



BY-LAW 18-15

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-Law of the Corporation of the City of Cambridge to govern the proceedings of Council and its Committees and to Repeal By-Law 2-13

WHEREAS Section 238 (2) of the *Municipal Act, 2001* provides that a Council shall pass a procedure By-Law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the City of Cambridge deems it expedient to provide for updates to the way in which its meetings are conducted and governed;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Cambridge hereby enacts as follows:

INTERPRETATION

Definitions

1.1 THAT in this By-Law:

"Act" means the *Municipal Act, 2001*, as amended or re-enacted from time to time;

"Chair" means the person presiding at a meeting;

"challenge" means to appeal a ruling of the Mayor;

"Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the City, or his or her designate;

"City Solicitor" means the City Solicitor or his/her designate;

"Clerk" means the City Clerk or his or her designate;

"Closed session" means a meeting that is closed to the public in accordance with the Act;

"Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also Members of City Council, and includes a Standing Committee, an Ad Hoc Committee, a Special Committee, or a Task Force of Council;

"Committee Chair" means the Chair of a Committee;

"Committee Vice-Chair" means the Vice-Chair of a Committee;

"Confirmatory By-Law" means a By-Law passed for the purpose of giving general effect to a previous decision or proceedings of Council;

"Council" means the Council of the Corporation of the City of Cambridge;

"Delegation" means an address to Council or a Committee at the request of a person wishing to speak;

"ex-officio" means by virtue of the office or position and the Mayor is an ex-officio member of all Standing Committees who, when attending a Standing Committee Meeting, shall have full voting privileges and shall be counted for the purpose of the Standing Committee's quorum.

"inaugural meeting" means the first meeting of City Council after a regular election as set out in the Act;

"majority vote" means an affirmative vote of more than one half of the Members present;

"Mayor" means the Mayor of the City, in accordance with the Act, and the term is interchangeable with "Chair" for the purposes of conducting committee meetings;

"meeting" means a meeting of Council or a Committee;

"Member" means a Member of Council;

"motion" means a proposal *moved* by a Member and, if *moved* in Council or Committee, seconded by another Member, to adopt, amend or otherwise deal with a matter before Committee or Council;

"motion to call the question" means a motion to end debate and put the matter before the Council for a vote by its members;

"motion to defer" means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of Council or a Committee;

"motion to receive" means a motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;

"motion to refer" means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee, body or official;

"motion to table" means a motion to postpone without setting a definite date as to when the matter will be considered again;

"notice of motion" means a written notice of a motion respecting a substantive matter not on the agenda for a meeting of Council which is received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on the agenda for a future meeting of Council;

"point of order" means a question by a Member with a view to calling attention to any issue relating to this By-Law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion;

"point of privilege" means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or City official has been impugned or questioned by a Member;

"presentation" means an address to Council or Committee at the request of Council, a Committee or staff and applies to City staff, contractors or approved agents;

"presiding officer" means any person who is presiding at a meeting;

"recorded vote" means a written record of the name and vote of every Member voting on any matter or question;

"Region" means The Regional Municipality of Waterloo;

"resolution" means the decision of Council on any motion;

"Senior Management" includes the members of the Management Committee and their designates;

"Special majority" means a positive vote of at least 2/3rds of the Members present at a meeting;

"Standing Committee" means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council;

"Statutory Public Meeting" means a public meeting as defined in the Planning Act, as amended, and other applicable Ontario statutes.

"Website" means the official City internet website.

APPLICATION

General

2.1 THAT the rules of procedure set out in this By-Law shall govern all proceedings of Council and its Committees, with necessary modifications (i.e.: Chair acts in role of Mayor at a committee meeting, "Committee" in place of "Council", etc.) and unless otherwise stated.

Statutory Requirements

2.2 THAT notwithstanding anything in this By-Law, where Council or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, as applicable, shall govern the proceedings.

INAUGURAL MEETING OF COUNCIL

Date of Inaugural Meeting

3.1 THAT the inaugural meeting of Council for each term shall be held in accordance with the Act at a time and place to be fixed by the Clerk.

Order of Business

3.2 THAT the order of proceedings at an inaugural meeting shall include: filing of certificates of election in accordance with Section 232(1) of the Act;

- filing of Members' declarations of office;
- signing of the Mayor's declaration of office;
- passage of a confirming By-Law and any other relevant By-Laws; and
- other ceremonial proceedings as deemed appropriate by the Mayor, the Chief Administrative Officer or the Clerk.

MEETINGS OF COUNCIL

Regular Meetings

4.1 THAT the regular meetings of Council is routinely held at 7:00 p.m. in City Hall, in accordance with the schedule adopted annually by Council, except:

- (a) when otherwise directed by resolution of Council; or
- (b) when the Mayor advises otherwise upon a minimum of 48 hours' notice, provided that this notice shall not be required in an emergency.

Special Meetings

4.2 THAT the Mayor may at any time call a Special Meeting of Council by providing written direction to the Clerk to issue a Notice of Special Meeting.

4.3 THAT upon the receipt of a petition of the majority of Members, the Clerk shall call a Special Meeting for the purpose and at the time noted in the petition.

Matters Decided at Special Meeting

4.4 THAT at a Special Meeting of Council, Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting.

Taping, Televising, Recording

- 4.5 THAT meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded so long as the taping, televising or recording is carried out in a manner that does not interfere with proceedings at the meeting, and provided that the recording has been authorized by the Mayor.

NOTICE

Notice to Members

- 5.1 THAT notice to members of all meetings of Council, agendas, agenda items, cancellations and re-schedulings shall be provided by the Clerk to each Member's residence, city hall office, place of business or email address, as directed by the member, not less than 48 hours prior to the time set for the meeting. Notice may be personally delivered or sent by first-class mail, courier, facsimile or electronic mail. Notice may also be provided by any additional means in case of an emergency.
- 5.2 THAT any notice to Councillors referred to in this By-Law shall be provided to the member at the address and by the means referred to in 5.1.

Notice to Members of Special Meeting

- 5.3 THAT notice of all Special Meetings of Council, detailing the matters to be considered at the meeting, shall be delivered to all members not less than 24 hours before the time set for the meeting.

Notice to Media and Public

- 5.4 THAT the Clerk shall provide notice to the public and the media of all meetings of Council, agendas, agenda items, cancellations and re-schedulings by:
- (a) publishing the annual schedule of meetings, once adopted by Council, by posting on the City's official Website and by distributing copies upon request;
 - (b) updating the annual schedule of meetings posted on the City's official website within 24 hours of any changes made to the schedule;
 - (c) not less than 24 hours in advance, posting a copy of meeting notices, main agendas, and main agenda items for review at the Office of the City Clerk; and
 - (d) not less than 24 hours in advance, posting meeting notices, agendas and agenda items on the City's official website.

Contents of Notice

- 5.5 THAT notice of a meeting of Council shall indicate the day, date, time and place of commencement of the meeting, and the contact information for the Clerk's Office.

Minimum Requirements

- 5.6 THAT notice requirements set out in this By-Law are minimum requirements only, and the Clerk may give notice in an extended manner if, after consultation with appropriate parties, the Clerk deems the extended manner reasonable and necessary in the circumstances.

Subordinate to other required forms of notice

- 5.7 THAT notice requirements set out in this By-Law shall be superseded by any specific requirements for the fixing of notice as prescribed by legislation.

Cancellation / Postponement

5.8 THAT any Meeting may be cancelled or rescheduled to a day, time and place set out in a notice from the Clerk with at least 48 hours before the scheduled date of the meeting.

Failure to Meet Notice Provisions

5.9 THAT notice which is substantively given but which is irregular or not otherwise in strict compliance with this By-Law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

COUNCIL AGENDAS

Agenda

6.1 THAT the Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council and Standing Committees of Council to be listed as indicated in Appendix A and forms part of this by-law.

Other Business Memo

6.2 THAT after delivery of the Council Agenda, the Clerk may amend the Agenda by way of the Other Business Memo by adding or deleting matters from the prepared Agenda in consultation with the Mayor or the CAO. In this case, the Clerk shall endeavour to forward additional Agenda material to the Members prior to the meeting. The Other Business Memo may be presented at the Council meeting, and is not subject to the Notice requirements set out in Part 5 of this By-Law.

Order of Business

6.3 THAT the business of Council shall, in all cases, be taken up in the order in which it appears on the Agenda, unless otherwise directed by the Chair or by Council. Any matter on the Agenda not disposed of by Council shall be placed on the Agenda of the next regular meeting of Council as Unfinished Business.

6.4 THAT the order of business for Public Information Meetings shall be organized and conducted in the following manner:

- (a) Call to Order
- (b) Presentation(s) - staff and proponent(s)
- (c) Questions from the Public/Committee
- (d) Adjournment

Circulation to Public

6.5 THAT as soon as Agenda information is published and distributed by the Clerk to Members and, subject to the current policy of Council respecting reproduction charges, the information may be made available to the public except for information relating to matters to be considered in closed session. Certain information may be released sooner to comply with legislation, re: Planning Reports.

Communications

6.6 THAT every communication intended to be presented to Council must be legibly written and must contain the signature, contact address and telephone number of at least one person and preferably the addresses of all signatories. For all communications submitted there shall be designated a contact person to whom the Clerk can communicate on behalf of Council or a Committee. Anonymous communications will not be forwarded and will not be retained by the Clerk.

Referral to Committee

6.7 THAT any communication within the jurisdiction of a Committee shall first be referred by the Clerk to the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council.

Disposition of Communications

6.8 THAT communications listed on the Agenda, which contain a request for action on the part of Council, shall not be acted upon without Council first receiving a report from staff or the appropriate Committee, unless the action is of a routine or congratulatory nature.

Resolutions from Municipalities outside of Waterloo Region

6.9 THAT all communications received from municipalities requesting endorsement or consideration of their resolution shall be forwarded to the Mayor, CAO and the relevant Commissioner for consideration, and may be added to the appropriate Council Agenda by the Mayor or to a Committee Agenda by the Mayor, the Chief Administrative Officer, or the relevant Commissioner.

Consent Procedure

6.10 THAT more than one item on the agenda for Council meetings containing recommendations may be adopted in a single motion. At the request of any Member, any specific items of business shall be subject to individual consideration

Reports from staff that are for information and non-controversial in nature will be listed on the appropriate Committee Agenda and listed under the Consent Procedure.

QUORUM

Quorum—Council

7.1 THAT a quorum of Council is five (5) Members.

No Quorum at Beginning

7.2 THAT if a quorum is not present at a scheduled meeting of Council fifteen (15) minutes after the scheduled commencement time, the meeting shall stand adjourned until the next regular meeting of Council and the Clerk shall record the names of the Members present.

Loss of Quorum During Meeting

7.3 THAT if a quorum is lost during a meeting of Council then the Mayor shall, upon determining that a quorum is not present, request the Clerk to call for a recess for a period of fifteen minutes, or until a quorum is present, whichever is sooner.

Idem

7.4 THAT if there is still no quorum of Council after fifteen minutes, the meeting shall stand adjourned and the Clerk shall record the names of the Members present. In this case, the confirmation By-Law will reflect all business validly conducted by the Council before quorum was lost. All unfinished business shall be carried forward to the next meeting of Council.

Municipal Conflict of Interest Act

7.5 THAT where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).

DUTIES OF THE MAYOR

Call Meeting to Order

8.1 1 THAT as soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the Members to order.

Mayor's / Chair's Duties

8.2 THAT the Mayor shall preside over the meetings of Council so that its business can be carried out efficiently and effectively, and shall:

- (a) maintain order and preserve the decorum of the meeting;
- (b) rule on all procedural matters, without debate or comment;
- (c) receive and submit to a vote all motions presented by the Members that do not contravene the rules of procedure;
- (d) decline to put to a vote motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
- (e) announce the results of the vote on any motions presented for a vote;
- (f) expel or exclude from any meeting any person whom the Mayor feels has exhibited improper conduct at the meeting;
- (g) adjourn; suspend or recess the meeting if he or she considers it necessary because of grave disorder;
- (h) close the meeting when business is concluded or recess the meeting as required; and
- (i) without limiting the above, preside over the meeting fairly and objectively without becoming actively involved in debates. By way of example, the Mayor may not call for a recorded vote, move or second a motion, etc. The Mayor should keep his/her comments relatively brief and generally for the purpose of summation of the debate before a vote is to occur or to intercede for the purpose of moving a debate forward to a resolve.

Order to Vacate

8.3 THAT the Mayor, after three warnings, shall call by name any Member persisting in breach of the rules of procedure and, subject to an appeal by a majority vote of Members present, order him or her to vacate his or her seat and leave the meeting.

Matters Not Covered in this By-Law

8.4 THAT all matters not covered by this By-Law shall be decided by the Mayor. The Mayor may consult with the Clerk and/or City Solicitor to provide advice regarding procedure. They shall provide this advice following which the Mayor shall announce his or her ruling.

Appeal of Mayor's Ruling

8.5 THAT if a Member disagrees with the ruling of the Mayor, he or she may appeal the ruling of the Mayor. The Mayor, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Mayor may provide further explanation of the ruling prior to calling the vote.

PRESIDING OFFICER

Appointment of Presiding Officer

9.1 THAT in case the Mayor does not attend within fifteen minutes of the time a quorum is present after the scheduled commencement time for a meeting of Council, or after resumption of the meeting after an adjournment, the Clerk shall call upon the Acting Mayor for the month in question and he or she shall preside until the arrival of the Mayor.

Mayor's Designation

9.2 THAT the Mayor may designate another Member as presiding officer during any part of a Council meeting when he or she leaves the chair for any reason.

9.3 THAT the presiding officer shall have and may exercise all the rights, power and authority and obligations of the Mayor under this By-Law.

DUTIES OF MEMBERS

General

10.1 THAT no Member shall:

- (a) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, Council, any Member or any official or employee of the City;
- (b) use offensive words or unparliamentary language;
- (c) engage in private conversation while in the Council meeting or use electronic devices including cellular phones, pagers, blackberries and computers, in a manner which interrupts the proceedings of the Council;
- (d) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (e) speak on any subject other than the subject under debate;
- (f) where a matter has been discussed in Closed session, and where the matter remains confidential, disclose the confidential matter or the substance of

- deliberations at a closed meeting, except to the extent that Council has previously released or disclosed the matter in public;
- (g) disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. If a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting; or,
- (h) use language that is not inclusive.

Seating Arrangements

- 10.2 THAT for the duration of the term of office of the Council seating at the Council Table shall be in accordance with the direction of the Mayor. Council may establish alternate seating arrangements by motion passed by a Special majority vote.

DISCLOSURES OF PECUNIARY INTEREST

Method of Disclosure

- 11.1 THAT where a Member, on their behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*:
- prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof; and
 - not take part in the discussion of, or vote on any question in respect of the matter; and
 - not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

Closed Meetings

- 11.2 THAT where a meeting is not open to the public, in addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Absence-Disclosure at Next Meeting

- 11.3 THAT where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of Council, as the case may be, attended by the Member after the particular meeting.

Record of Disclosure

- 11.4 THAT the Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes or Report of that meeting.

PUBLIC ACCESS TO MEETINGS

Meetings Open to the Public

12.1 THAT all meetings shall be open to the public except as provided for in Section 12.2 and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this By-Law or applicable statute.

Closed Meetings

12.2 THAT a meeting may be conducted in Closed session in accordance with the Act.

Prior Resolution

12.3 THAT prior to Council resolving into Closed session, Council shall state by resolution:

- (a) the fact of holding the Closed session;
- (b) the general nature of the matter to be considered;
- (c) the specific provision under the Act under which each item is permitted to be considered in Closed session.

Open Votes

12.4 THAT a meeting shall not be closed to the public during the taking of a vote, except in accordance with the Act.

Record of Closed Meeting

12.5 THAT the Clerk shall prepare a record of each Closed session held in Council or Committee, indicating:

- (a) the matter discussed;
- (b) the specific provision under the Act under which meeting in Closed session is permitted;
- (c) the Members in attendance;
- (d) the disposition of the matter;
- (e) the starting and concluding times for the Closed session; and
- (f) any other proceedings.

12.6 THAT section 20 does not apply to the record created under section 12.5.

Webcasting of Council / Committee Meetings

12.7 THAT the City of Cambridge may choose to offer live and/or archived webcasting of Council meetings.

DELEGATIONS

Delegations Generally Before Committees

13.1 THAT delegates shall be directed by the Clerk to the appropriate Committee except where the delegate wishes to address Council with respect to a matter which will be before Council. Where a delegate has made a Delegation to a Committee, a further Delegation request by the delegate or a related party shall not be listed or allowed on the Council Agenda or the Other Business Memo, unless the Delegation is bringing forward new information.

Written Request for Delegation

- 13.2 THAT every individual, organization or group wishing to address Council shall complete a Delegation Form provided by the Clerk and return it no later than at least 24 hours in advance of the meeting.

If the Delegation is to be presented utilizing written material, 'slide show', Power Point Presentation, or other visual or written method of presentation, or other related material(s), then all those items must be provided in accordance with this section. Notification to the Clerk shall be signed, shall indicate the mailing address and telephone number at which the individual or the organization or group may be contacted during normal business hours and shall contain an outline of the nature of the Delegation to be made.

Persons or organizations wishing to appear before Council shall submit a request to the Clerk, the same time limit will apply for presentations as they are noted for delegations. A maximum of three delegation requests will be listed on each agenda.

Statutory Public Meetings

- 13.3 THAT rules 13.1 and 13.2 do not apply to Statutory Public Meetings.

Address Presiding Officer

- 13.4 THAT all delegates shall address the Mayor from the lectern in the Council Chamber or from the presenter's table, as the case may be, and shall state their name, address and whom they represent.

Time—5 Minutes

- 13.5 THAT unless otherwise permitted by a Special majority vote, delegates shall be limited to five (5) minutes for speaking at Council or such other time period approved by Council at the meeting. If there is a group of people wishing to address Council with respect to a particular position on a particular issue, then Council may determine that the group shall be represented by one person or that the time limit shall be other than as stated above, up to a maximum of 15 minutes. The group of people must be present at the meeting to be granted any extension to 15 minutes.

Questions

- 13.6 THAT notwithstanding section 13.5, the time involved in receiving and answering questions from Members shall not be deducted from the time limited for the Delegation. Members may address a delegate only to ask questions and not express opinions or enter into debate or discussion.

Right to Appear

- 13.7 THAT any person may, either on their behalf, or as a representative of an organization or group, appear at any public meeting of Council and address Council with respect to any matter on the Agenda for that meeting.

No Notice Where Matter on Agenda

- 13.8 THAT for matters on the Agenda, Council will not hear Delegations where notice has not been provided to the Clerk under rule 13.2. unless a motion is made, seconded and confirmed by a Special Majority Vote to hear the Delegation.

Matters Not on the Agenda Continued

13.9 THAT by Special Majority Vote written material, 'slide show', Power Point Presentation, or other visual or written method of presentation, or other related material(s), will be allowed to be presented. The City Clerk's decision on whether the material is appropriate and can be presented will be final.

Matter Not on Agenda put to next Committee Meeting

13.10 THAT Council will not hear Delegations that do not address an item on the Agenda. The matter may be placed by the Clerk on the Agenda of the next Committee meeting or the Agenda of the meeting at which the item will be considered.

Vote required for matter not on Agenda

13.11 THAT at a subsequent Committee meeting, in accordance with 13.8, the Committee may decide, by Special majority vote:

- (a) to hear the Delegations;
- (b) to defer hearing Delegations to require, as a condition of hearing a Delegation, the filing of a written outline with the Clerk in accordance with notice periods under this By-Law.

Behaviour

13.12 THAT no delegate shall:

- (a) speak disrespectfully of any person;
- (b) use offensive words or unparliamentary language;
- (c) speak on any subject other than the subject for which he or she has received approval to address Council;
- (d) disobey the rules of procedure or a decision of the Mayor or Council; or
- (e) interrupt, speak-over, or continue to speak when advised by the Mayor not to, or otherwise disrupt the Mayor.

Curtailment of Time

13.13 THAT the Chair may curtail any Delegation, any questions of a delegate, or debate during a Delegation for disorder or any other breach of this By-Law, and, if the Chair rules that the Delegation is concluded, the person or persons appearing shall withdraw. The Chair can, or can request that the Clerk, shut off the Delegate's microphone.

Location

13.14 THAT no person, except Members and authorized City staff shall be allowed to come within the Members' area (the Horseshoe) during a Council meeting without permission of the Chair.

Conduct

13.15 THAT members of the public who constitute the audience at a meeting, shall not:

- (a) address Council without permission;
- (b) bring food or beverages into the Council Chamber or meeting room unless so authorized;
- (c) bring signage, placards, picket signs or banners into City Hall and Historic City Hall; or
- (d) engage in any activity or behaviour that would affect the Council or Committee deliberations.

Delegations not allowable

- 13.16 THAT no Delegation will be heard that addresses the following matters:
- a) Labour Relations or employee negotiations;
 - b) Litigation that is either expected to proceed, that is currently proceeding, or that has already been decided by a trier of fact;
 - c) Tenders, RFP's or other Procurement issues;.
 - d) Any other matter that is properly the subject of the closed session exclusions in the Act, subject to a Special majority vote by Council.

Expulsion

13.17 THAT the Mayor may cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a meeting of Council. If necessary, the Mayor may call upon the appropriate assistance from security or police officers to effect this ruling.

RULES OF DEBATE

No debate until on floor

14.1 THAT no debate on any item can occur until an item has been both moved and seconded.

Recognition of Member

14.2 THAT to address Council, a Member shall request to speak and be recognized by the Mayor.

Microphone

14.3 THAT prior to speaking to any question or motion, each Member shall engage his or her microphone through the Mayor, when the indicator is on the microphone is live and the member may begin to speak, or as otherwise directed by the Mayor.

Order of Speakers

14.4 THAT when two or more Members indicate their desire to speak at the same time, the Mayor shall designate the order of speakers.

Interruptions

14.5 THAT when a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order or privilege.

Read Motion

14.6 THAT any Member may require a motion or question under discussion to be read at any time during the debate, but not so as to interrupt the Member speaking.

Ten Minutes

14.7 THAT no Member shall speak for longer than ten (10) minutes on a question.

Speak Twice

14.8 THAT no Member shall speak more than twice to the same question.

Questions

14.9 THAT a Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Mayor, the previous speaker, the CAO, City Solicitor, Clerk, Commissioners, and their respective designates. All questions must be directed through the Chair.

Points of Order, Privilege

14.10 THAT a member shall seek leave of the Mayor to raise a point of privilege or point of order. After leave is granted, the Member shall state the point to the Mayor and then remain silent until the Mayor has ruled upon the point. There is no debate on a point of order or privilege.

Mayor to Rule on Point

14.11 THAT subject to 14.12, the Chair shall rule on the point.

Challenge

14.12 THAT any Member may challenge the ruling of the Chair immediately following the ruling. A Special majority vote is required to successfully overrule the Chair's ruling.

Decision Final

14.13 THAT the Chair's ruling is final unless it is challenged. Council's decision is final if the Chair is challenged in accordance with 14.12.

MOTIONS

NonJurisdictional Motions

15.1 THAT unless a special majority vote is passed by Council a motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

Introduction of Additional Items

15.2 THAT no Member shall introduce any item to the Council for its consideration unless:

- the item relates to a matter on the Agenda for that meeting; or
- the matter is of an urgent nature and leave is granted by a Special majority vote.

Oral Motions

- 15.3 THAT the following may be introduced orally without written notice and without leave of Council:
- (a) a point of order or privilege;
 - (b) presentation of petitions;
 - (c) a motion to waive certain rules under Section 22;
 - (d) a procedural motion;
 - (e) a simple or friendly amendment;
 - (f) a motion to adjourn;
 - (g) a motion to move into a closed session of Council.

Written Motions

- 15.4 THAT except as provided in Section 15.3, all motions shall be in writing. The Chair may require that any amendment be in writing and signed by the mover and the seconder.

Must be Seconded

- 15.5 THAT a motion shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.

Mover May Vote in Opposition

- 15.6 THAT a Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

Withdrawal

- 15.7 THAT after a motion is moved at the Council meeting it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote. A motion that has been withdrawn after being placed on the floor may be renewed with the mover and seconder, with the same intent, only if no decision was made in the first place.

Assignment of Motions

- 15.8 THAT the Clerk will assign motions to individual members of Council alphabetically or by Ward (depending on the nature of the matter), and will not reassign to other members of Council without the permission of the Member to whom the motion was originally assigned. The Clerk will allocate motions as soon as possible after receiving the agenda, with the following being exempt from the rotating basis: Advisory Board or Committee Representatives; Notice of Motion.

SPECIFIC MOTIONS

Recess

- 16.1 THAT a motion to recess is not debatable, shall specify the length of the recess, and may only be amended with respect to the length of the recess.

Adjourn

- 16.2 THAT a motion to adjourn the Council meeting is not debatable and shall always be in order except:
- when another Member is in possession of the floor;
 - when a vote has been called;
 - when the Members are voting; or
 - when a Member has indicated to the Chair his or her desire to speak on the matter before Council.
- 16.3 THAT a motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate.

Call the Question

- 16.4 THAT a motion to call the question is not debatable.
- 16.5 THAT a Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.
- 16.6 THAT a motion to call the question shall be put immediately without debate.

Refer

- 16.7 THAT a motion to refer is debatable only with respect to the following:
- (a) the name of the Committee or official to whom the motion or amendment is to be referred;
 - (b) the terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

Defer

- 16.8 THAT a motion to defer is debatable only with respect to the following:
- (a) the time to or period within which, consideration of the matter is to be deferred; and
 - (b) whatever explanation is necessary to demonstrate the purpose of the motion to defer.

Amendment

- 16.9 THAT a motion to amend is debatable.
- 16.10 THAT only one motion to amend a motion shall be on the floor at any one time.
- 16.11 THAT only one amendment to a motion to amend is allowable.

Receive

- 16.12 THAT a motion to receive, moved after the main motion, is debatable and shall be treated as an amendment to the main motion.

Substantive Motion

- 16.13 THAT an amendment shall be out of order if it is ruled by the Mayor to be a substantive motion and not an amendment.

Cannot be Contrary

16.14 THAT an amendment which, in effect, is nothing more than a rejection of the main motion is not in order. (no negative amendments to the main motion)

Consider Matter Previously Deferred

16.15 THAT a motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Council so decides, by a Special majority vote.

Reconsideration

16.16 THAT subject to sections 16.17 and 16.18, no question, after it has been decided, shall be reconsidered within two years following the decision of the Council unless Council decides to do so by a Special majority vote. Any reconsideration that occurs after this period requires a majority vote.

Must Have Voted with the Majority

16.17 THAT after any question has been decided, any Member who voted thereon with the majority or Special majority may make a motion to reconsider the question.

New Member

16.18 THAT a Member who was not a Member during the vote contemplated in 16.17 may make or second a motion for reconsideration.

Secunder

16.19 THAT a motion to reconsider must be seconded by a member who voted with the majority.

Notice required

16.20 THAT a motion to reconsider must be with notice in accordance with section 17.2.

Reconsideration - Idem

16.21 THAT a motion to reconsider is not debatable.

16.22 THAT no discussion of the main question or hearing of Delegations shall be allowed until the motion for reconsideration is carried.

16.23 THAT once the question is reopened, it is reopened in its entirety unless the reopening motion specifies otherwise.

16.24 THAT if the question is reopened, all previous decisions of the Council remain in force unless the Council decides otherwise.

16.25 THAT no motion to reconsider may, itself, be the subject of a motion to reconsider.

16.26 THAT no matter before Council that has been the subject of a motion to reconsider can be reconsidered by Council within one year of the original motion to reconsider.

Motion to Adjourn

16.27 THAT the proceedings of Council on any day shall be terminated as soon after the hour of 11 o'clock in the afternoon as the matter under immediate consideration is finalized and Council has established a time and date for the consideration of the balance of the agenda.

NOTICES OF MOTION

Non-Jurisdiction

17.1 THAT a notice of motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

Timing of Notice

17.2 THAT a notice of motion shall be provided to the Clerk and introduced at the meeting immediately preceding (as a minimum) the meeting in which the motion shall be heard. It shall be in writing and shall include the name of the mover and seconder.

Agenda Materials

17.3 THAT the Clerk shall include in the Agenda materials any reports from City staff relating to a notice of motion submitted in accordance with section 17.2.

Committees

17.4 THAT any notice of motion, the subject matter of which falls within the mandate of a Committee, shall be referred directly to that Committee by the Council unless the Council determines that it should not be first considered by the Committee, for reasons of emergency, health, safety or legal deadline.

17.5 THAT after a notice of motion is moved at the Council meeting or placed on the Council Agenda it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote.

Future Agendas

17.6 THAT all notices of motion on the Agenda and not disposed of shall be placed on the Agenda for the next regular meeting of Council.

Not Proceeded With

17.7 THAT when a notice of motion has been on the Agenda for two consecutive meetings after notice has been given, and not proceeded with, it shall be dropped from the Agenda and deemed withdrawn.

VOTING

Order of Votes

18.1 THAT motions relating to an item under consideration shall be voted on in the following order:

- (a) a motion to waive certain procedures as listed in Section 22;
- (b) a motion to recess;
- (c) a motion to adjourn;
- (d) a motion to call the question;
- (e) a motion to receive an item;

- (g) a motion to refer;
- (h) a motion to defer;
- (i) a motion to amend; and
- U) the main motion.

Members Must Vote

18.2 THAT every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record.

Method of Voting

18.3 THAT a Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested. The Mayor shall announce the result of all votes taken, the Mayor to vote last.

Actions During Vote

18.4 THAT when the Mayor calls for the vote on a question, a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Mayor, and b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.

Split Votes

18.5 THAT upon the request of any Member, and when the Mayor is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

No Vote Deemed Negative

18.6 THAT if any Member present does not vote at a meeting of the Council where a question is put, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.

Majority Vote

18.7 THAT all decisions of Council shall require a majority vote except as otherwise set out in this By-Law.

Equality of Votes

18.8 THAT any motion that receives a tie vote shall be deemed to have been decided in the negative.

Recorded Vote

18.9 THAT when a recorded vote is requested by a Member, the Clerk shall record the name and vote of every Member on any question.

18.10 THAT the Clerk shall use the electronic voting device or may call Members and the Members shall indicate or announce their vote in order of their surnames.

Clerk to Announce Results of Vote

18.11 THAT the Clerk shall announce the result of the recorded vote.

BY-LAWS

One Motion

19.1 THAT the adoption of every By-Law presented to Council may be the subject of one motion.

Separate Vote

19.2 THAT by request of any Member, any By-Law(s) may be discussed or voted on individually.

Form

19.3 THAT every By-Law, when introduced shall be in typewritten form and shall comply with the provisions of any relevant legislation.

Confirmatory

19.4 THAT the proceedings at every meeting of Council shall be confirmed by By-Law so that every decision of Council at that meeting of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-Law duly enacted.

Amendments

19.5 THAT all amendments to any By-Laws approved by Council shall be deemed to be incorporated into the By-Law and if the By-Law is enacted by Council, the amendments shall be inserted by the Clerk.

Authentication

19.6 THAT every By-Law enacted by Council shall be signed by the Mayor or by the Acting Mayor in the Mayor's absence, and by the Clerk. The corporate seal shall be affixed to the By-Law and the By-Law shall be numbered, dated and deposited in the Clerk's Office Vault and a duplicate originally signed copy will be stored at the City Archives.

Editorial and Other Changes to By-Laws

19.7 THAT the Clerk, in consultation with the City Solicitor or Designate, may make the following changes to By-Laws:

- (a) Correct spelling, punctuation or grammatical errors, or errors that are of clerical, typographical or similar nature.
- (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
- (c) Replace a description of a date or time with actual date or time.
- (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
- (e) Correct errors in the numbering of provisions or other portions of a By-Law and make any changes in cross-references that are required as a result.
- (f) If a provision of a transitional nature is contained in a By-Law, make any changes that are required as a result.

- (g) Make a correction, if it is patent both that an error has been made and what correction should be taken to more fully represent the intention of Council.

Notice

- 19.8 THAT the Clerk may provide notice of the changes made under section 19.7 (a) to (c) inclusive in the manner that he or she considers appropriate.
- 19.9 THAT the Clerk shall provide notice of the changes made under section 19.7 (d) to (g) inclusive in the manner that he or she considers appropriate.
- 19.10 THAT in determining whether to provide notice under Sections 19.8 and 19.9, the Clerk shall consider (i) the nature of the change; and (ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
- 19.11 THAT in providing notice under 19.8 and 19.9 the Clerk shall state the change or the nature of the change.
- 19.12 THAT no legal significance shall be inferred from the timing of the exercise of a power under this section.
- 19.13 THAT regardless of when a change is made to a By-Law under this section, the change may be read into the By-Law as of the date it was enacted, if it is appropriate to do so.

MINUTES OF COUNCIL

Content

- 20.1 THAT the Minutes of Council meetings shall only record:
- the place, date and time of meeting;
 - the name of the Mayor and the attendance of the Members and senior staff;
 - each item considered by Council and the decisions of the meeting without note or comment at the discretion of the Clerk; and
 - the results of any Recorded Vote.

Approval

- 20.2 THAT the Minutes of each Council meeting shall be presented to Council for approval at the next regular meeting.

Signature

- 20.3 THAT after the Council Minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

COMMITTEES

Council rules apply to Committees

21.1 THAT the rules governing the procedure of Council and the conduct of Members at Council shall be observed in all Committees so far as they are applicable. For greater clarity, when this By-Law refers to "Council" then Council and Committee are interchangeable with respect to following the procedure set forth in this By-Law.

Council's Role

21.2 THAT Council shall determine the appropriate number of Committees, their membership, mandates and reporting practices. The enactment of a Committee By-law will outline the number of Committees and shall be reviewed at least once every Council term.

General Role of Committees

21.3 THAT the role of Committees shall generally be to:

- make recommendations to Council on matters which are in their jurisdiction;
- guide and request staff through the Chief Administrative Officer, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and
- receive public Delegations and establish mechanisms to receive further public input on vital public policy matters.

Mayor's Vote

21.4 THAT the Mayor may be an ex-officio member of each Committee to which the Mayor is not specifically named and shall be counted for quorum purposes and entitled to vote at such meetings at which he or she is present.

Term of Office

21.5 THAT in the absence of a decision by the Council to the contrary or to terminate an appointment, Members shall be appointed to Committees by Council for the term of the Council or for the term set out in such appointment, and, until their successors are appointed, unless otherwise provided by law. A Striking Committee may be established to make recommendations to Council pertaining to Member appointments.

Election of Committee Chair

21.6 THAT the Clerk or his or her designate shall preside at the first meeting of each Committee in each calendar year for the purpose of electing a Chair of that Committee. This shall be done on a calendar year basis.

Chair and Vice-Chair of Standing Committee

21.7 THAT each Committee shall, at the first meeting of the Committee in the first year of the term of Council, choose from its Members a Committee Chair and a Vice-Chair to serve in those positions for the calendar year or until their successors are appointed.

Second, Third and Fourth Years

21.8 THAT in the second, third and fourth year of the term of Council, each Standing Committee shall choose from its number a Committee Chair and a Committee Vice-Chair to serve in those positions for that calendar year or until their successors are appointed. A Member of the Committee, who has served as Committee Chair or Committee Vice-Chair in the first, second and/or third annual term of the Committee during the term of the Council, is not prohibited from serving in the same position during the annual term in the second, third and/or fourth years of the term of the Council.

Absence of Chair and Vice-Chair

21.9 THAT in the event of the Chair of a Committee not attending the Committee at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the Committee Vice-Chair shall call the meeting to order and preside until the arrival of the Committee Chair. Should the Committee Vice-Chair not be in attendance at the meeting, then, those Members in attendance shall appoint one of the Members to act in the place and stead of the Committee Chair and Committee Vice-Chair for that meeting. Such Member shall then call the Members to order and shall preside until the arrival of the Committee Chair or the Committee Vice-Chair.

SUSPENSION OF CERTAIN RULES

Certain rule suspension

22.1 THAT by a Special majority vote, Council may suspend the rules contained in Section 5 herein related to Notice.

Special Majority Required

22.2 THAT in addition, the following Rules require a Special Majority Vote to be successful:

- (a) 10.2 Council seating arrangements
- (b) 13.5 Delegation 5 minute speaking limit
- (c) 13.8/9 Delegation without notice
- (d) 13.10 Delegation for item not on agenda
- (e) 14.12 Challenge to ruling of Mayor
- (f) 15.1 Non-Jurisdictional Motions
- (g) 16.15 Council consider previously deferred item
- (h) 16.16 Reconsideration of previous decision

AMENDMENTS TO BY-LAW

Majority Vote

23.1 THAT this By-Law shall not be amended or repealed except by a majority vote of Council.

23.2 THAT no amendment or repeal of this By-Law shall be considered at any meeting of the Council unless notice or a report pertaining to the proposed amendment or repeal was listed on Council's Agenda.

CONFLICT

Conflict with Statute

24.1 THAT any conflict between this By-Law and any statute, the provisions of the statute prevail.

ENACTMENT

Repeal

25.1 THAT By-Law No. 2-13 and all amendments to it are repealed.

Review of By-Law

25.2 THAT the Clerk's Division shall initiate a review of the Procedural By-Law every five years or at the discretion of the Clerk. The next review will be in 2019.

Effective Date

25.3 THAT this By-Law shall come into force when it is passed by Council.

Read a First, Second and Third time

Enacted and passed this 2nd day of February, 2015

DOUG CRAIG

MAYOR

MICHAEL DI LULLO

CLERK

Appendix A

Order of Business Council

- (a) Meeting Called to Order
- (b) Signing of the National Anthem
- (c) Consideration of Matters in Closed Session
- (d) Council to Rise from Closed Session
- (e) Disclosure of Interest
- (f) Presentations/Delegations
- (g) Regional Council Update
- (h) Consent Procedure
- (i) Minutes of Previous Meeting
- U**) Adoption of Committee Reports
- (k) Reports
- (l) Unfinished or Other Business
- (m) Reports Referred to Council
- (n) Correspondence
- (o) Notice of Motion(s)
- (p) Report from Closed Session
- (q) Non-Jurisdictional Items
- (r) Introduction and Consideration of By-Laws
- (s) Confirmatory By-Law
- (t) Close of Meeting

Appendix A

Order of Business Standing Committees (General Committee and Planning and Development Committee)

- (a) Meeting Called to Order
- (b) Disclosure of Interest
- (c) Public Meetings
- (d) Presentations
- (e) Delegations
- (f) Consent Procedure
- (g) Minutes of Previous Meetings
- (h) Adoption of Advisory Committee Reports
- (i) Presentation and Consideration of Reports
- U) Correspondence
- (k) Unfinished Business
- (l) Non-Jurisdictional Items
- (m) Close of Meeting