

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 2025-021**

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” means the order of business for the Meeting which can be prepared electronically.
- 1.5. “Amend” means a change in wording or substance of a motion prior to a decision of Council or COTW.
- 1.6. “By-law” means a by-law of Council.
- 1.7. “Chair” means 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” means 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” means a Committee appointed by Council.
- 1.12. “Consent Motion” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, noncontroversial, routine matters and approved collectively by a single motion.
- 1.13. “Council” means the Town’s elected representatives, comprised of the Lord Mayor and Councillors, whether present or absent from a Meeting.
- 1.14. “Councillor” means a Member of Council, other than the Lord Mayor
- 1.15. “Defer” means to remove a main motion from consideration until such time as provided for in the deferral motion.
- 1.16. “Delegation” means an individual, group of individuals, firm or organization, who has submitted a request for delegation to the Clerk or Recording Secretary within the prescribed timelines to address COTW or Council in relation to a matter appearing on the agenda or which is within the jurisdiction and mandate of the COTW or Council to take action on.
- 1.17. “Deputy Lord Mayor” means a Member of Council who is appointed by by-law to act 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.
- 1.18. “Head of Council” means the Lord Mayor of the Town.
- 1.19. “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.
- 1.20. “Emergency” means 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. .

- 1.21. “Friendly amendment” means the motion under debate is amended with the consent of the mover and seconder for the purposes of enhancement or clarification of the intent of the motion, and without the requirement of an amending motion to be made.
- 1.22. “Lord Mayor” means the Head of Council of the Town.
- 1.23. “Main Motion” means a formal proposal, by a Member of Council or a Committee, whose introduction brings business before the Meeting for consideration.
- 1.24. “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.
- 1.25. “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.
- 1.26. “Members” means the members of Council, and “Member” shall mean an individual member of Council.
- 1.27. “Motion” means a proposal, moved by a member (and if applicable seconded by another member) for the consideration of Council or COTW or Committee.
- 1.28. “Non-Pecuniary Interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity.
- 1.29. “Notice of Motion” means a written notice received by the Clerk’s Office, given by a member, advising Council that the motion described will be brought forward at a subsequent meeting.
- 1.30. “Open Meeting” means a meeting which is open to the public
- 1.31. “Pecuniary Interest” means a direct or indirect financial impact in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.
- 1.32. “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.
- 1.33. “Point of Privilege” means a concern about the health, safety, rights or integrity of the Member, Committee, or anyone present at the Meeting;.
- 1.34. “Presiding Officer” means 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.

- 1.35. "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.
- 1.36. "Public Meeting" means a meeting of Town Council conducted pursuant to the Planning Act or other provincial legislation.
- 1.37. "Quorum" means a majority of the Members.
- 1.38. "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.
- 1.39. "Recorded Vote" means a written record of the name and vote of each Member who votes on a question and of each Member present who does not vote.
- 1.40. "Recording" means the action of recorded sound and/or video for subsequent reproduction or broadcast.
- 1.41. "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.
- 1.42. "Refer" means to remove a main motion from consideration by directing the matter to staff/Committee for the provision of additional information.
- 1.43. "Regular Meeting" means a meeting of COTW or Council held at the times and dates specified in this by-law and approved by Council as part of an annual calendar
- 1.44. "Roberts Rules" means 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.
- 1.45. "Special Meeting" means a separate meeting of Council or Committee held at a time different than a Regular Meeting and which is focused on one or more particular and specific items or subjects.
- 1.46. "Spring Break" means the week(s) designated as spring break by the District School Board of Niagara and the Niagara Catholic District School Board.
- 1.47. "Statutory Holiday" means 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.

- 1.48. "Two Thirds Majority" means for the purposes of voting two thirds (2/3) of all members present at the vote and not prohibited by statute from voting.
- 1.49. "Town" means The Corporation of the Town of Niagara-on-the-Lake
- 1.50. "Vice Chair" means, 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.
- 1.51. "Workshop" means a meeting convened for the purpose of education or training the Members, for providing the Members with information.

## 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 unless the opinion of Council confirmed by majority vote determines it to be so. The Lord Mayor and/or Chair, in consultation with the Clerk, can also 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 Council members in attendance. This should be restricted to cases of extreme urgency.
- 2.4 All procedures not specifically provided for in this by-law, in the Act, or by the Revised Statutes of Ontario or Regulations, or otherwise encompassed in Roberts Rules, 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 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.

- 2.7 No person other than a member of Council and officials of the Corporation shall, without the prior permission of the presiding officer, be allowed past the podium.
- 2.8 Following a municipal and school board election, the Clerk shall provide each member of Council 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, without the prior consent of the Chair and if so approved, such devices shall be used during the meeting exclusively to facilitate participation.

### 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 every three (3) months and the schedule of rotations shall be updated every two (2) years 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 shall 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 6:00 p.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 and requisite Town staff.
- 4.6 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.
- 4.7 The Clerk may in consultation with the CAO send out calendar dates to hold for potential future meetings as may be required.
- 4.8 No meeting of COTW or Council shall be held in the absence of Clerk or 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***

- 4.9 All meetings of Council, COTW General or All meetings of COTW Planning will adjourn when all business on the agenda is complete, or at 10:00 p.m., whichever is earlier.
- 4.10 Where the business before Council, COTW-General or COTW-Planning has not been completed by either 10:00 p.m., 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.
- 4.11 No meeting will proceed beyond 11:00 p.m..
- 4.12 Unless directed otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled meeting.

#### ***Special Meeting***

- 4.13 The Lord Mayor may at any time call a Special Meeting whenever requested by a majority of the other Members.
- 4.14 The CAO may request a Special Meeting be called in consultation with the Lord Mayor should an urgent matter arise.

- 4.15 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.
- 4.16 No business may be dealt with at a Special Meeting of Council other than that specified on the agenda.

### ***Electronic Meetings***

- 4.17 Members of Council, Committees of Council may participate electronically in any regular Council, Special Meeting or Committee Meeting.
- 4.18 Members appearing virtually must for the purpose of quorum have their camera on at all times, unless otherwise given permission by the presiding officer.
- 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 A member participating electronically may be required to verbally affirm their vote by the Chair.
- 4.21 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 4.22 An Electronic Meeting shall permit public delegations in accordance with the Town's Delegation Request Policy.
- 4.23 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.
- 4.24 The Clerk, in consultation with the Lord Mayor, shall establish practices and procedures for electronic participation.
- 4.25 Artificial Intelligence (AI) invitations are not permitted for the purposes of notetaking or otherwise.
- 4.26 Members and delegations participating electronically are required to do so from an environment conducive to participating in a meeting.
- 4.27 Members must notify the Clerk or recording secretary at least 24 hours prior to the meeting of their intent to participate electronically.
- 4.28 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.
- 4.29 The Chair is not permitted to preside over a hybrid meeting remotely by electronic means, unless in the case of an emergency. The Vice-Chair, or in the absence of the Vice-Chair, another Member, attending in

person shall preside over the meeting. This rule does not apply to fully virtual meetings.

- 4.30 Members shall not be permitted to share their screen electronically unless granted permission from the Chair.
- 4.31 Should a delegate wish to present electronically the regular rules of delegations as set out in the policy will apply.
- 4.32 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 COTW-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

- 6.1 In accordance with Section 239(2) 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, 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;

(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 contractual or other negotiations of a person, group of persons, or organization;

(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

(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.

In accordance with Section 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) 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; or

(b) 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 (1). 2014, c. 13, Sched. 9, s. 22.

(3.1) 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:

1. The meeting is held for the purpose of educating or training the members.

2. 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.

6.2 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.

- 6.3 Councillors are not permitted to discuss any additional matters during a closed session.
- 6.4 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.
- 6.5 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.
- 6.6 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 utilize a recording device as a transitory means to facilitate preparation of the official minutes.

## 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 Lord 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.

## 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 COTW-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 (save and except those previously introduced at a meeting via Notice of Motion) 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:

- a) Call to Order
- b) Focus Statement \*
- c) O Canada\*
- d) Adoption of Agenda
- e) Conflict of Interest
- f) Closed Session (if applicable)
- g) Adopt Council and Committee of the Whole Minutes\*
- h) Public Meetings
- i) Next COTW and Council Meeting Dates\*
- j) Lord Mayor's Report\*
- k) Members' Announcements
- l) Delegations
- m) Response to Delegations from Council
- n) Presentations

- o) Recommendation Reports
- p) Information Reports and Information Items
- q) Adopt Committees of Council Minutes\*
- r) Motions\*
- s) Notice Of Motion
- t) By-Laws\*
- u) Adjournment

\* Not Applicable in COTW

8.7 The order of business may be affected without requiring amendment to this by-law at the discretion of the Clerk, in consultation with the Lord Mayor, and all business shall be dealt in the order on which it appears on the agenda unless otherwise decided by Council on a majority vote under Adoption of Agenda.

8.8 Adoption of Agenda

- 1) The agenda for a meeting shall be adopted by a resolution at the start of the meeting.
- 2) Any matter may be deleted or deferred from the agenda by majority vote with the exception of the items which may be removed by the applicable party or Town Staff prior to the start of the meeting.
- 3) In the absence of a Notice of Motion, the addition of any new time-sensitive business shall require a two-thirds (2/3) vote of the Members present in order to be added to the agenda.

### ***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 (2/3) of the members of Council in attendance.

### ***Questions / Speaking***

- 8.9 Councillors will be permitted to ask each delegate questions at a time directly relating to the matter under consideration.
- 8.10 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.
- 8.11 All Councillors will address their questions through the Presiding Officer.
- 8.12 The Presiding Officer will recognize the Councillors who wish to speak in the order that they come to their attention.

- 8.13 The Lord Mayor is addressed as “Lord Mayor (surname)” or as “Your Worship”. A Councillor is addressed as “Councillor (surname)”.

***Public Meetings convened under the Planning Act, R.S.O. 1990, c. P.13,***

- 8.14 Speakers will be permitted without prior registration during any public meeting. The Town will provide an online registration form on the Town website where residents can register to speak.
- 8.15 Speakers heard during a public meeting will be permitted to speak for a maximum of five (5) minutes.
- 8.16 Speakers will only be permitted to speak once during a public meeting.
- 8.17 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.

***Lord Mayor’s Report***

- 8.18 The Lord Mayor’s Report shall be prepared on the Lord Mayor’s letterhead and provided to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.
- 8.19 In the year of a regular municipal election the Lord Mayor’s Report will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996

***Members Announcements***

- 8.20 A Member shall be permitted to make an announcement, which shall be for the sole purpose of informing other Members and the general public on items of interest, such as recognizing exceptional events, groups, people, achievements and to raise public awareness of important issues in the Town.
- 8.21 Announcements by Members shall be provided in writing to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.
- 8.22 Announcements shall not include personal comments on pending or past Council business; or to raise issues of a personal nature. Announcements shall not be permitted where practically the same result of the announcement is more appropriately obtained through some other parliamentary motion.
- 8.23 In the year of a regular municipal election, announcements will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996.

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 at least 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 meeting to confirm the proceedings.

## 10 MINUTES

- 10.1 The minutes of each Council, Special Council or COTW meeting shall be presented at the next regular Council meeting.
- 10.2 Minutes shall be recorded in accordance with the provisions of the Municipal Act.
- 10.3 The minutes shall record:
  - 1) the place, date and time of meeting;
  - 2) the name of the Chair, and the attendance of Council and staff.  
Should a Member leave prior to adjournment, the time shall be noted;
  - 3) all declarations of conflicts of interest;
  - 4) the motions considered and votes taken by Council; and
  - 5) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment;
  - 6) the time of adjournment
- 10.4 The minutes of each meeting of the Committees of Council shall be presented to Council.
- 10.5 The Clerk shall be authorized to make minor technical or clerical corrections to the minutes after they have been adopted, so long as the intent and integrity of the information and/or resolution is not changed
- 10.6 Should a Member wish to lift an item from the Minutes of COTW for discussion at a Council meeting, the Member shall notify the Clerk in writing no later than 12 p.m. (noon) the day of the meeting, with the resolution and/or item number, and indicate the nature of the reason for additional discussion.

- 10.7 Should an item lifted from COTW be lifted for the purposes of voting, if the outcome is approval of the resolution any corresponding by-laws on the Council agenda shall immediately be moved up and voted on.
- 10.8 A Member may only lift an item from the Previous Minutes of Council or Previous Minutes of Committee of Adjustment in order to correct errors or omissions, which changes shall require a majority vote of Council.

## 11 NOTICE OF MOTION

- 11.1 A notice of motion is a written notice given prior to introduction by a Member of Council of their intent to introduce the matter for consideration by Council at a subsequent meeting. Before introducing a notice of motion, a Member of Council is encouraged to consult with the appropriate members of Town staff and the Chief Administrative Officer regarding the subject matter of their notice of motion. A Member of Council may only introduce a notice of motion by providing the Clerk a written copy of the notice of motion, duly signed by the mover and a seconder, no later than noon (12 p.m.) on the Wednesday prior to the Council/COTW for introduction.
- 11.2 A notice of motion must have a seconder before it is included on the agenda. The seconder must confirm their approval in writing to the Clerk by the deadlines indicated in section 11.1.
- 11.3 The notice of motion shall be printed in full on the agenda under Notice of Motion and shall come forward at a subsequent meeting under Motions to be considered at that time.
- 11.4 A notice of motion shall only be introduced at COTW and Council meetings.
- 11.5 Upon receipt of a notice of motion, the Clerk shall have discretion to determine if the Notice of Motion is properly the subject matter of a Closed Session meeting. If the Clerk so determines and if matter is permitted to be discussed in Closed Session pursuant to section 239 of the Municipal Act, 2001, the Clerk shall so advise the Member, and the Member must provide a Notice of Motion to be read in Open Session and a detailed Notice of Motion to be read in Closed Session. Both motions will be printed on the agenda and read in full, for consideration at the next meeting.
- 11.6 It is at the discretion of the Clerk and Chair to determine if a Notice of Motion is out of order and not include it on the agenda, which shall include, but shall not be limited to:
- (a) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - (b) Matters beyond the jurisdiction of the Town.

(c) Information contained in the motion has been determined to be false or misleading and requires correction

- 11.7 Members are encouraged to consult with the CAO and/or Directors to ensure any technical information contained within the notice of motion is accurate, actionable, and aligns with Council's Strategy Priorities. For greater clarity, despite being consulted on technical information contained within a notice of motion, Town staff shall not be required to agree with the merits of the motion being presented by a Member of Council, nor shall consulting with Town staff be construed as approval of such motion.

## 12 INFORMATION PACKAGES

Communications including emails, correspondence and other such documents for the attention of Council, other than reports and memos from staff, shall be included in the Council Information Package which is distributed on Thursdays on a weekly basis as necessary. The Clerk or designate, in consultation with the Chief Administrative Officer, as may be required, shall determine the contents to be included in the Council Information Package. The Information Package may include but is not limited to resolutions from other municipalities, correspondence from the Niagara Region, correspondence from Boards, Commissions, Federal Agencies, and the Chamber of Commerce, Town Media Releases and Statements, Notices, Annual Reports from the IPC, Ombudsman, and MPAC and items requested to be included by the Lord Mayor or Members of Council. The Clerk or designate is authorized to exclude items outside of municipal jurisdiction, repetitive motions and resolutions as well as correspondence in support of motions and resolutions previously provided to Council.

No later than 12:00 pm (noon) on the Monday following distribution, any Member may raise a communication that is listed in the Council Information Package by requesting that it be included in the agenda update/addendum for the subsequent meeting.

## 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 shall, unless for a medical reason or otherwise instructed to do so, remain seated during all proceedings.
- 13.3 Members must address the presiding Member by their title of Chair/ Lord Mayor, Vice-Chair/Deputy Lord Mayor.

- 13.4 The Presiding Officer shall preside over the conduct of the meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.
- 13.5 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.
- 13.6 Every member desiring to speak shall raise their hand so in order to be recognized by the Presiding Officer.
- 13.7 Every Member, who wishes to speak to any question, motion or matter shall address their remarks through the Presiding Officer.
- 13.8 When two (2) or more Members arise to speak at the same moment, the Presiding Officer shall name the Member who shall speak first.
- 13.9 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.
- 13.10 A Member may ask a question only for the purpose of obtaining facts relevant to the matter for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements or assertions.
- 13.11 Members are encouraged to provide questions to Town staff prior to the Meeting in order to foster an informed discussion.
- 13.12 A member called to order by the Presiding Officer shall immediately cease further comment and may appeal the call to order to Council. Council, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Presiding Officer shall be final.
- 13.13 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 to any question or matter and immediately thereafter present a motion
  - 4) speak in contempt of any decision of Council;
  - 5) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or
  - 6) 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.
  - 7) refuse to obey the rules, or

8) disobey the rules or decisions of the Presiding Officer on questions of points of order or privilege, or upon the interpretation of the Rules of Procedure.

- 13.14 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.
- 13.15 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.
- 13.16 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.
- 13.17 No Member, without leave of the Presiding Officer, shall speak to the same question, motion or matter or in reply, for no longer than five (5) minutes, except that a Member who has moved a main motion or resolution shall be allowed to reply.
- 13.18 Non-alcoholic beverages may be consumed, but food shall not be permitted in the Council Chambers during a Meeting.
- 13.19 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 make detrimental comments, speak disrespectfully or malign the integrity of the Lord Mayor, Members of Council, Staff or the Public.
- 13.18 Any person who contravenes any provision of this section may be expelled from the meeting by the Presiding Officer
- 13.19 The Presiding Officer shall rule on improper conduct and the decision is final and not subject to appeal.

#### 14 PRIVILEGE AND ORDER

##### ***Question of privilege***

14.1 If a Member of Council believes that their individual rights, privileges or integrity or those of the Members collectively have been prejudicially affected, the Member asks the Presiding Officer to raise a question of privilege.

a) The Member making the request is not permitted to enter into any argument or introduce any motion related to the question of privilege.

b) A question of privilege suspends debate on the matter under consideration at the time until the question is decided.

### ***Integrity of Staff***

14.2 If the Presiding Officer determines that the integrity of a staff member has been impugned or questioned, the Presiding Officer may permit the CAO or most Senior Manager present to make a statement to Council.

### ***Point of order***

14.3 When a Member of Council wants to call attention to a violation of these rules, the member may raise a point of order. Upon recognition by the Presiding Officer, the Member states the point of order succinctly and the Presiding Officer decides upon the point of order.

### ***Appeal***

14.4 Unless a Member of Council immediately appeals the Presiding Officer's decision to the Council, the decision of the Presiding Officer is final.

14.5 If the decision of the Presiding Officer is appealed, a seconder is required and the members decide whether the ruling of the Presiding Officer is to be sustained without debate and its result is final.

14.6 Notwithstanding section 15.3, a motion to appeal the decision of the Presiding Officer is always in order and has no ranking below other motions.

## **15 MOTIONS**

### ***Motions Generally***

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 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***

15.6 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.

15.7 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.

15.8 The mover of the reconsideration will specify whether the reconsideration will address the entire original decision or part of the original decision.

15.9 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.

15.10 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.

- 15.11 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.
- 15.12 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.
- 15.13 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.

## 16 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).
- 16.1 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.
- 16.2 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.
- 16.3 Any motion on which there is a tie vote shall be deemed to be defeated.
- 16.4 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.
- 16.5 No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.
- 16.6 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.
- 16.7 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.

- 16.8 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.
- 16.9 Voting can be conducted via electronic software (eScribe) at the discretion of the Town Clerk or Presiding Officer. If a vote is called electronically and a member is unable to participate due to technical error they may be required to verbally affirm their vote by the Chair.

## 17 CONFLICT OF INTEREST - DISCLOSURE

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

- 17.1 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.
- 17.2 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.
- 17.3 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.

## 18 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 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***

- 18.1 The Council may establish and appoint Committees of Council to consider a specific matter.
- 18.2 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 consider and to report on any and all matters referred or requested to them by Council. 2) To adhere, in the transaction of all business, to the rules prescribed by by-laws.
- 18.3 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.
- 18.4 If a member is absent for three consecutive meetings they may be removed from the Committee.
- 18.5 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.
- 18.6 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.
- 18.7 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***

- 18.8 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.
- 18.9 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 and Quasi-Judicial Committees***

- 18.10 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.

- 18.11 The Chair shall preside at every Meeting and may vote on all questions submitted.
- 18.12 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.
- 18.13 There shall be a Staff Liaison and Recording Secretary for each Committee.
- 18.14 When Committees are established by resolution of Council, the Terms of Reference are to be created by Town Staff outlining the composition of the Committee and its mandate, which shall be adopted by Council.
- 18.15 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*.
- 18.16 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*.
- 18.17 The members of all Committees shall conduct themselves in accordance with the Advisory Committees of Council Policy and Procedure.

19. REPEAL OF PREVIOUS BY-LAW

- 19.1 That By-law 5508-23 and all amendments to the Procedure By-law are hereby repealed.
- 19.2 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 MARCH, 2025

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL

**SCHEDULE 'A'**

**DELEGATION POLICY**

## 1. Policy

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<b>Policy Number:</b>	P-CAO-25-01
<b>Policy Name:</b>	Delegation Policy
<b>Effective Date:</b>	March 25, 2025
<b>Last Revised:</b>	April 25, 2023
<b>Last Reviewed:</b>	March 18, 2025

## 2. Policy Purpose

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The purpose of this policy is to provide a process and criteria for members of the public or local organizations to address Town Council or a Committee thereof, on a matter over which the Town has legislative, legal, financial, geographic, or operational effect for decision-making

## 3. Scope

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Notwithstanding any procedures to the contrary within a Committee's Terms of Reference, this policy applies to Council and its Committees including Committee of the Whole, but excludes statutory public meetings as required under the *Planning Act*.

## 4. Definitions

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TERM	DEFINITION
Town Clerk	The Town Clerk of The Corporation of the Town of Niagara-on-the-Lake.
Recording Secretary	A Member of Staff, typically the Town Clerk or designate who is responsible to record without note or comment, all recommendations or resolutions, decisions and other proceedings of the Council or Committee
Council	The municipal body consisting of 9 elected members-at-large, including a Lord Mayor and eight (8) Councillors.
Council Meeting	A meeting established as per the calendar approved by Council or a Special Meeting duly authorized in accordance with the Procedure By-law where a quorum of Council is in attendance.
Committee of the Whole (COTW)	A Committee session of Council, presided over by a member of Council. COTW meets as per the calendar approved by Council. This includes any statutory meetings as required

	under the <i>Planning Act</i> .
Committee, Committee of the Whole (COTW) or Council Agenda	The order of business for the Meeting which can be prepared on paper or electronically.
Committee of Council	Committees established by, and/or otherwise comprised of Members of Council other than Committee of the Whole.
Delegation	A presentation made by a person or persons or on behalf of an organization who has (have) made a formal request through the Town Clerk to address the proceedings at either a Council, Committee of Council or COTW Meeting on a given agenda matter. Unless under extenuating circumstances, delegates shall present to a Committee of Council or COTW meetings rather than Council meetings.
Delegation Request Form	Online request form that must be completed and submitted on the Town's website to be considered as either an Agenda or Non-Agenda Delegation.
Electronic Participation	Participating in a Committee, COTW or Council Meeting by joining remotely via a Microsoft Teams invitation. The intention of Electronic Participation is indicated by checking the Participating Electronically check box on the Request Form.
In-Person Participation	Participating in a Committee, COTW or Council Meeting by attending the Council Chambers at Town Hall. Intention of In-Person Participation is indicated by checking the Participating In-Person check box on the Request Form.
Non-jurisdictional Items	Means issues over which the Town does not have legislative, legal, financial, geographic, or operational effect for decision-making

## 5. Policy Statement

Council and its Committees value and welcome input, comments, and constructive suggestions from residents and local organizations. Since Council and its Committees generally must consider a large number of issues and concerns at any given time, the

Delegation Policy outlines procedures to ensure fair and equal consideration is given to all requests and also details the protocols required of the delegate when presenting.

## 6. Policy Details

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There are two broad categories of delegations. Each category will be noted as such on the Council, Committee or COTW meeting Agenda:

<p><b>Category 1 – Non-Agenda Delegation</b></p>	<p>This is a presentation that addresses topics that do not appear on the Committee, Councilor COTW Agenda and for which no related staff report has been prepared for or included on the applicable agenda. Non-Agenda Delegations are only permitted at Committee of the Whole meetings. Are not permitted at Committee of Council Meetings.</p>
<p><b>Category 2 – Agenda Delegation</b></p>	<p>This is a presentation which specifically addresses a COTW, Committee of Council or Council Agenda item.</p>

### DELEGATIONS :

- All delegate presentations shall not exceed 10 minutes in length including requests for multiple topics. However, the length of time may be limited by the Town Clerk, Proceeding Officer or Chair if a large volume of individuals is expected to speak to the item or as determined by the Town Clerk to facilitate a timely meeting. Where there are more than three (3) delegations on the same subject each delegation is limited to five (5) minutes. A maximum of three non-agenda delegations shall be permitted at a meeting.
- Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted. In the event that a delegate submits multiple requests for the same meeting consideration will be given in consultation with the Town Clerk and/or the Lord Mayor.
- Personal attacks or inappropriate language will not be tolerated.
- Where possible, it is requested that one spokesperson represents the similar interests of a group of delegates.

- A written copy of the presentation and/or summary of remarks and all related documentation must be submitted to the Town Clerk no later than 12:00 p.m. on the Monday prior to the meeting. This allows for any clarification and/or follow-up that may be required.
- For Committees of Council, timelines are determined by the Terms of Reference or timelines as otherwise noted.
- Where delegations are not permitted under the Terms of Reference, speakers may be invited to speak at the meeting by the Recording Secretary.
- Every item of correspondence, petition, report and other communication intended to support the delegation shall be easy to read and signed by at least one person or clearly indicate the identity of the sender

#### **DELEGATION APPLICATIONS:**

- Requests to appear as a non-agenda delegation must be made through the completion of the Request Form submitted on the Town's website no later than **12 p.m. on the Thursday prior to the COTW meeting**. Scheduling of the non-agenda delegations shall be at the discretion of the Town Clerk or designate.
- A delegation request to present information to COTW or Council regarding a Staff Report listed on a published agenda must be made through the completion of the Request Form submitted on the Town's website by **12:00 p.m. on the Monday prior to the scheduled meeting**.
- All Delegations shall pertain to a matter which is within Council's statutory jurisdiction. The Town Clerk will be authorized to refuse delegations on non-jurisdictional items.
- A delegate must confine their remarks to the business stated on their form.
- The Delegation Request Form may be submitted electronically via the Town's website or a hardcopy may be mailed or dropped off at Town Hall, addressed to the Clerks Office. Electronic and hardcopy forms must be received prior to the deadlines outlined above.
- Communications or petitions containing obscene or defamatory language are not accepted or presented to the Council.
- A maximum of three (3) delegations may take place during a COTW or Council meeting, with priority being given to delegations relating to agenda items. This maximum may increase at the discretion of the Town Clerk or request of the Lord

Mayor. For non-agenda items should more than three (3) delegation requests be received, the first three received will appear on the agenda and the remaining will be offered the chance to appear at a subsequent meeting.

- By a motion duly put and passed by a two-thirds vote any person not registered as a delegate with the Town Clerk may be heard.
- If an applicant wishes to address an issue, they have previously spoken to at COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details of how this information is new must be identified on the application form and is subject to approval by the Town Clerk. Only the new information will be heard. Significant new information is information previously unknown to Council or Committee which would reasonably be expected to change the outcome of deliberations.
- Individuals are to present their comments regarding applications under the *Planning Act* at the scheduled public meeting where their comments can be considered along with all other submissions.
- No application is necessary for individuals speaking at a public meeting under the *Planning Act*.
- For meetings scheduled in accordance with the Planning Act, timelines will be outlined on the Public Notice.
- A delegation is not permitted on any matter that is the subject of a future statutory public meeting or of a statutory public meeting which has been closed.
- Delegations regarding a by-law in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the by-law are not permitted.
- Delegations addressing a staff report are encouraged, when possible, to speak at the COTW meeting.
- No delegations shall be permitted on matters relating to:
  - a) Any matter matters which have been previously decided upon by Council within the term of Council
  - b) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - c) Issues which are non-jurisdictional to the Town.
  - d) Notices of Motion, provided that Delegates will have an opportunity to speak at the subsequent Council meeting when that item will be discussed.
  - e) Previous Minutes and Committee Minutes listed on the agenda.

- f) By-laws on the agenda.
- g) Closed Session items, or a matter which, in the opinion of the Clerk or Chief Administrative Officer, is the proper subject matter of a Closed Session.
- h) Reports filed by the Integrity Commissioner.
- i) Relief from user fees and charges or any requests relating to tax bills, water bills, or Town-issued offence notices, administrative penalties and/or orders unless otherwise outlined in a Town Policy or by invitation by the Recording Secretary or Town Clerk

## DELEGATION PROTOCOL

- 1) When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall proceed immediately to the podium at the front of the Council Chambers.
- 2) If participating electronically, the delegate must wait on the Teams meeting with their microphone muted and their camera off. When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall unmute their microphone and turn on their camera.
- 3) Remarks should be brief and to a maximum length of 10 minutes per delegate. Comments should be stated in a clear, concise, and factual manner. The Town set the timer when the delegate begins to speak. The Chair may at their discretion extend their length of time.
- 4) For agenda delegations, to reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the Town Clerk requires a written copy of the presentation or remarks no later than 12:00 p.m. the Monday prior to the meeting. If a written copy is not received either electronically or in hardcopy by the deadline, the delegate may be removed from the agenda.
- 5) No delegation shall:
  - a) speak to a matter other than the subject matter identified in their request;
  - b) speak disrespectfully or use offensive language;
  - c) disobey a decision of the Chair;
  - d) enter into cross debate with Members of Council, other delegations or staff;
  - e) use the presentation to advertise, publicize or promote any business or commercial enterprise or event.
- 6) It is considered proper protocol to not ridicule or berate any individuals. Remarks or questions concerning the character or performance of named individuals or

groups shall be immediately ruled out of order. The Chair reserves the right to immediately end the delegation for improper conduct. Any future offences at a subsequent meeting by the same individual will result in forfeiture of their right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the individual to respect the ruling of the Chair will result in the meeting being immediately halted until the individual exits the Council Chambers or the Teams call.

- 8) Upon completion of their remarks, the delegate should remain in position to allow for possible questions from Council members. Council members may ask questions for clarification purposes only. Staff shall not be called upon during a delegation.
- 9) After completion of questions, the delegate will be asked to return to their seat in the public gallery or if participating electronically mute their microphone and turn off their camera.
- 10) Members of the public are to refrain from making audible comments or noise (i.e. applause) while in the Council Chambers.
- 11) Members of the public are not permitted to join meetings electronically unless they have been sent an invitation through the Clerk's Office. Members of the public who wish to watch the meetings electronically are welcome to do so via the Livestream link available on the Town's website.

### **Response to Delegation**

No decision on the Delegation's requested action, if presented, will be made during the meeting at which a Delegation is heard. Following the Delegation, Council or the Committee may take no action, or may refer the issue to one or more of the following:

- the next or another meeting of Council or Committee where the presentation occurred;
- staff for a report; and or a Committee of Council.

## **8. Forms**

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The Delegation Request Form can be completed online on the Town's website or a hardcopy can be submitted at Town Hall, addressed to the Town Clerk.

## 9. Responsibilities

POSITION or OFFICE	RESPONSIBILITIES
Clerks Office	<ul style="list-style-type: none"> <li>• Receive and Process complete Delegation Request Forms.</li> <li>• Add Delegation Request Forms and accompanying documents (presentation/written materials) to agenda.</li> <li>• Monitor the presentation time of each delegation.</li> </ul>

## 10. Related Information

Procedure By-law of the Town of Niagara-on-the-Lake  
*The Planning Act, 1990*  
*The Municipal Act, 2001*

## 11. Contacts

Please direct any questions regarding this policy to:

OFFICE	PHONE	EMAIL
Clerks Office	905-468-6418	clerks@notl.com

POLICY GOVERNANCE	
<b>Policy Number:</b>	P-CS-25-XX
<b>Effective Date:</b>	March 25, 2025
<b>Last Reviewed Date:</b>	March 18, 2025
<b>Target Review Date:</b>	January 31, 2026
<b>Approval Authority:</b>	Council
<b>Policy Owner:</b>	Town Clerk
<b>Responsible Office:</b>	Clerks Division
<b>Supplemental Documents:</b>	Delegation Request Form

## 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.