

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 5508-23**

**PROCEDURE BY-LAW OF THE CORPORATION OF  
THE TOWN OF NIAGARA-ON-THE-LAKE**

**WHEREAS** section 238(2) of the Ontario Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Act”) requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake (the “Town”) deems it expedient to pass such a by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

**1. DEFINITIONS:**

- 1.1. All capitalized words not defined in this section or elsewhere in this By-law shall have the meaning ascribed to them in the Act. The following terms have the following meanings: Committee of the Whole (COTW) consists of all members of Council and is broken down into two sections; Committee of the Whole – Planning and Committee of the Whole – General. COTW – Planning meetings will generally include all reports from the Community & Development Services Department, and all other departments shall report to COTW – General.
- 1.2. “Accessible” means as defined in Provincial legislation. All meetings of Council will be held in a location that is inclusive and allows all residents to participate in Council’s proceedings.
- 1.3. “Act” means the *Municipal Act*, S.O. 2001, c. 25, as amended or replaced from time to time.
- 1.4. “Agenda” shall mean the order of business for the Meeting which can be prepared electronically.
- 1.5. “Amend” means a change in wording of a motion prior to a decision of Council or COTW.
- 1.6. “By-law” means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.
- 1.7. “Chair” shall mean the Member who is appointed at the Inaugural Meeting approved by Council, to act as the Presiding Officer at Meetings of COTW, and the member of a Committee selected by the Committee to act as the Presiding Officer at meetings of a Committee.

The “Chair” shall mean the seat of office or authority of the Presiding Officer at Meetings.

- 1.8. “Chief Administrative Officer” means the CAO of the Corporation of the Town of Niagara-on-the-Lake.
- 1.9. “Clerk” shall mean the Clerk or designate of the Corporation of the Town of Niagara-on-the-Lake.
- 1.10. “Closed Meeting” means a meeting, or part of a meeting of Council or COTW which is closed to the public as permitted by the Municipal Act. Only the Lord Mayor and Councillors, designated staff and other persons specifically permitted by the Council, may attend pursuant to the criteria for closed meetings as set out in applicable Provincial legislation.
- 1.11. “Committee” shall mean a Committee appointed by Council.
- 1.12. “Consent Reports / Information Reports” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items and routine matters.
- 1.13. “Council” shall mean all Councillors of the Town, whether present or absent from a Meeting.
- 1.14. “Defer” means to remove a main motion from consideration until such time as provided for in the deferral motion.
- 1.15. “Delegation” means an individual who has submitted a request for delegation to the Clerk within the prescribed timeline.
- 1.16. “Deputy Lord Mayor” shall mean a Member of Council who is appointed to act from time to time in the place of the Lord Mayor when the Lord Mayor is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, such Member has and may exercise all of the rights, powers and authority of Head of Council.
- 1.17. “Electronic Participation” means participation in a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance.
- 1.18. “Emergency” shall mean any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.01 of the Emergency Management and Civil Protection Act.
- 1.19. “Lord Mayor” shall mean the Head of Council of the Town.
- 1.20. “Main Motion” is a formal proposal, by a Member of Council or a Committee, whose introduction brings business before the Meeting for consideration.
- 1.21. “Majority Vote” means the affirmative vote of a majority of Councillors who are qualified to vote, after a quorum has been declared to be present at a meeting.

- 1.22. "Meeting" means any meeting of Council or COTW or of a Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council or the Committee.
- 1.23. "Members" shall mean the members of Council, and "Member" shall mean an individual member of Council.
- 1.24. "Motion" means a proposal, moved by a member (and if applicable seconded by another member) for the consideration of Council or COTW or Committee.
- 1.25. "Notice of Motion" means a verbal statement, given by a member, advising Council that a motion that is generally described will be brought forward at a subsequent meeting.
- 1.26. "Pecuniary Interest" means a direct or indirect impact in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.
- 1.27. "Point of Order" means a concern about the order in which business is being considered, or about a procedure or procedures being used in the course of a meeting.
- 1.28. "Point of Privilege" means a concern about the right of the Lord Mayor or a member of Council or challenge of the Chair.
- 1.29. "Presiding Officer" shall refer to any of the Lord Mayor, Deputy Lord Mayor or any other member of Council who is presiding over Council or a Committee. It shall also refer to the Chair, or Vice-Chair, when presiding over a Meeting of COTW.
- 1.30. "Proceedings By-law" means a by-law passed at the conclusion of a meeting confirming the actions taken at the meeting in respect to each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- 1.31. "Public Meeting" means a meeting of Town Council conducted pursuant to the Planning Act or other provincial legislation.
- 1.32. "Quorum" is the majority of Members.
- 1.33. "Reconsideration" means revisiting a previously decided motion of the Council for the purpose of rescinding the motion or changing the core purpose and intent of the motion.
- 1.34. "Recording Device" means any device used for the purpose of recording whether it be analogue, digital or other means, including but not limited to computers, cell phones, smartphones, tablets, voice records, cameras or any other similar device.
- 1.35. "Refer" means to remove a main motion from consideration by directing the matter to a time that additional information is available.

- 1.36. "Roberts Rules" is a widely used manual of parliamentary procedure which contains rules of order for meetings and is a recognized guide to conduct meetings effectively and fairly.
- 1.37. "Spring Break" shall mean the week(s) designated as spring break by the District School Board of Niagara and the Niagara Catholic District School Board.
- 1.38. "Statutory Holiday" shall mean such dates proclaimed as holidays in the *Holidays Act*, R.S.C, 1985, c. H-5, as amended, and in the *Legislation Act, 2006*, S.O. 2006, as amended.
- 1.39. "Two Thirds of Council" shall mean two thirds (2/3) of all members present at the Meeting.
- 1.40. "Vice Chair" shall mean, with respect to the COTW, a Member who is appointed by the Lord Mayor and the member of a Committee who is appointed by the Committee to act in place of the Chair at a Meeting of COTW or a Committee, as the case may be, when the Chair is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, the Vice Chair shall and may exercise all of the rights, powers and authorities of the Chair as Presiding Officer of COTW or Committee.

## 2. GENERAL

In all proceedings of Council, the COTW and Committees of Council, the following rules shall apply and be observed.

- 2.1 The Meetings shall be open to the public and no person shall be excluded except for improper conduct or for closed session meetings as per the Municipal Act.
- 2.2 No item shall be placed on the agenda with respect to a matter which is not within the jurisdiction of Council. The Lord Mayor and/or Chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council.
- 2.3 Any rule contained in this by-law may be temporarily suspended, except for those rules that are set out by legislation, with the consent of at least two-thirds (2/3) vote of the whole Council. This should be restricted to cases of extreme urgency.
- 2.4 All procedures not specifically provided for in this by-law, or by the Revised Statutes of Ontario or Regulations, shall be decided by a motion duly put and passed by a majority vote.
- 2.5 The Clerk will be responsible to interpret the rules of procedure under this by-law.
- 2.6 In all matters, points of order or questions of procedure arising, and not provided for in the rules herein contained, proceedings in Council,

COTW and in Committees shall be governed by Roberts Rules in so far as they are not inconsistent with this by-law or the Act.

- 2.7 Matters of procedure not governed by this by-law or dealt with in Roberts Rules shall be decided by a majority vote of Members present.
- 2.8 Should any provision of this By-law be or become in conflict with any statute of the Province of Ontario or with any specific procedure approved by Council and still in effect for certain matters, the statute or specific procedure shall prevail.
- 2.9 No person other than a member of Council and officials of the Corporation shall, without the prior permission of the Lord Mayor, be allowed past the podium.
- 2.10 Following a municipal and school board election, the Clerk shall provide each Councillor with a copy of this by-law, including any amendments thereto.

### 3 USE OF ELECTRONIC DEVICES

Members and members of Committees shall devote their complete and undivided attention to the business at hand at the Meeting and shall only use the iPad and/or laptop provided by the Town. Cell phones, personal tablets, and other electronic devices shall not be used by Members and members of Committees during Meetings unless use of their personal device is required for visibility or accessibility reasons.

### 4 MEETINGS OF COUNCIL

#### ***Inaugural Meeting***

- 4.1 The inaugural Meeting of the new Council shall be held within five (5) business days after the new Council takes power as per the *Municipal Elections Act*. The inaugural Meeting is to be set by the Lord Mayor as to time and location. Any reception following the inaugural proceedings will be open to the public in attendance.
- 4.2 At the inaugural Meeting of each new Council, a Deputy Lord Mayor will be filled by by-law, by the Councillor who received the greatest number of votes in the election, who in the absence of the Lord Mayor shall act in his/her place and shall preside at the Council Meetings with all powers and obligations of the Lord Mayor.
- 4.3 At the inaugural Meeting of the new Council, the Lord Mayor shall nominate for approval by Council, the appointments to the Chair for each COTW meeting. The Chairs shall rotate annually with every Councillor being a Chair at least once in the term of Council.

#### ***Schedule of Meetings***

- 4.4 The Clerk will prepare a schedule of Meetings for Council, COTW Planning and COTW General in the current year for the next year, well in advance, for Council consideration. The Meeting schedule will be determined such that a Meeting not fall on a Statutory Holiday or on the Tuesday of Spring Break.
- 4.5 The time of the Council and COTW General Meetings will be 9:30 a.m., unless otherwise called by the Lord Mayor. The time of the COTW Planning Meeting will be 6:00 p.m., unless otherwise called by the Lord Mayor. Committees of Council will meet at a time that is convenient for its members.
- 4.6 The time of the Closed Session Meetings will be immediately following the open session agenda, if the meeting adjourns at 12:30 p.m. then the closed session would commence at 1:00 p.m. unless otherwise determined based on the scheduling of the agenda. The time will be determined by the Clerk in consultation with the Lord Mayor. The time will be determined by the Clerk in consultation with the Lord Mayor.
- 4.7 Councillors will advise the Clerk if they are unable to attend a regular or Special Meeting. If the Clerk becomes aware that a quorum will not be available for a scheduled meeting, the Clerk shall notify the Lord Mayor and make the necessary arrangements to cancel and / or reschedule the meeting to an alternate date and time.
- 4.8 No meeting of COTW or Council shall be held in the absence of Clerk and their designate, including Closed Session meetings, in accordance with the requirements of the *Municipal Act*, as amended.

#### ***Cancellation of Meeting***

- 4.9 If it is determined by the Lord Mayor that there is insufficient business on the Agenda to justify the holding of a scheduled Meeting, the Lord Mayor has the authority to cancel the scheduled Meeting. Notice of cancellation of the Meeting shall be provided to all Members and to the public no later than noon on the Friday of the week preceding the scheduled Meeting which is to be cancelled.

#### ***Extension of Meeting***

- 4.10 All meetings of Council or COTW General will adjourn when all business on the agenda of Council is complete, or at 12:30 p.m., whichever is earlier. All meetings of COTW Planning will adjourn when all business on the agenda is complete, or at 10:00 p.m., whichever is earlier.
- 4.11 Where the business before Council has not been completed by either 12:30 p.m. (Council or COTW General) or 10:00 p.m. (COTW Planning), a motion may be passed by two-third (2/3) vote of the

Councillors present to proceed beyond the hour as noted to continue any unfinished business.

- 4.12 No meeting will proceed beyond 1:30 p.m. (Council or COTW General) or 11:00 p.m. (COTW Planning).
- 4.13 Unless directed otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled meeting.

### ***Special Meeting***

- 4.14 The Lord Mayor may at any time call a Special Meeting whenever requested by a majority of the other Members.
- 4.15 The CAO may request a Special Meeting be called in consultation with the Lord Mayor should an urgent matter arise.
- 4.16 Notice of the Special Meeting shall be delivered to each Councillor as expeditiously as possible and should include an agenda which shall set out the matter(s) to be considered.
- 4.17 No business may be dealt with at a Special Meeting of Council other than that specified on the agenda.

### ***Electronic Meetings***

- 4.18 Members of Council, Committees of Council may participate electronically in any regular Council, Special Meeting or Committee Meeting.
- 4.19 Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting and shall be entitled to vote as if they were attending the meeting in person.
- 4.20 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 4.21 An Electronic Meeting shall permit public delegations in accordance with the Town's Delegation Request Policy.
- 4.22 Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Lord Mayor, in consultation with the Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.
- 4.23 The Clerk, in consultation with the Lord Mayor, shall establish practices and procedures for electronic participation.
- 4.24 Members must notify the Clerk 24 hours prior to the meeting of their intent to participate electronically.
- 4.25 The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.
- 4.26 All votes during a meeting where some or all members are participating

electronically may be recorded votes, at the discretion of the Chair.

- 4.27 Should a delegate wish to present electronically the regular rules of delegations as set out in the policy will apply.
- 4.28 The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

## 5 NOTICE OF MEETINGS

- 5.1 The Clerk will provide notice to the public of all meetings of Council and COTW General and Planning, agendas, cancellations and rescheduling by:

- a) posting the annual meeting schedule on the Town's website;
- b) updating the Town's website calendar within twenty-four (24) hours of any changes made to the schedule.

The Staff Liaison will post the same for all Committees of Council.

- 5.2 Notice of Special Meetings called in accordance with this by-law shall be sent electronically to each member so as to be received not later than 24 hours before the hour appointed for the Special Meeting.
- 5.3 An emergency meeting may be held, without written notice, to deal with an emergency situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

## 6. CLOSED SESSION

In accordance with Section 239(2) and 239(3) of the *Municipal Act*, S.O. 2001, c. 25, 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 or committee or other body may hold a closed meeting under another Act;
- h) 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 purpose of the Act;



- i) an ongoing investigation respecting the municipality, a local board or a municipally-controlled Corporation by the Ombudsman appointed under the *Ombudsman Act*, and Ombudsman referred to in subsection 223.13(1) of the *Municipal Act*, or the investigator referred to in subsection 239.2(1) of the *Municipal Act*;
- j) educational or training of the member where 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.
- k) information explicitly supplied in confidence to the municipality or local board by Canada, a province, or territory or a Crown agency or any of them.
- l) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations or a person, groups of persons or organization.
- m) 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.
- n) 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.

6.1 Prior to holding a Meeting or part of a Meeting that is to be closed to the public, Council, COTW or Committees of Council shall pass a motion stating:

- 1) the fact of the holding of the closed Meeting;
- 2) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and
- 3) the general nature of the matter to be considered.

6.2 Councillors are not permitted to discuss any additional matters during a closed session.

6.3 When in a closed meeting a vote will not be taken unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

6.4 On reconvening in an open meeting the Chair will accept a motion regarding the matters discussed in the closed meeting, or alternatively

advise that direction has been given during the closed session in accordance with the Municipal Act.

- 6.5 The use of electronic devices, other than devices containing meeting information by Councillors during a closed meeting is strictly prohibited. Under no circumstance is a Councillor to record the proceedings. However, the Clerk or designate may record the proceedings for record purposes.

## 7 CONDUCT OF MEETINGS

### ***Calling Council Meeting To Order***

- 7.1 As soon after the hour set for the Meeting, or as soon after the hour as set by the notice calling a Special Meeting, a quorum is present, the Lord Mayor or Presiding Officer shall take the chair and call the meeting to order.
- 7.2 In the event the Lord Mayor is not present within fifteen (15) minutes of the time appointed for the Meeting, and a quorum is present, the Deputy Mayor shall call Council to order and shall preside during the Meeting or until the arrival of the Lord Mayor.
- 7.3 In the absence of the Lord Mayor, or if his or her office is vacant or if they refuse to act, and in the absence of the Deputy Lord Mayor, the Clerk shall call Council to order and, if a quorum is present, the Members shall choose a Presiding Officer by a majority vote and the Presiding Officer shall have all of the powers of the Lord Mayor during such absence or vacancy or refusal to act.
- 7.4 If there is no quorum present within fifteen (15) minutes after the hour set for a regular Meeting of Council or within fifteen (15) minutes of the hour appointed in the notice calling a Special Meeting, the Clerk shall call the roll and record the names of the Members that are present and Council shall stand adjourned until the next regular Meeting or until any Special Meeting is called.
- 7.5 Where the number of members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M. 50, such that at the meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum.
- 7.6 If during the course of a meeting, quorum is lost, the Chair will declare the meeting recessed temporarily or adjourned until the date of the next scheduled meeting.
- 7.7 The Presiding Officer may call for a temporary recess after 2 hours from the start time of a meeting.

## 8 MEETING AGENDA

- 8.1 Prior to each Meeting, an Agenda complete with all documents referenced in the Agenda shall be prepared to be brought before Council and COTW.
- 8.2 The agenda for each regular Council and COTW General and Planning meetings will be posted to the Towns website no later than the Thursday evening preceding the meeting. Agendas for Committees of Council will be posted to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.
- 8.3 The agenda for a Special Meeting will be posted on the Town's website not less than twelve (12) hours before the time set for such meeting.
- 8.4 All reports, notices, motions and any other material to be included in the agenda for a regular meeting shall be delivered to the Clerk, by 9:00 a.m. on the Thursday preceding the meeting.
- 8.5 Delegations are added to the Agenda as per the Delegation Policy of Council attached as Schedule "A", which is subject to change.

***Order of Business – Council and COTW***

- 8.6 As soon as a Meeting is called to order the business of the Meeting shall be dealt with in the following order, unless the order is altered by the Lord Mayor:
  - a) Call to Order
  - b) Focus Statement \*
  - c) O Canada\*
  - d) Adoption of Agenda
  - e) Adopt Council and Committee of the Whole Minutes\*
  - f) Conflict of Interest
  - g) Public Meetings
  - h) Proclamations\*
  - i) Next COTW and Council Meeting Dates\*
  - j) Lord Mayor's Report\*
  - k) Members' Announcements\*
  - l) Delegations
  - m) Response to Delegations from Council
  - n) Staff Presentations
  - o) Consent Agenda
  - p) Information Packages
  - q) Adopt Committees of Council Minutes\*
  - r) Motions
  - s) Notice Of Motion
  - t) New Business
  - u) Closed session (if applicable)
  - v) By-Laws

w) Adjournment

\* Not Applicable in COTW

- 8.7 All business shall be taken up in the order as shown on the agenda unless the order is altered by the Lord Mayor.

***Delegations***

The Delegation Policy of Council, attached as Schedule “A” shall govern the delegation process. Council may vary from the Delegation Policy with a vote of Two-Thirds of Council.

***Questions / Speaking***

- 8.8 Councillors will be permitted to ask each delegate questions at a time directly relating to the matter under consideration.
- 8.9 A Councillor may ask a question only for the purposes of obtaining facts relevant to the matter under discussion and necessary for clear understanding. Questions are not to be used as a means of making statements.
- 8.10 All Councillors will address their questions through the Presiding Officer.
- 8.11 The Presiding Officer will recognize the Councillors who wish to speak in the order that they come to their attention.

***Public Meetings***

- 8.12 Speakers will be permitted without prior registration during any public meeting. When practical the Town will provide an online registration form on the Town website where residents can register to speak.
- 8.13 Speakers heard during a public meeting will be permitted to speak for a maximum of ten minutes.
- 8.14 Speakers will only be permitted to speak once during a public meeting.
- 8.15 During a public meeting, if an individual provides written comments to the Town, the individual cannot address the same content during the public meeting process.

9 BY-LAWS

- 9.1 Every by-law being considered will be listed on the Council agenda by an identifying number, followed by a description of the intention of the by-law.
- 9.2 Every by-law will be in writing and shall require one (1) reading prior to being enacted by Council.
- 9.3 Unless separated at the request of a Councillor, all by-laws proposed for adoption will be passed collectively by a single motion.

- 9.4 The Clerk is authorized to make minor corrections to any by-laws results from technical or typographical errors prior to the by-law being signed.
- 9.5 Every by-law which is enacted by Council shall be signed by the Lord Mayor, or Presiding Officer who presided at the Meeting at which the by-law was passed, and by the Clerk and sealed with the seal of the Corporation and becomes part of the official record.
- 9.6 A by-law will be passed for each regular or special Council, COTW meeting to confirm the proceedings.

## 10 MINUTES

The minutes of each Council, Special Council or COTW meeting shall be presented at the next regular Council meeting.

## 11 NOTICE OF MOTION

- 11.1 A notice of motion may be introduced by any Member at a regular Meeting of Council or COTW for consideration at the next or a subsequent regular Meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered.
- 11.2 All Notices of Motion must be received by the Clerk by 12:00 p.m. on the Wednesday prior to the Meeting at which the motion is to be considered. Failing to do so, will result in a delay to the next meeting. If at the third meeting such Notice of Motion is not proceeded with, it shall be deemed to have been withdrawn.

## 12 INTRODUCTION OF BUSINESS

When a notice of motion has not been given, New Business may be introduced at a regular Meeting under adoption of the Agenda. Requests shall be limited to future staff reports, procedural item or request to correspond with an outside agency with the intent that the specific item appears on a future Council agenda. Staff direction shall be by resolution in writing to the Clerk prior to the adjournment of the meeting. The said resolution shall include the specific direction and expected date of receipt of report by Council.

## 13 RULES OF DEBATE AND DECORUM

- 13.1 Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.
- 13.2 Council Members may remain seated during all proceedings.
- 13.3 The Presiding Officer shall preserve order and rule on points of order and privilege.

- 13.4 If the Presiding Officer desires to take part in a debate or to leave the chair for any other reason, the Presiding Officer shall appoint another Member to act until the Presiding Officer resumes the chair.
- 13.5 Every member desiring to speak shall indicate so in order to be recognized by the Presiding Officer.
- 13.6 Every Member, who wishes to speak to any question, motion or matter shall address their remarks through the Presiding Officer.
- 13.7 When two (2) or more Members arise to speak at the same moment, the Presiding Officer shall name the Member who shall speak first.
- 13.8 When the Presiding Officer is putting a question or motion, no Member may leave their place or make any noise or disturbance until the result is declared.
- 13.9 No Member shall interrupt a Member who has the floor except to raise a point of order, to ask a question of privilege, to ask a question of Quorum, to ask that the vote be taken again.
- 13.10 No Member shall:
- 1) use offensive words or speak disrespectfully of the Mayor, Members of Council, staff or the public;
  - 2) speak on any subject other than the subject under debate;
  - 3) speak in contempt of any decision of Council;
  - 4) refuse to obey the rules, or
  - 5) disobey a decision of the Presiding Officer on questions of points of order or privilege, or upon the interpretation of the Rules of Procedure.
- 13.11 In the case of a Member using offensive words, refusing to obey the rules or refusing to obey the orders of the Presiding Officer, the Presiding Officer may order the Member to leave the Meeting. If an apology, in the opinion of the Presiding Officer, is made by the offending Member, the Member may be permitted, by a majority vote of those Members present, to resume the Member's seat or to resume addressing the Members of the Meeting as the case may be.
- 13.12 Any Member at any time during debate, but not so as to interrupt a Member then speaking, may request that the question, motion or matter under discussion be read.
- 13.13 No Member, without leave of the Presiding Officer, shall speak more than once to the same question, motion or matter except in explanation of a material part of the speech which may have been misconceived and, in doing so shall not introduce any new matter. No Member will be permitted to speak a second time on an item of business until every Councillor who desires to speak has spoken.
- 13.14 No Member, without leave of the Presiding Officer, shall speak to the same question, motion or matter or in reply, for no longer than ten (10)

minutes, except that a Member who has moved a main motion or resolution shall be allowed to reply.

13.15 Non-alcoholic beverages may be consumed, but food shall not be permitted in the Council Chambers during a Meeting.

13.16 The Presiding Officer may expel or exclude from any Meeting any person who:

- a) Addresses Council without permission;
- b) Engage in an activity or behavior or make an audible noise that could affect the Council meeting or deliberations;
- c) Bring any signs or placards into the meeting location;
- d) No person shall speak disrespectfully or malign the integrity of Lord Mayor, Members of Council, Staff or the Public.

The Presiding Officer shall rule on improper conduct and the decision is final and not subject to appeal.

## 14 MOTIONS

### ***Motions Generally***

14.1 All substantive motions requires a mover and if applicable a seconder before being put on the floor for debate. When a motion is presented, it shall be read by the Clerk before debate.

14.2 After a motion is read by the Clerk, it shall be deemed to be in the possession of the Members but, with the permission of the Members, may be withdrawn at any time by the mover of the motion before decision or amendment.

14.3 When a Main Motion is under debate, no other motion shall be received except a motion for the following purposes:

- 1) to postpone indefinitely (deferral motion without a specific meeting date);
- 2) to amend;
- 3) to refer;
- 4) to postpone to a definite time; (deferral motion with a specific meeting date);
- 5) to limit debate or extend debate;
- 6) to move the previous question or questions;
- 7) to table the Main Motion;
- 8) to suspend the rules of procedure;
- 9) other procedural motions, such as point of order or privilege, as deemed appropriate by the Presiding Officer.

14.4 Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges contained in this by-law, the

Presiding Officer shall advise the Members and shall cite the rule applicable.

- 14.5 A motion beyond the jurisdiction of Council shall not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of citizens generally. The question of the opinion is to be decided without debate.

### ***Motion to Reconsider***

- 14.6 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.
- 14.7 A motion to reconsider a previous decision of Council at a subsequent meeting:
- a) may only be introduced by a Councillor who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
  - b) will be introduced as a notice of motion;
  - c) requires an affirmative vote of two-thirds vote of the Councillors present.
- 14.8 The mover of the reconsideration will specify whether the reconsideration will address the entire original decision or part of the original decision.
- 14.9 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.
- 14.10 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.
- 14.11 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 14.12 A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution in legally binding commitments that are in place on the date of the motion to reconsider is considered by Council.
- 14.13 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.

## **15 VOTING**

Voting will be conducted in the following order:

- a) amendment to any amending motion;
- b) the amending motion;
- c) the main motion (as amended or as originally presented).



- 15.1 The Presiding Officer shall, except when disqualified to vote by reason of conflict of interest or otherwise, vote with the other Members on all motions.
- 15.2 When the motion under consideration contains multiple recommendations, a Councillor may request that the vote be taken separately on each recommendation and not vote will be required to be taken on the matter as a whole.
- 15.3 Any motion on which there is a tie vote shall be deemed to be defeated.
- 15.4 Every Member present at a meeting is required to vote on every question when the question is put by the Presiding Officer, unless the Member has declared a conflict of interest in the question in accordance with the Municipal Conflict of Interest Act. If a Member refuses to vote and is not excused from the vote through a conflict of interest, the Member shall be deemed to have voted in the negative.
- 15.5 No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.
- 15.6 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the Councillors present and voting have voted in favour of the motion. The manner of determining the decision of the Meeting on a motion shall be at the discretion of the Presiding Officer.
- 15.7 A Member may request a recorded vote immediately before a vote is taken upon any question, motion or matter, and the names of those who vote for and those who vote against the question motion or matter shall be recorded in the minutes.
- 15.8 When a Member requests a recorded vote during a Meeting, that Member is to start the voting, and then all other Members in alphabetical order with the Presiding Officer voting last, shall announce his or her vote openly and the Clerk shall record each vote.

## 16 CONFLICT OF INTEREST - DISCLOSURE

### ***Conflict of Interest***

- 16.1 It is the responsibility of each Member to identify and disclose a pecuniary interest or a non-pecuniary interest on any item or matter before Council, COTW or Committee of Council in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) or non-pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.
- 16.2 At a meeting where a member discloses such an interest as described in 16, or as soon as possible afterwards, the member shall file a written

statement of the interest and its general nature with the Clerk. The Clerk shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available on the Town's website.

- 16.3 The Clerk will record the particulars of any disclosure of pecuniary interest or non-pecuniary interest made by the members of Council in the minutes of that meeting.

17. COMMITTEES

***Rules in Committees***

The rules of the Council, so far as the same may be applicable, shall be observed in COTW and in Committees of Council except that no motions shall require a seconder, no motion for recorded votes shall be permitted, and no Member shall be limited in the number of times of speaking to any proposition, matter or question being discussed by the said Committee.

***Committees of Council***

- 17.1 The Council may establish and appoint Committees of Council to consider a specific matter.
- 17.2 The Committees as of the date this by-law was passed, in addition to any specific duties as herein prescribed, or as may be set out by further resolution or terms of reference the following shall be followed:
- 1) To report to Council from time to time and whenever desired by Council and as often as the interest of the Town may require, on all matters connected with the duties imposed on them, respectively, and to advise such action by Council in respect thereto as may be deemed necessary.
  - 2) To consider and to report on any and all matters referred to them by the Council.
  - 3) To adhere, in the transaction of all business, to the rules prescribed by by-laws.
- 17.3 Members of the Council may attend all meetings of a Committee to observe the proceedings and shall not be entitled to speak and vote unless they have been appointed by resolution to the Committee. Members who are not appointed to the Committee will not receive login details for electronic meetings, rather the Member can view the meeting using the livestream.
- 17.4 If a member is absent for three consecutive meetings they may be removed from the Committee.
- 17.5 Each Committee shall report to Council according to their Terms of Reference. Following each Committee meeting, minutes will be

circulated to Committee members for identification of errors or omissions prior to Council receiving and/or approving minutes as per Terms of Reference.

- 17.6 Members shall declare any conflict of interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.
- 17.7 At a meeting where a member discloses such an interest as, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or designate. The Clerk or designate shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available for public inspection during the Town's normal business hours.

#### ***Notice of Meetings of Committees***

- 17.8 Written notice of each regular and Special Meeting of each Committee shall be sent to each member of the Committee by the Recording Secretary so that each member of the Committee shall receive the notice.
- 17.9 The Recording Secretary will post the meeting agenda to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.

#### ***Conduct Of Meetings Of Advisory Committees***

- 17.10 Each Committee shall from among its members, appoint a Chair and a Vice-Chair unless Council otherwise provides at the time of the appointment of such Committee.
- 17.11 The Chair shall preside at every Meeting and may vote on all questions submitted.
- 17.12 In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair during the Meeting or until the arrival of the Chair.
- 17.13 There shall be a Staff Liaison and Recording Secretary for each Committee.
- 17.14 When Committees are established by resolution of Council, the Terms of Reference is to be created by Town Staff outlining the composition of the Committee and its mandate, which shall be adopted by Council.
- 17.15 A majority of the members of any Committee of Council shall constitute a Quorum, with the exception of the Committee of Adjustment in accordance with the *Planning Act*.

17.16 The business of the respective Committee of Council shall be conducted under the rules governing the procedure in Council as far as the same may be applicable, subject to the following regulations:

- 1) No motion shall require a seconder.
- 2) No motion for the previous question shall be allowed.
- 3) No member shall be limited in the number of times he/she may speak to the question under consideration.
- 4) No member shall request a recorded vote while in a Committee.

17.17 The meetings of Committees shall be open to the public and no person shall be excluded, except for improper conduct or for closed session meetings as per the *Municipal Act*.

18. REPEAL OF PREVIOUS BY-LAW

18.1 That By-law 5125-19 and all amendments to the Procedure By-law are hereby repealed.

18.2 This by-law shall take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25<sup>th</sup> DAY  
OF APRIL, 2023

---

LORD MAYOR GARY ZALEPA

---

DEPUTY CLERK SHAUNNA ARENBURG

## **SCHEDULE 'A'**

### **DELEGATION POLICY**

## **SCHEDULE 'B'**

### **MOTIONS AS SET OUT IN ROBERT'S RULES OF ORDER**

- *Main Motion or Resolution*

A Main Motion or resolution is fully debatable and may be amended or reconsidered. A Main Motion or resolution shall:

- 1) be moved by a Member to introduce a substantive matter;
- 2) only be moved when no other motion is pending;
- 3) be seconded;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone Indefinitely*

A Motion to Postpone indefinitely is fully debatable and shall:

- 1) only be moved by a Member when a Main Motion is immediately pending;
- 2) be seconded;
- 3) not be amended;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Amend*

A motion to amend may be debated, amended and reconsidered, and shall:

- 1) be moved by a Member to change a motion;
- 2) be seconded;
- 3) not interrupt the speaker; and
- 4) obtain a majority vote of the Members present to pass.

- *Refer to a Committee*

A Motion to Refer may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the decision to send the matter or motion to a Committee;
- 3) not interrupt a speaker;
- 4) not be permitted in Committees; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone to a Definite Time*

A Motion to Postpone to a definite time may be moved by a Member to put off a matter until later in the Meeting or to the next scheduled Meeting, may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the merits of postponing;
- 3) not interrupt a speaker; and

4) obtain a majority vote of the Members present to pass.

- *Limit or Extend Debate*

A motion to “limit or extend debate” may be amended, and shall:

- 1) only be moved with respect to debatable motions;
- 2) be seconded;
- 3) not be debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Previous Question (Close Debate)*

A motion to move the Previous Question may be moved by a Member to stop debate and vote immediately, and shall:

- 1) only be moved with respect to immediately pending motions or series of motions;
- 2) be seconded;
- 3) not be amended or debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Lay on the Table*

A motion to lay on the table may be moved by a Member to set aside a matter or motion temporarily, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker;
- 4) obtain a majority vote of the Members present to pass; and
- 5) be taken from the table to resume consideration by a majority vote of the Members present, without debate.

- *Call for Orders of the Day*

A Member may call for orders of the day to bring to the attention of the Presiding Officer the fact that the Agenda is not being followed. A call for orders of the day may interrupt proceedings.

- *Raise a Question of Privilege*

A Member may raise a question of privilege to bring to the attention of the Presiding Officer the fact that the privileges of Council or the privileges of an individual Member are being infringed, and the Presiding Officer shall rule on whether there is a question of privilege. The question of privilege may interrupt proceedings and the decision of the Presiding Officer may be appealed pursuant to 6.2.15.1.

- *Recess*

A motion to recess may be moved by a Member requesting to take a short break, and such a motion is amendable, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

If a motion to recess is passed, the Members shall not leave the vicinity and shall be in a position to be reassembled quickly.

- *Adjourn*

A motion to adjourn may be moved by a Member to conclude the Meeting, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Fix the Time to Which to Adjourn*

A motion to fix the time to which to adjourn may be moved by a Member to set the time and place for a continuation of the current Meeting. A motion to fix the time to which to adjourn may be amended, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Point of Order*

A point of order may be raised by a Member to bring to the attention of the Presiding Officer the fact that a rule is being broken. A point of order may interrupt the proceedings, and shall:

- 1) not be amended;
- 2) not be debated; and
- 3) be ruled on by the Presiding Officer without vote.

The decision of the Presiding Officer on a point of order may be appealed pursuant to 6.2.15.1

- *Appeal the Decision of the Presiding Officer*

A motion to appeal the decision of the Presiding Officer may be moved by a Member when the Member believes that the Presiding Officer has ruled incorrectly and wishes the Council to decide the point of order or a question of



privilege. A motion to appeal the decision of the Presiding Officer is debatable, and shall:

- 1) be seconded;
- 2) not be amended;
- 3) obtain a majority vote of Members present to overturn the ruling of the Presiding Officer.

The Presiding Officer remains in the chair during the appeal process, and if the ruling is reversed the Presiding Officer will comply with the decision of Council.

- *Suspend the Rules*

A motion to suspend the rules may be moved by a Member when the Member believes that a rule of order is interfering with the conduct of business. A motion to suspend the rules shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a vote of Two Thirds of Council to pass.

- *Division of the Question*

Division of the question may occur when a Member wishes to consider and vote on individual parts of a Main Motion. Division of the question may be amended and shall:

- 1) be seconded;
- 2) not be debated; and
- 3) obtain a majority vote of Members present to pass.

- *Division of the Council*

Division of the Council may occur when a Member believes that the vote result is too close to call or that the Presiding Officer has incorrectly announced the result of a vote. Division of the Council does not require a seconder and is a demand to take a recorded vote in accordance with the procedure as per Section 7.4. Division of the Council is not amendable or debatable, no vote is required, and it may interrupt a speaker.

- *Point of Information*

A point of information may be used by a Member to ask a question. A point of information does not require a seconder; is not amendable or debatable and does not require a vote.