

AGENDA / ORDRE DU JOUR

A) Declaration of Pecuniary Interest / Déclaration d'intérêts pécuniaires

B) Addendum and Agenda / Addenda et Ordre du jour

B-1 Resolution to approve the Addendum

B-2 Resolution to adopt the Agenda

C) Delegations & Petitions / Délégations et pétitions

C-1 Betty Road – Drainage Matters (Presenters: Denis & Linda Bazinet)

↳ additional supporting information attached as separate document

COMMITTEE OF THE WHOLE MEETING / COMITÉ PLÉNIER

D-1) Emergency Measures and Public Safety / Mesures d'urgence et sécurité publique

D-1(a) Fire Service Annual Report (separate document)

D-2) Public Works / Travaux publics

D-2(a) Capital Update

D-2(b) Leblanc Road – Request for regular maintenance (Stewart Rd to Leblanc Rd)

D-2(c) Main Street Drain/Gulley – Update

D-3) Planning / Planification

D-3(a) Casa Development - Request for variance from Subdivision Policy

D-4) Community Services / Services communautaires

D-4(a) Capital Update (verbal)

D-5) Sewer and Water / Les égouts et l'eau NIL

D-6) Environmental / L'environnement

D-6(a) Stewardship Ontario – Funding for Municipal Blue Box Recycling

D-7) General Government / Gouvernement général

D-7(a) ROMA 2020 Conference – Deadline for Delegation Request (Dec-2-2019)

D-7(b) Proposed amendments to the Procedural By-Law

D-8) **Economic Development / Développement économique** **NIL**

D-9) **Social Services and Health / Services sociaux et santé** **NIL**

**REGULAR COUNCIL MEETING /
RÉUNION RÉGULIÈRE**

E) **Unfinished Business / Affaires en marche** **NIL**

F) **Notice of Motion / Avis de motion**

G) **New Business / Affaires nouvelles**

G-1 Resolution to authorize the Mayor and CAO to sign an agreement for the operation of the Sturgeon Falls Arena Canteen

H) **Addendum / Addenda**

I) **Information, Questions & Mayors' Report / Information, questions et rapport du Maire**

J-1 Mayor's Report

J) **Closed Meeting / Réunion à huis clos** **NIL**

K) **Adjournment / Ajournement**

L-1 Resolution to adopt By-law **2019/93** confirming proceedings of meeting

L-2 Resolution to adjourn the meeting



C-1 RECEIVED
NOV 01 2019

REQUEST FOR DELEGATION / WRITTEN SUBMISSIONS

A request for a delegation or presentation before Council must be in the form of a written submission to the Municipal Clerk. The following background information form must be duly completed and submitted by not later than 4:30 p.m. on the Wednesday prior to the requested meeting.

PLEASE PRINT CLEARLY:

Council Meeting Date: November 12, 2019

Subject: Drainage Matters - Betty Road

Name: Denis and Linda Bazinet

Address: 909 Betty Road, Verner, ON P0H 2M0

Phone: Home: 705-594-2789

Business:

Fax:

E-Mail: denis_baz@hotmail.ca NO ATTACHMENTS PLEASE. Our email filter blocks all email with attachments.

Name of Group or Person(s) being represented (if applicable):

Linda and Denis Bazinet and the landowners of East Betty Road.

Details of nature of the business/purpose (additional information can be attached separately): On October 9, 2019, Municipal Council voted to direct the Manager of Public Works to execute a Petition for Drainage under Section 4(1)(c) of the Drainage Act to install a municipal drain on our land, in the same location as our private ditch, where the Municipality has been draining the municipal ditches for many years. We appealed that decision. Relevant documents and information were not presented to Council at the October 9 meeting, and we, the owners of 909 Betty Road, were not given notice of or an opportunity to speak at the meeting, although the Municipality knows we have a claim for existing damages that it caused by draining municipal water into this same ditch. Since our neighbors will also be affected by Council's decision, we have formed an informal association of landowners. At the November 12 meeting, we will present relevant, missing information and we will make submissions. Hard copy material will follow early next week and a PowerPoint presentation will be delivered at least 24 hours prior to meeting.

Presentation Requirements:

☐ Easel

☒ Projection Equipment

☐ Other:

Please be advised that your delegation/presentation will be recorded in video and audio format as part of Council meetings and will be subject to media broadcast (Eastlink and internet). Personal information on this form will be used for the purpose of sending correspondence relating to matters before Council and Committee of the Whole. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a report that is available to the general public in a hard copy format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.

Submit your completed form to:

Municipal Clerk
Municipality of West Nipissing
101 – 225 Holditch Street
Sturgeon Falls, ON P2B 1T1
e-mail: mducharme@westnipissing.ca
Tel: 705-753-2250 • Fax: 705-753-3950

Visit ... www.westnipissingouest.ca

Faxed and Delivered

October 29, 2019

Denis and Linda Bazinet
909 Betty Road
Verner, Ontario
POH 2M0
705-594-2789

***Clerk of the Corporation of the Municipality of West Nipissing
and the Committee of the Whole***
101-225 Holditch Street
Sturgeon Falls, Ontario
P2B 1T1

Dear Sir/Madam:

Re: 909 Betty Road, Verner, Ontario - Property Damage

We have your letter of October 10, 2019, received October 17, 2019. There was no enclosure. We did not receive your email. Following your telephone message of October 25, we now have copies of the material from the October 8, 2019, meeting which are posted to the Municipality's website and we have obtained from Joel Miller a copy of the missing enclosure.

We are appealing the Municipality's October 8, 2019, decision to direct the Manager of Public Works to execute a Petition for Drainage under Section 4(1)(c) of the Drainage Act.

There are documents relevant to this matter in the Municipality's possession that we believe were not presented to Council at the meeting, and we, the homeowners, were not given notice of, or given an opportunity to present submissions at the October 8 meeting, despite the Municipality being aware we have a claim for damage repairs relating to the ditch.

We are now requesting a delegation so that we can make submissions to Council before this matter is decided. The required form will be submitted this week and we are asking that this matter be returned to the Agenda for the November 12 Council Meeting, or as soon as possible thereafter, to be reconsidered.

Sincerely,





Linda Bazinet



Denis Bazinet

SCHEDULE "B" OF BY-LAW 2019/24

 AGENDA ITEM REQUEST FORM			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		Tuesday October 8th 2019	
Name of Requestor:	Chris Fisher	Date submitted: Sept 30th 2019	
Address:	Full mailing address: 3636B Hwy 539 Field		
Phone:	Home: 705-758-1632	Business / Cell: 705-492-6784	Fax:
E-Mail:	Cfisher@westnipissing.ca		
Requested Agenda Item/Subject:		Lablanc Rd	
Additional details / background information: <input checked="" type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i> There is a request to maintain Leblanc Rd from Stewart Street up until 1078 Leblanc. This was previously gated, however a new house has been build on the road			
ADMINISTRATIVE APPROVAL			
STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
STEP 2 → This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	October 18, 2019	Received from:	
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> by telephone <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Report Required <input type="checkbox"/> Action Item <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):	November 12, 2019	<input type="checkbox"/> Regular meeting <input checked="" type="checkbox"/> Committee of Whole meeting	
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

 AGENDA ITEM REQUEST FORM			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		Nov 19, 2019	
Name of Requestor:	Lise Senecal	Date submitted: November 6, 2019	
Address:	Full mailing address:		
Phone:	Home:	Business / Cell: 705 690-4267	Fax:
E-Mail:			
Requested Agenda Item/Subject:		Drain on main street	
Additional details / background information: <input checked="" type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i>			
Could you please add the following on our next council meeting; Update on the drain (gully) issue on Main Street Thank you			
ADMINISTRATIVE APPROVAL			
STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
STEP 2 → This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	November 7, 2019	Received from:	Councillor L. Senecal
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input checked="" type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):	November 12, 2019	<input type="checkbox"/> Regular meeting <input checked="" type="checkbox"/> Committee of Whole meeting	
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

MEMORANDUM

TO: Mayor and Council

FROM: Melanie Ducharme, Municipal Clerk/Planner

DATE: November 8, 2019

RE: **FILE NO. SUBD2017/03(B & S MORRISON EXCAVATING LTD.
now WEST NIPISSING CASA DEVELOPMENTS INC.)**

On January 15, 2018 the West Nipissing Planning Advisory Committee recommended draft plan approval of a subdivision consisting of 48 lots, both partially and fully serviced, which recommendation was approved by Council on the 16th day of January.

Since that time, the developer has been working with staff for the installation of the required services including roads, water and sewers. The Developer now wishes to enter into a Subdivision Agreement with the Municipality, but is seeking leave from certain provisions of the West Nipissing Subdivision Policy, which are as follows:

1. **Parkland:** The developer has offered the Natural Gas Easement lands (50'wide) as parkland dedication. The Planning Advisory Committee has recommended against this and should Council accept these lands as parkland it will be on the understanding that they are constrained by the gas easement and cannot ever be used for development of any kind. Council can request alternate lands be dedicated or accept cash in lieu of the parkland, for which a calculation has been provided by the developer's consultant.
2. **Sidewalks:** The developer is requesting leave from the installation of sidewalks and is proposing a widened asphalt instead. This option is less costly for the developer and will also reduce the amount of security required to be furnished.
3. **Security:** Our policy requires developers to post security in the amount of 100% of the value of the infrastructure to be installed or such percentage thereof as remains incomplete at the time of signing the Subdivision Agreement as verified by the developer's engineers. At this time, the developer is requesting leave from the requirement to post security for the the hydro portion of the above ground services. Without a proper estimate provided by the hydro provider, it is uncertain what the magnitude of this request is; however, I expect that it will exceed \$200,000.00 and should Council waive this security requirement, in the event that the developer does not proceed with or fails to finish the development, the municipality will have no security on which to realize to complete the works.

Joie de vivre



www.westnipissingouest.ca

4. **Direct Municipal Charges:** Based on the fact that the developer has provided his own Engineering Supervision, he is requesting that the Engineering Review Fees be reduced to the minimum payable.
5. **Reduction in Letter of Credit:** The developer is requesting a further reduction in the proposed letter of Credit in the amount of the security posted for the installation of the amended waterline and road construction. This amendment was made to accommodate geographic constraints of running the waterline up Nipissing Street as originally contemplated. As Council member will recall, that security figure of \$137,800.00 was an number agreed upon by Council at the time. It was not verified by any engineering firm. The agreement was to install the waterline and construct the interior road to a standard which would allow the municipality to access its' infrastructure, if required. A recent inspection indicates that the road, while passable, is not complete and it is staff's recommendation to require the developer to have his engineers provide an estimate on the value of works to be completed (additional granulars, ditching, etc.) before agreeing to allow the existing security to be deducted to the new requirements.)

I am seeking Council's direction on these items so that the Developer may move forward with organizing this security requirements to proceed with the registration of his Subdivision Agreement.

Additional Commentary Regarding Subdivision Policy:

At a recent Committee of the Whole meeting, Council indicated that it wishes to review the Municipality's Subdivision Policy. The current policy was enacted in 2007, prior to the new Official Plan and Zoning By-Laws. It was also written to apply to urban subdivisions where all municipal services are available. As Council is aware, we receive applications for Subdivisions in all corners of the Municipality and every one is different. As a result, the policy, as written, is impossible to apply to rural and quasi-rural developments where no services exist. I will be reviewing the policy in the new year with the Managers of Public Works, Water & Sewer and the Chief Building Official with a view of setting standards for the different situations with which we are faced in approving subdivisions so that the standards are in keeping with the nature of the development and also meet the goals and objectives of the West Nipissing Official Plan and zoning by-laws. These policies will be brought to Council in the New Year for review and discussion.

Goodridge Goulet Planning & Surveying Ltd.
ONTARIO LAND SURVEYOR
LAND USE PLANNERS & DEVELOPMENT CONSULTANTS

November 7, 2019

Ms Melanie Ducharme, Clerk / Planner
Corporation of the Municipality of West Nipissing
200 Holditch Street
Sturgeon Falls, Ontario P2B 1T1

Dear Ms. Ducharme,

Reference: West Nipissing Casa Developments Inc. & B.S. Morrison Excavating Ltd.
Plan of Subdivision – Part Lot 4, Concession "A", Geographic Township of Springer
Municipality of West Nipissing, District of Nipissing
Our file: 253-16

Further to our meeting earlier this week, we are seeking the following approvals and direction from Council for the terms of the Subdivision Agreement.

We proposed to dedicate the lands over which the Union Gas easement applies as a passive park to satisfy the parkland dedication condition of draft subdivision approval. The neighbours fronting on Nipissing Street were opposed as they believed it would lead to trespasses onto their property. We have removed the section of the proposed park east of the King Street extension to the rear of their lots and have incorporated these lands into the abutting lot structure. We are proposing that the easement lands west of the King Street extension be considered as the park. There are currently walking trails over these lands providing access to the wetlands on the west side of subject lands.

Alternatively, we could provide cash-in-lieu of parkland as permitted under the Planning Act. It is calculated as 5% of the value of the land included in the subdivision as of the day before draft subdivision approval was granted. I have determined this value by dividing the area of land included in the current subdivision (14.769 ha) by the total area of the original parcel (40.895 ha) multiplied by the original purchase price of \$300,000.00 multiplied by 0.05. This equals \$5,417.17. (Refer to Schedule A-5 of the Subdivision Agreement.) Please advise whether Council will accept the parkland dedication or would prefer cash-in-lieu.

We are also seeking relief from the condition of draft approval that sidewalks be provided on the basis that there are no sidewalks in this area of town to connect to. We are proposing instead to widen the asphalt to permit a bicycle lane. The MTO is currently studying the effects of paved shoulders on the longevity of the road asphalt as there is belief that paved shoulders will reduce the ongoing maintenance costs of the road surface.

We have made numerous attempts to have Hydro One Networks Inc. provide a cost estimate for the installation of the Hydro poles and aerial distribution lines without success. Hydro One Networks Inc. is committed to have the infrastructure installed and billed to the Owner on a cost recovery basis secured against the lands within the subdivision. Our firm has sought an independent cost estimate of the proposed Hydro infrastructure. The Owner covenants in Schedule E and Schedule E-1 of the Subdivision Agreement that should Hydro One Networks

Unit 1, 490 Main Street East, North Bay, ON P1B 1B5
Paul Goodridge, BSc, OLS, OLIP (705) 493-1770 paul.goodridge@ggpsltd.com
Don Goulet, Survey Consultant (705) 493-7974 don.goulet@ggpsltd.com

Reference: File 253-16

Inc. not complete the designed work, additional security will be provided in the amount detailed in Schedule E-1 at that point in time and an independent contractor will be hired to complete the installation.

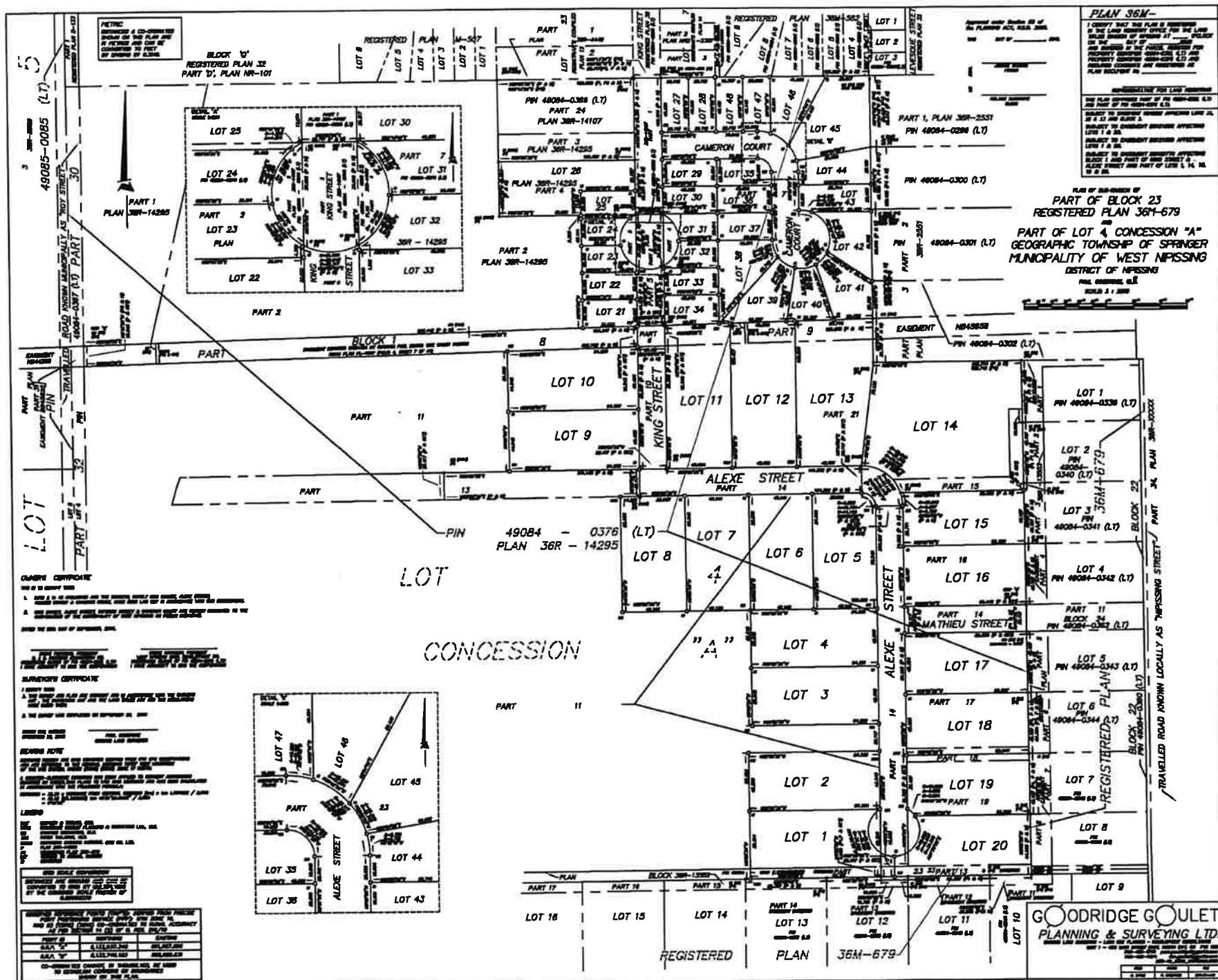
Schedule D – Method of Calculation of Direct Municipal Charges stipulates that the Owner pay either a minimum \$1,000.00 charge for engineering review and inspection or 3% of the total value of the proposed works. The total value of the infrastructure being provided by the Owner to the Municipality is in excess of one million dollars and the Owner has retained the services of Tulloch Engineering who are providing engineering design and independent, on-site inspection. They have been further contracted to provide engineering certification of all works prior to acceptance by the Municipality. We are submitting to Council our request that the Direct Municipal Charge for engineering review and inspection be set at the minimum \$1,000.00.

We would appreciate if you could present this correspondence at the Committee of the Whole meeting on Tuesday, November 12, 2019 for their consideration. I remain available to answer any questions you or your Council may have.

Sincerely,



Paul Goodridge



SCHEDULE "A5"

PARKS AND OTHER LANDS FOR MUNICIPAL PURPOSES

Parks and Other Lands

Block 1, Registered Plan 36M-XXX to be granted to the Municipality as parkland.

Cash in Lieu Calculation

(as set out in Section 51.1.1 of the Planning Act Chpt. P.13, R.S.O. 1990 as amended)

$$\begin{aligned} C &= \text{area of subdivision lands} / \text{total original area of property} \times \text{purchase price} \times 5\% \\ &= 14.769 \text{ ha} / 40.895 \text{ ha} \times \$300,000.00 \times 0.05 \\ &= \$5,417.17 \end{aligned}$$

PART C - STREET LIGHTING AND SIGNS

(1)	Street Lights	-	-	-
(2)	Street Signs	-	-	-

TOTAL PART C

\$0.00

Cost Estimates – Calculation of Letter of Credit:

Whereas a Letter of Credit in the amount of \$138,700.00 has been deposited with the Municipality of West Nipissing for works already completed and accepted, the Letter of Credit shall be for the total cost of construction less the existing Letter of Credit; and

Whereas the Engineer has provided a cost breakdown of the costs of all municipal services being provided and the percentage complete with associated costs and the percentage remaining with associated costs (refer to Schedule E-2 attached hereto and forming part of this Agreement); and

Whereas the municipal services being provided under the terms of this Agreement have been substantially constructed:

Prior to the Municipality issuing any building permit within the plan of subdivision the Owner shall be required to file a Letter of Credit, in the required form, equal to 100 % of the estimated cost of all services as detailed above in Parts A and B.

**Letter of Credit: \$57,157.50 + \$339,910.00 - \$138,700.00
 = \$258,367.50**

METHOD OF CALCULATION OF DIRECT MUNICIPAL CHARGES

Engineering Review and Approvals Fee

The payment required is calculated as a minimum of \$1,000 or to 3% of the estimated cost of the installation of the Services (Parts A and B) whichever is greater as a contribution toward the costs incurred by the Municipality in the engineering review, approvals and inspection of the works in this Agreement. Whereas the engineering review of municipal services being provided has occurred during past work and whereas the Contractor is liable for all inspection costs conducted by a registered professional engineering firm with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, the payment required will be \$1,000.00.

SCHEDULE "E"

SPECIAL PROVISIONS

Hydro One Networks Inc.

Whereas Hydro One Networks Inc. does not provide cost estimates for the provision of hydro facilities but rather installs the facilities on a straight cost recovery basis; and

Whereas an estimate has been obtained for the costs of such services if provided by a private, licensed installer;

The Owner undertakes to provide such additional security in full as detailed in Schedule E-1 attached and forming part of this Agreement at such time and in the event that Hydro One Networks Inc. will not complete the installation of Hydro facilities.

Municipal Services Credit

Whereas much of the engineering works required to provide municipal services has been completed and the engineer has provided certification as to the percentage complete (refer to Schedule E-2 attached and forming part of this Agreement);

The Municipality agrees to accept the engineer's report as the basis of calculation of the monies required as security for this project.

Transfer of Surplus Lands

Whereas the Owner provided the Municipality with a temporary cul-de-sac at the southerly terminus of the King Street extension more particularly described as Parts 2, 3 & 4, Plan 36R-14107; and

Whereas those portions of the cul-de-sac described as Parts 2 and 4, Plan 36R-14107 are not required for the operational requirements of King Street;

The Municipality will provide transfers to the Owner, to be registered in the name of the Owner's choosing, the following lands:

Part 1, Plan 36R-_____ to be added to Lot 24;
Part 2, Plan 36R-_____ to be added to Lot 23;
Part 3, Plan 36R-_____ to be added to Lot 22;
Part 4, Plan 36R-_____ to be added to Lot 31; and
Part 5, Plan 36R-_____ to be added to Lot 32.

Each respective Part and Lot will be sold, mortgaged, transferred or otherwise dealt with as a single unit notwithstanding the exemption of part lot control for whole lots on a registered plan of subdivision as provided for in the Planning Act, R.S.O. 1990, c. P.13. This clause will be binding on all future purchasers of said Lots 22, 23, 24, 31 and 32, Registered Plan 36M-_____.

SCHEDULE "E-1"



O/B 454001 Ontario Limited
431 Black Lake Rd., Lively, ON P3Y 1H8
Tel. 705-692-3400 Fax: 705-692-9823



July 16, 2019

Goodridge Goulet Planning & Surveying Ltd
Unit 1, 490 Main Street East
North Bay, Ontario
P1B 1B5

Att.: Mr. Don Goulet

Re: Power Supply to "Casa Subdivision" in Sturgeon Falls, ON

Dear Sir:

Further to our recent correspondence and the Hydro One Layout Drawing #00311-18-200, Rev1, A&L Line Construction (A&L) offers its price of **\$204,000.00** for the following work associated with the extension of a single phase 7,200V Hydro (power line) into the proposed "Casa Subdivision" in Sturgeon Falls, Ontario:

- 1) Supply and install up to (38) poles c/w hardware.
- 2) Supply and install all associated anchors.
- 3) Supply and install all associated guy wires.
- 4) Supply and install all associated ground units.
- 5) Supply and install (1) 1/0 ACSR phase conductor along primary line.
- 6) Supply and install (1) 3/0 AACSR neutral conductor along primary line.
- 7) Supply and install (2) 266.8 secondary buss conductors along primary line
- 8) Supply and install road crossing overhead triplex conductor from primary line to secondary poles c/w connections to secondary buss.
- 9) ESA electrical permit and inspection.

No provisions have been made for:

- A) Right-of-way clearing – which A&L assumes is already complete (or will be by others).
- B) Pole and anchor staking in the field – which A&L assumes would be completed by Hydro One prior to A&L mobilizing to the site.
- C) Locates (for existing underground utilities) – which are assumed to be by others prior to commencement.
- D) Mobilizing track equipment. A&L understands that the street work would be complete prior to A&L's commencement, and that each pole and anchor location will be readily accessible by RBD Boom and/or Bucket Truck.
- E) Backhoe or Excavator – It is assumed that the holes for the poles can be augered and helix anchors can be screwed in using conventional RBD boom trucks. A&L understands that if digging conditions are such that this is not possible, a backhoe or small excavator (c/w operator) will be provided to excavate/backfill at no cost to A&L.
- F) Bedrock. A&L offers its unit adder price of \$6,000.00 to install a poles in bedrock; although none are expected at this time.
- G) Any work associated with the proposed underground services from the 35' secondary poles to the buildings, as A&L assumes that this work would be performed by others as the houses are built.

The Hydro One layout drawing makes reference to many details related to pole framing, anchoring, guying, grounding, etc. It is assumed that Hydro One would provide a complete set of drawings for A&L's use.

If you have any questions, please feel free to call.

Sincerely,

Dean Lanthier

X _____ Date: _____
My signature confirms my acceptance of this proposal, and authorizes A&L to proceed with the work at its earliest convenience.

MEMORANDUM

TO: Mayor and Council

AND TO:

FROM: Alisa Craddock CPA, CMA Director of Corporate Services/Treasurer

DATE: November 8, 2019

RE: STEWARDSHIP ONTARIO AND BLUE BOX PROGRAM

Stewardship Ontario currently collects fees from producers, companies, importers of the products and packaging that end up in municipal residential recycling programs. These funds are distributed to municipalities to assist in funding the cost of collection (curbside and bins) and recycling of these products. Annually, municipalities submit information on the costs of recycling and compliance with industry best practices.

In 2019, the Municipality of West Nipissing was approved for Blue Box funding of \$145,214. This is based on the 2017 blue box program with net costs of \$329,291 and 704 tonnes of marketed material.

Joie de vivre



West **Nipissing** Ouest

Joie de vivre

www.westnipissingouest.ca



Thinking
beyond
the box

Stewardship Ontario

September 30, 2019

WEST NIPISSING, MUNICIPALITY OF
101 225 Holditch St.
Sturgeon Falls ON
P2B 1T1

**RE: Industry funding for Municipal Blue Box Recycling for the second quarter of the 2019
Program Year**

Dear Mayor and Members of Council:

Stewardship Ontario provides payments to municipalities and First Nations equal to 50% of the total net costs incurred by those communities as a result of the Blue Box Program. Payments are made on a quarterly basis. The funding for these payments comes from companies that produce, import and sell packaging and printed paper to Ontario residents.

RPRA is responsible for setting payments to individual communities. Further details with respect to the RPRA Board's determination of the 2019 obligation and the allocation to individual municipalities and First Nations is available on the RPRA website (www.rpra.ca/blue-box).

Thank you for your ongoing dedication to resource recovery and reutilization.

Sincerely,

David Pearce
Supply Chain Officer
Stewardship Ontario

MEMORANDUM

TO: Mayor and Council

FROM: Melanie Ducharme, Municipal Clerk/Planner

DATE: November 8, 2019

RE: **2020 RURAL ONTARIO MUNICIPALITIES ASSOCIATION (ROMA) CONFERENCE**

The deadline for submissions of delegation requests for the upcoming ROMA conference is December 2 and I am requesting direction from Council as to proposed delegations.

Thank you,

Joie de vivre



West Nipissing Ouest

Joie de vivre

www.westnipissingouest.ca

2020 ROMA CONFERENCE - DELEGATIONS



DELEGATIONS

ONTARIO GOVERNMENT

- The Municipal Delegation Request Form for the ROMA 2020 Annual Conference, January 19-21, is now available. Information about delegations and a link to the form are available on the MMAH website. The deadline to submit requests to the Ministry is Monday, **December 2, 2019.**

GREEN PARTY OF ONTARIO

- To request a delegation meeting with the Green Party of Ontario, please contact Candice LePage.

LIBERAL PARTY

- To request a delegation meeting with the Liberal Party of Ontario, please contact Grace Johnson.


OFFICIAL OPPOSITION NDP CAUCUS

- To request a delegation meeting with Andrea Horwath and the Official Opposition NDP Caucus, please contact Devon Sissons.

- > 2020 ROMA Conference
- > 2019 ROMA Conference



SCHEDULE "B" OF BY-LAW 2019/24

 AGENDA ITEM REQUEST FORM			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		Nov 12, 2019	
Name of Requestor:	Joanne Savage Mayor		Date submitted: Nov. 6 2019
Address:	Full mailing address:		
Phone:	Home:	Business / Cell: 705 498 0819	Fax:
E-Mail:			
Requested Agenda Item/Subject:		Discussion Procedural ByLaw	
Additional details / background information: <input type="checkbox"/> see below <input checked="" type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i> Proposed amendments such as Change to wording of Declaration of Pecuniary interest Registry of conflicts declared Absence notification. Distribution and adoption of closed meeting minutes Cancellation of meeting Notes to follow			
ADMINISTRATIVE APPROVAL			
STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
STEP 2 → This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	NOVEMBER 6, 2019	Received from:	Mayor J. Savage
Meeting Date Requested:	NOVEMBER 12, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input checked="" type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):	NOVEMBER 12, 2019		<input type="checkbox"/> Regular meeting <input checked="" type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

Janice Dupuis

From: Joanne Savage
Sent: November 8, 2019 8:04 AM
To: Janice Dupuis
Cc: Jay Barbeau; Joanne Savage
Subject: DRAFT - notes

Hi Janice,

Below are notes regarding proposed changes to bylaw that governs the proceedings of Council.

Agenda Formats

*amendments

-Declaration of pecuniary interest to Declaration of Conflict of Pecuniary Interest & General Nature Thereof (9.1.1)

-Agenda items, including their order shall not be altered at a meeting unless otherwise decided by a 2/3 majority vote of the members present (9.2) (Sudbury procedural bylaw)

*addition

-Written Statement: At a meeting or subsequent meeting, members shall file a written statement of the interest and its general nature on a standard form. The Clerk shall maintain a registry of written statement files by members and the declaration recorded in the minutes of meetings.

The Clerk shall make the **registry avail for public inspection on the municipal website** (Sudbury procedural bylaw, Public registry avail various municipal websites ie Callander, Hearst....)

Quorum

*addition

-discussion regarding absences - notifications -timelines-whom (clerk/deputy clerk) -reason

New section:

Cancelled meetings

*meeting may be cancelled by the Head of Council, in consultation with CAO and/or Clerk in following instances:

- quorum cannot be achieved;
- In event of an unforeseen significant event
- Unforeseen, significant event includes safety concerns for members, staff and members of the Public (ex Snow storm, closing of Highway)
- Clerk/Deputy Clerk's inability to attend
- State of Emergency

Clerk will attempt to notify all Members about cancelled meeting in the most expedient manner available asap and shall make reasonable effort to advertise to the public that the meeting has been cancelled


Closed minutes:

*circulation to whom ?

*adopted at next scheduled closed meeting ?

Sent from my iPad

SCHEDULE "B" OF BY-LAW 2019/24

 AGENDA ITEM REQUEST FORM			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		November 12 2019	
Name of Requestor:	Chris Fisher	Date submitted: Nov 6th 2019	
Address:	Full mailing address: 3636B Hwy 539 Field		
Phone:	Home: 705-758-1632	Business / Cell:	Fax:
E-Mail:	Cfisher@westnipissing.ca		
Requested Agenda Item/Subject:		Procedure By-Law Amendments	
Additional details / background information:		<input checked="" type="checkbox"/> see below <input checked="" type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i>	
1) Mandated Break at 8:00 2) Move from 3 meetings a month to 2 meetings a month 3) Move items where we have staff, contractors etc. waiting on a particular agenda item to the start of meetings. 4) Fix language in 3.2.6, change 3.2.4? Ability for small time changes to accommodate members 5) Add "simultaneous recorded vote" as a voting mechanism. 6) Change Language of Pecuniary Interest Declaration to include Conflict of Interest. 7) Allow Cell Phones with a simple declaration to be on vibrate or silent. 8) Consent Agenda Items			
ADMINISTRATIVE APPROVAL			
STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
STEP 2 → This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	November 7, 2019	Received from:	Councillor Fisher
Meeting Date Requested:	November 12, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input checked="" type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):	November 12, 2019		<input type="checkbox"/> Regular meeting <input checked="" type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

MEMORANDUM

TO: Mayor and Council
FROM: Melanie Ducharme, Municipal Clerk/Planner
DATE: November 8, 2019
RE: **AMENDMENTS TO PROCEDURE BY-LAW NO. 2018/26, AS AMENDED BY 2019/24, 2019/75**

Attached please find copy of our current Procedure By-Law together with amendments which have been consolidated into a single document for ease of reference when considering the amendments proposed.

Thank you,

Melanie

Joie de vivre



West Nipissing Ouest

Joie de vivre

www.westnipissingouest.ca

BY-LAW 2018/26

BEING A BY-LAW TO GOVERN THE PROCEEDINGS
OF THE MUNICIPAL COUNCIL, THE CONDUCT OF ITS MEMBERS
AND THE CALLING OF MEETINGS

**CONSOLIDATION
OF BY-LAWS :**
#2018/26 &
#2019/24 &
#2019/75

WHEREAS pursuant to Section 238(2) of the *Municipal Act, 2001*, S. O. 2001 c. 25, authorizes a Municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS pursuant to Section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes the municipality to establish a Code of Conduct for members of the council and of local boards;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the conduct of business by Council and its committees, as applicable.

1.0 DEFINITIONS

1.1 IN THIS BY-LAW:

- 1.1.1 **“Agenda”** means those items which are to be dealt with by Council or a Committee at a meeting;
- 1.1.2 **“Chair” or “Chairperson”** means the person presiding at a meeting;
- 1.1.3 **“Clerk”** means the Clerk of the Corporation of the Municipality of West Nipissing
- 1.1.4 **“Closed Session”** means a meeting or part of a meeting that is not open to the public, to discuss matters authorized by the Municipal Act, 2001, as amended;
- 1.1.5 **“Committee”** means any advisory or other committee, subcommittee or similar entity composed of members of one or more Councils, and established by Council from time to time;
- 1.1.6 **“Committee of the Whole”** means a committee meeting held where all of Council is invited to discuss in greater detail specific issues which fall within the committee categories of Community Services Committee, Economic Development Committee, Environmental Committee, General Government Committee, Planning Committee, Emergency Measures and Public Safety Committee, Public Works Committee, Sewer and Water Committee and Social Services and Health Committee.
- 1.1.7 **“Council”** means the Municipal Council for the Corporation of the Municipality of West Nipissing; or committee assembly, as the case may be;
- 1.1.8 **“Electronic Device”** means any cellular telephone, laptop computer, tablet, pager or personal digital assistant;
- 1.1.9 **“Meeting”** means any regular, special or other meeting of a council, of a local board or of a committee of them, where;
 - (A) a quorum of members is present; and
 - (B) 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.
- 1.1.10 **“Members”** means any member of Council or a Committee, as the case may be;
- 1.1.11 **“Motion”** means a question to be considered by the Council or Committee which is moved, seconded, presented, read by the Chairperson or Clerk and is subject to debate. When a motion is adopted, it becomes a resolution;
- 1.1.12 **“Municipality”** means the Corporation of the Municipality of West Nipissing;
- 1.1.13 **“Quorum”** means a majority of the whole number of members required to constitute a Council or Committee. In this municipality a quorum is five members of the Municipal Council and a majority of whole numbers of members for Committees, as the case may be;
- 1.1.14 **“Resolution”** means a motion that is carried or defeated and therefore represents the vote and will of Council.

- 1.1.15 “**Substantive**” means any point being considered for action by Council that materially changes the course of business for the Municipality.

2.0 CONVENING MEETINGS OF COUNCIL

2.1 INAUGURAL MEETING

- 2.1.1 The Inaugural meeting of Council after a regular election shall be held on a date and time set by this Procedural By-law and in accordance to the provisions of the Municipal Act, 2001, as amended. No business, other than ceremonial matters pertaining to the swearing in of members shall be conducted at the Inaugural Meeting.

2.2 REGULAR MEETINGS

- 2.2.1 Regular meetings of Council shall be held every third Tuesday of each month at 6:30 p.m. in Council Chambers, unless so changed by resolution of Council.
- 2.2.2 If the designated meeting day falls on a public holiday, the Council shall meet on the following regularly scheduled meeting date.
- 2.2.3 Council may, by Resolution passed by 2/3 of the members present, dispense with or alter the date, time or place of a regular meeting, provided that adequate notice of the change is posted at the Municipal Office and provided that the location be within the boundaries of the Municipality.

2.3 COMMITTEE OF THE WHOLE

- 2.3.1 Meetings of the Committee of the Whole shall be held on the first and second Tuesday of each month at 6:30 p.m.
- 2.3.2 Council may, by Resolution passed by 2/3 of the members present, dispense with or alter the date, time or place of a committee meeting, provided that adequate notice of the change is posted at the Municipal Office and provided that the location be within the boundaries of the Municipality or adjacent municipality.

2.4 SPECIAL MEETINGS

- 2.4.1 The Head of Council may, at any time, summon a special or emergency meeting.
- 2.4.2 Upon receipt of a petition from the majority of the members of Council or Committee, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- 2.4.3 Special or emergency meetings shall be held in the Council Chamber, unless otherwise stated in the notice.

2.5 OUTSIDE MUNICIPALITY

- 2.5.1 As per the Municipal Act, 2001 s. 238(3), meetings may be held at a place outside the municipality within an adjacent municipality.

3.0 NOTICE OF MEETINGS

3.1 REGULAR MEETINGS

- 3.1.1 Subject to Section 3.2.3 herein, the Clerk shall give notice of the meeting to all Council members or Committee members and to the public, and where required, to such other persons as the Chairperson or the Clerk deems advisable and conforming to the provisions in this By-law.
- 3.1.2 The notice shall be in the form of an Agenda which shall first make mention of the day, time and place for the meeting.

3.2 SPECIAL MEETINGS

- 3.2.1 The notice of a special meeting shall specify the date, the place, the time and the purpose of the meeting.
- 3.2.2 The special meeting shall be held not sooner than 24 hours following the Head’s summons or receipt of the petition, as the case may be, and the Clerk shall provide notice of the special meeting to all members of Council and to the public immediately following receipt of the summons or petition.
- 3.2.3 The notice of a special meeting shall be in the form of an Agenda which shall first make mention of the time, date and place for the meeting;

- 3.2.4 Notwithstanding the provisions of Section 3.2.3, notice of an emergency meeting may be given by telephone or personal contact, as determined by the Clerk and as time permits.
- 3.2.5 Despite Section 3.2.2 herein, a special meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, upon a 2/3 vote of Council to suspend such requirement.
- 3.2.6 Lack of proper notice of a meeting will not affect the validity of holding a meeting or of any action taken at the meeting provided that all members attend the meeting or members who are in attendance individually inform the clerk that they consent to the holding of the meeting event though they cannot be present

4.0 ROLES AND DUTIES

4.1 ROLE OF THE MAYOR

- 4.1.1 To act as Chief Executive Officer of the Municipality.
- 4.1.2 To provide leadership to the Council.
- 4.1.3 To preside over Council Meetings
- 4.1.4 To represent the Municipality at official functions.
- 4.1.5 To act as Council’s representative when dealing with other levels of government, their agencies and the private sector and the media on matters relating to Council supported decisions.
- 4.1.6 To carry out the duties of the Municipal Act or any other Act.

4.2 ROLE OF COUNCIL

- 4.2.1 To represent the public and to consider the well-being and the interests of the Municipality.
- 4.2.2 To develop and evaluate the policies and programs of the Municipality.
- 4.2.3 Subject to legislative restrictions, to develop regulations to be adopted in by-law and resolutions for the over-all benefit of the community.
- 4.2.4 To determine the services the Municipality provides in accordance with applicable legislation.
- 4.2.5 To ensure that administrative practices and procedures are in place to implement the decisions of Council.
- 4.2.6 To maintain the financial integrity of the Municipality.
- 4.2.7 To carry out the duties of Council under the Municipal Act or any other Act.

4.3 ROLES OF MUNICIPAL ADMINISTRATION

- 4.3.1 To implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions.
- 4.3.2 To undertake research and to provide advice to Council on the policies and programs of the Municipality.
- 4.3.3 To carry out other duties required under this act and other duties assigned by the Municipality.

4.4 DUTIES OF THE MAYOR / DEPUTY MAYOR / PRESIDING OFFICER

- 4.4.1 To open the meeting by taking the chair and calling the members to order;
- 4.4.2 To receive and submit, in the proper manner all motions presented by the members;
- 4.4.3 To put to a vote all questions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the results of such vote;
- 4.4.4 To decline to put to a vote motions which infringe upon the rules of procedure;
- 4.4.5 To enforce on all occasions the observance of order and decorum among the members and guests;
- 4.4.6 To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;

- 4.4.7** To authenticate by signature all By-laws, resolutions and minutes of the Council or Committee;
- 4.4.8** To rule on any points of order raised by members;
- 4.4.9** To determine the process for selecting the members of Council who are to serve on Committees, and have such approved by resolution of Council, from time to time;
- 4.4.10** To represent and support the Council or Committee, declaring its will and implicitly obeying its decisions in all things;
- 4.4.11** To ensure that the decisions of Council or Committee are in conformity with the laws and By-laws governing the activities of the Municipal Corporation or Committees;
- 4.4.12** To maintain order. Where it is impossible to maintain order, the Mayor may, without any motion being put, adjourn the meeting to a time to be named by the Mayor.
- 4.4.13** To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
- 4.4.14** To adjourn the meeting when the business is concluded.
- 4.4.15** To sit as ex-officio member of all committees of the Council and entitled to vote at meetings.
- 4.4.16** To act in accordance with the Oath of Allegiance and Oath of Elected Office.
- 4.4.17** To clearly qualify any statement which deals with matters which have not been approved or adopted by Council either by resolution or by-law as being their personal opinion and not that of Council as a whole when addressing other levels of government, their agencies, the private sector and the media.

4.5 DUTIES OF COMMITTEE CHAIRS

- 4.5.1** To take the chair of his or her committee when directed to do so by the Mayor or presiding officer;
- 4.5.2** To enforce on all occasions the observance of order and decorum among the members and guests;
- 4.5.3** To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;
- 4.5.4** To rule on any points of order raised by members;
- 4.5.5** To represent and support the Mayor and Council, declaring its' will and implicitly obeying its decisions in all things;
- 4.5.6** To maintain order. Where it is impossible to maintain order, the Committee Chair may, without any motion being put, adjourn the Committee.
- 4.5.7** To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
- 4.5.8** To conclude that particular committee when business has been dealt with and to return the Chair to the Mayor or Presiding Officer.
- 4.5.9** To act in accordance with the Oath of Allegiance and Oath of Elected Office.
- 4.5.10** To clearly qualify any statement which deals with matters which have not been approved or adopted by Council either by resolution or by-law as being their personal opinion and not that of Council as a whole when addressing other levels of government, their agencies, the private sector and the media.

4.6 DUTIES OF COUNCILLORS

- 4.6.1** To prepare for meetings, including reviewing the agenda and background information prior to the meeting.
- 4.6.2** To speak only to the subject under debate.
- 4.6.3** To vote on all motions before Council unless prohibited from voting by law.
- 4.6.4** To observe proper procedure and decorum at all meetings.
- 4.6.5** To state questions to be asked through the Mayor and/or Chair.
- 4.6.6** To support the Council.

- 4.6.7** To attend all meetings to which the member has been appointed by Council.
- 4.6.8** To act in accordance with the Oath of Allegiance and Oath of Elected Office.
- 4.6.9** To clearly qualify any statement which deals with matters which have not been approved or adopted by Council either by resolution or by-law as being their personal opinion and not that of Council as a whole when addressing other levels of government, their agencies, the private sector and the media.

4.7 DUTIES OF THE CLERK

- 4.7.1** To prepare and distribute agendas electronically or in hard copy, as requested, for all meetings of Council and Committee of the Whole in accordance with this By-law.
- 4.7.2** To record, without note or comment, all resolutions, decisions and other proceedings of the Council.
- 4.7.3** If requested by any member present at a vote, to record the name and vote of every member voting on any matter or question.
- 4.7.4** To keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council.

5.0 CONDUCT OF MEMBERS OF COUNCIL OR COMMITTEE

5.1 NO MEMBER AT A REGULAR MEETING SHALL:

- 5.1.1** Speak aloud at a meeting or address members without first receiving permission of the Chairperson to do so;
- 5.1.2** Use profane or offensive words or insulting expressions against the Council or against any member, staff or guest;
- 5.1.3** Resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions or order or practice or upon the interpretation of the rules of Council;
- 5.1.4** Leave their seat or make any noise or disturbance while a matter is being considered or discussed by Council; while a vote is being taken or until the results are declared;
- 5.1.5** Disturb another member, staff or guest by any disorderly conduct disconcerting the speaker or the assembly;
- 5.1.6** Interrupt any member while speaking through, speaking out, noise or disturbance except to raise a point of order;
- 5.1.7** Speak on any subject other than the subject in debate;
- 5.1.8** Enter the meeting while a vote is being taken;
- 5.1.9** Leave a meeting without first obtaining permission from the Mayor or presiding officer;
- 5.1.10** Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council until the next meeting and without making an apology to Council.
- 5.1.11** Be permitted to use a cell phone while in Council Chambers during the meeting.
- 5.1.12** All electronic devices shall be set to silent mode during a meeting. Electronic devices shall be permitted at the council table for the purpose of accessing the Agenda electronically and for obtaining such information as is required by the member to conduct the business of council. Electronic devices shall not be for the purpose of exchanging emails, texting, posting on social media or digital communication amongst members during the meeting.

5.2 NO MEMBER AT A COMMITTEE MEETING SHALL:

- 5.2.1** Speak aloud at a meeting or address members without first receiving permission of the Chairperson to do so;
- 5.2.2** Use profane or offensive words or insulting expressions against the Council or against any member, staff or guest;
- 5.2.3** Resist the rules of Council or disobey the decisions of the presiding officer or of

Council on questions or order or practice or upon the interpretation of the rules of Council;

- 5.2.4 Disturb another member, staff or guest by any disorderly conduct disconcerting the speaker or the assembly;
- 5.2.5 Speak on any subject other than the subject in debate;
- 5.2.6 Leave a meeting without first obtaining permission from the Mayor or presiding officer;
- 5.2.7 Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council until the next meeting and without making an apology to Council.
- 5.2.8 Be permitted to use a cell phone while in Council Chambers during the meeting.
- 5.2.9 All electronic devices shall be set to silent mode during a meeting. *Electronic devices shall be permitted at the council table for the purpose of accessing the Agenda electronically and for obtaining such information as is required by the member to conduct the business of council.* Electronic devices shall not be for the purpose of exchanging emails, texting, posting on social media or digital communication amongst members during the meeting.

5.3 PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL.

- 5.3.1 Any Member of Council shall provide the Municipal Clerk written notice of an absence of 20 consecutive weeks or less as a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the *Municipal Act, 2001*
- 5.3.2 When such notice is provided, the following process would be followed and the resulting information brought forward for Council consideration by way of motion at the Council meeting immediately following the Clerk’s receipt of the written notice:
 - (A) In the written notice, a Ward Councillor shall indicate the Member(s) of Council whom he/she wishes to provide concurrence under the *Delegation of Authority By-law* for matters in the Ward Councillor’s Ward during the Ward Councillor’s absence; and
 - (B) In the written notice, the Ward Councillor shall indicate the Member(s) of Council whom he/she recommends Council appoint as a Member of any Committee(s) on which the Ward Councillor sits, on an interim basis for the duration of the Ward Councillor’s leave; and
 - (C) The motion to Council shall recommend that Council delegate to the Municipal Clerk the interim authority to approve the payment of expenses of the Member(s) of Council to whom concurrence has been delegated in accordance with (a), above.

6.0 CONDUCT OF MEMBERS OF THE PUBLIC

6.1 NO PERSON AT A MEETING SHALL:

- 6.1.1 Speak aloud at a meeting or address members without first receiving permission of the Chairperson to do so;
- 6.1.2 Use profane or offensive words or insulting expressions against the Council or Committee or against any member, staff or guest;
- 6.1.3 Resist the rules of Council or Committee or disobey the decisions of the Mayor or presiding officer or of Council or Committee on questions of order or practice or upon the interpretation of the rules of Council;
- 6.1.4 Leave his seat or make any noise or disturbance while a matter is being considered or discussed by Council or Committee or while a vote is being taken and until the results of such vote are declared;
- 6.1.5 Disturb another or the Council or Committee or staff or guest by any disorderly conduct disconcerting to the speaker or the assembly.
- 6.1.6 Enter the meeting while a vote is being taken;
- 6.1.7 Be permitted to attend another meeting of Council or Committee after being ordered to vacate, having committed a breach of any rule of Council, and without

having first met with the Mayor or presiding officer and the Chief Administrative Officer, and having satisfied the Mayor that their conduct at future meetings will be in conformity to the rules of this By-law.

6.1.8 Be permitted to use a cell phone while in Council Chambers during the meeting

7.0 DISCLOSURE OF CONFIDENTIAL INFORMATION

- 7.1** Where a matter is discussed during a closed session permitted under the provisions of this By-law, members of Council or Committee, staff or other persons in attendance shall not discuss or repeat the discussion, in whole or in part, with any other person outside of the closed session.
- 7.2** Following a closed session, members of Council or Committee, staff or other persons in attendance are hereby instructed to resist their response to public and media inquiries as to the content of a closed session to “No Comment” unless appointed by resolution passed by 2/3 of the members present as the official spokesperson, or to issue a press release or comments approved by Council or Committee, as the case may be.
- 7.3** Any violation will result in sanctions by Council befitting the severity and damages incurred. Such sanctions may include penalties ranging from a public reprimand highlighting the general nature of the violation, the exclusion from further discussions and correspondence regarding the confidential subject matter that was breached or in the most egregious case, may result in the complete exclusion from all further closed sessions. In such case, the offending person will no longer be provided with correspondence, materials or information proposed to be dealt with in closed session; and
- 7.4** Such violation shall be recognized by Council or Committee and the exclusion of the offending member, staff or persons shall be by resolution passed by 2/3 of the members present during a closed session.

8.0 PREPARATION OF THE AGENDA

- 8.1** The Clerk shall prepare Agendas of Council and Committee meetings as applicable and when expedient, may extend this responsibility to another member of the administration staff.
- 8.2** Items for Committee of the Whole shall be brought to the Mayor and/or CAO (or designate). As supporting documentation may be needed which necessitates staff time and resources, items involving staff input shall be brought no later than the Friday of the week preceeding the preparation of the Agenda. Items for discussion not involving staff research and preparation shall be brought no later than the Wednesday preceding the meeting.
- 8.3** If, in the interest of ensuring that proper consideration is provided to all items, certain items may be placed on subsequent agendas to ensure that they are dealt with appropriately. In such case a memo with a list of pending items and the date on which they shall appear will be included and provided to Council.
- 8.4** Items to be included on the Agenda shall be in the required form, attached as Schedule “B” - Agenda Item Request Form, accompanied by any supporting documents. Such items may be provided to the CAO or directly to the Mayor who shall then forward to the CAO for inclusion.
- 8.5** The CAO and the Mayor shall meet weekly to discuss upcoming Agendas.
- 8.6** Items with supporting documentation for the regular meeting shall be brought to the Clerk by no later than the Wednesday preceding
- 8.7** **THE CLERK SHALL:**
 - 8.7.1** Receive correspondence and petitions from the public and place the correspondence or petition on the Agenda. When in the opinion of the Clerk, the correspondence or petition should be first dealt within Committee, it shall be directed to the appropriate Committee for consideration and the subsequent recommendation is to be included in a future Agenda of Council
 - 8.7.2** Insofar as is practicable, Council and Committee Agendas along with supporting material, shall be prepared and made available to members of Council or Committee and Department Heads not less than 2 business days prior to the regular meeting.

AMENDED
by By-Law
#2019/24

9.0 AGENDA FORMATS

9.1 Agendas shall be generally formatted as follows but modifications to the matters to be included in the order of business may be effected without requiring amendment to this By-law, particularly with respect to the Closed Session portions which may be altered in order to accommodate the passing of required resolution(s):

9.1.1 Committee of the Whole Format (1st and 2nd Tuesday of the month)

- A) Declaration of Pecuniary Interest / *Déclaration d'intérêts pécuniaires*
- B) Addendum & Agenda approval / *Addenda et Ordre du jour*
- C) Delegation & Petitions / *Délégation et pétitions*
(1 delegation permitted)

COMMITTEE OF THE WHOLE MEETING /
COMITÉ PLÉNIER

- D-1) General Government / *gouvernement général*
- D-2) Planning / *Planification*
- D-3) Emergency Measures and Public Safety / *Mesures d'urgence et sécurité publique*
- D-4) Economic Development / *Développement économique*
- D-5) Social Services and Health / *Services sociaux et santé*
- D-6) Public Works / *Travaux publics*
- D-7) Community Services / *Services communautaires*
- D-8) Sewer and Water / *Les égouts et l'eau*
- D-9) Environmental / *L'environnement*

REGULAR COUNCIL MEETING /
SÉANCE RÉGULIÈRE

- E) Unfinished Business / *Affaires en marche*
- F) Notice of Motion
- G) New Business / *Affaires nouvelles*
- H) Information & Questions and Mayor's Report / *Information et questions et Rapport du maire*
- I) Closed Meeting / *Réunion à huis clos*
- J) Adjournment / *Ajournement*

9.1.2 Regular Council meeting (3rd Tuesday of the month)

- (A) Declaration of Pecuniary Interest / *Déclaration d'intérêts pécuniaires*
- (B) Addendum & Agenda approval / *Approbation - addenda et l'ordre du jour*
- (C) Delegations & Petitions / *Délégations et pétitions*
(2 delegations permitted)
- (D) Planning / *Planification*;
- (E) Correspondence and accounts / *Courrier et Comptes*
- (F) Unfinished business / *Affaires en marche*
- (G) Notice of Motion / *Avis de motion*
- (H) New Business / *Affaires nouvelles*;
- (I) Addendum / *Addenda*
- (J) Information & Questions and Mayor's Report / *Information et questions et Rapport du maire*
- (K) Closed Meeting / *Réunion à huis clos*
- (L) Adjournment / *Ajournement*;

9.2 The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda unless otherwise decided by resolution passed by 2/3 of the members present. The order of the Committee of the Whole agenda may be adjusted to place Committees at the beginning of the agenda allowing guests and staff whose presence is not required for the entire meeting to leave.

9.3 All items on an Agenda NOT dealt with at a meeting shall be placed on the Agenda for the next regular meeting unless otherwise decided by resolution passed by 2/3 of the

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members present.

10.0 COMMENCEMENT OF MEETINGS

- 10.1 Call to Order - As soon as there is a quorum after the hour fixed for the meeting the Chairperson shall take the chair and call the meeting to order.
- 10.2 If the Mayor or Acting Mayor or Committee Chairperson is not present at a meeting by the commencement of the meeting, the Clerk shall call the meeting to order and the members present shall, from amongst themselves, appoint a member to act as Chairperson in the place and stead of the Chairperson until the Chairperson arrives.
- 10.3 Roll Call - Once the Chairperson has called the meeting to order, the Clerk shall record the names of the members present.
- 10.4 If a member arrives at a meeting after the roll call has been made, the Clerk shall note the time of arrival in the minutes.

11.0 QUORUM

- 11.1 A quorum is required to commence and continue any meeting of Council or Committee of the Whole.
- 11.2 A quorum of this Council or Committee of the Whole shall be a majority of the total of five (5) members, being five (5) members present.
- 11.3 **No quorum** - Unless a quorum is present within thirty (30) minutes after the time appointed for the commencement of the meeting, the meeting shall automatically be deemed to stand adjourned until the next regular meeting or until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.
- 11.4 The Clerk shall record the names of such members present at the expiration of the thirty (30) minute time limit and such record shall form part of the Agenda at the next regular meeting.
- 11.5 If at any time during the meeting there is no quorum, the meeting shall automatically be deemed to stand recessed until there is a quorum again in attendance or should the lack of a quorum continue for thirty (30) minutes, then the meeting shall automatically be adjourned until the next regular meeting, or until a special meeting is called to deal with the matters still to be dealt with at the adjourned meeting.
- 11.6 Despite the establishment of quorum, no substantive by-law or resolution may be passed at any reading without the requisite majority vote of Council (5 yeas).

12.0 ADDENDUM

- 12.1 There shall only be an Addendum to an Agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the Agenda and prior to the meeting, which items the Clerk believes are of urgent nature and require the immediate consideration of Council or Committee at the meeting.
- 12.2 Before any addendum may be dealt with, a resolution must be passed by 2/3 of the members present, authorizing the Council or Committee to deal with all or any of the items on the Addendum.

13.0 DISCLOSURES OF PECUNIARY INTEREST

- 13.1 Members are required to make declarations of pecuniary interest in accordance with the Municipal Conflict of Interest Act and or other relevant legislation. Any member who has a direct or indirect pecuniary interest on matters brought before Council or Committee is required by law to make a disclosure of his/her pecuniary interest in the following manner:
 - 13.1.1 Disclose the interest and its general nature at the meeting, prior to any discussion taking place;
 - 13.1.2 At the meeting submit a written statement in the COUNCIL / COMMITTEE DECLARATION OF PECUNIARY INTEREST FORM (forming part of this by-law as Schedule "A" and shall submit it to the Clerk or his or her designate;
 - 13.1.3 Refrain from taking part in the discussion of the matter;
 - 13.1.4 Refrain from voting on the matter;

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- 13.1.5** Make no attempt to influence the voting at any time before, during or after the meeting.
- 13.2** **Closed meeting:** If the matter in which the member has a pecuniary interest is discussed at a meeting closed to the public, the member must disclose their interest as outlined above, and also leave the meeting, or that portion of the meeting dealing with the matter.
- 13.2.1** A member's disclosure of pecuniary interest during a closed meeting must also be recorded in the minutes of the next meeting that is open to the public. This can be achieved when the member makes a disclosure of pecuniary interest on the resolution adopting the minutes of the closed meeting in question, at which time the member is again prohibited from discussion or voting on the minutes related to the matter.
- 13.3** **Not in attendance:** If the matter in which the member has a pecuniary interest is discussed at a meeting not attended by the member, the member must disclose his/her interest in the appropriate manner at the first meeting attended after said meeting
- 13.4** **Chairperson:** If the Mayor or presiding officer has made a disclosure of pecuniary interest on any matter before Council or Committee, the Chairperson shall withdraw from the chair during the deliberations on that matter.
- 13.4.1** In the event that the Mayor or presiding officer has made a disclosure of pecuniary interest on a matter before Council or Committee, the Chairperson shall withdraw from the chair during the deliberations on that matter.
- 13.4.2** In the event that the Mayor or presiding officer and the Acting Mayor or chairperson are unable to chair the portion of a meeting in which a disclosure of pecuniary interest applies, the remaining members present shall, amongst themselves, appoint a member to act as Chairperson for that portion of the meeting.
- 13.5** A public registry of all declarations of pecuniary interest shall be maintained by the Clerk in accordance with the Municipal Conflict of Interest Act
- 13.6** The Clerk shall record the particulars of any disclosure of pecuniary interest and the general nature thereof and this record shall appear in the minutes of the meeting
- 13.7** Where a member has declared a pecuniary interest on an item, they shall not take part in adopting the confirmatory by-law

14.0 DELEGATIONS AND PETITIONS

- 14.1** A delegation may be heard by Council or Committee at a meeting provided that the following requirements are complied with:
- 14.1.1** **Delegation shall be permitted at all meetings of council as follows:**
- (A) Committee of the Whole (1st and 2nd Tuesdays of the month) there shall be one (1) delegation permitted
- (B) Regular meeting (3rd Tuesday of the month) there shall be two (2) delegations permitted
- 14.1.2** A delegation shall submit to the Clerk a written request to be placed on the Agenda, together with a written submission to be included in the Agenda, outlining the matters that the delegation wishes to present to Council or Committee;
- 14.1.3** Such requests must be submitted to the Clerk no later than 4 business days prior to the regular meeting, and the Clerk may make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Committee or Department Head;
- 14.1.4** The Clerk shall reply to such requests in writing or by telephone, as time permits, indicating approval, refusal, deferral or referral of the delegation and the reasons thereof.
- 14.2** A delegation shall be listed on the Agenda and heard in the order determined by the Clerk
- 14.3** Only one person shall be permitted to address Council or Committee for each delegation representing a group or organization. If additional persons are required, they would do so only with the permission of the Chair.
- 14.4** A delegation shall have up to fifteen (15) minutes to make its presentation. Such time limit may be extended by such amount of time as the Council or Committee deems advisable by resolution passed by 2/3 of the members present.

- 14.5** There shall not be more than two (2) delegations at any regular meeting of Council or one (1) delegation at a Committee of the Whole meeting.
- 14.6** (i) No delegation will be permitted to address the Council or Committee with respect to a specific issue dealt with during closed sessions, under the provisions of the Municipal Act, 2001, as amended.
- (ii) Presentations are not allowed on employer/employee matters from individuals or unions/organizations representing employees where the matter to be presented are part of a collective agreement or where there is a contractual agreement with the Municipality of West Nipissing.
- 14.7** Presentations by a delegation shall be followed by questions to the delegation from members of Council or Committees.
- 14.8** Every communication or Petition intended for presentation to the Council, Committee of the Whole shall be legibly written or printed and shall be signed by at least one (1) person, giving his or her address. Upon request, a blank form of Petition will be provided by the Clerk's office.
- 14.9** The request conveyed in the Petition will be considered by the Committee of the Whole for disposition. Where required due to timing, Petitions may be considered directly by Council as an item under New Business;
- 14.10** For reasons of privacy, the names and addresses included with the Petition will be provided to members of Council, but not published in the Agenda;
- 14.11** Staff may prepare recommendations related to the matter for Council's or Committee's consideration;
- 14.12** The Municipality is not responsible for the accuracy or reliability of any information contained in any petition submitted.

15.0 MINUTES

- 15.1** It is the duty of the Clerk to duly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council or Committee.
- 15.2** The Minutes shall also record:
- 15.2.1** The place, date and time of the meeting;
- 15.2.2** The names of the Council or Committee members in attendance and the absence of any members and the reason for their absence, if know.
- 15.3** Council or Committee shall adopt at a public meeting all minutes of previous meetings submitted by the Clerk. During the adoption of the minutes of a previous meeting, no changes can be made in the action taken at previous meetings by Council or Committee, except for changes in the form of errors. Omissions in the recording of any action taken at the previous meeting may be made in adopting the minutes.

16.0 CORRESPONDENCE

- 16.1** ***For Information*** - Correspondence for information only included in the Agenda for consideration of Council or Committee shall be deemed to be accepted by Council or Committee whether there are questions or discussions at the meeting on such correspondence or not.
- 16.2** ***For Action*** - Correspondence for action shall be deemed to be dealt with by Council or Committee upon the passing of a resolution expressing Council or Committee's decision or action.
- 16.3** All correspondence identified "Confidential" which is received by Members of Council or Committee shall be returned to the Clerk's Office for proper disposal immediately following the meeting at which Council or Committee dealt with the matter.

17.0 MOTIONS

- 17.1** Motions shall be debated in the order of their presentation on the Agenda.
- 17.2** ***Ultra Vires*** - A motion relating to a matter not within the jurisdiction of Council or Committee is not in order and shall not be entertained by the Chairperson.
- 17.3** ***New Matters*** - Members of Council or Committee, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law

- 17.3.1** A motion for introducing a new matter shall not be presented without notice unless Council or Committee, without debate, dispenses with such notice by a 2/3 vote of members present
- 17.4** **Mover & Second** - Every motion, amendment to a main motion, or amendment to an amendment must be formally moved and seconded before the Chairperson can put the question to Council or Committee, and prior to any discussion on the question.
- 17.5** Any member may require a motion under discussion to be read by the Chairperson at any time during the debate but not so as to interrupt another member who is speaking.
- 17.6** **Disposition** - A motion properly before the Council or Committee for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer to a committee or staff for report, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.
- 17.7** **Motion to refer** - A motion to refer shall require direction as to the body to which it is being referred to, and is not debatable.
- 17.8** **Motion to defer** - A motion to defer must include a reason for the deferral, and a time certain to which the matter is deferred.
 - 17.8.1** A motion to refer or defer shall take precedence over any motion or amendment except a motion to adjourn.
- 17.9** **Amendments** - Amendments are changes in the form of a motion. An amendment is designed to alter or vary the main motion without materially changing its intent or meaning. It may propose certain words be omitted, replaced or added.
 - 17.9.1** An amendment modifying a motion may be made provided it is not contrary to the main intention of the motion. An amendment relating to a different subject is not in order.
 - 17.9.2** A motion to amend shall be made in writing and shall be relevant to the main motion.
 - 17.9.3** Limitation - Only one amendment at a time can be presented to a main motion and only one amendment to an amendment can be presented.
 - 17.9.4** Order of Vote - An amendment to the amendment shall be voted on first, then if no other amendment to the amendment is presented, the amendment to the main motion shall be voted on next, then if no other amendment to the main motion is presented, the main motion as amended, shall be put to a vote.
- 17.10** **Withdrawal** - Every motion is the property of the Council or Committee once it has been presented to the Chairperson and read to the meeting, but may be withdrawn at any time prior to the vote thereon with the consent of the majority of members present.
- 17.11** **Reconsideration** - when a Council or Committee has decided either for or against a certain question, it shall not reconsider the same question
 - a) Within the ensuring 12 month period unless a motion to reconsider, presented by a prevailing member, has been passed by 2/3 of the members present.
 - b) Outside the 12 month period, unless a motion to reconsider, presented by a prevailing member, has been passed by a majority of the members present;
 - c) Where the original motion was an affirmative vote in the nature of a contract when the other party to the contract has been notified; and
 - d) Debate on a motion to reconsider must be confined to reasons for or against reconsideration.
 - 17.11.1** If a motion to reconsider is decided in the affirmative, such reconsideration shall not be made until a subsequent meeting of Council or Committee must be presented to the Clerk in the form of a Notice of Motion prior to the preparation of the Agenda for that meeting.
 - 17.11.2** No more than two motions to reconsider the same question shall be permitted within the ensuing 12 month period following the date of the original decision.
 - 17.11.3** In the event of a resolution that was defeated due to an equality of votes, both sides shall be considered as prevailing.

18.0 VOTING

- 18.1** Voting shall be by way of a “show of hands” in favour or against, except when a recorded vote is requested by any members.

- 18.2** The Chairperson, except where disqualified to vote, may vote on all questions, and when so doing, shall vote last.
- 18.3** After the Chairperson commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- 18.4** The Chairperson or the Clerk shall announce the results of the vote once the vote is completed.
- 18.5** **Recorded vote** - Where a vote is taken for any purpose and a member requests immediately prior or after to the taking of the vote that the vote be recorded, each member present, except otherwise prohibited by law to vote, shall announce his vote openly and individually in favor or against the question.
- 18.5.1** The Clerk shall call by name the members present in alphabetical order except for the Chairperson whose name shall be called last, and the Clerk shall so record each member's vote, and such vote shall be recorded in the minutes
- 18.5.2** Every member present at a meeting other than the Chairperson who refuses or fails to vote during a recorded vote, and when permitted by law to vote on the question, shall be deemed as voting against the question.
- 18.5.3** After completion of the recorded vote the Clerk shall announce the results.
- 18.6** **Recorded vote for/Against** - If there is no request for a recorded vote, a member may request the Clerk to record his/her vote only, either for or against the question, as the case may be.
- 18.7** **Votes Equal** - Any question on which there is an equality of votes shall be deemed to defeated, except where expressly provided in legislation.

19.0 BY-LAWS

- 19.1** No By-law, except the By-law to confirm the proceedings of Council shall be presented to Council unless the subject matter has been considered and approved by Council or Committee.
- 19.2** Every By-law shall be presented in printed format and shall contain no blanks except as may be required to conform to accepted procedure, or to comply with provisions of any Act.
- 19.3** A By-law shall be introduced by the Clerk reading the resolution which will state:
- 19.3.1** Who is the proposer and who is the seconder;
- 19.3.2** Whether the By-law is being read a first time only, a first and second time only or a first, second and third time and passed; and
- 19.3.3** A short description of its contents.
- 19.4** A copy of the By-law shall be included in the Agenda and a description of such By-law shall be incorporated into the By-law resolution. If a majority of Council present wished the By-law to be read in its entirety, the Clerk shall do so.
- 19.5** Every by-law shall be enacted after one reading, unless otherwise required by legislation, a majority vote of Council is required.
- 19.6** Council shall, from time to time, employ a confirmatory By-law immediately prior to adjournment for the purpose of validating decisions and directing officers and staff to take action when required.

20.0 NOTICES OF MOTION

- 20.1** **Before Meeting** - Notices of motion may be submitted to the Clerk by a member at any time and each notice of motion the Clerk has received prior to the preparation of the Agenda shall be included on the Agenda for that meeting under the item "motions".
- 20.2** **At Meeting** - A notice of motion, in writing, may also be received by the Clerk prior to the closing of the meeting and in this event, the Chairperson or Clerk shall read the notice of motion and it shall be duly recorded in the minutes and shall form part of the Agenda for the subsequent meeting under the item "motions".
- 20.3** A motion not on the Agenda or Addendum shall not be presented without prior notice unless required under this section.
- 20.4** **Suspend Notice** - Despite section 20.1 herein, any motion may be included without notice,

if Council or Committee dispenses with such notice by resolution passed by 2/3 of the members present.

- 20.5** The presentation of a notice of motion does not require a mover or seconder until it comes before a meeting for debate.
- 20.6** A motion for which notice was given in accordance to this By-law must be moved or seconded at the meeting on which it appears on the Agenda for debate.
- 20.7** A notice of motion must be presented in the appropriate motion format on the notice of motion form.

21.0 ANNOUNCEMENTS AND INQUIRIES

- 21.1** Announcements may be made by any member of the Council or Committee with permission of the Chairperson and such announcements generally shall consist of brief verbal reports (i.e. conference attendance, meeting report, community event announcement).
- 21.2** Announcements and inquiries may be made by the members of the public present, after being acknowledged by the Chairperson. Inquiries may be made for the purpose of clarification of items dealt with by the members or to make suggestion of items to be considered by Council or Committee at future meetings.
- 21.3** The Announcements and Inquires section may be canceled, at the discretion of the Council, without notice, by resolution passed by 2/3 of the members present.

22.0 CLOSED SESSION

- 22.1** All Council and Committee meetings shall be open to the public.
- 22.2** Despite section 22.1, a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:
 - 22.2.1** The security of the property of the Municipality or Local Board;
 - 22.2.2** Personal matters about an identifiable individual, including Municipal or local board employees;
 - 22.2.3** A proposed or pending acquisition or disposition of land for Municipal or local board purposes;
 - 22.2.4** Labor relations or employee negotiations;
 - 22.2.5** Litigation on or potential litigation, including members before administrative tribunals, affecting the Municipality or local board;
 - 22.2.6** The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 22.2.7** A matter in respect of which a Council, Committee or other body has authorized a meeting to be closed under another Act;
 - 22.2.8** A matter that relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, board, commission or other body is designated as head of the institution for the purposes of that Act.
 - 22.2.9** 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;
 - 22.2.10** 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
- 22.3** Before holding a meeting or part of a meeting that is to be closed to the public, a Council or local board shall state by resolution;
 - 22.3.1** The fact of the holding of the closed meeting; and
 - 22.3.2** The general nature of the matter to be considered at the closed meeting.
- 22.4** Except as in section 22.5, a meeting shall not be closed to the public during the taking of a vote.
- 22.5** Despite section 22.4, a meeting may be closed to the public during the taking of a vote if:
 - 22.5.1** Section 22.2 permits or requires a meeting to be closed to the public, and

- 22.5.2** The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or local board, or persons retained under contract with the Municipality or local board;
 - 22.6** The presentation of the annual report of the auditors shall be presented to the whole Council and debated in Closed Session. Once approved in open Council, it shall be made available to the public.
 - 22.7** Upon completion of the Closed Session, a motion to adjourn the Closed Session shall be passed and any votes as may be necessary to take in open session shall be then taken.
- 23.0** **ADJOURN AND CURFEW**
- 23.1** ***Adjourn at 9:30 p.m.*** - Council or Committee meetings shall stand adjourned at 9:30 p.m. in session at that hour unless continued by resolution passed by 2/3 of the members present.
 - 23.2** ***Extend to 10:30 p.m.*** - Where by Section 23.1 a meeting continues past 9:30 p.m., the meeting shall be deemed to be automatically adjourned at 10:30 p.m. unless continued by the unanimous consent of all members present.
 - 23.3** Members of Council or Committee, and the public, may not leave their places upon adjournment until the Chairperson leaves the chair.

24.0 **RULES OF DEBATE**

- 24.1** **Rules of debate (regular meeting)**
 - 24.1.1** The Chairperson may speak on any matter either before the commencement of the debate on that matter, or to close the debate on any matter after everyone else is wishing to speak has spoken.
 - 24.1.2** If the Chairperson wished to take part in the debate, the Chairperson must leave the chair and call on another member to act in the Chairperson's place and stand until the debate is closed and in such case the Chairperson waives his/her privilege to close the debate and the member acting in the Chairperson's place may close the debate.
 - 24.1.3** After being recognized by the Chairperson, every member shall respectfully acknowledge the Chair prior to speaking on any matter.
 - 24.1.4** Members will only speak on an issue which is before Council and when requested by the Chair to do so.
 - 24.1.5** When discussing or debating an issue at a regular meeting, members will only be allowed to speak once on a subject matter stating their intention to either support the motion or defeat the motion. Members will only be allowed to speak again on the issue to clarify a point that they made if asked to do so by the Chair or another member or to request clarification on a point raised by another member.
- 24.2** **Rules of debate (Committee of the Whole)**
 - 24.2.1** Members will only speak on an issue which is before the Committee and when requested by the Chair to do so.
 - 24.2.2** Recognizing that meetings of the Committee of the Whole are to fully discuss matters in detail to ensure that matters have been fully researched and developed before ratification at Council, rules of debate will be less stringent to allow for a full discussion. Members may be allowed to speak more than once on the same subject matter to ensure that all points raised are clearly understood before reaching a consensus on the issue.

25.0 **POINTS OF ORDER**

- 25.1** The Chairperson shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting.
- 25.2** When a member wishes to call attention to what the member believes to be a violation of the rules of procedure, the member shall, when once recognized by the Chairperson, raise the point of order.
 - 25.2.1** On raising the point of order, a member shall state the point of order with concise explanation and the Chairperson shall rule upon the point of order.

- 25.3 Unless a member immediately appeals the ruling of the Chairperson, the ruling on the point of order shall be final.
- 25.4 If an appeal is made, the member appealing shall, after announcing the appeal, state the reasons for the appeal and the Chairperson may then indicate why the appeal should be rejected and the ruling upheld.
- 25.5 Without debate, the members by roll call will then vote on the appeal and its decision shall be final.
- 25.6 If the appeal is upheld, then the Chairperson shall change his/her ruling accordingly; if the appeal is rejected, then the Chairperson’s ruling stands.

26.0 SEAT ALLOCATION

- 26.1 The seating order of the members of Council shall be at the discretion of the Head of Council. The seating arrangement established shall be in effect for the full four-year term of Council.

27.0 SELECTION FOR COMMITTEES, CHAIRS OF COMMITTEE OF THE WHOLE AND DEPUTY MAYOR

- 27.1 The Mayor, in consultation with Council, will determine the process for selection for Committees, Chairs for Committee of the Whole and for the position of Deputy Mayor. The Members will respect the final decision of the Mayor once the process has been agreed to by the majority of Council.
- 27.2 Any Acting or Deputy Mayor shall, pursuant to Section 23(1) of the Municipal Act, have *the authority to carry out all roles and duties of the Mayor as provided in Sections 4.1 and 4.4;*

28.0 BROADCASTING OF COUNCIL MEETINGS

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- 28.1 Live Broadcast of all Meetings of Council and Committee of the Whole, save and except Closed Session Meetings shall, when and where possible, be broadcast live to the public by live video streaming and/or cable television broadcast.
- 28.2 Technical or other failure to broadcast shall not be construed as to invalidate any proceedings of any meeting and the written minutes, as recorded by the Municipal Clerk, shall constitute the permanent official meeting record in accordance with the *Municipal Act, 2001*.
- 28.3 Closed Session meetings shall be video and audio recorded however such recordings will not be available to the public nor broadcast in any way.
- 28.4 Closed meeting recordings shall be retained by the Clerk on a secure storage device for a period of one (1) year, following which, such recordings shall be destroyed.
- 28.5 The Clerk shall be authorized to release a recording of a closed meeting only to:
 - 28.5.1 The office of the Ombudsman or Closed Meeting Investigator, only in those instances where they are relevant to a closed meeting investigation and do not breach solicitor-client, or other privilege.
 - 28.5.2 The municipality’s solicitor for the purpose of providing solicitor client advice with respect to the contents of a recording; or
 - 28.5.3 Any additional party authorized by the Municipal Council.

29.0 POINTS NOT PROVIDED FOR

Remaining
items
renumbered
accordingly

- 29.1 Subject to the provisions of the Municipal Act, and except as expressly provided for in this By-law, Robert’s Rules of Order shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this By-law, and on all points of order or procedure not provided for in this By-law.
- 29.2 Subject to section 28.1, all points of order or procedure not provided for in this By-law shall be decided by a vote of Council or Committee members present.

30.0 SUSPENSION OF PROCEDURES

- 30.1** Any standing rule, order of Council or Committee, or provision in this By-law may be suspended, for a particular meeting, by resolution of Council or Committee passed by 2/3 of the members present.

31.0 AMENDMENT OR REPEAL OF BY-LAW

- 31.1** Any provision contained in this By-law may be amended, varied or repealed and additions may be made to the by-law by a majority vote, provided that no motion for that purpose be considered unless notice thereof has been given at a preceding regular meeting, and such notice may not be waived.
- 31.2** All By-Laws inconsistent with this By-Law namely 2015/13, 2016/64 and 2016/87 are hereby repealed.

ENACTED AND PASSED THIS 20th DAY OF MARCH, 2018 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK

SCHEDULE “A” OF BY-LAW 2019/24



COUNCIL / COMMITTEE MEMBER

DISCLOSURE OF PECUNIARY / CONFLICT OF INTEREST FORM

As required under Section 6 of the *Municipal Conflict of Interest Act*, I, _____
Print Name

declare a conflict of interest with the following ☐ Council / ☐ Committee agenda item :

ITEM(S)		AGENDA DATE
	on the	

REASON FOR DISCLOSURE:

Signature:

SCHEDULE “B” OF BY-LAW 2019/24



AGENDA ITEM REQUEST FORM

PLEASE PRINT CLEARLY:

Requested Council Meeting Date:			
Name of Requestor:			Date submitted:
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:			
Additional details / background information: <input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i>			

ADMINISTRATIVE APPROVAL

STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.	
Signature of CAO or designate:	Date:

MUNICIPAL OFFICE USE

STEP 2 → This form must be returned to the Clerk’s office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		

APPROVED FOR AGENDA:

Scheduled for (date):		<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)	
Action Taken:		
Notes / Comments:		

SCHEDULE “C” OF BY-LAW 2019/24



REQUEST FOR DELEGATION / WRITTEN SUBMISSIONS

A request for a delegation or presentation before Council must be in the form of a written submission to the Municipal Clerk. The following background information form must be duly completed and submitted by not later than 4:30 p.m. on the Wednesday prior to the requested meeting.

PLEASE PRINT CLEARLY:

Council Meeting Date:			
Subject:			
Name:			
Address:			
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Name of Group or Person(s) being represented (if applicable) :			
Details of nature of the business/purpose (additional information can be attached separately) :			
Presentation Requirements:	<input type="checkbox"/> Easel		<input type="checkbox"/> Projection Equipment
	<input type="checkbox"/> Other:		

Please be advised that your delegation/presentation will be recorded in video and audio format as part of Council meetings and will be subject to media broadcast (Eastlink and internet). Personal information on this form will be used for the purpose of sending correspondence relating to matters before Council and Committee of the Whole. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a report that is available to the general public in a hard copy format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.

Submit your completed form to:

Municipal Clerk (delegate)
Municipality of West Nipissing
101 – 225 Holditch Street
Sturgeon Falls, ON P2B 1T1
e-mail: mducharme@westnipissing.ca or jdupuis@westnipissing.ca
Tel: 705-753-2250 • Fax: 705-753-3950

Visit ... www.westnipissingouest.ca



**The Corporation of the Municipality of West Nipissing /
La Corporation de la Municipalité de Nipissing Ouest**

Resolution No.

2019 /

NOVEMBER 12, 2019

Moved by / *Proposé par* :

Seconded by / *Appuyé par* :

BE IT RESOLVED THAT the Mayor and Chief Administrative Officer be authorized to sign a Concession Agreement with **NICOLE PETERSON** for the operation of the Sturgeon Falls Arena Canteen for the Municipality of West Nipissing.

	YEAS	NAYS
DUHAIME, Yvon		
FISHER, Christopher		
LARABIE, Roland		
MALETTE, Léo		
ROVEDA, Dan		
SÉGUIN, Jeremy		
SÉNÉCAL, Denis		
SÉNÉCAL, Lise		
SAVAGE, Joanne (MAYOR)		

CARRIED: _____

DEFEATED: _____

DEFERRED OR TABLED: _____

MEMORANDUM

TO: Mayor and Council

FROM: Stephan Poulin, Director of Economic Development and Community Services

DATE: November 8, 2019

RE: **STURGEON FALLS ARENA CANTEEN**

We have received interest from Nicole Peterson to operate the Sturgeon Falls Arena canteen. We have proposed the same terms and conditions as with the previous Sturgeon Falls canteen operator. The canteen will not offer a full menu as in year's past as they will not sell french fries and other similar type foods. Basic canteen items will be made available such as coffee, popcorn, pop, chips, candies, chocolate bars, etc. The proposed lease agreement is attached for your review.

We are recommending approval as per terms of the proposed agreement. There is a tournament at the Sturgeon Falls Arena November 15, 16 and 17 and if approved by council, the individual is planning to be operational in time for the tournament.

Joie de vivre



West Nipissing Ouest

Joie de vivre

www.westnipissingouest.ca

CONCESSION AGREEMENT

Sturgeon Falls Arena

This AGREEMENT is BETWEEN :

THE MUNICIPALITY OF WEST NIPISSING

and

NICOLE PETERSON

For the purpose of this agreement, the Community Services Department is referred to as the "Municipality" and Nicole Peterson is referred to as the "Concessionaire".

THE TERMS AND CONDITIONS shall be as follows:

1. The Concessionaire will lease from the Municipality, the "Canteen" concession facility and equipment located in the Sturgeon Falls Arena.
2. The term of this agreement from November 13, 2019 to April 15, 2020.
The municipality will consider the option to renew the contract (up to an additional 2 years) with the Concessionaire upon review at the end of the current agreement. The Municipality will notify the Concessionaires of their intent for renewal in writing no later than April 30th, 2020. If the Concessionaires does not wish to renew the contract for a subsequent year, she must provide written notice to the Director of Community Services by February 28th, 2020.
3. The Concessionaire agrees to pay rent to the Municipality as follows:
Monthly Rental Fee
\$100.00 per month (plus applicable taxes)
For the months of November 2019, March and April 2020 a weekly rental fee of \$25 plus HST will be set for weeks that the arena is open.
- 4a. The first installment is payable by November 22, 2019 and thereafter on the 1st day of each subsequent month.
- 4b. In the event that the Concessionaire fails to make the payments on the dates as provided for herein, the Municipality shall have the authority to terminate the within agreement forthwith without notice and to take the appropriate action necessary to collect any outstanding balance owing.
- 4c. Payments are to be made at Town Hall, at which place the Concessionaire will receive a cashier's receipt.
5. The Concessionaire agrees to abide by the rules and regulations of the North Bay Parry Sound District Health Unit and all Municipality of West Nipissing By-Laws, which govern the operation of this business. The Concessionaire shall procure and maintain at the Concessionaire's own cost and expense such licenses, permits or approvals, if any from Federal, Provincial, Municipal or other Government authorities (ex. WSIB) and such private permits, if any, as may be necessary to enable the Concessionaire to exercise the rights and privileges hereunder.
6. It is agreed that the Concessionaire may not contract or sublease the concession facility or equipment therein to any group, club or individual. This agreement shall automatically become null and void if the Concessionaire contracts or subleases this facility or equipment herein.

- 7(i). The Municipality agrees to keep the premises in suitable condition to operate a concession "canteen" and to supply the Concessionaire with sufficient electrical outlets and existing equipment to enable operation of the concession. The acceptance of a tender to lease does not impose an obligation on the Municipality to provide any services now or at any time in the future other than what is specified in this agreement.
- 7(ii). The Municipality will provide an access code to the concession booth; the Concessionaire will receive a key for access to entrance doors to the arena lobby/canteen arena. If the Concessionaire requires access to the building during the off season or whenever the facility is closed, the Concessionaire shall make arrangements with the Facilities Manager.
- 7(iii). It is understood that no physical deviances or structural changes to the existing canteen facilities shall take place at any time during the term of this agreement unless by written consent of the Municipality.
- 8a. The Municipality will be responsible for the supply of electrical, water and heating services to the facility.
- 8b. Normal maintenance repairs to the concession facility and municipally owned equipment will be the responsibility of the Municipality providing the Concessionaire has not shown negligence in their use of the facilities and equipment.
- 8c. The Concessionaire is responsible for their own janitorial services, cleaning supplies, garbage bags and removal of garbage from the appropriate areas. The Concessionaire agrees to keep the concession arena clean and organized. The Concessionaire is responsible for the upkeep and maintenance to all concession equipment owned by the Municipality.
- 8d. The Concessionaire agrees to clean the entire concession booth and storage room within seven (7) days after the last day of arena operations during this contract.
- 9a. The Concessionaire shall, at all times, indemnify and save harmless the Municipality and any of its officers, servants or agents from and against all claims or demands, loss, costs, damages, action, suits or other proceedings by whomsoever may, be brought or prosecuted in any manner based upon, occasioned by or attributable to the execution of these presents, or any action taken or things done or maintained by virtue hereof, or the exercise of any manner of rights arising hereunder, except claims or damage resulting from the negligence of any officer or servant of the Municipality while acting within the scope of his duties or employment.
- 9b. The Concessionaire shall place and at all times maintain during the currency of this Agreement, comprehensive liability insurance which shall include contractual liability coverage hereunder including claims that might be brought against the Municipality by an employee or volunteer worker with such insurance to provide limits of at least:
- \$2,000,000.00 for each occurrence or accident and the Municipality be named in the policy as a co-insured.
 - Bodily Injury Liability and Property Damage Liability inclusive to include Fire-Water damage and Theft coverage.
- 9c. The Concessionaire shall furnish the Municipality with a certified copy of the comprehensive liability insurance policy or policies together with an Undertaking from the insurance company that such insurance will not be cancelled or reduced in coverage without thirty (30) days prior written notice by prepaid registered post addressed

- to the Municipality at 225 Holdtich Street, Sturgeon Falls, ON P2B 1T1, ATTENTION: Director of Economic Development and Community Services. Should the Municipality be of the opinion that the insurance taken out by the Concessionaire is inadequate in any respect for any reason whatsoever, it shall forthwith advise the Concessionaire of its reason therefore and the Concessionaire shall forthwith take out additional insurance satisfactory to the Municipality.
- 9d. The Concessionaire shall not have any claim or demand under this Agreement against the Municipality for detriment, damage or injury of any kind whatsoever or howsoever caused to any person or property including any sign, material, article, supplies or equipment effect or thing maintained upon Municipality premises unless such damage or injuries are due to the willful act or the negligence of the Municipality, its officers, employees, or agents while acting within the scope of their duties or employment.
- 10a. It is understood and agreed that the Municipality may terminate this Lease Agreement without notice, in the event that the Concessionaire fails to comply with the rules and regulations of the North Bay Parry Sound District Health Unit and Municipality of West Nipissing By-laws.
- 10b. Alcoholic beverages and tobacco products are prohibited.
- 10c. The sale of "Non Snack" Items will require municipal approval. A request to sell non snack items must be made in writing to the Director of Economic Development and Community services. The sale of hockey related products such as tape, laces, hockey sticks, etc. as a service to arena users will be permitted. The Concessionaire is permitted to provide vending machines and ATM machines located in the lobby area. All costs associated with the vending and ATM machines (lease, insurance and repairs/maintenance) are the sole responsibility of the Concessionaire. All revenue derived from these machines remains with the Concessionaire.
- 10d. The Municipality reserves the right to allow other organizations to provide goods and services at the Verner Arena that do not compete with products sold in the concession during the term of the Agreement.
- 10e. It is the responsibility of the Concessionaire to ensure that the concessions will be fully stocked with a variety of quality food options at all times throughout the length of this agreement, and further that a copy of items being sold be provided to the Municipality prior to initial opening of concession.
- 11a. It is the responsibility of the Concessionaire to take the initiative to become acquainted with the Municipality's schedule of activities throughout the term of the lease. It is agreed the Municipality does not accept responsibility for lack of notification to the Concessionaire on schedules and upcoming events but shall co-operate to provide such information when possible.
- 11b. It is the responsibility of the Concessionaire to ensure that the concessions are open during public skating, hockey tournaments, WN Lynx games, figure skating competitions and during other significant events hosted at the arenas. The Concessionaire will also ensure that the concessions are open on Saturdays and Sundays during times where minor hockey games are scheduled in succession. Failure to do so may result in the immediate cancellation of this agreement.
12. The Municipality is automatically entitled to all concession privileges when the Concessionaire is not interested in providing services for any event during the term of the Agreement.

13. Notwithstanding anything in this Agreement to the contrary, if the Concessionaire becomes bankrupt or insolvent or executes an assignment for the benefit of the Concessionaire's creditors, or takes the benefit of any winding up or insolvency act, then in each and any of such cases this Agreement shall be and become by any such acts absolutely forfeited and the Municipality shall become entitled to take the steps in such cases provided.
14. The Municipality shall not be liable for any failure to perform this Agreement by reason of the exercise of its discretion or by reason of strikes or industrial disputes or of major force, fire, lightning or tempest or in addition of any other cause similar not beyond its control, and in any of these events, the Concessionaire shall have no claim against the Municipality for damages nor for credit, repayment of fees, or otherwise, except as otherwise provided herein.

This Agreement constitutes the entire Agreement between the Municipality and the Concessionaire and it shall not be amended, altered or changed except by written agreement between the parties hereto.

DATED AT Sturgeon Falls, ONTARIO THIS _____ DAY OF _____, 2019.

CONCESSIONAIRE

By: _____
Name: Nicole Peterson

**THE CORPORATION OF THE
MUNICIPALITY OF WEST NIPISSING**

By: _____
Name: Joanne Savage
Title: Mayor

By: _____
Name: Jay Barbeau
Title: CAO

I/We have authority to bind the Corporation