



# **Council's Rules of Procedure**

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## By-law 111-2017 of The Corporation of the City of Oshawa

Being a by-law to establish The Corporation of the City of Oshawa's rules of procedure for meetings of Council and applicable Committees.

Whereas, parliamentary procedures are rooted in principles designed to ensure the fair and efficient disposition of business before a deliberative body; and,

Whereas, the Municipal Act, 2001 provides that municipalities may pass by-laws respecting accountability and transparency of the municipality; and,

Whereas, the Municipal Act, 2001 requires a municipality to pass a by-law to govern the rules of procedure and public notice of its meetings; and,

Whereas Council finds it appropriate to repeal and replace By-law 126-75, as amended.

Now therefore the Council of The Corporation of the City of Oshawa enacts as follows:

### **1. Application**

- 1.1 This By-law establishes Council's Standing Committee structure and rules of procedure for Meetings of Council and its Committees (referred to as the "Procedure By-law").

### **2. Definitions**

2.1 In this By-law:

- a) "Act" means the Municipal Act, S.O. 2001, c. 25, as amended;
- b) "Chair" means the presiding officer at a Meeting;
- c) "City" means The Corporation of the City of Oshawa;
- d) "City Manager" means the Chief Administrative Officer of the City and includes the persons from time to time acting as the City Manager;
- e) "City's Website" means the uniform resource locator (URL) [www.oshawa.ca](http://www.oshawa.ca);
- f) "Clerk" means the City Clerk of the City and includes the persons from time to time acting as the Clerk;
- g) "Closed Meeting" or "In-Camera Meeting" means a Meeting, or part of a Meeting, which is closed to the public as permitted by the Act;
- h) "Committee" means a Standing Committee, Committee of the Whole or another body established by Council wholly comprised of Members;

- i) "Committee of the Whole" means a Committee comprised of all Members of Council, subject to the rules set out in this By-law;
- j) "Confirming By-law" means a by-law passed for the purpose of giving effect to a previous decision or proceeding of Council;
- k) "Council" means the Council of the City;
- l) "Delegation" means, as the context may require, a person who addresses or seeks to address Council or Committee or the content of the person's address to Council or Committee;
- m) "Education and Training Session" means a Special Meeting of Council or of a Committee for the purpose of providing education or training on a matter, subject to the rules set out in this By-law;
- n) "Frivolous" means a submission or comment not having any serious or relevant purpose or value;
- o) "Inaugural Meeting" means the first meeting of Council after a regular election;
- p) "Joint Meeting" means a Special Meeting of two or more Standing Committees;
- q) "Majority Vote" means an affirmative vote of more than one half of the Members present and voting;
- r) "Mayor" means the head of Council and includes the Members from time to time acting as the Mayor;
- s) "Meeting" means any meeting of Council or of a Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council or the Committee;
- t) "Member" means a Member of Council;
- u) "Motion" means a proposal by a Member to adopt, amend, or otherwise deal with a matter before Council or a Committee;
- v) "Point of Order" means a Motion raised by a Member drawing attention to an infraction of this By-law;
- w) "Point of Personal Privilege" means a Motion concerning the health, safety, rights, or integrity of the Member, the Council, a Committee or anyone present at a Meeting;
- x) "Public Meeting" means a Meeting held to hear public input, as may be prescribed by legislation or where public input is sought on a matter;
- y) "Quorum" means the number of Members required for the legal conduct of the business of Council or a Committee;

- z) "Recorded Vote" means the making of a written record of the name and the vote of each Member who votes on a Motion;
- aa) "Regular", in relation to a Meeting, means a Meeting that is scheduled pursuant to sections 8.2 or 8.3 of this By-law;
- bb) "Resolution" means the decision of Council or of a Committee on any Motion;
- cc) "Special", in relation to a Meeting, means a Meeting other than a Regular Meeting;
- dd) "Standing Committee" means a Committee referenced in section 4 of this By-law;
- ee) "Two-Thirds Majority Vote" means an affirmative vote of at least two-thirds of the Members present and voting; and
- ff) "Vexatious" means a submission or comment that is without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others.

### **3. Interpretation**

- 3.1 In the event of conflict between this By-law and legislation, the provisions of the legislation prevail to the extent of the conflict.
- 3.2 In the event of conflict between this By-law and any other by-law of the City respecting Meeting procedure, this By-law will prevail to the extent of the conflict.
- 3.3 A specific statement or rule has greater authority than a general one.
- 3.4 If there is a conflict between two or more rules established by this By-law, or if there is no specific rule on a matter, the Chair will determine a rule.
- 3.5 In making a ruling pursuant to this By-law, the Chair may consult the Clerk and with such others as the Clerk may recommend.
- 3.6 The Chair may consider Council's practices and former decisions, including previous rulings, in applying these rules and in making rulings.

### **4. Standing Committees**

- 4.1 Each Standing Committee, for its mandate described in this section 4, is responsible for:
  - a) Establishing priorities and providing direction to City Staff;
  - b) Making policy, program and service recommendations to Council;
  - c) Providing an important forum for public participation by considering correspondence, hearing Delegations and receiving petitions;

- d) Considering City staff reports; and
  - e) Undertaking such duties as may be assigned by Council.
- 4.2 Community Services Committee is comprised of five (5) Members and oversees matters related to the City's Community Services Department policies, services and programs.
- 4.3 Corporate Services Committee is comprised of five (5) Members and oversees matters related to the City's Corporate Services Department policies, services and programs.
- 4.4 Development Services Committee is comprised of five (5) Members and oversees matters related to the City's Development Services Department policies, services and programs.
- 4.5 Finance Committee is comprised of five (5) Members and oversees matters broadly related to financial matters including financial planning, reporting and purchasing policies, services and programs.
- 4.6 The Mayor is ex officio a Member of each Standing Committee.
- 4.7 Council will appoint Members to each Standing Committee at the first Regular Meeting of Council and thereafter from time to time as Council may determine.

## **5. Waiving Rules**

- a) Rules in this By-law may be waived by a Two-Thirds Majority Vote, with the exception of the following circumstances:
  - i) Amending this By-law;
  - ii) Where a rule is required to be followed by law; and
  - iii) Paragraphs 6.2 b), 6.2 c), 6.6 c) and section 11.
- b) A Motion to waive the rules is not amendable or debatable.

## **6. Public Participation**

### **6.1 Public Participation – General**

- a) The public has the right to participate in the decision making process by corresponding to or addressing Council or a Committee as a Delegation or by submitting a petition subject to the rules set in this By-law.
- b) The Chair and the Clerk will seek to reasonably accommodate to the extent practicable persons with accessibility needs.

## 6.2 Correspondence – General

- a) Correspondence must include the author's full name and current contact information including, at a minimum, the author's residence address and telephone number or e-mail address.
- b) The Clerk will neither respond to nor place on an agenda any correspondence which, in the Clerk's determination, is anonymous, illegible or that contains any disrespectful or offensive language nor will such correspondence be considered by Council or a Committee.
- c) Correspondence related to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be considered by Council or a Committee.
- d) Correspondence that, in the Clerk's determination, relates to the following will not be placed on an agenda:
  - i) Matters which are not within Council's jurisdiction;
  - ii) Matters which have been decided upon by Council, if the period for reconsideration on the matter set out in section 26.10 has not expired;
  - iii) Matters which have been referred to staff for a report, until the matter is before Council or Committee; and
  - iv) Matters which are the subject of an Education and Training Session.

## 6.3 Correspondence - Requiring Action or Related to an Item of Business

- a) Subject to section 6.2 and the Clerk's agenda publishing deadlines, the Clerk will place correspondence requiring action by Council or Committee or related to an item of business before Council or Committee on the agenda that the Clerk determines is appropriate in relation to the subject matter of the correspondence.
- b) Correspondence related to an item of business before Council or Committee received after the Clerk's agenda publishing deadlines will be distributed as an additional agenda item.
- c) Correspondence unrelated to an item of business before Council or Committee received after the Clerk's agenda publishing deadlines may, at the Clerk's discretion, be included in a subsequent Meeting agenda.
- d) Staff may prepare recommendations related to correspondence for Council's or a Committee's consideration.

#### 6.4 Information Package

- a) The Clerk will periodically prepare and post a package of information items on the City's Website for the reference of Council and the public, including:
  - i) Correspondence intended for the information of Council or Committee only, unrelated to an item of Council or Committee business;
  - ii) Correspondence outlined in paragraph 6.2 d);
  - iii) Delegations outlined in paragraph 6.6 d);
  - iv) Standing Committee minutes;
  - v) Advisory Committee minutes;
  - vi) Resolutions from other municipalities and organizations; and
  - vii) Memoranda from staff that do not require a decision by Council or a Committee, including routine reporting on delegated matters, follow up on matters raised at a Meeting, status reports on City initiatives and the like.
- b) Subject to the Clerk's agenda publishing deadlines, any Member may request the Clerk to place an item included in the information package on the agenda that the Clerk determines is appropriate in relation to the item's subject matter.

#### 6.5 Delegations – General

- a) Subject to the rules set out in section 6.6, a person is welcome to address Council or a Committee as a Delegation.

#### 6.6 Delegations – Requirements

- a) A Delegation who is under eighteen (18) years of age must provide to the Clerk written permission from the Delegation's parent or guardian.
- b) With the exception of Public Meeting matters, a written request to be heard as a Delegation must be submitted to the Clerk.
- c) Delegations related to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be considered by Council or a Committee.
- d) Delegation requests that, in the Clerk's determination, relate to the following matters will not be placed on an agenda:
  - i) Matters which are not within Council's jurisdiction;

- ii) Matters which have been decided upon by Council if the period for reconsideration of the matter set out in section 26.10 of this By-law has not expired;
- iii) Matters which have been referred to staff for a report until the matter is before Council or Committee; and
- iv) Matters which are the subject of an Education and Training Session.

#### 6.7 Delegations – Procedure

- a) With the exception of matters considered directly by Council, a Delegation will be first heard at the Committee as determined by the Clerk in relation to the subject matter of the Delegation, prior to Council.
- b) Council or a Committee will vote to hear or refuse to hear any Delegation. The Motion is not amendable or debatable.
- c) Subject to paragraph 6.7d), a Delegation related to an item listed on an agenda requires a Majority Vote to be heard.
- d) A Delegation who did not appear before the appropriate Committee requires a Two-Thirds Majority Vote to be heard by Council.
- e) A Delegation related to an item which is not listed on an agenda may, at the Clerk's discretion, be scheduled by the Clerk for a subsequent Meeting.
- f) Delegations at a Council Meeting are limited to five (5) minutes. Delegations at a Committee Meeting are limited to ten (10) minutes.
- g) A one-time extension of two (2) minutes or alternative timeframes may be established for a Delegation at a Meeting, subject to a Two-Thirds Majority Vote.

#### 6.8 Petitions - Procedure

- a) Petitions may be submitted to the Clerk and must include:
  - i) The full names of a minimum of two (2) persons and their respective residence addresses and telephone numbers or e-mail addresses;
  - ii) A clear statement of purpose;
  - iii) No content that, in the Clerk's determination, is disrespectful or offensive;
- b) A summary of the petition submitted will be noted on a Council or appropriate Committee agenda, but not the petition itself.

- c) The petition will be made available to Council and the public for inspection at the Clerk's office during regular business hours.
- d) Staff may prepare recommendations related to the petition.

## 6.9 Decorum at Meetings

- a) Meeting attendees will maintain mutual respect and order and not disrupt the Meeting in any manner.
- b) Signs, placards and other devices are permitted at Meetings, provided they do not contain disrespectful or offensive language and do not disrupt the Meeting or an attendee's ability to view the proceedings.
- c) Video, audio and photographic equipment will be permitted in designated areas provided they do not disrupt the Meeting or an attendee's ability to view the proceedings.
- d) With the exception of Members, City staff and persons authorized by the Chair or Clerk, no person will be allowed to approach the area designated for Delegations or for seating for Members and staff.
- e) All communication devices will be set to silent mode during a Meeting, with the exception of assistive devices or other provisions for persons with disabilities.
- f) Delegations intending to make presentations will submit all Meeting materials through the Clerk.
- g) Nothing in this section 6.9 limits the Chair's authority pursuant to the Act to expel any person for improper conduct at a Meeting.

## 7. Member Roles & Conduct

### 7.1 Chair – Presiding Officer

- a) In accordance with the Act, the Chair serves as the presiding officer at a Meeting.
- b) The Chair of a Meeting of Council, or an Education and Training Session is the Mayor. In the absence of the Mayor, the Deputy Mayor is Chair.
- c) In the absence of the Chair of a Standing Committee, the Vice Chair will act as Chair.
- d) In the absence of the Chair or Vice Chair of a Standing Committee, the Members will appoint one of their Members as Chair for the Meeting.
- e) The Members of the Standing Committees at a Joint Meeting will appoint one of their Members as Chair for the Joint Meeting.

7.2 Chair – Role: The Chair’s role includes the following:

- a) Chairing the Meeting in an objective manner in accordance with this By-law and applicable legislation;
- b) Enforcing rules and decorum;
- c) Ruling on whether a Motion is in order and clarifying intent, as needed;
- d) Ensuring that Meetings are conducted in an orderly fashion including by refusing to acknowledge a Motion that, in the Chair’s determination, is Frivolous, Vexatious or made principally for the purpose of causing delay;
- e) Deciding and ruling on all Points of Order and Points of Personal Privilege at the Meeting;
- f) Ensuring that all Members who wish to speak on a Motion have spoken;
- g) Ensuring clarity, where required, by reading, or requesting an appropriate person to read Motions before voting;
- h) Subject to the preceding paragraphs of this section 7.2, putting all Motions to a vote and announcing results;
- i) Voting on all matters unless the Municipal Conflict of Interest Act prohibits it;
- j) Declining to put to a vote any Motion, which, in the Chair’s determination, contravenes this By-law or is beyond the jurisdiction of Council; and
- k) Without a Motion, recessing a Meeting for a time to be determined by the Chair where the Chair believes that there is a threat or imminent threat to the health or safety of any person or that there is a possibility of public disorder.

7.3 Chair – Participation in Debate

- a) If during a Meeting, the Chair desires to move a Motion or to take part in the debate, the Chair will call on the Deputy Mayor or Vice Chair to preside until the Chair resumes the chair.
- b) The Chair may summarize the Chair’s position on a matter prior to the vote, and only after all Members have had an opportunity to speak.

7.4 Acting Mayor

- a) The Mayor may recommend to Council a Member to act in the Mayor’s place, to be styled as Deputy Mayor.

- b) The Mayor may recommend to Council an alternate Deputy Mayor to act in the place of the Deputy Mayor, to be styled as second Deputy Mayor.

7.5 Members – Role: Members’ roles include the following:

- a) Respecting the rules of order in this By-law;
- b) Being respectful of each other’s roles and responsibilities;
- c) Considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
- d) Refraining from using indecent or offensive language or behavior;
- e) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege;
- f) Refraining from engaging in private conversation while in a Meeting and from using communication devices in any disruptive manner;
- g) Refraining from engaging in debate with persons appearing before Council or Committee;
- h) Voting on Motions put to a vote unless the Municipal Conflict of Interest Act prohibits it;
- i) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
- j) Informing the Chair and Clerk of their absences prior to any Meeting at which they will be absent;
- k) Respecting and following the decisions of Council and Committees; and
- l) Not disclosing any of the content of a Closed Meeting or provide confidential documents or materials to unauthorized individuals.

7.6 Chair’s Ruling – Process for Member to Challenge

- a) If a Member disagrees with a Chair’s ruling, the Member may immediately, by Motion without a seconder, challenge the Chair’s ruling and in response, the Chair will immediately call a vote on the Motion to “uphold the Chair’s ruling”. For clarity, voting in the positive indicates support for the Chair’s ruling.
- b) Council or a Committee may uphold or overturn the Chair’s ruling.

7.7 Member Disobeys Chair’s Ruling or this By-law

- a) Without limiting the Chair’s power to expel pursuant to section 241(2) of the Act, if a Member disobeys the Chair’s ruling or this By-law:

- i) After the first occurrence, the Chair will give a formal verbal warning to the Member.
- ii) After the second occurrence, the Chair will call the Member to order.
- iii) If the Chair takes action under 7.7 a) i) and ii) and the Member continues to disobey the Chair's ruling or this By-law, the Chair will immediately order the Member to leave the Member's seat for the rest of the Meeting. If the Member refuses to do so, the Chair may request assistance from security staff to remove the Member.
- iv) Any Member other than the Member who was dismissed may challenge the Chair's ruling pursuant to section 7.6. Should the Chair's ruling be overturned, the dismissed Member may return to the Member's seat.
- v) If, during the Meeting, the dismissed Member wishes to apologize, the Member will seek to inform the Clerk, who will then inform the Chair.
- vi) At the next available opportunity in the Meeting, the Chair will allow the dismissed Member to return to the Member's seat to apologize.
- vii) Once the apology is given, any Member other than the dismissed Member may make a Motion to allow the dismissed Member to return to the Meeting. The Motion is not debatable or amendable. Council or a Committee will immediately vote on the Motion.

#### 7.8 City Administration - Role

- a) In accordance with the Act, the role of City Administration includes:
  - i) Implementing Council's decisions and establishing administrative practices and procedures to carry out Council's decisions;
  - ii) Undertaking research and providing advice to Council on City policies and programs; and,
  - iii) Carrying out other duties required by law and as assigned by Council.

#### 7.9 Clerk - Role

- a) The Clerk is a statutory officer charged with managing the organization, notice, agenda preparation, records and administration of Meetings.

- b) The Clerk may implement any administrative practices, procedures and forms consistent with this By-law to ensure the timely and efficient disposition of Council and Committee business.
- c) The Clerk may amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.
- d) The Clerk will periodically recommend to Council amendments to this By-law.

## **8. Scheduling Meetings**

### **8.1 Inaugural Meeting**

- a) The scheduling of the Inaugural Meeting will be determined by the Clerk in consultation with the Mayor-Elect, but will be scheduled no later than seven (7) days after the new term of Council commences.

### **8.2 Regular Council Meetings**

- a) Regular Council Meetings will be held on Mondays every three weeks at 3:30 p.m. for a Closed Meeting, if required, and at 6:30 p.m. in the Council Chamber or another location within the City determined by the Chair in consultation with the Clerk.
- b) Where a Regular Council Meeting falls on a Monday that is a public or civic holiday, the Meeting will be rescheduled on Tuesday at 3:30 p.m. for a Closed Meeting, if required, and at 6:30 p.m. of the same week in the Council Chamber or another location within the City determined by the Chair in consultation with the Clerk.
- c) Subject to section 8.5 of this By-law, no Regular Council Meetings will be held in July and August or during the week of March Break.

### **8.3 Regular Standing Committee Meetings**

- a) The Clerk will prepare a Regular Standing Committee Meeting schedule to be approved by Council to accommodate Standing Committees to meet every three (3) weeks on a rotating basis in the Committee Meeting Room.
- b) A minimum break of at least one (1) hour will be provided between Regular Standing Committee Meetings held on the same day.

### **8.4 Education and Training Sessions**

- a) An Education and Training Session may be called by the Chair and scheduled in consultation with the Clerk.

## 8.5 Special Meetings

- a) Special Meetings may be called by the Chair and scheduled in consultation with the Clerk.
- b) A Joint Meeting may be called by the Chairs of the Standing Committees proposed for the Joint Meeting.
- c) The Clerk will call a Special Meeting when petitioned in writing by a majority of the Council or Committee Members.

## 9. Notice of Meetings

### 9.1 Notice of Meetings

- a) The Clerk will give notice of a Meeting by publishing a Meeting agenda on the City's Website.
- b) Regular Council and Standing Committee Meeting agendas will be no later than during the week prior to the scheduled Meeting.
- c) The Clerk will prepare a calendar giving notice of specific dates when Regular Council and Standing Committee agendas will be available and will post the calendar on the City's Website.
- d) An agenda for a Special Meeting will be made available no later than twenty-four (24) hours prior to the scheduled Special Meeting.
- e) The Clerk may provide earlier or additional forms of notice, as the Clerk deems appropriate.
- f) Meeting agendas and earlier or additional forms of notice will include the date, time, location and purpose of the Meeting. In addition, the general nature of any Closed Meeting matters and the grounds for closing the Meeting to the public as set out in the Act will be noted on the agenda.
- g) Each Member will receive the Member's Regular Meeting agendas in the Member's secure mailbox located at the City Hall and as arranged by the Clerk for delivery of Special Meeting agendas.
- h) A Member's failure to receive a notice or an agenda does not affect the validity of holding the Meeting or any action taken at that Meeting.

### 9.2 Cancellation or Postponement of Meetings

- a) A Meeting may be cancelled or postponed by the Chair in consultation with the Clerk where Quorum cannot be achieved, when a Meeting is no longer required, when directed by Council Resolution, or in the event of an emergency.

- b) The Clerk will give notice of Meeting cancellations or postponements by providing notice to Members electronically no later than twenty-four (24) hours prior to the scheduled Meeting by posting a notice on the City's Website and on the entrance to City Hall. In the event of an emergency, cancellation notice will be provided as soon as possible in a manner deemed appropriate by the Clerk.

## **10. Allocation of Seats**

- a) Members will be assigned seating as follows:
  - i) Council Meetings: Members will be seated clockwise in alphabetical order by surname beginning on the immediate left of the Chair.
  - ii) Committee Meetings: Members will be seated to the right of the Chair commencing with the Vice Chair followed by each Member in alphabetical order by surname. Visiting Members will sit to the left of the Chair. The Mayor will sit to the right of the Chair.
  - iii) Special Meetings and Education and Training Sessions: Members will be assigned seating by the Clerk in consultation with appropriate staff.

## **11. Quorum**

- a) A Quorum of Council and Committee constitutes a majority of Members, including any vacancies.
- b) A Quorum for a Joint Meeting is a majority of the Members of the Standing Committees for which the Joint Meeting has been called, including any vacancies.
- c) The Mayor, if present, will be counted in determining Quorum at Standing Committee Meetings.
- d) If there is no Quorum within a half an hour of the established start time of a Meeting, the Clerk will record the names of the Members present and the business of the Meeting will be included on the agenda of the next Regular Meeting or of any Special Meeting that may be called to complete the business of the Meeting.
- e) If Quorum is lost during a Meeting, the Clerk will record the names of the Members present. The Chair may, without a Motion, recess the Meeting for a period of time to be determined by the Chair not exceeding thirty (30) minutes to determine whether Quorum may be reestablished. Where the Chair does not recess the Meeting or where Quorum is not reestablished during the period that the Chair has established for a recess, the Meeting will adjourn without a Motion until the next Regular Meeting or to any Special Meeting that may be called to complete the business of the Meeting.

## **12. Late Arrival/Early Departure**

- a) If a Member arrives late at a Meeting, or leaves before the Meeting has been adjourned, the Clerk will record the Member's time of arrival or departure in the minutes.
- b) If a Member arrives late at a Meeting, any prior discussion will not be reviewed without Two-Thirds Majority Vote of the Members present.

## **13. Closed Meetings**

### 13.1 Closed Meetings - General

- a) A Meeting or any part of a Meeting may be closed to the public regarding:
  - i) the security of the property of the City;
  - ii) personal matters about an identifiable individual, including City or local board employees;
  - iii) a proposed or pending acquisition or disposition of land by the City;
  - iv) labour relations or employee negotiations;
  - v) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
  - vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii) a matter in respect of which Council, a board, Committee or other body may hold a closed Meeting under another Act;
  - viii) information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them;
  - ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City, 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;
  - x) a trade secret or scientific, technical, commercial or financial information that belongs to the City and has monetary value or potential monetary value; or
  - xi) a position, plan, procedure, criterion or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

- b) A Meeting or part of a Meeting will be closed to the public if the subject matter being considered is an ongoing investigation respecting the City, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act,
- c) A Meeting may be closed to the public if the following conditions are both satisfied:
  - i) The Meeting is held for the purpose of educating or training Members; and,
  - ii) At the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

### 13.2 Closed Meetings – Procedure

- a) A Motion to close a Meeting or part of a Meeting to the public will state:
  - i) Council or Committee's intention to close the Meeting to the public;
  - ii) the general nature of the matter to be considered; and
  - iii) the grounds for closing the Meeting as set out in the Act.
- b) Only votes relating to procedural matters or direction to officers, employees or agents of the City or persons retained by or under contract with the City may be taken during a Closed Meeting.
- c) After Council or a Committee has held a Closed Meeting, a summary of discussions will occur and required votes taken.
- d) No Member shall disclose to any person by any means any information that has been or will be considered at a Closed Meeting until such time that Council or a Committee has determined or has been advised by City staff that the information, or any part of the information, can be made public pursuant to applicable law.

## 14. Order of Business

### 14.1 Inaugural Council Meeting

- a) The order of business for the Inaugural Meeting will be determined by the Clerk, in consultation with the Mayor-Elect and appropriate staff.

## 14.2 Regular Council Meetings

- a) The order of business for Regular Council Meetings is as follows:

### Closed Meeting (3:30 p.m.)

- i) Declarations of pecuniary interest

### Matters Requiring Direction

- ii) Correspondence requiring Council action(s) or decision(s)

### Consent Agenda

- iii) Correspondence providing recommendations

- iv) Standing Committee Reports

- v) Other Staff Reports & Motions

- vi) Rise and Report

- vii) Recess

### Public Meeting (6:30 p.m.)

- viii) National Anthem

- ix) Recognition of Indigenous Lands

- x) Council Member announcements

- xi) Additional agenda items

- xii) Declarations of pecuniary interest

- xiii) Presentations

- xiv) Delegations

- xv) Correspondence requiring Council action(s) or decision(s)

### Consent Agenda

- xvi) Correspondence providing recommendation(s)

- xvii) Adoption of Council Minutes

- xviii) Standing Committee Reports

- xix) Other Staff Reports & Motions

- xx) By-laws

### Discussion Agenda

- xxi) Matters Excluded from Consent Agenda
- xxii) Matters Tabled
- xxiii) Notices of Motion
- xxiv) Confirming By-law
- xxv) Adjournment

### 14.3 Regular Standing Committee Meetings

- a) The order of business for Regular Standing Committee Meetings is as follows:

#### Public Meeting

- i) Additional Agenda Items
- ii) Declarations of pecuniary interest
- iii) Presentations
- iv) Delegations
- v) Correspondence requiring Committee action(s) or decision(s)
- vi) Referrals from Council and Committees
- vii) Reports from Advisory Committees
- viii) Staff Reports and Motions requiring Committee action(s) or decision(s)

#### Consent Agenda

- ix) Correspondence providing recommendation(s)
- x) Staff Reports and Motions providing recommendation(s)

#### Discussion Agenda

- xi) Matters Excluded from Consent Agenda
- xii) Items Introduced by Council Members

#### Closed Meeting Items

- xiii) Correspondence requiring Committee action(s) or decision(s)
- xiv) Staff Reports and Motions requiring Committee action(s) or decision(s)

### Consent Agenda

- xv) Correspondence providing recommendation(s)
- xvi) Staff Reports and Motions providing recommendation(s)

### Discussion Agenda

- xvii) Matters Excluded from Consent Agenda
- xviii) Rise and Report
- xix) Adjournment

#### 14.4 Special Meetings

- a) The order of business for Special Meetings will be determined by the Clerk in consultation with the Chair and such staff as the Clerk may determine.

#### 14.5 Education and Training Sessions

- a) The order of business for Education and Training Sessions will be determined by the Clerk in consultation with the Chair and such staff as the Clerk may determine.
- b) No Substantive Motions will be passed at an Education and Training Session.
- c) An Education and Training Session will not be adjourned to or from any Meeting of Council or a Committee.
- d) Delegations will not be heard at Education and Training Sessions.

### **15. Additional Agenda Items**

- a) An additional agenda item received after the agenda is published that, in the determination of the Chair or the City Manager and in consultation with the Clerk, relates directly to a matter on the agenda, may be added to the agenda with a Majority Vote and disposed of in the relevant agenda heading, following the items listed on the published agenda.
- b) An additional agenda item received after the agenda is published that, in the determination of the Chair or the City Manager and in consultation with the Clerk, does not relate directly to a matter on the agenda but is time sensitive, may be added to the agenda with a Two-Thirds Majority Vote and disposed of in the relevant agenda heading, following the items listed on the published agenda.
- c) A Motion to add an item is not amendable or debatable.

## **16. Council Member Announcements**

- a) Member announcements are limited to two (2) minutes each.
- b) Announcements will not be recorded in the minutes.

## **17. Declarations of Pecuniary of Interest**

- a) Each Member will provide to the Clerk at the Meeting a written statement of the Member's pecuniary interest(s), if any, in accordance with the Municipal Conflict of Interest Act. The statement must include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates.
- b) The Clerk will record declarations of pecuniary interest made by a Member in the Meeting minutes, noting the matter and the general nature of the pecuniary interest.
- c) A registry of written statements in b) and the relevant Meeting minute extracts will be posted on the City's Website in accordance with the Clerk's administrative procedures.

## **18. Presentations**

- a) Presentations will not exceed ten (10) minutes and will be limited to award or recognition presentations and presentations by City staff or by consultants retained by the City or by others as may be invited by the City.

## **19. Disposition of Standing Committee Recommendations**

- a) Where Council approval is required, Standing Committee recommendations will be placed on the consent agenda for consideration at the next Regular Council Meeting or at a subsequent Council Meeting, if directed by the Standing Committee.

## **20. Consent Agenda**

### **20.1 Consent Agenda - General**

- a) If a Member declares a pecuniary interest on an item that is included on the consent agenda, the item will be considered under the heading "Matters Excluded from Consent Agenda".

### **20.2 Consent Agenda - Council Procedure**

- a) The Chair will ask for a Motion to adopt all items on the consent agenda.
- b) Members will identify any items to be excluded from consent agenda for discussion under the agenda heading "Matters Excluded from Consent Agenda".

- c) A vote will be taken on the balance of the consent agenda items.

### 20.3 Consent Agenda - Standing Committee Procedure

- a) The Chair will ask Members to identify any items to be excluded from consent agenda for discussion under the agenda heading "Matters Excluded from Consent Agenda".
- b) The Chair will ask for a Motion to adopt all items on the consent agenda, excluding items identified for discussion.
- c) A vote will be taken on the consent agenda items, excluding the items identified for discussion.

## 21. By-laws

### 21.1 By-laws - General

- a) Each by-law will be numbered.
- b) The fact that a by-law is introduced at a Meeting of Council on a day after the approval by Council of the subject matter of the by-law, or on a day other than that shown in the by-law, does not affect the validity of the by-law.
- c) Every by-law of the City will be sealed by the Clerk with the seal of the City and retained by the Clerk.

### 21.2 By-laws – Confirming By-law

- a) The proceedings at every Council Meeting will be confirmed by by-law.

### 21.3 By-laws – Presented directly to Council

- a) The following by-laws may be submitted directly to Council without requiring consideration by a Standing Committee:
  - i) By-laws where the purpose and intent of the by-law has, in the Clerk's determination, been clearly authorized by a previous Resolution; and
  - ii) By-laws that, in the Clerk's determination, effect minor amendments including housekeeping and those resulting from changes to applicable law.

## 22. Notices of Motion

- a) A Member may provide verbal notice of the Member's intent to request a Standing Committee or Council to consider a Motion at a subsequent Meeting and must indicate the purpose of the Motion.

- b) A mover and seconder is not required to give effect to the notice in paragraph a). The Chair may assist the Member in directing the intended Motion to the appropriate Standing Committee or Council Meeting.
- c) The Member is responsible for submitting the intended Motion in writing to the Clerk prior to the date determined by the Clerk to allow the Motion to be published on the agenda.

## **23. Adjournment and Outstanding Business**

- a) No business, except a Motion to extend the Meeting, will be considered at a Meeting after 11:00 p.m. A Two-Thirds Majority Vote is required for a Motion to extend the Meeting beyond 11:00 p.m..
- b) A Motion to extend the Meeting beyond 11:00 p.m. is not amendable or debatable.
- c) If a Motion to extend a Meeting does not carry, any outstanding items of business will be considered at the next Regular Meeting, or a Special Meeting called for the purpose of considering outstanding business.

## **24. Meeting Records**

### 24.1 Minutes

- a) The Clerk is responsible for preparing Meeting minutes in accordance with the Act.
- b) Meeting minutes are deemed to be the official record of a Meeting and the decisions of Council.
- c) The Clerk will present Council Meeting minutes to the subsequent Regular Meeting of Council for approval.
- d) Minutes of Council Meetings will be posted on the City's Website within seven (7) business days of the Meeting.
- e) Minutes of Standing Committees will be included in the information package posted by the Clerk pursuant to section 6.4.

### 24.2 Audio Recording, Live Video Streaming and Archiving

- a) The Clerk will endeavour to cause all Regular and Special Council and Standing Committee Meetings to be audio recorded, including Closed Meetings.
- b) The Clerk will endeavour to cause all Regular and Special Council and Standing Committee Meetings to be live video streamed and archived on the City's Website, excluding Closed Meetings.

## **25. Rules of Debate**

### 25.1 Rules of Debate – General

- a) All Members must first be recognized by the Chair, prior to speaking.
- b) At Council Meetings, a Member will rise from the Member's seat and address the Chair before speaking to a Motion.
- c) When two or more Members wish to speak, the Chair will recognize the Member who, in the Chair's opinion, first indicated the Member's intention to speak.
- d) A Member may request the Motion under discussion to be read at any time during debate, but may not interrupt another Member while speaking.

### 25.2 Rules of Debate – Council Meetings

- a) No Member may speak to the same Motion for longer than five (5) minutes at first instance and five (5) minutes in reply, if applicable.
- b) The limit established by paragraph a) may only be extended by Motion which is not debatable or amendable.
- c) A Member will not speak more than once regarding a Motion under debate, except:
  - i) to move an amendment; or
  - ii) to clarify the Motion.
- d) A Member may ask a question of the previous speaker for explanation of the previous speaker's remarks.

### 25.3 Rules of Debate – Committee Meetings

- a) At Committee no Member may speak to the same Motion more than ten (10) minutes on each occasion or for five (5) minutes in reply.
- b) The limit established by paragraph a) may only be extended by Motion which is not debatable or amendable.
- c) A Member may speak to a Motion more than once, but only after every Member has been given the opportunity to speak to the Motion.

## **26. Motions**

### 26.1 Motions – General

- a) Every Motion at a Council Meeting requires a mover and seconder. Every Motion at a Committee Meeting requires a mover, but not a seconder.

- b) All Motions other than those solely related to procedural matters must be in writing.
- c) After a Motion is accepted by the Chair, it will be deemed to be in possession of the Council or Committee, but may be withdrawn at any time before decision or amendment upon the vote of the Council or Committee. A vote to withdraw a Motion is not amendable or debatable.
- d) Directions to staff will be by Motion except where the Chair, in consultation with City staff at the Meeting at the administrative rank of Director or higher, determines that a Motion is not necessary.

## 26.2 Motions - Precedence

- a) When a Motion is under debate, no other Motion may be considered except for the following Motions, to be considered in the listed order of priority:
  - i) To extend the hour for closing proceedings;
  - ii) To adjourn;
  - iii) To recess;
  - iv) To table an item;
  - v) To put the Motion to a vote (also referred to as “to call the vote”);
  - vi) To defer;
  - vii) To refer; and,
  - viii) To amend.

## 26.3 Motion to Adjourn

- a) A Motion to adjourn ends a Meeting.
- b) A Motion to adjourn is not debatable and will always be in order except when:
  - i) Another Member is in possession of the floor;
  - ii) A vote has been called; or
  - iii) Members are voting.
- c) A Motion to adjourn is not amendable or debatable.

#### 26.4 Motion to Recess

- a) A Motion to recess that carries suspends a Meeting for a specific length of time.
- b) A Motion to recess:
  - i) Shall specify the length of time of the recess;
  - ii) Is debatable only as to the length or timing of the recess; and
  - iii) Can only be amended with respect to the duration of the recess.

#### 26.5 Motion to Table

- a) A Motion to table that carries postpones a matter without setting a definite date for future discussion for the matter.
- b) A Motion to table is not amendable or debatable and applies to the Motion and any amendments to the Motion under debate at the time.
- c) If the Motion to table carries, the matter may not be discussed until a vote to lift the matter from the table is taken. A vote to lift a matter from the table is not amendable or debatable.

#### 26.6 Motion "To Put the Motion to a Vote" or "To call the Vote"

- a) A Motion "To Put the Motion to a Vote" or "To call the Vote" that carries stops debate and requires an immediate vote on the Motion.
- b) A Motion "To Put the Motion to a Vote" or "To call the Vote" cannot be made by a Member who has spoken to the Motion or any amendments.
- c) A Motion "To Put the Motion to a Vote" or "To call the Vote" cannot be made at Committee.
- d) A Motion to put the Motion to a vote is not amendable or debatable.

#### 26.7 Motion to Defer

- a) A Motion to defer that carries postpones all discussion on a matter until a future date or time, which is established as part of the Motion.
- b) A Motion to defer to a certain time or date:
  - i) Is open to debate as to advisability of postponement only; and
  - ii) May be amended as to the time or date to which the matter is to be deferred.

## 26.8 Motion to Refer

- a) A Motion to refer that carries directs a matter under discussion by Council or a Committee to staff, another Committee or other body for further examination or review.
- b) A Motion to refer a matter under consideration:
  - i) Will be debatable as to the timing and instructions of the referral, but cannot go into the merits of subject being referred; and
  - ii) Can be amended as to whom it is being referred, as to the time for reporting back, and as to instructions given.
- c) A Motion to refer takes priority over any amendment.

## 26.9 Motion to Amend

- a) A Motion to amend amends a Motion but cannot directly contradict or negate the effect of the Motion. A Motion to amend is out of order if it is a substantive motion on other business beyond the subject matter of the main Motion.
- b) A Motion to amend is debatable.
- c) Process for Motion to amend:
  - i) Only one amendment at a time can be presented to the main Motion and only one sub-amendment Motion can be presented to an amendment.
  - ii) The sub-amendment, if any, will be voted on first, then if no other sub- amendment is presented, the amendment will be voted on next. If no other amendment is introduced, the main Motion, or the main Motion as amended, will be put to a vote.

## 26.10 Motion to Reconsider

- a) No Motion may be considered by Council or by a Committee where, in the Chair's determination in consultation with the Clerk, the subject matter of the Motion (the "Matter") has been decided within the twelve (12) month period immediately preceding the Meeting, except pursuant to this section 26.10.
- b) A Member may introduce a Notice of Motion to reconsider a Matter, to be considered at a subsequent Council Meeting.
- c) A Motion to reconsider requires a Two-Thirds Majority Vote. If the reconsideration Motion carries, the Matter is then reopened in its entirety unless the reconsideration Motion specifies otherwise.

- d) A Motion to reconsider is debatable only to the extent of the rationale for reconsidering the Matter, and no debate of the Matter itself will be allowed unless the Motion to reconsider carries.
- e) Where a Motion has been made to reconsider a Matter, no further Motion to reconsider the Matter may be made within the twelve (12) month period following the Motion to reconsider the Matter.
- f) No Motion to reconsider may itself be the subject of a Motion to reconsider.
- g) A Motion to amend may not be the subject of a Motion to reconsider.

## **27. Voting**

### 27.1 Voting - General

- a) Each Member must be seated when a vote is called.
- b) If a Member does not disclose a pecuniary interest and does not vote on a Motion, the Member will be deemed as having voted in the negative.
- c) Any Motion on which there is a tie vote is deemed to be lost.
- d) After a Motion is put to a vote by the Chair, no Member will speak to it, nor will any other Motion be made until after the vote is taken and the result has been declared. If a Member disagrees with the announcement by the Chair of the result of any vote, except a Recorded Vote, he or she may object immediately to the Chair's declaration and require that the vote be retaken.

### 27.2 Voting – Recorded Votes

- a) A Recorded Vote will be taken at the request of a Member prior to the commencement of the vote being taken or immediately thereafter.
- b) The order in which Members vote on Recorded Votes will be in alphabetical order of the Members present and voting, commencing with the Member who made the request and continuing through the alphabet and then back to the beginning of the alphabet, if necessary, until all Members have voted, except the Chair who will vote last.
- c) A Member is not required to stand during a Recorded Vote.
- d) If a request is made by the Chair for a Recorded Vote, the order in which Members vote will be in alphabetical order of the Members present and voting, except for the Chair who will vote first.
- e) Except for Recorded Votes, a record or notation of a Member's opposition to an issue will not be recorded in any Meeting minutes.

## **28. Division for Voting**

- a) When the Motion under consideration contains two or more distinct parts, upon the request of any Member, the vote upon each part may be taken separately. Any Member may ask for division of one or more parts, or to separate all parts for separate voting.

## **29. Point of Order**

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been non-compliance with this By-law.
- b) Upon hearing such Point of Order, the Chair will decide and state the Chair's ruling on the matter.

## **30. Point of Personal Privilege**

- a) A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of the Member's own person, of a another Member or of anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b) Upon hearing such Point of Personal Privilege, the Chair will decide and states the Chair's ruling on the matter.

## **31. Committee of the Whole**

- a) Meetings of Committee of the Whole may be held during a Meeting of Council or on its own and will be subject to the Committee Meeting rules of debate set out in this By-law.

## **32. Severability**

- a) Each and every one of the provisions of this By-law is severable and if any provision of this By-law should, for any reason, be declared invalid by any Court of competent jurisdiction, it is the intention Council that each and every one of the then remaining provisions of this By-law remain in full force and effect.

## **33. Enactment**

- a) This By-law comes into force and effect on February 1, 2018
- b) By-law 126-75, as amended, is repealed on February 1, 2018.

By-law passed this eighteenth day of December, 2017.

Original by-law signed by the Mayor and City Clerk.