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Legal Department
Office Consolidation
March 23, 2020

THE CORPORATION OF THE CITY OF SAULT STE. MARIE
BY-LAW 2013-100

COUNCIL PROCEDURE: A by-law to regulate the proceedings of the Council of the City of Sault Ste. Marie

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to section 238 of the *Municipal Act 2001*, and amendments thereto, ENACTS as follows:

1. Rules of Procedure Adopted

1.1 In all proceedings had or taken by the Council the following rules and regulations shall be observed, and shall be the rules and regulations for the order and dispatch of business of the said Council.

1.2 This by-law shall apply to and govern the calling and proceedings of meetings of local boards and committees as defined in section 238 of the *Municipal Act, 2001*, that is:

"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 one or more councils or local boards;

"local board" does not include police services boards or public library boards

"meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where;

(a) a quorum of members is present, and
(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. **[amended by By-law 2019-192]**

1.3 In keeping with the definition of a "local board" in the *Municipal Act 2001*, this by- law does not apply to a conservation authority.

1.4 The Procedure By-law shall be reviewed during the term of each Council by establishing a Procedure By-law Review Committee initiated by the City Clerk. **[amended by By-law 2019-192]**

DUTIES OF THE MAYOR

2. Head of Council

2.1 *Mayor Presides*
The Mayor, being the head of the Council, shall preside at all meetings of the Council and shall be addressed as Mr. Mayor or Madam Mayor as the case may be.

2.2 *Right to Vote*
The head of Council (except where the head of Council is disqualified to vote by reason of conflict of interest or otherwise) may vote with the other members on all

questions. Any question on which there is an equality of votes shall be deemed to be defeated.

2.3 *State Facts and Position Without Leaving Chair*
The head of Council may state relevant facts and his or her position on any matter before Council and may debate the question before Council without leaving the Chair.

2.4 *Information to Council Without Leaving Chair*
The head of Council may, without leaving the Chair, address the Council between proceedings on any matter which the head of Council deems pertinent to the business of the municipality.

2.5 *Acting Mayor*
At the first regular meeting of Council in its term, a by-law shall be placed on the Agenda to designate a rotation list for Acting Mayor. Each Councillor shall be assigned a month of the year during which that Councillor shall act in the event that the Mayor:

a) does not attend at a meeting within fifteen minutes after the time appointed for the meeting;
b) has informed the Clerk that he/she will be late to the meeting;
c) is unable to chair the meeting or a portion thereof due to the provisions of the *Municipal Conflict of Interest Act*;
d) cannot attend to the business duties of the position of Mayor due to illness or absence;
e) refuses to act; or
f) if the Mayor's office is vacant.

These provisions only extend to the Acting Mayor presiding at Council Meetings. **[amended by By-law 2019-192]**

The rotation list shall be determined by lot drawn by the City Clerk.

2.6 *Amendment to List of Acting Mayors*
A motion to amend the rotation list of Acting Mayors may be made without notice upon the written consent of the Councillor directly concerned.

MEETINGS OF COUNCIL

3. Inaugural Meeting

3.1 *Date*
The inaugural meeting of the Council shall be held on the first Monday in December in each election year.

3.2 *Seating of Members*

Prior to the inaugural or first meeting of the Council in each election year the order of seating of Council members shall be determined in the following manner. So long as members are elected from wards and the chamber is divided into two sides or rows, one member from each ward shall be seated in each row or side. The member with the greatest seniority of continuous service shall be seated at the end of the row or side closest to the head of Council. Where seniority is equal, seating shall be determined alphabetically by last name. The order of seating shall remain in effect for the whole of the term.

4. Regular Meetings

4.1 *Date and Time*

The regular meetings of Council shall be held at 4:30 p.m. twice per month on Monday except during the months of July, August and December when regular meetings of Council shall be held at 4:30 p.m. once per month on Monday. Where a Council meeting would fall on a holiday Monday, the meeting shall take place the following Tuesday.

4.2 *Length of Meeting*

No meeting of Council shall exceed five (5) hours in length, including breaks, but excluding any portion of the meeting closed to the public. At the five (5) hour mark, the City Clerk shall call for a resolution to suspend the provisions of this by-law. Unless that resolution passes by a two-thirds vote of the members of Council present, Council shall adjourn the meeting.

4.3 *Cancellation*

Despite the provisions of section 4.1, the head of Council may, after consulting with other members of the Agenda Review Committee, cancel a regular meeting of Council if, in his or her opinion, the items proposed for the Agenda are not of sufficient importance or urgency to warrant the holding of a meeting. Notice of such cancellation shall be posted to the City's web page and distributed to the media electronically as soon as possible.

4.4 *Changing Date or Time*

The Council may change the time or date or both of a regular meeting of Council by passing a resolution at a meeting preceding the proposed meeting. Notice of such cancellation shall be posted to the City's web page and distributed to the media electronically as soon as possible.

4.5 *Notice*

Notice of meetings of Council, local boards and committees will appear on the City's web page.

4.6 *Place of Meeting*

All regular meetings of the Council shall be held in the Council Chambers unless the Council has by resolution appointed some other place.

4.6.1 Electronic Participation, Emergencies

(1) During any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act,* RSO 1990, c. E.9, as amended,

(a) A regular, closed, or special meeting of City Council, a local board, or committee of council, may be conducted by electronic participation in accordance with section 4.6.1 of this by-law and any emergency electronic participation protocol as may be approved by City Council.

(b) despite subsection 237(1) and 238(3.1) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

(c) despite subsection 238 (3.2) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

(d) City Council may hold a special meeting to amend this by-law for the purposes of subsection 4.6.1(1) as amended, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act,* RSO 1990, c. E.9, as amended, and despite subsection 238 (3.1) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting. **[Enacted by By-2020-76]**

4.7 *Commencement of Proceedings*

As soon after the hour of meeting as there is a quorum present, the head of Council shall call the members present to order.

4.8 *Quorum*

A majority of the whole number of members required to constitute the Council shall be necessary to form a quorum, and no meeting shall be held or continue unless a quorum is present except as provided for in the *Municipal Conflict of Interest Act*.

4.9 *Quorum Lacking – Adjourn*

Unless a quorum is present, within thirty minutes after the time appointed for the meeting of Council, the Council shall stand adjourned either until the next regular scheduled meeting or until a special meeting is called to deal with the matters intended to be dealt with at the

adjourned meeting. The City Clerk shall record the names of the members present at the expiration of the thirty minute time limit in the minutes.

4.10 *Meetings Open to Public*

Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.

4.11 *Electronic Recording*

Any person may make an electronic recording of Council or committee meetings provided that the activity does not, in the opinion of the Chair, interfere with the proceedings or interfere with Council sanctioned recording of the meeting. **[Enacted by By-law 2014-18]**

4.12 Declarations of Conflict of Interest

Written declarations of a Conflict of Interest are required for open and closed meetings. A registry of the declarations shall be made available for public inspection. **[enacted by By-law 2019-192]**

5. Closed Session

5.1 *Municipal Act Provisions*

Notwithstanding the provisions of section 4.10 above, and pursuant to the provisions of the *Municipal Act 2001*, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

a) the security of the property of the municipality or local board;

b) personal matters about an identifiable individual, including municipal or local board employees;

c) a proposed or pending acquisition or disposition of land by the municipality or local board;

d) labour relations or employee negotiations;

e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

h) 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; **[amended by By-law 2019-192]**

i) 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 contractural or other negotiations of a person, group of persons, or organization; **[amended by By-law 2019-192]**

j) 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 **[amended by By-law 2019-192]**

k) 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; **[amended by By-law 2019-192]**

l) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2 (being the section authorizing appointment of a closed meeting investigator). **[amended by By-law 2019-192]**

A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is the head of an institution for the purposes of that Act.

5.2 *Educational or Training Sessions*

A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

a) the meeting is held for the purpose of educating or training the members.
at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

5.3 *Recording Closed Sessions* **[enacted by By-law 2015-86]**

Closed sessions of Council shall be recorded using digital audio-video recording technology. The City Clerk's department shall be responsible for the care and retention of the resulting records. This provision is not intended to apply to local boards and committees of Council.

5.4 *Voting* **[enacted by By-law 2019-192]**

Voting is not permitted in a closed meeting unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or persons retained by or under contract with the municipality

5.5

Should a report be issued by a closed meeting investigator which finds that a meeting or part of a meeting that was the subject of an investigation by that person appears to have been closed to the public contrary to section 239 or to this procedure by-law, Council must pass a resolution stating how it intends to address the report. **[enacted by By-law 2019-192]**

6. Special Meetings

6.1 *Calling*

A special meeting of Council may be called in one of the two following ways:

a) the head of Council may at any time summon a special meeting; or

b) upon receipt of a petition of the majority of the members of Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.

6.2 *Notice to Members of Council*

Notice of special meetings setting forth the matter or matters to be considered shall be given to all members of Council either:

a) by email or delivery to each member of Council at his/her home or place of business not less than six hours in advance of the time fixed for the meeting; **[amended by By-law 2019-192]** or

b) by such other manner as the head of Council shall direct.

6.3 *Notice to the Public*

Notice of special meetings shall be posted to the City's web page and distributed to the media electronically as soon as possible.

6.4 *Full Explanation in Notice*

Council shall not be competent to consider or decide any matter at a special meeting unless it has been fully explained in the notice calling the meeting. This provision may be waived upon consent of all of the members of Council present, which shall be recorded in the minutes.

6.5 *Emergency Meetings*

On urgent and extraordinary occasions, with the verbal consent of two-thirds of all members of Council, an emergency meeting may be held and in this case the notice provisions of subsection 6.2 and 6.3 do not apply.

RULES OF CONDUCT AND DEBATE

7. Rules of Procedure

7.1 *Head of Council Presides*

The head of the Council shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council.

7.2 *Address the Chair*

Any member desiring to speak shall, when seated, so signify a desire by fully extending his or her arm until the attention of the head of Council has been received and, upon being recognized by the head of the Council, shall address the Chair. When a member is speaking, no other member shall hold discourse which may interrupt the member speaking nor interrupt him or her except to raise a point of order.

7.3 *Two Members Recognized*

When two or more members signify their intention to speak in accordance with section 7.2, the head of Council shall recognize the member who first signified an intention

and shall note and next recognize other members who have so signified their intention in the order in which they have signified their intention. The decision of the head of Council is final.

7.4 *Disrespectful or Irrelevant Speech*

No charge shall be made which involves the character or conduct or language of a member of the Council unless such member is present to reply or unless due notice has been given to that member to be present to defend himself or herself.

7.5 *Questions Which Shall Not be Put*

A member shall not:

a) put a question which contains epithets;

b) put a question which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the member who asks the question is not prepared to substantiate; or

c) renew a question when it has been fully answered.

7.6 *Points of Order*

Whenever any point of order or matter of urgency arises, it shall be immediately taken into consideration by the head of Council.

7.7 *Rulings on Points of Order*

When the head of the Council is called upon to decide a point of order or procedure, the point shall be stated without unnecessary comment, and he or she shall state the rule or authority applicable to the case.

7.8 *Privilege, Point of Order – Members Called to Order – Appeal*

A member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or of himself or herself as a member thereof, shall be permitted to raise such matter of privilege. A matter of privilege shall take precedence over other matters. While the head of Council is ruling on the point of privilege, no one shall be considered to be in possession of the floor.

7.9 *Violation of Rules of Procedure*

A member who desires to call attention to a violation of the rules of procedure shall ask leave of the head of Council to raise a point of order. When leave is granted, the member shall state the point of order with a concise explanation following which the member shall remain seated until the head of Council has decided the point of order. The speaker in possession of the floor when the point of order or privilege was raised shall have the right to the floor when debate resumes.

7.10 *Member Called to Order*

A member called to order by the head of Council shall not speak again without the permission of the head of Council unless to appeal the ruling of the head of Council. **[amended by By-law 2019-192]**

7.11 *Appeal to Council – Privilege, Point of Order*

The decision of the head of Council on a matter of privilege or point of order shall be final, subject to an immediate appeal by a member of Council.

7.12 *On Appeal – Head of Council to Provide Reasons*

If the decision is appealed, the head of Council shall give concise reasons for his or her ruling and Council shall decide the question without debate. The decision of Council is final.

7.13 *Motions Out of Order*

Whenever the head of Council is of the opinion that any motion offered to the Council is contrary to the provisions of this by-law, the head of Council shall advise the members thereof immediately and quote the rule or authority applicable. Argument or comment shall not be permitted. Unless the ruling of the Chair is appealed to the Council the motion shall not be put.

7.14 *Conduct of Members*

A member shall not:

a) disobey the provisions of this by-law or decision of the head of Council or Council on questions of order or practice or upon the interpretation of the rules of procedure; or

b) breach parliamentary decorum.

7.15 *Member Who Persists In Breach*

A member who persists in a breach of the foregoing subsection, after having been called to order by the head of Council, shall leave his or her seat for the duration of the meeting, but in case of apology being made by the offender, he or she may, by resolution of the Council, be permitted forthwith to resume his or her seat.

7.16 *Question Read*

Any member may require the question under discussion to be re-read for clarification at any time during debate but not so as to interrupt a member while speaking.

7.17 *Speak Once – Reply*

A member shall not speak more than once on a matter without leave of Council except:

a) in explanation of a material part of the speech which may have been misunderstood; or

b) in reply after everyone else wishing to speak has spoken, provided that member is the mover or seconder of the motion.

7.18 *Length of Speech*

No member shall, without leave of the Council, speak to any question, or in reply, for longer than five minutes.

7.19 *Close Debate*

A motion to close debate takes precedence over any amendment or debate of the motion to which it applies. Debate ceases until the motion to close debate is decided.

7.20 *Member Leaving Chamber*

In the event that a member intends to leave the Chamber and not return, prior to adjournment of a meeting, where practicable, he or she shall so state (including the time at which the member expects to leave) at the beginning of the meeting, or as soon as he or she becomes aware of the fact. **[amended by By-law 2019-192]**

The Clerk shall record such statement in the minutes of the meeting.

7.21 *Questions*

When questions are called for on the Agenda, or a specific item is under discussion, inquiries may be made of the head of the Council, or through the head of Council to any Council member or staff person concerning any related matter connected with the business of the City, but no argument or opinion is to be offered, or facts stated, except as may be necessary to provide an explanation. Likewise, in answering any such question a member is not to debate the matter.

7.22 *Expulsion from Meeting*

The head of Council may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

RESOLUTIONS AND MOTIONS

8. Rules of Procedure

8.1 *Form*

All motions and resolutions shall be in writing. The operative clause shall commence with the words "Resolved that", and shall be moved and seconded.

8.2 *Withdrawal*

After a motion is read by the Clerk, it shall be deemed to be in possession of the Council, and it may only be withdrawn before decision or amendment with the permission of a majority of the members of the Council present. Such motion, if read, shall appear in the Council minutes.

8.3 *Reading*

Every motion, once seconded, shall be received and read by the Clerk except in the cases provided for by the rules of procedure, provided; however, that in motions that have been distributed with or printed in the Agenda, recitals need not be read.

8.4 *No Debate Until Read*

No member shall speak to any motion until it is first read by the Clerk. The mover is entitled to speak both first and last thereon if the member so elects.

8.5 *No Debate After Question Put*

After any question is finally put by the head of Council or other presiding officer, no member shall speak to the question, nor shall any other motion be made until after the result is declared. The decision of the head of Council or other presiding officer as to whether the question has been finally put shall be conclusive. When any decision is

called for, members shall remain in their respective seats until the head of Council or other presiding officer has declared the result of the vote.

8.6 *Notice of Motion*

A member who wishes to introduce a motion, either on the Agenda or at the regular meeting, that is of a substantive nature must introduce the motion as a Notice of Motion.

The member who hands a written Notice of Motion to the Clerk to be read at any regular Council meeting need not necessarily be seated during the reading of said notice.

8.7 *Notice of Notice of Motion*

Notice of a Notice of Motion shall be given either by inclusion on an Agenda or by announcement at a regular meeting of the Council. The motion of which notice has been given shall not be considered at the same meeting as that at which notice thereof was given without the consent of a simple majority of Council members present. If notice is given otherwise than on an Agenda, such notice of motion shall be in writing and given to the Clerk who shall read the same to the Council.

8.8 *Notice of Motion – Date of Meeting*

A motion of which notice has been given, if not moved on the day and at the meeting for which notice was given, cannot be moved at any subsequent meeting without due notice having been given unless the head of Council and all members of the Council are present and consent to such motion being made.

8.9 *Finality of Vote*

Subject to a motion to reconsider, a motion once decided by the Council may not again be introduced for twelve months; nor shall a motion that has been defeated be introduced as an amendment.

8.10 *Relevancy of Debate*

On all motions, discussion must be relevant to the subject under consideration.

8.11 *Order of Precedence*

The following is the order of precedence for motions from lowest to highest:

a) Main motion
b) Postpone Indefinitely
c) Amend
d) Refer
e) Postpone to a Certain Time
f) Limit or Extend Debate
g) Close Debate
h) Postpone Temporarily
i) Raise a Question of Privilege – Individual
j) Raise a Question of Privilege – Assembly

k) Recess

l) Adjourn (after time set to conclude a meeting)

m) Fix the Time for a Continued Meeting

8.12 *Presiding Officer to Determine if Motions are in Order*

It shall be the duty of the head of Council or other presiding officer to determine what motions or amendments are in order (subject to an appeal to the Council) and decline to put any motion before the Council which the head of Council or other presiding officer deems to be clearly out of order or contrary to law.

9. Motion to Amend

9.1 *Order of Precedence*

A motion to amend takes precedence over a motion to postpone indefinitely or a main motion.

9.2 *Debatable*

A motion to amend is debatable.

9.3 *One Amendment Permitted at One Time*

Not more than one amendment to the main motion, nor more than one amendment to an amendment shall be permitted at one time.

9.4 *Notice of Amendment*

It shall not be necessary to give notice of intention to move an amendment; but an amendment may be moved only when the motion it is sought to amend is before Council.

9.5 *Amendment to Amendment*

In case of an amendment to an amendment, the amendment to the main motion cannot be withdrawn until the amendment to the amendment has been withdrawn, defeated or carried.

9.6 *Similar in Import*

An amendment must be similar in import to the question which it is proposed to amend, but with sufficient variance to constitute a new question.

10. Motion to Refer

10.1 *Order of Precedence*

A motion to refer takes precedence over a motion to amend; a motion to postpone indefinitely; or a main motion.

10.2 *Debate*

A motion to refer is only debatable as to reasons for referral.

10.3 *Direction to Body Being Referred*

A motion to refer shall include direction as to the body or official to which it is being referred.

11. Motion to Postpone

11.1 *Must Include Reason*

A motion to postpone must include a reason for the postponement.

11.2 *Debate*

A motion to postpone is not debatable except:

a) that the mover of the motion shall be entitled to give a brief explanation of the mover's reasons for postponement; and

b) either the mover or the seconder of the motion which is the subject of the motion to postpone may speak against the motion to postpone;

One person or one member of Council may speak for and/or against the postponement and shall be limited to two minutes.

12. Motion to Postpone Indefinitely

12.1 *Defined*

A motion to postpone indefinitely delays a decision to an indeterminate time beyond the current meeting.

12.2 *Order of Precedence*

A motion to postpone indefinitely takes precedence over a main motion.

12.3 *Debate*

Debate on a motion to postpone indefinitely may only go into reasons why the motion should or should not be dealt with at this time. It may go into the merits of the underlying main motion but only in respect to delaying the decision.

13. Motion to Postpone to a Certain Time

13.1 *Defined*

A motion to postpone to a certain time shall state a date that is within three months of the motion to postpone. A postponement to a certain time beyond three months should be a motion to refer.

13.2 *Order of Precedence*

A motion to postpone to a certain time takes precedence over: a motion to refer; a motion to amend; a motion to postpone indefinitely; or a main motion.

13.3 *Debate*

Debate on a motion to postpone to a certain time may only go into reasons why the motion should or should not be postponed. It may go into the merits of the underlying main motion but only in respect to postponing a decision.

14. Motion to Postpone Temporarily

14.1 *Defined*

A motion to postpone temporarily sets aside a motion for a short period of time, but no later than the end of the meeting. A motion that has been postponed temporarily may be taken up again through a motion to resume consideration.

14.2 *Order of Precedence*

A motion to postpone temporarily takes precedence over: a motion to close debate; a motion to limit or extend debate; a motion to postpone to a certain time; a motion to refer; a motion to amend; a motion to postpone indefinitely; or a main motion.

15. Postponement or Referral – When Introduced

Notwithstanding any other provision of this by-law, a motion to postpone or refer the matter under consideration may only be read prior to the commencement of debate or at the completion of the debate.

16. Motion to Limit or Extend Debate

16.1 *Defined*

A motion to limit or extend debate restricts or extends debate in some manner, such as by time or by number of speakers.

16.2 *Order of Precedence*

A motion to limit or extend debate takes precedence over: a motion to postpone to a certain time; a motion to refer; a motion to amend; a motion to postpone indefinitely; or a main motion.

16.3 *Debate*

Debate on a motion to limit or extend debate is restricted to the form of limitation or extension of debate.

16.4 *Vote Required*

Because a motion to limit or extend debate affects the rights of members of an assembly, a 2/3 vote is required to pass.

17. Motion to Close Debate

17.1 *Defined*

A motion to close debate stops all debate on a pending motion or series of consecutive pending motions and calls for an immediate vote.

17.2 *Order of Precedence*

A motion to close debate takes precedence over all debatable motions.

17.3 *Debate*

A motion to close debate is not debatable.

17.4 *Vote Required*

Because a motion to close debate affects the rights of members of an assembly, a 2/3 vote is required to pass.

18. Motion to Raise a Question of Privilege

18.1 *Defined*

A motion to raise a question of privilege can apply to either the assembly or to an individual.

18.2 *Order of Precedence*

A motion to raise a question of privilege takes precedence over the pending business and yields only to a motion to recess; a privileged motion to adjourn; or a motion to fix the time for a continued meeting. Raising a question of privilege affecting the meeting takes precedence over one affecting the individual.

18.3 *Debate*

The raising of a question of privilege is not debatable.

18.4 *Vote Required*

The raising of a question of privilege is ruled on by the head of Council or presiding officer.

19. Motion to Recess

19.1 *Defined*

If a motion to recess is made while other motions are pending, the recess, if adopted, must take place immediately. If the motion is made when no other motion is pending, it may be used to set the time for a future recess.

19.2 *Order of Precedence*

A motion to recess takes precedence over all motions except the privileged motion to adjourn or to fix the time for a continued meeting.

19.3 *Debate*

Debate on a motion to recess is restricted to the length of time of the recess or to the time set for re-assembly or the time set for a future recess.

20. Motion to Adjourn

20.1 *Defined*

The purpose of the motion to adjourn is to conclude the meeting. The motion to adjourn is always privileged when made after the time set to conclude the meeting. If made before the time set to conclude, it is made only as a main motion.

20.2 *Order of Precedence*

The privileged motion to adjourn takes precedence over all motions except a motion to fix the time for a continued meeting.

20.3 *Debate*

The privileged motion to adjourn is not debatable.

20.4 *When in Order*

A motion to adjourn shall be out of order when:

a) when a member is in possession of the floor; or
b) when it has been decided that the vote be now taken; or
c) during the taking of a vote**.**

21. Motion to Reconsider

21.1 *Defined*

After a motion has been decided upon and at the same meeting any member who voted with the prevailing side may, in writing, move for reconsideration.

21.2 *Debate*

Debate on a motion to reconsider must be confined to reasons for or against reconsideration.

21.3 *Who May Move – Subsequent Meeting*

If a motion for reconsideration is moved and seconded at a subsequent meeting it shall be so moved by a member who voted with the prevailing side and shall be seconded either by a member who voted on the prevailing side or a member who was absent at the time the matter proposed for reconsideration was originally voted on.

21.4 *Notice of Motion Required*

A motion to reconsider shall be preceded by a Notice of Motion.

21.5 *No Reconsideration of Amendment After Main Motion Disposed of*

A motion to reconsider an amendment after the original motion to which the amendment was proposed has been considered and disposed of is out of order.

21.6 *Order of Business*

If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date and debate on the question to be reconsidered may proceed as though it had never previously been voted on.

21.7 *By-laws*

When a by-law has been defeated at any stage of the order of procedure it shall be subject to a motion to reconsider and the foregoing rules shall apply thereto.

VOTING

22. Recorded Votes

22.1 *Requested*

If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

22.2 *Mandatory*

Any vote on a resolution or by-law which is required to be passed by a majority greater than a simple majority of the members of the Council shall be recorded.

22.3 *Electronic Voting* **[amended by By-law 2019-192]**

When the Clerk opens the vote every member of Council present shall vote electronically unless they have declared a conflict of interest. Voting by a show of hands is permitted in the event of a power or internet outage.

Exception: Voting on the following Agenda items shall take place by show of hands:

Adoption of Minutes

4. Approve Agenda

6. Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda

11. Consideration and Passing of By-laws (on consent)

13. Closed Session

14. Adjournment

22.4 *Disagreement as to Result*

Any member who disagrees with the announcement made by the head of Council of the result of the vote shall immediately object to the head of Council's declaration and the vote shall be retaken by the Clerk.

22.5 *All Members to Vote*

Every member present when a question is put on a recorded vote shall vote thereon.

22.6 *Refusal to Vote*

Any member who refuses to vote on a recorded vote shall be recorded as voting in the negative on the question before the Council.

22.7 *Severability of Question*

When the question under consideration contains distinct propositions, upon the request of any member the vote upon each proposition may be taken separately.

ORDER OF PROCEDURE

23. Agenda

23.1 *Agenda Review Committee*

An Agenda Review Committee composed of the head of Council, Chief Administrative Officer and the City Clerk shall be charged with the responsibility of deciding the subject matters and items to appear on the Council Agenda, as well as any delegations to be heard by Council.

Correspondence Agenda

Correspondence Agendas are published as necessary containing general correspondence. If, after having received an item on the correspondence Agenda, a Council member wishes the matter placed on a regular Agenda they may make that request to the Agenda Review Committee.

Correspondence Agendas are to be placed on the City website.
[amended by By-law 2019-192]

23.2 *Agenda*

The Clerk shall cause to be prepared for the use of the members at the regular meetings of the Council an Agenda in the following form and order:

1. Adoption of Minutes
2. Questions and information Arising Out of Minutes and Not Otherwise on Agenda
3. Declaration of Pecuniary Interest
4. Approve Agenda as presented (and any Addendums)
5. Proclamations/Delegations

PART ONE – CONSENT AGENDA

6. Communications and Routine Reports of City Departments; Boards and Committees

PART TWO – REGULAR AGENDA

7. Reports of City Departments; Boards and Committees
8. Unfinished Business, Notices of Motion and Resolutions Placed on Agenda by Members of Council
9. Committee of the Whole for the purpose of such matters as are referred to it by Council by resolution
10. Adoption of Report of the Committee of the Whole, if any
11. Consideration and passing of by-laws
12. Questions By, New Business From, or Addresses by Members of Council Concerning Matters not Otherwise on Agenda
13. Closed session (if applicable)
14. Adjournment **[Amended by By-law 2014-18]**

23.3 *Deviation from Order of Business*

The business of the Council shall be considered in the order set forth on the Agenda, provided however, that the head of Council may vary the order of business to better deal with matters before the Council, if the circumstances make it advisable to so vary the order.

23.4 *Delivery of Agenda to Council* **[amended by By-law 2019-192]**

On the Wednesday preceding each regular meeting of the Council, the Clerk shall cause to be delivered to each member of Council electronically a full Agenda package.

23.5 *Release of Agenda to Public*

The Council Agenda shall be released to the public on the Friday preceding each regular meeting of Council.

23.6 *Motions and By-laws on Agenda*

The Clerk, with the assistance of other City officials, shall be responsible for the proper presentation of motions and by-laws to the Council.

23.7 *Movers/Seconders*

Before the Agenda is prepared the Clerk shall assign to each motion or by-law a mover and seconder to expedite the consideration of such matters by the Council, provided any such designation shall be shown on the Agenda, subject to the discretion of the Clerk, based on the following formula:

Month of Meeting	Mover shall be one of the members from:	Seconder shall be one of the members from:
January	Ward 1	Ward 5
February	Ward 2	Ward 4
March	Ward 3	Ward 1
April	Ward 5	Ward 2
May	Ward 4	Ward 3
June	Ward 1	Ward 5
July	Ward 2	Ward 4
August	Ward 3	Ward 1
September	Ward 5	Ward 2
October	Ward 4	Ward 3
November	Ward 2	Ward 5
December	Ward 3	Ward 1

[amended by By-law 2019-192]

The use of the above formula by the Clerk is subject to the following exceptions:

a) Any person so assigned as mover or seconder may notify the Clerk that he or she does not wish to move or second such motion or by-law and the Clerk shall then remove such name and attempt to find an alternate member who is willing to so act.

b) A member may ask to be shown as mover or seconder of any matter expected to come before the Council.

24. Delegations

24.1 *Request in Writing*

A person or delegation wishing to appear before Council must make the request in writing to the City Clerk giving details of the matter to be spoken to.

24.2 *Submission*

The request must be made at least one week prior to the Council meeting at which the delegation wishes to appear.

24.3 *Review of Request*

The request is decided by the Agenda Review Committee. The City Clerk will advise the delegation of the Agenda Review Committee's decision. If approved, the delegation is listed on the Council Agenda.

24.4 *Appeal*

If a person is not permitted to appear on the Agenda by the Agenda Review Committee, that person may request members of Council to move and second a request for Council to consider the matter that person wishes to place before Council.

24.5 *Length of Delegation*

The maximum length of time for a delegation to Council is five minutes.

24.6 *Where More Than One Delegation on Same Matter*

When a matter is being considered concerning which one or more persons or delegations are addressing Council, the following procedure shall be adhered to:

a) Explanation of matter in question by head of the Council.

b) Address to Council by delegation(s) supporting action taken by Council, or action which the Council has been asked to take.

c) Questions by members of Council to such delegation(s) for purposes of information only.

d) Address to Council by delegation(s) opposing such action.

e) Question by members of Council to such delegation(s) for purposes of information only.

f) Reply by delegation(s) referred to in item b above.

g) Questions by members of Council to any delegation or official for purposes of information only.

h) Regular debate.

i) Putting of question and vote.

The head of Council may permit deviations from the rules of procedure set forth above where in his or her opinion it is in the interests of the better consideration of the matter so to do.

24.7 *Dispute as to Whether Delegation is Supporting or Opposed*

Any dispute as to whether a delegation or person comes within subclause b) or subclause d) of subsection 24.6 shall be determined by the head of the Council, whose decision is final.

24.8 *Re-Address*

If a speaker for any delegation referred to in the above requests an opportunity to re-address Council the speaker may, with the approval of the head of Council address Council on the matters already raised and such re-address shall be limited to two minutes.

24.9 *Opportunity to be Heard Where Notice Not Given*

Notwithstanding the failure of any person, persons or delegation to give the notice required under subsection 24.1 and 24.2 hereof, Council may hear any person or persons or delegation without notice after the completion of all regular Agenda items.

24.10 *Rules on Website*

The rules for a person or a delegation wishing to appear before Council shall be posted on the municipal website.

25. By-laws

25.1 *Amending By-laws*

An amendment to a by-law must strictly relate to the subject matter of the by-law.

25.2 *Three Readings*

Every by-law shall receive three readings before it is finally passed, which three readings may be given at one meeting. It is permissible on a motion for the final passing of a by-law to move that the third reading be postponed indefinitely or be postponed to a certain time.

25.3 *One Motion for Passage*

With respect to by-laws before Council for final reading and which require only a simple majority for passage, the Clerk may read and encompass all such by-laws in one motion for passage at one time. The motion shall be drafted by reference to all by-laws appearing in a specified section of the Agenda, provided; however, that any member may request that a specific by-law or by-laws be removed from the general motion and considered by Council separately.

COMMITTEE OF THE WHOLE

26. Rules of Procedure

26.1 *Rules of Order*

The rules of procedure shall be observed in Committee of the Whole, so far as may be applicable, except that:

a) Each motion shall be written and moved, but no motion shall require a seconder;

b) Motions relating to the matter under consideration shall be put in the order in which they are proposed;

c) No vote shall be recorded;

d) There shall be no motion for the previous question;

e) No motion for adjournment is allowed;

f) No member shall speak longer than five minutes on any one question;

g) In taking the yeas and nays, the names of the members shall not be recorded, nor shall the number of times speaking on any question be limited.

26.2 *Questions of Order*

Questions of order arising in Committee of the Whole shall be decided by the Chair, subject to an appeal to the whole Committee. If no such appeal is made the decision of the Chair shall be final.

26.3 *Adjournment of Committee Proceedings*

On motion in Committee of the Whole to rise and report, the question shall be decided without debate.

a) No Action Be Taken

A motion in Committee of the Whole that "no action be taken" shall always be in order and shall take precedence over any other motion. No debate shall be allowed on a motion that no action be taken. On an affirmative vote, the subject referred to the Committee shall be considered as disposed of in the negative.

b) Rise Without Reporting

Subject to subsection a) above, a motion in Committee of the Whole to rise without reporting shall always be in order and shall take precedence over any other motion. No debate shall be allowed on a motion to rise without reporting but no member shall speak more than once. On an affirmative vote the subject referred to the Committee shall be considered as undisposed of, the head of the Council shall resume the chair and proceed with the next order of business. On motion duly passed during any subsequent regular meeting of Council, any by-law or other item of business left undecided by a motion to rise without reporting may be again considered in the Committee of the Whole.

26.4 *Chair Votes*

The Chair of the Committee of the Whole may vote on any question. In the event of an equality of votes the question being voted upon shall be deemed to have been decided in the negative.

26.5 *Debate from Chair*

The Chair of the Committee of the Whole may state relevant facts as well as his or her position on any matter and debate the question before the Committee without leaving the Chair.

26.6 *Report of Committee of the Whole*

The proceedings and findings of the Committee of the Whole may be reported by the Chair to the Council as soon as the Committee rises and shall be received forthwith. A motion for the concurrence of the Council in the report of the Committee or a motion adopting the report of the Committee and dealing with the subject matter thereof shall be in order.

COMMITTEES

27. Rules Applying to all Committees

27.1 *Definition*

Committees of Council include:

a) Advisory and other committees or boards whose members are appointed by Council for an ongoing purpose;

b) Special committees appointed by Council or the head of Council at any time as is deemed necessary for the consideration of special matters.

Task forces composed of a majority of staff members are not intended to be subject to the provisions of this by-law.

27.2 *Mayor Ex Officio*

The head of Council is an ex officio member of every committee but the head of Council shall not be counted in the formation of a quorum.

27.3 *Quorum*

A committee shall not consider any business if a quorum is not present. A quorum for a committee is a majority of the members thereof.

27.4 *Notice*

Not less than 24 hours notice of a meeting shall be given to the members of any committee and, wherever possible an Agenda shall be provided to the members in advance of the meeting.

27.5 *Secretary*

A secretary shall be appointed for each committee who shall:

a) Keep the minutes of the meetings of the committee;

b) Give notice of meetings;

c) Post a copy of all minutes to the municipal website;

d) Perform such other clerical functions as may be required.

27.6 *Refusal to Call Meetings, etc.*

a) Should the Chair of any committee neglect or refuse to call meetings of a 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 sanction, the committee may report such neglect, refusal or action to the Council which

b) may remove such Chair from office and appoint another member of the committee in his or her place.

c) Should any member of a committee refuse or neglect to attend the regular or special meetings thereof, the Chair may report such neglect or refusal to the Council which may remove such member from the committee and appoint another member in his or her place.

27.7 *Chair Votes*

The Chair of a committee may vote on any question before the committee and in the event of an equality of votes the question being voted on shall be deemed to have been defeated.

27.8 *Committee Appointments* ***[Enacted by By-law 2015-86]***

Appointments to Boards and Committees will be made in accordance with the appointment policy attached hereto as Schedule "A".

City Council will meet in open session, either at a regular meeting or a special meeting called for that purpose to make appointments to Boards and Committees by way of simultaneous recorded vote as described below.

Where Number of Applicants Exceeds Positions

Where the number of applicants exceeds the number of positions available, the following procedure shall be followed, for as many voting rounds as necessary:

a) Each member may cast a vote for each position available;

b) Applicants receiving a majority vote of members present shall be recommended for appointment;

c) Applicants receiving no votes shall be excluded from further consideration;

d) In addition to those applicants receiving no votes, applicants receiving the least amount of votes shall be excluded from further consideration, unless this would result in insufficient applicants to fill the positions available;

e) If two or more applicants are tied with the least number of votes and their exclusion would result in insufficient applicants to fill the positions available:

   i. Council shall decide by majority vote which of the tied applicants shall remain eligible for further consideration; however

   ii. If the vote still results in too few applicants to fill the remaining position(s), then the Clerk shall choose the person(s) to remain eligible by lot;

f) If it becomes apparent by reason of an equality of votes that no applicant can achieve sufficient votes to be appointed, then the Clerk shall make the selection by lot.

Method – Simultaneous Recorded Vote

g) Each member present, unless otherwise prohibited by statute or this by-law, shall on a sheet of paper provided by the Clerk, simultaneously indicate the names the applicants they are voting for and sign the same; and

h) The Clerk shall:

i. collect the sheets of paper;

ii. announce the name and vote of each member and the vote result; and

iii. record the result, including how each member voted."

28. Special Committees

28.1 *Appointment*

Special committees of Council may be appointed by the Council or head of Council at any time as is deemed necessary for the consideration of special matters.

28.2 *Jurisdiction*

A resolution establishing a special committee shall set forth the terms of reference of the committee and such other provisions as the Council shall deem proper.

28.3 *Chair*

Unless specified in the resolution establishing a special committee, the special committee members shall select the committee Chair at the initial meeting of the committee.

28.4 *Membership*

Where the resolution establishing a special committee does not appoint members thereto the head of Council shall appoint them.

28.5 *Meetings*

Special committees shall meet at such time and place as the Chair or committee shall determine. No special committee shall meet while the Council is in session.

28.6 *Report in Writing*

Each special committee shall diligently pursue its duties and shall report to the Council on matters and questions referred to it. A final or interim report of a special committee must be made in writing and be signed by the Chair.

28.7 *Confined to Matters Referred*

Special committees may consider and report on such matters only as have been referred to them by the Council or the head of Council.

28.8 *Refusal to Give Due Attention*

Should any special committee neglect or refuse to give due attention to any matter before it the Council may by resolution discharge such committee and appoint another in its place.

28.9 *Dissolution*

When a special committee has completed its work and made its report it dissolves automatically.

28.10 *Attendance by Members of Council*

Members of the Council may attend the meetings of special committees, but shall not be allowed to vote; nor shall they be allowed to take part in any discussion or debate except by the permission of the majority of the members of the committee.

GENERAL PROVISIONS

29. General

29.1 *Standing Rules Suspended*

Any standing rule, order of Council, or provision of this by-law may be suspended by resolution of Council provided that 2/3 of all the members of the Council vote in favour thereof.

29.2 *Rules of Parliament*

All proceedings of the Council or Committees not specifically provided for herein shall be dealt with in accordance with James Lochrie's *Meeting Procedures: Parliamentary Law and Rules of Order for the 21st Century* and in such cases the decision of the head of Council or Chair as the case may be shall be final and accepted without debate or appeal.

29.3 *Addresses of Members of Council*

Notices of meetings, Agendas and other information shall be sent to the member's City email address and any such notice, Agenda or other information is duly sent or given if sent to that email address. **[amended by By-law 2019-192]**

29.4 *Execution of Documents*

Whenever, to give effect to any motion or by-law of the Corporation or to perform any of the statutory duties of the Corporation, the execution of any document is required, the head of Council and the Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to such documents.

Administrative Corrections

The City Clerk has the authority to make administrative corrections to official records of Council. **[enacted by By-law 2019-192]**

29.5 *Repeal*

By-law 99-100 as amended is hereby repealed.

29.6 *Effect*

This by-law comes into force on the day of its final passing.

PASSED in open Council this 24th day of June, 2013.

__"Debbie Amaroso"
Mayor

___"Malcolm White"
Clerk