

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2009 - 055

A BY-LAW TO GOVERN AND REGULATE THE PROCEEDINGS OF THE COUNCIL

Recitals:

1. Section 238(2) of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, requires every municipal council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings.
2. Section 238(2) of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, authorizes municipal councils to pass by-laws governing the conduct of their Members.
3. By Order of the Victoria County Restructuring Commission dated April 19, 2000 (as amended), certain responsibilities under the *Ministry of Tourism and Recreation Act*, R.S.O. 1990, c.M.35, as amended, and *Community Recreation Centres Act*, R.S.O. 1990, c.C.22, as amended, have been delegated to the Council of the City.
4. The Council of the City of Kawartha Lakes deems it advisable to enact a by-law to govern the proceedings of Council and Committees of Council, the conduct of its Members and the calling, place, and conduct of its meetings.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2009-055.

Section 1.00: Definitions and Interpretation

a. Definitions: In this by-law:

1. The “**Acting Mayor**” is the person appointed by by-law to stand in for and replace the Head of Council in circumstances prescribed by that by-law.
2. An “**Ad Hoc Committee**” is any special purpose Committee created by resolution of Council.
3. An “**Advisory Committee**” is any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.
4. An “**Agenda**” is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.
5. A “**Board of Management**” is a special purpose Committee created by Council to manage specific community facilities or services reporting directly to the Director of Community Services.
6. “**By-law**” means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
7. “**CAO**” means the Chief Administrative Officer of the City, or his or her designate.
8. “**Chair**” means the person presiding at a Meeting, whether it be the Head of Council or any other Member.
9. “**City**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

10. “**Clerk**” means the person within the administration of the City which fulfils the function of the City Clerk as required by the *Municipal Act, 2001*, or his or her designate.
11. “**Closed Session**” means any Meeting or portion of a Meeting not open to the public.
12. “**Committee**” means any Planning Committee of Council as established by policy, or Committee of the Whole but does not include Task Forces, Advisory Boards, Boards of Management or Ad Hoc Committees.
13. “**Committee of the Whole**” means a working committee made up of all of the Members of Council.
14. “**Council**” means the municipal council for the City.
15. “**Council Floor**” means that portion of the Council chambers which is occupied by Members and the Chair during a Meeting.
16. “**Delegation**” means a person or group making a verbal presentation to Council.
17. “**Designated Area**” means the spectator areas within the Council Chambers.
18. “**Emergency Meeting**” means a Meeting of the Council called without Notice to address circumstances of emergency.
19. “**Head of Council**” means the Mayor or, as applicable, the Acting Mayor.
20. “**Holiday**” means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of the Council as a Civic Holiday.
21. “**Information Session**” means an informal meeting of the Council or a Committee, arranged by the CAO as a workshop, strategic or brainstorming session.
22. “**Invited Guest**” means an individual or group of individuals invited by Council to be recognized for their contribution to the community at a Council meeting and shall be included on Council Meeting agendas on a quarterly basis.
23. “**Meeting**” means any Regular, Special, Inaugural, Public, Committee of the Whole or other Committee Meeting of Council, but does not include an Information Session.
24. “**Meeting, Statutory Public**” means any public meeting that is required pursuant to provincial legislation (*Municipal Act, Planning Act, etc.*). Committee of the Whole is authorized to hold Statutory Public Meetings on behalf of the whole Council or in place of the whole Council or other Committee in accordance with the Public Meeting Policy.
25. “**Meeting, Public**” means any public meeting that Council or staff believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation. Committee of the Whole is authorized to hold Public Meetings on behalf of the whole Council.
26. “**Member**” means a Member of the Council and includes the Head of Council. Where the term is used in reference to a Committee, it refers to only those members of the Committee itself. Where the term is used in reference to an Ad Hoc Committee made up of persons who are not Members of the Council, the term also includes those persons.

27. **“Motion”** means a proposed resolution brought forward for adoption by Council, or a proposed recommendation to the Council brought forward for adoption at a Committee of the Whole Meeting or a Committee Meeting.
28. **“Municipal Election”** means a general, City-wide Municipal election or a by-election.
29. **“Notice”** means a written document provided to Members and to the public which advises the recipient of the time and place of a Meeting.
30. **“Petition”** means a form stating the reason for the petition and signed by each of the Members who concur with the Petition, an e-mail from each member stating they are in agreement with the Petition, or a combination of both.
31. A **“Point of Order”** is an issue or concern regarding conformity to this By-law and/or to the rules of order of Council, difficulty in continuation of a Meeting, improper, offensive or abusive language, notice that discussion is outside the scope of the Motion or Notice of Motion, or irregularities in the proceedings.
32. A **“Point of Privilege”** is a concern about the honour, dignity, character, rights or professionalism of the Mayor, Members of Council, or members of staff.
33. **“Presentation”** means,
 - a) a ceremonial presentation to or from the City of Kawartha Lakes and
 - b) presentation made by city staff and/or by consultants retained by the City or by another level of government.
 - c) presentation that in the opinion of the Mayor and CAO is most beneficial for all involved if heard at a Council Meeting instead of a Committee Meeting.
34. **“Recorded Vote”** means the recording of the name and vote of every Member on any matter of question.
35. The **“Secretary”** is the staff person assigned by the Clerk to attend at, and take minutes of, any Committee Meeting.
36. A **“Task Force”** includes an Ad Hoc Committee of Council, with approved terms of reference, which is formed for a set time period sufficient to accomplish a specific purpose through recommendations to the Council.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules

- 2.01 **Observation:** The rules and regulations contained in this By-law shall be observed in all Meetings, as applicable, and shall be the rules and regulations for the order and dispatch of business before Council and, as applicable, in every Committee of the Whole and other Committee or Task Forces Meeting.
- 2.02 **Place of Meetings:** All Meetings of Council shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay, unless otherwise provided by resolution of Council. All Meetings of the Committee of the Whole shall take place in either the Council Chambers or the Victoria Room, City of Kawartha Lakes City Hall, Main Administration Building, 26 Francis Street, Lindsay, as identified on the published Agenda, unless otherwise provided by resolution of Council. Meetings of Task Forces and Information Sessions shall take place at the location specified in the Notices issued for them. (Section 2.02 is subject to Section 2.03.)
- 2.03 **Inaccessibility of Meeting Place:** If for any reason it is impossible or impractical for a Meeting to occur in the place prescribed by Section 2.02, then the assembly in question shall meet at an alternative site or room as specified in the Notice for that meeting. If the circumstance preventing attendance (i.e. natural disaster, security risk, etc.) arose after publication of the Notice for the Meeting, then the alternative location shall be posted in a place nearest the originally intended meeting place where it is reasonably practical that those attending the meeting will see the notice.
- 2.04 **Meeting Notices:** Regularly scheduled Meetings as established by this By-law do not require any Notice. Notice of all other Meetings shall be provided in accordance with this By-law. Lack of receipt of either the Notice or the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.
- 2.05 **Matters Not Provided for in this By-law:** Where any matter of procedure is not provided for in this By-law, Robert's Rules of Order, as revised, shall be followed by Council. Any applicable provisions of this By-law are paramount in those circumstances.
- 2.06 **Decision-Making:** Decisions binding the Council may be made only at Council Meetings unless authority has been specifically delegated by by-law. Task Forces, Committees, and the Committee of the Whole may only make recommendations to Council for its consideration. No decisions may be made, nor votes taken at an Information Session.
- 2.07 **Creation of Task Forces :** Council may from time to time create short-term Task Forces. Such Task Forces shall be given a clear mandate and well defined terms of reference, also established by Resolution of Council, to include the following:
- (a) the mandate;
 - (b) the Membership and quorum requirements;
 - (c) the composition;
 - (d) the method of recruitment of the Membership and appointment of a Chair;
 - (e) the reporting relationship;
 - (f) the resources to be made available to the Committee; and
 - (g) a defined timeframe for completion of the task or tasks.

Task Forces may be asked to meet and make recommendations to the Council with respect to their terms of reference, but shall be unable to make any other recommendations to Council unless and until their terms of reference have been established and adopted by Council Resolution. No Task Force shall have departmental jurisdiction. No Task Force shall extend beyond the term of Council unless the newly elected Council confirms by resolution to continue.

- 2.08 **Direction to Staff:** No Member has the authority to direct or interfere with the performance of any work being carried on by an employee of the City. Each employee is subject only to his or her supervisor as established in the formal organization structure of the City. Requests for substantive reports shall be by resolution of Council.
- 2.09 **Roles of Council and Staff:** The role of Council is to develop policies of the City, while the role of management, executed by senior appointed staff under the direction of the Chief Administrative Officer, is to develop strategies for the implementation of the policies established by Council.
- 2.10 **Role of Council:** As defined within the *Municipal Act, 2001, Section 224*, it is the role of council,
- a) to represent the public and to consider the well-being and interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - e) to maintain the financial integrity of the municipality; and
 - f) to carry out the duties of council under this or any other Act.
- 2.11 **Role of Head of Council:** As defined within the *Municipal Act, 2001, Section 225*, it is the role of the Head of Council,
- a) to act as chief executive officer of the municipality;
 - b) to preside over council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to the council;
 - c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1);
 - d) to represent the municipality at official functions; and
 - e) to carry out the duties of the head of council under this or any other Act.
- 2.12 **Municipal Administration:** As defined within the *Municipal Act, 2001, Section 227*, it is the role of the officers and employees of the municipality:
- a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
 - b) to undertake research and provide advice to council on the policies and programs of the municipality; and
 - c) to carry out other duties required under this or any Act and other duties assigned by the municipality.
- 2.13 **Clerk:** As defined within the *Municipal Act, 2001, Section 228*, a municipality shall appoint a clerk whose duty it is,
- a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
 - b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
 - c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
 - d) to perform the other duties required under this Act or under any other Act; and
 - e) to perform such other duties as are assigned by the municipality.
- 2.14 **Chief Administrative Officer:** As defined within the *Municipal Act, 2001, a municipality may appoint a chief administrative officer who shall be responsible for;*
- a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
 - b) performing such other duties as are assigned by the municipality.

Section 3.00: Inaugural Meetings of Council

- 3.01 **Time and Place of Inaugural Meeting:** The Inaugural Meeting for each newly elected Council shall be held on the first Monday in the December following a Municipal Election and shall commence at 2:00 o'clock in the afternoon. The Inaugural Meeting shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay.
- 3.02 **Order of Proceedings:** The order of proceedings for the Inaugural Meeting shall be established by the Agenda & Reporting Policy using the headings established by Council policy.

Section 4.00: Regular Meetings of Council

- 4.01 **Regular Council Meeting Time:** Council shall hold its Regular Meetings on the second and fourth Tuesday of each month beginning in January each year. Council Meetings shall start at 1:00 p.m. with closed session. Open Session shall begin at 2:00 p.m.
- 4.02 **Meeting Adjournment:** The hour for adjournment for all Council Meetings shall be no later than 8:30 p.m. Council shall always adjourn at this hour unless this rule is temporarily suspended by consent of two-thirds of the Members present, by resolution.
- 4.03 **Unfinished Business:** In the event that a Council Meeting adjourns pursuant to Section 4.02 with matters on the Agenda which have not yet been reached, all matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council Meeting, unless the Members determine otherwise prior to the adjournment or the Mayor calls for a Special Meeting.
- 4.04 **Holidays:** In the event that a regular Meeting of Council falls on a day which is a Statutory Holiday, or a day on which a Municipal Election is being held, Council shall meet at the same hour on the first business day after that date which is not a Holiday or a day on which a Municipal Election is being held, unless otherwise provided by resolution of Council. Where this Section applies to a Committee Meeting pursuant to Section 5.07 of this By-law, the Committee shall pass a resolution rescheduling its Meeting to a date and time which does not conflict with the Regular Meetings of either Council, the Committee of the Whole, or any other Committee.
- 4.05 **Exceptions:** Council may hold its Regular Meeting at any other time or place than is specified in this By-law provided that, where a Regular Meeting is to be held at a time, day or place other than as set out in this By-law, Notice shall be given at least 48 hours in advance of the Meeting, by publication on the city web site and notice emailed to the local press that is, in the Clerk's opinion, of sufficient general circulation in the area to give the public reasonable Notice of the location and time of the Meeting.
- 4.06 **Notice & Agenda Distribution:** It shall be the responsibility of the Clerk to forward to Members all Notices and Agendas for regular Committee and Council Meetings not later than the Wednesday preceding the week in which the Meeting is to be held. Where that Wednesday is a statutory holiday, the material shall be distributed on the preceding Tuesday. For special Committee and Council Meetings, the Clerk shall forward to Members all Notices and Agendas a minimum of one business day in advance of the Meeting. Circulation of the Agenda is considered as adequate Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council. Distribution of Notices, Agendas and Agenda packages will be distributed in accordance with City policy adopted by Council from time to time.
- 4.07 **Order of Proceedings:** The Clerk shall have prepared and printed for the use of the Members at the Regular Meetings of Council, an Agenda using the headings established by Council policy.

- 4.08 **Closed Session:** Notwithstanding Section 8.01, all or any part of a Meeting may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) of the *Municipal Act, 2001*.
- 4.09 **Resolution Required:** Before holding any Closed Session, the Council (or Committee of the Whole or Committee, as appropriate) shall state by resolution that: a Closed Session is to be held, identifying the general nature of the matter to be considered at the Closed Session, and the statutory authority under which each matter to be considered is authorized to be addressed in Closed Session.
- 4.10 **Voting in Closed Session:** Votes may only be taken during Closed Session where the vote is for a procedural matter, including the receiving of information, or for giving directions or instructions to officers, employees or agents of the City, local board or persons retained by or under contract with the City.
- 4.11 **Preservation of Confidentiality:** All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential. No Member or staff person shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff members.
- 4.12 **Closed Session Record:** A record of any closed session shall be kept in the form of Minutes, identifying the members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings at a meeting of the Council.
- 4.13 **Closed Session Minutes:** The record of closed session shall be made by the clerk, in the case of a meeting of Council, or his/her designate in accordance with Section 228(1)(4) of the *Municipal Act, 2001, as amended, c.M.45*.
- 4.14 **Application of Section:** That Sections 4.08, 4.09, 4.10, 4.11, 4.12 and 4.13 apply to all meetings outlined within Section 5.00, 6.00 and 7.00.

Section 5.00: Meetings of Committees and Committee of the Whole

- 5.01 **Regular Meetings of Committees:** Regular Meetings of the Committee of the Whole shall be held on the second and fourth Tuesday of each month and will form part of the Council agenda, beginning in January each year unless a schedule change is approved by resolution of Council.
- 5.02 **Special Committee Meeting Dates:** The Head of Council may at any time, summon a Special Meeting of Committee of the Whole with twenty-four (24) hours Notice through the Clerk's office to the Members.
- 5.03 **Purpose of Committee of the Whole Meetings:** Committee of the Whole does not require terms of reference. The purpose of the Committee of the Whole is to ensure that:
- (a) concerns of members of Council are considered at Committee level to determine whether they merit a resolution or a report to go to Council;
 - (b) staff initiatives are vetted at Committee level before going to Council;
 - (c) matters referred to Committees by Council are appropriately reviewed and recommendations are referred to Council;
 - (d) policy development and enhancement are encouraged;
 - (e) public input is received, and
 - (f) opportunities for workshops, Information Sessions or study groups are maximized.
- 5.04 **Referrals:** Committees may refer matters to staff, to the Committee of the Whole, or to another Committee of Council or Task Force.

- 5.05 **Scheduled Committee of the Whole Meetings:** Committee of the Whole Meetings may be scheduled either within a regular Council Meeting or at the call of the Chair and shall have jurisdiction over recommendations to Council for major financial decisions for the City, including, without limitation, the annual and longer-term budgets, and any matters referred to the Committee of the Whole by Council. The Head of Council or Chair may appoint a Chair of the Committee of the Whole and vacate the Chair.
- 5.06 **Committee of the Whole Meetings Within Council Meetings:** Council may resolve into Committee of the Whole at any time during a Council Meeting upon the consent of a majority of the Members present. Whenever Council resolves itself into Committee of the Whole, the Head of Council or Chair may appoint a Chair of the Committee of the Whole and vacate the Chair.
- 5.07 **Adjournment, Notice, Holidays, etc.:** The provisions of Sections 4.02 through 4.13 apply to Committee Meetings with the appropriate amendments.
- 5.08 **Temporary Chair:** Subject to any other by-law of Council, the Chair of the Committee may appoint another Member of the Committee to act as the Chair while he or she is temporarily absent from the Meeting. While acting as Chair, the other Member has all of the responsibilities of the Chair as set out in this By-law.
- 5.09 **Ex Officio:** Where a policy of Council or Council appoints a Member to a Committee as an “ex officio” Member, including the Mayor, that Member has all of the rights and privileges of all of the other Members of that Committee, including participation in debate, voting, receipt of notices, etc.

Section 6.00: Special and Emergency Meetings of Council

- 6.01 **Special Meeting at the Call of the Head of Council:** The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours Notice through the Clerk's office to the Members.
- 6.02 **Special Meeting by Petition:** The Clerk shall, upon receipt of the petition of a majority of the Members, summon a Special Meeting for the purpose and at the time mentioned in the petition. Twenty-four (24) hours Notice of the Special Meeting is to be given through the Clerk's office to the Members of Council.
- 6.03 **Emergency Meetings:**
- a) Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency or extraordinary situation.
- b) In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Mayor or his designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the City's Emergency Response Plan or any other similar unforeseen circumstances.
- 6.04 **Business:** The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Notice of the Meeting or petition. The only business to be dealt with at an Emergency Meeting is that which was specified in the Clerk's communications to Members in accordance with Section 6.03.
- 6.05 **Place of Meeting:** In the absence of a petition fixing the location of a Special or Emergency Meeting, that Meeting shall be held at the place where the last Regular Meeting was held unless otherwise identified by resolution of Council or, unless, in the

case of an Emergency Meeting, the emergency renders that location inaccessible. In that case, the Emergency Meeting shall be held at the time and the date specified in the Clerk's communications to Members in accordance with Section 6.03.

- 6.06 **Conduct of Special Meetings:** All of the rules set out in this By-law as applicable to Regular Council Meetings also apply to Special Council Meetings, with the necessary modifications.
- 6.07 **Conduct of Emergency Meetings:** In Emergency Meetings, the Chair shall preside and preserve decorum, applying the rules set out in this By-law at his or her discretion.

Section 7.00: Other Meetings and Information Sessions

- 7.01 **Task Force Meetings:** Task Force Meetings shall be held at the call of the appointed chair of the Task Force. Notices, setting out the time and place of the meeting, and Agendas for the business to be conducted at the Meeting, shall be distributed by the Chair or Secretary to the Task Force, to all Members. The format of the Agenda and the order of proceedings, and the applicability of any portions of Sections 4.00, 8.00, and 9.00 of this By-law shall be within the control and at the discretion of the Task Force. All other provisions of this By-law apply, with the appropriate amendments.
- 7.02 **Information Sessions:** The CAO shall provide Members with Notice for any Information Session he or she has planned for their benefit, which shall set out the time and place of the Information Session and the format and content of the workshop. At the time of notice, it will indicate whether or not the session will be open or closed to the public depending upon the subject matter and format. It is understood that such sessions will not result in any directions to staff or decisions by Council unless such directions come back to Committee or Council through report for confirmation of actions in an open forum.
- 7.03 **Drainage Matters:** Council delegates its authority to the City of Kawartha Lakes Drainage Board in accordance with the *Drainage Act* R.S.O 1990, c. D.17 and the City of Kawartha Lakes Act. The City of Kawartha Lakes Drainage Board shall operate within the adopted Terms of Reference. Notice of all Drainage Board meetings shall be provided to all Members.
- 7.04 **Statutorily Required Meetings:** Meetings required under the *Ministry of Tourism and Recreation Act*, R.S.O. 1990, c.M.35, as amended, and *Community Recreation Centres Act*, R.S.O. 1990, c.C.22, as amended, shall be held as required, with the date, time and location of the Meeting being determined by Resolution of Council.
- 7.05 **Council as an Administrative Tribunal:** From time to time, it shall be necessary for Council, or an appropriately appointed Committee or Task Force, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the *Statutory Powers Procedures Act*, R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.
- a. **Public Meeting:** Public Meetings shall be held in accordance with the Public Meeting Policy.

Section 8.00: Public Attendance & Communications

- 8.01 **Presumption of Open Meetings:** Subject to the provisions of this By-law, all Meetings and Information Sessions, shall be open to the public other than for the exceptions identified for Information Sessions (or outlined within 4.08).
- 8.02 **Public Input to Agenda:** Any person wishing to address the assembly as a delegation on a new issue, must do so through Committee. The delegation must submit a written request to the Clerk on or before 12:00 o'clock noon on the business day preceding the date on

which the Agenda for that Meeting will be circulated (i.e. 12:00 o'clock noon Monday for Tuesday Agenda distribution).

A maximum of five (5) delegations shall be allowed to address Council per Council meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

A maximum of eight (8) delegations shall be allowed to address Committee Meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

For the purposes of Council Meetings, delegates will be restricted to speak to only those matters referenced in the Agenda Policy.

- 8.03 **Addressing Matters on the Agenda:** After the time prescribed in Section 8.02, any person or delegation wishing to address the assembly on an item of business already listed on a circulated Agenda for a Regular Committee Meeting, must submit to the Clerk, a signed, written brief, stating the agenda item that he, she or they wish to speak to, no later than 12:00 o'clock noon on the day preceding the Meeting at which he, she or they wish to appear. If the day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than 11:00 a.m. on the day of the meeting.
- 8.04 **Delegations in Urgent Matters:** Except as provided by law or, by Sections 8.02 and 8.03 above, a person who is not a Member shall not be allowed to address Council or Committee of the Whole. In the event that the subject proposed to be spoken to is of an urgent nature, the delegation requested may be adopted as part of the Agenda, but only with leave of Council or Committee of the Whole, as applicable with the exception of the Member of Parliament and the Member of Provincial Legislature who shall be automatically placed on the amended agenda.
- 8.05 **Denial of Request to Speak or to Distribute Material:** Council, Committee of the Whole or a Committee refuse to hear Delegations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, or where it contains obscene or defamatory language.
- 8.06 **Rules of Conduct for Presentations:** Persons addressing an assembly of Members shall observe the rules of conduct set out in this Section:
- a) Any person wishing to address the assembly with a presentation on a new issue, shall do so through Committee unless approved to present directly to Council by the Mayor and CAO.
 - b) Only three presentations be allowed to address Committee per Committee Meeting.
 - c) Only three presentations be allowed to address Council per Council Meeting.
 - d) Presentations shall be limited to twenty minutes.
- 8.07 **Rules of Conduct for Delegations:** Persons addressing an assembly of Members shall observe the Rules of Conduct set out in this Section.
- (a) No printed material may be distributed on the Council Floor by a Delegation. Any material which a Delegation wishes to distribute must be provided to the City Clerk, no later than one (1) hour in advance of the relevant Meeting for Delegations addressing the assembly pursuant to Section 8.06, and no later than the time prescribed in Section 8.06 for Delegations addressing the assembly pursuant to that section.
 - (b) Where a Delegation does appear with material to distribute, he or she shall provide all copies directly to the Clerk and shall not distribute anything directly to Members him or herself. The Chair shall determine whether the material is to be distributed by the Clerk at that Meeting, or whether it shall be retained to be considered.
 - (c) Delegations who read from a printed script must provide the Clerk with a copy of the script for the record. Delegations who present slide shows or computerized display presentations must provide the Clerk with a copy for the record.

- (d) All printed material submitted to the Clerk must be legible, and must be signed and dated legibly. All printed material shall include an address and telephone number where return correspondence or contact is to be directed.
- (e) The Clerk will only circulate material that comply with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended.
- (f) Delegations must confine their remarks to the business stated in the communication to the Clerk seeking Delegation status under Sections 8.06 or 8.07, as applicable.
- (g) Delegations are limited to a time period of not more than five (5) minutes. Delegations consisting of two or more persons shall be limited to two (2) speakers, each limited to a time period of not more than two and one-half (2.5) minutes.
- (h) Delegations consisting of two or more persons shall be limited to two (2) speakers, for a maximum time period of not more than two and one-half (2.5) minutes.
- (i) Delegations speaking to a matter, item or topic that he or she has previously addressed at a Meeting shall be limited to a total time period of not more than two and one-half (2.5) minutes. Delegations in this circumstance consisting of two or more persons shall be limited to two (2) speakers, each limited to a time period of not more than one and one-quarter (1.25) minutes or two and one-half (2.5) minutes in total.
- (a) Delegations are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

- 8.08 **Rules of Conduct for Public Audience:** Persons attending a Meeting, whether or not they are Delegations, shall observe the Rules of Conduct set out in this Section.
- (a) At all times, including temporary adjournments or breaks, all persons attending a Meeting shall be restricted to the Designated Area and shall not approach the Council Floor.
 - (b) No shouting, cheering, booing, deliberate foot-stomping or any other unprofessional or un-businesslike conduct shall be tolerated by the Chair, at the discretion of the Chair.
 - (c) Persons who are not Delegations may not address the assembly and shall not do so by shouting out, interrupting, or prompting a Delegation.
 - (d) No one is permitted in the Council Chambers carrying signs, banners, emblems or flags, without prior authorization of the Chair.
 - (e) Profanity is strictly prohibited, whether it is audible or expressed through gesture.
 - (f) Meetings regulated by this By-law are formal, structured business meetings. Although it is recognized that there may be topics on Agendas which stir emotion, a business decorum must be observed and preserved.
- 8.09 **Time Extensions:** If the Delegation has been requested by the City, or if the time limits established in Section 8.11 are deemed too restrictive by the Chair of the Meeting or by two-thirds of the Members present at the Meeting, the time limit may be increased in increments of five (5) minutes, at the discretion of the Chair or two-thirds of the Members in attendance.
- 8.10 **Information Regarding Rules:** Delegations and Members of the audience at Meetings shall be advised of the provisions of Sections 8.10, 8.11 and 8.12 of this By-law.
- 8.11 **Petitions:** Every petition or communication to be placed on an Agenda of a Council or Committee of the Whole Meeting shall be delivered to the Clerk by 12:00 o'clock noon on the date preceding the day upon which the Agenda for that Meeting is distributed (*i.e. 12:00 o'clock noon Monday for Tuesday Agenda distribution*). All communications or petitions received after 12:00 o'clock noon on the date preceding the distribution of the Council or Committee of the Whole Meeting Agenda and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Meeting of Council or Committee unless otherwise approved by the Chief Administrative Officer.

- a. **Expulsion:** Notwithstanding Section 8.08, the Chair of any Meeting may exclude any persons from the Council Chamber or Meeting room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.
- 8.12 **Exemption:** Section 8.11 (a) does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area sanctioned by the Council.

Section 9.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)

- 9.01 **Quorum:** Nine (9) Members shall constitute a quorum for Regular, Special and Emergency Meetings of Council and Committee of the Whole. For all other Committees and Ad Hoc Committees, unless their approved terms of reference provide otherwise, a quorum is made up of a majority of Members of the Committee.
- 9.02 **Special Case Quorum:** Notwithstanding Section 9.01, when a majority of the Members have disclosed pecuniary interests to a matter in accordance with this By-law and/or the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two.
- 9.03 **Meeting Commencement/Absence of Chair:** As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Council or Committee of the Whole Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Acting Mayor shall assume the Chair of the Council or Committee of the Whole Meeting and call the Members to order. If a quorum is present, the Acting Mayor shall preside as Chair during the Meeting or until the arrival of the Head of Council. In the absence of both the Head of Council and the Acting Mayor, the Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Council Meeting or until the arrival of the Head of Council or Acting Mayor. In the event that the Chair does not attend a Committee Meeting within fifteen minutes after the appointed commencement time, and if a quorum of Members is present, the balance of the Members of the Committee shall choose an acting Chair who shall preside during the Committee Meeting or until the arrival of the Chair. While presiding at a Committee of the Whole or Council Meeting, the Acting Mayor shall have same authority as the Head of Council and shall be entitled to vote with the other Members.
- 9.04 **Failure to Achieve Quorum:** If there is not a quorum within thirty minutes after the appointed commencement time for any Meeting, the Clerk (in the case of a Council or Committee of the Whole Meeting) or the Secretary (in the case of a Task Force, Advisory Committee, Ad Hoc Committee or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Regular or Special Council, Committee of the Whole or Committee Meeting as the case may be.
- 9.05 **General Duties of the Chair of a Meeting:** The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:
- (a) Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;
 - (b) Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;

- (c) Receive and submit, in the proper manner, all Motions presented by the Members;
- (d) Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;
- (e) Decline to put to vote Motions that infringe on the rules of procedure;
- (f) Restrain Members, within the rules of order, when engaged in debate;
- (g) Enforce, on all occasions, the observance of order and decorum among the Members and the attending Members of the public;
- (h) Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.
- (i) Receive all messages and other communications and announce them to the Meeting assembly;
- (j) Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;
- (k) Ensure that the decisions and recommendations made at Meetings are in conformity with the laws and by-laws governing activities of same;
- (l) Adjourn the Meeting when the business is concluded;
- (m) At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;
- (n) Notwithstanding Section 9.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;
- (o) Where the Chair is the Head of Council or the Acting Mayor, he or she shall authenticate, by his or her signature when necessary, all by-laws, resolutions and minutes of the Council; and
- (p) In the case of grave disorder arising in the Council Chamber or Victoria Room, the Chair has the duty to adjourn the Meeting without questions having been put.

9.06 **Duties of the Chair In Directing Debate:** During the course of debate, the Chair shall:

- (a) Designate the Member who has the floor when two or more Members raise their hands to speak;
- (b) Preserve order and decide questions of order; and
- (c) Read all Motions presented in writing and state all Motions presented verbally before permitting debate on the question, except when otherwise provided in this By-law.

9.07 **Acting Mayor:**

- a) In the absence of the Mayor, the Acting Mayor shall be the acting Head of Council with all of the powers, duties, rights and obligations of the Mayor.
- b) The Clerk shall forward to Council a by-law on an every two month basis to appoint an Acting Mayor as appointed by the Mayor.
- c) The order in which members of Council shall serve as Acting Mayor shall be determined by the Mayor.

- 9.08 **Participation by Chair:** The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, he or she shall leave the Chair for that purpose and shall call upon another Member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the Meeting
- 9.09 **Rules of Conduct for Members:** Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.
- (a) No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Delegations in attendance.
 - (b) No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.
 - (c) No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.
 - (d) No Member shall leave his or her place on adjournment until the Chair leaves his or her seat.
 - (e) No Member shall speak until he or she has addressed himself or herself to the Chair.
 - (f) No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his or her seat while a vote is being taken and until the result thereof is declared.
 - (g) No Member shall ignore a dress code for Meetings agreed to by the majority of Members of Council.
 - (h) No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.
 - (i) No Member shall, in addressing the assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.
 - (j) No Member shall, in addressing the assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.
 - (k) No Member shall, in addressing the assembly, speak beside the question in debate.
 - (l) No Member shall, in addressing the assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.
 - (m) No Member shall, in addressing the assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.
- 9.10 **Members Shall Vote:** Every Member present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests in the question.

Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations in the Agenda. However, if an interest is overlooked or becomes evident to any Member later in the meeting, as a result of discussion or otherwise, a Member shall disclose his or her interest at the first opportunity, and afterwards, he or she shall refrain from taking part in the discussion, shall vacate his or her seat and refrain from voting on the particular question. If any Member at a Meeting declines to vote when a question is put and a recorded vote taken, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

9.11 **Rules of Conduct for Members During Debate:** Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- (a) Every Member, when speaking to any question or Motion, shall respectfully address the Chair.
- (b) When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.
- (c) Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- (d) No Member shall speak to the same question for longer than five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes, may be granted.
- (e) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.
- (f) All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.
- (g) Questions may be asked only:
 - 1. of a Delegation after he or she has spoken, in accordance with this By-law;
 - 2. the previous speaker;
 - 3. of the Chair; or
 - 4. of an Official of the City, through the Chair, on the matter under debate.

9.12 **Closed Session Disclosures of Interest:** Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be recorded in the minutes of the open Meeting.

9.13 **Motions without Notice:** The types of Motions listed in this Section may be introduced orally without written Notice and without leave:

- (a) A Point of Order;
- (b) Presentation of petitions;
- (c) Motions to suspend a rule of procedure or in compliance with a rule of procedure;
- (d) Motions to adjourn (which are not debatable);
- (e) Motions that the vote now be taken;
- (f) Motions that Council resolve itself into Committee of the Whole (which are not

debatable);

- (g) Notices of intent that the Member will introduce a Motion at the next or subsequent Meeting of Council to introduce a new matter, initiate any measure or to make any change in the Council's established policy; or
- (h) any matter where the assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.

9.14 **Putting a Question:** A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

9.15 **Dividing a Question:** When the Motion under consideration concerns two or more matters, upon the request of any Member, the vote upon each matter shall be taken separately.

9.16 **Withdrawal of Motion:** After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion.

9.17 **Subsequent Motions:** When a Motion is under debate, no other Motion shall be in order except a Motion:

- (a) to adjourn;
- (b) to extend the hour (pursuant to Section 4.02);
- (c) to table;
- (d) to put the question (close the debate);
- (e) to postpone or defer;
- (f) to refer; or
- (g) to amend.

9.18 **Motions to Adjourn:** A Motion to adjourn shall:

- (a) not be amended;
- (b) not be debated;
- (c) not include qualifications or additional statements; and
- (d) always be in order, except when a Member is speaking or the Members are voting, or when made in Committee of the Whole.

When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

9.19 **Motions to Extend the Hour:** A Motion to extend the hour (Section 4.02) shall:

- (a) not be amended;
- (b) not be debated; and
- (c) always be in order, except when a Member is speaking or the Members are voting.
- d) shall be made in open session

9.20 **Motions to Table:** A Motion to table shall:

- (a) not be amended;

- (b) not be debated;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and
- (d) not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the next Regular Meeting.

9.21 **Motions to Postpone or Defer:** A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

- (a) not be amended;
- (b) be debated only as to the time period of deferral or postponement;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and
- (d) not include qualifications or additional statements.

If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion.

9.22 **Motions to Put the Question:** A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and
- (d) be moved using the words "That the question now be put".

If a Motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

9.23 **Motions to Refer:** A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

9.24 **Motions to Amend:** A Motion to amend a Motion in possession of the assembly shall:

- (a) receive disposition of Council or Committee of Council before a previous amendment or the question;

- (b) be open to debate;
- (c) not be further amended more than once provided that the further amendment may be made to the main question;
- (d) be relevant to the question to be received; and
- (e) not be received proposing a direct negative to the question.

9.25 **Motions to Reconsider/Rescind:**

Motions to Rescind: A motion to rescind a Motion previously passed by the assembly and be applied to anything which has continuing force and effect and which was made or created at any time or times as the result of the adoption of one or more main motions. There is no time limit on making a motion to Rescind after the adoption of the measure to which they are applied. A motion to rescind can be moved by any member, regardless of how he voted on the original question.

Motions cannot be rescinded when it has previously been moved to reconsider and the vote on the main motion, and the question can be reached by calling up the motion to Reconsider.

Motions cannot be rescinded when something has been done, as a result of the vote on the main motion, that is impossible to undo.

Without previous notice, the motion to rescind requires a two-thirds vote or a majority of the entire membership for its adoption. This provision cannot be waived.

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

A motion to reconsider cannot be renewed except by unanimous consent.

9.26 **Jurisdiction:** A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order.

9.27 **Receipt of Motions:** Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.

9.28 **Order of Debate of Motions:** The rules for order of discussion shall be as set out in this Section.

- (a) In general, and subject to the provisions of clauses (b) through (e), the order of discussion shall proceed as follows:
 1. Mover;
 2. Secunder;
 3. Any other Member who may wish to speak; and
 4. The mover in summary of his or her position prior to the Chair calling for the vote.
- (b) The mover, with leave of the Chair, may speak again in order to clarify a

material part of his or her Motion which may have been misunderstood.

- (c) A reply shall be allowed to a Member who has made a substantive resolution, to any Member who has moved an amendment, the previous question or instruction to a Committee.
 - (d) No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same day for debate on the same question so long as any Member who has not spoken on that question seeks the floor.
 - (e) Each Member shall confine his or her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.
- 9.29 **Voting on Questions:** When the Chair calls for the vote on a question, each Member shall occupy his or her seat and shall remain there until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.
- 9.30 **Reading of Motions:** Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall state the question in the precise form in which it will be recorded in the minutes.
- 9.31 **Motions to Amend:** The vote on amending Motions shall be conducted in the following order:
- (a) a Motion to amend a Motion to amend the main Motion;
 - (b) A Motion (as amended or not) to amend the main Motion; and
 - (c) the main Motion (as amended or not)
- 9.32 **Cessation of Debate:** After the Chair puts a question, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- 9.33 **Method of Voting:** Subject to this Section, the manner of determining the decision of the assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Council Meeting shall not be by secret ballot or by any other method of secret voting.
- 9.34 **Binding Resolutions:** Any resolution shall require affirmative votes in order to be valid and binding on Council or Committee of the Whole. Any questions on which there is an equality of votes shall be deemed to be negative. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority (i.e. in the case of Council or Committee of the Whole, five or more Members) present at the Meeting, or as set out under provincial legislation.
- 9.35 **Results:** The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the Clerk to record the vote accordingly.
- 9.36 **Tie Votes:** Any questions on which there is an equality of votes is deemed to be negative.
- 9.37 **Recorded Votes:** Subject to this By-law, a recorded vote may be requested by any Member for any Motion, at any time. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, he or she may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)
- 9.38 **Procedure for Recorded Votes:** When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the

meeting must vote in random order as called by the Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and those who voted against shall be noted in the minutes. The Clerk shall call the names of the Members and announce the results. Members who do not vote (excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the negative.

9.39 **Relaxation of Procedural Rules for Committee of the Whole:** The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:

- (a) The number of times of speaking on any question shall not be limited;
- (b) No recorded vote shall be permitted;
- (c) A Motion to put the question shall not be permitted; and
- (d) For Committee of the Whole meetings, a Motion to adjourn shall not be permitted, except when Meeting a part from Regular Council Meetings.

9.40 - **Notice of Motion** - When a Member wishes to present a Notice of Motion, generally for the purpose to change an established policy of the organization, the rules governing the procedure shall be observed as follows:

- a) A member desiring to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the Clerk not later than Monday noon the week preceding the regular meeting of council at which notice of the Motion is to be given.
- b) the Clerk, upon receipt of a Notice of Motion, shall print the motion in full in the agenda for the next regular meeting of the Council.
- c) A Notice of Motion shall not be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting.
- d) Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;
- e) A Notice of Motion that is called for by the Mayor at two (2) meetings of the Council and has not been proceeded with shall be removed from the agenda unless otherwise directed to Committee by Council.

9.41 **New or Other Business** – When a Member desires to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, the rules governing the procedure shall be observed as follows:

- a) A Member, where possible, shall deliver a written copy of the item of business as well as the proposed Motion to the Clerk not later than Monday noon the week preceding the committee meeting before the regular meeting of Committee at which the Motion is to be introduced. Where the issue of New or Other Business is initiated by a staff member, the staff member, where possible, shall deliver a written copy of the item of business with the approval of the CAO, within the time lines noted above.
- b) The Clerk, upon receipt of the Motion, shall print the Motion in full in the agenda for the next regular meeting of Committee of the Whole.
- c) All items of New Business shall be directed to Committee. New Business shall not be considered or debated at a Council meeting, other than for referral to Committee,

unless it is of an emergency or time sensitive nature or unless allowed to go to Council directly through Council's by-law or policies.

d) All items of Other Business shall be directed to Committee. Other Business allowed to be introduced directly to Council shall not be considered at a Council meeting unless it is of an emergency or time sensitive nature. Other Business shall include the recommendation from the Nominating Committee for Member appointments to Council Committees and may be accepted by Council as a verbal report.

9.42 **Point of Order or Point of Privilege** – When a Member present wishes to exercise his/her right of a Point of Order or a Point of Privilege, the rules governing the procedure shall be observed as follows:

a) A Member may raise a Point of Order or Point of Privilege directing attention to a matter that affects the rights of the Member or Members.

b) A Point of Order or Point of Privilege shall take precedence over any other matter except during the verification of a vote.

c) A member shall state the Point of Order or Point of Privilege to the Chair at the time of occurrence.

d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order or Point of Privilege.

e) The Chair shall decide upon the Point of Order or Point of Privilege and advise the Members of the decision.

f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

g) If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

h) When the matter has been determined to be a Point of Order or Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Order or Point of Privilege.

i) When the integrity of the CAO or other employee of the Corporation has been questioned, and the matter is not addressed by a Member or the Chair, the CAO shall be permitted to make a statement to the Members

9.43 **Order of Precedence** - Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

a) to adjourn

b) to recess

c) to request information

d) to request that the vote be taken (call the question)

e) to limit or extend the debate

f) to defer (to another meeting, date, indefinitely)

g) to refer (to another committee, administration)

h) to amend.

9.44 **Non-Debatable Motions**

- a) to adjourn
- b) to close, limit or extend debate
- c) to lay on the table (to table)
- d) questions of privilege
- e) to suspend the rules.

Section 10.00: Meeting Minutes

- 10.01 **Requirement for Minutes for Council and Committee of the Whole:** The Clerk shall be present at all Meetings of Council and Committee of the Whole and shall duly record the Minutes of the Meeting required by this Section.
- 10.02 **Requirement for Minutes for Committees:** The Secretary shall be present at all Meetings of Committee and shall duly record the Minutes of the Meeting required by this Section.
- 10.03 **Minute Contents (Open Session):** All minutes shall record the following
- (a) The place, date and time of Meeting;
 - (b) The names of the Chair or Chairs and record of attendance of the Members;
 - (c) The reading, if requested, correction and adoption of the minutes of the prior Meeting; and
 - (d) All other proceedings of the Meeting without note or comment.
- 10.04 **Minute Contents (Closed Session):** All minutes of a Closed Session shall be recorded in separate minutes, closed to the public, and shall include the same information as is set out in Section 10.03.
- 10.05 **Adoption of Minutes:** The minutes of a Council, Committee or Committee of the Whole Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances of a Committee Meeting, as otherwise directed by the Committee). Minutes of a Closed Session of Council, Committee or Committee of the Whole shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances of a Committee Meeting, as otherwise directed by the Committee). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.
- 10.06 **Reading Minutes:** In presenting the minutes of any Meeting for adoption, it shall not be necessary for the Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.
- 10.07 **Requirement for Minutes for Task Forces, Advisory Board, Ad Hoc Committees or Boards of Management:**
- Minutes of Meetings of Task Forces are the responsibility of the Secretary of the Task Force, and must be submitted to Council in accordance with adopted policy. Minutes shall contain the information required by Section 10.03. The receipt by the Council of the minutes is a procedural matter, and does not affect the validity or effect of the resolution recorded in the minutes. It does not adopt or ratify any action taken by the Task Force or Committee in question. If a Task Force or Committee requires adoption of recommendations, same must be specifically set out in a report to Council, and not simply contained within the Meeting minutes.
- 10.08 **Information Sessions:** No minutes are required with respect to Information Sessions.

Section 11:00: By-Laws

- 11.01 **Form:** Every by-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. By-laws so introduced shall be complete with the exception of the by-law number, date of readings and passage and signatures of the Mayor and Clerk.
- 11.02 **Readings:** Every by-law shall have three readings prior to passage. By-laws will be presented as a consent agenda. All by-laws will be passed in one motion with Council having the ability to extract single items to be dealt with on an individual basis which includes introducing amendments. The Clerk shall exclude any by-law from the consent section that does not require all three readings.

By-laws introduced through consent

A member of Council will introduce all three readings of a by-law within the same Motion, duly moved and seconded. This Motion must specify the title of the by-law or with the consent of Council only include By-law Numbers.

By-laws introduced on an individual basis

A member of Council will introduce a by-law with its first reading which must specify the title of the by-law. Readings of a by-law will be read separately. Where this procedure occurs the by-law may be amended before second reading and the second reading shall be put to vote immediately following the amendment. The third reading of a by-law shall be decided without amendment or debate.

- 11.03 **Formal Records:** Every by-law enacted by Council shall be numbered and dated, signed by the Mayor and Clerk or their designates appointed by by-law or statute and sealed with the seal of the City. The Clerk shall ensure that all by-laws are properly stored for safekeeping.
- 11.04 **Confirmation By-laws:** At the end of each Council Meeting, a by-law will be enacted to confirm all Motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate by-law duly enacted, except where the prior approval of the Ontario Municipal Board or any other body or agency is required. A Motion to pass a by-law to confirm the proceedings of a Meeting of Council shall be voted on without debate.

Section 12.00: Amendments to, and Suspensions of, this By-law

- 12.01 **Suspension:** Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law. Two-thirds majority of Council are required to suspend the meeting adjournment.
- 12.02 **Notice:** No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.
- 12.03 **Voting Requirement:** Amendment to this by-law shall require an affirmative vote of two-thirds of Council present.

Section 13.00: Administration & Effective Date
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- 13.01 **Administration:** The City Clerk is responsible for the administration of this by-law.
- 13.02 **Force and Effect:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of March, 2009.

Mayor

Clerk