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**The Corporation of the Municipality of Leamington  
By-law 49-23**

**By-law to Establish the Rules of Order and Procedures  
for Municipal Council and its Committees of the Municipality**

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# The Corporation of the Municipality of Leamington

## By-law 49-23

### By-law to Establish the Rules of Order and Procedures for Municipal Council and its Committees of the Municipality

**Whereas** parliamentary procedures are rooted in principles designed to ensure the fair and efficient disposition of business before a deliberative body;

**And Whereas** Section 238 of the Municipal Act, 2001, provides that every municipality and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;

**And Whereas** Council and its Committees shall also follow the regulations as set out within the Municipal Conflict of Interest Act, and the parliamentary authority of Robert's Rules of Order;

**And Whereas** Council finds it appropriate to repeal and replace by-law 289-13, and amendments;

**Now Therefore Be It Resolved** that the Council of The Corporation of the Municipality of Leamington enacts as follows:

#### PART 1 - Interpretation

##### 1. Definitions

In this by-law:

- a) "Act" means the Municipal Act, 2001, S.O. c. 25, as amended, replaced or re-enacted from time to time.
- b) "Adjourn" means to close a Meeting.
- c) "Administration" means municipal staff.
- d) "Agenda" means the written order in which business shall be conducted at a Meeting.
- e) "Amend" means modify the wording of a pending Motion before the pending Motion is acted upon and "Amendment" and "Amendable" shall have corresponding meanings.
- f) "Appeal Committee" means the Appeal Committee established by By-law 77-22, as amended, replaced or re-enacted from time to time.

- g) "Business Days" means Monday to Friday, inclusive, excluding days which are holidays designated by the Municipality.
- h) "CAO" means the Chief Administrative Officer of the Municipality or anyone designated by the Chief Administrative Officer to carry out the duties of the Chief Administrative Officer.
- i) "Chair" means the person presiding over a Meeting.
- j) "Clerk" means the Clerk of the Municipality and shall include a Deputy Clerk or anyone designated by the Clerk to carry out duties of the Clerk.
- k) "Closed Meeting" means a Meeting or portion thereof, which is closed to the public in accordance with this by-law and section 239 of the Act.
- l) "Committee" means any local board as defined in the Act, standing committee, advisory committee or other committee or similar entity established by Council, but does not include the following:
  - i) Committee of Adjustment established pursuant to the Planning Act, R.S.O. 1990, c. P.13;
  - ii) Leamington Police Services Board established pursuant to the Police Services Act, R.S.O. 1990, c. P.15;
  - iii) Property Standards Committee; or
  - iv) Appeal Committee.
- m) "Consent Items" means items of business that are of a routine or repetitive nature, which do not require discussion and/or debate.
- n) "Council" means the Council of the Municipality.
- o) "Council Chambers" means the Council Chambers located at 111 Erie Street North, Leamington, Ontario.
- p) "Delegation" means any person(s), group(s), corporation(s) or organization(s), approved by the Clerk to make submissions at a Meeting.
- q) "Electronic Voting System" means an electronic voting tool that graphically displays the vote by each Member in real-time.
- r) "Emergency" shall mean:

- i) a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the force of nature, a disease or other health risk, an accident or an act whether intentional or not; and/or
  - ii) any period of time during which an emergency declaration has been made by the Mayor or the Province under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;
- s) “Has the Floor” means being recognized by the Chair as having the right to speak at a Meeting.
- t) “Hybrid Meeting” means a Meeting where some Members and/or the public participate Virtually and some Members and/or the public participate in-person.
- u) “Inaugural Meeting” means the first Meeting of an elected Council following an election.
- v) “Information Package” means copied correspondence from other municipalities and minutes of Committee Meetings.
- w) “In-Person Meeting” means a Meeting where Members and the public participate in person.
- x) “Mayor” means the Mayor of the Municipality.
- y) “Mayor-Elect” means the person elected to be Mayor between the day of the municipal election and the time of taking the oath of office at the Inaugural Meeting.
- z) “Meeting” means any regular, special or other meeting of Council or a Committee where:
  - i) a Quorum is present; and
  - ii) members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council or Committee, as the case may be;
- aa) “Member” means a member of the Council or of a Committee and includes the Mayor or Chair.
- bb) “Municipality” means The Corporation of the Municipality of Leamington.

- cc) "Motion" means a proposal by a Member that is moved by that Member and seconded by another Member.
- dd) "Pecuniary Interest" means a direct or indirect pecuniary interest as defined within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M. 50, as amended, replaced or re-enacted from time to time.
- ee) "Point of Order" means a question raised by a Member with respect to any departure from this by-law or in the practiced conduct of Council or Committee business.
- ff) "Point of Personal Privilege" means a matter that a Member considers to impugn their integrity or the integrity of the Council or Committee.
- gg) "Presentation" means a consultant retained by the Municipality, external government agency, community partner or Committee, approved by the Clerk to present matters of municipal interest or municipal business at a Meeting.
- hh) "Property Standards Committee" means the Property Standards Committee established by By-law 70-22, as amended, replaced or re-enacted from time to time.
- ii) "Proxy Vote" is used to allow a member of Council to appointment another member of the same Council to act in their place when they are absent and to cast predetermined vote(s) on their behalf.
- jj) "Public Meeting" means a Meeting or a portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any member of the public who attends the Public Meeting.
- kk) "Quorum" means the minimum number of Members required to be present to conduct business at a Meeting.
- ll) "Recess" means a short intermission in a Meeting, which does not Adjourn the Meeting and after which business will immediately be resumed at exactly the point at which it stopped.
- mm) "Regular Meeting" means a scheduled Meeting held in accordance with the schedule of Meetings approved by Council.
- nn) "Report" means a report on a particular matter prepared by a member of Administration to be presented at a Meeting.



- oo) “Resolution” means a Motion that has been carried.
- pp) “Rules of Procedure” means the rules and procedures set out in this by-law, for the calling, place and proceedings of Meetings.
- qq) “Special Meeting” means a previously unscheduled Meeting called for a specific time and for a specific purpose and for which the time, place and purpose of the Meeting is included in the notice sent to all Members and provided to the public.
- rr) “Virtual Meeting” means a Meeting where Members and/or the public participate via electronic means including but not limited to audio teleconference, video teleconference, or via the internet and “participate”, “participated” or “participating” Virtually has a corresponding meaning.

## **PART 2 - General Application**

### **Rules of Procedure**

- 2. These Rules of Procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business by Council and, unless specifically indicated otherwise, with the necessary modifications shall apply to all business of Committees.

### **Robert’s Rules of Order**

- 3. All Points of Order or procedure relating to any Meeting for which rules have not been provided for in this by-law shall be decided, as far as is reasonably practicable, with reference to the most recent edition of Robert’s Rules of Order.

### **Suspension of Rules of Procedure**

- 4. The Rules of Procedure may be suspended upon the approval of at least two-thirds (2/3) of Members present;
- 5. A Motion to suspend the Rules of Procedure is not debatable.

### **Gender**

- 6. Unless a contrary intention appears herein, the provisions of this by-law are intended to be gender neutral and gender inclusive and the singular to include the plural.

## **Forms of Address**

7. All Members, except the Mayor, are to be addressed as: “Councillor (surname inserted)”.
8. The Mayor shall be addressed as: “Mayor (surname inserted)” or “Mr. Mayor” or “Madam Mayor”, as the case may be, or alternatively as “Your Worship”.
9. The Chair of the Council or a Committee shall be addressed either as “Mr. Chair” or “Madam Chair”, as the case may be, except for the Mayor who shall always be addressed as described above.

## **Absence from Meetings of Council**

10. Unless a Member of Council is absent pursuant to section 259(1.1) of the Act, the office of a Member of Council will become vacant if the Member is absent from the Meetings of Council for three (3) consecutive months unless the leave of absence is authorized by Resolution.
11. Notwithstanding section 10 of this by-law, an office is not vacated by a Member of Council who is absent for twenty (20) consecutive weeks or less if the absence is as a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member in accordance with subsection 259(1.1) of the Act. The Member of Council shall provide the Clerk with written notice of an absence of twenty (20) consecutive weeks or less as a result of the Member’s pregnancy, the birth of the member’s child or the adoption of a child by the Member. Council shall appoint another Member to attend Committee Meetings to which the Member is appointed in the Member’s absence. A Member of Council on pregnancy and/or parental leave shall continue to be paid the respective honorarium.

## **PART 3 - Meetings**

### **Format and Procedures**

12. Meetings may be held in person, Virtually or Hybrid, as determined by the Clerk.
13. The Clerk may, from time to time, establish and/or amend procedures related to Hybrid Meetings and/or Virtual Meetings, provided that such procedures do not conflict with the provisions of this by-law.

### **Attendance by Members**

14. Members who attend at an In-Person Meeting shall participate in person.
15. Members who attend at a Virtual Meeting shall participate Virtually.
16. Subject to section 12, Members who attend a Hybrid Meeting shall participate in person.

### **Member May Participate Virtually**

17. A Member may participate Virtually at a Hybrid Meeting if the Member has advised the Clerk that they wish to participate Virtually.
18. A Member participating Virtually at a Meeting shall:
  - a) log into the Meeting in advance of the start time to establish the necessary electronic connection before the Meeting is scheduled to begin;
  - b) ensure that their camera is on, as may be applicable;
  - c) mute their device when they are not speaking;
  - d) inform the Chair about their intention to leave the Meeting either on a temporary or permanent basis; and,
  - e) have the same voting rights as if they were participating at the Meeting in person.

### **Inaugural Meeting**

19. The Inaugural Meeting shall be held at 6:00 p.m. in Council Chambers on the first Tuesday that next follows November 15.
20. The Clerk shall call the Inaugural Meeting to order and Chair the Meeting until the Mayor-Elect has taken the declaration of office in accordance with the provisions of section 232(1) of the Act. The Mayor shall then assume the Chair.
21. The Agenda for the Inaugural Meeting shall include filing of the declaration of office.

### **Location and Date and Time**

22. Regular Meetings shall be held at 6:00 p.m. on the second and fourth Tuesday in each month.

23. A proposed calendar may be presented by the Clerk to Council for approval in or before December of each year, detailing the dates for all Regular Meetings in the subsequent year.
24. In-Person Meetings of Council shall be held in the Council Chambers or at such other place within the Municipality as Council may from time to time determine.
25. Council may by Resolution, establish or alter the time, day or place of a Meeting provided that Meetings must be held in a location in accordance with section 236 of the Act.

### **Public Meetings**

26. A Public Meeting may be scheduled during a Council Meeting.
27. At a Public Meeting, the Chair shall have regard to the Rules of Procedure but will preside over the Public Meeting in a manner that will permit a fair and equal opportunity for participation by all interested members of the public.
28. At the conclusion of the Public Meeting, the Chair shall Adjourn the Public Meeting and if the Public Meeting is held during a Council Meeting, then the Council Meeting shall resume.
29. The actions of Council at the Public Meeting shall form part of the minutes of the Meeting.

### **Special Meetings**

30. The Mayor may, at any time, call a Special Meeting by instructing the Clerk to issue a notice of Special Meeting.
31. In addition, a majority of Members may, at any time, petition the Clerk to call a Special Meeting by providing a written petition to the Clerk stating the date, time and purpose of the Special Meeting.
32. The Clerk shall give notice to the Members of Council and the public of the Special Meeting and such Meeting shall be held no sooner than forty-eight (48) hours following the notice of the Special Meeting.
33. Only items disclosed on the Agenda for the Special Meeting shall be considered and decided upon by Council at the Special Meeting.

## **Closed Meetings**

34. All Meetings shall be open to the public except when considering items in accordance with the criteria for a Closed Meeting as established by section 239 of the Act.
35. Closed Meetings may be scheduled when deemed prudent and necessary.
36. Notwithstanding section 34, during a Meeting, after consultation with the Clerk, if Members determine by Resolution that a matter on the Agenda should be discussed in a Closed Meeting, then no further notice to the public is required.
37. Without limiting the confidentiality requirements set out in this by-law or any other law or code of conduct, Members shall at all times maintain confidentiality while participating in a Closed Meeting, including ensuring that when participating Virtually at a Meeting that is a Closed Meeting, that they are participating from a location that ensures the privacy and confidentiality of the Closed Meeting discussion.
38. The Clerk is responsible for the preparation of the Closed Meeting Agenda. All Closed Meeting Agendas, Reports, attachments to Reports, comments, discussions, presentations or similar documents and information are considered confidential and if provided to Members in hard-copy shall be returned to the Clerk following the Closed Meeting.
39. The Clerk, in consultation with the Director of Legal and Legislative Services or the Municipality's lawyer, shall advise as to whether Agenda matters may be discussed in the Closed Meeting.
40. Prior to moving into a Closed Meeting for one of the reasons listed in section 239 of the Act, there shall be a Resolution to move into the Closed Meeting. The Motion shall state the general nature of the matter to be considered in the Closed Meeting and the section of the Act which authorizes the matter being discussed in the Closed Meeting. The Motion shall also include reference to any person who may be attending the Meeting who is not a Member or a member of Administration.
41. Only those matters listed on the Closed Meeting Agenda and contained in the Motion to move into a Closed Meeting shall be discussed at the Closed Meeting.
42. A vote may not occur in a Closed Meeting unless the subject of the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the Municipality.
43. Closed Meetings shall not be recorded by any audio or video recording device.

44. At the next Meeting following the Closed Meeting, the Clerk shall report out on the Closed Meeting held including confirmation that notice was given, the general nature of the matter discussed, the authority for the Closed Meeting and whether any decisions were made, any votes were taken or directions given.

### **Meetings in an Emergency**

45. Notwithstanding any other provision in this by-law, a Meeting may be called in an Emergency by the Mayor, the CAO or the Clerk without advance written notice. The Clerk shall notify the Members, the CAO, applicable members of Administration and the public about the Meeting as soon as possible, using any method that is reasonable in the circumstances.
46. In case of an Emergency:
  - a) Council may hold its Meetings at any convenient location within or outside of the Municipality, and a Meeting may be held as an In-Person Meeting, Virtual Meeting or Hybrid Meeting, with the details posted on the municipal website; and
  - b) the notice of the Meeting shall include a description of the business to be transacted at the Meeting.
47. Lack of receipt of notice of, or an Agenda for a Meeting in an Emergency shall not affect the validity of the Meeting, or any action taken at the Meeting.
48. Since the public may not have been given adequate notice of the Meeting in an Emergency, the Clerk shall, immediately after the Meeting, or as soon as is practicable, notify the public of the reasons for the Meeting.

### **Notice of Meetings**

49. The Clerk shall post on the municipal website notice for all Meetings and such posting shall serve as notice of the Meeting to the public as required by the Act.
50. Where notice of intention to pass a by-law or notice of a Public Meeting is required to be given by statute, such notice shall be provided in the time frame prescribed in the said statute, or its regulations, and if not so prescribed, notice shall be given at least four (4) Business Days prior to the proposed action being taken.
51. Failure to meet the notice provisions for a Meeting provided for in this by-law shall not affect the validity of holding the Meeting nor any action taken at the Meeting.

## **Cancelling a Meeting**

52. The Clerk, in consultation with the CAO, may cancel any Meeting.
53. The Clerk shall give written notice of such cancellation to each Member and such notice shall include the reason for the cancellation of the Meeting.
54. The Clerk shall give notice to the public of such cancellation by posting such notice on the municipal website.

## **Quorum**

55. A majority of Members is necessary to constitute Quorum.
56. A Member participating in person or Virtually shall be counted in determining whether or not a Quorum is present at any point in time.
57. If no Quorum is present fifteen (15) minutes after the time appointed for the start of the Meeting, the Clerk shall record the names of the Members present and the Meeting shall be Adjourned.

## **Loss of Quorum**

58. If Quorum is lost during a Meeting, the Clerk will advise the Chair that Quorum is lost and the Meeting will Recess for up to fifteen (15) minutes to allow Members to return. Following the Recess, if Quorum is not regained, the Meeting shall be Adjourned and remaining business shall be considered at the next Regular Meeting, unless a Special Meeting is called for such purpose prior to the next Regular Meeting.

## **Disclosure of Pecuniary Interest and Quorum**

59. When a majority of Members have disclosed a Pecuniary Interest, the remaining Members at that Meeting shall be deemed to constitute the Quorum, provided such number is not less than two (2).

## **Adjournment and Curfew**

60. All Council Meetings shall Adjourn when the Council has completed all business as listed on the Agenda or at 10:00 p.m., whichever occurs first.
61. In the event the business before Council has not been completed by 10:00 p.m., Council, by Resolution, may approve an extension of the Meeting to the hour of 11:00 p.m. If at 11:00 p.m. the business remains unfinished, such business shall be considered at the next Regular Meeting, unless a Special Meeting is called for such purpose prior to the next Regular Meeting.

## **PART 4 - Agenda**

### **Preparation and Posting**

62. The Clerk shall prepare an Agenda in a form that best allows for the most efficient conduct of business.
63. The Clerk shall post on the municipal website an Agenda for each Meeting at the earliest possible opportunity prior to the Meeting which posting may also serve as notice to the public of the Meeting.

### **Report Template**

64. The Clerk shall be responsible for the preparation of a template for a Report and shall distribute a template for use by Administration.

### **Order of Business**

65. The order of business for Meetings shall be taken up in the order in which the same appears on the Agenda unless altered at the beginning of the Meeting by the Chair.
66. All Reports and other items listed on the Agenda are properly before Council or any Committee and no further Motion is required to discuss or receive any Agenda item.
67. Any request to withdraw items listed on an Agenda requires a Motion.

### **Consent Items**

68. For the purpose of convenience and for expediting a Meeting, the Agenda may include a section for Consent Items.
69. A Member who wishes to ask a question about, discuss or debate a Consent Item shall advise the Clerk at least one (1) Business Day prior to the Meeting that the Member shall ask for the Consent Item to be separated from the remaining Consent Items.
70. Upon the request of a Member to separate a Consent Item at the Meeting and upon the separation of such Consent Item, the remaining Consent Items shall be the subject of one Motion as follows:

“That the Recommended Actions contained in the Reports listed under Consent Items be approved”

which is neither debatable nor Amendable.



71. Each separated Consent Item shall thereafter be considered.

### **Non-Debatable Comments or Questions by Members**

72. The Agenda may include a section where Members may make statements or ask questions regarding matters that are not debatable and that may be appropriate for comment or answer by Administration in the form of immediate response.

73. Members wishing to make statements or ask questions in accordance with section 73, shall have regard to the following:

- a) comments or questions about operational matters should be raised by a Member with the CAO outside of a Meeting;
- b) when possible, questions should be provided to Administration in advance of the Meeting so that an answer may be provided at the Meeting; and
- c) substantive policy matters, in particular consideration of corporate policies or by-laws, shall be brought forward by way of a Notice of Motion.

### **Addendum**

74. An addendum to an Agenda may only be presented when one (1) or more items arise after the closing of the deadline for preparation of the Agenda and prior to the Meeting.

75. The CAO shall determine which items are of urgent nature and require the immediate consideration of Council such that an addendum to the Agenda is required.

## **PART 5 - Disclosures of Pecuniary Interest**

### **Disclosure of Pecuniary Interest**

76. When a Member present at a Meeting has a Pecuniary Interest, the Member shall, prior to any consideration or discussion of the matter, disclose the Pecuniary Interest and the general nature thereof and refrain from discussing, debating or voting on the matter.

### **Disclosure of Pecuniary Interest by Chair**

77. When the Chair has a Pecuniary Interest, the Chair shall, prior to any consideration or discussion of the matter, disclose the pecuniary interest and the general nature thereof and remove themselves from the Council Chambers. The Acting Mayor will resume the seat of Chair during consideration of that item.

### **Disclosure Regarding Closed Session Matter**

78. Where a Member declares a Pecuniary Interest in a matter included on a Closed Meeting Agenda, in addition to complying with the requirements, the Member shall forthwith leave the Meeting for the part of the Meeting during which the matter is under consideration. The Member shall declare the Pecuniary Interest of the Closed Meeting item at the next Meeting in open session.

### **Disclosure When Absent from Meeting**

79. Where the interest of a Member has not been disclosed, by reason of absence from the particular Meeting, the Member shall disclose the Pecuniary Interest at the first Meeting attended by the Member after the particular Meeting.

### **File Written Statement**

80. At a Meeting at which a Member discloses a Pecuniary Interest, or as soon as possible afterwards, the Member shall file a written statement of the Pecuniary Interest and its general nature with the Clerk.

### **Registry of Statements**

81. The Clerk shall establish and maintain a registry of statements and declarations of Pecuniary Interest of Members and the registry will be available for public inspection on the municipal website.

### **No Invalidation**

82. The failure of one (1) or more Members to comply with sections 76 to 79, inclusive, of this by-law shall not affect the validity of the Meeting in regard to the said matter.

## **PART 6 - Minutes and By-laws**

### **Recording of Minutes**

83. The Clerk shall record the Meeting proceedings, including procedural Motions and direction given, without note or comment.

### **Lost for Lack of Secunder**

84. A Motion that is moved but not seconded shall be recorded in the minutes with the notation, "Motion lost for lack of a seconder".

### **Approval of Minutes**

85. Minutes shall be approved by Council or Committee as the case may be.
86. The minutes prepared by the Clerk and approved by Council or Committee are the official record of the Meeting proceedings.

### **By-laws Listed on Agenda**

87. The proposed by-law title and Report reference number, if any, shall be listed on the Agenda.
88. The Clerk may introduce every by-law to Council for consideration by reading the number and title of the by-law.

### **Reading of By-laws**

89. Unless specified otherwise by statute, a by-law may be read a first, second, third and final time at the same Meeting.
90. A by-law shall include the date of each reading.
91. Passing of the by-laws listed on an Agenda may be by one (1) vote. A Member may request that a by-law be voted on individually.

### **Amendments to By-laws**

92. All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be inserted by the Clerk.

### **Authentication of By-laws**

93. Every by-law enacted by Council shall be signed by the Mayor and Clerk, the corporate seal affixed, and the by-law shall be numbered, dated and stored with the Clerk.

### **Confirmation By-law**

94. The proceedings at every Council Meeting, every decision of the Council at the Meeting, and every Resolution passed thereat, shall have the same force and effect as if each and every one of them had been the subject matter of a specific matter of a separate by-law duly enacted.

### **Corrections to Documents**

95. The Clerk shall be authorized to make minor corrections to minutes, by-laws or other documents arising out of proceedings at Meetings in order to eliminate technical or typographical errors prior to signing.

## **PART 7 - Delegations and Presentations**

### **Attendance**

96. Persons who attend as a Delegation or Presentation at an In-Person Meeting shall participate in person.
97. Persons who attend as a Delegation or Presentation at a Virtual Meeting shall participate Virtually.
98. Subject to section 98, persons who attend as a Delegation or Presentation at a Hybrid Meeting shall participate either Virtually or in person.

### **Delegation or Presentation May Participate Virtually**

99. A Delegation or Presentation may participate Virtually at a Hybrid Meeting if the Delegation or Presentation has advised the Clerk that they wish to participate Virtually.
100. A Delegation or Presentation participating Virtually at a Meeting shall:
- a) log into the Meeting in advance of the start time to establish the necessary electronic connection before the Meeting is scheduled to begin;
  - b) ensure that their camera is on, as may be applicable; and

- c) mute their device when they are not speaking.

### **Delegations**

- 101. A person who wishes to attend as a Delegation regarding an item on the Agenda shall submit a request on the form as provided by the Clerk, which request shall include the following:
  - a) a summary of the submissions to be made at Meeting; and
  - b) any material that a proposed Delegation wishes to present at the Meeting.
- 102. The request described in section 102 shall be submitted to the Clerk by:
  - a) 12:00 p.m., the day of the Meeting for a matter which is listed on the Agenda for that Meeting; or
  - b) 12:00 p.m. the Thursday before the Meeting for a matter which is listed on the Agenda for a future Meeting.
- 103. Sections 100 and 101 of this by-law do not apply to a Public Meeting.

### **Approval of Delegations**

- 104. The Clerk shall review the request and the material provided by the proposed Delegation, and if the Clerk concludes that the subject matter relates to a matter on the relevant Agenda, the Clerk shall approve the Delegation.

### **Refusal of Delegations**

- 105. Where the matter does not relate to a matter on the relevant Agenda, the Clerk shall notify the proposed Delegation, in writing, the reasons for the refusal with a copy provided to Council or Committee as the case may be.
- 106. Notwithstanding section 105, the Clerk may refuse any proposed Delegation under the following circumstances:
  - a) the request was not submitted within the time required as set out in this by-law;
  - b) at least one (1) Public Meeting or public information centre was held at which the public was provided the opportunity to make submissions on that subject matter; or
  - c) the proposed Delegation's submissions relate to subject matter that is:

- i) within the jurisdiction of the Committee of Adjustment, the Appeal Committee or the Property Standards Committee;
- ii) in connection with a decision previously made in respect of the matter;
- iii) deemed to be beyond the jurisdiction of Council or Committee;
- iv) specific to labour relations or employee negotiations;
- v) subject to solicitor-client privilege;
- vi) the subject of litigation or potential litigation; or
- vii) in connection with a competitive purchasing process and the relevant purchase.

### **Delegations from Gallery**

107. A person, group, corporation or organization who is not listed on the Agenda as a Delegation may request permission to make submissions at the Meeting which permission may be granted by Resolution.

### **Rules for Delegations**

108. Delegations shall not:
- a) speak disrespectfully of any person;
  - b) use offensive words;
  - c) speak on any subject other than the subject for which they have received approval;
  - d) disobey a decision of the Chair;
  - e) enter into cross debate with other Delegations, Administration, Members or the Chair; or
  - f) bring into the Council Chambers posters, signage or literature stating their opinions or comments.

109. The Chair may curtail any Delegation, any questions of a Delegation or debate during a Delegation, for disorder or any other breach of this by-law and, if the Chair rules that the Delegation is not in compliance with this by-law, the person or persons appearing shall withdraw from the Delegation table, and the decision of the Chair shall not be subject to challenge.
110. Upon the completion of submissions by a Delegation, any discourse between Members and the Delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the Delegation respecting the information presented.

### **Time Allotted for Delegations**

111. A maximum of five (5) minutes shall be allotted for each Delegation, unless otherwise authorized by the Chair.
112. Where there are numerous Delegations taking the same position on a matter, they shall be encouraged to select a spokesperson to present their views. Delegations are encouraged not to repeat information presented by an earlier Delegation.
113. In the case where there is ten (10) or more Delegations on the same issue, the time allotted for each Delegation shall will be reduced to two (2) minutes.
114. Delegations are not permitted to assume any unused time allocated to another Delegation.

### **Number of Delegations per Meeting**

115. The number of Delegations at a Meeting is subject to the discretion of the Clerk when creating the Agenda. Delegations may be limited in order to allow for efficient and effective operation of Meeting proceedings.

### **Presentations**

116. A person who wishes to attend as a Presentation shall submit a request to the Clerk, which request shall include the following:
  - a) a summary of the presentation to be made at Meeting; and
  - b) any material that a proposed Presentation wishes to present at the Meeting.
117. The request described in section 117 shall be submitted to the Clerk by 12:00 p.m. the Thursday before the day of the Meeting.

118. The Clerk shall review the request and the material provided by the proposed Presentation and if the Clerk concludes that the subject matter is appropriate, the Clerk shall approve the Presentation.

### **Refusal of Presentations**

119. Where the request and the material provided by the proposed Presentation is not appropriate, the Clerk shall notify the proposed Presentation, in writing, with the reasons for the refusal with a copy provided to Council or Committee, as the case may be.

### **Time Allotted for Presentations**

120. The Clerk shall determine the time allotted to Presentations.

### **Approaching Members**

121. No person except Members and Administration shall be permitted to come within the enclosure formed by the railing between the public and Members in the Council Chambers.

## **PART 8 - Presiding Over Meetings and Duties of Chair**

### **Presiding Over Meeting**

122. Subject to section 56, as soon as Quorum is present at or after the hour fixed for the holding of the Council Meeting:
- a) the Mayor shall preside as the Chair and shall call the Meeting to order; or
  - b) if the Mayor is not present, the Deputy Mayor shall preside as Chair and shall call the Meeting to order and shall preside as Chair until the arrival of the Mayor; or
  - c) if both the Mayor and the Deputy Mayor are not present, the Clerk shall call the Meeting to order and another Member shall be appointed by Resolution to act as the Chair and shall preside as Chair until the Mayor or the Deputy Mayor arrive.

### **Duties of Chair**

123. It shall be the duty of the Chair:
- a) to open the Meeting by taking the Chair and calling the Meeting to order;



- b) to preside over the conduct of the Meeting;
- c) to address the business listed on the Agenda;
- d) to put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings and to announce the results;
- e) to decline to put to vote Motions which infringe the Rules of Procedure;
- f) to enforce, on all occasions, the observance of order and decorum among the Members;
- g) to rule on Points of Order and Points of Personal Privilege and decide all questions relating to the orderly procedure of the Meeting, subject to any appeal as described in section 140;
- h) when, in the opinion of the Chair, the words or conduct of any person, including a Member, is in contravention of the Rules of Procedure or is causing unreasonable disruption to the Meeting, the Chair may rule the person out of order and require the person to cease the activity; and
- i) to Adjourn the Meeting in the case of an unreasonable disturbance by a member of the public or pursuant to section 146.

124. The Chair may state relevant facts and position on any matter but it shall not be permissible for the Chair to move a Motion without withdrawing as Chair.

## **PART 9 - Conduct of Members and Rules of Debate**

### **Code of Conduct**

125. Members shall act in accordance with the Code of Conduct – Members of Council and Local Boards.

### **Electronic Devices**

126. Electronic devices are permitted in Council Chambers during a Meeting that is open to the public provided that such devices are turned to silent or vibrate during the Meeting and are not used to record any aspect of the Meeting, unless the Clerk has given consent prior to the Meeting.

127. A Member shall not allow an electronic device to distract the Member from the proceedings being conducted during the Meeting.

## **Rules of Debate Generally**

128. No Member shall be deemed to have precedence or seniority over any other Member.
129. No Member shall speak to a question or Motion until the Member Has the Floor.
130. When a Member Has the Floor, the Member shall direct questions or comments through the Chair.
131. When a Member Has the Floor and is speaking, no other Member shall interrupt that Member, except to raise a Point of Order or Point of Personal Privilege.
132. When a Member Has the Floor and is speaking to a Motion, the Member shall confine remarks to the Motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise determined by the Chair.

## **Point of Personal Privilege**

133. If a Member considers that their integrity or the integrity of Council or Committee has been impugned, the Member may draw attention to the matter by way of a Point of Personal Privilege.
134. When the Chair calls a Member to order, that Member shall cease speaking until the Point of Personal Privilege is dealt with and the Member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.
135. When a Point of Personal Privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a Point of Personal Privilege may be appealed to Council or Committee as the case may be.

## **Point of Order**

136. When a Member desires to call attention to a violation of the Rules of Procedure, the Member may raise a Point of Order.
137. When the Chair calls a Member to order, that Member shall cease speaking until the Point of Order is dealt with and the Member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.
138. When a Point of Order is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a Point of Order may be appealed to Council or Committee as the case may be.

## **Appeal of Decision of the Chair**

139. In the event that a Member wishes to appeal the decision of the Chair, the Motion to appeal such decision must be made immediately following the decision.
140. If there is a Resolution to appeal the decision of the Chair, then the following question shall be put immediately to the Members without debate:

“Shall the ruling of the Chair be sustained?”
141. Should a tie vote occur, the decision of the Chair is sustained.
142. The result of the vote shall be final.

## **Order to Leave Meeting and Return to Meeting**

143. If a Member disregards the Rules of Procedure or a decision of the Chair and persists in such conduct after having been called to order by the Chair, the Chair may forthwith put the question to the Council or Committee that such Member be ordered to leave the Meeting for the duration of the Meeting.
144. If Council or Committee passes a Resolution that such Member be ordered to leave the Meeting, but the Member apologizes, Council or Committee may, by a further Resolution, permit the Member to return.
145. If the Member called out of order does not apologize or will not leave the Meeting, the Chair shall Recess or Adjourn the Meeting.

## **PART 10 - Notice of Motion**

### **Notice of Motion**

146. In this Part, "Notice of Motion" means advanced, written notice, given by a Member and received by the Clerk, advising of a substantial matter in which Council or Committee will be asked to make a decision.
147. A Notice of Motion:
  - a) must be presented at a Meeting with a mover and seconder on a form as provided by the Clerk and filed with the Clerk; and
  - b) shall not be debated until the next Regular Meeting, following the Meeting at which it was presented.

## **PART 11 - Motions**

### **Motion Made**

148. Once a Motion is made in connection with a Report or Agenda item then discussion shall be directed toward the Motion.

### **Motion to be Read**

149. Prior to the taking of a vote, a Member may require the question or Motion under discussion to be read at any time during the debate but not so as to interrupt a Member who Has the Floor and is speaking.

### **Motion Divided**

150. Any Member may ask that a Motion be divided and that a separate vote be taken on each part of the Motion.

### **Actions Beyond Jurisdiction**

151. A Motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council or Committee shall not be in order.

### **Motion to Reconsider**

152. In this Part, a "Motion to Reconsider" means a Motion to amend or cancel a previous Resolution and "Reconsidered" and "Reconsideration" shall have a corresponding meaning.
153. A Motion to Reconsider:
- a) shall only be moved by a Member who voted with the majority on the original Resolution, with each Member being responsible for making a determination as to how the Member voted on a specific matter;
  - b) if made at the same Meeting as the original Resolution, shall require approval by at least two-thirds (2/3) of Members present;
  - c) shall not be in order when the original Resolution has been implemented resulting in a legally binding commitment that is in place on the date that a Motion to Reconsider is to be debated;
  - d) is not Amendable; and
  - e) is debatable if debate is confined to reasons for or against Reconsideration.

154. A Motion to Reconsider shall not be brought before a succeeding Council or Committee, as such shall be deemed to be new business to be brought forward by way of a Notice of Motion.

### **Motion to Amend**

155. In this Part, “Motion to Amend” means a Motion to modify the wording of a pending Motion or pending Motion to Amend before the pending Motion or pending Motion to Amend is voted upon.
156. A Motion to Amend:
- a) shall be made only to a pending Motion or to a pending Motion to Amend;
  - b) shall be relevant to the question to be decided;
  - c) shall be put in the reverse order to that which it is moved;
  - d) shall not be in order when another Member Has the Floor;
  - e) shall not be in order if it constitutes a rejection of the pending Motion or pending Motion to Amend; and
  - f) is debatable only if the pending Motion is debatable.

### **Friendly Amendment**

157. In this Part, a “Friendly Amendment” means an Amendment made to a pending Motion or pending Motion to Amend with the consent of the mover and seconder, and without the requirement for a Motion to Amend.
158. A Friendly Amendment may be made to a pending Motion or a pending Motion to Amend.

### **Motion to Refer**

159. In this Part, a “Motion to Refer” means a Motion to request that a pending Motion be referred to Administration or a Committee or elsewhere to obtain further information to be provided for consideration.
160. A Motion to Refer:
- a) shall include the members of Administration or Committee to whom the request is to be referred;
  - b) shall include direction respecting the information required;

- c) shall not be in order when another Member Has the Floor;
- d) is debatable as long as debate is confined to the merits of the Motion to Refer and not the pending Motion; and
- e) can be Reconsidered.

### **Motion to Postpone to a Certain Time**

161. In this Part, a “Motion to Postpone to a Certain Time” means a Motion requesting that a pending Motion be delayed to a definite day, Meeting or until after a certain event.

162. A Motion to Postpone to a Certain Time:

- a) shall be made only to a pending Motion or a pending Motion to Amend, and takes precedence over the pending Motion or pending Motion to Amend;
- b) shall include a fixed day, Meeting or event as the point in time for the matter to return;
- c) shall not be in order when another Member Has the Floor;
- d) is debatable as long as debate is confined to the merits of the Motion to Postpone to a Certain Time and not the pending Motion;
- e) is Amendable, but only as to the length of the postponement; and
- f) can be Reconsidered.

### **Motion to Call the Question**

163. In this Part, a “Motion to Call the Question” means to end the debate.

164. A Motion to Call the Question:

- a) shall not be in order:
  - i) when a Member Has the Floor and is speaking; or
  - ii) when a Member has already indicated to the Chair that the Member desires to speak on the question;
- b) shall require approval by at least two-thirds (2/3) of Members present;

- c) is not debatable; and
- a) when resolved in the negative, may not be made again during the same item of business.

### **Motion to Adjourn**

165. A Motion to Adjourn

- b) shall not be in order:
  - i) when a Member Has the Floor and is speaking;
  - ii) when a Member has already indicated to the Chair, that he or she desires to speak on the question; or
  - iii) during the taking of a vote;
- c) is not debatable; and
- d) when resolved in the negative, may not be made again during the same item of business.

### **Withdrawing a Motion**

166. After a Motion is received by the Chair, it shall be deemed to be in possession of Council or Committee, but may, at the request of the mover and with the permission of the seconder, be withdrawn at any time before decision or Amendment.

## **PART 12 - Voting**

### **Member to Occupy Seat**

167. When the Chair calls for a vote on a question, each Member shall occupy their seat and remain in their seat until the result of the vote has been declared by the Chair. A Member who is not in their seat when the Chair calls for a vote shall not be entitled to vote.

### **No Member to Speak**

168. After a question is finally put to a vote by the Chair, no Member shall speak to the question nor shall any other Motion be made until after the vote has been taken and the result has been declared.

### **Participation of Chair**

169. The Chair, except where disqualified to vote, may participate on all votes. The Chair may vote to break a tie if the Chair has not already voted on the matter.

### **Abstain from Voting**

170. If any Member does not vote when a question is put, the Member shall be deemed to have voted in the negative except where the Member has abstained from the vote as a result of declaring a Pecuniary Interest in the matter or question.

### **Determining Decision**

171. The manner of determining the decision of Council or Committee shall be by a show of hands or by use of an Electronic Voting System.

### **Carried Motion**

172. Unless otherwise stated in this by-law, a vote on a Motion will carry if more than fifty percent (50%) of those eligible to vote are in favour.

### **Member Voted in Error**

173. Should a Member have voted in error and wishes to change the record of the vote in the minutes, the Member must bring it to the Chair's attention immediately before the next item on the Agenda is announced.

### **Objection to Declaration**

174. If a Member disagrees with the declaration of the result of the vote by the Chair, the Member may immediately object to the Chair's declaration and request the vote be retaken, for purposes of clarification.
175. Proxy Voting is not permitted at any Meeting.



## **PART 13 - Recorded Vote**

### **Recorded Vote**

176. In this Part, "Recorded Vote" means the recording of the name and vote of every Member who votes on a question and of each Member present who does not vote.
177. The individual Member's vote on any item shall not be recorded, unless:
- a) a Recorded Vote is requested; or
  - b) a vote is conducted by use of an Electronic Voting System.

### **Request for Recorded Vote**

178. Prior to a vote being taken or immediately after the vote is taken, but before the next item on the Agenda is announced, a Member may:
- a) request a Recorded Vote; or
  - b) request that a vote be conducted by use of an Electronic Voting System, if one is available.

### **Procedure for Recorded Vote**

179. When an Electronic Voting System is not available and a Recorded Vote is requested by a Member in accordance with section 179, the Clerk shall call by name the Members present, in alphabetical order, except for the Chair whose name shall be called last.
180. Each Member present who is not disqualified from voting shall announce his vote openly, in the order set out above and the Clerk shall record each Member's vote in favour or against the question.
181. After completion of the Recorded Vote, the Clerk shall declare the result of the vote.

### **Repeal and Force and Effect**

182. That By-laws 289-13, 331-13, 459-15, 87-16, 80-18, 12-20, 24-20, 33-20, 34-20, 67-22 are hereby repealed.
183. This by-law shall come into force and take effect upon its enactment.

Read a first, second and third time and finally enacted this 15<sup>th</sup> day of August, 2023.

Hilda MacDonald, Mayor

Brenda Percy, Clerk