Councillor Caldarelli

Term	Ward Councillor	For the Term ending 2006
October 1 to October 31	4(C), 1, 2	Councillor Callaghan (Chair) Councillor Gainer Councillor Bradley
November 1 to November 30	5(C), 3, 6	Councillor Caldarelli (Chair) Councillor Rivest Councillor Gasparini
December 1 to December 31	6(C), 4, 5	Councillor Reynolds (Chair) Councillor Thompson Councillor Craig

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