

The Corporation of the City of Pickering

By-law 8019/23

Being a by-law to govern the proceedings of Council, any of its Committees, the conduct of its Members, and the calling of meetings.

Whereas, Subsection 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Now therefore the Council of the Corporation of the City of Pickering hereby enacts as follows:

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01 Definitions

- a) "Act" means The *Municipal Act, 2001, S.O. 2001, c.25*, as amended;
- b) "Chair" means the presiding officer at a Meeting;
- c) "CAO" means the Chief Administrative Officer of the City of Pickering;
- d) "Clerk" means the City Clerk of the City of Pickering;
- e) "Closed Meeting" means a Meeting which is not open to the public for reasons allowed under Section 239 of the Act;
- f) "Committee" means Standing Committees, Ad-Hoc Committees, Advisory Committees, Local Boards, and Taskforces which may be established by Council or as required under statute;
- g) "Council" means the Council of the City of Pickering;
- h) "Councillor" means the city or regional elected representative of a Ward on the Council of the City of Pickering;
- i) "Delegation" means an address to Council or a Committee by one or more persons who are not Members of Council, City staff, consultants, or other individuals hired by the City;
- j) "Deputy Mayor" means the Member appointed to act in place of the Mayor under Section 242 of the Act and in accordance with Policy ADM 045;
- k) "Inaugural Meeting" means the first Meeting of a new Council after a municipal election where the declarations of office are taken;
- l) "Majority" means for the purpose of voting, unless otherwise specified, more than half of the total number of the Members present at the vote and not prohibited from voting by statute;
- m) "Mayor" means the Head of Council for the City of Pickering;
- n) "Meeting" means any regular, special or other Meeting of Council, of a Local Board or of a Committee, where a Quorum of Members is present and the Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council, Local Board or Committee in accordance with Section 238 of the Act;
- o) "Member" means a member of the Council or Committee;

- p) "Notice of Motion" means advance verbal notice, given by a Member, advising that the motion will be brought forward at a future Meeting for consideration;
- q) "Pecuniary Interest" means a direct or indirect Pecuniary Interest within the meaning of the *Municipal Conflict of Interest Act, RSO 1990, c M.50*, as amended;
- r) "Presentation" means a presentation of a tangible item or recognition to or from the City of Pickering;
- s) "Quorum" means a Majority of the Members elected to Council or the number of Members required for the legal conduct of the business of Council or a Committee;
- t) "Recorded Vote" means the making of a written record of the name and the vote of each Member who votes on a matter;
- u) "Regular Meeting" means a scheduled Meeting held in accordance with the approved annual Committee & Council Meeting Schedule;
- v) "Rules of Procedure" means the rules which are set forth in this By-law;
- w) "Special Meeting" means a Meeting of Council or a Committee that is arranged outside of the normal Committee & Council Meeting Schedule to deal with only specific item(s) of business;
- x) "Standing Committee" means the Executive Committee or the Planning & Development Committee;
- y) "Statutory Public Information Meeting" means a Meeting that is legislated under a statute and hosted by staff, a Standing Committee or Council in order to inform members of the public about a matter.
- z) "Substantive Report" means a written report, whereby staff are required to gather data/information and perform an analysis of such data/information in order to draw a conclusion and possible recommendation or action based on the analysis, which is presented to the appropriate Standing Committee or Council;
- aa) "Supplemental Information Package (SIP)" means a compilation of information pertaining to an upcoming Meeting including but not limited to additional Delegations who registered after the publication of the agenda, written submissions from the public, PDF or PowerPoint presentations related to Delegations and any other information that Members require to aid in their decision-making at a Meeting. Supplemental Information Packages shall be compiled by the Clerk

and provided by email to all Members on the business day prior to the date in which the Meeting is held.

- bb) "Two-Thirds" means two-thirds of the Members present at a Meeting and not disqualified from voting on a matter. The calculation shall be as follows:
 - five of seven Members
 - four of six Members
 - four of five Members
 - three of four Members

02 **Application of this By-law**

The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and Committee Meetings. Where a provision is not made in this By-law, the procedure to be followed shall be determined by the Chair in consultation with the Clerk as needed.

03 **Duties**

03.01 **Members**

Members of Committee and Council shall come prepared to every Meeting by having read all the material supplied, including agendas, staff reports, and any Supplemental Information. Members shall consult and make inquiries of staff regarding the materials supplied in advance of the Meeting in order to provide for meaningful dialogue and effective decision-making of the Committee or Council.

03.02 **The Mayor or Chair shall:**

- a) Open the Meetings by taking the chair and calling the Members to order, addressing the business before the Committee or Council, and ruling on matters of procedure.
- b) Receive and submit, in the proper manner, all motions presented by the Members.
- c) Put to a vote all motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and announce the result.
- d) Restrain the Members, when engaged in debate, within the Rules of Procedure.
- e) Enforce on all occasions the observance of order and decorum by the Members and any other persons present at the Meeting.

- f) Call by name, any Member persisting in the breach of the Rules of Procedure and order them to vacate the place in which the Meeting is being held.
- g) Where it is not possible to maintain order, the Chair may, without any motion being put, recess or adjourn the Meeting to a time to be named by the Chair.
- h) Permit questions to be asked through the Chair of any staff in order to provide Members with information to assist any debate when the Chair deems it proper and appropriate.
- i) Ascertain that all Members who wish to speak on a motion have spoken and that the Members are ready to vote, and shall then call the question.
- j) The Chair may speak and/or vote on any question, but if they wish to move or second a motion, they shall first vacate the Chair by designating an Acting Chair to act in their place, until disposition of the item has concluded and they resume the Chair.

04 Disclosures of Pecuniary Interest

- 04.01 Where a Member has a Pecuniary Interest as defined in the *Municipal Conflict of Interest Act*, the Member shall, prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof. The Member shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during, or after the Meeting to influence the voting on any such question. Members shall not request the Clerk or other Staff members to provide advice or comment on whether a Member has a Pecuniary Interest. Advice pertaining to whether a Member should declare a Pecuniary Interest shall be obtained by the Member from the City's Integrity Commissioner or the Member's independent lawyer.
- 04.02 Where the Meeting is not open to the public, in addition to declaring the conflict, the Member shall leave the Meeting, or the part of the Meeting during which the matter is under consideration.
- 04.03 Notwithstanding Section 04.02, if the matter under consideration pertains to whether to suspend the remuneration paid to the Member under Subsection 223.4(5) or (6) of the Act, the Member may take part in the discussion of the matter, including making submissions to Council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the Meeting. However, the Member is not permitted to vote on any question in respect of the matter. In the case of a Meeting that is not open to the public, the Member may attend the Meeting or part of the Meeting during which the matter is under consideration but may not vote on the matter.

- 04.04 Where a Member is absent from a Meeting which includes a matter on which they have a Pecuniary Interest, the Member shall disclose the interest at the next Meeting attended by the Member.
- 04.05 The Clerk shall record any declarations of interest made by a Member in the Meeting minutes, noting the matter and the general nature of the declaration.
- 04.06 Any verbal declarations made under this Section shall also be submitted in writing to the Clerk using the prescribed form and shall be made available in the Office of the Clerk through a Disclosure of Interest Registry.

05 Types of Meetings

05.01 Inaugural Meeting

- a) The Inaugural Meeting of Council shall be held no later than the second Monday after Council takes office pursuant to the *Municipal Elections Act*.
- b) The order of business for the first Meeting of Council shall be as follows:
- i) Call to Order/Roll Call
 - ii) Moment of Reflection
 - iii) Indigenous Land Acknowledgment Statement
 - iv) Declarations of Office by Members
 - v) Inaugural address
 - vi) Adjournment

05.02 Regular Council Meetings

All Regular Meetings of the Council shall be held on the fourth Monday of each month at the hour of 7:00 p.m. unless otherwise provided by resolution of the Council. If a Council Meeting falls on a public or civic holiday, the Council shall meet at the same hour on the next following day, which is not a public or civic holiday.

05.03 Regular Standing Committee Meetings

There shall be two Standing Committees; a Planning & Development Committee and an Executive Committee. The Standing Committees shall be organized as follows:

- a) The Planning & Development Committee and the Executive Committee shall be comprised of all Members of Council.
- b) The Executive Committee shall meet on the first Monday of each month at 2:00 p.m., unless otherwise provided by resolution of the Council. If an Executive Committee Meeting falls on a public or civic

holiday, the Committee shall meet at the same hour on the next following day, which is not a public or civic holiday. It shall be the duty of the Executive Committee to study and report to Council on matters under the jurisdiction of the Office of the CAO, the Community Services Department, the Corporate Services Department, the Economic Development Department, the Engineering Services Department, the Finance Department, the Human Resources Department, the Fire Services Department, and the Operations Department.

- c) Aside from regularly scheduled Executive Committee Meetings, an annual Executive Committee Budget Meeting shall be included on the annual Committee & Council Meeting Schedule. Executive Committee Budget Meetings shall be chaired by the Mayor and a seconder shall not be required to move motions pertaining to the Budget deliberations. Executive Budget Meetings may be held in a meeting space other than the Council Chambers as deemed appropriate by the Clerk.
- d) The Planning & Development Committee shall meet on the first Monday of each month at 7:00 p.m. unless otherwise provided by resolution of the Council. If a Planning & Development Committee Meeting falls on a public or civic holiday, the Committee shall meet at the same hour on the next following day, which is not a public or civic holiday. It shall be the duty of the Planning & Development Committee to report to Council on matters under the jurisdiction of the City Development Department.

05.04 Special Meetings of Council or a Standing Committee

- a) In addition to Regular Meetings, the Mayor may at any time summon a Special Meeting of Council or a Standing Committee by giving written direction to the Clerk stating the date, time and purpose of the Special Meeting.
- b) Upon written receipt of a petition of the Majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose and at the time and date noted in the petition.
- c) The Clerk shall give all Members notice of a Special Meeting at least twenty-four hours before the time appointed for such Meeting. Notice will deem to have been given on the day that the Notice was delivered by electronic mail to the address provided by the Member of Council to the Clerk for delivery of notices, and in default of provision of such address, to the Member's City Hall office.
- d) The notice to be given shall indicate the nature of the business to be considered, as well as the date, time and place of the Special Meeting.

- e) No business other than that indicated in the notice shall be considered at the Special Meeting.
- f) Special Meetings of Committee or Council are not required to follow the Order of Business described in this By-law, and the business of a Special Meeting may be organized in a manner deemed appropriate by the Clerk.

05.05 Education & Training Sessions

- a) Education & Training Sessions are held as Special Meetings of Council and may either be open or closed to the public.
- b) An Education & Training Session may be held as a Closed Meeting in accordance with Section 239(3.1) of the Act, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- c) Delegations shall not be received at an Education & Training Session as no decisions shall be made or considered.
- d) The agenda for the Education & Training Session shall state the general purpose or purposes for which the Meeting is being held.
- e) Notice of the Education & Training Session shall be given in accordance with the notice provisions of this By-law.
- f) The Clerk, or their designate, shall take minutes describing in general terms each subject matter dealt with at an Education & Training Session.

05.06 Closed Meetings

- a) All Closed Meetings of Council will be held immediately prior to the Regular Council Meeting as an In-camera Session, or by means of a Special Meeting of Council called by the Mayor or by a written petition of the Majority of the Members of Council. Closed Meetings shall only deal with the subject matter(s) that the Closed Meeting was called for.
- b) All Meetings shall be open to the public except where a matter meets one or more of the open meeting exceptions under Section 239(2), 239(3), and 239(3.1) of the Act.
- c) Before holding a Meeting, or part of a Meeting that is to be closed to the public, Council or a Committee must state by resolution, the fact of the holding of the Closed Meeting and the general nature of the matter(s) to be considered.

- d) All information, documentation, deliberations, or decisions received, reviewed, or made at a Closed Meeting, including the detailed agenda, are confidential and must not be released to the public or any individual not entitled to be present at Closed Meetings.
- e) The Clerk will distribute all confidential reports and material for Closed Meetings in sealed envelopes that are marked with each Member's name. Confidential materials that must be emailed to Members or staff shall be password protected and such password provided by way of a separate means of communication.
- f) No voting may take place during a Closed Meeting except if the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the City, or persons retained under contract with the City. Any votes taken in a Closed Meeting shall be by a show of hands unless a Recorded Vote is requested by a Member in accordance with this By-law.
- g) When a Closed Meeting has occurred, the Committee or Council shall rise to open session and the Chair shall state aloud a public report of the general nature of the subject matter considered. Whenever possible, any direction provided to staff shall be presented in a motion duly moved and seconded in the open session. Where it is not possible to report publicly on matters considered during a Closed Meeting, the Chair shall provide a general statement of what occurred during the Closed Meeting and where necessary, may take a vote to approve the confidential direction provided during the Closed Meeting.
- h) When a decision is made by Council to relay information to the public regarding a Closed Meeting item, the Mayor or the Mayor's designate, will release the information.
- i) The response of Members to inquiries about any matter dealt with by a Committee or Council at a Closed Meeting, prior to it being reported publicly, must be "no comment", or words to that effect. No Member shall release or make public any information considered at a Closed Meeting, or discuss the contents of such Meeting with anyone other than Members or staff who were present at the Closed Meeting.
- j) In accordance with Policy ADM 070, Code of Conduct, any violations pertaining to the disclosure of confidential information, may be investigated by the City's Integrity Commissioner and any findings or recommended sanctions shall be reported to Council by the Integrity Commissioner in accordance with the provisions of the Code of Conduct.
- k) A person may request an investigation of whether a municipality or local board has complied with Section 239 of the Act, or the Procedure By-law, in respect to a Closed Meeting or part of a Closed

Meeting, by contacting the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed a closed meeting investigator.

05.07 Statutory Public Meetings

- a) Statutory Public Meetings shall be held at the appropriate Standing Committee Meeting, as required by statute, or by Council, or when considered desirable by staff.
- b) Appropriate advertising shall be undertaken as required by statute, by-law or in accordance with City policy, to advise interested persons of the subject matter, date and time of the Meeting where the matter will be considered.
- c) When appropriate, Statutory Public Meetings may also be held at Special or Regular Meetings of Council.

05.08 Other Committee Meetings

All Committees of Council are required to adhere to this Procedure By-law and the Committee's Terms of Reference, however, in accordance with Policy ADM 040, a Committee may choose to adopt simplified Procedures, subject to the approval of the Clerk.

05.09 Ad Hoc Committee

Council may at any time appoint a special or ad hoc Committee to enquire into and report on any matter. Ad Hoc Committees shall be established in accordance with Policy ADM 040, Committees and Taskforces of Council, and shall be subject to all Meeting provisions contained in this By-law. When an Ad Hoc Committee has completed its work and made its report to Council, the Committee shall be deemed to be dissolved. Ad Hoc Committees shall not be established for a term longer than one year.

05.10 Upper Tier Council Meetings – Appointment of Alternate Member

Council may appoint one of its Members as an Alternate Member of the Upper Tier Council to act in place of any Regional Councillor when they are unable to attend a meeting of the Upper Tier Council for any reason, subject to the following limitations:

- a) No more than one Alternate Member may be appointed during the term of Council;
- b) Notwithstanding Section 05.10 a), if the seat of the appointed Alternate Member becomes vacant, Council may appoint another of its Members as an Alternate Member for the remainder of the term of Council;
- c) Council may not appoint an alternate for the Alternate Member; and

- d) When acting in their capacity as an Alternate Member on the Upper Tier Council, the Alternate Member shall adhere to all policies, procedures, practices, and codes of conduct established by the Upper Tier Council.

06 Notification of Meetings

06.01 Public Notification

Public notification shall be deemed to have been given by the posting of the Committee or Council agenda on the City website as follows:

- a) Committee Meetings – by end of day on the Thursday, eleven (11) days prior to the Meeting.
- b) Council Meetings – by end of day on the Thursday prior to the Council Meeting.
- c) Special Meetings – at least twenty-four (24) hours preceding the Meeting.
- d) Closed Meetings – at least twenty-four (24) hours preceding the Meeting.

06.02 Emergency Notification

Emergency Meetings may be held, without written notice, to deal with issues that may urgently affect the health or safety of residents. The Clerk shall attempt to notify the public of emergency Meetings as soon as practicably possible and in the most expedient manner available.

06.03 Cancellation/Postponement of Meetings

Any Meeting may be cancelled or rescheduled to a day, time, and place, set out in a written notice from the Clerk, sent to each Member at least twenty-four (24) hours before the scheduled date of the Meeting.

A Meeting may be cancelled if the Clerk determines in advance that Quorum will not be achieved, there are no agenda items, or by way of a resolution of the Committee or Council as the case may be.

Upon notice of a Meeting cancellation or the rescheduling of a Meeting, the Clerk shall attempt to notify the public as soon as practicably possible and in the most expedient manner available.

07 Meetings

07.01 Place of Meetings

All Regular Meetings of the Council and Standing Committees shall be held in the Council Chambers at the City of Pickering Civic Complex, One The

Esplanade, Pickering, Ontario, unless otherwise decided by the Mayor and the Clerk.

07.02 Information pertaining to a Committee or Council Meeting including the Meeting agenda, reports and any Supplemental Information Packages shall be sent to all Members.

07.03 Chairing of Meetings

- a) Every Council Meeting shall be chaired by the Mayor, if present;
- b) The Chair of the Standing Committees shall be rotated each Meeting amongst the Councillors, in alphabetical order by last name.

07.04 Absence of Chair

- a) Council Meetings - If the Mayor does not attend within fifteen (15) minutes after the hour is fixed for the holding of the Meeting of the Council and if a Quorum is present, the Deputy Mayor shall preside over the Meeting and have the same authority to Chair the Meeting as the Mayor. Should the Mayor arrive at the Meeting, the Deputy Mayor shall relinquish the Chair back to the Mayor.
- b) When the Mayor and Deputy Mayor are absent from a Meeting or refuse to act, the Council may by resolution appoint another Member to act in the place and stead of the Mayor and Deputy Mayor, and such Member shall have the same authority to Chair the Meeting as the Mayor. Should the Mayor or Deputy Mayor arrive at the Meeting, the Member acting in their stead shall relinquish the Chair back to the Mayor or Deputy Mayor as the case may be.
- c) Standing Committee Meetings – If the Chair does not attend within fifteen (15) minutes after the hour is fixed for the holding of the Meeting of the Committee and if a Quorum is present, the Councillor who is next in alphabetical order to Chair will assume the position of Chair.

07.05 Calling the Meeting to Order

The Chair, as soon after the hour is fixed for the holding of the Meeting, and if a Quorum is present, shall take the Chair and call the Meeting to order and shall ask the Clerk or their designate to conduct a roll call of the Members present or absent from the Meeting.

07.06 Quorum

- a) If a Quorum is not present within fifteen (15) minutes after the time appointed for a Meeting of the Council or Committee, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the next Meeting.

07.07 Clerk's Attendance at Meetings

The Clerk or the Clerk's designate, shall be present at all Meetings of Council; however, they may delegate a member of staff to act in their stead at a Committee Meeting.

07.08 Recording of Minutes

- a) The Clerk shall record without note or comment all resolutions, decisions and other proceedings at a Meeting, whether it be an open or Closed Meeting;
- b) The record required by the Act in respect of a Meeting, shall be made by:
 - i) The Clerk, or the Clerk's designate, in the case of a Meeting of Council; or
 - ii) The appropriate City staff, in the case of a Meeting of a Committee.
- c) Except for Recorded Votes, a record or notation of a Member's opposition or favour on any issue will not be recorded in any Meeting minutes.

07.09 Signs, Banners, Emblems, Flags, Cameras, and Video Recordings at Meetings

- a) Meetings may be audio or video recorded, broadcast and/or livestreamed publicly by the City, with the exception of Closed Meetings.
- b) To ensure that all members of the public are comfortable participating in Meetings, signs, banners, emblems, and flags, are prohibited in the Chambers or any space where a Meeting is being held.
- c) Meeting attendees may record all or portions of open Meetings provided that in doing so, it is not disruptive to the Meeting or other attendees.
- d) Should a Meeting attendee violate these Procedures, the Chair may ask that the individual be removed from the Meeting.

07.10 Access to Council Floor

No person except members of Council, the Clerk, and officials authorized by the Clerk :

- a) Shall be allowed on the floor of the place a Meeting is being held while Council or a Committee is sitting;

- b) Material to be distributed to Council during a Meeting can only be distributed by the Clerk or the Clerk's designate.

07.11 Petitions

Petitions presented during a Council or Committee Meeting shall be provided to the Clerk and the Clerk shall process the petition in accordance with the City's procedures pertaining to petitions.

07.12 Change in Order of Business

All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by a Majority vote of the Members present and voting.

07.13 Consideration of Items

Council may consider any matter without referring it to a Committee or may refer it to a Committee or to any number of Committees, and may withdraw a matter from a Committee at any time.

07.14 Staff/Consultant Delegations for Staff Reports

Where possible, a staff report that includes a Consultant Delegation shall be listed first under Matters for Consideration (Standing Committee Agendas) or New and Unfinished Business (Council Agendas), so that the consultant may leave the Meeting after their item has concluded to avoid additional costs to the City should there be a large volume of reports on the agenda.

07.15 Adjournment Hour

- a) All Meetings shall stand adjourned no later than the hour of 11:00 p.m.
- b) In the event the business before Council has not been completed at the hour of 11:00 p.m., the Committee or Council may, by a Majority vote of the Members present, approve an extension of the Meeting to the hour of 12:00 a.m.
- c) Motions to continue past 11:00 p.m. are not debatable.
- d) At 12:00 a.m., any unfinished business shall be deferred to a Special Meeting of the Committee or Council, to be held at 7:00 p.m. on the Monday immediately following, unless a resolution is made to hold the Meeting on another day and time. Only those items of outstanding business shall be included and considered at the Special Meeting. A resolution to hold the Meeting on another day and time requires a Majority vote and if adopted, the Meeting cannot be scheduled sooner

than 48 hours after the original Meeting in order to provide Council, staff and interested parties an opportunity to make arrangements to attend the rescheduled Meeting.

- e) In either instance noted above, and if at a Council Meeting, a confirmatory by-law shall be adopted before the original Meeting adjourns in order to ratify the business that has already been conducted. Items deferred to a Special Council Meeting agenda will be confirmed through the Confirmatory By-law of that Meeting. Delegations shall not be permitted for items that are deferred to a future Meeting under this Section as they would have already had opportunity to delegate at the original Meeting.

08 Delegations

08.01 Delegations

- a) Delegations shall be directed to the appropriate Standing Committee having charge of the matter which is the subject of the Delegation.
- b) Delegations that were not able to attend a Standing Committee Meeting, or that have already appeared at a Standing Committee regarding a particular matter, are permitted to delegate at Council on those matters, however, those who have already delegated at the Standing Committee may only delegate at Council if they have additional or new information about the matter.
- c) Despite clause a) above, a Delegation may delegate directly to Council if the matter in which they are delegating did not first appear at a Standing Committee or if the Clerk determines that the matter is of an urgent nature and cannot wait for the next applicable Standing Committee Meeting.
- d) All in-person Delegations, for items listed on an agenda, shall register in writing with the Clerk by 12:00 noon on the day of the Meeting.
- e) All electronic Delegations, for item listed on an agenda, shall register in writing with the Clerk by 12:00 noon on the business day prior to the Meeting.
- f) All Delegations for items not listed on an agenda shall register ten (10) days prior to the Meeting.
- g) Delegations that have not registered in writing by the timelines noted above shall only be heard if permitted by a Two-Thirds Majority vote of Members present at the Meeting.

- h) Members of the public may submit written comments in addition to, or in lieu of, a verbal Delegation, by noon on the business day prior to the Meeting and such written comments shall be provided to all Members of Council prior to the Meeting through the Supplemental Information Package.
- i) A Delegation appearing before Council or Committee for items not listed on an agenda shall not be placed on an Agenda to discuss the same matter within six (6) months of the last appearance by the same delegate.
- j) Delegations shall not be permitted to speak before a Committee or Council for the sole purpose of generating publicity for an event, a product or a service.
- k) Delegations shall not be permitted to speak to matters which have been referred to staff for a report until the matter is before a Standing Committee or Council.
- l) Delegations shall not be permitted to speak to matters which are not within Council's jurisdiction.
- m) Delegations shall not be permitted to speak to matters which have been decided upon by Council unless the matter is before Council for reconsideration.
- n) Delegations will not be permitted for deferred items except for those who did not delegate on the matter when it originally appeared before the Committee or Council prior to it being deferred.
- o) Delegations shall not be permitted to speak to a report provided by the City's Integrity Commissioner.
- p) A maximum of five (5) minutes shall be allotted for each Delegation at a Meeting.
- q) A Delegation will not be permitted to take any unused time allocated to another Delegation.
- r) Should there be more than one individual that registers to speak as a group, the group shall be allotted up to ten (10) minutes to delegate.
- s) The five (5) minute Delegation speaking limit may be extended by two (2) additional minutes if approved by a motion duly moved and seconded and carried by a Majority vote of the Members present.
- t) Delegations are encouraged not to repeat information presented by an earlier Delegation at the same Meeting.

08.02 Delegations at a Statutory Public Information Meeting

Delegations for Statutory Public Information Meetings, who are participating electronically, must register with the Clerk by 12:00 noon the business day prior to the Meeting.

Delegations appearing in person for Statutory Public Meetings are encouraged to register with the Clerk by 12:00 noon on the day of the Meeting. Delegations will be permitted from the gallery without prior registration only during the Statutory Public Information Meeting portion of a Meeting held under the provisions of the required statute, but shall be heard after all Delegations, either electronically or in-person, who have pre-registered with the Clerk by the applicable deadlines.

08.03 Delegations Requesting Action

Delegations which appear at a Meeting and request that action be taken shall, if required by a Majority of the Members present at the Meeting, be referred to City staff for a report that shall be dealt with at a future Meeting. The direction to refer such a matter to City staff shall include the Committee or Council Meeting that the matter shall be presented at.

08.04 Audio Visual Equipment for Delegations

The City's audio visual equipment may be used to assist in presentations by Delegations, provided that permission has been obtained for use of such equipment from the Clerk. All presentation materials must be delivered to the Clerk by 12:00 noon on the Friday before the Meeting at which the Delegation is to appear.

08.05 Priority of Delegations

Delegations shall be listed on the agenda in the order in which the Clerk received the requests. For Statutory Public Information Meetings, where more than one person wishes to make a Delegation on a particular matter, the proponent or their authorized representative, will be listed last in order to afford the proponent the opportunity of making a Delegation after all other interested persons have done so.

08.06 Conduct of the Delegation

- a) The Chair may impose restrictions on any Delegation and any questions to a Delegation for disorder or any other breach of this By-law and, if the Chair rules that the Delegation is concluded, the person or persons appearing shall end the Delegation.
- b) Delegations shall not:
 - i) speak disrespectfully of any person;

- ii) use offensive words;
- iii) speak on any subject other than the subject for which they have received approval to address Committee or Council;
- iv) disobey a decision of the Chair, the Committee or Council;
- v) debate with other Delegations, City staff, Council Members or the Chair.

08.07 Questions to the Delegation

- a) Upon the completion of a Delegation, any discussion between Members and the Delegation shall be limited to asking questions for clarification and/or obtaining additional, relevant information only.
- b) All questions to a Delegation from Members shall be stated succinctly. Members shall not question a Delegation for the purpose of expanding the scope of the Delegation's remarks or for adding the Member's own statements through the Delegation. Delegations are an opportunity for Delegates, not Members, to make their views known. Questions from Members such as "are you aware", "do you agree" or "wouldn't you say" shall not be permitted as they do not seek clarification or additional relevant information. Members shall not enter into debate with Delegations. Questions to the Delegation shall be presented in a courteous and non-argumentative manner.
- c) Once a motion has been moved and seconded, no further representation from or questions of the Delegation shall be permitted.

09 **Electronic Participation**

- 09.01 A Member of Council may participate electronically in a Meeting that is either open or closed to the public should they be unable to participate in person for reasons pertaining to a medical condition or illness (pertains to either the Member, the Member's family member, or someone under the primary care of the Member), City business, in the event of a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies, or for any other unforeseen circumstance with prior approval from the Clerk. A Member of Council participating electronically shall be counted in determining whether or not a Quorum of Members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 09.02 A Member of a local board, task force, an advisory or ad-hoc committee, may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a Quorum of Members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 09.03 The Clerk may provide for electronic participation of staff at any Meeting, including the Clerk. The Clerk may also provide for electronic participation for

consultants or anyone who has been hired by the City to provide services or expertise on a particular matter or project. Such electronic participation is not limited to an audio connection and consultants shall be provided with a link to appear by video during an electronic Meeting.

- 09.04 Notwithstanding the provisions of Section 09.01, the Clerk may provide for electronic participation for all Members of Council should the appropriate meeting space containing the required technology (including the necessary components to operate the livestreaming of the proceedings) not be available for any reason, in order to comply with the open Meeting rules under the Act.
- 09.05 Electronic Meetings are those held by means of telecommunication instruments including but not limited to telephones, video conferencing, computers with internet access, conferencing platforms and software programs. The means used to facilitate an electronic Meeting shall be determined by the Clerk.
- 09.06 A Member must provide sufficient notice to the Clerk, their designate, or the Staff Liaison of a Committee, of their intent to participate electronically in a Meeting to ensure the proper technology is enabled to make electronic participation possible. The Member must give at least 48 hours' notice of their intent to join the Meeting electronically unless extraordinary circumstances apply.
- 09.07 A member of the public may delegate via electronic participation through the use of a video connection into the electronic meeting platform, and the Clerk shall arrange for such Delegations. Delegations connected through video shall not be permitted to activate their camera or microphone unless invited by the Chair to do so. A member of the public delegating electronically shall abide by all of the Meeting decorum provisions of this By-law.

The Clerk may require any Delegation to participate electronically in the event of any situation (including a pandemic) in which physical distancing, limited gatherings or quarantine measures are required by local, Provincial or Federal public health agencies, or for the reasons outlined in Section 09.04.

- 09.08 Where a member of the public requests to participate electronically, it is the delegate's responsibility to ensure they have the appropriate technology to connect to the Meeting. Where technical issues arise in connecting a Delegate into a Meeting, it shall in no way affect the validity of the Meeting or any action taken at the Meeting. In lieu of a successful electronic connection, members of the public may submit written comments to the Clerk which shall be distributed to all Members of Council after the Meeting.
- 09.09 If the live stream stops working during a Meeting that involves electronic participation (full or hybrid), the Meeting shall recess for fifteen (15) minutes while the live streaming issues are resolved. If the issues cannot be resolved during the fifteen (15) minute recess, then the Meeting will be adjourned until the live stream is restored.

- 09.10 Subject to these provisions for electronic participation, all other provisions of the Procedure By-law continue to apply and the Chair shall determine and maintain order of the Meeting as needed.

10 Conduct at Meetings

10.01 Members of the Public

The Chair will ensure that members of the public are respectful of Council, staff, Delegations and all attendees at the Meeting by not heckling, speaking disruptively, making comments or applauding.

All communication devices shall be set to silent during a Meeting, with the exception of assistive listening devices or other provisions required by persons with disabilities.

10.02 Members of Committee and Council shall:

- a) act in accordance with their Declaration of Office and the provisions of this By-law;
- b) treat the Chair, other Members, staff and delegates from the public with courtesy, respect and good faith;
- c) hold in strict confidence all information concerning matters dealt with in Closed Meetings;
- d) not speak disrespectfully of the Reigning Sovereign, or of any of member of the Royal Family, or of the governor-general, the Lieutenant-Governor of any Province, of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- e) not use offensive words or unparliamentarily language in or against Council or against any Member;
- f) not speak on any subject other than the motion being debated;
- g) not criticize any decision of Council except for the purpose of moving a motion to reconsider a previous decision of Council;
- h) refrain from engaging in private conversations while in a Meeting and from using communication devices in a disruptive manner;
- i) inform the Clerk of their absence prior to any Meeting in which they will be absent.

10.03 Actions When a Member's Behaviour is Inappropriate

The Chair may Call the Member to Order and take one or more of the following actions:

- a) decide that there was no breach of the rule;
- b) ask the Member in breach of the rules to stop the behaviour;
- c) ask the Member to withdraw what was said; or
- d) ask the Member to apologize.

10.04 If previous attempts to call the Member to order have failed, the Chair may refrain from recognizing the Member for the balance of the Meeting, in which case the Member shall not be permitted to speak or vote for the remainder of the Meeting.

11 Order of Business for Council Meetings

11.01 The Order of Business for the Regular Meetings of Council shall be as follows:

- a) Call to Order/Roll Call
- b) Moment of Reflection
- c) Indigenous Land Acknowledgment Statement
- d) Disclosure of Interest
- e) Adoption of Minutes
- f) Presentations
- g) Question Period
- h) Delegations
- i) Correspondence
- j) Committee Reports
- k) New and Unfinished Business
- l) Motions and Notices of Motion
- m) By-laws
- n) Confidential Council – Public Report
- o) Regional Councillor Updates
- p) Other Business
- q) Confirmatory By-law
- r) Adjournment

12 Moment of Reflection and Indigenous Land Acknowledgement Statement

At the Inaugural and all Regular Meetings of Council, the Mayor or Chair shall pause for a silent moment of reflection and after such moment has passed, shall read out the Indigenous Land Acknowledgment Statement.

13 Presentations

- a) Charities, organizations or individuals wishing to address Council to inform Members of special events or achievements, to seek Council's recognition of an event or achievement or to make a presentation to Council shall request the opportunity to be granted Presentation status.
- b) It shall be the duty of the Mayor to make Presentations and to accept Presentations, on behalf of Council, at Meetings of Council. Where a Presentation is made or accepted from an organization on which a Member of Council has been appointed to sit, the Presentation shall be jointly made or accepted with the appointed Member of Council. Where appropriate, Presentations may be made or accepted jointly with another Member or Members of Council at the discretion of the Mayor.
- c) The request for Presentation status shall be submitted to the Clerk, in writing, no later than 14 days preceding the Meeting at which the Presentation is to be made.

14 Question Period

- a) An opportunity will be provided for any member of the public who is physically in attendance at a Council Meeting, to ask the Mayor a question pertaining to any matter appearing on the Council agenda.
- b) All questions will be answered by the Mayor, unless in the Mayor's opinion the answer could be better provided by another Member of Council or City staff.
- c) The Question Period shall be limited to a total of fifteen (15) minutes unless extended by the Mayor/Chair.
- d) A member of the public shall be permitted to ask one (1) question and one (1) supplemental question if required.
- e) Questions posed by a member of the public under this Section of the By-law shall not be countered by any questions from Members or staff unless it is for the purpose of seeking clarification on the question being asked.
- f) Members shall not enter into debate on any questions asked during the Question Period.
- g) The dialogue that takes place during the Question Period shall not be included in the formal Meeting minutes, and there shall be a general statement in the minutes under the Question Period header that states "A general question and answer period ensued". Should a member of

the public wish to understand what questions and answers were provided, they may view the meeting video posted on the City's website.

15 Correspondence

- 15.01 Correspondence received in the Clerk's Office for distribution to Council shall be provided through a weekly Council Information Index (CII). The Clerk shall prepare the CII and it shall be delivered to Members of Council every Friday afternoon by email and shall be copied to the CAO, Directors, and any other staff as determined by the Clerk.
- 15.02 Members of Council may pull any item from the CII and make a request in writing to the Clerk to place the item on the next regular Council Meeting agenda under Correspondence. The Member must identify the correspondence number and specific subject matter in their request to the Clerk, and shall copy all Members of Council, the Mayor, Directors, and the CAO on such requests. The Member shall also provide the accompanying recommendation relating to the disposition of the correspondence and such recommendation shall be included in the Council Meeting agenda with the item for Council's consideration and disposition as it deems appropriate.
- 15.03 Correspondence shall be presented at Council Meetings only and shall be legibly written or printed, shall not contain any impertinent or improper matter or language and, shall be signed by at least one person and shall be filed with the Clerk by no later than 12:00 noon on the Tuesday before the Council Meeting in which it will be considered.
- 15.04 In addition to correspondence requested by a Member of Council, from time to time, the Clerk shall include correspondence memos from staff pertaining but not limited to, annual work plans and updates from Committees through the designated staff liaison, appointments of Members of Council to various Committees in accordance with Policy ADM 045, and correspondence from the Ombudsman or the City's Integrity Commissioner on a Council agenda. Any proposed recommendations relating to these pieces of correspondence shall be at the discretion of the Clerk and will be included on the Council agenda for Council's consideration and disposition as it deems appropriate. Any correspondence from the Ombudsman or Integrity Commissioner will be provided in the weekly Council Information Index so that Members are aware of and have opportunity to read the correspondence prior to it being printed in a Council agenda.

16 Committee Reports

- 16.01 Standing Committee reports shall be forwarded to the first regular Council Meeting following the Meeting of the Standing Committee and shall be listed under the Committee Reports section of the agenda.

- 16.02 Any Reports referred back to staff at a Standing Committee shall be included in the Committee Report with a notation that the matter was referred back to staff at the Committee Meeting. The matter will come before Council in a subsequent Committee Report on a future Council Agenda once the matter has returned to the appropriate Standing Committee Meeting.
- 16.03 Should a Standing Committee not provide a recommendation on a matter, or defeat a staff recommendation, the Clerk shall include the item on the Council agenda as part of the Committee Report and shall include a notation that states "No Committee Recommendation - Council Direction Required". The original staff recommendation shall be listed for reference purposes only to aid Council in their deliberations on the matter. Council may discuss, debate, adopt, amend or defeat the original staff recommendations as it deems appropriate. This does not apply to recommendations that have been referred back to staff by the Committee as those matters will be presented at a future Standing Committee Meeting.

17 **New and Unfinished Business**

17.01 Reports of an Urgent Nature

Departmental reports which are deemed by the CAO to be of an urgent nature, due to timing or public importance, and which cannot be presented through the regular Standing Committee cycle, may be listed under the New and Unfinished Business section of a Council agenda for Council's consideration. Whenever possible, staff reports shall be presented to the appropriate Standing Committee rather than going directly to Council to provide as much notice to the public and Council as possible.

17.02 Introduction of a Motion

- a) If a motion by a Member of Council cannot be presented through the Notice of Motion process outlined in this By-law, a Member may, with the consent of Two-Thirds of the Members present, introduce a motion under New and Unfinished Business if the motion is of an urgent nature. Introduction of a motion without prior notice shall only be used in exceptional circumstances as it does not provide for public notice of the matter being presented and considered.
- b) A Member desiring to introduce a Motion must do so in writing to the Clerk in advance of the Meeting when possible.

18 **Notices of Motions**

- 18.01 A Notice of Motion is required for motions that are initiated by a Member of Council looking to introduce a new matter.

- 18.02 A Member desiring to give notice of a motion must do so verbally at any Meeting, at least ten (10) days prior to the Meeting at which the motion will be presented. Introduction of a notice of motion must be done under "Other Business".
- 18.03 In order to be listed in the applicable Council agenda, a copy of the motion being considered by Council, must be forwarded to the Clerk, signed by the mover and seconder, no later than 12:00 p.m. on the Tuesday prior to the Council Meeting at which the motion will be considered. In providing the motion to the Clerk, the Member shall copy the Mayor, all other Members of Council, the CAO, and Directors, for their information and awareness that the motion will be forthcoming.
- 18.04 The Clerk, upon receipt of a motion described in this Section, shall print the motion in full in the agenda for the Council Meeting at which the matter will be considered.
- 18.05 A motion printed in the agenda need not be read unless requested by a Member and shall be deemed to be in possession of the Council when stated by the Chair at the appropriate time during the Meeting.
- 18.06 A Notice of Motion that has been introduced but does not appear on a Council agenda within two regular Council Meetings shall not be included on any Council agenda, unless otherwise directed by Council. Should the Member wish to bring the matter forward again, notice of the motion at a future Meeting will be required in accordance with the provisions of this By-law.
- 18.07 In drafting a motion, Members of Council shall consult with the CAO and/or appropriate City staff, to ensure that any technical information contained in the motion is accurate and actionable and that it aligns with the City's Strategic Plan.
- 18.08 Despite being consulted on the technical information contained in a motion, staff do not have to agree with the merits of the motion being presented by a Member of Council.

19 **By-laws**

- 19.01 All by-laws shall be passed in a single motion, unless a Member wishes to discuss the contents of a particular by-law or by-laws, in which case the subject by-law(s) shall be removed from the motion and dealt with separately.
- 19.02 Every by-law, when introduced, shall be complete except for the by-law number and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any statute.
- 19.03 Every by-law which has been approved by Council shall be numbered, dated, sealed with the seal of the Corporation, signed by the Mayor and the Clerk and

retained by the Clerk as a permanent City record in accordance with the City's Records Retention By-law.

20 **Regional Councillor Updates**

20.01 A Regional Councillor may give a verbal update pertaining to matters before the Council of the Regional Municipality of Durham to inform other Members, City staff or the public.

20.02 Updates under this Section of the By-law shall be limited to five (5) minutes per Regional Council Member.

20.03 Members shall not enter into debate on matters presented under this section of the By-law and shall not ask questions of the Regional Councillor unless it is to seek clarification on the information being provided.

21 **Other Business**

21.01 Other Business

At any Meeting under Other Business, Members may congratulate, report on events and promote upcoming events of public importance or interest however, such comments shall not be included in the official Meeting minutes.

21.02 Notice of Motion

A Member who wishes to give notice of a motion shall do so under "Other Business".

21.03 Substantive Information Reports

A Member may move a motion requesting a substantive report from staff and such motion shall require a seconder and the approval of a Majority of the Members present at a Meeting. Such requests shall identify the appropriate Department and/or Director, the objective(s) of the report, and the Standing Committee or Council Meeting the report is to be presented at. Any Member moving a motion for a Substantive Report shall consult with the CAO to ensure that the timelines for reporting back are consistent with existing staff workplans and priorities.

22 **Confirmatory By-law**

At the conclusion of all Regular and Special Meetings of Council, and prior to adjournment, a By-law shall be brought forward to confirm the proceedings of the Council in respect of all motions, resolutions and other actions taken at the Meeting. A Confirmatory By-law, when introduced, shall be taken as having been read and shall be voted on without debate.

23 Order of Business for Standing Committee Meetings

23.01 The Order of Business for Regular Standing Committees shall be as follows:

- a) Call to Order/Roll Call
- b) Disclosure of Interest
- c) Delegations
- d) Matters for Consideration
- e) Member Updates on Committees
- f) Other Business
- g) Adjournment

The provisions noted in the preceding section describing the order of business on a Council Agenda shall also apply to the same sections at Standing Committee Meetings. The following provides an explanation of the additional section contained on Standing Committee agendas.

23.02 Member Updates on Committees

Members may provide updates as the Council representative for a Committee of Council. Such updates shall be limited to a verbal update, and may provide information on the Committee's Workplan, ongoing mandate, or any other matter that is before the Committee. Any recommendations of the Committee must be presented in accordance with Policy ADM 040, Committees and Taskforces of Council, and through the applicable staff liaison for the Committee and shall not be presented during a Member's update on a Committee.

24 Rules of Debate

- 24.01 No Member shall be deemed to have precedence or seniority over any other Member.
- 24.02 When a Member is speaking, no other Member shall interrupt that Member except to raise a point of order or privilege.
- 24.03 During debate, and while the Chair is speaking, or when the Council is engaged in voting, no Member is permitted to disturb the Council by whispering, or walking across the floor, or in any other way except to raise a point of order or privilege.
- 24.04 Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking. Despite this provision, if a motion is printed in an agenda, there shall not be a requirement for the motion to be read aloud.

- 24.05 Before speaking to a matter or motion, a Member shall raise their hand and be recognized by the Chair prior to speaking to any matter and shall speak through the Chair.
- 24.06 When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- 24.07 After the Chair has called the vote on a motion, no Member shall speak to the motion, nor shall any other motion be presented until, after the result of the vote has been declared.
- 24.08 A motion in respect of a matter which requires the exercise of a legislative power by Council which is not within its jurisdiction, shall not be in order at a Meeting of Committee or Council unless it is for purposes of requesting a higher level of government to take a specific action or make changes to policy or legislation.
- 24.09 Speaking to a Motion

A maximum of five (5) minutes shall be allotted to each Member wishing to speak to present their position on the motion. No Member shall speak more than once to the same motion except:

- a) with leave of the Chair, for not more than five (5) additional minutes, in explanation of a material part of their speech which may have been interpreted incorrectly;
- b) with leave of the Chair, for not more than five (5) additional minutes, after all other Members so desiring have spoken; or
- c) in reply, as may be allowed with leave of the Chair, by the Member who presented the motion, in which case the Member shall speak for no longer than a five (5) minute period.

24.10 Questioning the Motion

- a) A Member may ask a question during the course of debate only for the purpose of obtaining information relating to the motion under discussion and such question must be stated concisely and asked only through the Chair.
- b) Notwithstanding the above, when a Member has been recognized as the next speaker, such Member may immediately before speaking ask a question through the Chair on the motion under discussion, but only for the purpose of obtaining information, following which the Member shall speak.

24.11 Proceedings Decided by Chair

In all other proceedings of Council, the matter shall be decided by the Chair, subject to an appeal of the Chair's decision by a Member of the Committee or Council.

24.12 Chair's Decision Final Unless Appealed

Unless a Member immediately appeals to the Council the Chair's decision, the decision of the Chair shall be final.

24.13 Appeal of Decision of Chair

A Member may appeal any decision of the Chair. The appeal must occur immediately after the Chair states the decision. If the Member appeals the Chair's decision, it shall be done by a duly moved and seconded motion, and Council shall decide the question without debate and the decision shall be final. The motion before Council would be "Do you support the Chair's ruling, "Yes" or "No". A tie vote sustains the decision of the Chair and the Chair is entitled to vote on the question.

25 **Points of Order**

25.01 A Member may at any time, raise a point of order to call attention to a violation of the Rules of Procedure and the Member must state the point of order to the Mayor/Chair succinctly. The Mayor/Chair shall then decide on the point of order immediately without debate and advise the Members of the decision.

25.02 A Member may immediately appeal the Mayor/Chair's decision in accordance with the provisions of this By-law.

26 **Points of Privilege**

26.01 Where a Member considers that the health, safety, rights and/or the integrity of anyone present at the Meeting has been impugned, they may at any time, raise a point of privilege.

26.02 A point of privilege shall take precedent over other matters, but the Members shall not be permitted to enter into any argument or debate. The Mayor/Chair shall decide on the point of privilege immediately and advise the Members of the decision.

26.03 A Member may immediately appeal the Mayor/Chair's decision in accordance with the provisions of this By-law.

26.04 Where the integrity of the staff or the CAO has been impugned, the Mayor/Chair may permit the CAO to make a statement to the Committee or Council.

27 **Motions**

- 27.01 Except as otherwise provided in this By-law, all motions must be duly moved and seconded before the motion can be put on the floor for consideration and before the Mayor/Chair can call the question. All motions, including amendments, shall be in writing to ensure that all Members and the public are fully aware of the motion being voted on.
- 27.02 Direction to staff will be by motion except where the Chair, in consultation with senior City staff at the Meeting determines that a motion is not necessary.
- 27.03 Once a motion is in the possession of the Committee or Council, the mover may withdraw the motion at any time prior to it being amended or decided and such withdrawal may be made without consent of the seconder.

27.04 Motions in Order of Precedence

The following motions are in order of precedence and can only be made if no motion of higher precedence is on the floor. Motions are listed in order from the bottom to the top. All motions listed below require a Majority vote of the Members present to be carried unless otherwise stated:

- a) Motion to Adjourn
- b) Motion to Recess
- c) Motion to Table
- d) Motion to Call the Question (requires 2/3 Majority)
- e) Motion to Defer
- f) Motion to Refer
- g) Motion to Amend
- h) Motion to Suspend of the Rules (requires 2/3 Majority)
- i) Motion to Divide
- j) Main Motion

27.05 Motion to Adjourn

- a) Is not debatable or amendable;
- b) Is always in order except:
 - i. when a Member is speaking or during the taking of a vote;
 - ii. immediately following the affirmative resolution of a motion that a vote on the matter now be taken; and,
 - iii. when a Member has already indicated to the Chair that they wish to speak on the matter.
- c) If carried, requires that the Meeting end immediately, regardless of the stage of proceedings;
- d) If not carried, a motion to adjourn shall not be made again until further proceedings have been conducted by the Committee or Council;

- e) If the motion is to adjourn to a specific time, and if carried, it suspends the Meeting to continue at such specific time stated.

27.06 Motion to Recess

- a) A motion to recess is not debatable, shall specify the length of the recess, and may only be amended with respect to the length of the recess;
- b) Despite the aforementioned, the Chair may also call a recess for no more than 15 minutes without requiring a motion.

27.07 Motion to Table

- a) A motion to table temporarily sets aside a pending motion (or a series of pending motions) to consider another matter deemed more urgent;
- b) Is not debatable or amendable and shall not include additional instructions;
- c) The matter tabled shall not be considered again until a motion has been made to lift the matter from the table;
- d) If a motion is not taken from the table by the next Regular Meeting of the Committee or Council, the motion dies;
- e) A Member shall not be allowed to speak to a motion and immediately move a tabling motion;
- f) A motion to table is not in order to intentionally kill a motion.

27.08 Motion to Call the Question

- a) A Member may request the Chair call the question by presenting a motion that the question “now be put to a vote”;
- b) Shall require a 2/3 Majority vote of the Members present;
- c) A motion to call the question is not debatable or amendable and cannot be proposed when there is an amending motion under consideration except for the purpose of moving that the amending motion be put to a vote.

27.09 Motion to Defer

- a) A motion to defer a matter to a different time must include time, place, and the purpose of the deferral, and shall be in order after a motion is read or stated by the Chair;
- b) Is debatable and amendable however debate and any amendment shall be confined to the time and place to which the matter shall be deferred;

- c) The deferred matter will return in the same format as originally presented, to the time and place stated in the motion to defer.

27.10 Motion to Refer

- a) A motion to refer a matter to a Committee, Council or City staff must include the body to which it is being referred, the purpose of the referral, and the time in which it shall be returned (if applicable);
- b) A motion to refer a matter is debatable and amendable however debate and any amendment shall be limited to the time and place of the referral;
- c) A motion to refer shall be disposed of by the Committee or Council before the original motion or any other motion pertaining to the original motion and if carried, requires that consideration of the motion cease and the Meeting proceed to the next item of business.

27.11 Motion to Amend

- a) shall be presented in writing whenever possible;
- b) shall be relevant to the main motion;
- c) shall not be in order if it proposes a direct negative to the main motion;
- d) shall be disposed of before the main motion;
- e) Is debatable and amendable;
- f) a motion to amend an amending motion shall be disposed of before the motion to amend the original main motion;
- g) only one motion to amend an amendment to the original motion shall be allowed and any further amendment must be to the original main motion.

27.12 Motion to Suspend the Rules

- a) Any procedure required by this By-law may be suspended by a Two-Thirds Majority vote of the Members present unless otherwise provided for in any Act;
- b) Shall not be used to suspend the rules pertaining to Quorum or the provisions for open Meetings;
- c) A motion to suspend the rules is not debatable or amendable and shall not include additional instructions;
- d) If a motion to suspend the rules is adopted, the Chair shall observe and enforce the Rules of Procedure as altered by the resolution.

27.13 Motion to Divide

A motion containing distinct proposals may be divided and a separate vote shall be taken upon each proposal contained in a motion if decided upon by a

Majority vote of the Members present and voting. A motion to divide is not debatable or amendable and shall not include any additional instructions. For clarity, a motion to divide shall be handled as follows:

- a) A main motion is duly moved and seconded;
- b) A mover and seconder move for a “motion to divide” the main motion into separate items so that they may be voted on individually;
- c) The Chair calls the vote on the motion to divide, which is not debatable;
- d) If the motion to divide carries, the Chair will call the vote on the divided items separately and then on the balance of the main motion as applicable.

27.14 Motion to Reconsider a Previous Decision of Council

- a) A Member who voted on the prevailing side of a main motion may move for reconsideration of a decision of Council provided that no action has been taken on any part of the matter that cannot be undone;
- b) A reconsideration motion requires a Two-Thirds Majority vote of the Members present and no discussion of the original motion shall be allowed until the motion for reconsideration has carried;
- c) Reconsideration may be done at the same Meeting in which the matter was decided, and if the motion to reconsider carries, the reconsideration of the original resolution shall become the next order of business;
- d) If not done at the same Meeting in which the matter was decided, a Member may give notice of a motion for reconsideration of the matter at a subsequent Meeting. Such notice shall be given in accordance with Section 18 of this By-law. The resolution being reconsidered will be placed on the next Regular Council agenda under New and Unfinished Business. The previously adopted resolution of Council remains in force unless and until Council adopts a new resolution;
- e) A motion to reconsider is debatable only to the extent of the rationale for reconsidering the matter, and no debate of the matter itself shall be allowed unless the motion to reconsider carries;
- f) No matter shall be reconsidered more than once within 12 months;
- g) A notice of a written decision of the Ontario Land Tribunal (OLT) with regard to an appeal that requires Council to make a new decision, shall not be deemed a reconsideration of a Council decision in accordance with the provisions of this By-law.

27.15 Motion to Rescind

- a) A motion to rescind a previous resolution of Council may be moved by any Member provided that no action has been taken on the matter that cannot be undone. Notice of a motion to rescind a previous decision of Council shall be given in accordance with Section 18 of this By-law;
- b) A motion to rescind is debatable only to the extent of the rationale for rescinding the decision of Council;
- c) A motion to rescind a previous decision requires a Two-Thirds vote of the Members present and if the motion to rescind the prior decision carries, the resolution previously adopted by Council is immediately of no further force or effect;
- d) If it is possible to use a motion to reconsider, the motion to rescind shall not be in order.

28 Voting

28.01 Requirement to Vote

All Members present and seated must vote. If a Member is present and does not vote they are deemed to have voted in the negative, except where the Member is disqualified from voting.

28.02 Vote Not Allowed

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.

28.03 Voting on Amendments

Amendments are voted upon before the main motion and if there are numerous amendments, the Chair may place them in the most logical, practical and expeditious order for consideration.

28.04 Determination of Votes

The manner of determining the decision of Committee or Council on a motion shall be by the prominent show of hands.

28.05 No Secret Voting

No vote may be taken by ballot or any other method of secret voting.

28.06 Decorum While Calling Vote

When the Chair calls for the vote on a motion, each Member shall occupy their seat, and shall remain in their seat, until the result of the vote has been declared by the Chair, and during such time no Member shall cross the floor or speak to any other Member or make any noise or disturbance.

28.07 Disagreement with Result of Vote

If a Member disagrees with the announcement of the Chair that a motion is carried or defeated, the Member may, but only immediately after the declaration by the Chair, object to the declaration and a Recorded Vote shall be taken.

28.08 Recorded Votes

Where a vote of Committee or Council is taken for any purpose, a Member may request, immediately prior or immediately subsequent to the taking of the vote, that the vote be recorded. Each Member present, beginning with the requester of the Recorded Vote, and continuing alphabetically from that Member onward, except a Member who is disqualified from voting by reason of interest or otherwise, shall announce their vote openly and the Clerk shall record each vote. The Mayor shall be called upon to vote following all other Members.

28.09 Vote of the Chair

The Chair, except when disqualified to vote by reason of interest or otherwise, may vote with the other Members on all questions.

29 **Contingencies**

In all contingencies not provided for in this By-law, the question shall be decided by the Chair and in making such a ruling, the decision shall be based on Robert's Rules of Order.

30 **Commencement and Administration**

30.01 This by-law shall be administered by the Clerk.

30.02 The Clerk shall be authorized to make minor corrections to any By-law, Motion, Resolution, minutes or other Council document to eliminate technical or typographical errors.

30.03 By-law 7926/22 is hereby repealed.

30.04 The short title of this by-law is the "Procedure By-law".

By-law passed this 26th day of June, 2023.

Original Signed By

Kevin Ashe, Mayor

Original Signed By

Susan Cassel, City Clerk