

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-XXX**

### **A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266**

#### **Recitals:**

1. The City of Kawartha Lakes Act, 2000, S.O. 2000, CHAPTER 43 was enacted and the Corporation of the City of Kawartha Lakes was created as a municipal corporation on January 1, 2001.
2. Section 238(2) of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, requires every municipal council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings and governing the conduct of their Members.
3. The Council of the City of Kawartha Lakes deems it advisable to enact a by-law to govern the proceedings of Council, Committee of the Whole, Boards and Committees of Council, the conduct of its Members and the calling, place, and conduct of its meetings.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.**

## **Procedural By-law**

### **Table of Contents**

Section 1.00: Definitions and Interpretation.....	7
1.01 Definitions: In this by-law: .....	7
1.02 Interpretation Rules: .....	10
1.03 Statutes: .....	11
1.04 Severability:.....	11
Section 2.00: General Rules .....	11
2.01 Observation: .....	11
2.02 Place of Meetings: .....	11
2.03 Relocation of Meeting Place: .....	11
2.04 Meeting Notices:.....	11

2.05	Rules of Order: .....	11
2.06	Decision-Making: .....	12
2.07	Creation of Task Forces: .....	12
2.08	Direction to Staff: .....	12
2.09	Role of Council: .....	12
2.10	Role of Head of Council: .....	12
2.11	Municipal Administration: .....	13
2.12	City Clerk: .....	13
2.13	Chief Administrative Officer: .....	14
Section 3.00: Inaugural Meetings of Council .....		14
3.01	Inaugural Meeting - Declarations of office before business.....	14
3.02	Time and Place of Inaugural Meeting: .....	14
3.03	Order of Proceedings:.....	14
3.04	Election of Deputy Mayor.....	14
	Clerk to preside .....	14
	Nominations for Deputy Mayor.....	14
	Secret Ballot.....	15
	Scrutineer.....	15
	Equality of votes.....	15
	Majority of Council Required .....	15
	Tie Vote – 2 Candidates.....	15
	Tie Vote – 3 or More Candidates .....	15
Section 4.00: Regular Meetings of Council .....		15
4.01	Regular Council Meeting Dates and Time:.....	15
4.02	Unfinished Business: .....	15
4.03	Extracted Items:.....	16
4.04	Notice of Meeting and Agenda Distribution: .....	16
4.05	Order of Proceedings:.....	16

4.06	Closed Session:.....	16
4.07	Resolution Required: .....	16
4.08	Voting in Closed Session:.....	16
4.09	Confidentiality:.....	17
4.10	Closed Session Record: .....	17
4.11	Meeting Adjournment:.....	17
Section 5.00: Special and Emergency Meetings of Council .....		17
5.01	Special Meeting at the Call of the Head of Council: .....	17
5.02	Emergency Meetings:.....	17
5.03	Business:.....	18
5.04	Order of Proceedings:.....	18
5.05	Place of Meeting:.....	18
Section 6.00: Planning Advisory Committee Meetings .....		18
6.01	Regular Planning Advisory Committee Meeting Dates and Time: .....	18
6.02	Special Planning Advisory Committee Meeting Dates:.....	18
6.03	Composition: .....	18
6.04	Term of Appointment: .....	18
6.05	Order of Proceedings:.....	19
Section 7.00: Advisory Committee, Ad Hoc Committee and Task Force Meetings .....		19
7.01	Establish:.....	19
7.02	Meetings:.....	19
7.03	Ex Officio: .....	19
7.04	Appointment of Council Member to Committee or Task Force:.....	19
Section 8.00: Other Meetings .....		19
8.01	Committee of the Whole: .....	19
8.02	Drainage Matters: .....	20
8.03	Council as an Administrative Tribunal:.....	20
8.04	Public Meetings: .....	20
Section 9.00: Public Attendance and Communications .....		20
9.01	Presumption of Open Meetings: .....	20

9.02	Public Input to Regular Meeting Agenda Item:.....	20
9.03	Public Input to New Agenda Item:.....	21
9.04	Delegations in Urgent Matters: .....	21
9.05	Maximum Delegation Numbers:.....	21
9.06	Denial of Request to Speak or to Distribute Material:.....	22
9.07	Rules of Conduct for Presentations: .....	22
9.08	Rules of Conduct for Delegations: .....	22
9.09	Rules of Conduct for Public Audience:.....	23
9.10	Time Extensions: .....	24
9.11	Petitions, Communications or Correspondence: .....	24
9.12	Requests for Proclamations:.....	25
9.13	Expulsion:.....	25
9.14	Exemption: .....	25
Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.).....		25
11.01	Quorum: .....	25
11.02	Special Case Quorum:.....	25
11.03	Meeting Commencement/Absence of Chair:.....	26
11.04	Failure to Achieve Quorum: .....	26
11.05	General Duties of the Chair of a Meeting: .....	26
11.06	Duties of the Chair In Directing Debate:.....	27
11.07	Acting Head of Council: .....	28
11.08	Participation by Chair:.....	28
11.09	Rules of Conduct for Members: .....	28
11.10	Members Shall Vote: .....	29
11.11	Rules of Conduct for Members During Debate:.....	29
11.12	Closed Session Disclosures of Interest:.....	30
11.13	Motions without Notice:.....	30
11.14	Putting a Question: .....	31
11.15	Dividing a Question: .....	31
11.16	Withdrawal of Motion: .....	31
11.17	Subsequent Motions:.....	31

11.18	Motions to Adjourn:.....	31
11.19	Motions to Extend the Hour: .....	32
11.20	Motions to Table: .....	32
11.21	Motions to Postpone or Defer: .....	32
11.22	Motions to Put the Question:.....	33
11.23	Motions to Refer: .....	33
11.24	Motions to Amend:.....	33
11.25	Motions to Reconsider/Rescind: .....	34
11.26	Motion Beyond Jurisdiction: .....	34
11.27	Receipt of Motions: .....	34
11.28	Order of Debate of Motions:.....	34
11.29	Voting on Questions: .....	35
11.30	Reading of Motions:.....	35
11.31	Motions to Amend:.....	35
11.32	Cessation of Debate: .....	36
11.33	Method of Voting: .....	36
11.34	Binding Resolutions: .....	36
11.35	Results: .....	36
11.36	Tie Votes: .....	36
11.37	Recorded Votes:.....	36
11.38	Procedure for Recorded Votes: .....	36
11.39	Procedural Rules for Committee of the Whole, Committees, Boards and Task Forces: .....	37
11.40	Notice of Motion:.....	37
11.41	By-law versus Resolution .....	37
11.42	New or Other Business:.....	38
11.43	Point of Order: .....	38
11.44	Point of Privilege:.....	39
11.45	Order of Precedence: .....	39
11.46	Non-Debatable Motions .....	40
Section 12.00:	Meeting Minutes .....	40
12.01	Requirement for Minutes for Council:.....	40

12.02 Requirement for Minutes for Planning Advisory Committees: .....	40
12.03 Requirements for Minutes for Advisory Committees: .....	40
12.04 Minute Contents (Open Session): .....	40
12.05 Minute Contents (Closed Session):.....	41
12.06 Adoption of Minutes: .....	41
12.07 Reading Minutes:.....	41
12.08 Requirement for Minutes: .....	41
Section 13:00: By-Laws.....	41
13.01 Form:.....	41
13.02 Readings: .....	42
By-laws introduced through consent .....	42
13.03 Formal Records: .....	42
13.04 Confirmation By-laws: .....	42
Section 14:00: Amendments to, and Suspensions of, this By-law.....	42
14.01 Suspension:.....	42
14.02 Notice: .....	43
14.03 Voting Requirement: .....	43
Section 15:00: Administration and Effective Date .....	43
15.01 Administration:.....	43
15.02 Force and Effect: .....	43
Section 16:00: Repeals .....	43

## Section 1.00: Definitions and Interpretation

### 1.01 Definitions: In this by-law:

**“Acting Head of Council”** is the person delegated by Council through resolution to act as Head of Council in the absence of the Mayor and Deputy Mayor”.

**“Ad Hoc Committee”** is any special purpose Committee created by resolution of Council.

**“Advisory Committee”** is any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.

**“Agenda”** is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.

**“Act”** means the Municipal Act, 2001, S.O. 2001, c.25, as amended.

**“By-law”** means the legislative intent behind the requirement: that powers of council be exercised by by-law is to ensure due deliberation by councils of all important policy matters through the more formal procedure prescribed for the enactment of a by-law.

**“CAO”** means the Chief Administrative Officer (CAO) or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 229 of the Municipal Act, 2001, as amended.

**“Chair”** means the person presiding at a Meeting.

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

**“City Clerk”** means the person or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 228 of the Municipal Act, 2001, as amended.

**“Closed Session”** means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Act, as amended.

**“Committee of the Whole”** means a working committee made up of all of the Members of Council where less formal procedures are followed.

**“Correspondence (Communication)”** means any written or digital communication in the form of a letter, media release, bulletin, postcard or email addressed to Council that directly relates to City services or a matter of shared interest to the Kawartha Lakes Community.

**“Council”** means the municipal council for the City.

**“Council Floor”** means that area of the assembly occupied by Members and the Chair during a Meeting.

**“Delegation”** means a person or group making a verbal deputation to Council.

**“Deputy Mayor”** is the deputy head of Council duly elected by Council.

**“Designated Area”** means the public areas outside the Council floor within the meeting room.

**“Emergency”** means a time sensitive matter which if not dealt with may have serious ramifications, including but not limited to, the inability to address or influence the matter at a later date.

**“Emergency Meeting”** means a Meeting of the Council called without Notice to address circumstances of emergency as defined.

**“Head of Council”** means the Head of Council as defined by the Act and may also be referred to as “Mayor”.

**“Holiday”** means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of the Council as a Civic Holiday.

**“Invited Guest”** means an individual or group of individuals invited by Council to a Meeting.

**“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

**“Mayor”** is the head of Council duly elected at large.

**“Meeting”** means any regular, special or other meeting of a council, of a local board, management board or of a committee of Council, where,

- i. a quorum of members 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, local board or committee.

**“Meeting: Statutory Public”** means any public meeting that is required pursuant to provincial legislation.



**“Meeting: Public”** means any public meeting that Council believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation. A Public Meeting may be held at Regular, Special, Council Information or Planning Advisory Committee Meeting or other body delegated the authority by Council.

**“Member”** means a Member of the Council and includes the Head of Council. Where the term is used in reference to Committees and Boards, it refers to only those members of the Committee or Board itself. Where the term is used in reference to a Committee or Board made up of persons who are not Members of the Council, the term also includes those persons.

**“Motion”** means a proposal brought forward by a member for consideration that is moved and seconded by another member.

**“Motion to Receive”** means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Council with no additional action being taken.

**“Municipal Election”** means a general, City-wide Municipal election or a by-election.

**“Notice”** means written notice, except where legislation, by-law or policy of the City provides for another form or manner of notice.

**“Notice of Meeting”** means a written document provided to Members and to the public that advises the recipient of the time and place of a Meeting.

**“Notice of Motion”** means a written motion received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Council.

**“Planning Advisory Committee”** means the Planning Advisory Committee as established by Council under Section 8(1) of the Planning Act, R.S.O. 1990, c.P.13, with the delegated authority to hear matters under the Planning Act on behalf of Council.

**“Petition”** means a document requesting Council’s consideration of a matter that contains more than ten (10) original signatures and does not include an electronic web-based document.

**“Point of Order”** is a concern regarding conformity to the rules of order of Council, defined in this by-law.

**“Point of Privilege”** is a concern about the honour, dignity, character, rights or professionalism of the Head of Council and Members of Council.

**“Presentation”** means the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.

- a) a ceremonial presentation to or from the City of Kawartha Lakes;
- b) a presentation made by city staff and/or by consultants retained by the City or by another level of government;
- c) a presentation to or from the City that in the opinion of the Head of Council is most beneficial for all involved if heard at a Council Information Meeting.

**“Press (Media)”** means news industry of the mass media that focus on delivering news to the general public through print media (newspapers, newsmagazines), broadcast news (radio and television) and the Internet (online newspapers).

**“Recess”** means an interruption in a meeting’s proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

**“Recorded Vote”** means the recording of the name and vote of every Member present on any matter of question.

**“Recording Secretary”** is the staff person assigned by the City Clerk or Director to attend at, and to take minutes of, any Meeting.

**“Recreation Volunteer Management Board”** is a special purpose body created by Council to manage specific community facilities or services reporting directly to the Director of Community Services.

**“Resolution”** means a motion voted on by the Members present and resolved in the affirmative.

**“Task Force”** is an Advisory Committee with approved terms of reference that is formed for a set time period sufficient to make recommendations to the Council on a specific issue.

**“Website”** means the official City internet website.

## **1.02 Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

**1.03 Statutes:**

References to laws in this By-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

**Section 2.00: General Rules**

**2.01 Observation:**

The rules and regulations contained in this By-law shall be observed in all Meetings, for the order and dispatch of business.

**2.02 Place of Meetings:**

All Meetings of Council shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay, unless another location is identified on the published Agenda. All other Committee and Board Meetings shall take place at a public location specified on the agenda.

**2.03 Relocation of Meeting Place:**

If for any reason it is impossible or impractical for a Meeting to occur in the place prescribed, then the assembly in question shall meet at an alternative site or room as specified on an amended Agenda for that meeting. The alternate location shall be posted at the original location and announced as broadly as determined by the Chair.

**2.04 Meeting Notices:**

The notice of Meetings is considered as the electronic notification to Members of the posting of the agenda and the posting of the agenda on the city website. Lack of receipt of the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.

**2.05 Rules of Order:**

Where any matter of procedure is not provided for in this By-law, Robert's Rules of Order, as revised, shall be followed.

## **2.06 Decision-Making:**

Decisions binding the Council may be made only at Council Meetings unless authority has been specifically delegated by by-law.

## **2.07 Creation of Task Forces:**

Council may create Task Forces with a mandate and specific terms of reference, approved by Council.

The term of any Task Force shall not extend beyond the term of Council. The newly elected Council may confirm by resolution to continue.

## **2.08 Direction to Staff:**

No Member shall direct or interfere with the performance of any work being carried on by an employee of the City. Requests for reports by any Member shall be by resolution of Council.

## **2.09 Role of Council:**

As defined within the *Municipal Act, 2001, Section 224*, it is the role of council,

- a) to represent the public and to consider the well-being and interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this or any other Act.

## **2.10 Role of Head of Council:**

As defined within the *Municipal Act, 2001, Section 225*, it is the role of the Head of Council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1) *Municipal Act, 2001, Section 224*;
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

#### **2.11 Municipal Administration:**

As defined within the *Municipal Act, 2001, Section 227*, it is the role of the officers and employees of the municipality:

- a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

#### **2.12 City Clerk:**

As defined within the *Municipal Act, 2001, Section 228*, a municipality shall appoint a clerk whose duty it is,

- a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- d) to perform the other duties required under this Act or under any other Act; and
- e) to perform such other duties as are assigned by the municipality.

## **2.13 Chief Administrative Officer:**

As defined within the *Municipal Act, 2001*, a municipality may appoint a chief administrative officer who shall be responsible for;

- a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality:  
and
- b) performing such other duties as are assigned by the municipality.

## **Section 3.00: Inaugural Meetings of Council**

### **3.01 Inaugural Meeting - Declarations of office before business**

No business shall be proceeded with at the Inaugural Meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

### **3.02 Time and Place of Inaugural Meeting:**

The Inaugural Meeting for each term of Council shall be held on the first Monday of the new term following a Municipal Election and shall commence at 2:00 p.m. and take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay.

### **3.03 Order of Proceedings:**

The order of proceedings for the Inaugural Meeting shall be established by the incoming Head of Council, CAO and City Clerk.

### **3.04 Election of Deputy Mayor**

Election of the Deputy Mayor shall be held at the Inaugural Meeting for each term of Council and at the first Council Meeting of each calendar year.

#### **Clerk to preside**

The Clerk or their designate shall preside over the election of the Deputy Mayor.

#### **Nominations for Deputy Mayor**

The Clerk or their designate shall call for nominations. Each nomination for Deputy Mayor will require a mover and a seconder.

**Secret Ballot**

Voting for the Deputy Mayor shall be by secret ballot.

**Scrutineer**

In the case of an election and prior to voting for Deputy Mayor, Council may by resolution appoint a scrutineer to verify the vote.

**Equality of votes**

For the purposes of electing the Deputy Mayor, each Member will have one (1) vote.

**Majority of Council Required**

In order to be declared Deputy Mayor, the successful candidate must be elected by a majority vote of Council.

**Tie Vote – 2 Candidates**

In case of votes for Deputy Mayor, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

**Tie Vote – 3 or More Candidates**

Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be removed from the next ballot and that the voting will be repeated.

**Section 4.00: Regular Meetings of Council****4.01 Regular Council Meeting Dates and Time:**

Council shall adopt an annual calendar for each year setting the Regular Council Meeting Dates. The Mayor and City Clerk have the authority to modify meeting dates when necessary.

**4.02 Unfinished Business:**

In the event that a Council Meeting adjourns with matters on the Agenda which have not yet been reached, all matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council Meeting, unless the Members determine otherwise prior to the adjournment or the Head of Council calls for a Special Meeting.

**4.03 Extracted Items:**

When an item has been extracted from a consent agenda for separate debate, if the debate extends beyond 30 minutes, a Member of Council may put forward a resolution to defer the item to the next Council Meeting.

**4.04 Notice of Meeting and Agenda Distribution:**

It shall be the responsibility of the City Clerk to forward to Members all Agendas for Regular Planning Advisory Committee Council and Committee of the Whole Meetings not later than the Wednesday preceding the week in which the Meeting is to be held. Where that Wednesday is a statutory holiday, the material shall be distributed on the preceding Tuesday. For special Planning Advisory Committee and Council Meetings, the City Clerk shall forward to Members all Agendas a minimum of one business day in advance of the Meeting. Posting the Agenda on the website is considered as adequate Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council.

**4.05 Order of Proceedings:**

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

**4.06 Closed Session:**

Notwithstanding the exemptions defined under the Municipal Act, any part of a Meeting:

- a) may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) of the Municipal Act, 2001; and
- b) shall be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(3) of the Municipal Act, 2001.

**4.07 Resolution Required:**

Before holding any Closed Session, it shall be stated by resolution that: a Closed Session is to be held, identifying the nature of the matter to be considered, and the statutory authority under which the matter is to be considered.

**4.08 Voting in Closed Session:**

A Vote may only be taken during Closed Session where:

- a) the vote is for a procedural matter, including the receipt of information, or



- b) for giving direction or instruction to officers, employees or agents of the City, local board or persons retained by or under contract with the City.

#### **4.09 Confidentiality:**

No Member or staff person shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff members.

#### **4.10 Closed Session Record:**

**A record of any closed session shall be kept in the form of Minutes, and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings.**

#### **4.11 Meeting Adjournment:**

The hour for adjournment for all Council Meetings including Committee of the Whole shall be no later than 6 hours from the time of commencement and/or no later than 11:00 p.m. unless advance notice or with the approval of Council.

### **Section 5.00: Special and Emergency Meetings of Council**

#### **5.01 Special Meeting at the Call of the Head of Council:**

The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours' Notice through the City Clerk's office to the Members unless there is an emergency as defined.

#### **5.02 Emergency Meetings:**

- a) Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the City Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency.
- b) In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Head of Council or his designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the City's Emergency Response Plan or any other similar unforeseen circumstances.

**5.03 Business:**

The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Agenda of the Meeting. There will be no additions to the published agenda unless it pertains directly to the agenda item. .

**5.04 Order of Proceedings:**

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

**5.05 Place of Meeting:**

The location of a Special or Emergency Meeting shall be at the location identified on the published Agenda or, in the case of an Emergency Meeting, where the emergency renders that location inaccessible, the location will be specified in the City Clerk's communications to Members.

**Section 6.00: Planning Advisory Committee Meetings**

**6.01 Regular Planning Advisory Committee Meeting Dates and Time:**

Council shall adopt an annual calendar for each year setting the Regular Planning Advisory Committee Meeting Dates.

**6.02 Special Planning Advisory Committee Meeting Dates:**

The Head of Council or the Chair may at any time, summon a Special Planning Advisory Committee Meeting with twenty-four (24) hours' Notice through the City Clerk's office to the Members.

**6.03 Composition:**

The Planning Advisory Committee shall consist of seven (7) members, being the Mayor, three (3) Members of Council, and three (3) members of the public. Two (2) alternate Council Members for the Planning Advisory Committee, are to be identified and to be called upon to attend to ensure that a quorum is met when it becomes apparent that a member is not able to attend.

**6.04 Term of Appointment:**

The term of appointment shall be four (4) years for Council Members and for Members of the Public a two (2) year term. The members of the public shall be volunteer positions and shall be appointed in accordance with the established appointment policy.

**6.05 Order of Proceedings:**

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

**Section 7.00: Advisory Committee, Ad Hoc Committee and Task Force Meetings**

**7.01 Establish:**

An Advisory Committee, Ad Hoc Committee or Task Force may be formed by Council from time to time in accordance with established criteria and process.

**7.02 Meetings:**

Meetings shall be held at the call of the appointed chair of the Committee or Task Force. Agendas, setting out the time and place of the meeting, for the business to be conducted at the Meeting, shall be distributed by the Chair or Secretary of the Committee or Task Force, to all Members five (5) days prior to the meeting. The format of the Agenda and the order of proceedings, and the applicability of any portions of this By-law shall be within the control and at the discretion of the Committee or Task Force and in accordance with the Council adopted Terms of Reference. All other provisions of this By-law apply, with the appropriate amendments.

**7.03 Ex Officio:**

Where a policy of Council or Council appoints a Member to a Committee as an “ex officio” Member, including the Head of Council, that Member has all of the rights and privileges of all of the other Members of that Committee, including participation in debate, voting, receipt of notices, etc. unless otherwise stated by resolution or the associated approved terms of reference.

**7.04 Appointment of Council Member to Committee or Task Force:**

At the beginning of each term of Council, the Head of Council shall present a Report recommending the appointment of Members to the Planning Advisory Committee, Advisory Committees, Ad Hoc Committees, Task Forces, Management Boards and other required appointments.

**Section 8.00: Other Meetings**

**8.01 Committee of the Whole:**

Council shall hold regular Committee of the Whole meetings as stated in the approved Annual Meeting Schedule.

Special Meetings of the Committee of the Whole may be called by the Mayor or in their absence the Deputy Mayor or by the majority of members with the prescribed notice requirements.

Deputations and Presentations will be directed to the Committee of the Whole where appropriate.

The minutes will be forwarded to the next Regular Council Meeting to consider recommendations made by the Committee of the Whole.

#### **8.02 Drainage Matters:**

Council delegates its authority to the City of Kawartha Lakes Drainage Board in accordance with the *Drainage Act* R.S.O 1990, c. D.17 and the City of Kawartha Lakes Act. The City of Kawartha Lakes Drainage Board shall operate within the adopted Terms of Reference. The Agenda of all Drainage Board meetings shall be provided to all Members.

#### **8.03 Council as an Administrative Tribunal:**

From time to time, it shall be necessary for Council, or an appropriately appointed Ad Hoc Committee, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the *Statutory Powers Procedures Act*, R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.

#### **8.04 Public Meetings:**

From time to time, it shall be necessary for Council to preside over a public meeting to gather information prior to making a decision on a matter. Public Meetings shall be held in accordance with the Public Meeting Policy.

### **Section 9.00: Public Attendance and Communications**

#### **9.01 Presumption of Open Meetings:**

All Meetings shall be open to the public other than for the exceptions identified within the Municipal Act, 2001

#### **9.02 Public Input to Regular Meeting Agenda Item:**

- a) Any person wishing to address the assembly as a delegation on an issue identified as an item on an agenda yet to be issued, may do so by submitting a written request to the City Clerk's Office on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

- b) After the time prescribed in Section 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Council Meeting, must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the day preceding the start time of the Meeting at which they wish to appear. If the day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.
- c) After the time prescribed in 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Planning Meeting (other than the public meeting portion), must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the second day preceding the start time of the Meeting at which they wish to appear. If the second day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

### **9.03 Public Input to New Agenda Item:**

Any person wishing to address the assembly as a delegation on an issue not identified on an issued agenda, must submit to the City Clerk, a signed, written brief, stating the agenda item that they wish to address to the assembly. The City Clerk shall place any item of this nature on a Committee of the Whole. The written request must be submitted to the City Clerk on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

### **9.04 Delegations in Urgent Matters:**

In the event that a proposed subject to be spoken to is of an urgent nature, the delegation request may be adopted as part of the Agenda, with leave of Council or Planning Advisory Committee, as applicable with the exception of a Member of Parliament and a Member of the Ontario Legislature who shall be automatically placed on the amended agenda.

### **9.05 Maximum Delegation Numbers:**

A maximum of five (5) delegations shall be allowed to address Council per Regular Council meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

A maximum of eight (8) delegations shall be allowed to address Planning Advisory Committee per Regular Planning Advisory Committee meeting. This number does not include anyone present who wishes to address Planning Advisory Committee at a statutory public meeting.

The maximum number of delegations at Council Information Meetings shall be determined in consultation with the Head of Council and CAO.

**9.06 Denial of Request to Speak or to Distribute Material:**

Council, or Planning Advisory Committee may refuse to hear Delegations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, or where it contains obscene or defamatory content.

**9.07 Rules of Conduct for Presentations:**

Persons addressing an assembly of Members shall observe the rules of conduct set out in this Section:

- a) Any person wishing to address the assembly with a presentation on a new issue, shall do so at a Council Information Meeting unless approved to present directly to Council or Planning Advisory Committee by the Head of Council and CAO.
- b) Presentations shall be limited to a maximum of thirty minutes.

**9.08 Rules of Conduct for Delegations:**

Persons addressing an assembly of Members shall observe the Rules of Conduct set out in this Section.

- (a) No printed material may be distributed on the Council Floor by a Delegation. Any material which a Delegation wishes to distribute must be provided to the City Clerk, no later than one (1) hour in advance of the relevant Meeting where the Delegation will be addressing the assembly pursuant to Section 10.07.
- (b) Where a Delegation does appear with material to distribute, they shall provide all copies directly to the City Clerk and shall not distribute anything directly to Members. The Mayor or Chair shall determine whether the material is to be distributed by the City Clerk at that Meeting, or whether it shall be retained to be considered.
- (c) Delegations who read from a printed script must provide the City Clerk with a copy of the script for the record. Delegations who present slide shows or computerized display presentations must provide the City Clerk with a copy at a minimum one hour prior to the meeting for the record.
- (d) All printed material submitted to the City Clerk must be legible, and must be signed and dated legibly. All printed material shall include an address and telephone number, or email address where return correspondence or contact is to be directed.

- (e) The City Clerk will only circulate materials that comply with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended.
- (f) Delegations must confine their remarks to the business stated in the communication to the City Clerk seeking Delegation status under Sections 10.06 or 10.07, as applicable.
- (g) Delegations are limited to a time period of not more than five (5) minutes in total unless approval is granted by the majority of assembly members. Delegations consisting of three or more persons shall be limited to two (2) speakers.
- (h) Delegations speaking to a matter, item or topic that the person has previously addressed at a Meeting shall be limited to a total time period of not more than two and one-half (2.5) minutes.
- (i) Delegations speaking to a matter, item or topic that has been discussed two times at a meeting and they have previously addressed at a Meeting shall not be allowed to address the issue a third time. If new information arises, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.
- (j) Delegations speaking to a matter relating to an appeal of a Council or staff decision shall be afforded one opportunity to address Council. If new information becomes available, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.
- (k) Delegations are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

#### **9.09 Rules of Conduct for Public Audience:**

Persons attending a Meeting, whether or not they are Delegations, shall observe the Rules of Conduct set out in this Section.

- (a) At all times, including recesses or breaks, all persons attending a Meeting shall be restricted to the Designated Area and shall not approach the Council Floor unless invited by the Mayor or Chair.
- (b) No shouting, cheering, booing, deliberate foot-stomping or any other unprofessional or un-businesslike conduct shall be tolerated by the Chair, at the discretion of the Chair.
- (c) Persons who are not Delegations may not address the assembly and shall not do so by shouting out, interrupting, or prompting a Delegation.

- (d) Signs, banners, emblems or flags, carried or otherwise, are not permitted in the Council Chambers or other location designated as the Council or Planning Advisory Committee Meeting place, without prior authorization of the Chair.
- (e) Profanity is strictly prohibited, whether it is audible or expressed through gesture.

#### **9.10 Time Extensions:**

If the Delegation has been requested by the City, or if the time limits established in Section 10.07 are deemed too restrictive by the Chair of the Meeting or by two-thirds of the Members present at the Meeting, the time limit may be increased in increments of five (5) minutes, at the discretion of the Chair or two-thirds of the Members in attendance.

#### **9.11 Petitions, Communications or Correspondence:**

Every petition, communication or correspondence to be placed on an Agenda of a Regular Council Meeting or Planning Advisory Committee Meeting shall be delivered to the City Clerk by 12:00 o'clock noon on the second day preceding the day upon which the Agenda for that Meeting is issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution). All communications or petitions received after the above delivery date and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Regular Meeting of Council or Planning Advisory Committee unless otherwise approved by the Head of Council and Chief Administrative Officer.

Motions to receive a Petition, refer the matter to City staff for consideration, or direct City Staff to report back to Council, are proper during this part of the Agenda without prior notice. Any other motion related to a Petition shall not be in order.

The City Clerk shall refuse to place documents on the agenda where the subject matter:

- a) Involves current or pending litigation;
- b) Involves insurance claims;
- c) Involves administrative complaints that have not been reported and investigated through the administrative process;
- d) Is beyond the jurisdiction of Council; or
- e) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

Petitions shall contain the printed name, signature, and some contact information of the individuals signing it. Signatures without contact information shall be redacted by the individual or group submitting the Petition or it will not be accepted by the City Clerk nor presented to Council.



No petition shall be considered valid and accepted by the City Clerk without the Name and Contact Information of the Person(s) Responsible for the Contents and Submission of the Petition to the municipality.

**9.12 Requests for Proclamations:**

Requests for Proclamations shall be forwarded to the Clerk for review. Only proclamations relevant to services or proclamations at the request of a member of Council and approved by the Mayor will be included on Council meeting Agendas.

Requests for Proclamations from individuals shall not be placed on a Council Agenda. The requestor shall be notified that the Council of the City of Kawartha Lakes does not partake in the Declaration of Proclamations

**9.13 Expulsion:**

The Chair of any Meeting may exclude any persons from the Council Chamber or Meeting Room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.

**9.14 Exemption:**

This By-law does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area sanctioned by the Chair.

**Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)**

**11.01 Quorum:**

Five (5) Members shall constitute a quorum for Regular, Special, Information and Emergency Meetings of Council and Committee of the Whole. For the Planning Advisory Committee and all other types of Meetings, a quorum is made up of a majority of Members.

**11.02 Special Case Quorum:**

Notwithstanding Section 11.01, when a majority of the Members have disclosed pecuniary interests to a matter in accordance with this By-law and/or the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two.

### **11.03 Meeting Commencement/Absence of Chair:**

As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Acting Head of Council (Deputy Mayor) or Vice Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Acting Head of Council (Deputy Mayor) or Vice Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Head of Council or Chair and the Acting Head of Council or Vice Chair, the City Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Head of Council or Acting Head of Council (Deputy Mayor) or Chair or Vice Chair. While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

### **11.04 Failure to Achieve Quorum:**

If there is not a quorum within thirty minutes after the appointed commencement time for any Meeting, the City Clerk (in the case of a Council or Committee of the Whole Meeting) or the Recording Secretary (in the case of a Task Force, Advisory Committee, Ad Hoc Committee or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Meeting as the case may be.

### **11.05 General Duties of the Chair of a Meeting:**

The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:

- (a) Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;
- (b) Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;
- (c) Receive and submit, in the proper manner, all Motions presented by the Members;
- (d) Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;
- (e) Decline to put to vote Motions that infringe on the rules of procedure;
- (f) Restrain Members, within the rules of order, when engaged in debate;

- (g) Enforce, on all occasions, the observance of order and decorum among the Members and the attending members of the public;
- (h) Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.
- (i) Receive all messages and other communications and announce them to the Meeting assembly;
- (j) Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;
- (k) Ensure that the decisions and recommendations made at Meetings are in conformity with the Procedural By-law, Terms of Reference if applicable, laws and by-laws governing activities of same;
- (l) Adjourn the Meeting when the business is concluded;
- (m) At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;
- (n) Notwithstanding Section 11.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;
- (o) Where the Chair is the Head of Council or the Acting Head of Council, he or she shall authenticate, by his or her signature when necessary, all by-laws, resolutions and minutes of the Council; and
- (p) In the case of grave disorder arising in the designated Meeting Room, the Chair has the duty to adjourn the Meeting without questions having been put.

#### **11.06 Duties of the Chair In Directing Debate:**

During the course of debate, the Chair shall:

- (a) Designate the Member who has the floor when two or more Members raise their hands to speak;
- (b) Preserve order and decide questions of order; and
- (c) Ensure all Motions presented are clear to the Members before permitting debate on the question, except when otherwise provided in this By-law.

#### **11.07 Acting Head of Council:**

In the absence of the Head of Council (Mayor), the Deputy Mayor shall act as the Head of Council with all of the powers, duties, rights and obligations of the Head of Council. In the absence of the Mayor and Deputy Mayor, Council shall appoint an Acting Head of Council.

#### **11.08 Participation by Chair:**

The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, he or she shall leave the Chair for that purpose and shall call upon another Member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the Meeting.

#### **11.09 Rules of Conduct for Members:**

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- (a) No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Delegations in attendance.
- (b) No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.
- (c) No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.
- (d) No Member shall speak until he or she has addressed himself or herself to the Chair.
- (e) No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his or her seat while a vote is being taken and until the result thereof is declared.
- (f) No Member shall ignore a dress standard for Meetings agreed to by the majority of Members of Council.
- (g) No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.

- (h) No Member shall, in addressing the assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.
- (i) No Member shall, in addressing the assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.
- (j) No Member shall, in addressing the assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.
- (k) No Member shall, in addressing the assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.

#### **11.10 Members Shall Vote:**

Every Member physically present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests in the question. Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations in the Agenda. However, if an interest is overlooked or becomes evident to any Member later in the meeting, as a result of discussion or otherwise, a Member shall disclose his or her interest at the first opportunity, and afterwards, he or she shall refrain from taking part in the discussion, shall vacate his or her seat and refrain from voting on the particular question. If any Member at a Meeting declines to vote when a question is put and a recorded vote taken, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

#### **11.11 Rules of Conduct for Members During Debate:**

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

- (a) Every Member, when speaking to any question or Motion, shall respectfully address the Chair.
- (b) When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.
- (c) Any 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 while speaking.

- (d) No Member shall speak to the same question for longer than five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes may be granted.
- (e) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.
- (f) All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.
- (g) Questions may be asked only:
  - 1. of a Delegation after he or she has spoken, in accordance with this By-law;
  - 2. the previous speaker;
  - 3. of the Chair; or
  - 4. of an Official of the City, through the Chair, on the matter under debate.

#### **11.12 Closed Session Disclosures of Interest:**

Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be provided in writing and recorded in the minutes of the open Meeting.

#### **11.13 Motions without Notice:**

The types of Motions listed in this Section may be introduced orally without written Notice and without leave:

- (a) A Point of Order;
- (b) Presentation of petitions;
- (c) Motions to suspend a rule of procedure or in compliance with a rule of procedure;
- (d) Motions to adjourn (which are not debatable);
- (e) Motions that the vote now be taken;
- (f) Motions that Council resolve itself into Committee of the Whole (which are not debatable);
- (g) any matter where the assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.

**11.14 Putting a Question:**

A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

**11.15 Dividing a Question:**

When the Motion under consideration concerns two or more matters, upon the request of any Member stating clearly where the Motion is divided, the vote upon each matter shall be taken separately and this shall be non-debatable.

**11.16 Withdrawal of Motion:**

After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion.

**11.17 Subsequent Motions:**

When a Motion is under debate, no other Motion shall be in order except a Motion:

- (a) to adjourn;
- (b) to extend the hour (pursuant to Section 4.02);
- (c) to table;
- (d) to put the question (close the debate);
- (e) to postpone or defer;
- (f) to refer; or
- (g) to amend.

**11.18 Motions to Adjourn:**

A Motion to adjourn shall:

- (a) not be amended;
- (b) not be debated;
- (c) not include qualifications or additional statements; and
- (d) always be in order, except when a Member is speaking or the Members are voting, or when made in Committee of the Whole (except as noted in 11.39 d))

When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

**11.19 Motions to Extend the Hour:**

A Motion to extend the hour (Section 4.02) shall:

- (a) not be amended;
- (b) not be debated; and
- (c) always be in order, except when a Member is speaking or the Members are voting.
- d) shall be made in open session

**11.20 Motions to Table:**

A Motion to table shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and
- (d) not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the Meeting.

**11.21 Motions to Postpone or Defer:**

A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

- (a) not be amended;
- (b) be debated only as to the time period of deferral or postponement;
- (c) apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and
- (d) not include qualifications or additional statements.



If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion.

#### **11.22 Motions to Put the Question:**

A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and

If a Motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

#### **11.23 Motions to Refer:**

A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

#### **11.24 Motions to Amend:**

A Motion to amend a Motion in possession of the assembly shall:

- (a) receive disposition of Council or Committee of Council before a previous amendment or the question;
- (b) be open to debate;
- (c) not be further amended more than once provided that the further amendment may be made to the main question;
- (d) be relevant to the question to be received; and

(e) not be received proposing a direct negative to the question.

#### **11.25 Motions to Reconsider/Rescind:**

**Motion to Rescind:** A motion to rescind a Motion previously adopted by the Assembly may be carried to cease the force and effect of a previously adopted motion. A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted. A motion to rescind can be moved by a member on the prevailing side at anytime or by any member, regardless of how the member voted on the original question following a 365 day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.

Without previous notice of motion, the motion to rescind requires a two-thirds vote. This provision cannot be waived.

**Motions to Reconsider:** The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

A motion to reconsider cannot be renewed except by unanimous consent.

#### **11.26 Motion Beyond Jurisdiction:**

A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order and shall not be placed on the Agenda

#### **11.27 Receipt of Motions:**

Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.

#### **11.28 Order of Debate of Motions:**

The rules for order of discussion shall be as set out in this Section.

- (a) In general, and subject to the provisions of clauses (b) through (d), the order of discussion shall proceed as follows:
  - 1. Mover;
  - 2. Seconder;
  - 3. Any other Member who may wish to speak; and
  - 4. The mover in summary of their position prior to the Chair calling for the vote.
- (b) The mover, with leave of the Chair, may speak again in order to clarify a material part of his or her Motion which may have been misunderstood.
- (c) No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same question so long as any Member who has not spoken on that question seeks the floor.
- (d) Each Member shall confine his or her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.

#### **11.29 Voting on Questions:**

When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.

#### **11.30 Reading of Motions:**

Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall ensure the question in the form in which it will be recorded in the minutes is read aloud if requested.

#### **11.31 Motions to Amend:**

The vote on amending Motions shall be conducted in the following order:

- (a) a Motion to amend a Motion to amend the main Motion;
- (b) A Motion (as amended or not) to amend the main Motion; and
- (c) the main Motion (as amended or not)

**11.32 Cessation of Debate:**

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

**11.33 Method of Voting:**

Subject to this Section, the manner of determining the decision of the assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Meeting shall not be by secret ballot or by any other method of secret voting.

**11.34 Binding Resolutions:**

Any resolution shall require affirmative votes in order to be valid and binding on Council. Any questions on which there is an equality of votes shall be deemed to be negative. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority present at the Meeting, or as set out under provincial legislation.

**11.35 Results:**

The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the City Clerk to record the vote accordingly.

**11.36 Tie Votes:**

Any questions on which there is an equality of votes is deemed to be negative.

**11.37 Recorded Votes:**

Subject to this By-law, a recorded vote may be requested at Council Meetings by any Member for any Motion, at any time. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)

**11.38 Procedure for Recorded Votes:**

When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the meeting must vote in random order as called by the City Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and those who voted against shall be noted in the minutes. The City Clerk shall call the names of the Members and the Chair shall announce the results. Members who do not vote

(excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the negative.

#### **11.39 Procedural Rules for Committee of the Whole, Committees, Boards and Task Forces:**

The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:

- (a) The number of times of speaking on any question shall not be limited;
- (b) No recorded vote shall be permitted;

#### **11.40 Notice of Motion:**

When a Member wishes to present a Notice of Motion, generally for the purpose to change an established policy of the organization, the rules governing the procedure shall be observed as follows:

- a) A member wishing to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the City Clerk not later than Monday noon the week preceding the regular meeting of council at which notice of the Motion is to be given.
- b) the City Clerk, upon receipt of a Notice of Motion, shall print the motion in full in the agenda for the next regular meeting of the Council.
- c) A Notice of Motion shall not be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting.
- d) Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;
- e) A Notice of Motion that is called for by the Head of Council at two (2) meetings of the Council and has not been proceeded with shall be removed from the agenda unless otherwise directed to Committee by Council.

#### **11.41 By-law versus Resolution**

A “**by-law**” shall be used, but is not limited to implementing policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a

municipal corporation and whether it is being transacted under the *Municipal Act, 2001*, as amended.

A “**resolution**” is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

#### **11.42 New or Other Business:**

When a Member desires to introduce a new business item at a meeting, the member shall provide to the City Clerk, a written Memorandum on the established form within the established time lines for agenda preparation. The Memorandum shall contain background information and the Member’s Recommendation for action on the issue.

#### **11.43 Point of Order:**

A Point of Order is a tool used by a Member when they wish to exercise their right to address the Chair on a procedural matter. The rules governing the procedure shall be observed as follows:

- a) A Member may raise a Point of Order directing attention to a matter that affects the rights of the Member or Members.
- b) A Point of Order shall take precedence over any other matter except during the verification of a vote.
- c) A member shall state the Point of Order to the Chair at the time of occurrence.
- d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order.
- e) The Chair shall decide upon the Point of Order and advise the Members of the decision.
- f) Unless a member immediately appeals the Chair’s decision, the decision of the Chair shall be final;
- g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?”. The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- h) When the matter has been determined to be a Point of Order, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Order.

#### **11.44 Point of Privilege:**

A Point of Privilege is a tool used by a Member when they wish to exercise their right to address the Chair on a personal matter dealing with the integrity of the Member. The rules governing the procedure shall be observed as follows:

- a) A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member.
- b) A Point of Privilege shall take precedence over any other matter except during the verification of a vote.
- c) A member shall state the Point of Privilege to the Chair at the time of occurrence.
- d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.
- e) The Chair shall decide upon the Point of Privilege and advise the Members of the decision.
- f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;
- g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.
- h) When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Privilege.

#### **11.45 Order of Precedence:**

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- a) to request information
- b) to request that the vote be taken (call the question)
- c) to limit or extend the debate
- d) to defer (to another meeting, date, indefinitely)
- e) to refer (to another committee, administration)

- f) to amend

#### **11.46 Non-Debatable Motions**

- a) to adjourn
- b) to close, limit or extend debate
- c) to lay on the table (to table)
- d) questions of privilege
- e) to suspend the rules.

### **Section 12.00: Meeting Minutes**

#### **12.01 Requirement for Minutes for Council:**

The City Clerk or designate shall be present at all Meetings of Council and shall duly record the Minutes of the Meeting required by this Section.

#### **12.02 Requirement for Minutes for Planning Advisory Committees:**

The Recording Secretary or designate shall be present at all Meetings of Planning Advisory Committee and shall duly record the Minutes of the Meeting required by this Section.

#### **12.03 Requirements for Minutes for Advisory Committees:**

The Recording Secretary or designate shall record all Minutes of Advisory Committees in the same manner as set out in the Municipal Act for Council Meetings.

#### **12.04 Minute Contents (Open Session):**

All minutes shall record the following

- (a) The place, date and time of Meeting;
- (b) The names of the Chair or Chairs and record of attendance of the Members;
- (c) The reading, if requested, correction and adoption of the minutes of the prior Meeting; and
- (d) All other proceedings of the Meeting without note or comment.



#### **12.05 Minute Contents (Closed Session):**

All minutes of a Closed Session shall be recorded in separate minutes, closed to the public, and shall include the same information as is set out in Section 12.03.

#### **12.06 Adoption of Minutes:**

The minutes of a Council, Special, Planning Advisory Committee or Council Information Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). Minutes of a Closed Session of Council, Planning Advisory Committee shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.

#### **12.07 Reading Minutes:**

In presenting the minutes of any Meeting for adoption, it shall not be necessary for the City Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.

#### **12.08 Requirement for Minutes:**

##### **Committee of Adjustment, Drainage Board, Advisory Committee, Ad Hoc Committee, Task Force or Board of Management:**

Minutes of Meetings are the responsibility of the Secretary of the body, and must be submitted to the Clerk for circulation. The receipt by the Council of the minutes is a procedural matter, and does not affect the validity or effect of the resolution recorded in the minutes. It does not adopt or ratify any action taken by the Advisory Committee, Ad Hoc Committee, Task Force or Management Board in question. If an Advisory Committee, Ad Hoc Committee, Task Force or Management Board requires adoption of recommendations, same must be specifically set out in a report to Council, and not simply contained within the Meeting minutes.

### **Section 13:00: By-Laws**

#### **13.01 Form:**

Every by-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. Recitals will include references to resolution numbers that are applicable to the by-law. By-laws so introduced shall be complete with

the exception of the by-law number, date of readings and passage and signatures of the Head of Council and City Clerk.

### **13.02 Readings:**

Every by-law shall have three readings prior to passage. By-laws may be presented as a consent agenda. All by-laws will be passed in one motion with Council having the ability to extract single items to be dealt with on an individual basis which includes introducing amendments. The City Clerk shall exclude any by-law from the consent section that does not require all three readings.

#### **By-laws introduced through consent**

A member of Council will introduce all three readings of a by-law within the same Motion, duly moved and seconded. This Motion must specify the title of the by-law or with the consent of Council only include By-law Numbers.

#### **By-laws introduced on an individual basis**

A member of Council will introduce a by-law with its first and second reading which must specify the title of the by-law. Where this procedure occurs the by-law may be amended before third reading shall be put to vote immediately following the amendment. The third reading of a by-law shall be decided without amendment or debate.

### **13.03 Formal Records:**

Every by-law enacted by Council shall be numbered and dated, signed by the Head of Council and City Clerk or their designates appointed by by-law or statute and sealed with the seal of the City. The City Clerk shall ensure that all by-laws are properly stored for safekeeping.

### **13.04 Confirmation By-laws:**

At the end of each Council Meeting, a by-law will be enacted to confirm all Motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate by-law duly enacted, except where the prior approval of the Ontario Municipal Board or any other body or agency is required. A Motion to pass a by-law to confirm the proceedings of a Meeting of Council shall be voted on without debate.

## **Section 14.00: Amendments to, and Suspensions of, this By-law**

### **14.01 Suspension:**

Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law.

**14.02 Notice:**

No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.

**14.03 Voting Requirement:**

Amendment to this by-law shall require an affirmative vote of two-thirds of Council present.

**Section 15.00: Administration and Effective Date**

**15.01 Administration:**

The City Clerk is responsible for the administration of this by-law.

**15.02 Force and Effect:**

This By-law shall come into force on the date it is finally passed.

**Section 16.00: Repeals**

16.01 **Repeal:** By-law 2014-266, a By-law to adopt the Procedural By-law is repealed.

By-law read a first, second and third time, and finally passed, this 25day of September, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk