



**The Corporation of the Town of Espanola  
Bylaw Number 3120/23**

BEING a Bylaw to establish rules governing the proceedings of Council, the calling of meetings and the conduct of Members, and to repeal Bylaw 2981/20.

SHORT TITLE – This Bylaw may be cited as the “Procedural Bylaw”.

WHEREAS a Municipality is a level of government and requires some formality and procedure in meetings so that clear, informed, written decisions, direction, resolutions and bylaws can be both adopted and implemented.

AND WHEREAS Council, pursuant to section 238 of the *Municipal Act, 2001*, is required to establish the Procedures governing the meetings of Council and Committees, the conduct of its Members and the calling of meetings:

AND WHEREAS Council must adopt by bylaw the procedures which address the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise:

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows:

**Preamble**

In addition to this Bylaw, and Town of Espanola Policies adopted by Council, Members of Council are governed by the following documents and legislation:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Code of Conduct*
- *Municipal Elections Act*
- *Accessibility for Ontarians with Disabilities Act*
- *Occupational Health and Safety Act*
- *Municipal Freedom of Information Act*

Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

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## Part 1 DEFINITIONS

### Definitions

In this Bylaw:

- 1.1 Act**  
"Act" means the Municipal Act, 2001, as amended from time to time.
- 1.2 Ad-Hoc Committee**  
"Ad-Hoc Committee" means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference set out in a resolution or Bylaw and include language indicating when the Committee will cease to exist.
- 1.3 Chair**  
"Chair" means the person presiding at a meeting.
- 1.4 Clerk**  
"Clerk" means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act* and other relevant legislations.
- 1.5 Chief Administrative Officer**  
"Chief Administrative Officer" means the person appointed by the Municipality as Chief Administrative Officer (CAO) pursuant to Section 229 of the *Municipal Act*.
- 1.6 Committee of the Whole**  
"Committee of the Whole" means a Committee of all Members of Council.
- 1.7 Consent Agenda**  
"Consent Agenda" means a list of items of a routine nature that do not require substantial discussion or debate at a Council Meeting. Items on the Consent Agenda are approved in a single resolution.
- 1.8 Council**  
"Council" means the elected Members of Council.
- 1.9 Council Package**  
"Council Package" means a copy of the agenda, closed meeting agenda, reports and all other information that Members require prior to a meeting.
- 1.10 Closed Meeting**  
"Closed Meeting" means a meeting of Council or Committee that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislations.
- 1.11 Deputy Mayor**  
"Deputy Mayor" means a Member of Council appointed in accordance with the Municipality's policies to act in the place of the Mayor when the Mayor is absent.
- 1.12 Electronic Participation**  
"Electronic Participation" means where any Member is not physically present but participates via electronic means of communication ie. Telephone or Video Conference. Such Member counts toward quorum and can vote.
- 1.13 Emergency Meeting**  
"Emergency Meeting" means an urgent meeting held without written notice to deal with an emergency situation confronting the Municipality.
- 1.14 Ex Officio Standing Committee Member**  
"Ex Officio Standing Committee Member" refers to the Mayor being a Member of all Standing Committees of Council and is entitled to attend,

participate and vote, but is not counted in quorum unless specifically appointed to a seat on the Committee.

- 1.15 Head of Council**  
"Head of Council" means the Mayor or the Deputy Mayor in the absence of the Mayor.
- 1.16 Local Board**  
"Local Board" means a municipal service board as defined in the *Municipal Act, 2001*.
- 1.17 Meeting**  
"Meeting" means any regular, special or other meeting of Council, a Local Board or Committee where a quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee as stated in Section 238 of the *Municipal Act*.
- 1.18 Member**  
"Member" means a Member of Council, Local Board or Committee.
- 1.19 Motion**  
"Motion" means a formal proposal brought forward at any regular, special or other meeting of Council, a Local Board or Committee where a quorum of Members is present.
- 1.20 Motion to Amend**  
"Motion to Amend" means a motion to vary the main motion before Council or a Committee.
- 1.21 Municipal Act**  
"Municipal Act" means the *Municipal Act, 2001*, S.O. C.25 as amended
- 1.22 Municipality**  
"Municipality" means the Corporation of the Town of Espanola.
- 1.23 Notice of Motion**  
"Notice of Motion" means an advance notice to Members regarding a matter on which Council will be asked to take a position.
- 1.24 Officer**  
"Officer(s)" means a person such as the Clerk, CAO/Treasurer, Chief Building Official and Fire Chief who holds a position of responsibility with definite rights and duties prescribed by statute or Bylaw.
- 1.25 Order of Business**  
"Order of Business" means the sequence of business to be introduced and considered in a Meeting.
- 1.26 Point of Procedure**  
"Point of Procedure" is a statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural Bylaw.
- 1.27 Pregnancy / Parental Leave**  
"Pregnancy / Parental Leave" is an absence of 20 consecutive weeks or less as a result of a Mother's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259(1.1) of the *Municipal Act, 2001*.
- 1.28 Presentation**  
"Presentation" means a person or group (including a Member, Staff or Public) who provides information to Council or Committee.

- 1.29 Quorum**  
"Quorum" means a majority of Members of Council or Committee.
- 1.30 Reconsideration**  
"Reconsideration" means bringing back in time to before the vote ever took place.
- 1.31 Recorded Vote**  
"Recorded Vote" means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes.
- 1.32 Regular Meeting**  
"Regular Meeting" means a scheduled meeting held at regular intervals in accordance with the approved schedule of Meetings.
- 1.33 Report**  
"Report" means a written or other report from the Chief Administrative Officer, Clerk, Department Heads, Staff or Committee that is approved by the Chief Administrative Officer or Clerk.
- 1.34 Rescind**  
"Rescind" means to repeal.
- 1.35 Resolution**  
"Resolution" means a Motion that has been approved by Council.
- 1.36 Special Meeting**  
"Special Meeting" means a meeting that is called for a specific time and for a specific purpose to deal with an important matter that cannot be dealt with at a Regular Meeting.
- 1.37 Standing Committee**  
"Standing Committee" means a Committee comprised solely of Members of Council.
- 1.38 Unfinished Business**  
"Unfinished Business" means matters listed in the Agenda which have not been dealt with in their entirety at a previous meeting.
- 1.39 Urgent**  
"Urgent" means for the purposes of calling an Emergency Meeting, a matter that is time-sensitive, and if not brought immediately, could result in or cause:
- a. Danger to the life, health or safety of individuals;
  - b. Damage to property;
  - c. An interruption of the essential services provided by the Municipality;
  - d. Loss of revenue by the Municipality; and/or
  - e. Prejudice to the Municipality.

## **Part 2 GENERAL MEETING RULES**

- 2.1 Application**  
The rules and regulations contained in this Bylaw shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in Council and in Committees thereof, including Boards, Advisory and Ad Hoc Committees as applicable, and in any case for which provision is not made herein the procedure to be followed shall be that found in the most recent edition of Robert's Rules of Order.
- 2.2 Suspending Procedural Bylaw**  
This Bylaw may be suspended, except for those rules or regulations set out by legislation, by vote of a majority of the members present and may be suspended at any time during the meeting.

### **2.3 Conflict**

In the event that there is a conflict between the provisions of this By-law and any other by-law of the Municipality that concerns procedural rules for the Council, the provisions of this By-law shall apply.

### **2.4 Mayor**

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her authority to Chair any meeting.

### **2.5 Absence of Mayor**

In the absence of the Mayor or if he or she refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and have all the rights, powers and authority of the Head of Council.

### **2.6 Absence of Deputy Mayor**

If both the Mayor and the Deputy Mayor are unable to act as head of Council for a meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that meeting.

### **2.7 Absence of Members**

The office of a member of council of a municipality becomes vacant if the member,

- a. becomes disqualified from holding the office of a member of council under section 256, 257, or 258 of the *Municipal Act*;
- b. fails to make the declaration of office before the deadline
- c. is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- d. resigns from his or her office and the resignation is effective under section 260 of the *Municipal Act*;
- e. is appointed or elected to fill any vacancy in any other office on the same council;
- f. has his or her office declared vacant in any judicial proceedings;
- g. forfeits his or her office under the Municipal Act or any other Act; and
- h. dies, whether before or after accepting office and making the prescribed declarations.

### **2.8 Meetings During Election Period**

- 1) There shall be no meetings of Standing Committees during the period between Nomination Day and Voting Day, as defined in the *Municipal Elections Act*, as amended from time to time. Local Boards and Ad hoc Committees may meet as needed during this period.
- 2) There shall be no meetings of Council during,
  - a. Any weeks where advanced voting is scheduled; and
  - b. The week wherein Voting Day is scheduled; unless
    - i. A meeting is required to deal with an urgent matter that requires Council's attention.

### **2.9 Pregnancy / Parental Leave**

Section 2.6 does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member. Such a member does not require a resolution from Council. A member of council on pregnancy / parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave. Where a member of council will be absent due to a pregnancy and/or parental leave, the member shall provide written notice to the Clerk and CAO, indicating expected start and end dates. Remuneration shall be suspended during this time.

## **2.10 Meeting Location**

Unless otherwise authorized by Council, all meetings of Council shall be held at the Municipal Office in Council Chambers at 100 Tudhope Street.

## **2.11 Clerk**

The Clerk or Designate must be present at all Council Meetings or other meetings where there is a quorum of Council.

## **2.12 Quorum**

Quorum must be in attendance for all Meetings.

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically 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. The Clerk shall record the names of the Members present at the fifteen (15) minute time limit and will include those names on Minutes for the adjourned meeting and will include those minutes on the agenda for the next Meeting.

## **2.13 Minutes**

Minutes of all Meetings, including a public hearing, will be recorded without note or comment.

After approval, minutes of all meetings, will be posted in accordance with the applicable municipal policies.

If a Member arrives during a meeting or leaves before the end of the meeting, including a public hearing, the Clerk will record same, including the time in the minutes. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused.

## **2.14 Staff Attendance**

Staff has a statutory duty to provide advice to Council. As such, Staff, and particularly Officers and Department Heads are expected to attend Council meetings and to provide advice on a regular basis. Staff and Officers shall attend meetings of Council when required by the CAO or Clerk.

## **2.15**

### **Declarations of Conflicts of Interest**

Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the Municipal Conflict of Interest Act, the Member will provide a written statement of the interest and its general nature to the Clerk in accordance with **Schedule A**, will leave the Council Meeting while the issue is considered and will take no steps to influence the decision in any way, either prior to, during or after the Meeting.

## **2.16**

### **Rules of Debate**

The Chair shall preside over the meeting, ensure good order and decorum and rule on procedural questions.

All agenda items to be discussed are to proceed by Motion.

Each Motion requires a moving Member and seconding Member. If no Member agrees to move or second the Motion, the item will be struck from the agenda and will not be subject to debate.

The Chair or the Clerk will read the Motion or question.

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

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

The seconder has the right of speaking second on the Motion.



A Member shall not speak a second time on a matter until all Members have had a chance to speak without leave of Council, 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 Motion, in reply just before the Chair and after everyone else has spoken.

No member, without the leave of the Mayor or the Chair, shall speak to a matter or in reply for longer than five (5) minutes.

Motions and amendments to a Motion must be moved and seconded in writing with assistance from the Clerk who may record the mover and seconder and clarify the appropriate wording of the motion or amendment by consensus with the mover and seconder as needed.

A Motion may be withdrawn at any time prior to the vote thereon with the consent of the majority of Members present.

When a matter is being debated, no other Motion shall be entertained other than a Motion:

- a. to refer the matter to a certain body;
- b. to split the motion
- b. to amend the Motion;
- c. to defer the Motion;
- d. to adjourn the meeting;
- e. that the vote be taken.

A Motion to refer or defer shall be heard before any Motion or amendment except a Motion to adjourn.

A Motion to refer shall require direction as to the body to which it is being referred and a date that body is to report to Council or Committee and is not debatable.

A motion to split the motion may be proposed when the question under consideration contains multiple options/issues. The Clerk shall record and confirm the motions that are proposed to be voted on separately and the Council shall vote to split the motion as recorded by the Clerk, requiring a majority vote for approval.

A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable.

A Motion that the vote be 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.

Once a Motion that the vote be taken is passed, the original Motion and any amendments shall be voted upon without further debate.

## **2.17 Conduct**

Members are required to follow the Code of Conduct for Council in all Meetings.

No Member shall:

- a. Speak disrespectfully of a Member or Staff;
- b. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of council;
- c. Speak on any subject other than the subject in debate; and

- d. Speak in open Council about matters discussed in a Closed Meeting.
- e. Interrupt a Member while speaking, by speaking out, making a noise or disturbance, except to raise a procedure question.

No person at a meeting shall:

- a. Speak disrespectfully of a Member or any staff person;
- b. Use offensive words;
- c. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- d. Leave his or her seat while a vote is being taken and until the results are declared;
- e. Make any disruptive noise or disturbance during a Meeting;
- f. Enter the meeting while a vote is being taken; or
- g. Walk between a Member who is speaking and the Chair.

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

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

No persons, except Members or the Clerk or the Secretary of a Committee, may approach members without permission from the Chair.

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. Members of the Public will not routinely be recognized and permitted to speak during a debate. Members of the Public may not be recognized unless consent is given by the Chair and they are speaking to an item on the agenda.

Any person who contravenes any of the rules in this Bylaw is guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair.

## **2.18**

### **Questions during Debate**

A Member may, through the Chair, ask questions or request an explanation to a previous speaker's remarks.

A Member may, through the Chair, ask questions during the discussion on any particular item on the agenda and ask questions on the item to a Staff of the municipality in attendance at the meeting.

Any Member may, once only, request that a Motion under discussion be read by the Chair at any time during the debate but may not interrupt another Member while they are speaking.

## **2.19**

### **Point of Procedure**

When a Member believes there is a violation of the rules in this Bylaw, the Member shall, when once recognized by the Chair, raise a point of Procedure.

On raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure.

Once the Point of Procedure has been dealt with, the debate shall resume unless the ruling has changed this procedure.

No member shall disobey the rules of Council or a decision of the Chair or of the Council on questions of order or procedure or an interpretation of the rules of Council.

Where a person (including a Member) has been warned about misconduct and has continued, the Chair may expel the person from the Meeting and if such person refuses to leave, the Chair may recess and/or adjourn the Meeting without any motion to do so until such time as the person has left the meeting room.

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

## **2.20 Passage of Bylaws**

Except as otherwise may be required by statute or Council, every bylaw may be enacted and passed on a motion as follows:

- a. "That Bylaw (number) be adopted and it is hereby enacted and passed being a bylaw for (include a brief description of purpose)."
- b. Every bylaw shall be passed at a Council meeting.
- c. The Clerk shall endorse on all bylaws enacted and passed in Open Council the date of enactment and passing and bylaw number and shall be responsible for the correctness of such bylaws should they be amended.
- d. Every bylaw which has been enacted and passed by the Council shall be sealed with the seal of the Corporation, signed by the Mayor and by the Clerk or CAO/Treasurer, and shall be deposited by the Clerk in municipal office vault.

## **2.21 Voting – General**

Once the vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other motion until the vote has been taken.

Voting shall be by way of a "show of hands" in favour or against, except when a recorded vote is requested or through Vote Manager in the eScribe Meeting Manager Software Program.

A Member may request a recorded vote on any Motion. When a recorded vote is requested, the Clerk shall call each Member's name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a recorded vote. After completion of a recorded vote, the Clerk shall announce the number of votes for and against.

If a Member present at a meeting fails or refuses to vote, their vote will be counted as a vote against the Motion.

By way of exception, if a Member is present at a meeting and fails or refuses to vote because their vote is prohibited by statute or by this By-law, their vote shall not be counted as a vote against the Motion and shall be excluded from the final count.

The Chair shall announce the results of the vote as carried or defeated once the Clerk has announced the number of votes for and against.

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

If there is a tie vote, the Motion is defeated.

## **2.22 Corrections**

A motion containing a minor or typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion and initialed by the mover and seconder.

## **2.23 Amendments**

The following rules shall apply to amendments to Motions:

- a. an amendment to a Motion is a change to the question asked in the Motion;
- b. only one amendment at a time can be presented to the Motion;
- c. only one amendment can be presented to an amendment;
- d. when an amendment to a Motion has been decided upon, another may be introduced;
- e. the order of voting shall be:
  - i. an amendment to an amendment shall be voted upon;
  - ii. an amendment to a Motion shall be voted upon next, and
  - iii. the motion, as amended shall finally be voted upon.

An amendment which is simply a rejection of the Motion will not be permitted.

## **2.24 Voting – Reconsideration**

Before a Motion for reconsideration can be heard, its addition to the agenda must be approved by Council in the following manner:

- a. When a Motion has been decided, any Member who voted with the majority can move for the matter to be reconsidered. Members who were not in the majority cannot move for reconsideration. Members who were not present for the vote cannot move for reconsideration.
- b. When the Motion for Reconsideration is made at the same meeting as the original Motion, the majority of Members present may grant leave to add the reconsideration to the agenda.
- c. Where the Motion for Reconsideration is made at a meeting after the original Motion was decided, a majority must agree to add the reconsideration to the agenda.
- d. Once the Motion for Reconsideration is added to an agenda, it follows the process for a Motion.
- e. No more than two motions for reconsideration of any question shall be permitted in the same calendar year.
- f. A notice of Motion for Reconsideration of any decided matter shall not operate to stop or delay an action on the decided matter until the reconsideration is finally decided.
- g. Debate on a Motion for Reconsideration must be confined to reasons for or against reconsideration.
- h. No Committee shall reconsider any Motion/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.

## **2.25 Voting - Rescind**

The purpose of a Motion to Rescind is to annul some action Council has previously taken when it is too late to reconsider the vote. Its addition to the Agenda must be approved by Council. Any action of Council can be rescinded by Council regardless of the time that has elapsed subject to:

- a. A Motion to Rescind must be introduced according to the procedures for Notices of Motion;
- b. A Motion to Rescind may only be put forward by a member who voted in the majority when the item was originally decided upon;

- c. A previous decision cannot be rescinded after something has been done as a result of that vote that cannot be undone. (i.e. – legal agreements, contracts);
- d. No more than two motions to rescind the same resolution shall be permitted in the same calendar year.
- e. A Motion to Rescind shall require majority vote of the members of the entire Council.
- f. If the member who gave notice of the Motion to Rescind is not in attendance at the subsequent meeting, the Chair shall declare the Motion to Rescind not accepted.
- g. Debate on a Motion to Rescind must be confined to reasons for or against rescinding.

### **2.26 Appeals on Procedural/Decorum Rulings**

Any Member may appeal a ruling of the Chair by announcing their appeal to the Members.

The Member shall state the reasons for their appeal and the Chair may then indicate why the appeal should be rejected.

Without debate on the appeal, the Members apart from the Member making the appeal and the Chair shall then vote on the appeal.

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

Unless a Member immediately appeals the ruling of the Chair, the ruling of the Chair on the procedural question shall be final.

## **Part 3 ROLES AND RESPONSIBILITIES**

### **3.1 Head of Council (Act s.225)**

It is the role of the Head of Council to:

- a. Act as Chief Executive Officer (“CEO”) of the Municipality;
- b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c. Assign the seating arrangements in Council Chambers for all Members prior to the First Meeting of Council;
- d. Provide leadership to Council;
- e. Provide information and recommendations to Council with respect to the role of Council;
- f. Represent the Municipality at official functions;
- g. Uphold and promote the purposes of the Municipality;
- h. Promote public involvement in the Municipality’s activities;
- i. Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- j. Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
- k. Carry out duties prescribed by the Act;

### **3.2 Chair**

It is the role of the Chair to:

- a. Open Meetings by calling the Meeting to order;
- b. Address the business listed on the Agenda;

- c. Receive and have read to Council, all Motions presented by Members;
- d. Put to a vote all Motions which are moved and seconded, and to announce the result of a vote;
- e. Decline to put Motions to vote which breach the Procedural Bylaw or other Legislation;
- f. Enforce, on all occasions, order, proper conduct and decorum among all present at a Meeting;
- g. When, in the opinion of the Chair, the words or conduct of any person, including a Member, is in contravention of the Procedure Bylaw or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- h. Provide information to Members on any matter relating to the business of the Municipality;
- i. Authenticate by signature all Bylaws, Resolutions and Minutes;
- j. Rule on any points of order raised by Members;
- k. Maintain order, and, where it is not possible to maintain order, adjourn meetings to a time to be named by the Head of Council without any Motion being put forward; and
- l. Call for the adjournment of the Meeting when business is concluded.

### 3.3 Deputy Head of Council (Act s.242)

In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council.

If the Deputy Head of Council is unable to act in place of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the meeting.

### 3.4 Council (Act s.224)

It is the role of Council to:

- a. Represent the public and to consider the well-being and interests of the municipality;
- b. Develop and evaluate the policies and programs of the municipality;
- c. Determine which services the municipality provides;
- d. Ensure that administrative policies, practices, and procedures and controllership policies, are in place to implement the decisions of council;
- e. To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f. Maintain the financial integrity of the municipality and;
- g. Carry out duties of Council prescribed by the Act.
- h. Ensure all correspondence addressed to and received by Mayor and/or Council or individual Councillors is circulated to all Members and the Clerk and in accordance with Policy H00-01870 Council Correspondence.

### 3.5 Clerk (Act s.228)

It is the duty of the Clerk to:

- a. Record, without note or comment, all resolutions, decisions and other proceedings of Council;
- b. If required by any Member present at a vote, to record the name and vote of every member voting on any matter or question;
- c. Keep the originals or copies of all Bylaws and of all minutes of the proceedings of Council;

- d. Perform other duties required under the Act or any other Act;
- e. Perform any other duties as assigned by the municipality;
- f. Prepare and circulate Council Packages to all Members.
- g. Ensure all correspondence addressed to and received by Mayor and/or Council or individual Councilors is circulated to all Members and the CAO and in accordance with Policy H00-01870 Council Correspondence.

The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section 228(4) of the Act.

### **3.6 Staff (Act s.227)**

It is the duty of Staff to:

- a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b. Undertake research and provide advice to council on the policies and programs of the Municipality; and
- c. Carry out other duties required under the Act and other duties assigned by the Municipality.

### **3.7 Chief Administrative Officer (Act s.229)**

It is the duty of the Chief Administrative Officer to:

- a. Exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- b. Perform such other duties as are assigned by the municipality.

### **3.8 Members of the Public**

It is the role of Members of the Public to:

- a. Attend Meetings which are open to the public;
- b. Follow the rules of order, polite conduct and decorum;
- c. Provide input and information to Council at portions of meetings specifically designed for public engagement and in a manner dictated by Council (ie. writing, in person, electronic, etc.)

## **Part 4 MEETINGS**

### **4.1 First Meeting**

**4.1.2** The first Meeting of the newly elected or acclaimed Council after a regular election shall be held on the first Tuesday on or following November 15<sup>th</sup> or the first day that the Council may meet pursuant to the Municipal Act, 2001.

At the first Meeting, the Clerk shall administer the declarations of office and oaths of allegiance, and the Code of Conduct for all Members.

No business shall be conducted at the First Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members.

### **4.2 Regular Meetings**

**4.2.1** Time and Place. Regular Meetings shall be held on the second and fourth Tuesday of each month at 7:00 pm.

**4.2.2** Election Year. Following a regular election, Council shall only meet as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

**4.2.3** Summer and December. During the months of July, August and December, there shall only be one meeting of Council which shall be held on the second Tuesday of these months at 7:00 pm.

4.2.4 Except as otherwise provided by the Municipal Act or other statutes, Council may by resolution, dispense with or alter the time, day or place of any meeting in which case a notice shall be posted on a bulletin board at the Municipal Office and on the Town of Espanola's website advising of the time and place.

### **4.3 Special Meetings**

**4.3.1 The Head of Council.** The Head of Council may, at any time, summon a Special Meeting by providing a Notice of the Meeting to Members twenty – four (24) hours before the Meeting.

**4.3.2** Upon receipt of a petition from the majority of Council, the Clerk shall summon a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Meeting.

**4.3.3** The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting.

**4.3.4** A Special Meeting may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*, 2001.

### **4.4 Emergency Meeting**

**4.4.1** An Emergency Meeting may be called by the Head of Council without written notice, to deal with an Urgent Matter.

**4.4.2** An Urgent Matter, a matter that is time sensitive, and if not brought immediately could result in or cause:

- a. Danger to the life, health or safety of individuals;
- b. Damage to property;
- c. An interruption of the essential services provided by the Municipality;
- d. Loss of revenue by the Municipality; and/or
- e. Prejudice to the Municipality.

**4.4.3** The Clerk will attempt to notify all Members, the CAO and the appropriate Staff Members about the Urgent Meeting in the most expedient manner available and as soon as possible.

**4.4.4** Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

**4.4.5** Quorum is still required at an Emergency Meeting.

**4.4.6** These provisions shall apply, with necessary modifications, to Committees and Local Boards.

### **4.5 Closed Meeting**

**4.5.1** A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

**4.5.2** Pursuant to Section 239 (1) to (6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:



### **Municipal Act Section 239 (2)**

- 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 relation or employee negotiations;
- e. litigation or potential litigation, including matter before administrative tribunals, affecting the municipality or local board;
- f. advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- g. A matter in respect of which Council, a Board, Committee, or other body may hold a Closed Meeting under another Act.
- h. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

### **Other criteria (Municipal Act 239 (3))**

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) 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; or
- (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

### **Educational or training sessions (Municipal Act 239 (3.1))**

A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

### **Resolution (Municipal Act 239 (4))**

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

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

### **Open meeting (Municipal Act 239 (5))**

- (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 (*Municipal Act 239 (6)*)**

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).

**4.5.3** No Member, officer or employee shall disclose the subject matter or deliberation of a closed meeting, unless expressly authorized to do so by Council or the Committee.

**4.5.4** After the closed meeting is adjourned the Chair shall report to the public that the meeting has resumed open session and the general nature of the matters dealt with in the closed meeting.

**Part 5 NOTICE OF MEETINGS**

**5.1** The Clerk shall post on the municipal website notice of all Meetings. This posting will constitute notice to the public of the Meeting.

**5.2** Public Notice of meetings shall be given by posting the Regular Meeting schedule on the Town's official website prior to the first meeting in January of each year. The meeting schedule shall include the date, time and location of Council, Committees and Advisory Committees. The meeting schedule is subject to change as necessary. The Council and Committee agendas will be posted on the Town of Espanola's website. Full council agenda, supporting research and staff reports excluding confidential items will be available to the public and media by 4:00 pm on Friday before the Tuesday Council / Committee Meeting.

**5.3** Council / Committee shall receive an electronic draft copy of an Agenda by 4pm on Wednesday of the week prior to a meeting and a final electronic copy on Friday by noon the week prior to a meeting. Hard copies may be requested from the Clerk and may be picked up at the Municipal Office.

**5.4** The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts and holidays. The Clerk's amendments shall be circulated to all Members and will be posted on the website as soon as possible after the amendments are made.

**5.5** The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings and Committee Meetings unless the time for notice is waived unanimously by Members who will be in attendance at the Special Meeting or Committee Meeting.

**5.6** Where a statute or the Notice Bylaw requires, notice will be published in accordance with the statute/Bylaw in addition to the notice being posted on the municipal website.

**5.7** Nothing in this Procedural Bylaw prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

**5.8** Lack of receipt of notice or failure to comply with the notice provisions of this Procedural Bylaw shall not invalidate the holding of the Meeting or any decision of Council or the Committee made at the Meeting.

## **Part 6 AGENDA**

### **6.1 Agenda**

**6.1.2** It shall be the duty of the Clerk to prepare the agenda of all meetings in consultation with the Chair and CAO. Where there is a dispute about including or excluding an item from the agenda, the Clerk's decision shall be final.

**6.1.3** All Council agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached Schedule B.

**6.1.4** The Council meeting shall consider the items to be dealt with in accordance with the order that is set out in the agenda unless otherwise decided by resolution of the Members present at the meeting.

**6.1.5** Items on the agenda, but not dealt with at the meetings, will be placed on the next regular meeting agenda under "Unfinished Business" unless set to a subsequent meeting by resolution of the Members present.

**6.1.6** If a member wishes to add an item that is not otherwise on the agenda, the Member will advise the Clerk with a completed notice of motion as shown in Schedule D of this Bylaw by 12 noon the day prior to the scheduled meeting. The Motion will contain all necessary information related to the Motion and its urgency.

The Clerk or their designate will forthwith forward the motion to council members and the Clerk or their designate may provide a staff report to Council by 12 noon the day of the meeting.

At the Council Meeting, prior to the point in the meeting that considers the Disclosure of Pecuniary Interest, the Chair shall address notices of motion submitted under this subsection. Based on the Procedural Bylaw, the Chair will rule on whether to add the item to the agenda.

If any member is opposed to the ruling by the Chair, an appeal can be made in accordance with subsection 2.26 of this Bylaw.

A Member will require a majority vote to add an item not otherwise on the agenda.

**6.1.7** All items to be included on the agenda will be provided to the Clerk by members, Staff or the public no later than eleven (11) calendar days before the meeting. Reports for a meeting will be finalized and filed with the Clerk no later eleven (11) calendar days before the meeting.

**6.1.8** Reports to Council shall be in the standard form set out in Schedule C.

**6.1.9** Members wishing to have a matter placed on the agenda will provide the Clerk with a completed form as shown in Schedule D to this Bylaw.

**6.1.10** Individuals or Bodies wishing to have a matter placed on the agenda will provide the Clerk with a completed form as shown in Schedule E to this Bylaw.

**6.1.11** The Clerk, Chair and CAO may decline to add items and /or reports to an agenda. Reasons to decline include, but are not limited to the following:

- a. More time is required to prepare Staff Reports for Council;
- b. The Delegation Request Form was not submitted by the deadline;
- c. The Delegation Request Form is incomplete;
- d. The subject matter of the Delegation is outside of the jurisdiction of Council;
- e. The subject matter is with respect to a matter that should be discussed in a Closed Meeting;

- f. The subject matter is set to be discussed on another agenda;
- g. The issue is frivolous or vexatious;
- h. The issue has been or is to be considered by the Committee of Adjustment;
- i. Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue and has no additional information to provide;
- j. Council previously indicated that it will not hear further from this Delegation;
- k. There are legal grounds that do not permit it; or
- l. The issue should be referred to the Administrative Department for action.

## **6.2 Question Period**

**6.2.1** A 15-minute public question period is an opportunity for the public to direct a question to Council pertaining to subjects that appear on the Agenda for the specific Council meeting, Questions asked during Question Period and responses from Council shall be recorded in the minutes of the meeting.

Speakers shall respect the need for Question Period to proceed in a timely fashion and shall proceed according to the following guidelines:

- Speakers shall state their full name, address and the organization they represent, if any;
- Speakers are required to ask a question and are not permitted to make a speech. Speakers shall be limited to a preamble to their question of a maximum of two statements sufficient to establish the context for the question
- Speakers are limited to 1 question and 1 question follow-up on the same point. Each question will carry a 5-minute maximum time limit; this includes the speaker asking the question and the response time.
- Questions shall be directed to the Mayor/Chair who can redirect to an individual Councillor if deemed appropriate.
- The Mayor/Chair reserves the right to defer responding to a question in order to obtain the information required to provide a comprehensive and accurate response, in which case a response will be provided in writing.
- A Question that has been deferred shall be submitted in writing by the Speaker to the Clerk prior to a response being provided.
- The Mayor/Chair reserves the right to terminate the Speaker and Question Period for abuse of privilege.

A question is out of order if:

- It is regarding a matter of current litigation or legal action against the Corporation of the Town of Espanola, or is deemed to harm the interests of the Corporation or is regarding matters that were the subject of a concluded Public Hearing;
- A speaker is making political statements, using rude and/or obscene language or defamatory comments, it is used as a means to debate, make statements, claims or allegations;
- The answer would require or constitute a professional opinion or a personal evaluation;
- It attempts to or is perceived to circumvent the Municipal Freedom of Information process and items already subject to a Freedom of Information request.

If less time is required and there are no further questions, the Mayor/Chair will declare the Question Period to be closed.

### **6.3 Closed Meeting Agenda**

**6.3.1** In the event the Clerk receives items for a closed meeting agenda, they shall be placed on the Closed Meeting Agenda and provided to Council in a separate confidential Council Package.

### **6.4 Adjournment**

**6.4.1** A Motion to adjourn does not need a seconding Member. A Motion to adjourn to be considered that is on the agenda when all business has been concluded does not require a vote.

**6.4.2** A Motion to adjourn a meeting will be considered at any time unless:

- a. Another Member has been recognized by the Chair and is speaking on a matter; or
- b. during the taking of a vote.

**6.4.3** If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the agenda is completed.

### **6.5 Curfew**

Meetings shall be automatically adjourned at 10:00 pm unless otherwise determined by resolution passed by a majority of the Members present.

### **6.6 Committees / Appointments**

**6.6.1** Schedule F Committees

**6.6.2** Committees of Council (Standing Committees)

**6.6.2.1** Composition:

The following shall constitute the Standing Committees of Council:

6.6.2.1.1 Corporate Services

6.6.2.1.2 Community Services

**6.6.3** General:

**6.6.3.1** The Mayor shall be an ex-officio member of all standing committees of Council; shall have the same rights and privileges as any other member of the Committee, however the Mayor's presence shall not be used in determining quorum.

**6.6.3.2** The Standing Committees will have four members of which one member being the Mayor or his/her designate.

**6.6.3.3** Council on an annual basis shall appoint each member to the Committee. The Chairperson will provide executive direction to each of the committee's associated departmental functions. Such direction shall be in conformity with the Terms of Reference as specified for each Committee.

**6.6.3.4** Committee meetings will be conducted in the same manner as Regular Council meetings with the exception of voting. The Chairperson may take part in all discussion prior to a motion but will only exercise the privilege of voting in the case of a tie amongst the members present.

**6.6.3.5** The duties and responsibilities of the Standing Committees are stated in the attached Terms of Reference and are considered as forming part of the procedural bylaw.

6.6.3.6 The regular scheduled meetings of the Standing Committee will be held on the first & third Tuesday of every month.

6.6.3.7 The Committee Chair may call special meetings of any Standing Committee whenever he/she considers it necessary.

**6.6.4 Special Purpose Bodies (Ad Hoc Committees & Boards)**

6.6.4.1 There shall be 6 special purpose bodies, Ad Hoc Committees and Boards.

- 6.6.4.1.1 Police Services Board
- 6.6.4.1.2 Election Compliance Audit Committee
- 6.6.4.1.3 Committee of Adjustment/Property Standards
- 6.6.4.1.4 Espanola Recreation & Cultural Advisory Committee
- 6.6.4.1.5 Library Board
- 6.6.4.1.6 Animal Control Hearing Panel

6.6.4.2 Ad Hoc Committees of Council may be appointed by Council by motion from time to time to consider specific matters.

6.6.4.3 All applications for members at large for appointment to Special Purpose Bodies, Boards and Ad Hoc Committees shall be on the prescribed form supplied by the Clerk and shall be received by the Clerk. All applicants shall meet the required qualifications as set out by the various acts authorizing the formation of the committee or board, and it shall be the responsibility of the Clerk to ascertain these qualifications for each applicant. The term of appointment for members at large shall coincide with the term of council.

6.6.4.4 The Clerk shall place an advertisement in the local newspapers outlining the various positions to be filled on the Municipality's Special Purpose bodies and Ad Hoc Committees and inviting applications from interested citizens.

6.6.4.5 Copies of all applications received for each position shall be submitted with the agenda for a Special Meeting to consider Committee appointments by the end of January in the year following an election.

6.6.4.6 From time to time, Council may be required to replace committee or board members. At that time the Clerk shall place an advertisement in the local newspapers outlining the various positions to be filled on the Municipality's Special Purpose bodies and Ad Hoc Committees and inviting applications from interested citizens. Following the application deadline, copies of all applications received for each position shall be submitted with the agenda for the next Regular Meeting.

**6.6.5 Rules and Regulations**

The Rules and Regulations contained in this bylaw shall apply to all committees, and boards with the necessary modifications.

6.6.5.1 The agenda shall be provided to the Board/Committee members and to each council member 48 hours prior to the meeting.

6.6.5.2 Where practical all Committee meetings shall be held in the Municipal Office Boardroom.

6.6.5.4 A staff report shall accompany all items to be presented on an agenda and shall be submitted to the Clerk's Office prior to 12:00 pm on the Wednesday preceding the meeting.

6.6.5.5 Recommending motions from a board or committee shall have attached the staff report and any pertinent background information and shall be submitted to the Clerk's Office in accordance with Section 6.1.7 of this bylaw.

6.6.5.6 Special Boards & Committees will follow the procedures of this bylaw subordinate to Provincial legislation and other municipal bylaws governing their structure and activities.

6.6.5.7 *The Statutory Powers and Procedures Act*, 1990, and as amended, shall apply to the proceedings of the Property Standards Committee and the Animal Control Hearing Panel when considering appeals to applicable bylaws.

6.6.5.8 Where a conflict arises between the procedural activities of a Special Purpose Board or Committee and this bylaw the governing structure and its procedures of the Board or Committee will take precedence subject to any review of Council.

6.6.5.9 All Board/Committee members appointed by Council shall undergo an orientation set out by the Municipal Administration Department in compliance with applicable legislation.

## **6.7 Public Engagement Meetings**

**6.7.1** Schedule G Corporate Communications Policy

## **6.8 Public Hearings**

**6.8.1** When a public hearing is required by statute or by-law, the provisions herein shall apply over any other provisions of this By-law and any other by-law of the Municipality that concerns procedural rules for the Council.

### **6.8.2 Commencement of Public Hearing**

The hearing shall commence by an announcement by the Chair stating that the matter is a public hearing, and the Chair shall describe the subject matter of the hearing, and shall state that any person present who wishes to speak on the matter shall be permitted to do so.

### **6.8.3 Order and Time Limitation of Speakers**

All speakers will be limited to ten minutes of speaking time. If a significant number of speakers are present, the Chair may encourage speakers to limit their time to five minutes to allow all individuals present the opportunity to be heard. Individuals present at a public hearing will be permitted to speak on the matter in the following order:

- 1) Staff;
- 2) The applicant or appellant;
- 3) Council Members who wish to speak to the matter; and
- 4) Any other individual present who wishes to speak to the matter.

### **6.8.4 Limitation on Motions**

Once a public hearing has commenced, no motion shall be read or voted upon until all individuals present who wish to speak to the matter have had an opportunity to be heard. Where a motion is required for a recess, adjournment, or to defer the public hearing to a later date, a motion may be read and voted on at the Chair's discretion.

**6.8.5 Deferral to a Later Date**

When a public hearing is to be deferred to continue at a later date, the Chair shall announce the time and place of the continuation. If the time and/or date is not yet available for announcement, the Chair shall instruct all individuals present to leave their name and address with the Clerk for notice of the continuation of the hearing. When the time and place of the continuation is known, the Clerk shall send a notice to all individuals who left their name and address at the hearing.

**6.8.6 Conclusion of Public Hearing**

The hearing shall conclude by an announcement by the Chair stating the public hearing portion of the meeting has concluded, and when Members will discuss and vote on the matter. Following this announcement, no further submissions are permitted from the applicant or appellant, or any other individuals present that are not Members, and the Members shall discuss and vote on the matter.

**6.9 Electronic Participation**

**6.9.1** Schedule H Electronic Participation Policy

**6.10 Amendment**

**6.10.1** Any provision contained in this Bylaw may be repealed, amended or varied and additions may be made to this Bylaw by a majority vote, provided that no motion for that purpose may be considered unless notice thereof has been given in accordance with the Municipality’s Notice Bylaw.

**6.11 Mandatory Review**

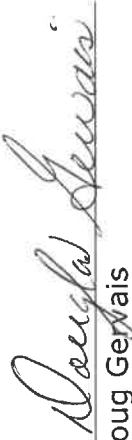
**6.11.1** That this Bylaw shall have a mandatory review each term of Council.

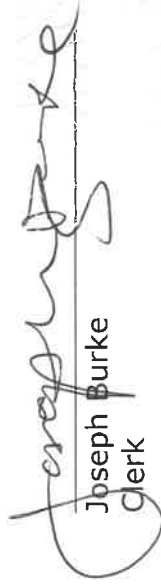
**6.12 Repeal – Repeal Enactment**

**6.12.1** That Bylaw 2981/20 and amendments thereto be and are hereby repealed.

**6.12.2** This Bylaw comes into force and takes effect on the date of enactment.

ENACTED AND PASSED THIS 10<sup>th</sup> DAY OF January 2023 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

  
Doug Gerstais  
Mayor

  
Joseph Burke  
Clerk



## Schedule A – Disclosure of Pecuniary Interest

### 1. Instructions

A Member shall:

- a) prior to the consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the mater; and
- c) shall not attempt in any way whether before, during or after the meeting, to influence the voting on any such question.

Where the meeting referred to in section 5(1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Where the interest of a member has not been disclosed as required by section 5(1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1), 1990, c.M.50, s.5(3).

### 2. Declaration of member \_\_\_\_\_ (Name of member and committee if applicable)

I disclose a pecuniary interest in the following matter considered by the above body at its meeting on \_\_\_\_\_.  
(date)

Provide the Agenda Item ie. G1: \_\_\_\_\_

The general nature of the pecuniary interest is as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the above information is true, complete and accurate.

Signature of Member \_\_\_\_\_ Date \_\_\_\_\_

Date received by Clerk/Initial \_\_\_\_\_

## **Schedule B - Agenda**

A consent agenda allows Council to approve all items together without individual motions. Consent agenda items are recommendations from Committees, routine, procedural and operational decisions. Illustrative sections are listed below.

If there are items to be severed, the Consent Agenda motion will be amended to reflect the exclusion of the severed items and the Mover and Secondor will initial the change. The Clerk shall read out the amended motion, the Chair will review the items on the Consent Agenda and the motion is voted on. Severed items are placed on the regular meeting agenda, that being Part 2.

11.1.1 The Clerk shall have prepared and printed for the use of the Members at the Regular Meetings of Council an agenda under the following headings:

A. Indigenous Land Acknowledgement Statement

B. Disclosure of Pecuniary Interest and General Nature Thereof

C. Public Hearing

D. Delegations/Petitions

E. Question Period

F. Consent Agenda Items to be Severed

G. Part 1 – Consent Agenda

H. Adoption of Minutes

I. Board and Committee Reports

J. Business Arising from Board and Committees

K. Bylaws and Resolutions

L. Reports

Part 2 – Regular Agenda

M. Bylaws and Resolutions

N. Member Motions

O. Correspondence for Information Only

P. Information

Q. Conference and Conventions

R. Mayor and Council Reports and Announcements

S. Future Council Meetings

T. Adjournment

U. Closed Meeting (if required)

Schedule C - Staff Report  
**STAFF REPORT**

**DEPARTMENT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ITEM:** \_\_\_\_\_

**RECOMMENDATION:** \_\_\_\_\_

**BACKGROUND:** \_\_\_\_\_

**ANALYSIS:** \_\_\_\_\_

**EXISTING POLICY:** \_\_\_\_\_

**STRATEGIC GOAL:** \_\_\_\_\_

**FINANCIAL COMMITMENT:** \_\_\_\_\_

**BUDGETED:** \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

**IMPLEMENTATION:** \_\_\_\_\_

**Prepared By:** \_\_\_\_\_

**Department Manager:** \_\_\_\_\_

**CAO / Treasurer:** \_\_\_\_\_

**Approval of Recommendation:** Yes \_\_\_\_\_ No \_\_\_\_\_

**Comments:** \_\_\_\_\_

## **Schedule D - Notice of Motion for Agenda submitted by Council Members**

All motions need to be accurate, clear as to their purpose, and accompanied by the necessary relevant background information to help inform Council decisions. All Motions being added to a council agenda need adequate time to allow Council to properly reflect on a motion by reviewing proposed changes, asking questions, seeking additional information, and understanding the rationale of motions.

The Clerk and Council Members are expected to proactively work together towards a completed motion submission for an addition to the Council Agenda.

**Item:**

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**Resolution:**

Be It Resolved That:

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Mover:

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Seconder:

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**Issue:**

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**Purpose/Rationale for the Motion  
i.e. How does it solve the issue:**

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**Resources:**

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Signature of Member

Date

Signature of Clerk

Date Received by Clerk

**Schedule E - Items for Agenda submitted by Individuals or Bodies**

**Individual or Body's Request to Put Item on Agenda:**

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**Issue:**

**Position on the Issue:**

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**Name, Group Affiliation, Contact Information of Presenters:**

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**Copy of Presentation Attached \_\_\_\_\_**

Signature of Submitter

Date

Signature of Clerk

Date Received by Clerk

## Schedule F - Committees

### COMMITTEE OF THE WHOLE

<b>1.</b>	Committee of the Whole meetings may be called during a regular meeting of Council, a Special meeting of Council or on prior notice at a Regular or Special Meeting that a separate Committee of the Whole meeting is required.
<b>2.</b>	Committee of the Whole meetings shall be called as the public interests require and may be "In Camera" meetings.
<b>3.</b>	The Mayor, or in his or her absence, the Deputy Mayor, shall be the Chairperson of the meeting.
<b>4.</b>	A quorum of Council must be present at a Committee of the Whole meeting.
<b>5.</b>	No motions are to be passed in Committee of the Whole meetings, but motions of recommendation to Council may be prepared.
<b>6.</b>	When Council goes into a Committee of the Whole meeting during a Regular or Special Meeting of Council, the Chairperson of the Committee of the Whole meeting shall report the Committee of the Whole's recommendations. Any necessary or required motions will be presented to Council for Council's action
<b>7.</b>	When a Committee of the Whole meeting is held outside a regular meeting, the Chairperson of the Committee of the Whole meeting shall report the Committee of the Whole's recommendation to the Council at the next regular meeting.
<b>8.</b>	The Clerk or his designate shall be secretary of the Committee of the Whole meetings and act as a resource person for the Committee.

## CORPORATE SERVICES COMMITTEE

### TERMS OF REFERENCE

#### PURPOSE

The Corporate Services Committee formulates recommendations and policies to Council concerning the Town's long range goals and strategic plans and reviews all financial matters. In addition, this Committee recommends appropriate corporate policies to Council and reviews all pertinent Federal, Provincial and Municipal legislation.

Corporate Services will also deal with issues relating to Human Resources and Employment Practices for all Municipal Departments. Its activities and recommendations are subject to the approval of Council.

The Committee will be responsible for and give regard to policies that protect, enhance and maintain the integrity and well-being of the Municipal Corporate body.

#### JURISDICTION

Council & Corporate Policy Services  
 Human Resource Services  
 Treasury & Financial Services  
 Legal & Realty Services  
 Provincial Offences Services  
 Planning Services  
 Animal Control

#### Functions

The committee giving regard to the above jurisdictional areas is responsible for ensuring that the Administrator manages Council's Policies respecting:

<b>1.</b>	The review of all pertinent legislation with a view of ensuring that Council is meeting its legal obligations through its resolutions, bylaws & policies.
<b>2.</b>	The review and recommendations of all corporate & policy matters to Council that transcends the mandates of other Council committees.
<b>3.</b>	The review and, if necessary, the modification of the Town's strategic plans (5 to 10 years) after examination of all relevant/available data, financial projections, in consultation with municipal staff and outside sources.
<b>4.</b>	The review of Council's long-range goals (3 to 5 years) as proposed by staff.
<b>5.</b>	The presentation to Council of the financial forecast and the annual budget of the Council and recommend their approval.
<b>6.</b>	The method of frequency of reporting to Council (and the Municipality) regarding all corporate matters.
<b>7.</b>	The preparation of all Council bylaws and motions and policies.
<b>8.</b>	The budget for the jurisdictions as defined in the committee terms of reference.
<b>9.</b>	Requests for unbudgeted items and recommendations to Council.
<b>10.</b>	The Corporate Municipal Policy Manual as adopted by Council.
<b>11.</b>	The provision of resource personnel in times of union negotiations.
<b>12.</b>	The provision of labour relations as required.
<b>13.</b>	A periodic review of all staff leaves of absence, overtime, compensatory time, and sick leaves, as well as the annual performance review.
<b>14.</b>	A periodic review of all other matters related to the management of human resources and the part they play in the fulfillment of the Town's goals and objectives.
<b>15.</b>	Periodic review and if necessary changes to the operational structure of all departments
<b>16.</b>	Departmental Reports shall be submitted to the Committee on a monthly basis.

**COMPOSITION**

The Committee shall consist of three (3) members of Council – three (3) Councillors and the Mayor as Ex-Officio.

**QUORUM**

A quorum of the Committee shall be a majority of the members.

**AGENDA**

Committee agendas shall be established jointly by the Chairperson and the primary staff resource person.

**STAFF RESOURCES**

- CAO/Treasurer
- Clerk/Manager of Planning Services
- Other Staff as Required
- Administrative Assistant

The Committee, through the Chairperson shall have the power to invite additional persons to attend from time to time. The Chairperson shall report to Council on agenda items and decisions reached.



## COMMUNITY SERVICES COMMITTEE

### TERMS OF REFERENCE

#### **PURPOSE:**

The Community Services Committee formulates recommendations and policies to Council concerning the Town's Protective Services, Transportation & Environmental Services and Leisure Services.

The recommendations & policies will give regard to the following areas with an emphasis on the health, safety, welfare, and the infrastructure of the community:

#### **Transportation**

To develop and provide standards, programs and policies necessary to maintain the Municipal sidewalks and roadways in a year round safe useable condition and to provide guidance on issues dealing with traffic movement, signage, parking, transit and lighting. To develop and provide standards, programs and policies to be used in the construction of all road related construction work.

#### **Environmental**

To develop and provide a preventative maintenance program for the water distribution system as well as the sanitary and storm sewer main line collection systems to ensure a reliable service with the least possible interruption and inconvenience to their user.

To organize, develop, and negotiate all solid waste collection and disposal contracts, as well as other required waste management programs.

To review and comment on future development impacts on the water and sewer systems, and to make recommendations on the requirements necessary to offset the same.

#### **Parks & Leisure Services**

To review recommendations from Leisure Services staff in developing programs for the Recreation Complex that provides safe and clean conditions for the general public; maintains the current infrastructure investment and meets the needs and interests of the community.

To develop and provide safe, clean recreational areas and facilities in order to meet the needs and interests of the inhabitants of the Town of Espanola.

To develop and provide standards, programs and policies to ensure safe practices, efficiency and accountability within operations.

Assist the Corporation by evaluating the success of Leisure Services through the review of the annual report outlining its progress.

To review the annual work plan that will outline past accomplishments for the year, current work in progress as well as outline proposed annual initiatives.

#### **Fire, Property Standards and Building Services**

Ensure that the Fire Services takes all the proper measures for the prevention, control and extinguishment of fires, the protection of life, property, and the enforcement of all municipal bylaws respecting fire prevention and exercise the powers and duties imposed by the Fire Marshal's Act.

Ensure that Property Standards Services takes all proper measures for the maintenance and occupancy of property, for the protection, safety, health and well-being of the public and for the prevention of the degradation of neighbourhoods within the Town.

Ensure that Building Services takes all proper measures in the maintenance of bylaws related to building and compliance with the Ontario Building Code.

Ensure that the Town’s Emergency Plan is current and meets all relevant legislation respecting the Health and Safety of the community.

**JURISDICTION**

- Transportation Services
- Environmental Services
- Parks & Leisure Services
- Building Services
- Emergency Management
- Fire Services
- Property Standards

**FUNCTIONS**

The Committee giving regard to the above jurisdictional areas is responsible for ensuring that the Administrator manages Council’s Policies respecting:

<b>1.</b>	Traffic Control, Signage and traffic lights, Street Sidewalks and Lanes, Summer and winter maintenance programs, Public parking lot maintenance & Snow dumping sites, Fencing and posting of land, Street lighting
<b>2.</b>	The Water treatment plant & distribution system, The Sanitary Sewer collection system & treatment plant, The Storm water collection system, Solid waste collection and disposal, Recycling composting, and household hazardous waste.
<b>3.</b>	Parks, flowerbeds, ball/soccer fields, playgrounds, beach and all associated facilities. Cemetery & Boat launch we may have to add trails
<b>4.</b>	Recreation facilities including the Recreation Complex. Community awareness of available recreation opportunities. Special events, Programming and Activities within the Leisure Services complex
<b>5.</b>	All summer student hiring giving regard to the procedures as outlined in the Town of Espanola hiring policy.
<b>6.</b>	Fire prevention programs, labour force allocation & training.
<b>7.</b>	Mutual Aid & External Fire agreements
<b>8.</b>	Updates to the Emergency Plan and 911 related issues
<b>9.</b>	Bylaws for building, maintenance and occupancy of property
<b>10.</b>	Departmental Reports shall be submitted to the Committee on a monthly basis.

**COMPOSITION**

The Committee shall consist of three (3) members of Council – three (3) Councillors and the Mayor as Ex-Officio.

**QUORUM**

A quorum of the Committee shall be a majority of the members.

**AGENDA**

Committee agendas shall be established jointly by the Chairperson and the primary staff resource person.

## **STAFF RESOURCES**

CAO/Treasurer  
Clerk/Manager of Planning Services  
Manager of Recreation & Community or alternate  
Superintendent of Public Works or alternate  
Chief Building Official  
Fire Chief  
Other Staff as Required  
Administrative Assistant

The Committee, through the Chairperson shall have the power to invite additional persons to attend from time to time. The Chairperson shall report to Council on agenda items and decisions reached.

## POLICE SERVICE BOARD

### TERMS OF REFERENCE

#### **PURPOSE:**

To provide adequate and effective police services for the Town of Espanola in accordance with the police needs of the Town of Espanola and the Police Services Act.

#### **JURISDICTION**

Police Services  
Police Liaison

#### **FUNCTIONS:**

The Board is responsible for the provision of adequate and effective police services in the municipality and shall;

- 1.** Participate in the selection of the detachment commander of the detachment assigned to the municipality or municipalities;
- 2.** Generally, determine objectives and priorities with respect to police services in the municipality, after consultation with the detachment commander or designate;
- 3.** Establish policies for the effective management of the police force;
- 4.** Establish after consultation with the detachment commander or designate, any **local** policies with respect to police services
- 5.** Monitor performance of the Detachment Commander
- 6.** Receive regular reports from the Detachment Commander or designate on disclosures and decision made under Section 49;
- 9.** Review the detachment commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or designate on his or her administration of the complaints system.
- 13.** Complete and submit applications for grant funding and assist in final reporting

#### **STAFF RESOURCES:**

Clerk  
Secretary to the Board  
Other staff as required

#### **COMPOSITION**

The Mayor  
One councillor of the Town of Espanola; appointed by resolution  
One member from the public at large appointed by Council for the Town of Espanola  
Two persons appointed by the Lieutenant Governor in Council.

Special Purpose Body Advisory Committee:

**ELECTION COMPLIANCE AUDIT COMMITTEE**

**Purpose:**

As directed by the Municipal Act, Section 81.1 (1) a committee is established to review a compliance audit application made by an elector who believes on reasonable grounds, that a candidate has contravened a provision of the Municipal Elections Act respecting election campaign finances. The Committee subsequent to the review will determine if the application warrants further action.

**Composition:**

The Committee shall be comprised the Clerk/designate for each of the following municipalities Township of Nairn-Hyman, Township of Baldwin, Township of Sables-Spanish Rivers.

**Quorum:**

A quorum of the Committee shall be a majority of its members.

**Term:**

Subject to Section 88.37 (1) of the Municipal Elections Act, 1996, c. 32.

**Agenda:**

To be determined by applications as forwarded to Committee by Clerk of Municipality for which candidate was nominated for office.

**Meetings:**

As required, to dispose of the application and any subsequent procedures required to complete the duties of the committee.

**Function:**

1.	Review Compliance Audit applications as submitted by ratepayer.
2.	Grant or reject application.
3.	Where application is granted, appoint an auditor
4.	Review auditor's report
5.	May initiate legal proceeding if contravention is determined in audit report
6.	May make a finding that application was reasonable but no appearance of contravention.

**Staff Resources:**

Clerk  
Recording Secretary  
Other Staff as required

## **COMMITTEE OF ADJUSTMENT**

### **TERMS OF REFERENCE**

#### **Purpose**

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Town of Espanola Council, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications submitted to the Town of Espanola Planning Department for minor variances. The Committee operates independently from Council and its decisions may be appealed to the Local Planning Appeal Tribunal (LPAT).

#### **Mandate**

The Goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so
- Giving due diligence to the consideration of each application
- Openly having all discussions about each application and making all decisions in public at the hearing
- Making rational decisions with appropriate, well thought out conditions clearly stating the reasons for their decisions.

The Committee of Adjustment may:

- Authorize minor variances from the provisions of the Town Zoning Bylaw for land, building or structure or their use

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with the Ontario Planning Act.

#### **Minor Variances**

The Zoning Bylaw regulates how land and buildings are used and where buildings and structures can be located. This Bylaw also specifies lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development. However, sometimes it is not possible to meet all of the requirements of the Zoning Bylaw. In that case, a property owner may apply for approval of a minor variance. A minor variance is not a right, it is meant to address the inflexibility of the Zoning Bylaw so that an undue hardship is not created. A minor variance provides relief from a specific Zoning Bylaw requirement, excusing a property owner from meeting the exact requirements of the Bylaw.

For the Committee to approve this type of application, the Planning Act requires that the members must be satisfied that the application meets all of the following four tests:

- Is considered to be a minor change from the Zoning requirements (an evaluation of impact rather than a numerical value)
- Is desirable for the appropriate development or use of the land, building or structure;
- Maintains the general intent and purpose of the Official Plan and
- Maintains the general intent and purpose of the Zoning By-Law.

#### **Delegated Authority**

The Committee of Adjustment is a quasi-judicial body, charged with observance and protection of applicable planning law and also with protecting the rights of the individuals affected by the decisions made.

The common law principles of natural justice require the Committee of Adjustment to ensure that individuals affected by their decisions have their equivalent of “a day

in court". The Committee must also satisfy legal requirements concerning notice, public hearings, calling of witness, notices of decisions and recording of proceedings. All timelines under the Act will be strictly adhered to.

As well as the legal procedures detailed in the Planning Act, the Municipal Act, the Statutory Powers Procedure Act, the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act govern the Committee of Adjustment.

The Committee of Adjustment is guided by planning policies and controls established by the Town of Espanola through the Official Plan, Zoning Bylaw and other Bylaws for controlling development and the Province of Ontario, including the Planning Act, statements of Provincial interest as defined in policy statements, implementation guidelines and Provincial plans.

The Committee of Adjustment has the authority to act on matters to carry out the mandate of the Committee pursuant to the Ontario Planning Act, using its discretion and judgment.

### **Committee Composition**

The Committee of Adjustment shall be composed of the same members appointed to the Committee of Property Standards.

Upon recommendation from the Mayor and Council and with input provided by the Committee of Adjustment Secretary, Committee members will be appointed by Council.

Council may, by resolution as and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

The Committee will be composed of three (3) persons who demonstrate the following qualifications:

- A commitment to and interest in the community.
- An understanding of the planning framework and planning instruments, including Town Official Plan, Zoning Bylaws and the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans.
- Resident or owner of property in the Town of Espanola, available and committed to conduct site inspections of subject properties and attend all Committee meetings.
- Objective and have an open mind in order to fully consider the evidence provided.

The Committee shall be composed of the following:

- Two (2) members who are citizen volunteers who reside and/or own property within the municipality, voting members
- One (1) member of Council, one alternate member of Council
- Staff Liaison as required as a non-voting staff resource
- Recording Secretary, Manager of Planning Services as a non-voting staff resource

Only members, appointed by Council, may vote on any issue.

Other parties, with interest, such as subject matter experts, may be invited to the meetings, as required, but without voting privileges.

Council may, by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

A Committee member may apply for a re-appointment for any number of consecutive or non-consecutive terms.

Resignations from the Committee must be in writing to the Committee Chair and Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

### **Committee Positions & Roles**

**Chair:** One member will be chosen by majority vote of the Committee at the first meeting of each New Year to Chair the meetings and oversee the business of the Committee for that year.

**Vice-Chair:** A Vice-Chair for the same duration will be chosen by majority vote of the Committee, as needed. The role of Vice-Chair is that of Chair when assuming the role of Chair.

**Secretary:** The role of Secretary is to confirm the meeting date and location with the Clerk's Office, shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, prepare the Agenda, take the minutes, and provide a copy of the minutes to the Clerk's office and all Committee members. The Secretary will be the Manager of Planning Services.



## **COMMITTEE OF PROPERTY STANDARDS**

### **Purpose**

The Property Standards Committee is appointed by Council pursuant to the provisions of the Building Code Act to deal with matters related to the municipality's Property Standards By-Law and the municipality's Official Plan.

### **Mandate**

The Property Standards Committee has a mandate to:

1. Hear appeals from property owners or occupants with respect to an order served by a Property Standards Officer in cases where the owner or occupant are dissatisfied with the terms and conditions of the order.
2. In hearing appeals the committee has all the powers of the enforcement officer and may confirm the order, may modify or quash it, or may extend the time for compliance. The committee shall, when rendering a decision, uphold the intent and purpose of the municipality's Property Standards By-Laws and Official Plan. The Property Standards Committee decision may be appealed to the Ontario Court (General Division) by the municipality or the owner/occupant affected by the committee's decision.

### **Committee Composition**

The Committee of Property Standards shall be composed of the same members appointed to the Committee of Adjustment.

Upon recommendation from the Mayor and Council and with input provided by the Committee of Property Standards Secretary, Committee members will be appointed by Council.

Council may, by resolution as and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

The Committee will be composed of three (3) persons who demonstrate the following qualifications:

- A commitment to and interest in the community.
- An understanding of the Property Standards practices and bylaws, practices relating to the Ontario Building Code Act, as well as the Town's Official Plan.
- Resident or owner of property in the Town of Espanola, available and committed to conduct site inspections of subject properties and attend all Committee meetings.
- Objective and have an open mind in order to fully consider the evidence provided.

The Committee shall be composed of the following:

- Two (2) members who are citizen volunteers who reside and/or own property within the municipality, voting members
- One (1) member of Council, one alternate member of Council, voting member
- Chief Building Official as required as a non-voting staff resource
- Recording Secretary, Clerk as a non-voting staff resource

Only members, appointed by Council, may vote on any issue.

Other parties, with interest, such as subject matter experts, may be invited to the meetings, as required, but without voting privileges.

Council may, by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

A Committee member may apply for a re-appointment for any number of consecutive or non-consecutive terms.

Resignations from the Committee must be in writing to the Committee Chair and Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

### **Committee Positions & Roles**

**Chair:** One member will be chosen by majority vote of the Committee at the first meeting of each New Year to Chair the meetings and oversee the business of the Committee for that year.

**Vice-Chair:** A Vice-Chair for the same duration will be chosen by majority vote of the Committee, as needed. The role of Vice-Chair is that of Chair when assuming the role of Chair.

**Secretary:** The role of Secretary is to confirm the meeting date and location with the Clerk's Office, shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, prepare the Agenda, take the minutes, and provide a copy of the minutes to the Clerk's office and all Committee members. The Secretary will be the Clerk.

### **Authority**

The Property Standards Committee derives its authority from the Ontario Building Code Act, Municipal Property Standards By-Law and the Municipal Official Plan. As such in cases of difference between these Terms of Reference and applicable Provincial Legislation, the Provincial Legislation takes precedence.

### **Reporting**

The Property Standards Committee is an autonomous body as provided by applicable legislation. As such there is no direct reporting requirement to Council.

## ANIMAL CONTROL HEARING PANNEL

### TERMS OF REFERENCE

#### **Purpose**

The Animal Control Hearing Panel is a tribunal tasked with hearing appeals to the Town's Bylaw for the Licensing and Requiring the Registration of Dogs and Cats and for the Control and Keeping of Dogs, Cats and Other Animals within the Municipality of the Town of Espanola. In addition, Section 105 of the Municipal Act, 2001 requires that the Council of a municipality shall, upon request of the owner of a dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement of an Order to Restrain.

#### **Mandate**

It is the responsibility of the Animal Control Hearing Panel, as delegated by Council, to hear all appeals to Orders enforced under the applicable bylaw in accordance with the procedures established under the provisions of the Statutory Powers Procedure Act.

It is the responsibility of the Secretary to the Animal Control Hearing Panel to accept all appeal applications from the appellant.

The Panel is authorized by the *Statutory Powers Procedure Act* to:

- Hear an appeal filed by the applicant
- The Panel as all the powers of the Animal Services Officer and may confirm the order or may modify or rescind it, or may extend the time for complying with the Order; and,
- When an appeal has been taken, the Committee shall give notice or direct that notice be given of such hearing for such person as the Panel considered should receive such notice.

#### **Committee Composition**

The Committee of Adjustment shall be composed of the same members appointed to the Committee of Property Standards.

Upon recommendation from the Mayor and Council and with input provided by the Committee of Adjustment Secretary, Committee members will be appointed by Council.

Council may, by resolution as and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

The Committee will be composed of three (3) persons who demonstrate the following qualifications:

- A commitment to and interest in the community.
- An understanding of the planning framework and planning instruments, including Town Official Plan, Zoning Bylaws and the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans.
- Resident or owner of property in the Town of Espanola, available and committed to conduct site inspections of subject properties and attend all Committee meetings.
- Objective and have an open mind in order to fully consider the evidence provided.

The Committee shall be composed of the following:

- Two (2) members who are citizen volunteers who reside and/or own property within the municipality, voting members

- One (1) member of Council, one alternate member of Council
- Staff Liaison as required as a non-voting staff resource
- Recording Secretary, Clerk as a non-voting staff resource

Only members, appointed by Council, may vote on any issue.

Other parties, with interest, such as subject matter experts, may be invited to the meetings, as required, but without voting privileges.

Council may, by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

A Committee member may apply for a re-appointment for any number of consecutive or non-consecutive terms.

Resignations from the Committee must be in writing to the Committee Chair and Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

### **Committee Positions & Roles**

**Chair:** One member will be chosen by majority vote of the Committee at the first meeting of each New Year to Chair the meetings and oversee the business of the Committee for that year.

**Vice-Chair:** A Vice-Chair for the same duration will be chosen by majority vote of the Committee, as needed. The role of Vice-Chair is that of Chair when assuming the role of Chair.

**Secretary:** The role of Secretary is to confirm the meeting date and location with the Clerk's Office, shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, prepare the Agenda, take the minutes, and provide a copy of the minutes to the Clerk's office and all Committee members. The Secretary will be the Clerk.

**ESPANOLA RECREATION & CULTURAL ADVISORY COMMITTEE**

**A. Purpose:**

The Town of Espanola Recreation & Culture Advisory Committee (“the Rec Committee”) will serve to strengthen and increase recreation and cultural opportunities, and strive to improve the quality of life and experience for all residents and visitors. Recreation and culture is broadly defined to include sport, arts and culture, indoor & outdoor leisure, festivals and community events.

**B. Principles:**

- Enhance the quality of life for all residents
- Ensure accessibility of indoor & outdoor recreation, events and culture
- Collaborate and partner to achieve common objectives

**C. Mandate:**

- Review the objectives of the current Recreation Master Plan and the Active Community Charter and work with the Manager of Community and Recreation to establish recommendations of annual priorities with respect to these documents.
- Establish the process and work required for the development of a new Recreation Master Plan when requested by staff or Council.
- Serve as a community focused support body and sounding board for the Manager of Community and Recreation and Council on matters pertaining to the effective and efficient delivery of recreation services, facilities, programs and special events.
- Identify issues, trends and gaps in service and provide recommendations on how they can be addressed.
- Develop an annual donation plan to support not-for-profit leisure service activities in Town to be recommended to Council as part of the annual budget process.
- Provide feedback to Council and Staff when requested on policy to support the vision of an active, healthy community.

**D. Reporting Relationship:**

The Rec Committee is to serve as an advisory body to staff and Council. The Rec Committee does not have any delegated authority. Recommendations requiring implementation, expenditures, reports or staff action must be first considered by staff and/or Council. Prioritization of recommendations and work is to be established on a collaborative basis between the Committee, the Manager of Community and Recreation and the CAO.

**E. Committee Composition:**

The Committee shall be comprised of 7-10 voting members who must reside in the Town of Espanola or be the owner or tenant of land. To the greatest extent possible, public representation will be multi-sectored and include representation from the following stakeholder groups;

- Youth (13-18 yrs)
- Health Promotion (i.e. FHT, Health Unit, Mental Health)
- Minor Sports (i.e. hockey, soccer, minor ball, skating)
- Special Events (Car show, Fibre Arts Festival)
- Culture (Theatre, Choir, Music)
- Seniors (55+)
- First Nations
- Not for profit Recreational Service (Golf Club, Ski Club, Curling)
- Private sector (i.e. personal trainers, class instructors, bowling alley)
- Library volunteer (board member or Friends of the Library)

Appointments shall be made by Council resolution. Appointments can be revoked at any time at the discretion of Council or by resolution of the

Committee to Council. The Rec Committee shall also include two members of Council who shall have full voting privileges. A staff representative of Leisure Services will attend the meetings as a resource. Other staff and delegates may be invited to provide input at times, however, they are not to be counted towards quorum and do not have voting privileges.

**F. Chairperson/Vice Chair & Secretary:**

A Chairperson, Vice Chair & Secretary shall be elected by majority vote on an annual basis. Members of Council and Staff are not allowed to serve as Chair or Vice Chair. The Chairperson is responsible for leading the discussion at each meeting pursuant to the meeting agenda and the committee's mandate. If a Chair or Vice-Chair is not present, members are to select an acting chair to serve in the same capacity for the duration of that meeting.

**G. Subcommittees:**

Subcommittees may be formed to complete specific tasks related to the committee's mandate but must report through the committee.

**H. Decision Making & Voting:**

Any recommendation to Council must be voted on. A resolution is deemed to be carried if the majority of members present vote in the affirmative. Recorded votes shall not be permitted.

**I. Quorum:**

Quorum is considered a majority of members. A meeting may proceed without quorum; however substantive recommendations are not to be ratified until supported by the majority of members.

**J. Meeting Structure & Format:**

Rec Committee meetings to be held monthly (same day & time to be determined) and scheduled at the Rec Complex or in Council Chambers if video conferencing is required. Agendas for each meeting will be distributed to members in advance along with the minutes of the previous meeting. The staff representative will include any recommendations from the Rec Committee in their monthly staff report to Council.

**K. Accountability:**

The Committee may approve an extended absence for a committee member, if in the view of the Committee, it is appropriate to do so. Such extended absences shall require unanimous approval of the Committee. During the extended absence of a Committee member, their seat shall not be considered to count toward the number of members required to establish quorum. Extended absences shall not be permitted for the role of Chairperson, Vice Chair or Secretary. Extended absences of more than six months shall not be permitted. A Committee member's seat will become vacant if a member is absent from meetings for three consecutive months without this being approved by the Recreation & Culture Advisory Committee. A minimum number of people in attendance must be 5 people to establish a quorum.

**L. Conflict of Interest:**

Members will declare any conflict of interest and state the general nature of their conflict at the beginning of the meeting. A declaration of conflict will be recorded in the minutes. The member will be required to leave the meeting space for the item in discussion.

**M. Public Relations:**

Members must not compromise the integrity of the Town's service to the public. Members must not use the Committee as a platform to undertake and/or lobby for a special interest. Members do not have the authority to speak on behalf of the Town and committee to the media.

**N. Amendments:**

Amendments to the terms of reference can only be made by Council.

**Staff Resources:**

Manager of Community and Recreation  
Leisure Services Staff  
Other Staff as required

Special Purpose Board

## LIBRARY BOARD

### TERMS OF REFERENCE

#### **PURPOSE:**

The Library Board is to provide a comprehensive, user oriented library service, which meets the needs of the community.

#### **FUNCTIONS:**

<b>1.</b>	To promote public awareness of the services available and to foster the maximum use of the library's resources, by means of the library's activities and programs.
<b>2.</b>	To provide easy access to the entire range of resources.
<b>3.</b>	To provide economic and efficient service.
<b>4.</b>	Prepare financial forecast and budget.

#### **STAFF RESOURCES:**

Library Chief Executive Officer  
Other staff as required



## Schedule G – Corporate Communications Policy

Department: Council	Policy Number: C12-01279
Subject: Corporate Communications Policy	Effective Date: 02/28/06
Bylaw No: 1885/06	Revision Date: 12/05/15
	Version #: 2

### **Purpose:**

To govern the municipal corporation’s approach to all its communication functions, including communication with staff, residents, taxpayers, partners, business owners, visitors and others.

### **Policy:**

### **Objectives**

Support and help achieve the community vision, priorities and direction.

1. To build positive awareness of the corporation.
2. To foster the Town’s public understanding of and involvement in their local government.

### **Guiding Principles**

1. The Town of Espanola will maintain open, two-way communication with its stakeholders.
2. All information disseminated will be timely and consistent in content.
3. All information disseminated will be factual, accurate, and complete to the best ability of the corporation, within the mandate of the Local Government Act and other legal requirements.
4. Wherever possible, municipal staff and Council will be informed of matters affecting them and the community prior to dissemination to the public.

### **Best practices**

1. The Corporation will be proactive in planning and executing communication programs.
2. Communication with stakeholders will be an integral component in corporate decision-making.
3. Communication programs and practices will be coordinated across departments to enhance efficiency and effectiveness and ensure consistency in content and delivery.
4. The corporation will cooperate with its corporate and public partners to ensure accurate, consistent and coordinated messaging throughout the community and in the market place.
5. The corporation will seek opportunities to directly inform and involve the public in policy development and decision-making, based on the principle of open, two-way communication. (municipal notice provision bylaw)
6. The corporation will seek to continually improve accessibility to information for the public and its staff, with proven technology.
7. Negative or inaccurate information from third parties will be challenged and corrected to ensure fair representation of the corporation, Council members, staff and the community.
8. The corporation’s commitment to excellence in communication practices is reflected in the establishment of a corporate communications office within the Clerk’s department responsible for managing corporate wide internal and external communication activities and programs and guiding departments in communication functions.

## **Corporate Identity**

1. Clear and consistent corporate identity is required to assist the public in recognizing and accessing programs and initiatives of the municipality.
2. To maintain a recognizable and unified corporate identity throughout the municipality, all communications pieces shall be consistent with the corporate visual identity communications manual.

## **Internal Communication**

1. Communication among managers and employees must be open and collaborative to achieve goals and to ensure that quality information is being provided to the public.
2. Internal communication must be a two-way dialogue. Listening to employee ideas, concerns and suggestions for achieving results and improving service, and acting upon them, is just as important as keeping employees informed about the goals and priorities of the municipality, or about developments, changes or new initiatives affecting their work.
3. Managers and supervisors must communicate with employees openly, frequently, and before or at the same time as information is communicated to the public.
4. Following a regular council meeting an action planner that will provide the decision, lead person or department and status of a council item will be developed and circulated to all departments.
5. At a minimum on a quarterly basis a project reporter identifying the current status, financial overview, lead department and update on significant municipal projects will be presented to Council and departments. Departments are encouraged to make this available to all staff.

## **Communication needs and marketing**

1. Gathering and providing information to the public for the development of programs, services, initiatives, projects and policies requires resources and effective and accountable management. The manner in which information is exchanged is important.
2. Newsletters and Programs  
Marketing assists in promoting municipal programs, services, initiatives and projects. Commonly used marketing format; Municipal newsletter, Library newsletter, Special events programming (schedule of activities for Carnival, July 1<sup>st</sup>, Santa Claus parade and social media, (website, Facebook, twitter)). This may be used in conjunction with advertising.
3. Flyers  
To ensure communication with the residents and businesses in the Town of Espanola a preferred method of communication may be the circulation of flyers. Flyers are commonly used for; water flushing program, amnesty week. This method of communication shall be at the discretion of the Clerk's office and can be used in conjunction with advertising.

4. News releases

The Town of Espanola shall make an attempt to issue news releases immediately following Council's decisions with respect to programs, services, initiatives and projects and, also for announcements. This method of communication and matters to be released shall be at the discretion of the Clerk's office. All news releases shall be coordinated through the Clerk's office.

**Advertising**

1. Where any Act prescribes for the giving of notices, this notice shall be given by publication in a newspaper. Bylaw #2068/08 being a bylaw to prescribe the form and manner and times for the provision of notice shall be adhered to.
2. All forms of advertising shall have a purpose and be meaningful.
3. Municipal Departments may take out advertisement concerning policies, programs, services or initiatives.

**Media Relations**

1. The media plays an important role in providing the public with news and information about municipal matters and reporting the public's views and opinions.
2. Municipal representatives must be proactive in relations with the media and inform the media on issues of importance on municipal programs, services and initiatives.

**Spokesperson – Elected officials**

1. The Mayor and in his absence the Deputy Mayor are the primary spokespersons for the Municipality. They are supported in their role by the CAO/Treasurer and by senior management.  
Council presents municipal policies, priorities, initiatives and decisions to the public.

**Spokesperson - Employees**

1. The CAO/Treasurer and senior management with the tacit approval of Mayor and Council can speak in an official capacity on issues they have responsibility and expertise.
2. At all times spokespersons must respect privacy rights, matters before the courts, and confine their comments to matters of fact concerning policies, priorities, initiatives and decisions.

**Roles of elected officials and employees**

1. The role of the elected official and employees of the Town is to ensure that all complaints, suggestions, and recommendations are received, identified, recorded and considered in an efficient, effective and timely manner.

2. An elected official upon receipt of a complaint, concern or recommendation should;
  - a) provide a qualified explanation to the citizen; or
  - b) refer the citizen to the appropriate Department Manager or CAO/Treasurer or;
  - c) contact the appropriate Department Manager or CAO/Treasurer to advise of the concern.
  
3. Staff, upon receipt of a complaint, concern or suggestion from an elected official or citizen, will provide an appropriate response as soon as possible. It is recognized that;
  - a) some complaints, concerns or suggestions may require research, viewing or investigation to confirm compliance with Council's decision.
  - b) staff is not authorized to perform a task or otherwise provide a product or service that is not in keeping with the role and responsibilities of the Department without prior approval of Council.
  
4. A Department Manager who has received a complaint or suggestion from an elected official shall respond to the complaint or suggestion in writing with a copy to the CAO/Treasurer.
  
5. A Department Manager who has received a verbal complaint or suggestion from a citizen may respond verbally, and in the absence of a specific request, may at his or her discretion provide a written response to the citizens with a copy to the CAO/Treasurer.
  
6. A Department Manager upon receipt of a complaint or suggestion from another staff member will respond as in item 5 above and in addition may consider the merit of the suggestion in relation to the Town's desire to acknowledge and record appropriate suggestions from its staff.
  
7. The Department Manager will be responsible to:
  - a) maintain an appropriate log of all complaints and suggestions and recommendations and
  - b) ensure that appropriate elected officials through the CAO/Treasurer are advised and informed of the receipt and disposition of all relevant complaints and concerns and suggestions.

### **Engaging the public**

Engaging the public helps Council to understand and identify citizen's needs and expectations. It is used to assess the public's response to proposals and initiatives.

1. Public information meetings to engage the citizens shall be encouraged. At the discretion of Council and the Clerk's office public information meetings shall be held to gauge the public's interest and concerns respecting programs, services, policies, initiatives and establishing priorities or possible changes.
  
2. Any opinion poll research that will be conducted shall be contracted out to qualify and evaluate the views.

### **Initiatives**

1. To encourage information sharing with, and input from the public.
2. To improve public access to information.
3. To develop a basis to streamline information access.
4. To enhance information sharing with the public through the media on a regular basis.

5. Communication programs:

- a To develop and circulate a citizen’s municipal newsletter on a bi-annual basis.
- b. Host town hall meetings as needed if requested by Council.
- d. To conduct a public opinion poll survey at a minimum every three years.
- e. To encourage posting on the web page ensuring it is consistent with the web page policy.
- f. To develop and circulate news releases to staff and media in a timely matter.
- g. To host public consultation meetings
- h. To develop and circulate an action planner to municipal departments following regular council meetings
- i. To develop and circulate at a minimum on a quarterly basis a project reporter to Council and Departments.
- j. To maintain the municipal website with current information, photos and videos
- k. To incorporate social media applications in accordance with its policies.

**Evaluation**

The Corporate Communication policy must be periodically reviewed, evaluated and updated.

## **Schedule H – Electronic Participation (Council, Local Boards and Other Committees)**

### **General**

While every effort shall be made by members to attend meetings physically in person, members of Council, local boards and other committees may participate by telephone or other electronic video teleconferencing means as permitted by the *Municipal Act*, 2001, subsection 238 (3.1) or any other applicable legislation.

Members participating electronically are required to use their Town issued equipment or use their own personal equipment (i.e. phone and/or computer) at their own expense.

Members shall advise the Clerk, or designate, as soon as practicable prior to the scheduled meeting of his/her intent to participate electronically. In all cases, staff will accommodate electronic participation on a best effort basis and subject to available resources that may be required for the delivery of competing essential municipal services. All attempts will be made to ensure meetings are live streamed and recorded.

Members participating electronically will count towards quorum and have the ability for full participation including ability to vote in both public and closed meetings. Voting may take place by way of roll call, or in an alternate method authorized by the Chair, ensuring that Members and the public are aware of how each member votes.

In the event of a technical failure during the meeting, a recess of not more than 10 minutes can be taken to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, it will not affect the validity or continuation of the meeting or decisions. If a quorum is lost, the meeting will be deemed to be adjourned.

All members recognize by the passage of this bylaw that they must ensure confidentiality when participating electronically in closed sessions.

### **Protocols**

- a. Each member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- b. Each Member participating by Electronic Means will mute his or her electronic device when he or she is not speaking.
- c. After putting a motion to a vote, each Member participating by Electronic Means will be required to identify how he or she wishes to vote.
- d. Each Member participating by Electronic Means shall inform the Chair about his or her intentions to leave the meeting prior to doing so.
- e. A Member(s) participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- f. In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue providing there is still quorum.
- g. Information related to additions to the agenda or materials that were not included in the agenda package will be forwarded by email to all Members provided time permits. It is the member's responsibility to monitor email for this type of occurrence.
- h. Members attending electronically may not be able to see all Members, presentations by delegations, etc.
- i. Members are responsible for providing their own method of transmission to the Municipality.