

# Corporation of the City of Clarence-Rockland

## By-law 2022-118

Being a by-law to govern the proceedings of the Council and the committees of the Corporation of the City of Clarence-Rockland and to repeal By-law no. 2017-154, as amended.

Whereas pursuant to Section 238, Chapter 25, of the *Municipal Act, 2001, as amended*, every municipality shall pass a procedure by-law for governing the calling, place, proceedings and public notice of meetings; and

Whereas it is necessary and expedient to make and establish rules and regulations for the conduct of its members and to set out certain standing policies to more efficiently transact the business of Council; and

Whereas Council now deems it expedient to enact a new by-law to govern the proceedings of Council and the Committees of the Corporation of the City of Clarence-Rockland;

Now therefore be it resolved that the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

## PART I – INTERPRETATION

### 1. RULES OF PROCEDURE – (SUSPENSION OF)

- 1.1. The proceedings of the Council and of its Committees, the conduct of the members and the calling of meetings will be governed by the provisions of the *Municipal Act* and the rules and regulations contained in this by-law, and, except as provided herein, the rules of parliamentary procedures as contained in Robert's Rules of Order, shall be followed for governing the proceedings of Council and the Committees thereof and the conduct of its members.
- 1.2. Notwithstanding subsection 1.1 hereof, the rules and regulations contained in this by-law may be suspended by a two-third (2/3) vote of the members present and voting, but by not less than a majority of the whole Council voting in favour thereof.

### 2. DEFINITIONS

- 2.1. *Act* means the Municipal Act as amended from time to time.
- 2.2. *Ad Hoc Committee* means a special purpose committee of limited duration, created by Council to inquire into and report on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council.
- 2.3. *Agenda* means a list of items of business which have been approved to come before a meeting for decision.
- 2.4. *Chief Administrative Officer* means the Chief Administrative Officer referred to in Section 229 of the Municipal Act, 2001.
- 2.5. *Clerk* means the person appointed pursuant to Section 228 of the Municipal Act, 2001, or the Deputy-Clerk in his/her absence.
- 2.6. *Chair* or *Chairperson* means the presiding officer of a Committee.
- 2.7. *City* means the City of Clarence-Rockland.
- 2.8. *Closed Meeting* means a meeting of the Council or Committee, which is not open to the public and which is provided for in accordance with the Municipal Act and with the provisions of this by-law.

- 2.9. *Committee* means a Committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees, Advisory Committees and Special Committees.
- 2.10. *Committee of the Whole* means a committee comprised of all the members of Council.
- 2.11. *Consent Items Motion* means a motion which allows items which do not require discussion or debate to be grouped together on the agenda and to be dealt with one resolution of Council. Any member of Council, without a second may request that an item so grouped be removed from the Consent Item Motion and dealt with separately.
- 2.12. *Council* means the Council of the Corporation of the City of Clarence-Rockland.
- 2.13. *Council Chamber* means the Council Chamber of the City of Clarence-Rockland located at 415 Lemay Street, Clarence Creek.
- 2.14. *Councillor* means a person elected or appointed as a member of Council but does not include the Mayor.
- 2.15. *Day* does not include Saturday, Sunday or a holiday.
- 2.16. *Department Head* means the official responsible for a department within the Corporation.
- 2.17. *Deputy-Mayor* means a Councillor appointed to act in place of the Mayor as defined in a By-law adopted by the Council of the Corporation of the City of Clarence-Rockland.
- 2.18. *Holiday* means a holiday as defined by the Interpretation Act, R.S.O., 1990, Chapter 1.11, as amended.
- 2.19. *Local Board* means a Board established by the City of Clarence Rockland and includes the Clarence-Rockland Public Library board.
- 2.20. *Mayor* means the Head of Council of the Corporation of the City of Clarence-Rockland or the Deputy-Mayor in his/her absence as defined in the current appointing By-law, if any.
- 2.21. *Meeting* means a gathering of the members of the Council, Committee or local board where quorum is achieved and either public business or public policy over which the Council or committee has jurisdiction or control is discussed or deliberated in a way that may materially advance the business or decision-making of Council, committee or local board.
- 2.22. *Member* means a member of Council or Committee.
- 2.23. *Motion (Privileged)* means any motion considered important enough to be dealt with immediately. The following motions are privileged motions and shall take precedence as follows:
- 2.23.1. To set the time to continue the meeting;
  - 2.23.2. To adjourn (if made after the time set to conclude the meeting);
  - 2.23.3. To recess;
  - 2.23.4. To raise a question of privilege affecting an individual or affecting the assembly.
- 2.24. *Motion (Incidental or Procedural)* means any motion concerning the manner or time of consideration of any matter before the Council as opposed to the substance thereof, and include motions relating to the following categories:
- 2.24.1. Rules;
  - 2.24.2. Information;
  - 2.24.3. Efficiency;
  - 2.24.4. Voting.

- 2.25. *Motion to Receive and File* means a motion, which is made for the purpose of acknowledging the particular item, report or recommendation under consideration, and of having the item, report or recommendation placed in the records of the Clerk for future reference, with no additional action being taken at that time.
- 2.26. *Motion (Substantive or Main)* means an independent motion complete in itself. UA substantive or main motionU is a motion to bring before the assembly any particular subject; it cannot be made when any other motion is on the floor; it takes precedence of no other motions.
- 2.27. *Motion (Subsidiary)* means a motion which affects the disposition of a substantive or main motion, by bringing it to an immediate vote, by delaying or by deferring a decision thereon.
- 2.27.1. *To Postpone Temporarily (Lay on the Table)*: If there is a reason for the assembly to lay the main motion aside temporarily without setting a time for resuming its consideration, but with the provision that it will be taken up again before the end of the meeting.
- 2.27.2. *To Close debate (put the motion to a vote)*: If it is desired to close debate of a motion or pending motion so that it will come to an immediate vote.
- 2.27.3. *To Limit or Extend Limits of Debate* : If it is desired to continue consideration of a motion but debate is consuming too much time, a member can move to place a limit on the debate, on the other hand, if special circumstances make it advisable to permit more or longer speeches than under the normal rules, a motion to do so can be made; or, it may sometimes be desirable to combine the elements of limitation and extension, as in limiting the length of speeches but allowing more speeches per member.
- 2.27.4. *To Postpone to a Certain Time*: If it is desired to consider the main motion later in the same meeting or at another meeting.
- 2.27.5. *To Commit or to Refer*: It may be that much time would be required to amend the main motion properly, or that additional information is needed, so that it would be better to turn the motion or resolution over to a committee for study or redrafting by staff before the assembly considers it further.
- 2.27.6. *To Amend*: A main motion might be more suitable or acceptable in an altered form, a proposal to change its wording (either to clarify or, within limits, to modify the meaning before the main motion is voted on. (refer to item 59)
- 2.27.7. *To Postpone Indefinitely*: If a member wishes to dispose of a motion that has been brought before the assembly without bringing it to a direct vote, the member can do so by moving to Postpone Indefinitely.
- 2.28. *Municipal Office* means the Municipal Office located at 1560 Laurier Street in Rockland, Ontario.
- 2.29. *Municipality* means the Corporation of the City of Clarence-Rockland.
- 2.30. *Notice of Motion* means a written notice, including the names of the mover and seconder, advising Council that the motion described therein will be brought at a subsequent meeting.
- 2.31. *Personal Privilege* means the raising of a question, which concerns a member of Council, or the Council collectively, when a member believes that their

rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole have been impugned.

- 2.32. *Point of Order* means a statement made by a member of Council during a meeting, drawing to the attention of the Mayor a breach of the Rules of Procedure.
- 2.33. *Presiding Officer* means the Mayor or the Chairperson of a committee, or a member of Council or a member of a Committee appointed amongst its members to preside at a meeting in the absence of the Mayor or the Committee's Chairperson.
- 2.34. *Quorum* means a majority of members of Council or Committee.
- 2.35. *Recorded Vote* means the recording of the name and vote in the minutes of every member voting on any matter or motion.
- 2.36. *Resolution* means a formal determination made by Council on the basis of a main motion, duly placed before a regularly constituted meeting of the Council for debate and decision, and duly passed.
- 2.37. *Rule or Rules of Procedure* means the rules and regulations provided in this by-law.
- 2.38. *Standing Committee* means such Committees of Council as are so designated by the Council by by-law or resolution and includes Committee of the Whole.
- 2.39. *Teleconference* means a conference made up of participants in different locations who communicate by telephone.
- 2.40. *Two-thirds Vote* means the affirmative vote of at least two-thirds of the members present and eligible to vote and by not less than a majority of the whole Council voting in favour thereof.
- 2.41. *Videoconference* means a conference made of participants in different locations who communicate by electronically sending video and sound.
- 2.42. *Whole Council* means all members of Council whether present or absent from a meeting.

## PART II – DUTIES OF THE MAYOR

### 3. MAYOR'S DUTIES

It shall be the duty of the Mayor to carry out the responsibilities set forth in the Municipal Act, section 225 and:

- 3.1. To open the meeting of the Council by taking the chair and calling the members to order;
- 3.2. To preside at all Council meetings;
- 3.3. To announce the business before the Council and the order in which it is to be acted upon;
- 3.4. To receive and submit, in the proper manner, all motions presented by the members of Council;
- 3.5. To put to a vote all motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
- 3.6. To sit as an ex officio member of all Standing and other Committees of the Council and be entitled to vote at meetings;
- 3.7. To select members of all Standing Committees and to appoint Committee Chairs when deemed necessary.
- 3.8. To decline to put to a vote, motions which infringe upon the Rules of Procedure;
- 3.9. To enforce the Rules of Procedure;

- 3.10. To restrain the members, when engaged in debate, within the Rules of Procedure;
- 3.11. To enforce on all occasions, the observance of order and decorum at a meeting;
- 3.12. To call by name any member persisting in a breach of the Rules of Procedure and order the member to vacate the Council Chamber;
- 3.13. To permit questions to be asked of any officer of the Municipality, through the Chair, in order to provide information to assist any debate when he/she deems it proper;
- 3.14. To provide information to members of Council on any matter touching on the business of the Municipality;
- 3.15. To receive all messages and other communications and announce them to the Council;
- 3.16. To authenticate by signature, when necessary, all by-laws and resolutions of Council;
- 3.17. To rule on any points of order raised by the members of Council;
- 3.18. To inform the members of Council of the proper procedure to be followed;
- 3.19. To represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
- 3.20. Where it is not possible to maintain order, the Mayor may, without any motion being put, adjourn the meeting to a time to be fixed by the Mayor; and
- 3.21. To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the person or group to vacate the Council Chamber where such behaviour persists;
- 3.22. To answer, redirect, or refer questions and enquiries from the public accordingly.
- 3.23. To adjourn the meeting when the business is concluded.

#### 4. PARTICIPATION OF THE MAYOR IN DEBATE

- 4.1. The Mayor may state relevant facts and his/her position on any matter before the Council without leaving the chair, but to move a motion or debate a motion, he/she must first leave the chair.
- 4.2. If the Mayor desires to leave the chair to move a motion or to take part in the debate pursuant to subsection 4.1, or otherwise, the Mayor will call upon a member to preside until the issue is resolved.

### PART III – DUTIES OF A MEMBER OF COUNCIL

#### 5. COUNCIL MEMBERS' DUTIES

- 5.1. To prepare for meetings, including reviewing the agenda and background information prior to the meeting;
- 5.2. To deliberate on the business submitted to Council;
- 5.3. To vote when a motion is put to a vote, unless prohibited from voting by law;
- 5.4. To abide by Council's decision once a decision is made;
- 5.5. To attend Local Board and Committee Meetings to which the member has been appointed by the Mayor and accepted by the Council member;
- 5.6. To respect the Rules of Procedure.
- 5.7. To act in accordance with the Oath of Allegiance and Oath of Elected Office.

## PART IV – FOLLOWING AN ELECTION

### 6. ORIENTATION SESSION

- 6.1. In the case of an election year, an orientation session shall be held between November 1<sup>st</sup> and the first day of the term of the newly elected Council to welcome new members of Council.
- 6.2. A copy of the procedural by-law shall be provided to newly elected members of council prior to the inaugural meeting.

### 7. INAUGURAL MEETING

- 7.1. The inaugural meeting of the Council following a regular election, shall be considered the Council's first meeting and shall be held at 7:00 p.m., on the first day of the term of a new Council that is not a Friday, Saturday or Sunday, in the Council Chambers of the City of Clarence-Rockland or in a location as may be determined by the Clerk, in consultation with the incoming Mayor.
- 7.2. At the first meeting of the new term of office, pursuant to Section 232(1) of the Municipal Act, 2001, a member of Council shall not take his/her seat until the person takes the declaration of office in the English or French version of the form established by the Minister for that purpose.
- 7.3. The Clerk shall be responsible for the content of the agenda of the Inaugural Meeting and the arrangements for the inaugural proceedings.

### 8. AGENDA - INAUGURAL MEETING

- 8.1. At the inaugural meeting of the Council, in an election year, the Agenda shall be printed as follows:
  - 8.1.1. Opening of the Meeting
  - 8.1.2. Mayor's Declaration of Office and Oath of Allegiance
  - 8.1.3. Councillors' Declaration of Office and Oath of Allegiance
  - 8.1.4. Councillors' Inaugural Address
  - 8.1.5. Mayor's Inaugural Address
  - 8.1.6. Adjournment

## PART V – COUNCIL

### 9. REGULAR MEETINGS

- 9.1. The regular meetings of Council will be held on the second Wednesday of every month. In the month of January, the Council meeting shall be held on the third Wednesday. All meetings shall be scheduled for 7:15 p.m., however when a closed session is planned, the closed session may be held prior to 7:15 p.m., but not earlier than 6:00 p.m. Except for opening the meeting, approving the agenda, obtaining declarations of pecuniary interest and the holding of a closed session, all other matters on the agenda shall not be addressed prior to 7:15 p.m.
  - 9.1.1. Notwithstanding section 9.1, the Mayor may call an additional Regular meeting on the fourth Wednesday if deemed necessary.
- 9.2. The date, place and time of the meeting may be changed by the Mayor, if deemed necessary.
- 9.3. Prior to the end of each calendar year, the Clerk shall prepare and distribute a regular public meeting schedule for the incoming year, which shall be approved by Council. The schedule shall incorporate any necessary adjustments, including but not limited to public or civic holidays, March Break

and scheduled conferences. When the day for a regular meeting is a holiday, the schedule shall incorporate any necessary adjustments to the meeting dates.

## 10. SPECIAL MEETINGS

- 10.1. A special meeting of the Council will be convened:
  - 10.1.1. Upon being summoned by the Mayor; or
  - 10.1.2. Upon receipt of a petition of the majority of the members of Council.
- 10.2. Upon receipt of a petition set out in Section 10.1.2, the Clerk shall summon a special meeting for the purpose(s) and at the time stated in the petition. No member may add or remove his/her name from the petition filed under this section.
- 10.3. The special meeting agenda will be prepared by the Clerk as directed by the Mayor and if the meeting is called by a petition of the majority of the members, the Agenda will be prepared by the Clerk for the purpose stated in the petition.
- 10.4. Notice of all special meetings of the Council setting forth the matters to be considered at such special meeting will be given to all members of Council, not less than two (2) business days in advance of the time fixed for the meeting by electronic mail and the Clerk shall attempt to give such other notice of the meeting to the member by telephone or as otherwise practical within the circumstances.
- 10.5. Notice of all special meetings of Council shall be given to the public by posting the meeting date link on the city's website not less than forty-eight hours (48) in advance of the time fixed for the meeting. Notice shall also be sent to newsletter subscribers.
- 10.6. The Council will not consider or decide any matter not set forth in the notice calling the special meeting.

## 11. EMERGENCY MEETING

- 11.1. Notwithstanding the notice requirement set out in Section 10.4 above, in urgent or extraordinary circumstances, an emergency special meeting of the Council may be called by the Mayor without notice, to consider and deal with such urgent and extraordinary matters.

## 12. PLACE OF MEETING

- 12.1. All the meetings will be held in the Council Chambers and/or by electronic participation, as decided upon by the Mayor or by the majority of Council.
- 12.2. In the event of special circumstances or a declared state of emergency, all meetings may be held at any convenient location, within or outside the municipality, which is accessible to Members of Council and staff and/or by electronic participation.

## 13. CANCELLATION OF MEETINGS

- 13.1. Council may cancel a regularly scheduled meeting by passing a motion to this effect at a meeting preceding the cancelled meeting.
  - 13.1.1. The meeting date link on the city's website shall be removed and a notice of the meeting cancellation shall also be sent to newsletter subscribers.
- 13.2. The Mayor may cancel any meeting of Council if he/she is of the opinion that an existing situation warrants same and in such a situation, the Clerk

shall inform all members of Council and newsletter subscribers prior to the scheduled time of the subject meeting. In such a situation, the meeting shall be rescheduled to take place on the 4<sup>th</sup> Wednesday at 7:15 p.m. or at another time determined by the Mayor.

#### 14. SEATING AT THE COUNCIL TABLE

14.1. Seating at the Council table shall be determined by the Mayor, however the Mayor shall sit in the centre seat at the Council table.

#### 15. MEETINGS OPEN TO PUBLIC

15.1. The meetings of the Council shall be open to the public;

15.2. The Mayor may expel any person for improper conduct at a meeting (Rules of order and decorum)

15.3. Notwithstanding section 15.1, if a meeting is held by electronic participation, the meeting may be accessible by broadcasting only, which broadcasting shall be established by the Administration according to the circumstances. This Section does not apply to closed meetings.

#### 16. CLOSED MEETINGS

16.1. Council, local board or Committee may, with or without notice, by resolution, close a meeting or part of a meeting to members of the public if the subject matter being considered is:

16.1.1. The security of the property of the Municipality or local board;

16.1.2. Personal matters about an identifiable individual, including municipal employees;

16.1.3. A proposed or pending acquisition of land by the municipality;

16.1.4. Labour relations or employee negotiations;

16.1.5. Litigation or potential litigation, including matters before administrative tribunals;

16.1.6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

16.1.7. A matter in respect of which the Council, may hold a closed meeting under another Act;

16.1.8. 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;

16.1.9. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

16.1.10. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;

16.1.11. 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;

16.1.12. The meeting is held for the purpose of educating or training the members and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially

advances the business or decision-making of the council, local board or committee.

- 16.2. Council shall, by resolution, close a meeting or part of a meeting to the public where the subject matter relates to:
  - 16.2.1. The consideration of a request under the "Municipal Freedom of Information and Protection of Privacy Act";
  - 16.2.2. An ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of the *Municipal Act* (a municipal ombudsman) or the investigator referred to in subsection 239.2(1) of the *Municipal Act* (a municipal closed meeting investigator).

## 17. PROCEDURE – CLOSED MEETING

- 17.1. Before holding a meeting or part of a meeting that is closed to the public, the Council, local board or committee shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered, including a closed meeting for educational or training purposes.
- 17.2. Where a meeting or part of a meeting is closed to the public, members of Council may retire from the Council Chambers to an adjacent meeting room and all persons not specifically invited to attend the closed meeting may remain in the Council Chambers. When in closed session, no one shall leave and re-enter the meeting room without the approval of the Mayor or Committee Chairman.
  - 17.2.1. Notwithstanding section 17.2, if a meeting is held by electronic participation, the closed meeting may also be held by electronic participation, subject to the following conditions:
    - 17.2.1.1. That access codes for electronic participation shall be published on the closed meeting agenda and made available exclusively to authorized participants; **and**
    - 17.2.1.2. That each participant shall, at the beginning of the closed meeting confirm that he or she is located in a private area which allows him or her to certify that the confidentiality of the information and discussions will be kept.
- 17.3. Upon resuming in open meeting, the Mayor shall provide a verbal report to the public on the disposition of items discussed in closed meeting without revealing any confidential security, personal, personnel or legal matters.
  - 17.3.1. Notwithstanding 17.3, when a closed meeting is held at the end of an open meeting, the Mayor shall provide the verbal report at the opening of the next regular meeting.
  - 17.3.2. Notwithstanding 17.3, when a special closed meeting is held by electronic participation, the Mayor shall provide the verbal report at the opening of the next regular meeting.
- 17.4. A meeting shall not be closed to the public during the taking of a vote. However, a meeting may be closed to the public during a vote if both conditions are satisfied:
  - 17.4.1. Subsection 16.1 or 16.2 permits or requires a meeting to be closed to the public; **and**

- 17.4.2. The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.
- 17.5. Minutes of closed meetings shall be adopted at the next scheduled closed meeting and kept in confidence by the Clerk.

## 18. COMMENCEMENT OF MEETING

- 18.1. As soon as there is quorum after the hour set for the meeting, the Mayor shall take the chair and call the members present to order.

## 19. ABSENCE OF THE MAYOR OR REFUSAL OF THE MAYOR TO PRESIDE

- 19.1. Should the Mayor not be in attendance within fifteen (15) minutes after the time fixed for a meeting, and there is a quorum present, the Deputy Mayor shall call the meeting to order.
- 19.2. When the Mayor refuses to act, or the office is vacant, the Deputy Mayor shall act in the place and stead of the head.
- 19.3. Should the Mayor and the Deputy Mayor not be in attendance, refuse to act, or the offices are vacant, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- 19.4. While so acting, the Deputy Mayor or the appointed presiding officer will have all the powers of the mayor and will be entitled to vote as a member.

## 20. NO QUORUM AT BEGINNING OF THE MEETING

- 20.1. The quorum for a Council meeting is five members of Council.
- 20.2. If no quorum is present to enable a meeting to commence thirty (30) minutes after the time fixed for a meeting of the Council, the Clerk shall record the names of the members present and the members will stand discharged from waiting further.
- 20.3. If a meeting does not take place because of the lack of a quorum under subsection (1) hereof, the Council will meet at the next regularly scheduled meeting of the Council or at such other time and place as the Mayor shall announce.
- 20.4. The Clerk shall attempt to give notice of any meeting so rescheduled by telephone, electronic mail or as is otherwise practical within the time available.

## 21. UNFINISHED BUSINESS – QUORUM LOST

- 21.1. If during the course of a meeting, a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the next regularly scheduled meeting of the Council or at such other time and place as the Mayor shall announce.
- 21.2. If, in the Mayor's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the unfinished business of the Council will be taken up at its next regularly scheduled meeting.
- 21.3. The Clerk shall give notice of any meeting so adjourned and to be reconvened by telephone or as is otherwise practical within the time available.

## 22. CURFEW

22.1. Council and Committee meetings shall stand adjourned at 10:30 p.m. but business may be continued upon consent of the majority of all members present.

### 23. COUNCIL CHAMBERS

23.1. No person, except a member of Council or an authorized employee of the Municipality shall be allowed to come on the Council floor, without permission of the Mayor.

23.2. No person except a member of Council or an authorized employee of the Municipality shall, before or during a meeting of the Council, place on the desks of members or otherwise distribute any material whatsoever. All material is to be submitted to the Clerk for distribution to Council upon approval of the Mayor.

### 24. LEAVING CHAMBERS ON ADJOURNMENT

24.1. At the end of a meeting, the members of Council shall not leave their places until the meeting has been adjourned.

## PART VI – ORDER OF PROCEEDINGS – AGENDA AND MINUTES

### 25. COUNCIL MEETING AGENDA

25.1. Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be made without requiring an amendment to this by-law:

25.1.1. *Call to Order*

As soon as there is quorum after the hour set for the meeting, the Mayor shall take the chair and call the members present to order.

25.1.2. *Land Acknowledgement*

25.1.3. *Moment of Reflection*

25.1.4. *Adoption of the Agenda*

Amendment and/or additions to the proposed agenda may be permitted by majority approval of the members present.

25.1.5. *Disclosure of Pecuniary Interest*

It is at this point that any member of Council may disclose any possible conflict of interest dealing either with any item on the agenda or with a matter discussed at a previous meeting from which a member was absent.

25.1.6. *Closed Meeting (if applicable)*

25.1.7. *Closed Meeting Report (if applicable)*

25.1.8. *Announcements / Special Presentations*

25.1.9. *Committee of the Whole Items*

25.1.9.1. *Delegations/Presentations*

Any delegation requests received that have been approved.

25.1.9.2. *Petitions and Correspondence*

Any petitions and correspondence items that lead to an action or decision of Council will be introduced for discussion. Also, the weekly correspondence package

previously distributed to members of Council will be acknowledged.

25.1.9.3. *Notice of motions*

A notice of motion will introduce business that the member intends Council to deal with at the next regular Council meeting and shall be introduced in writing and signed by the mover and seconder.

25.1.9.4. *Staff Reports*

Reports that may be subject to public consultation, or that may require additional discussions amongst members of Council.

25.1.10. *Committee of the Whole Report (if applicable)*

Upon resuming in regular meeting, Council may immediately consider specific items from the Committee of the Whole, as recommended.

25.1.11. *Council Members' Items*

At this point, consideration is given to all motions introduced by the members of Council through 'Notice of Motion' at a previous meeting. Such a motion shall not be considered or otherwise disposed of by the Council unless the mover of the motion is in attendance at the meeting. Any member may agree to second the motion if the seconder is absent from the meeting when the motion is called for by the chair.

25.1.12. *Consent Items*

All of the items listed in the consent items section of the agenda shall be the subject of one motion and that motion shall be neither debatable nor amendable; provided however, that any member of Council may ask for any item(s) included in the consent item motion to be separated from that motion whereupon the consent motion without the separated item(s) shall be put, and the separated item(s) shall each be considered immediately thereafter.

Consent items include but are not necessarily limited to the following types of matters:

25.1.12.1. Minutes of Council, Committees and Boards

25.1.12.2. Staff and/or Committee reports previously presented at the Committee of the Whole Meeting for which Council did not request additional information.

25.1.12.3. Resolution to approve accounts/salaries paid and accounts payable

25.1.12.4. Proclamations

25.1.12.5. Routine matters.

The following note shall be added under Consent Items in the agenda: All items listed under the Consent Items will be enacted by one motion. A unanimous vote is required for consent items. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion that a consent item be separated from the motion. The separated item(s) shall be considered immediately thereafter.

25.1.13. *Staff / Committees Reports not included under consent items*  
Every Staff/Committee report shall be introduced with a resolution to receive the report or to adopt the recommendation(s) as presented. The department heads or Committee Chair may be required to provide some clarifications during debate. If a By-law needs to be considered as a result of the recommendation, it shall be considered under By-law items.

25.1.14. *By-laws*

Every by-law is generally introduced either by means of the Department Head's Report or Committee Report. One motion is in order to give all by-laws first, second and third readings. If a member of Council has a question on a particular by-law, he/she may move that Council exempt a particular by-law from the main motion to allow for further debate. After all by-laws have passed, the Clerk shall be responsible for their correctness should they be amended.

25.1.15. *Confirmatory By-law*

A confirmation by-law shall be passed at each regular or special meeting of Council to confirm the decisions of Council.

25.1.16. *Adjournment*

25.2. The business of the Council shall be considered in the order set forth on the agenda; however the Presiding Officer, with the approval of the majority of the members of Council present may vary the order in which the items are presented to better deal with matters before the Council.

## 26. PREPARATION AND PUBLISHING OF THE AGENDA

- 26.1. Subjects to be included on the agenda, should be approved by the department heads no later than 12:00 p.m. on the Monday of the week prior to the scheduled regular meeting of Council.
- 26.2. Insofar as it is practicable, the Clerk shall ensure that an agenda package is distributed to each member of Council and appropriate staff before the end of the day on the Wednesday of the week prior to the scheduled regular meeting.
- 26.3. Insofar as is practicable, agenda packages are to be made available for public viewing on the city's website before the end of the workday on the Friday before the scheduled regular meeting.

## 27. MINUTES

- 27.1. Minutes shall be kept by the Clerk and shall record, in both official languages (English and French), with the English version being considered the official version, the following:

- 27.1.1. The place, date and time of the meeting;
- 27.1.2. The names of the Presiding Officer, Councillors and staff in attendance (motivated absences shall be identified);
- 27.1.3. The late arrivals and early departures of members;
- 27.1.4. The reading, if requested, correction and adoption of the minutes of prior meetings;
- 27.1.5. Declarations of pecuniary interest; and
- 27.1.6. All other proceedings of the meeting without note or comment.

Once adopted, the minutes shall be signed by the Mayor and by the Clerk.

## 28. DELEGATIONS

28.1. All delegations will address Council during the Committee of the Whole portion of the meeting and an effort will be made to allow no more than two (2) delegations at any one meeting.

28.1.1. Delegations shall be limited to a maximum of ten (10) minutes.

28.2. Anyone desiring to address the Council shall complete and submit to the Clerk, a delegation form (attached as Schedule 'A').

28.2.1. Any and all material to be presented or distributed (including, but not limited to slide or handouts) during the delegation be provided to the Clerk seven (7) days prior to the Committee of the Whole meeting and distributed to members of Council in advance of the Committee of the Whole meeting. Only the material provided to the Clerk will be allowed to be presented.

28.2.2. Delegation requests regarding any aspect of an official plan amendment, zoning by-law amendment or plans of subdivisions or condominiums will not be accepted between the conclusion of a public consultation meeting which was conducted in accordance with the Planning Act and final reading of the by-law.

28.2.3. Requests from delegations who have previously addressed Council on a topic shall not be granted unless they can prove that they have new information to present to Council.

## 29. RULES OF ORDER AND DECORUM

29.1. The following rules of order and decorum shall be adhered to at all times during meetings.

29.1.1. The public shall:

- 29.1.1.1. Remain seated at all times, except for the person who has been given permission to speak.
- 29.1.1.2. Refrain from making noise, comments, or engage in a conversation between one another;
- 29.1.1.3. Listen to the person who is speaking and shall not interrupt said person;
- 29.1.1.4. Respect the fact that no person shall address Council without having been recognized by the Presiding Officer.
- 29.1.1.5. Address questions and remarks to the Presiding Officer;
- 29.1.2. No person is allowed to speak unless they have first been recognized by the Presiding Officer.
- 29.1.3. Any person making personal impertinent, slanderous and profane remarks will be ordered to vacate the room by the Presiding Officer.
- 29.1.4. No person shall make remarks or complain to the Presiding Officer by using offensive or abusive language, and if the person refuses to apologize, the person will be ordered to vacate the room immediately.
- 29.1.5. Persons may address themselves in English or French when they have the floor.
- 29.1.6. Persons may not display or have in their possession, picket signs or placards in the Council Chamber or Meeting Rooms.

## PART VII – RULES OF CONDUCT AND DEBATE

### 30. ADDRESS THE MAYOR

- 30.1. Any member desiring to speak, shall so signify their intent in such a manner as the Mayor may direct, and, upon being recognized, will address the Chair.

### 31. ORDER OF SPEAKING

- 31.1. When two or more members signify their desire to speak, the Mayor will recognize the member, who, in his/her opinion, signified first and next recognize the other member(s).

### 32. CONDUCT OF MEMBERS

- 32.1. No member shall:

- 32.1.1. Speak until he/she has addressed himself/herself and has been recognized by the Mayor;
  - 32.1.2. Disturb another member, or the Council itself, by any disorderly behaviour disconcerting to any member speaking;
  - 32.1.3. Use offensive words during the Council or committee meetings against the Council or staff;
  - 32.1.4. Speak on any subject other than the subject in debate;
  - 32.1.5. Where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the *in camera* meeting;
  - 32.1.6. Disobey the Rules of Procedure or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.
- 32.2. Where a member has been called to order by the Mayor for failing to observe the provisions of subsection 32.1 and the member persists in any such disobedience after having been called to order by the Mayor, the Mayor may immediately order the member to leave the Council Chambers for improper conduct, and if the member apologizes, the Mayor may permit the member to retake his/her seat.

### 33. PRIVILEGE

- 33.1. Where a member considers that the member's rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the member may, as a matter of privilege, rise at any time, with the consent of the Mayor, for the purpose of drawing the attention of the Council to the matter.
- 33.2. Upon being recognized by the Mayor, the member shall state the question of privilege.
- 33.3. The Mayor shall resolve the question of privilege, or require that the question be seconded and permit a debate and a vote to be held on the question.

### 34. POINTS OF ORDER

- 34.1. The Mayor shall preserve order and decide points of order.
  - 34.1.1. When a member desires to address a point of order, he/she shall ask leave of the Mayor to raise a point of order and, after leave is granted, he/she shall state the point of order to the Mayor;
  - 34.1.2. The Mayor rules on the point of order;
  - 34.1.3. Thereafter, a member shall only address the Mayor for the purpose of appealing the Mayor's decision to the Council;
  - 34.1.4. If no member appeals, the decision of the mayor shall be final;
  - 34.1.5. The Council, if appealed to, shall call a vote without debate on the following question: 'Shall the Mayor's decision be sustained?', and its decision shall be final.

### 35. MEMBERS SPEAKING

- 35.1. When a member is speaking, no other member will interrupt the member except to raise a point of order or to raise a question of privilege.

### 36. MOTION READ

36.1. Any member may require the motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

### 37. TIME LIMITED

37.1. During Regular Council meetings, no member, without leave of the Mayor, shall speak to the same motion, or in reply, for longer than five minutes. If a speaker yields to another member for a question, the time consumed by the question is charged to the speaker.

### 38. MOTION PUT – NO FURTHER DEBATE

38.1. After any motion is put by the Mayor, no member shall speak to the motion, nor shall any other motion be made until after the result is declared, and the decision of the Mayor as to whether the motion has been put, is conclusive.

## PART VIII – VOTING DURING COUNCIL MEETINGS

### 39. SECRET BALLOT

39.1. No vote shall be taken during a meeting of the Council by secret ballot or other form of secret vote.

### 40. ALL MEMBERS VOTE

40.1. Every member present at a meeting of the Council, when a motion is put, shall vote thereon, unless prohibited by statute, in which case it shall be recorded.

40.2. Any member may abstain from voting, but the vote shall be recorded as a negative vote.

40.3. When a vote is taken, and no dissent is declared, such vote is deemed to be unanimously in favour of the motion approved.

### 41. UNRECORDED VOTE

41.1. The manner of determining the decision of the Council on a motion is at the discretion of the Mayor and may be by voice, show of hands, standing or otherwise.

### 42. DIVISION OF THE MOTION

42.1. When the matter under consideration contains distinct recommendations or propositions, a member may request that the motion be divided. The proposer must delineate clearly the division proposed. The proposer may also suggest that a single motion be removed from the composite motion to be debated and voted on separately.

42.2. If the individual motions are truly independent, the motion must be divided on the demand of one member. The Presiding officer will decide if the composite motion is divisible but may, if unsure, seek guidance from the assembly. The Presiding officer's decision is subject to appeal.

42.3. Upon allowing the division, the Presiding officer puts each component parts of the motion and presents them as individual motions to be debated and voted on separately.

### 43. RECORDED VOTE

43.1. Any member, prior to or immediately subsequent to the taking of the vote, may require that the vote be recorded.

- 43.2. When a member on any matter or motion requests a recorded vote, the Mayor shall ask each member to announce his/her vote openly to be recorded in the minutes, starting with the member who has requested the recorded vote, with the Chair voting last.
- 43.3. If a vote is to be recorded as herein provided, the Mayor shall announce the result, and the Clerk shall record them in the minutes.

#### 44. DISPUTING VOTE

- 44.1. If a member disagrees with the announcement of the Mayor that a motion is carried or lost, the member may, but only immediately after the declaration by the Mayor, object to the Mayor's decision and require a recorded vote to be taken.

#### 45. TIE VOTE

- 45.1. A resolution on which the voting results are a tie shall be declared lost.

#### 46. VOTING

- 46.1. When the Mayor calls for the vote on a motion, each member shall occupy their seat until the result of the vote has been declared by the Mayor, and during such time, no member shall walk across the room, speak to any other member, or make any noise or disturbance. A member who is absent from his/her seat does not have the right to vote.

#### 47. TWO-THIRDS VOTE

- 47.1. A two-thirds vote shall be deemed to have been accomplished with the following voting in the affirmative.
  - 47.1.1. Six of nine members
  - 47.1.2. Six of eight members
  - 47.1.3. Five of seven members
  - 47.1.4. Five of six members
  - 47.1.5. Five of five members

#### 48. DISCLOSURES OF PECUNIARY INTEREST

- 48.1. At all times and under all circumstances, members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.
- 48.2. If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a meeting at which the said matter is the subject of consideration, then he/she shall:
  - 48.2.1. Disclose his/her interest and is required to file a written statement of the interest at the meeting or as soon as possible afterwards;
  - 48.2.2. Leave his/her seat and is required to leave the Chambers/Meeting room;
    - 48.2.2.1. If participating electronically, the member shall ensure that their camera and microphone are turned off during the portion of the meeting which applies the disclosed interest;

- 48.2.3. Not take part in the consideration or discussion of the said matter;
- 48.2.4. Not vote on any motion in regard to the said matter;
- 48.2.5. Not attempt in any way before, during and/or after the meeting to influence the voting on any such motion.
- 48.3. When a meeting is not open to the public, in addition to complying with the requirements of Section (1) hereof, the member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 48.4. Where the interest of a member has not been disclosed by reason of his/her absence from the particular meeting, the member shall disclose his/her interest and otherwise comply at the first meeting of council or committee as the case may be, attended after the particular meeting.
- 48.5. The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of council, as the case may be, and any such record shall appear in the minutes of that particular meeting.
- 48.6. The Clerk shall establish and maintain a registry of statements and declarations of interests of members, and make it available for public inspection.
- 48.7. The failure of one or more members to comply with Section (1) hereof shall not affect the validity of the meeting in regards to the said matter.

## PART IX – COMMITTEE OF THE WHOLE

### 49. PROCEDURE

- 49.1. While sitting in Committee of the Whole, the rules governing the procedure of the Council and the conduct of the members shall be observed except that the number of times of speaking on any motion shall be limited to two times without permission from the chair, provided that no member speaks more than once until every member who desires to speak has spoken.
- 49.2. The Committee of the Whole will receive and vote on recommendations to be put before Council for formal approval at the next Council meeting.
  - 49.2.1. Notwithstanding Section 49.2, upon resuming in regular meeting, Council may immediately consider specific items from the Committee of the Whole, as recommended.
- 49.3. The Committee of the Whole may go into closed session under the same policy/procedures set out in this by-law.

## PART X – RESOLUTIONS AND MOTIONS

### 50. READING

- 50.1. Every motion shall be read by the mover, after which the Mayor asks if there is a seconder for the motion. Once seconded, the Mayor opens the floor for discussion and/or debate.
- 50.2. Immediately prior to voting on a motion, the Mayor or Presiding Officer shall state the motion in the precise form it is to be recorded in the minutes, including any amendments to the motion.

### 51. REQUEST FOR PERMISSION TO WITHDRAW OR MODIFY A MOTION

- 51.1. Before the motion is stated by the Chair, it belongs to the mover of the motion and he/she can withdraw it or modify it without the permission of the

assembly. The mover either repeats the motion in the modified version or states that the motion is withdrawn.

- 51.2. If the person who seconds the motion withdraws his/her second from the modified form, the chair can ask for another seconder to the motion.
- 51.3. Before the chair opens the discussion and/or debate on the motion, another member can ask the chair if the mover of the motion will accept a change in the motion. The mover can either accept or reject the proposed change. (This may be referred to as a 'Friendly Amendment'). If the mover rejects the proposed change, the member suggesting the change can propose a formal amendment after the motion has been open for discussion and/or debate by the Mayor.
- 51.4. If the motion is under discussion and the mover wants to withdraw it, he/she must ask permission of the Council. Permission to withdraw is not debatable. If there is an objection, the presiding officer puts it to a vote.
- 51.5. A withdrawn motion is not recorded in the minutes unless the motion has been properly moved and seconded.

## 52. NO DEBATE UNTIL READ

- 52.1. No member shall speak on any motion until it is first read and seconded, and the mover is entitled to speak first if the member so elects. If debated, the motion shall be read again before being put.

## 53. MOTIONS RULED OUT OF ORDER

- 53.1. Wherever the Mayor is of the opinion that a motion or resolution is contrary to the Rules of Procedure, or is not within its jurisdiction, the Mayor shall rule the motion or resolution out of order.

## 54. MOTIONS

- 54.1. Privileged and Subsidiary motions may be introduced orally without notice and without leave, except as otherwise provided by the Rules of Procedure.
- 54.2. All main motions and resolutions shall be in writing and include the name of the mover and seconder.
- 54.3. A mover may withdraw his/her motion or his/her Notice of Motion at any time prior to being read by the Chair and commencement of debate thereon.
- 54.4. There shall never be more than one main motion before the Council at one time.
- 54.5. When the resolution under consideration contains two or more proposals, the same shall, at the request of any members of Council, be divided. Members can only divide motions that can stand by themselves.
- 54.6. Any Member may require the resolution under discussion to be read a second time for his/her information, at any time during debate, but not so as to interrupt a member speaking.

## 55. ORDER OF CONSIDERATION

- 55.1. When a motion is under consideration, no motion shall be received except a privileged, subsidiary or incidental/procedural motion which takes precedence over the motion to which they apply at the time they are made.
- 55.2. Privileged and Subsidiary motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:

- 55.2.1. To set the time to continue the meeting (debatable):
- 55.2.2. To adjourn – if moved after time set for concluding the meeting (not debatable):
- 55.2.3. To recess (debatable):
- 55.2.4. To raise a question of privilege – if raised in the form of a motion (debatable):
- 55.2.5. Postpone temporarily - To lay on the table (not debatable):
- 55.2.6. To close debate - move the motion be put (not debatable);
- 55.2.7. To limit or extend debate (debatable);
- 55.2.8. To postpone (defer) to a certain time (debatable);
- 55.2.9. To refer (debatable);
- 55.2.10. To amend (debatable if the motion to which it is applied is debatable);
- 55.2.11. To postpone indefinitely (debatable);

## 56. POSTPONE INDEFINITELY

- 56.1. The motion to “Postpone Indefinitely” allows Council to avoid making a decision on a main motion by delaying the decision to an undetermined time beyond the current meeting.
- 56.2. If the motion to “Postpone Indefinitely” is carried, the matter may not be brought back at the same meeting. If the motion is defeated, discussion on the main motion continues.
- 56.3. The motion is debatable (only to outline the reasons why the motion should or should not be dealt with immediately) but not amendable and requires a majority vote.

## 57. AMENDMENT

- 57.1. A motion to amend proposes a formal change to the pending motion and shall be presented in writing at the request of the Presiding Officer.
- 57.2. A motion to amend is debatable if the motion to which it is applied is debatable.
- 57.3. The amendment shall be relevant and not contrary to the principle of the motion under consideration.
- 57.4. Only one motion to amend the main motion shall be allowed at one time and only one motion to amend an amendment shall be allowed at one time; third level amendments are not permitted.
- 57.5. The motion to amend shall be put in the reverse order to the order in which it is moved. For example, the amendment to an amendment (secondary amendment) would be put first, then the amendment to the main motion (as amended, if a secondary amendment was carried), and finally the main motion (as amended, if the amendment was carried).
- 57.6. Notwithstanding subsection (58.4), any amendment(s) to a motion may be placed in the order to be determined by the Mayor as the most logical, practical and expeditious in all of the circumstances.

## 58. MOTION TO REFER

- 58.1. A motion to refer to a Committee, Board, Official or Commission should include the following elements:
  - 58.1.1. The entity to which the subject or motion is being referred;
  - 58.1.2. The instructions given to carry out its mandate;
  - 58.1.3. When the entity is to finally report.
- 58.2. If the motion to postpone indefinitely is pending when a main motion is referred, the motion to postpone indefinitely is dropped from further consideration. Pending amendments, however, go to the committee with the main motion, and are reported with it.
- 58.3. A motion to refer is debatable and amendable and requires a majority vote.

#### 59. MOTION TO POSTPONE (DEFER) TO A CERTAIN TIME

- 59.1. A matter postponed or deferred to a certain date and time shall have precedence over all other business on such date and time, immediately following the completion of the pending business
- 59.2. The motion to postpone (defer) to a certain time is debatable and amendable and requires a majority vote.
- 59.3. If the purpose is to set aside business for a short period of time, but no later than the end of the meeting, a member should make a motion to “postpone temporarily” (lay on the table). (see item 62).
- 59.4. If the purpose is to avoid making a decision on a main motion to an undetermined time beyond the current meeting, a member should make a motion “to postpone indefinitely”. (see item 57).

#### 60. CLOSE DEBATE (PUT THE MOTION TO A VOTE)

- 60.1. A motion to close debate stops all debate on the pending motion or a series of consecutive pending motions, and puts the motion to a vote immediately.
- 60.2. The motion to close debate cannot be moved by a member who has already debated the motion, unless another member has subsequently debated the motion.
- 60.3. A motion to close debate, if carried without qualification, shall have an effect only on the immediately pending motion.
- 60.4. The motion to close debate is not debatable, but is amendable (as to the number of consecutive pending motions debate is being closed on), and requires a two-third (2/3) vote.
- 60.5. “the motion to close debate” is not allowed in committees.

#### 61. POSTPONE TEMPORARILY (MOTION TO LAY ON THE TABLE)

- 61.1. A motion to “Postpone temporarily” is in order to set aside business for a short period of time, but no later than the end of the meeting. It is used when an interruption in the meeting makes it expedient not to continue with the business at that time.
- 61.2. The motion to “Postpone temporarily” is not debatable or amendable and requires a majority vote.
- 61.3. An item of business that has been “Postponed temporarily” may be taken up again through a motion to resume consideration.
- 61.4. If business has been “Postponed temporarily” in a meeting and no motion to resume consideration is made, or is not assumed by the Presiding officer

before adjournment, the business falls to the floor and may only be initiated again at the next meeting through a new main motion.

- 61.5. The motion to "Postpone temporarily" is out of order if the evident intent is to kill or avoid dealing with the motion, in this case, it shall be treated as if it was a motion to "Postpone Indefinitely".

## 62. NOTICE OF MOTION

- 62.1. A Notice of Motion shall be in writing and include the name of the mover and seconder;
- 62.2. All Notices of Motion received by the Clerk prior to or at the Notices of Motion segment of the Agenda may be read out by the mover or the Mayor during that segment. Consideration of a motion, of which notice was given pursuant to this section, shall be in order at the next regular meeting.
- 62.3. Prior to Council's consideration of a motion of which notice has been given previously, a revised motion on the same subject, approved by both the mover and seconder, may be substituted for the original one contained in the Notice of Motion.

## 63. DISPENSING WITH NOTICE

- 63.1. Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds (2/3) of the whole Council.

## 64. RECONSIDERATION

- 64.1. A motion to reconsider a vote is a main motion. It permits Council to consider reversing a decision it has made at that meeting.
- 64.2. Only a member that voted on the prevailing side can make the motion to reconsider, although anyone can second it.
- 64.3. A motion to reconsider is not amendable and requires a two-third (2/3) vote to be carried.
- 64.4. If there is no business pending, the motion is taken up immediately. If business is pending, the chair tells the Clerk to make a note that the motion to reconsider has been made; it isn't taken up until the Chair or a member calls the motion to reconsider the vote when no other business is pending before the meeting concludes, as it would lose effect at adjournment.
- 64.5. If the motion to reconsider the vote is carried, the motion being reconsidered is placed before the Council as if it had never been voted on; procedurally, it is considered a newly made main motion and all rights of the members are renewed with regard to debate.
- 64.6. No motion shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

## 65. AMEND OR RESCIND A PREVIOUS DECISION

- 65.1. A motion to amend or rescind a previous decision is a main motion. It brings a substantive proposal that has been previously decided back before the meeting for a new decision by the members.
- 65.2. A motion to amend or rescind a previous decision is subject to giving notice in accordance with Section 63.
- 65.3. The motion is debatable and amendable and requires the same vote as the original motion required.

- 65.4. A motion to rescind and to amend a previous decision is not in order in the following circumstances
- 65.4.1. When it has previously been moved to reconsider the vote on the main motion, and the motion can be reached by calling up the motion to reconsider;
  - 65.4.2. When something has been done, as a result of the vote on the main motion, that is impossible to undo (the unexecuted part of an order, however, can be rescinded or amended).

## 66. MOTION TO ADJOURN

- 66.1. A motion to adjourn is always privileged when made after the time set to conclude the meeting. As a privileged motion, the motion to adjourn is not debatable and requires a majority vote.
- 66.2. A motion to adjourn is a main motion if made before the time set to conclude the meeting. As a main motion, the motion to adjourn is debatable, amendable and requires a majority vote. It shall always be in order except as provided as follows;
- 66.2.1. When another motion is pending;
  - 66.2.2. When a member is speaking or during the verification of a vote;
  - 66.2.3. When resolved in the negative, cannot be made again until after some intermediate proceedings have been completed by the Council;
- 66.3. A motion to adjourn without qualification, if carried, brings a meeting of the Council to an end.
- 66.4. A motion to adjourn to a specific time, or to reconvene upon the happening of a specific event, if carried, suspends the meeting of the Council to continue at such time.

## PART XI – BY-LAWS

### 67. READING OF BY-LAWS AND RELATED PROCEEDINGS

- 67.1. The Clerk shall endorse on all by-laws enacted by the Council, the dates of the several readings, if any.
- 67.2. Every by-law, which has been enacted by the Council, shall be numbered, dated and deposited in the office of the Clerk for safekeeping.
- 67.3. Every by-law shall be under the seal of the Corporation and shall be signed by the Mayor and by the Clerk.

## PART XII – COMMITTEES

### 68. PROCEDURE

- 68.1. Except as otherwise provided for herein, a Committee shall conform to the rules governing protocol and procedure of Council.

### 69. ESTABLISHMENT/APPOINTMENT OF COMMITTEE MEMBERS

- 69.1. Standing Committees, Special or Ad Hoc Committees may be established by the Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of Council.
- 69.2. Council Members required to serve on any Committee of Council shall be appointed by the Mayor subject to the member's acceptance.

69.3. Council Members to be appointed to any Board, Commission or other body to which the Council is required or empowered to appoint persons shall be appointed by the Mayor subject to the member's acceptance and adopted by Council.

#### 70. MAYOR EX OFFICIO

70.1. The Mayor is an *ex officio* member of every Committee.

70.2. Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided for in subsection (1) hereof.

70.3. The Mayor may vote and otherwise participate in the business of the Committee, without any restriction, on the same basis as any other Committee member.

#### 71. STANDING COMMITTEE

71.1. The Mayor shall appoint the Chairman of each Standing Committee, unless the adopted Terms of Reference provides otherwise.

71.2. The Chairman of each Standing Committee and the members thereof shall hold office for one (1) year or until their successors are appointed unless the adopted Terms of Reference provides otherwise.

71.3. A Planning Standing Committee shall be established as per the Terms of Reference attached hereto as Schedule 'B2'.

#### 72. TERMS OF REFERENCE

72.1. Subject to the provision of any general or special act, the Council, in establishing any Committee, shall set forth the Terms of Reference of the Committee and such other provisions as the Council deems proper.

72.2. The Council may consider any matter without referring it to a Standing Committee or may refer it to one or more Committees or refer it to the Committee of the Whole and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

72.3. Each member of Council shall have the opportunity to serve on a Committee.

72.4. The Terms of Reference for Committees of Council shall be those adopted by Council from time to time and included as a Schedule to this By-law.

72.5. All Committees, including Standing Committees shall be established by Terms of Reference, which are subject to this procedure by-law.

#### 73. QUORUM

73.1. A quorum in any Committee is the majority of the voting Members of the Committee as appointed, and the Mayor, if present, is a member to be included in determining the quorum.

73.2. A Committee shall not consider any business if a quorum is not present.

73.3. If there is no quorum within fifteen minutes after the time fixed for the meeting, the meeting shall stand adjourned until the next regular meeting.

#### 74. MEETINGS – STANDING COMMITTEES

74.1. Standing Committees shall meet once a month at such time and place as defined in its Terms of Reference, subject to the direction of the Council. Prior to the end of each calendar year, a schedule of standing committee meetings shall be prepared and posted on the City's website.

- 74.2. The Chair may cancel one or more regular meetings of the Standing Committee if in the Chair's opinion such meetings are not necessary for the proper conduct of the business of the Committee.
- 74.3. In case of an emergency and in the absence of the Committee Chair and of the Mayor, a Standing Committee meeting may be called by the Chief Administrative Officer in such a way as he/she may deem best without regard to any length of notice to the Members.
- 74.4. The Standing Committee Chair shall preside and, in the absence of the Committee Chair, an Acting-Chair, selected amongst the members of the Committee shall preside.
- 74.5. The Chair of the Standing Committee may vote on any motion before the Committee, and, in the event of an equality of votes, the motion being voted upon is deemed lost.
- 74.6. Members of Council who are not members of a Standing Committee may attend meetings of the Committee and take part in any discussion or debate, but shall not be allowed to vote and shall not be seated at the Committee table but in the public area.
- 74.7. The Standing Committee shall consider and report on such matters only as have been referred to them by the Council or such matters as identified within their Terms of Reference and jurisdiction.
- 74.8. Members may speak more than once to the same motion.
- 74.9. The meetings of the Standing Committees shall be open to the public and the provisions of Section 16 and 17 shall apply.
- 74.10. The Standing committee agenda shall be established by the responsible department representative in consultation with the Chairperson of the committee. The Chairperson shall report the recommendations of the Standing Committee to Council at a Committee of the Whole meeting or at a Council meeting.

## 75. GENERAL PROVISIONS FOR COMMITTEES

- 75.1. Anyone wishing to address a Standing Committee shall notify the Clerk or the Secretary of the Committee, at least seven (7) days prior to the date of the meeting, and shall specify the nature of the business to be discussed. No person, without leave of the Committee shall speak for no longer than 10 minutes.
- 75.2. Each Standing Committee shall diligently pursue its duties and shall report to Council on every matter and motion coming before it within its Terms of Reference and jurisdiction.
- 75.3. When a point of order is raised or when a member is called to order in a Committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chair, subject to an appeal to the members of the Committee.
- 75.4. When an Ad Hoc Committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by the Council.
- 75.5. The Department Head or an employee of the Department designated by the Department Head, shall act as Secretary to the Committee to which he/she is responsible and he/she is to prepare the agenda in consultation with the Department Head and Committee Chairperson and shall also prepare the meeting minutes.

## 76. MINUTES AND RECOMMENDATIONS OF COMMITTEES

- 76.1. Each Standing Committee shall submit its recommendations in the form of a written report to Council at a Committee of the Whole for further discussion, or at a Council meeting for consideration.
- 76.2. The Chairman or representative of the Committee may be called upon to further explain the recommendation.
- 76.3. Minutes of committees shall be submitted to Council for information purposes, once approved by the Committee.

#### 77. VACANCY ON COMMITTEES AND BOARDS

- 77.1. Should any member of a Committee fail to attend three (3) consecutive regular or special meetings without being excused by the Committee, the Committee may certify such failure and the membership of such person on the Committee may be terminated and the Mayor may appoint another member to fill the vacancy, subject to the member's acceptance.
- 77.2. Should a member of a Committee or Board die, resign or be otherwise disqualified, the Council shall, by resolution, declare his/her seat vacant and, upon the recommendation of the Mayor, appoint another member to fill the vacancy, subject to the member's acceptance.
- 77.3. Should any Committee neglect or refuse to give due attention to any matter before it, the Council may by resolution, discharge such Committee and appoint another Committee in its place.
- 77.4. Should the Chair of any Committee neglect or refuse to call meetings necessary to conduct the business of the Committee, or he/she conducts the business of the committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Mayor, who may remove such Chair from office and appoint another member as Chair, subject to the member's acceptance.

### PART XIII – GENERAL PROVISIONS

#### 78. RECORDING EQUIPMENT

- 78.1. At the meetings of Council only, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including accredited and other representatives of any new media whatsoever, may be permitted as long as it does not interfere with the proceedings and shall be subject to the approval and/or direction of the Mayor unless otherwise decided by the Council.

#### 79. SPECIAL CIRCUMSTANCES AND STATE OF EMERGENCY

- 79.1. If special circumstances exist or in the event of a declared state of emergency, all the procedures outlined in the present Procedure By-Law apply.

#### 80. NOTICE OF COUNCIL AND COMMITTEE MEETINGS

- 80.1. The Corporation of the City of Clarence-Rockland will provide notice of Council meetings and committee meetings by posting the meeting date link on the city's website. Notices shall also be sent to newsletter subscribers.

#### 81. EXECUTION OF DOCUMENTS

81.1. Whenever the execution of any document is required to give effect to any resolution or by-law of the Municipality, the Mayor and the Clerk have general authority for and in the name of the Municipality to execute and to affix the seal of the Municipality to such documents.

## 82. AMENDMENT OR REPEAL

82.1. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given as prescribed in the City's current notice By-law, and the waiving of the notice is prohibited.

## 83. REPEAL

83.1. That the City of Clarence-Rockland By-law No. 2017-154 as amended, is hereby repealed.

## 84. EFFECT

84.1. This by-law will come in full force and effect on the 1<sup>st</sup> day of January 2023.

## 85. SHORT TITLE

85.1. This By-law may be referred to as the "Procedure By-Law".

Read, passed and adopted in open council this 5<sup>th</sup> day of December 2022.

Mario Zanth, Mayor

Monique Ouellet, Clerk

## SCHEDULE A1 -DELEGATION REQUESTS

Pursuant to Council Procedural's By-law, all delegations must address Council at a Committee of the Whole meeting. Committee of the Whole meetings are held during the Regular meeting, on the second Wednesday of every month at 7:15 p.m. In the month of January, Committee of the Whole meetings shall be held on the third Wednesday.

### **How to make a delegation request**

1. Anyone desiring to address the Council shall complete a form in order to provide the following information:
  - a. Name of Requester / Contact person
  - b. Contact information (address, telephone, email)
  - c. Subject of delegation
  - d. Purpose (information, request funding, request letter of support, other)
  - e. Name of individual(s) presenting
  - f. Supporting documentation (if any)
2. Completed form shall be submitted to the Clerk at least seven (7) days prior to the Regular meeting. If a request is received late or if the Agenda is deemed full, the Request Form shall be considered for the next Committee of the Whole meeting.
3. Related or background information shall also be provided with the request form at least seven (7) days prior to the Regular meeting and will be included in Council's package for their review before the meeting.

### **At the meeting**

Public delegations are always the first item on the Committee of the Whole portion of the agenda. The Mayor will invite delegations to the podium to speak on their issues. Delegation presentations are limited to 10 minutes. Following the presentation, the Mayor and Councillors may ask questions to the delegation. Upon closure of the discussion, Council may direct staff to prepare a resolution for their consideration at a future Council meeting or refer the item to the appropriate department and/or committee for further input or advice.

### **Important information about planning matters subject to the Planning Act**

Delegation requests regarding any aspect of an official plan amendment, zoning by-law amendment or plans of subdivisions or condominiums will not be accepted between the conclusion of a public consultation meeting which was conducted in accordance with the Planning Act and final reading of the by-law.

## SCHEDULE B1 –PLANNING COMMITTEE TERMS OF REFERENCE

### **Membership:**

The Planning Committee shall consist of three members of Council and two members of the community to be appointed by the Mayor subject to the member's acceptance. All appointments to the committee shall be for a term of one (1) year. The term may be extended at the discretion of the Mayor.

### **Committee Role:**

The primary role of the committee is to review official plan and zoning by-law amendment applications. The secondary role is to provide guidance and input on planning policies, subdivision applications, planning standards and special planning studies.

### **Responsibilities:**

To review and provide recommendations to the Council on land development regulations and policy and specific land development applications, including, but not limited to, the following:

- Official plan;
- Zoning by-law;
- Subdivision plans;
- Planning studies
- Other matters referred to the Committee by Council, the department head, and/or the Chief Administrative Officer

### **Meetings:**

Meetings shall be held at 7:00 pm on the last Wednesday of every month, except for the month of December, where it shall be held on the Third Wednesday. (*amended by 2024-108*)

### **Support Staff:**

The Clerk shall be responsible to provide administrative support staff to assist in the preparation of the agendas, minutes and recommendations of the Committee.

### **Reporting:**

The Planning Committee shall submit its recommendations in the form of a written report to Council at a Council meeting for consideration.

## Schedule B2

### PROCEDURES - ELECTRONIC PARTICIPATION FOR STANDING COMMITTEES

#### **Place of meeting**

Standing committee meeting may be held by videoconference or teleconference, which participation shall be established by the Administration according to the circumstances.

#### **Meetings open to public**

Standing committee meeting shall be accessible by broadcasting, which broadcasting shall be established by the Administration according to the circumstances.

#### **Participation**

##### Written submissions

Residents are encouraged to make written submissions, according to the procedures hereinafter mentioned:

- a. Email: Anyone who wants to make a written submission to a standing committee by email shall send an email to the Clerk prior to 3:00 p.m. on the date of the scheduled meeting;
- b. Mail: Anyone who wants to make a written submission to a standing committee by mail shall address it to the Clerk, City of Clarence-Rockland, 1560 Laurier Street, Rockland, Ontario K4K 1P7. The written submission sent by mail shall be received by the City on the Friday prior to the scheduled standing committee meeting;
- c. Drop box: Anyone who wants to make a written submission to a standing committee shall address it to the Clerk and drop it in the drop box located at the entrance of the City Hall of the City of Clarence-Rockland, located at 1560 Laurier Street, Rockland, Ontario, K4K 1P7. The written submission dropped in the drop box shall be received by the City on the Friday prior to the scheduled standing committee meeting;

##### Oral submissions

Residents are encouraged to make oral submissions, according to the procedures hereinafter mentioned:

- a. In advance of the meeting: Anyone who wants to make an oral submission to a standing committee to have comments transcribed prior to the meeting shall call the Clerk by 3:00 p.m. at 613-446-6022 ext. 2400 on the Friday prior to the scheduled standing committee meeting.
- b. During the meeting: Anyone who wants to make an oral submission to a standing committee during a meeting shall first register with the Clerk.
  1. To register to participate via Computer/smartphone/tablet:

Registration must be made with the Clerk via email before 3:00 p.m. on the day of the meeting. The submitted email shall include the registrant's name, phone number and the agenda item(s) for which the registrant would like to speak. Upon registering for a meeting, an email will be returned to the registrant with the appropriate link to join the meeting.

2. To register to participate via Telephone:

Registration may be made via telephone or email before 3:00 p.m. on the day of the meeting. The telephone message or email shall include the registrant's name, phone number and the agenda item(s) for which the registrant would like to speak. Upon receipt of the registration, City staff will

contact the registrant to confirm their participation and provide meeting details.

Questions (Computer/smartphone/tablet only)

Registered members of the public will be able to provide comments and ask questions during committee meetings in the same manner as in-person committee meetings. The Chair of the meeting will open the floor to public comments – any member of the public that wishes to speak will need to click the 'Raise Hand' button to request to speak on the videoconference software.

## Table of Contents

<b>PART I – INTERPRETATION .....</b>	<b>1</b>
1. <i>RULES OF PROCEDURE – (SUSPENSION OF)</i> .....	1
2. <i>DEFINITIONS</i> .....	1
<b>PART II – DUTIES OF THE MAYOR.....</b>	<b>4</b>
3. <i>MAYOR’S DUTIES</i> .....	4
4. <i>PARTICIPATION OF THE MAYOR IN DEBATE</i> .....	5
<b>PART III – DUTIES OF A MEMBER OF COUNCIL.....</b>	<b>5</b>
5. <i>COUNCIL MEMBERS’ DUTIES</i> .....	5
<b>PART IV – FOLLOWING AN ELECTION.....</b>	<b>6</b>
6. <i>ORIENTATION SESSION</i> .....	6
7. <i>INAUGURAL MEETING</i> .....	6
8. <i>AGENDA - INAUGURAL MEETING</i> .....	6
<b>PART V – COUNCIL.....</b>	<b>6</b>
9. <i>REGULAR MEETINGS</i> .....	6
10. <i>SPECIAL MEETINGS</i> .....	7
11. <i>EMERGENCY MEETING</i> .....	7
12. <i>PLACE OF MEETING</i> .....	7
13. <i>CANCELLATION OF MEETINGS</i> .....	7
14. <i>SEATING AT THE COUNCIL TABLE</i> .....	8
15. <i>MEETINGS OPEN TO PUBLIC</i> .....	8
16. <i>CLOSED MEETINGS</i> .....	8
17. <i>PROCEDURE – CLOSED MEETING</i> .....	9
18. <i>COMMENCEMENT OF MEETING</i> .....	10
19. <i>ABSENCE OF THE MAYOR OR REFUSAL OF THE MAYOR TO PRESIDE</i> .....	10
20. <i>NO QUORUM AT BEGINNING OF THE MEETING</i> .....	10
21. <i>UNFINISHED BUSINESS – QUORUM LOST</i> .....	10
22. <i>CURFEW</i> .....	10
23. <i>COUNCIL CHAMBERS</i> .....	11
24. <i>LEAVING CHAMBERS ON ADJOURNMENT</i> .....	11
<b>PART VI – ORDER OF PROCEEDINGS – AGENDA AND MINUTES .....</b>	<b>11</b>
25. <i>COUNCIL MEETING AGENDA</i> .....	11
26. <i>PREPARATION AND PUBLISHING OF THE AGENDA</i> .....	13
27. <i>MINUTES</i> .....	13
28. <i>DELEGATIONS</i> .....	14
29. <i>RULES OF ORDER AND DECORUM</i> .....	14
<b>PART VII – RULES OF CONDUCT AND DEBATE.....</b>	<b>15</b>
30. <i>ADDRESS THE MAYOR</i> .....	15
31. <i>ORDER OF SPEAKING</i> .....	15
32. <i>CONDUCT OF MEMBERS</i> .....	15
33. <i>PRIVILEGE</i> .....	16
34. <i>POINTS OF ORDER</i> .....	16
35. <i>MEMBERS SPEAKING</i> .....	16
36. <i>MOTION READ</i> .....	17

37.	<i>TIME LIMITED</i> .....	17
38.	<i>MOTION PUT – NO FURTHER DEBATE</i> .....	17
<b>PART VIII – VOTING DURING COUNCIL MEETINGS.....</b>		<b>17</b>
39.	<i>SECRET BALLOT</i> .....	17
40.	<i>ALL MEMBERS VOTE</i> .....	17
41.	<i>UNRECORDED VOTE</i> .....	17
42.	<i>DIVISION OF THE MOTION</i> .....	17
43.	<i>RECORDED VOTE</i> .....	17
44.	<i>DISPUTING VOTE</i> .....	18
45.	<i>TIE VOTE</i> .....	18
46.	<i>VOTING</i> .....	18
47.	<i>TWO-THIRDS VOTE</i> .....	18
48.	<i>DISCLOSURES OF PECUNIARY INTEREST</i> .....	18
<b>PART IX – COMMITTEE OF THE WHOLE .....</b>		<b>19</b>
49.	<i>PROCEDURE</i> .....	19
<b>PART X – RESOLUTIONS AND MOTIONS.....</b>		<b>19</b>
50.	<i>READING</i> .....	19
51.	<i>REQUEST FOR PERMISSION TO WITHDRAW OR MODIFY A MOTION</i> .....	19
52.	<i>NO DEBATE UNTIL READ</i> .....	20
53.	<i>MOTIONS RULED OUT OF ORDER</i> .....	20
54.	<i>MOTIONS</i> .....	20
55.	<i>ORDER OF CONSIDERATION</i> .....	20
56.	<i>POSTPONE INDEFINITELY</i> .....	21
57.	<i>AMENDMENT</i> .....	21
58.	<i>MOTION TO REFER</i> .....	21
59.	<i>MOTION TO POSTPONE (DEFER) TO A CERTAIN TIME</i> .....	22
60.	<i>CLOSE DEBATE (PUT THE MOTION TO A VOTE)</i> .....	22
61.	<i>POSTPONE TEMPORARILY (MOTION TO LAY ON THE TABLE)</i> .....	22
62.	<i>NOTICE OF MOTION</i> .....	23
63.	<i>DISPENSING WITH NOTICE</i> .....	23
64.	<i>RECONSIDERATION</i> .....	23
65.	<i>AMEND OR RESCIND A PREVIOUS DECISION</i> .....	23
66.	<i>MOTION TO ADJOURN</i> .....	24
<b>PART XI – BY-LAWS .....</b>		<b>24</b>
67.	<i>READING OF BY-LAWS AND RELATED PROCEEDINGS</i> .....	24
<b>PART XII – COMMITTEES .....</b>		<b>24</b>
68.	<i>PROCEDURE</i> .....	24
69.	<i>ESTABLISHMENT/APPOINTMENT OF COMMITTEE MEMBERS</i> .....	24
70.	<i>MAYOR EX OFFICIO</i> .....	25
71.	<i>STANDING COMMITTEE</i> .....	25
72.	<i>TERMS OF REFERENCE</i> .....	25
73.	<i>QUORUM</i> .....	25
74.	<i>MEETINGS – STANDING COMMITTEES</i> .....	25
75.	<i>GENERAL PROVISIONS FOR COMMITTEES</i> .....	26
76.	<i>MINUTES AND RECOMMENDATIONS OF COMMITTEES</i> .....	26

77.	VACANCY ON COMMITTEES AND BOARDS .....	27
<b>PART XIII – GENERAL PROVISIONS.....</b>		<b>27</b>
78.	RECORDING EQUIPMENT.....	27
79.	SPECIAL CIRCUMSTANCES AND STATE OF EMERGENCY .....	27
80.	NOTICE OF COUNCIL AND COMMITTEE MEETINGS.....	27
81.	EXECUTION OF DOCUMENTS.....	27
82.	AMENDMENT OR REPEAL .....	28
83.	REPEAL .....	28
84.	EFFECT .....	28
85.	SHORT TITLE .....	28
<b>SCHEDULE A1 -DELEGATION REQUESTS.....</b>		<b>29</b>
<b>SCHEDULE B1 –PLANNING COMMITTEE TERMS OF REFERENCE.....</b>		<b>30</b>
<b>Schedule B2 –PROCEDURES - ELECTRONIC PARTICIPATION FOR STANDING COMMITTEES</b>		<b>31</b>