

THE CORPORATION OF THE CITY OF BELLEVILLE
PROCEDURAL BY-LAW

BY-LAW NUMBER 2019-48

TABLE OF CONTENTS

<u>TOPIC</u>	<u>PAGE NO.</u>
PART 1 Definitions	1
PART 2 Effect	2
PART 3 Duty and Role of Council and Mayor	2
3.1 Role of Council.....	2
3.2 Role of Mayor.....	2
3.3 Duty of Members.....	3
PART 4 Rules of Procedure for Council Meetings	3
4.1 Duties of the Presiding Officer.....	3
4.2 Rules of Decorum.....	4
4.3 Rules of Procedure Respecting Motions.....	5
4.4 Rules of Procedure Respecting Reconsideration.....	8
4.5 Voting on Motions.....	8
4.6 Rules of Debate.....	9
4.7 Point of Order.....	11
4.8 Point of Personal Privilege.....	12
4.9 Expulsion for Improper Conduct.	12
4.10 Suspension of the Rules	13
PART 5 Council Meetings	13
5.1 Meeting Place.....	13
5.2 Seating at Council Meetings	14
5.3 Inaugural Meeting of Council.....	14
5.4 Regular Council Meetings.....	14
5.5 Special Council Meetings.....	14
5.6 In Camera Council Meetings.....	14
5.7 Meeting Agendas	15
5.8 Meeting Minutes	16
PART 6 General Meeting Procedures	16
6.1 Open Meetings.....	16
6.2 Quorum.....	16
6.3 Presidency.....	17
6.4 Recording/Streaming of Meetings	17
PART 7 Order of Procedure for Regular and Special Council Meetings	17
7.1 Order of Business.....	17
7.2 Opening Procedure.....	18
7.3 Disclosure of Pecuniary Interest.....	18
7.4 Public Meetings	19
7.5 Approval of Minutes.....	19
7.6 Deputations.....	19
7.7 Correspondence.....	20
7.8 Committee of the Whole.....	20
7.9 By-laws.....	21
7.10 New Business.....	22
7.11 Motions.....	22
7.12 Notice of Motions.....	22

7.13	Announcements.....	23
7.14	Confirmatory By-law	23
7.15	Adjournment.....	23
PART 8	Order of Procedure for In Camera Council Meetings.....	23
8.1	Meeting Agenda for In Camera Council Meetings.....	24
8.2	Opening Procedure for In Camera Council Meetings.....	24
8.3	Disclosure of Pecuniary Interest at In Camera Council Meetings.....	24
8.4	Procedures for In Camera Council Meetings.....	25
PART 9	Committees and Local Boards.....	25
9.1	Local Boards	25
9.2	Committees of Council	25
9.3	Meetings of Committees	26
9.4	Presiding Officer for Committees	26
9.5	Rules of Order for Committees	27
PART 10	Notice	28
10.1	Purpose.....	28
10.2	Notice to Members of Council Meetings	28
10.3	Notice to the Public of Council Meetings	28
10.4	Notice of Meetings of Committees.....	29
10.5	Notice of Proposed Municipal Action	29
10.6	Notice Form	30
PART 11	Interpretation.....	30
11.1	General Procedure	30
11.2	Conflict with other Statutes.....	30
11.3	Severability	31
11.4	Time of Day.....	31
PART 12	By-laws Rescinded.....	31
	SCHEDULE “A” – COUNCIL CODE OF CONDUCT.....	32
1.	General.....	32
2.	Gifts and Benefits.....	32
3.	Confidentiality.....	32
4.	Use of City Property.....	33
5.	Work of a Political Nature.....	33
6.	Conduct of Council.....	33
7.	Representing the City.....	33
8.	Influences on Staff.....	34
9.	Business Relations.....	34
10.	Encouragement of Respect for the Corporation and its By-laws.....	34
11.	Harassment.....	34
12.	Interpretation.....	34

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2019-48

A BY-LAW TO PROVIDE RULES GOVERNING THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE CITY OF BELLEVILLE COUNCIL AND THE CONDUCT OF ITS MEMBERS

WHEREAS Section 238 (2) of the Municipal Act, 2001, S.O. 2001. c. 25 requires that every municipality shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1.1 For purposes of this By-law, the following definitions shall apply:

- (1) **“Chief Administrative Officer”** means the Chief Administrative Officer as referred to in Section 229 of the Municipal Act, of the City of Belleville.
- (2) **“City”** means the Corporation of the City of Belleville.
- (3) **“Clerk”** means the Clerk of the City of Belleville as appointed pursuant to Section 228 of the Municipal Act.
- (4) **“Committee of the Whole”** means Council sitting as a committee in that portion of a Council Meeting where:
 - (i) Members consider and debate matters in an environment that procedurally is more relaxed than the formal portion of a Council Meeting; and
 - (ii) Substantive motions adopted therein are not deemed to represent the final decision of Council until confirmed by by-law.
- (5) **“Committee”** means any standing, advisory or other committee, subcommittee or similar entity established by Council.
- (6) **“Council”** means the Municipal Council of the City of Belleville.
- (7) **“Local board”** means any board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the municipality, excluding any School board, the Police Services Board or the Library Board.
- (8) **“Mayor”** means the Mayor of the City of Belleville.
- (9) **“Meeting”** means any regular, special or other meeting of Council, or a local board or of a committee of either of them.
- (10) **“Member”** means the Mayor or a Councillor of the City of Belleville.
- (11) **“Newspaper”** means a printed publication in sheet form, intended for general circulation in the City of Belleville, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest.

By-law Number 2019-48

- (12) “**Official**” means any salaried Officer, Clerk or worker in the employ of the City of Belleville.
- (13) “**Recorded Vote**” means the recording by the Clerk of the name and vote of every Member on any matter or question.
- (14) “**Rules**” means the rules of procedure and order as set out in this By-law.
- (15) “**Substantive Motion**” means any motion except a motion to:
 - (i) recess;
 - (ii) table;
 - (iii) refer;
 - (iv) extend the meeting;
 - (v) put the question;
 - (vi) enter into Committee of the Whole;
 - (vii) rise and report;
 - (viii) change the order of business; or
 - (ix) adjourn.

PART 2 – EFFECT

- 2.1 Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all proceedings of Council and by its Members, and shall constitute the rules for the order and dispatch of business by Council and its Members.

PART 3 – DUTY & ROLE OF COUNCIL & MAYOR

3.1 Role of Council

It is the role of Council to:

- (i) represent the public and to consider the well-being and interests of the City;
- (ii) develop and evaluate the policies and programs of the City;
- (iii) determine which services the City shall provide;
- (iv) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (v) ensure accountability and transparency of the operations of the City, including the activities of senior management of the City;
- (vi) maintain the financial integrity of the City; and
- (vii) carry out the duties of Council as set out in the Municipal and other Acts.

3.2 Role of Mayor

- (1) It is the role of the Mayor to:
 - (i) act as chief executive officer of the City;
 - (ii) preside over Council meetings so that its business can be carried out efficiently and effectively;
 - (iii) provide leadership to Council;
 - (iv) provide information and recommendations to Council with respect to the role of Council;
 - (v) represent the City at official functions; and
 - (vi) carry out the duties of the Mayor under this By-law, the Municipal Act and all other applicable Acts.

- (2) As chief executive officer, the Mayor shall:
 - (i) uphold and promote the purposes of the City;
 - (ii) promote public involvement in the City's activities;
 - (iii) act as representative of the City both within and outside the City, and promote the City locally, nationally and internationally; and
 - (iv) participate in and foster activities that enhance the economic, social and environmental well-being of the City and its residents.
- (3) The Mayor may assign or delegate any of the duties of the Mayor to any Councillor from time to time, according to such terms and conditions as the Mayor may define, and the Councillor shall carry out such duties with care and diligence.

3.3 Duty of Members

- (1) It shall be the duty of Members to:
 - (i) attend all Council Meetings;
 - (ii) prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
 - (iii) speak to only the subject under debate;
 - (iv) vote on all motions before Council unless prohibited from voting by law;
 - (v) observe the Rules at all meetings;
 - (vi) work through the Presiding Officer at meetings;
 - (vii) support Council;
 - (viii) attend all meetings of committees and local boards to which the Member has been appointed by Council;
 - (ix) carry out the duties set out in the Municipal Act and all other applicable statutes; and
 - (x) act in accordance with their Oath of Allegiance and Oath of Elected Office.
- (2) No Member shall divulge any information to any person that pertains to any aspect of any discussion or direction of Council that was given or provided at an In Camera Meeting of Council.
- (3) Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.
- (4) Members shall abide by the Code of Conduct attached to this By-law as Schedule 'A' in representing the City.

PART 4 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

4.1 Duties of the Presiding Officer

- (1) It shall be the duty of the Presiding Officer to:
 - (i) open the meeting by taking the Chair and calling the Members to order;
 - (ii) announce the business before Council in the order in which it is to be acted upon;
 - (iii) receive and submit, in the proper manner, all motions presented by the Members;

- (iv) put to a vote all questions which are duly moved, or arise in the course of proceedings, and to announce the result;
- (v) decline to put to a vote all questions that infringe upon the Rules;
- (vi) restrain the Members, within the Rules, when engaged in debate;
- (vii) enforce on all occasions the observance of order and decorum among the Members;
- (viii) order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
- (ix) receive all messages and other communications and announce them to the Council;
- (x) authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- (xi) inform Council, when necessary or when referred to for that purpose, of a ruling on a point of order or a point of personal privilege;
- (xii) represent and support Council declaring its will, and implicitly obeying its decisions in all things;
- (xiii) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- (xiv) recess the meeting where necessary in accordance with the Rules;
- (xv) call for adjournment of the meeting when the business is concluded; and
- (xvi) adjourn the meeting without question in the case of a grave disorder.

4.2 Rules of Decorum

- (1) No Member shall:
 - (i) speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario
 - (ii) use offensive words or un-parliamentary language in or against any Member or to speak disrespectfully of any Member;
 - (iii) speak on any subject other than the subject in debate;
 - (iv) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - (v) disobey the Rules;
 - (vi) disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules except for the purpose of appealing the decision in accordance with the Rules.
- (2) No Member shall speak until recognized by the Presiding Officer, and except as otherwise set out in this By-law, all Members shall stand when speaking.
- (3) No person except Members and Officials shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.
- (4) No person, other than a Member or an Official, shall, before or during a Council Meeting, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Mayor or the Presiding Officer as applicable.

By-law Number 2019-48

- (5) When the Presiding Officer is putting a question to a vote, no Member shall leave or make a disturbance.
- (6) If any Member of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure and the time thereof shall be recorded in the minutes.
- (7) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Clerk shall declare the Meeting adjourned.
- (8) Where any person not being a Member or an Official desires to address Council, other than as a Deputation listed on the meeting agenda, the person shall be permitted to do so only with leave of a majority of the Members present, but such approval shall not be required where a person has a statutory right to be heard by Council or Council is holding a public meeting for the purpose of receiving comments from the public.
- (9) Once Council has dispensed with an item by vote, the same matter may not be reopened for further discussion or consideration at the same Council Meeting, but a Member may issue a notice of motion to reconsider as set out in Part 7.12 of this By-law.
- (10) The Presiding Officer may declare a recess at any point during a Council Meeting with the consensus of Council without the necessity of a motion, to enable any unusual circumstance or condition that has arisen to be addressed.

4.3 Rules of Procedure Respecting Motions

- (1) Motions, to be considered, shall be clearly stated and shall not contain disjointed thoughts or directions that in the opinion of the Presiding Officer are excessively difficult to interpret.
- (2) Where the Presiding Officer believes a motion is complex, or not clearly stated, or contains disjointed thoughts or directions, the Presiding Officer may:
 - (i) require the Member to put forward the motion in written form; and/or
 - (ii) rule that such motion is out of order due to its uncertainty and not place the question before Council for consideration.
- (3) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- (4) When a motion is presented in writing, it shall be read by the Presiding Officer or the Clerk when directed by the Presiding Officer, before debate.
- (5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
 - (i) A motion can only be withdrawn by the mover with the consent of the seconder.

By-law Number 2019-48

- (ii) Withdrawal of a motion shall be in order at any time during debate.
 - (iii) If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn.
 - (iv) If a Member objects to the withdrawal of a motion, a withdrawal motion shall be entertained and becomes the main motion, and if such motion receives a seconder, it shall be decided prior to consideration of any other motion.
- (6) A motion containing two or more distinct proposals may be divided by leave of Council, and Council shall consider each part separately.
- (7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely:
- (i) to recess;
 - (ii) to adjourn;
 - (iii) to table the motion under consideration to a definite date;
 - (iv) to table the motion under consideration indefinitely;
 - (v) to refer the motion under consideration to a committee or staff for a report;
 - (vi) to amend the motion under consideration; and
 - (vii) to put the question (to end debate on the motion under consideration).
- (8) A motion to recess:
- (i) is permissible when there is business before Council for consideration;
 - (ii) shall specify the length of time of the recess;
 - (iii) is not debatable except with regard to the length of the recess; and
 - (iv) shall be amendable with respect to the length of the recess.
- (9) A motion to adjourn:
- (i) is permissible except during Committee of the Whole;
 - (ii) is not amendable;
 - (iii) is not debatable;
 - (iv) is not in order when a Member is speaking or during a vote; and
 - (v) when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
- (10) A motion to table:
- (i) may or may not state a definite time or date as to when the matter shall be further considered;
 - (ii) shall apply to the main motion and to any motions to amend the main motion that are on the table;
 - (iii) is not debatable except as to time; and
 - (iv) shall not be amendable except as to time.

Where a motion to table is adopted without a definite time or date as to when the matter shall be further considered, Council shall not consider the matter until such time as Council, by resolution, brings back the matter for consideration.

By-law Number 2019-48

- (11) A motion to refer:
- (i) is not debatable except on the advisability of postponing or referring the question;
 - (ii) may be amended;
 - (iii) shall include the terms of referral including the time or conditions under which the matter is to be returned to Council for consideration; and
 - (iv) may include the reasons for the referral.
- (12) A motion to amend:
- (i) shall be relevant to the main motion;
 - (ii) shall not be directly contrary to or propose a direct negative to the main motion;
 - (iii) shall be debatable; and
 - (iv) shall not itself be amended more than once; and motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.
- Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment.
- (13) A motion to put the question:
- (i) is not permissible until every Member present has had the opportunity to speak to the question at least once;
 - (ii) is not amendable; and
 - (iii) is not debatable; and upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.
- (14) A motion to suspend the rules:
- (i) is permissible in accordance with Part 4.10 of this By-law;
 - (ii) is not debatable;
 - (iii) is not amendable;
 - (iv) shall include a statement as to the purpose of the suspension;
 - (v) requires the support of minimum two-thirds of the whole Council; and
 - (vi) is not permissible with regard to any statutory requirements that apply to the proceedings of Council.
- (15) A motion to change the order of business as presented in the meeting agenda shall not be amendable or debatable.
- (16) A motion to move into Committee of the Whole or a motion for the Committee of the Whole to rise and report shall not be amendable or debatable.
- (17) No dilatory motion, which shall include:
- (i) any motion made subsequent to a motion that was lost that is substantially the same as the lost motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate Council; and
 - (ii) any motion made that is absurd or frivolous, or that cannot be effected; shall be entertained by the Presiding Officer.

- (18) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted by Council shall employ the reconsideration procedures as set out in Part 4.4 of this By-law.

4.4 Rules of Procedure Respecting Reconsideration

- (1) After a substantive motion has been decided, any Member may, in writing, give notice of motion to reconsider, stating that he/she will move or cause to be moved at the next Regular Council Meeting a motion to reconsider with respect to the matter so noted.
- (2) Where notice of motion to reconsider has been given, Council shall consider a motion to reconsider at the next Regular Council Meeting, but no discussion of a main motion relating to the matter to be reconsidered shall be allowed until the motion to reconsider has been adopted, but the Member who has given the notice of motion to reconsider shall have the privilege of stating reasons for bringing forward the motion to reconsider.
- (3) After a notice of motion to reconsider has been given, no action shall be taken to implement the substantive motion to which the notice relates until after the motion to reconsider has been dealt with by Council.
- (4) Every motion to reconsider shall be declared lost unless supported by minimum two-thirds majority of the whole Council.
- (5) No matter about which a notice of motion to reconsider has been issued shall be reconsidered more than once during the period of one (1) year following the adoption of the motion to which the notice of motion to reconsider relates.
- (6) No motion to reconsider shall be considered by Council without a notice of motion to reconsider being first stated.

4.5 Voting on Motions

- (1) No vote shall be taken in a Council Meeting by ballot or by any other method of secret voting, unless Council is in a closed session and such vote is permitted to be taken in closed session.
- (2) The Presiding Officer shall be entitled to vote on any question, but is not required to vote unless:
 - (i) a Member has requested a Recorded Vote; or
 - (ii) the votes of all other Members present produces an equality of votes.
- (3) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Clerk to read the motion in the form introduced and shall do so if required by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- (4) After a motion is put to a vote by the Presiding Officer, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

By-law Number 2019-48

- (5) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.

A Member who is not present when the vote on the first part of a motion that has been divided shall not be entitled to vote on the second part of the motion.

- (6) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is lost, as appropriate.

The Presiding Officer may consider a motion to be carried where the Presiding Officer is of the opinion that the motion has the general support and consensus of Council, subject to the right of any Member to raise a point of order and request a show of hands.

- (7) Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- (8) Any motion on which there is a tie vote shall be deemed to be lost, but nothing in the Rules shall apply to prevent the Presiding Officer from voting to create a tie.
- (9) If any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request that a Recorded Vote be taken, whereupon the Clerk shall poll the Council.
- (10) When a Member present requests a Recorded Vote on a motion, all Members present shall vote when polled by the Clerk by verbally indicating yea or nay, and the Clerk shall record the results of the vote in the minutes.

The Clerk shall conduct the recording of votes of all Members by beginning the role in consecutive rotation alphabetically, with the rotation to continue from one meeting to the next.

A Member may request a Recorded Vote immediately prior to or subsequent to the taking of a vote on a motion.

4.6 Rules of Debate

- (1) The Presiding Officer will read the motion as outlined in the agenda prior to discussion
- (2) Every Member, prior to speaking to any question or motion, shall so indicate to the Presiding Officer through the raising of a hand of his/her desire to speak, and no Member shall speak until recognized by the Presiding Officer as having the floor.

When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who

By-law Number 2019-48

shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.

- (3) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions to the Presiding Officer.
- (4) When a Member is speaking, no other Member shall interrupt except to rise on a point of order or a point of personal privilege.
- (5) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.
- (6) No Member shall speak more than once to the same motion without leave of the Presiding Officer, except that the Member who made the motion shall be entitled to speak to the motion first and reply immediately prior to the calling of a vote by the Presiding Officer.
- (7) No Member, without leave of Council, shall speak to the same motion, or in reply, for longer than five (5) minutes, excluding staff response time.
- (8) During debate, a Member may ask a question of another Member only for the purpose of obtaining information or clarification relating to the matter under discussion, and such question shall be stated briefly and clearly, and the Member to whom the question was directed shall respond briefly and clearly to the question, but shall not introduce any new information other than was posed in the question.
- (9) When a Member has been recognized by the Presiding Officer as having the floor, immediately before speaking, such Member may ask a question of the Presiding Officer or an Official on the matter under discussion, but only for the purpose of obtaining information or clarification, following which the Member shall speak.
- (10) The Presiding Officer shall appoint another Member to act as Chair:
 - (i) while temporarily being absent from the meeting;
 - (ii) while speaking to or debating a question; or
 - (iii) if he/she wishes to put forward a motion.
- (11) The Presiding Officer may, at any time, declare a recess for five (5) minutes in order to consult Officials with respect to matters of procedure and interpretation of the Rules.
- (12) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided in the Rules:
 - (i) Point of order;
 - (ii) Point of personal privilege;
 - (iii) Presentation of petitions;
 - (iv) Motion to refer;
 - (v) Motion to table;
 - (vi) Motion to amend;
 - (vii) Motion to put the question (end debate);
 - (viii) Motion to recess;
 - (ix) Motion to adjourn;

(x) Motions pursuant to Correspondence and New Business.

- (13) When the Presiding Officer calls for the vote on a motion, each Member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- (14) In all proceedings of a Council Meeting, including Committee of the Whole, the Presiding Officer shall decide and rule upon all matters pertaining to the Rules, subject to an appeal in which case the matter shall be decided by the Council.
- (15) When a Member wishes to appeal the ruling of the Presiding Officer, except as prohibited by the Rules, the Member shall introduce the following motion with a view to having same considered by Council:

"That the ruling of the Chair be appealed and set aside."

4.7 Point of Order

- (1) A Member may raise a point of order at any time, including interrupting another Member who has the floor, to bring Council's attention to:
 - (i) any breach of the Rules;
 - (ii) a deviation from the matter under consideration noting that the current discussion is not within the scope of the motion on the table;
 - (iii) any other informality or irregularity in the proceedings of Council.
- (2) When a Member rises on a point of order, the Member shall ask leave of the Presiding Officer to raise the point of order and the Presiding Officer shall grant such leave, following which the Member shall state the point of order, and the Presiding Officer shall decide on the point of order and state his/her ruling on the matter.
- (3) Upon the raising of a point of order, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of order.
- (4) Upon hearing the point of order, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling to Council.
- (5) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (6) If a Member appeals the Presiding Officer's ruling on the point of order to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

"That the decision of the Chair be sustained."

without further debate, and the decision of Council shall be final.

4.8 **Point of Personal Privilege**

- (1) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity, or the integrity of the Council, or the integrity of a Committee, or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- (2) When a Member rises on a point of personal privilege, the Member shall ask leave of the Presiding Officer to raise the point of personal privilege and the Presiding Officer shall grant such leave, following which the Member shall state the point of personal privilege, and the Presiding Officer shall decide on the point of personal privilege and state his/her ruling on the matter.
- (3) Upon the raising of a point of personal privilege, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of personal privilege.
- (4) Where the Presiding Officer rules that a breach of privilege has taken place, he/she shall demand that the offending Member or individual apologize and failing such apology shall require the Member or individual to vacate the meeting room for the duration of the meeting as provided for in Part 4.9 of this By-law.
- (5) With the exception of providing an apology, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of a breach of privilege to Council.
- (6) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (7) If a Member appeals the Presiding Officer's ruling on the point of personal privilege to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

"That the decision of the Chair be sustained."

without further debate, and the decision of Council shall be final.

4.9 **Expulsion for Improper Conduct**

- (1) The Presiding Officer, where a warning or ruling has not been heeded, may expel any Member or person from the meeting place for improper conduct at the meeting, which for purposes of this Section shall include:
 - (i) violation of the Rules;
 - (ii) interruption of the proceedings of Council;
 - (iii) making of disruptive noise or visible gestures;
 - (iv) campaigning for any political cause or outcome; or
 - (v) any other activity that impedes the conduct of the meeting.
- (2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.

By-law Number 2019-48

- (3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.
- (4) If no Member appeals, the ruling of the Presiding Officer shall be final.
- (5) If a Member appeals the Presiding Officer's ruling on expulsion to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

"That the decision of the Chair be sustained."

without further debate, and the decision of Council shall be final.

4.10 Suspension of the Rules

- (1) During a Council meeting, any Member may introduce a motion in writing that Council temporarily suspend the rules established by this By-law in order to introduce a motion with respect to an item that is not listed on the meeting agenda, stating the subject matter for which the suspension of the rules is being sought.
- (2) A motion to suspend the rules shall require the support of minimum two-thirds of the whole Council.
- (3) Upon adoption of a motion to suspend the rules, the Member so making the motion to suspend the rules may introduce a motion respecting the matter for which the suspension of the rules was granted.

PART 5 – COUNCIL MEETINGS

5.1 Meeting Place

- (1) Council Meetings shall be held in the Council Chambers located in City Hall that have been prepared for such purpose. Despite the foregoing, the Mayor may authorize a special Council Meeting to be held at a location other than the Council Chambers located in City Hall.
- (2) Where the Council Chambers located in City Hall are not available for a meeting due to an unforeseen circumstance or due to renovation or similar impediment, the Mayor shall designate another location that is accessible to the public for purposes of holding Council Meetings.

5.2 Seating at Council Meetings

- (1) The Mayor shall assign Councillors seats for Council Meetings, and Members shall assume assigned seats for all Council Meetings.
- (2) The Mayor may change the seating order at any time.

5.3 Inaugural Meeting of Council

- (1) The Inaugural Meeting of Council shall be held commencing at 11:00 a.m. on the fifteenth (15th) of November of an election year unless such day is a weekend or a public holiday, in which case the Inaugural Meeting shall be held on the first succeeding day not being a weekend or a public holiday.
- (2) At the Inaugural Meeting, Members shall take the Oath of Allegiance and the Oath of Elected Office.

5.4 Regular Council Meetings

- (1) Regular Council Meetings shall be held on the 2nd and the 4th Mondays of each month, except in the month of December when a meeting on the 4th Monday shall not be scheduled.
- (2) Regular Council Meetings shall commence at 4:00 p.m. except as may be otherwise authorized by the Mayor.
- (3) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Mayor may cancel the Council Meeting or reschedule the meeting to a different date or time of commencement.

5.5 Special Council Meetings

- (1) Special Council Meetings may be held from time to time and may be initiated by:
 - (i) the Mayor; or
 - (ii) a petition of the majority of the Members.
- (2) The date, time of commencement, and place of a Special Council Meeting shall be set by the Mayor or by petition of the majority of the Members.
- (3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.

5.6 In Camera Council Meetings

- (1) An In Camera Council Meeting is a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of this By-law, the Municipal Act and all other applicable statutes.
- (2) In Camera Council Meetings may be initiated by:
 - (i) the Mayor; or
 - (ii) petition of the majority of the Members.

- (3) The date, time of commencement, and place of an In Camera Council Meeting shall be set by the Mayor or by petition of the majority of the Members.
- (4) An In Camera Council Meeting may be held if the subject matter being considered relates to:
 - (i) the security of the property of the City;
 - (ii) personal matters about an identifiable individual, including City 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 may hold a closed meeting under another Act;
 - (viii) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - (ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (x) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - (xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
 - (xii) education or training of the Members, and at the meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council;

And SHALL be closed to the public if the subject matter being considered is,

- (xiii) the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if Council is designated as head of the institution for purposes of the Act.
- (5) No matter except the matters so identified in the motion authorizing the In Camera Council Meeting shall be transacted at an In Camera Meeting.

5.7 Meeting Agendas

- (1) The Clerk shall cause to be delivered to each Member a meeting agenda for each Council Meeting, to the address provided by the Member to the Clerk:
 - (i) in the case of a Regular Council Meeting, no less than 48 hours before the hour appointed for the holding of such meeting; and
 - (ii) in the case of Special and In Camera Council Meetings, no less than 24 hours before the hour appointed for the holding of such meeting.

By-law Number 2019-48

- (2) In preparing a meeting agenda, the Clerk shall consult with the Mayor and the Chief Administrative Officer, and shall reflect the direction of the Mayor and the Chief Administrative Officer in finalizing the meeting agenda.
- (3) With the approval of the Mayor, the Clerk may provide a meeting agenda for a Special Council Meeting or an In Camera Council Meeting at the meeting where time constraints do not allow the meeting agenda to be delivered to the Members at least 24 hours before the hour appointed for the holding of such meeting.
- (4) As soon as possible after a meeting agenda has been delivered to Members, with the exception of agendas for In Camera Council Meetings, the Clerk shall make the meeting agenda available to the public, and shall:
 - (i) maintain copies of the meeting agenda in the Clerk's office for use by the public;
 - (ii) endeavour to post the meeting agenda on the City's web site; and
 - (iii) ensure that the meeting agenda is available to any of the local news media who have requested a copy of the same.

5.8 Meeting Minutes

- (1) The Clerk shall prepare and maintain minutes of all Council Meetings, to include:
 - (i) the place, date and time of the Council Meeting;
 - (ii) the names of Presiding Officer or Officers and record of attendance of the Members;
 - (iii) the reading, if requested, correction and adoption of the minutes of prior Council Meetings; and
 - (iv) all other proceedings of the Council Meeting without note or comment.
- (2) Following each Council Meeting, the Clerk shall cause to be delivered to each Member a copy of draft minutes for the meeting.
- (3) The Clerk shall maintain a record of all minutes of Council Meetings in the Clerk's office that shall be signed by the Mayor and the Clerk upon approval of the same by Council, which with the exception of minutes of In Camera Council Meetings, shall be available for public viewing.

PART 6 – GENERAL MEETING PROCEDURES

6.1 Open Meetings

Except as authorized under this By-law, all Council Meetings shall be open to the public.

6.2 Quorum

- (1) A majority of the whole number of the Members required to constitute Council is necessary to form a quorum, except as may otherwise be authorized pursuant to the provisions of the Municipal Conflict of Interest Act.
- (2) If no quorum is present within fifteen (15) minutes after the time appointed for a Council Meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.

6.3 Presidency

- (1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings.
- (2) Council shall by by-law designate in alphabetical order each Councillor as Acting Mayor of the Month in rotation for successive months during the term of Council.
- (3) For Council Meetings where:
 - (i) the Mayor is absent; or
 - (ii) the office of the Mayor is vacant; or
 - (iii) the Mayor refuses to act;the current Acting Mayor of the Month shall preside, or in the absence of the current Acting Mayor of the Month, Council by resolution may appoint one of its Members as the Presiding Officer, and while so acting, such Member has all the rights, powers and authority of the Mayor and the Presiding Officer during Council Meetings as set out in this By-law and according to law.
- (4) Where Council is required to appoint a Presiding Officer by resolution, such appointment may be made by secret ballot.
- (5) During Regular Council Meetings, the current Acting Mayor of the Month shall preside over Committee of the Whole, and in the absence of the current Acting Mayor of the Month, the Presiding Officer shall be the next available Acting Mayor of the Month.

6.4 Recording/Streaming of Meetings

- (1) All Meetings of Council, Boards, Committees and Special Committees, save and except Closed Session Meetings, held in Council Chambers may be electronically recorded for the purpose of preparing the minutes of the meeting and may be broadcast live to the public by live audio and video streaming

PART 7 – ORDER OF PROCEDURE FOR REGULAR AND SPECIAL COUNCIL MEETINGS

7.1 Order of Business

- (1) The Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that shall conform to the following order of business:
 1. Call to Order
 2. Moment of Prayer/Meditation (Singing of 'O Canada'- as per Part 7.2 (2))
 3. Disclosure of Pecuniary Interest and the General Nature Thereof
 4. Public Meetings
 5. Approval of Minutes
 6. Deputations
 7. Correspondence
 8. Committee of the Whole
 - a. Reports
 - b. Consent Items
 - c. Information Items
 - d. Rise and Report

9. By-laws
 - a. First reading of By-laws
 - b. Second reading and Discussion of By-laws
 - c. Third reading of By-laws
10. New Business
11. Motions
12. Notice of Motions
13. Announcements
14. Confirmatory By-law
15. Adjournment

- (2) Council may, at any point within a Council Meeting, adopt a motion to go In Camera to consider matters in accordance with the provisions of Part 5.6 (4) of this By-law.
- (3) Council shall dispense with the business of Council in the order by which it is presented in the meeting agenda, but Council may by consent change the order of business.
- (4) For Special Council Meetings, the Clerk may dispense with any one or more agenda items 2 and 4 through 14 inclusive as set out in Part 7.1 (1) of this By-law.

7.2 Opening Procedure

- (1) As soon after the appointed time of the Council Meeting as there shall be a quorum present, the Mayor or such other Presiding Officer appointed as set out in Part 6.3 of this By-law shall take the Chair and:
 - (i) call the Members to Order; and
 - (ii) direct that the City Clerk lead those assembled in a moment of prayer/meditation.
- (2) The singing of 'O Canada' shall be included as part of the opening procedure at:
 - (i) the Inaugural Meeting;
 - (ii) Other meetings as may be determined by the Mayor.

7.3 Disclosure of Pecuniary Interest

- (1) Where a Member has a pecuniary interest pertaining to any item listed on the meeting agenda, the Member shall so disclose the pecuniary interest and the general nature thereof, and shall provide such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.
- (2) Members shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at an In Camera Council Meeting or at a previous Council Meeting at which the Member was absent, and shall provide such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.
- (3) During a Council Meeting, should a matter be raised that is not listed on the meeting agenda for which a Member has a pecuniary interest, the Member shall so declare such interest and the general nature thereof at that time, and shall provide

such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.

7.4 Public Meetings

- (1) Where Council is required by law to hold a public meeting, or otherwise has resolved to hold a public meeting, such a meeting may be conducted at a Regular or Special Council Meeting.
- (2) The Clerk shall ensure that public meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.
- (3) During a public meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to deputations appearing before Council under this By-law, except that:
 - (i) prior notice of one's desire to speak shall not be required; and
 - (ii) a motion need not be considered by Council following each presentation.

7.5 Approval of Minutes

- (2) Council shall approve the minutes of previous Council Meetings by resolution.
- (3) Where any Member identifies an error in the minutes of a previous Council Meeting, the Member shall so advise Council and by resolution, Council shall correct the minutes prior to approval, and the Clerk shall so note such change in the minutes.

7.6 Deputations

- (1) Persons desiring to be included on the meeting agenda as a Deputation shall contact the office of the Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting to request to be listed on the meeting agenda as a Deputation, but the Mayor may authorize a Deputation be added to the meeting agenda any time prior to finalization of the meeting agenda.
- (2) The number of persons appearing as a Deputation at a Regular Council Meeting shall be limited to no more than three (3) in an effort to ensure that the business of the Corporation as conducted by Council can be carried out in an efficient and effective manner.
- (3) Persons wishing to appear as a Deputation and who are not listed on the meeting agenda may appear as a Deputation with support from the majority of the Members present.
- (4) Persons appearing as a Deputation shall be limited to a maximum of 10 minutes speaking time, and where a Deputation consists of more than one person, all persons combined shall be limited to a maximum of 10 minutes speaking time, but Council may, by resolution, grant permission to any Deputation to speak for longer than 10 minutes.

By-law Number 2019-48

- (5) During or following a Deputation, Members may ask specific questions relating to the presentation for the purpose of clarification without statement or comment.
- (6) Following a Deputation, Council shall adopt a motion:
 - (i) to receive; or
 - (ii) to refer to another item listed on the meeting agenda; or
 - (iii) to refer to a committee or board or City staff for a report; or
 - (iv) to refer to New Business for consideration.

7.7 Correspondence

- (2) Items of correspondence or other forms of written communication intended to be presented to Council on the meeting agenda:
 - (i) shall be legibly written or printed;
 - (ii) shall not contain any obscene or improper language; and
 - (iii) shall contain the signature of at least one person.
- (3) To be eligible to appear on a meeting agenda, items of correspondence shall have been received by the office of the Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting. Notwithstanding the foregoing, items of correspondence received after the afore-noted time may be added to the meeting agenda where such item of correspondence is germane to a matter of business that is on the meeting agenda.
- (3) Upon consideration of any item of correspondence, Council may adopt a motion to:
 - (i) receive the item of correspondence; or
 - (ii) refer the item of correspondence to another item listed on the meeting agenda; or
 - (iii) refer the item of correspondence to a committee or board or City staff for a report;or may consider a substantive motion with respect to the same.

7.8 Committee of the Whole

- (1) Council by resolution may resolve itself into Committee of the Whole in order to consider:
 - (i) Reports;
 - (ii) Consent Items; and
 - (iii) Information Items.
- (2) The meeting agenda shall include under **Reports** items that warrant individual attention from Council, typically consisting of items where:
 - (i) a change in policy is proposed;
 - (ii) a deputation relating thereto is scheduled;
 - (iii) procurement policies or procedures so stipulate (+\$500,000, not lowest Bid, over budgeted amount);
 - (iv) the staff recommendation requires Council to choose from a range of options; or
 - (v) the item relates to a matter of significance in the community.

By-law Number 2019-48

- (3) The meeting agenda shall include under the **Consent Items** matters that are routine or otherwise do not qualify for inclusion under Reports in the meeting agenda.

Council may adopt Consent Items by one motion, but prior to consideration of such motion, Members may request that specific items be removed from consideration under such motion and Council shall consider such items individually.

- (4) The meeting agenda shall include under the **Information Items** matters that are principally for the information of Council and that do not by necessity require action or response from Council.

Council may adopt Information Items by one motion, but prior to consideration of such motion, Members may request that specific items be removed from consideration under such motion and Council shall consider such items individually.

- (5) The Rules shall be observed in Committee of the Whole so far as may be applicable, except that Members may remain seated unless requested to stand by the Presiding Officer.
- (6) Upon completion of business in Committee of the Whole, the Committee shall by resolution rise and report, and Council shall thereupon reconvene in formal session.

7.9 By-laws

- (1) Under By-laws, the meeting agenda shall list all proposed by-laws to be placed before Council for consideration.
- (2) All proposed by-laws shall be in typewritten form, numbered, and shall contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- (3) No by-law shall be considered enacted until such time as Council has given the by-law three readings, signed by the Mayor or Presiding Officer and the Clerk, and sealed.
- (4) The procedure for consideration and enactment of by-laws shall be as follows:
- (i) Every proposed by-law shall be introduced and read a first time by motion without amendment or debate, and Council may by single resolution introduce and read more than one by-law a first time.
 - (ii) Following the first and second reading of by-laws, Members may debate any by-law under consideration and Council may entertain motions to amend any provision of any proposed by-law, and where a motion is adopted to amend a by-law that has received first and second reading, the proposed by-law shall be amended accordingly before being placed before Council for third and final reading.
 - (iii) Every proposed by-law that has received first and second reading shall be considered by Council for third and final reading by motion without amendment or debate, and Council may by single resolution give third reading to more than one by-law, but any Member may raise a point of order

By-law Number 2019-48

requesting that a proposed by-law be considered separately from other by-laws under consideration, and without debate or right of appeal the Presiding Officer shall remove the proposed by-law from the motion to enable the said by-law to be considered for third reading separately.

7.10 New Business

- (1) Under New Business, Council shall consider items:
 - (i) referred to New Business pursuant to a Deputation; and
 - (ii) raised by a Member that, in the opinion of the Member, are of urgent concern and within the jurisdiction of Council, or are of general interest.

- (2) Under New Business, substantive motions may be put forward with respect to items, but to be adopted by Council without issuance of a Notice of Motion, the question shall be supported by minimum two-thirds of the whole Council, failing which the proposed resolution shall be placed on the meeting agenda under Motions for consideration at the next Regular Council Meeting.

7.11 Motions

The Clerk shall ensure that proposed motions for which Notice of Motion has been given, or otherwise failed to secure the requisite minimum two-thirds majority support of the whole Council pursuant to items raised in New Business at a previous meeting, are included in the meeting agenda.

7.12 Notice of Motions

Any Member may provide notice of his/her intent to introduce a motion for the consideration of Council at the next Regular Council Meeting by:

- (i) filing with the Clerk in writing, no later than 4:30 p.m. on the Tuesday preceding the date of a regular Council Meeting, a proposed resolution that the Member intends to put forward for consideration at the Council Meeting, and such proposed motion shall be included on the meeting agenda; or
- (ii) giving written notice to Council during Notice of Motions that the Member intends at the next Regular Council Meeting to introduce a motion with respect to a matter so declared.

7.13 Announcements

- (1) Under Announcements, Members may verbally introduce information respecting special events, meetings, notices, declarations or proclamations that are considered to be of general interest to the community.

- (2) Any person or organization wishing to have the Mayor make an announcement respecting a special event, meeting, notice, declaration or proclamation shall forward such request to the office of the Clerk no later than 4:30 p.m. on the Tuesday preceding the date of the next Regular Council Meeting, and such request shall:
 - (i) be legibly written or printed;
 - (ii) clearly specify the nature of the requested announcement; and
 - (iii) contain the signature of at least one person who is making the request;

but the Mayor shall be under no obligation to make any announcement so requested.

7.14 Confirmatory By-law

Council shall adopt a confirmatory by-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such by-law may be given three readings by one motion that is not amendable or debatable.

7.15 Adjournment

- (1) Council Meetings shall adjourn at the hour of 8:00 p.m. if in session at that time, unless otherwise determined by a minimum two-thirds majority vote of the Members present that the meeting shall continue past the hour of 8:00 p.m.
- (2) In the instance of a grave disorder arising during a Council Meeting, adjournment shall be possible at any time.

PART 8 – ORDER OF PROCEDURE FOR IN CAMERA COUNCIL MEETINGS

8.1 Meeting Agenda for In Camera Council Meetings

- (1) The Clerk shall prepare for the use of the Members at In Camera Council Meetings an agenda that shall conform to the following order of procedure:
 1. Call to Order
 2. Motion to go In Camera
 3. Disclosure of Pecuniary Interest and the General Nature Thereof
 4. Approval of Minutes
 5. Items for Consideration
 6. Information Matters
 7. Move to Open Session
- (2) Where Council elects to go into an In Camera session in the midst of a Regular or Special Council Meeting, the order of business shall be as follows:
 1. Motion to go In Camera
 2. Disclosure of Pecuniary Interest and the General Nature Thereof
 3. Items for Consideration
 4. Move to Open Session
- (3) All items for consideration on the agenda shall include a staff report or written summary of a Member of Council depending on the circumstances of the item for consideration and it includes enough background material that Members of Council are familiar with the issue for discussion

- (4) Verbal reports related to any item for consideration on the agenda are only to be provided when there is a time sensitive or emergency situation where time would not permit the completion of a staff report or written summary of a Member of Council

8.2 Opening Procedure for In Camera Council Meetings

- (1) As soon after the appointed time of the Meeting as there shall be a quorum present, the Mayor or such other Presiding Officer appointed as set out in Part 6.3 of this By-law shall take the Chair and:
 - (i) call the Members to Order; and
 - (ii) request that Council consider a motion to go In Camera.
- (2) The opening procedure shall be conducted in open.
- (3) Prior to going In Camera, Council shall adopt a resolution stating the fact of holding an In Camera meeting and setting out the general nature of the matter or matters to be considered at the In Camera meeting, or in the case of a meeting that is held pursuant to Part 5.6 (4) (viii) of this By-law, stating the fact of holding an In Camera meeting, the general nature of its subject-matter, and that it is to be In Camera pursuant to that Section.

8.3 Disclosure of Pecuniary Interest at In Camera Council Meetings

- (1) Any Member, prior to any consideration of any matter at an In Camera Council Meeting, shall disclose any pecuniary interest and the general nature thereof with respect to any item on the meeting agenda, and shall provide such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.
- (2) Any Member shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a previous In Camera Meeting at which the Member was absent, and shall provide such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.
- (3) Any Member declaring a pecuniary interest in any matter under consideration in an In Camera Council Meeting shall vacate the meeting room during the time Council considers the matter.
- (4) Where a Member declares a pecuniary interest in any matter considered at an In Camera Meeting, the Member shall disclose such interest and the general nature thereof at the first Council Meeting attended by the Member after the In Camera Meeting.

8.4 Procedures for In Camera Council Meetings

- (1) The rules governing the procedure of Council and the conduct of Members shall be observed in In Camera Meetings, with the necessary modifications, except that:
 - (i) a Member need not stand to speak;
 - (ii) a Member shall not speak more than once to a motion until every Member who desires to speak has spoken once; and

- (iii) the number of times a Member may speak on any question shall not be limited.
- (2) No matter shall be discussed at an In Camera Council Meeting that is not consistent with the motion to go In Camera adopted during the opening procedure.
- (3) If a matter arises in an In Camera Meeting that a Member feels is not appropriate to consider In Camera, the Member shall be provided the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an open Council Meeting.

Where, following such endeavour the majority of Council believes the matter is to be considered In Camera, the Member may withdraw from the meeting room during consideration of the matter, and the Clerk shall so note in the minutes.

PART 9 – COMMITTEES AND LOCAL BOARDS

9.1 Local Boards

- (1) Every local board shall adopt a procedural by-law to govern the calling, place and proceedings of meetings of the local board as required pursuant to the provisions of the Municipal Act, but until the local board has adopted a procedural by-law, the provisions of this By-law shall apply with the necessary adjustments.
- (2) Where a local board has not adopted a code of conduct for its members, the Code of Conduct as set out in Schedule “A” to this By-law for Council shall apply to the members of the local board.

9.2 Committees of Council

- (1) Council may, from time to time, establish standing, advisory, special and other committees consisting of such members as Council may determine, to carry out such duties and responsibilities as may be set out in terms of reference approved by Council.
- (2) The Mayor or Council may, from time to time, establish ad hoc committees consisting of such members as the Mayor or Council may determine, to take up a specific task or assignment, where the term of such committee is limited to the time required to complete the specific task or assignment.
- (3) Should any committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such committee and appoint another committee in its place, or disband the committee in its entirety.
- (4) Persons appointed to committees are appointed for such term as defined by Council, and by resolution, Council may rescind any appointment at any time.

Should any member of a committee fail to attend three (3) successive meetings thereof without being authorized to do so by resolution of the committee, the committee may certify such failure and thereupon the membership of such person

on the committee shall be terminated and the Council may appoint another member in their place.

- (5) The Council Code of Conduct attached to this By-law as Schedule "A" shall apply to all appointees by Council to all committees with the necessary adjustments.

9.3 Meetings of Committees

- (1) All meetings of committees shall be open to the public, except that committees may hold an In Camera meeting or move into an In Camera session to deal with matters that qualify for consideration at a closed meeting as set out in Part 5.6 (4) of this By-law.
- (2) The person designated in the terms of reference for a committee as responsible for administrative support, herein referred to as the committee secretary, shall be responsible for preparing meeting agendas, issuing notice as required by this By-law, and preparation of meeting minutes.
- (3) The committee secretary shall prepare the meeting agenda and provide the same to members of the committee, and to any member of the public including the news media who have requested a copy, no less than one (1) day preceding the day of the meeting, unless the Chair or Vice-Chair in the absence of the Chair of the committee has authorized a meeting agenda to be handed out at the meeting.
- (4) The committee secretary shall prepare minutes of all meetings of committees, and shall forward copies of all minutes to the Clerk.

9.4 Presiding Officer for Committees

- (1) Council may designate the Chair of any committee, or allow the committee to elect a Chair from its members.
- (2) Where Council has not appointed a Chair, at the first meeting of each committee, the committee shall elect from its members a Chair for such term as the committee shall determine, and the committee may at its discretion elect a Vice-Chair from its members for such term as the committee shall determine.
- (3) The duties of the Chair, or in the absence of the Chair the Vice-Chair, or in the absence of the Chair and the Vice-Chair such other member as the committee may designate to preside over the meeting, shall be as set out in Part 9.1 (1) of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.
- (4) Should the Chair of any committee neglect or refuse to call meetings of the committee at such times or with such frequency as the proper dispatch of the committee's business requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or actions, the committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.

9.5 **Rules of Order for Committees**

- (1) A quorum in any committee meeting shall be a majority of the voting members of the committee.

If there is no quorum present within thirty (30) minutes after the time appointed for a meeting, the meeting shall stand adjourned at the call of the Chair.

- (2) The Chair, or in the Chair's absence the Vice-Chair, or in the absence of the Chair and the Vice-Chair, such other member as the committee may designate shall preside at the meeting.

In the absence of the Chair and Vice-Chair if applicable for a period of fifteen (15) minutes after the time appointed for the holding of a meeting, one of the other members of the committee, if there be a quorum present, shall be appointed by the committee and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair.

- (3) Each committee shall transact all business according to the rules for Council, with the necessary adjustments, as set out in:

- (i) Part 4.2 – Rules of Decorum;
- (ii) Part 4.3 – Rules of Procedure Respecting Motions;
- (iii) Part 4.5 – Voting on Motions;
- (iv) Part 4.6 – Rules of Debate;
- (v) Part 4.7 – Point of Order;
- (vi) Part 4.8 – Point of Personal Privilege; and
- (vii) Part 4.9 – Expulsion for Improper Conduct;

with the exception that the number of times a member may speak on any question shall not be limited, and at the request of any member, any item on the meeting agenda may be reopened upon a majority vote of the members present.

- (4) A committee may appoint a sub-committee from its members to investigate and report on any matters related to the business of the committee, provided that:

- (i) the sub-committee shall report directly to the appointing committee;
- (ii) the sub-committee shall not have the power to appoint an additional sub-committee, nor shall it add to its membership without permission from the committee that established the sub-committee; and
- (iii) the sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned;

and such sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

PART 10 – NOTICE

10.1 **Purpose**

This By-law shall not apply so as to require the giving of any notice in circumstances where there is no requirement in any applicable by-law, policy, Statute, or regulation that notice be given in respect of any proposed municipal action.

10.2 Notice to Members of Council Meetings

- (1) A minimum of forty-eight (48) hours notice shall be provided to Members prior to the holding of a Regular Council Meeting, which may be given by release of a meeting agenda, written notice, email, or by telephone call.
- (2) A minimum of twenty-four (24) hours notice shall be provided to the Members to the holding of a Special or an In Camera Council Meeting, which may be given by release of a meeting agenda, written notice, email, or by telephone call.
- (3) Notwithstanding any other provision of this By-law to the contrary, a Council Meeting may be held to deal with an emergency with less than the requisite notice, provided the Clerk has endeavoured to notify the Members about the meeting in the most expedient manner, provided that no business except business dealing directly with the emergency shall be transacted by Council.
- (4) Lack of receipt of a notice of or meeting agenda for a Council Meeting by any Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

10.3 Notice to the Public of Council Meetings

- (1) Notice of a Council Meeting to the public shall be provided through:
 - (i) release of a meeting agenda by the Clerk; and
 - (ii) posting of the time and date of the meeting on the City's web site.
- (2) Where a meeting agenda is released prior to a Council Meeting, the Clerk shall:
 - (i) endeavour to provide the meeting agenda to the local news media and all persons who have requested a copy a minimum of twenty-four (24) hours in advance of the meeting;
 - (ii) maintain copies of the meeting agenda in the office of the Clerk for review by members of the public; and
 - (iii) endeavour to post the meeting agenda on the City's web site.
- (3) Where a meeting agenda will not be released prior to a Council Meeting, or in the instance of an In Camera Council Meeting, in lieu of the release of a meeting agenda, the Clerk shall endeavour to provide notice by telephone call, email, and/or written notice to the local news media and those who have requested a copy of meeting agendas.
- (4) Lack of receipt of a notice of or meeting agenda for a Council Meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

10.4 Notice of Meetings of Committees

- (1) Notice of a committee meeting shall be provided through:
 - (i) release of a meeting agenda for the meeting; and
 - (ii) posting of the time and date of the meeting on the City's web site.
- (2) Where an agenda is released prior to a meeting, the committee secretary shall:

By-law Number 2019-48

- (i) make available the meeting agenda to the local news media and all persons who have requested a copy;
 - (ii) maintain copies of the meeting agenda in the office of the secretary for review by members of the public; and
 - (iii) endeavour to post the meeting agenda on the City's web site.
- (3) Where a meeting agenda will not be released prior to the meeting, in lieu of the release of a meeting agenda, the committee secretary shall endeavour to provide notice by telephone call and/or written notice to the local news media and those who have requested a copy of meeting agendas.
- (4) Lack of receipt of a notice of or meeting agenda for a committee meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

10.5 **Notice of Proposed Municipal Action**

- (1) Where any Statute or regulation requires that notice be given to the public of any proposed municipal action, such notice shall be given:
- (i) in the manner specified in the Statute or regulation, or within any other City by-law which specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type; or
 - (ii) if there is no manner specified in the Statute or regulation, or within any other City by-law which specifically sets forth the manner in which such notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, to the public through any one or more of the following means:
 - (a) by publication of at least one (1) notice in a newspaper minimum seven (7) days before:
 - 1. the meeting at which the proposed municipal action will be considered; or
 - 2. the date on which it is proposed that the municipal action will occur;
 - (b) by posting a notice on the City's website at least seven (7) days before:
 - 1. the meeting at which the proposed municipal action will be considered; or
 - 2. the date on which it is proposed that the municipal action will occur.
- (2) Where any Statute or regulation requires that notice be given to particular individuals or affected persons of any proposed municipal action, such notice shall be given:
- (i) in the manner specified in the Statute or regulation, or within any other City by-law which specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type; or
 - (ii) if there is no other manner specified in the Statute or regulation, or within any other City by-law which specifically sets forth the manner in which notice will be given to such particular individuals or other persons either for the specific municipal action or generally for municipal actions of that type, to the particular individuals or other persons through any one or more of the following means:

- (a) by mailing a notice by prepaid ordinary mail at least seven (7) days before:
 - 1. the meeting at which the proposed municipal action will be considered; or
 - 2. the date on which it is proposed that the municipal action will occur;
- (b) by posting a notice on the lands owned or occupied by the individual or other person entitled to receive notice by affixing it to the door of any building on the lands or by otherwise posting it in a conspicuous manner on the lands, at least seven (7) days before:
 - 1. the meeting at which the proposed municipal action will be considered; or
 - 2. the date on which it is proposed that the municipal action will occur.

10.6 Notice Form

- (1) Notices given pursuant to this Part need not be in any particular form but shall include:
 - (i) the title or brief description of the proposed municipal action;
 - (ii) the date on which it is proposed the municipal action will occur;
 - (iii) where the notice pertains to a meeting, the date, time and location of the meeting; and
 - (iv) the name and address or contact information of the person who will receive written comments or can provide additional information or answer questions on the matter of the notice, and the deadline for receiving comments if applicable.
- (2) Notices given pursuant to this Part may deal with specific proposed municipal actions, or may be multiple notices in respect of multiple proposed municipal actions, and may be contained within a single document or as parts of other documents, reports or notices.

PART 11 – INTERPRETATION

11.1 General Procedure

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied, the procedure followed in the Robert's Rules of Order (revised).

11.2 Conflict with other Statutes

Where there is conflict between any part of this By-law and any Statute or regulation, the Statute or regulation shall take precedence.

11.3 Severability

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

11.4 Time of Day

Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be Standard Time, provided however, if 'Daylight Saving Time' is in effect under any Statute, Order-In-Council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.

PART 12 – BY-LAWS RESCINDED

12.1 By-law Number 2007-194 and all other By-laws or portions thereof that are inconsistent with this By-law are hereby rescinded.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY UPON THE PASSING THEREOF.

Read a first time this 11th day of **March, 2019**.

Read a second time this 11th day of **March, 2019**.

Read a third time and finally passed this 11th day of **March, 2019**.

-

MITCH PANCIUK

MAYOR

MATTHEW MACDONALD CITY CLERK