

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 5125-19**

PROCEDURE BY-LAW OF THE CORPORATION OF THE  
TOWN OF NIAGARA-ON-THE-LAKE (rescind By-law  
4675-13 and amendments thereto)

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

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

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

**1. DEFINITIONS:**

- 1.1. All capitalized words not defined in this section or elsewhere in this by-law shall have the meaning ascribed to them in the Act. The following terms have the following meanings: Advisory Committees of Council include: Community & Development, Corporate Services, Parks & Recreation and Public Works and consist of all members of Council also known as Committee of the Whole “COTW”. – By-law 5125B-20
- 1.2. “Agenda” shall mean the order of business for the Meeting which can be prepared in paper or electronically.
- 1.3. “Chair” shall mean the Member who is nominated by the Lord Mayor and approved by Council, to act as the Presiding Officer at Meetings of COTW, and the member of a Committee selected by the Committee to act as the Presiding Officer at meetings of a Committee. The “chair” shall mean the seat of office or authority of the Presiding Officer at Meetings.
- 1.4. “Clerk” shall mean the Clerk or designate of the Corporation of the Town of Niagara-on-the-Lake.
- 1.5. “Committee” shall mean a committee appointed by Council.
- 1.6. “Council” shall mean all councillors of the Town, whether present or absent from a Meeting.

- 1.7. “Deputy Lord Mayor” shall mean a Member of Council who is appointed to act from time to time in the place of the Lord Mayor when the Lord Mayor is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, such Member has and may exercise all of the rights, powers and authority of Head of Council.
- 1.8. “Electronic Participation” means participation in a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance; - 5125A-19
- 1.9. “Emergency” shall mean any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.01 of the Emergency Management and Civil Protection Act; - 5125A-19
- 1.10. “Lord Mayor” shall mean the Head of Council of the Town.
- 1.11. “Main Motion” is a formal proposal, by a Member or a Committee, whose introduction brings business before the Meeting for consideration.
- 1.12. “Meeting” means any meeting of Council or of a Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council or the Committee;
- 1.13. “Members” shall mean the members of Council, and “Member” shall mean an individual member of Council.
- 1.14. “Motion to Postpone” is a proposal by a Member to defer a matter to a specified later time in the Meeting or to the next Meeting. A Motion to Postpone is also commonly known as a motion to defer.
- 1.15. “Motion to Refer” is a proposal by a Member to send a subject or a Main Motion to a Committee or staff so that the subject or Main Motion may be carefully investigated, and for the Committee or staff to eventually return the subject or Main Motion with a recommendation for further action or, if appropriate, no action.
- 1.16. “Presiding Officer” shall refer to any of the Lord Mayor, Deputy Lord Mayor or any other member of Council who is presiding over Council or a Committee. It shall also refer to the Chair, or Vice-Chair, when presiding over a Meeting of COTW.
- 1.17. “Previous Question” is a proposal by a Member that debate be closed and the vote taken immediately. A Previous Question is also commonly known as call the question.
- 1.18. “Quorum” is the majority of Members.

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

2. GENERAL

- 2.1. In all proceedings of Council, the COTW and Committees, unless a different procedure by-law has been enacted with respect to the Committee, the following rules and regulations shall apply and be observed and shall be the rules and regulations for the order and dispatch of business.
- 2.2. The rules and procedures contained herein may be suspended, at such times and upon such conditions as may be deemed appropriate, by an affirmative vote of Two Thirds of Council.
- 2.3. In all matters, points of order or questions of procedure arising, and not provided for in the rules herein contained, proceedings in Council, COTW and in Committees shall be governed by Roberts Rules in so far as they are not inconsistent with this by-law or the Act.
- 2.4. Matters of procedure not governed by this by-law or dealt with in Roberts Rules shall be decided by a majority vote of Members present.
- 2.5. This by-law shall not be amended or repealed except by Two Thirds of Council, but no such amendment or repeal shall be considered at any Meeting of Council unless notice of the

proposed amendment or repeal has been given at a previous regular Meeting of Council.

### 3. MEETINGS OF COUNCIL

#### 3.1. *Inaugural Meeting*

3.1.1. The inaugural Meeting of the new Council shall be held within five (5) business days after the new Council takes power as per the Act. The inaugural Meeting is to be set by the Lord Mayor as to time and location. Any reception following the inaugural procedure will be open to the public in attendance.

3.1.2. At the inaugural Meeting of each new Council, a Deputy Lord Mayor will be filled by by-law, by the Councillor who received the greatest number of votes in the election, who in the absence of the Lord Mayor shall act in his/her place and shall preside at the Council Meetings with all powers and obligations of the Lord Mayor.

3.1.3. At the inaugural Meeting of the new Council, the Lord Mayor shall nominate for approval by Council, the appointments to the Chair for each COTW meeting. The Chairs shall rotate annually with every Councillor being a Chair at least once in the term of Council.

#### 3.2. *Schedule of Meetings*

3.2.1. The Clerk will prepare a schedule of Meetings for Council, COTW Planning and COTW General in the current year for the next year, well in advance, in order that a schedule of meetings can be laid out. The Meeting schedule will be determined such that a Meeting not fall on a Statutory Holiday or on the Monday of Spring Break. The time of the Meetings will be 6:00 p.m., unless otherwise called by the Lord Mayor. – 5125B-20

#### 3.3. *Extension of Meeting*

3.3.1. When at any session of Council, COTW or a Committee, the hour of 10:30 p.m. shall be reached, the Lord Mayor or Presiding Officer shall declare the Meeting adjourned and leave the chair, unless by an affirmative vote of Two-Thirds of Council a motion is made to extend. The motion to extend requires that the rule with respect to the end of the Meeting be suspended to finish the agenda at a specific time or until specific Agenda items are completed, unless by an affirmative vote of Two-Thirds of Council a motion is made to extend for no more than a further thirty (30) minutes.

#### 3.4. *Special Meeting*

3.4.1. The Lord Mayor shall summon a special Meeting whenever requested by a majority of the other Members. The Meeting will be announced no later than the Thursday prior to the Meeting except in the case of an emergency.

- 3.4.2. The Clerk shall summon a special Meeting whenever requested by written petition of a majority of the Members, for the purpose and at the time mentioned in the petition.
- 3.4.3. No business may be dealt with at a Special Meeting of Council other than that specified on the agenda. – By-law 5125B-20

3.5 *Cancellation of Meeting*

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

4. NOTICE OF MEETINGS

4.1. Notice of Regular Meetings

4.1.1. Notice of each regular meeting of Council, COTW or Committee meeting will be published so as to be received not later than 48 hours before the hour appointed for the meeting.

4.1.2. The Agenda shall be considered as adequate notice of regular meetings.

4.2. Notice of Special Meetings

4.2.1. Notice of special meetings called in accordance with section 3.4 of this by-law shall be sent electronically to each member so as to be received not later than 24 hours before the hour appointed for the special meeting.

4.3. Notice of Emergency Meetings

4.3.1. Notwithstanding any other provision of this by-law, an emergency meeting may be held, without written notice, to deal with an emergency situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

4.4. Lack of receipt of a notice or of the Agenda by the members or the public shall not affect the validity of the meeting or any action taken thereat. – 5125B-20

5. CONDUCT OF MEETINGS

5.1. *Calling Council Meeting To Order*

5.1.1. As soon after the hour set for the regular Meeting of Council, or as soon after the hour as set by the notice calling a special Meeting, a Quorum is present, the Lord Mayor shall take the chair and call Council to order.

- 5.1.2. In the event the Lord Mayor is not present within fifteen (15) minutes of the time appointed for the Meeting, and a Quorum is present, the Deputy Mayor shall call Council to order and shall preside during the Meeting or until the arrival of the Lord Mayor.
- 5.1.3. In the absence of the Lord Mayor, or if his or her office is vacant or if he or she refuses to act, and in the absence of the Deputy Lord Mayor, the Clerk shall call Council to order and, if a Quorum is present, the Members shall choose a Presiding Officer by a majority vote and the Presiding Officer shall have all of the powers of the Lord Mayor during such absence or vacancy or refusal to act.
- 5.1.4. If there is no Quorum present within fifteen (15) minutes after the hour set for a regular Meeting of Council or within fifteen (15) minutes of the hour appointed in the notice calling a special Meeting, the Clerk shall call the roll and take down the names of the Members then present and Council shall stand adjourned until the next regular Meeting or until any special Meeting is called.
- 5.1.5. Members of Council may participate electronically in a meeting which is open to the public. Any such member shall only be counted in determining whether or not a quorum of members is present when an Emergency has been declared.
- 5.2. Agenda
  - 5.2.1. Prior to each Meeting, an Agenda complete with all documents referenced in the Agenda shall be prepared to be brought before Council and COTW.
  - 5.2.2. All documents referred to in the agenda shall be published no later than 5 p.m. on the Thursday immediately prior to the either the Committee of the Whole or Council Meeting, as the case may be.
  - 5.2.3. All reports, notices, motions and any other material to be included in the agenda for a regular meeting shall be delivered to the Clerk, by 9:00 a.m. on the Thursday preceding the regular meeting.
  - 5.2.4. In no event shall documents or items be added to the Agenda after publication thereof except by a two thirds majority vote of Council.
  - 5.2.5. Delegations are added to the Agenda as per the Delegation Policy of Council attached as Schedule "A", which is subject to change.
  - 5.2.6. In no event shall documents or items be added to the Agenda thereafter, with the exception of business added under section 5.8.

– 5125B-20

### 5.3. Order of Business

- 5.3.1 As soon as a Meeting is called to order the business of the Meeting shall be dealt with in the following order, unless the order is altered by the Lord Mayor:
- CALL TO ORDER
  - FOCUS STATEMENT
  - O'CANADA
  - ADOPTION OF AGENDA
  - CONFLICT OF INTEREST
  - NEXT COMMITTEE OF THE WHOLE AND COUNCIL MEETING DATES
  - MINUTES
  - DELEGATIONS
  - RESPONSE TO DELEGATIONS FROM COUNCIL
  - COMMITTEE REPORTS
  - BY-LAWS
    - a) By-laws to be read a first and second time
    - b) By-laws to be read a third time and passed
    - c) By-laws to be read a first, second and third time and passed
  - CORRESPONDENCE AND MOTIONS
  - NOTICE OF MOTION
  - NEW BUSINESS
  - LORD MAYOR'S REPORT, ANNOUNCEMENTS AND REMARKS
  - MEMBERS' ANNOUNCEMENTS
  - CLOSED SESSION
  - PROCEEDINGS BY-LAW
  - ADJOURNMENT
- 5.4. *Changing Order of Agenda*
- 5.4.1. All business shall be taken up in the order as shown on the Agenda unless the order is altered by the Lord Mayor. It shall be the duty of the Clerk to ensure that the Agenda for each Meeting of Council is available to each Member on the Thursday prior to the Meeting.
- 5.5. *Delegations.*
- 5.5.1. The Delegation Policy of Council, attached as Schedule "A" shall govern the delegation process. Council may vary from the Delegation Policy with a vote of Two Thirds of Council.
- 5.6. *By-laws*
- 5.6.1. Every by-law which requires first and second reading shall be introduced by a motion for leave specifying the by-law number and the motion shall be in the following words: "That leave be given to

introduce By-law Nos. (here shall be listed the numbers of all by-laws introduced for first and second reading) and that the same be now read a first and second time.”

- 5.6.2. Every by-law proposed to be presented for third reading shall be presented by a motion for leave and the motion shall be in the following words: “That leave be given to introduce By-law Nos. (here shall be listed the numbers of all by-laws introduced for third reading) and that the same having been read a first and second time, be now considered read a third time and passed, any ruling of this Council to the contrary notwithstanding.”
- 5.6.3. Every by-law proposed to be presented for first, second and third reading, shall be introduced by a motion for leave specifying the by-law number and the motion shall be in the following words: “That leave be given to introduce By-law Nos. (here shall be listed the numbers of all by-laws introduced for first, second and third reading) and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.”
- 5.6.4. Upon the request of any Member of Council that a by-law be considered separately, it shall, without debate, be lifted from the motion and introduced and voted on separately and recorded as such in the minutes.
- 5.6.5. Motions of amendment with respect to a by-law need not be in writing unless the effect of such amendment, in the opinion of the Presiding Officer, would be to substantially change the intent of the by-law.
- 5.6.6. No by-law shall be introduced in blank or with substantive blanks.
- 5.6.7. Every by-law may receive three (3) readings and be passed upon the same day. However, nothing in this by-law prevents a by-law receiving first and second reading and third reading upon different days previous to it being passed.
- 5.6.8. No by-law shall be passed except by the votes of the majority of Members or by such votes as may be required by this by-law or the Act.
- 5.6.9. The Clerk shall endorse upon all by-laws read in Council and adopted, the dates of the several readings thereof and shall be responsible for the inclusion of any amendments.
- 5.6.10. Every by-law which is enacted by Council shall be signed by the Lord Mayor, or Presiding Officer who presided at the Meeting at which the by-law was passed, and by the Clerk and shall be under the seal of the Town and shall be deposited with the Clerk for custody.



5.7. *Notice of Motion*

5.7.1. A notice of motion may be introduced by any Member at a regular Meeting of Council or COTW for consideration at the next or a subsequent regular Meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered.

5.7.2. All Notices of Motion must be received by the Clerk by 12:00 p.m. on the Tuesday prior to the Meeting at which the motion is to be considered. – 5125B-20

5.8. *Introduction of Business*

5.8.1. When a notice of motion has not been given, New Business may be introduced at a regular Meeting under adoption of the Agenda. Notwithstanding the above, no motion for the appropriation of any money, nor the appointment to any office shall be made when a notice of motion has not been given, except with the consent of Two Thirds of Council.

5.8.2. For the purpose of Article 5.8.1, new business shall not include any question, motion or matter which has been considered in any previous Council or COTW Meeting this term.

5.9. *Rules of Debate and Decorum*

5.9.1. The Presiding Officer shall enforce the rules of debate and shall preserve order and decorum, subject to appeal to Council by motion. The motion to appeal, in this instance, is not debatable and shall be voted on immediately in the form “Shall the decision of the Presiding Officer be upheld?”

5.9.2. If the Presiding Officer desires to take part in a debate or to leave the chair for any other reason, the Presiding Officer shall appoint another Member to act until the Presiding Officer resumes the chair.

5.9.3. Every Member, upon rising to speak to any question, motion or matter shall address their remarks through the Presiding Officer.

5.9.4. When two (2) or more Members arise to speak at the same moment, the Presiding Officer shall name the Member who shall speak first.

5.9.5. When the Presiding Officer is putting a question or motion, no Member may leave their place or make any noise or disturbance.

5.9.6. No Member shall interrupt a Member who has the floor except to raise a point of order, to ask a question of privilege, to ask a question of Quorum, to ask that the vote be taken again (division of council), or to call for orders of the day.

5.9.7. No Member shall:

- 1) use offensive words;

- 2) speak beside the question or motion in debate;
- 3) reflect upon the vote except for the purpose of moving that such vote be rescinded or reconsidered;
- 4) refuse to obey the rules, or
- 5) disobey a decision of the Presiding Officer on questions of order or practice. In the case of a Member using offensive words, refusing to obey the rules or refusing to obey the orders of the Presiding Officer, the Presiding Officer may order the Member to leave the Meeting. If ample apology, in the opinion of the Presiding Officer, is made by the offending Member, the Member may be permitted, by a majority vote of those Members present, to resume the Member's seat or to resume addressing the Members of the Meeting as the case may be.

- 5.9.8. Any Member at any time during debate, but not so as to interrupt a Member then speaking, may request that the question, motion or matter under discussion be read.
- 5.9.9. No Member, without leave of the Presiding Officer, shall speak more than once to the same question, motion or matter except in explanation of a material part of the speech which may have been misconceived and, in doing so shall not introduce any new matter.
- 5.9.10. No Member, without leave of the Presiding Officer, shall speak to the same question, motion or matter or in reply, for a longer period than ten (10) minutes, except that a Member who has moved a main motion or resolution shall be allowed to reply.
- 5.9.11. When a vote is called for, the Members present shall immediately take their respective places and shall remain seated until the Presiding Officer has declared the result of the vote.
- 5.9.12. The Members shall not leave their respective places upon adjournment until after the Presiding Officer declares the Meeting adjourned, except with leave of the Presiding Officer.
- 5.9.13. Non-alcoholic beverages may be consumed, but food shall not be permitted in the Council Chambers during a Meeting.
- 5.9.14. The Meetings shall be open to the public and no person shall be excluded except for improper conduct or for closed session meetings as per the Act.
- 5.9.15. The Presiding Officer may expel or exclude from any Meeting any person who has committed improper conduct at the Meeting. Improper conduct shall include, but is not limited to, disorderly conduct, verbal abuse, and interference with the Meeting, Members, or the public in attendance, in any way, and whether an individual's conduct was improper shall be determined at the sole

and unfettered discretion of the Presiding Officer, whose decision is final and not subject to appeal.

5.10. Meetings Under Declared Emergency

Members of Council may participate electronically in any Council meeting during an Emergency in accordance with the following procedures:

- 5.10.1. Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting during an Emergency.
- 5.10.2. Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote, through a recorded vote recorded by the Clerk as if they were attending the meeting in person.
- 5.10.3. An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
- 5.10.4. An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Town Clerk prior to the start of the Electronic Meeting, and shall be provided to members at the meeting.
- 5.10.5. Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means. -5125A-19

6. MOTIONS

6.1. *Motions Generally*

- 6.1.1. All substantive motions shall be in writing and seconded before being presented to the Presiding Officer. When a motion is presented, it shall be read by the Clerk before debate and shall be read again before being voted on.
- 6.1.2. After a motion is read by the Clerk, it shall be deemed to be in the possession of the Members but, with the permission of the Members, may be withdrawn at any time by the mover of the motion before decision or amendment.
- 6.1.3. Subject to Article 6.2 when a Main Motion is under debate, no other motion shall be received except a motion for the following purposes:
  - 1) to postpone the Main Motion indefinitely;
  - 2) to amend the Main Motion;
  - 3) to refer the Main Motion to a Committee;
  - 4) to postpone the Main Motion to a definite time;
  - 5) to limit debate or extend debate;

- 6) to move the previous question or questions;
- 7) to table the Main Motion; or
- 8) other procedural motions, such as point of order, as deemed appropriate by the Presiding Officer.

6.1.4. Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges contained in this by-law, the Presiding Officer shall advise the Members and shall cite without argument or comment the rule applicable. A motion beyond the jurisdiction of Council shall not be received by the Presiding Officer and shall be ruled out of order.

## 6.2. *Specific Motions*

### 6.2.1. *Main Motion or Resolution*

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

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

### 6.2.2. *Postpone Indefinitely*

6.2.2.1. A Motion to Postpone indefinitely is fully debatable and shall:

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

### 6.2.3. *Amend*

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

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

### 6.2.4. *Refer to a Committee*

6.2.4.1. A Motion to Refer may be amended, and shall:

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

6.2.5. *Postpone to a Definite Time*

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

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

6.2.6. *Limit or Extend Debate*

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

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

6.2.7. *Previous Question (Close Debate)*

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

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

6.2.8. *Lay on the Table*

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

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

6.2.9. *Call for Orders of the Day*

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

6.2.10. *Raise a Question of Privilege*

6.2.10.1. A Member may raise a question of privilege to bring to the attention of the Presiding Officer the fact that the privileges of

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

6.2.11. *Recess*

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

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

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

6.2.12. *Adjourn*

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

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

6.2.13. *Fix the Time to Which to Adjourn*

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

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

6.2.14. *Point of Order*

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

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

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

6.2.15. *Appeal the Decision of the Presiding Officer*

6.2.15.1. A motion to appeal the decision of the Presiding Officer may be moved by a Member when the Member believes that the Presiding

Officer has ruled incorrectly and wishes the Council to decide the point of order or a question of privilege. A motion to appeal the decision of the Presiding Officer is debatable, and shall:

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

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

6.2.16. *Suspend the Rules*

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

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

6.2.17. *Division of the Question*

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

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

6.2.18. *Division of the Council*

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

6.2.19. *Point of Information*

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

6.2.20. *Motion to Reconsider*

6.2.20.1. After a Main Motion has been adopted or defeated, any Member may at any time prior to adjournment of the Meeting at which the Main Motion was decided, give notice in writing that the Member will move at the first Meeting thereafter for reconsideration of the

Main Motion. If a Member is absent from the Meeting at which the Main Motion was decided, that Member may give notice in writing at the first Meeting thereafter that they will move for reconsideration of the Main Motion at the following first Meeting thereafter. The words “the first Meeting thereafter” means the first regular Meeting or a Meeting called specially to consider the accepted motion of reconsideration for which notice has been given.

- 6.2.20.2. The Members may immediately, upon written notice, vote as to whether or not reconsideration shall be entertained.
- 6.2.20.3. If a motion for reconsideration is made by any Member, the Main Motion shall not be reconsidered unless by affirmative vote of Two Thirds of Council. No Main Motion shall be considered more than once, nor shall a vote to reconsider be reconsidered.
- 6.2.20.4. No discussion of the Main Motion shall be allowed upon the motion to reconsider unless the Members have voted to reconsider the same, but the Member who gives the notice shall have the privilege of stating their reasons for doing so.

## 7. VOTING

### 7.1 *Conflict of Interest*

- 7.1.1 Members shall declare any conflict of interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.
- 7.1.2 At a meeting where a member discloses such an interest as described in 7.1.1, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk. The Clerk shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available for public inspection during the Town’s normal business hours.
- 7.1.2 The Presiding Officer shall, except when disqualified to vote by reason of conflict of interest or otherwise, vote with the other Members on all motions. Except where otherwise expressly provided by any act of the legislature or parliament, any motion on which there is a tie vote shall be deemed to be defeated.
- 7.1.3 Members present in the Council Chamber are required to vote on every question when the question is put by the Presiding Officer, unless the Member has declared a conflict of interest in the question in accordance with the Conflict Act. If a Member refuses to vote and is not excused from the vote through a conflict of



interest, the Member shall be deemed to have voted in the negative.

7.2 *No Secret Vote*

7.2.1 No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.

7.3 *Method of Voting*

7.3.1 The manner of determining the decision of the Meeting on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

7.4 *Recorded Vote*

7.4.1 A Member may request a recorded vote immediately before or immediately after a decision upon any question, motion or matter, and the names of those who vote for and those who vote against the question motion or matter shall be recorded in the minutes.

7.4.2 When a Member requests a recorded vote during a Meeting, that Member is to start the voting, and then all other Members in alphabetical order with the Presiding Officer voting last, shall announce his or her vote openly and the Clerk shall record each vote.

8.0 INFORMAL CONSIDERATION

8.1 The Presiding Officer may permit a subject matter or a Main Motion to be considered informally. Informal discussion permits Members to speak as many times as they are recognized by the Presiding Officer to speak. All other rules of order of Council shall be observed.

8.2 When a subject matter is being discussed informally, any Member may move a Main Motion related to the subject matter, receive a second, and the Main Motion upon being stated by the Presiding Officer will end informal discussion and return to the regular rules of debate, to deal with the Main Motion more formally.

8.3 When a subject matter is being discussed informally and no Main Motion is forthcoming, the Presiding Officer may return the Meeting to the regular rules of debate, and, if necessary, go to the next item on the Agenda.

8.4 When a Main Motion is being considered informally a vote on the Main Motion will immediately end the informal consideration and immediately return to the regular rules of debate. The Presiding Officer, at any time, may return the Meeting to the regular rules of debate and continue the debate on the Main Motion under the regular rules of debate.

9. COMMITTEES

9.1 *Rules in Committees*

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

9.2 *Committee of the Whole (COTW)*

9.2.1 A proposition, matter or question in a report on any by-law or amendment thereto, which requires a vote of a stated number of the Members of Council or a faction thereof shall be included in the report only if and when carried by such a vote.

9.2.2 A motion to rise and report back to Council or a motion to rise without reporting may be made at any time and shall, without debate, be voted on by the Meeting.

9.2.3 Points of order or disorder arising in COTW shall be decided by the Presiding Officer.

9.3 *Committees*

9.3.1 The Council may establish and appoint Committees to consider a specific matter.

9.3.2 The Committees as of the date this by-law was passed are as listed on Schedule "B" attached hereto. In addition to any specific duties as herein prescribed, or as may be set out by further resolution or terms of reference the following shall be followed:

1) To report to Council from time to time and whenever desired by Council and as often as the interest of the Town may require, on all matters connected with the duties imposed on them, respectively, and to recommend such action by Council in respect thereto as may be deemed necessary.

2) To consider and to report on any and all matters referred to them by the Council.

3) To adhere, in the transaction of all business, to the rules prescribed by by-laws.

9.3.3 All Members of the Council shall be notified of and may attend all meetings of a Committee and may with the consent of the members of the Committee, take part in discussion, but shall not be entitled to vote unless they have been appointed by resolution to the Committee.

9.3.4 Should it appear to any Member that any Committee is failing in its duty or not having Meetings when Meetings are necessary or in any other manner neglecting the work committed to it, the Members shall report the facts to the Council and the Council may

rescind the appointment of members of such Committee and name new members to the Committee.

9.3.5 Each Committee shall report to Council according to their Terms of Reference. Following each Committee meeting, minutes will be circulated to Committee members for identification of errors or omissions prior to Council receiving and/or approving minutes as per Terms of Reference.

7.1.1 Members shall declare any conflict of interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.

7.1.2 At a meeting where a member discloses such an interest as described in 7.1.1, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or designate. The Clerk or designate shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available for public inspection during the Town's normal business hours.

## 10. NOTICE OF MEETINGS OF COMMITTEES

10.1 Written notice of each regular and special Meeting of each Committee shall be sent to each member of the Committee by the Clerk or designate so that each member of the Committee shall receive the notice as per Section 4, but no later than the day before the Meeting. Notice shall be as directed by the Chair by any of the methods provided for in Section 4.2.

10.2 Lack of notice shall not affect the validity of a Meeting or of any action taken at such Meeting where all the members of the Committee are present or where any member or members of the Committee who are absent consent to the holding of such Meeting, and so inform the Clerk.

## 11. CONDUCT OF MEETINGS OF COMMITTEES

11.1 Each Committee (excluding the COTW) shall from among its members, appoint a Chair and a Vice-Chair unless Council otherwise provides at the time of the appointment of such Committee.

11.2 The Chair shall preside at every Meeting and may vote on all questions submitted and in the case of an equal division, the question shall be negative.

- 11.3 The Chair shall sign all orders and documents which the Committee may legally adopt, with the exclusion of Committee of Adjustment.
- 11.4 In the absence of the Chair, the Vice-Chair shall discharge the duties of the Chair during the Meeting or until the arrival of the Chair.
- 11.5 A staff member shall be the Secretary for the Committee.
- 11.6. When Committees are established by resolution of Council, the terms of reference is to be created by the pertinent Town staff department outlining the makeup of the Committee and its mandate, which shall be adopted by Council.
- 11.7 A majority of the members of any Committee of Council shall constitute a Quorum.
- 11.8 The business of the respective Committee of Council shall be conducted under the rules governing the procedure in Council as far as the same may be applicable, subject to the following regulations:
- 1) No motion shall require a seconder.
  - 2) No motion for the previous question shall be allowed.
  - 3) No member shall be limited in the number of times he/she may speak to the questions under consideration.
  - 4) No member shall request a recorded vote while in a Committee.
- 11.9 The rules in respect of the introduction of new business in the Council shall not apply to Committees other than COTW.
- 11.10 The meetings of Committees shall be open to the public and no person shall be excluded, except for improper conduct or for closed session meetings as per the Act.
- 11.11 Members of a Committee can participate electronically in a meeting which is open to the public. Any such member shall only be counted in determining whether or not a quorum of members is present when an Emergency has been declared.
12. CLOSED SESSION
- 12.1 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council, COTW or Committees shall state by resolution,
- 1) the fact of the holding of the closed Meeting and the general nature of the matter to be considered at the closed Meeting; or
  - 2) in the case of a Meeting under Section 239 subsection (3.1) of the Act the fact of the holding of the closed Meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

12.2 Subject to Section 239.(5) of the Act, a Meeting shall not be closed to the public during the taking of a vote. A meeting may be closed to the public during a vote if, the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

13. CODE OF CONDUCT

Members and members of Committees shall adhere to the Code of Conduct of Council. Attached as Schedule "C" to this by-law is the approved Code of Conduct of Council, adopted by By-law 5061-18.

13.1 Members and members of Committees shall devote their complete and undivided attention to the business at hand at the Meeting, and shall only use the iPad provided by the Town in furtherance of that business. Cell phones, personal tablets, and other electronic devices shall not be used by Members and members of Committees during Meetings. During a Meeting, Members and members of Committees shall not:

- 1) send or read text messages, e-mails, tweets, direct Twitter messages, Facebook messages or updates, BBM messages, or other social media or network messages or postings;
- 2) browse Twitter, Facebook, or other social media websites; or communicate with the media.

14. REPEAL OF PREVIOUS BY-LAW

14.1 That By-law 4675-13 and all amendments to the Procedure By-law are hereby repealed. All by-laws, rules and regulations heretofore passed, adopted and observed by this Council relating to proceedings in the Council and in Committees thereof and providing for the constitution of Committees are hereby repealed.

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 14<sup>th</sup> DAY OF JANUARY, 2019

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LORD MAYOR BETTY DISERO

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TOWN CLERK PETER TODD