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OFFICE CONSOLIDATION to November 18, 2013

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CITY OF WATERLOO PROCEDURE BY LAW NO. 07-137

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CITY OF WATERLOO BY LAW NO. 07-137

A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE COUNCIL AND ITS COMMITTEES

WHEREAS pursuant to the Municipal Act, 2001, S.O.2001, c.25, Section 238 as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

A. DEFINITIONS

1. DEFINITIONS

In this by-law:

- 1.1 **Advisory Committee:** means any local board as defined in the Municipal Act, advisory, special project, ad hoc or other committee, subcommittee, task force, working group or similar entity, the majority of whose members are appointed by Council
- 1.2 **Council:** means the Council or a Standing Committee of Council.
- 1.3 **Council Meeting or Meeting of Council:** means any regular, special or other meeting of Council or of a Standing Committee of Council
- 1.4 **Meeting:** means any regular, special, or other meeting of Council, of a local board or of a committee of either of them
- 1.5 **Member:** means a member of the municipal council, local board or committee

- 1.6 Consent Motion means a listing of items of business of a routine nature which do not require discussion and/or debate.
- 1.7 Non-Jurisdictional means any subject outside the legislative jurisdiction of the City of Waterloo or the Regional Municipality of Waterloo.
- 1.8 Presentations: means
- i) presentations made by Council to recognize the contributions or achievements of individuals or organizations;
 - ii) presentations made to Council by individuals or organizations at the invitation of Council;
 - iii) presentations made to Council by an advisory or other Committee;
- 1.9 Standing Committee: means a subcommittee of Council, composed only of all or some of the members of Council

B. COUNCIL

2. COUNCIL MEETINGS

- 2.01 The Inaugural Meeting of the Council shall be held on the first Monday in December at 7:30 o'clock in the afternoon except when the day is a public holiday in which case the meeting shall be held on the next following day that is not a public holiday.
- 2.02 In the last quarter of each year, Council shall approve an annual schedule of meetings for the following year, based on but not confined to a three-week cycle.
- 2.03 Meetings of Council shall be held in the Council Chambers, 100 Regina Street South, Waterloo, Ontario at 6:30 o'clock in the afternoon.
- 2.04 Council may, by resolution, alter the date, time and place of any meeting, subject to Sections 2.05, 2.06 and 2.09 of this By-law.
- 2.05 The Mayor may at any time summon a special meeting, or upon receipt of a petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
- 2.06 Special meetings of Standing Committees may be called by the Chair, by the Mayor as directed by Council, or upon petition by a majority of the members of the Committee. The Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.

- 2.07 Upon receipt of a petition by the Clerk as noted in Section 2.05 or 2.06 of this By-law no member may remove his or her name.
- 2.08 The unfinished business of an agenda of a Council meeting, adjourned before completion of all items on the agenda, shall be placed before Council at the next regular meeting, unless a special Council meeting is called for that purpose before the next regular meeting.
- 2.09 Notwithstanding all other provisions of this By-law, the Clerk and the Mayor may change the commencement time of a regularly scheduled meeting to a time between 12:00 noon and 6:30 p.m.
- 2.10 Except as provided for in Section 34 (Closed Meetings) all meetings of Council shall be open to the public.
- 2.11 At meetings of Council the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical electronic or similar nature used for transcribing or recording proceedings by auditory or visual means is only permitted:
- i) by accredited and other representatives of any news media;
 - ii) by members of the public subject to the approval and/or direction of the Chair unless otherwise decided by the Council.
- 2.12 All persons attending a Council meeting shall observe the rules of Council with respect to decorum and conduct.

3. ACTING MAYOR/PRESIDING OFFICER

- 3.01 The Mayor shall act as Chair at all meetings of Council, save and except standing committee meetings and Committee of the Whole meetings.
- 3.02 After the hour fixed for a Council meeting and as soon as a quorum is present, the Mayor shall take the Chair and call the meeting to order.
- 3.03 In the absence of the Mayor, the member of Council designated as Acting Mayor for that date, shall take the Chair and call the meeting to order.
- 3.04 The appointment of the Office of Acting Mayor shall be as set by by-law. The order or the appointment of Acting Mayor may be changed by resolution of Council.
- 3.05 When both the Mayor and Acting Mayor are absent, then the Member of Council present who is named as the next Acting Mayor shall assume the office.

- 3.06 In the event that the Mayor or Acting Mayor or next named Acting Mayor is not present fifteen minutes after the hour appointed for the meeting, the Council Members present may appoint a Chair from amongst themselves.

4. SEATING OF MEMBERS OF COUNCIL

- 4.01 For the duration of the term of office of the Council, seating at the Council table shall be in Ward order alternating right to left of the Mayor.
- 4.02 When a vacancy occurs in the Council the person elected or appointed to fill such vacancy shall be seated by Ward.
- 4.03 Council may by resolution establish alternate seating arrangements passed by a majority vote.

5. QUORUM

- 5.01 A majority of the whole number of Members is necessary to form a quorum for all Council meetings.
- 5.02 If no quorum is present within twenty minutes after the time appointed for any meeting, the Clerk shall record the names of the Council members present and the Council meeting shall stand adjourned until the date and time of the next regular or special meeting.
- 5.03 If a quorum is lost during a Council meeting it shall stand adjourned and the Clerk shall record the names of the remaining members.
- 5.04 The unfinished business of an agenda of a Council meeting adjourned due to lack of a quorum shall be placed before Council at the next regular meeting, unless a special Council meeting is called for that purpose before the next regular meeting.

6. ORDER OF PROCEDURE – COUNCIL MEETINGS

- 6.01 Immediately after the Chair has called the meeting to order, the order of procedure shall be:
1. Moment of Reflection
 2. Declaration of Pecuniary Interest
 3. Approval of Council Minutes
 4. Reports of Standing Committees
 5. Recommendations from Standing Committee Reports to be dealt with Separately
 6. Presentations
 7. Delegations
 8. Consent Motion

9. Formal/Informal Public Meetings
10. Staff Reports
11. Consideration of Notice of Motion Given at Previous Meeting
12. Notice of Motion
13. Communications and Correspondence
14. Regional Information and Correspondence
15. Unfinished Business
16. New Business
 - i. Delegations
 - ii. Items removed from Consent Motion to be dealt with separately
 - iii. Staff Reports
 - iv. Other Business
17. Questions
18. Enactment of By-Laws
19. Adjournment

6.02 Notwithstanding clause 6.01, presentations by staff may be made at the time the subject matter is under consideration by committee.

6.03 The Mayor with the agreement of Council may change the meeting order.

7. CONFIRMATION OF PROCEEDINGS OF COMMITTEES

7.01 A report containing all of the recommendations from a Standing Committee meeting held at least five days before the next regular meeting of Council shall be listed for consideration on the Agenda of the next regular meeting of Council.

7.02 Before adopting reports of Standing Committees any Member of Council may address questions to the Chair of the Standing Committee who may request assistance of members of staff in reply.

7.03 The proceedings of the Standing Committees may be adopted and confirmed by a single resolution and the passage of such resolution shall be taken to adopt and ratify all recommendations and/or resolutions passed therein except for those matters dealt with separately.

7.04 Before adopting a Standing Committee Report, any Member of Council may request that a matter contained within the Committee Report be dealt with separately by Council.

7.05 Any recommendation referred to Council for separate consideration shall be considered immediately after the adoption of the remaining recommendations within the Standing Committee report.

7.06 Any recommendations from Standing Committees referred to Council for separate consideration shall be deemed to be automatically in the possession of the Chair for immediate consideration by Council.

8. INTRODUCTION AND ENACTMENT OF BY-LAWS

- 8.01 By-laws may be introduced for first, second and third readings and final passage by a single motion unless separate readings are required to accommodate legislative requirements.
- 8.02 Each motion shall contain a description and the purpose of the by-law.
- 8.03 When by-laws are to be considered by Council, any member of Council may request that the purpose and effect of any particular by-law be explained.

C. COMMITTEES

9. COMMITTEE OF THE WHOLE

- 9.01 All members of Council, except the Mayor and the Chair of the Finance and Strategic Planning Committee, shall chair meetings of the Committee of the Whole in rotating order by ward.
- 9.02 Notwithstanding Section 9.01, in the absence of a Ward Councillor during his/her turn in the rotation, the next succeeding Ward Councillor shall chair the Committee of the Whole.
- 9.03 The order of procedure for Committee of the Whole shall be as follows:
 - 1. Declaration of Pecuniary Interest
 - 2. Presentations
 - 3. Delegations
 - 4. Consent Motion
 - 5. Formal/Informal Public Meetings
 - 6. Staff Reports
 - 7. Consideration of Notice of Motion Given at Previous Meeting
 - 8. Notice of Motion
 - 9. Communications and Correspondence
 - 10. Regional Information and Correspondence
 - 11. Unfinished Business
 - 12. New Business
 - i. Delegations
 - ii. Items removed from Consent Motion to be dealt with separately
 - iii. Staff Reports
 - iv. Other Business
 - 13. Questions
 - 14. Adjournment
- 9.04 The procedure as set out for Council shall be observed in Committee of the Whole except that members may speak more than once.

- 9.05 A member of Council may not speak more than once to a motion until every Member of Council who desires to speak has spoken.

10. STANDING COMMITTEES OF COUNCIL

- 10.01 There shall be one Standing Committee of Council, being the Finance and Strategic Planning Committee, which shall be composed of all Members of Council.

- 10.02 The rules of Council shall be observed in Committee unless otherwise stated herein.

- 10.03 The Chair of the Finance and Strategic Planning Committee shall be the Council liaison to the Finance Department.

- 10.04 The Finance and Strategic Planning Committee shall focus on:

- budget issues
- debt management strategy
- audit matters
- major finance issues
- major projects and purchases
- purchase and sale of lands
- strategic and financial planning
- governance
- all other matters referred to it by Council

- 10.05 The order of procedure for standing committees shall be as follows:

1. Declaration of Pecuniary Interest
2. Approval of Minutes
3. Presentations
4. Delegations
5. Consent Motion
6. Staff Reports
7. Consideration of Notice of Motion Given at Previous Meeting
8. Notice of Motion
9. Communications and Correspondence
10. Unfinished Business
11. New Business
 - i. Delegations
 - ii. Items removed from Consent Motion to be dealt with separately
 - iii. Staff Reports
 - iv. Other Business
12. Questions
13. Adjournment

- 10.06 A member of the Committee may not speak more than once to a motion until every member who desires to speak has spoken.

11. SEATING – STANDING COMMITTEE MEETINGS

- 11.01 The Chair of the Standing Committees shall sit at the head of the Committee table with all members sitting at their regularly assigned seat and the Mayor occupying the seat normally occupied by the Chair.

12. COMMITTEE BUSINESS

- 12.01 The Standing Committees may appoint from amongst themselves sub-committees to report on specific matters under the jurisdiction of the Committee.
- 12.02 Council may consider any matter directly.
- 12.03 The Standing Committee shall report to Council by presenting a single report containing all of recommendations of the Committee.
- 12.04 The Chair of the Standing committee shall present the report to Council and answer questions with Committee members and staff support when required.

13. ADVISORY COMMITTEES

- 13.10 All Advisory Committees shall follow the rules of Council unless otherwise stated in their terms of reference approved by Council.
- 13.11 Notwithstanding Section 13.10, all Advisory Committees shall observe the rules of Council for closed meetings (Section 34).

D. GENERAL PROVISIONS

14. NOTICE OF MEETINGS

- 14.01 Public notice of regular Council or Standing Committee meetings shall be given by resolution of Council in the last quarter of each year approving a schedule for the following year, and by the posting of such schedule on the City's website.
- 14.02 Public notice of special Council or Standing Committee meetings shall be given by resolution of Council approved at a public meeting and/or by posting notice of a special Council or Committee meeting on the City's website.
- 14.03 The Clerk shall provide an agenda for each regular and special meeting of Council or Standing Committee to every Council member, which agenda shall be deemed to be sufficient notice to the members of Council of a meeting.

- 14.04 The Clerk shall send notice of all meetings of Council to the residence or place of business or City email address of each Council member.
- 14.05 The lack of receipt of the notice of a Council meeting by any member of Council shall not invalidate the meeting.

15. MINUTES

- 15.01 The Clerk shall provide secretarial service to the Council and Standing Committees and shall keep minutes of the proceedings by recording:
1. the place, date and time of meeting;
 2. the names of members present;
 3. the names of members absent;
 4. the place in the Agenda at which a member arrives and leaves during the proceedings of the meeting;
 5. the correction of the minutes of prior meetings;
 6. all other proceedings without note or comment;
 7. all directions to staff.
- 15.02 A copy of the draft minutes of each meeting of Council held at least five days before the next regular meeting shall be mailed or delivered to each member of Council prior to the next regular meeting.
- 15.03 When the minutes have been considered for errors and omissions, they shall be signed by the Chair and the Clerk.

16. PRESENTATIONS

- 16.01 Any person making a presentation to Council, including staff members, consultants engaged by the City, or individuals representing any other corporation, organization or committee, shall be permitted to address Council for a maximum of ten (10 minutes).
- 16.02 The Chair shall keep account of the time expended by an individual on all presentations and at the completion of the allotted time shall advise the individual to cease, subject to a motion of Council allowing the presentation to continue.
- 16.03 Council may limit or extend the time allowed for a presentation by a majority vote.

17. DELEGATIONS

- 17.01 No person, except members of Council and City officials, are allowed to come within the Council platform during the sitting of the Council without the permission of the Chair.

- 17.02 Any person who wishes to appear as a delegation before Council shall register with the Clerk's Office, giving their name, address, the item number and subject as listed on the Agenda, and:
- i) if registered before 10:00 a.m. on the date of the meeting, shall be permitted to address Council for a maximum of ten (10) minutes;
 - ii) if registered after 10:00 a.m. on the date of the meeting, shall be permitted to address Council for a maximum of five (5) minutes.
- 17.03 The Chair shall keep account of the time expended by delegations and at the completion of the allotted time shall advise the individual to cease, subject to a motion of Council allowing the presentation to continue.
- 17.04 Council may limit or extend the time allowed for a delegation or presentation by a majority vote.
- 17.05 Upon the completion of the comments made by a delegation, members of Council may address questions to the delegation with respect to the subject matter but which the delegation is not under any obligation to answer.
- 17.06 No person shall appear before Council on an item not on the agenda.
- 17.07 Any person requesting to appear before Council on a matter not on an agenda shall:
- i) submit their request in writing, signed by at least one person, to the City Clerk by 9:00 a.m. on any Wednesday;
 - ii) advise of the subject matter, the recommended course of action and the reasons therefor;
- 17.08 All such requests to appear shall first be referred to the appropriate Standing Committee of Council, if applicable.
- 17.09 The Clerk shall acknowledge receipt of the request and place the matter on the next appropriate Council or Standing Committee Agenda.

[Section 17.07 i) deleted and replaced by By-law 2013-117, November 18, 2013]

18. RULES OF CONDUCT – MEMBERS OF THE PUBLIC

- 18.01 Members of the public who constitute the audience in the Council Chambers during a Council meeting will maintain order and quiet and may not:
- i) address Council without the permission of the Council;
 - ii) interrupt any speech or action of the members of Council or any other person addressing Council;

- iii) display or have in their possession picket signs or placards in the Council Chambers or meeting rooms or within any municipally-owned building used for such purposes.

18.02 The Chair may expel or exclude from any meeting any person who is guilty of improper conduct at the meeting.

18.03 Members of the public shall turn off all handheld electronic devices or set them to a non-audible signal, and shall not engage in private conversation during a Council meeting or use electronic equipment (including cellular phone, pager, lap-top computer, BlackBerry, personal digital assistant (PDA) or similar device,) in a manner which interrupts the proceedings of the Council.

19. RULES OF CONDUCT AND DEBATE – MEMBERS OF COUNCIL/COMMITTEE

19.01 Any member desiring to speak, and upon being recognized by the Chair, shall address himself/herself to the chair.

19.02 When two or more members wish to speak, the Chair shall recognize them in order.

19.03 When a member is recognized by the Chair, he/she shall address himself/herself to the matter under discussion and shall be limited to speaking for a maximum of five (5) minutes.

19.04 Any member is permitted to ask questions of staff through the Chair.

19.05 The Chair may state his/her position on any matter prior to the vote being called without leaving the Chair, but shall not debate the motion without first leaving the Chair after appointing the Acting Mayor to preside in his/her place and shall not resume the Chair until the matter under discussion has been voted upon.

19.06 Any member may require the motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

19.07 No member shall:

- i) speak disrespectfully of the reigning sovereign or of any member of the Royal Family or of the Governor-General, Lieutenant-Governor or person administering the Government, or member of staff, or against this Council, or any member thereof;
- ii) use offensive words or unparliamentary language;
- iii) resist the rules of the Council, nor disobey the decision of the Mayor, the Council or Chair on motions of order or practice or upon the interpretation of the rules of the Council;

- iv) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- v) make any noise or disturbance or interrupt when another member of Council is speaking;
- vi) speak on any subject other than the subject under debate
- vi) where a matter has been discussed in a closed session and, where the matter remains confidential, disclose the content of the matter of the substance of deliberations of the closed meeting;
- vii) reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded or reconsidered, pursuant to the provisions of Section 21 (Reconsideration).

19.08 Members of Council shall turn off all handheld electronic devices or set them to a non-audible signal, and remove them from the Council table, and shall not engage in private conversation during a Council meeting or use electronic equipment (including cellular phone, pager, lap-top computer, BlackBerry, personal digital assistant (PDA) or similar device,) in a manner which interrupts the proceedings of the Council.

19.09 The Chair may expel or exclude from any meeting any person who is guilty of improper conduct at the meeting.

20. VOTING IN COUNCIL AND COMMITTEE

20.01 Every member, except the Chair, present at a meeting when a motion is put shall vote thereon unless the member indicated a pecuniary interest pursuant to the Municipal Conflict of Interest Act. If any member present declines to vote, he/she shall be deemed to be voting in the negative.

20.02 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

20.03 If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

20.04 After any motion is finally put by the Chair, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

- 20.05 Any member who disagrees with the announcement of the Chair that a motion is carried or lost may, but only immediately after the declaration by the Chair, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not being introduced.
- 20.06 For the purpose of calculating a vote of two-thirds of the members present, any fraction shall be rounded to the next highest whole number.

21. RECONSIDERATION

- 21.01 Any member who voted in the majority may at a subsequent meeting move for a reconsideration of a resolution under "New Business".
- 21.02 A member, who is absent at the time a vote is taken on a motion which subsequently becomes the subject of a motion for reconsideration, shall be deemed for the purpose of reconsideration to have voted with the majority.
- 21.03 A motion for reconsideration may be seconded by a member who voted on the original motion either for or against.
- 21.04 A motion for reconsideration shall be made in writing and no discussion of the main motion shall be allowed unless the motion for reconsideration is approved by a vote of two-thirds of the members present.
- 21.05 No motion shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 21.06 A motion to reconsider an amendment to the main motion may not be submitted however, the main motion as amended may be submitted for reconsideration subject to Section 21.07.
- 21.07 If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion calls for a future definite date, and debate on the motion to be reconsidered may proceed as though it had never previously been voted on.
- 21.08 Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration.
- 21.09 When a by-law has been defeated at any stage of the order of procedure it shall be subject to a motion to reconsider and the foregoing rules shall apply thereto:
- i) when a motion required two-thirds vote, a motion that leave be given to introduce the said by-law shall become the next order of business;
 - ii) if this motion is carried, the by-law shall be dealt with in accordance with the usual order of procedure as if it had been first introduced at the meeting during which the motion to reconsider was voted upon.

22. MOTIONS

22.01 Motions shall be ranked in the following order of priority:

Motion	Debatable	Ranking	Further Explanation
Main Motion	Yes	13	
Subsidiary Motions			
Postpone Indefinitely	Yes (Limited)	12	Debate may go into only the reasons why the motion should or should not be dealt with at the current time. It may go into the merits of the underlying main motion but only in respect to delaying the decision.
Amend	Yes (Limited)	11	An amendment is debatable if the motion to which it is applied is debatable. The amendment must be germane to the main motion. Debate may not go into the merits of the motion being amended.
Refer to a Committee or Staff	Yes (Limited)	10	Debate may go into only the reasons why the motion should or should not be referred to a committee or to staff. It may go into the merits of the underlying main motion but only in respect to referring the decision.
Postpone/Defer to a Certain Time	Yes (Limited)	9	Debate may go into only the reasons why the motion should or should not be postponed.
Limit or Extend Debate	Yes (Limited)	8	Debate is restricted to the form of limitation or extension of debate.
Close Debate	No	7	It would defeat the purpose of the motion if it were debatable.
Postpone Temporarily	No	6	The purpose of the motion is to set aside business for a short period of time, but no later than the end of the meeting.
Privileged Motions			
Raise a Question of Privilege (Individual)	No	5	A second is not required to raise a question of privilege.
Raise a Question of Privilege	No	4	A second is not required to raise a question of privilege.
Recess	Yes (Limited)	3	Debate restricted to the length of time of recess or to the time set for reassembly.
Adjourn	No	2	
Fix the Time for the Continued Meeting	Yes (Limited)	1	Debate restricted to time and date of the continued meeting.

22.02 All motions, except questions of privilege or purely procedural motions, shall be made in writing and must be seconded before they can be voted on.

22.03 A member of Council is permitted to speak only once to a motion except for the mover who may speak a second time prior to the vote being called, which will then close debate.

22.04 After a motion is received by the Chair, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover at any time before decision or amendment with the permission of the Council.

- 22.05 No member of Council other than the introducer shall speak to any motion until it is in the possession of the Chair.
- 22.06 Notwithstanding the provisions of Section 21 – Reconsideration, when a motion to “refuse” or “not approve” is lost, a subsequent motion to approve the item will be in order. If the “approval” motion is lost or is not brought forward, it will be deemed that Council has taken no action on the subject matter.

23. CONSENT MOTIONS

- 23.01 In preparing the agenda for Council and Committee meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading “Consent Motion”, which matters may be considered by Council as a summary matter in one motion rather than as separate items, unless a member of Council otherwise requests.
- 23.02 Any member, before the consent motion is voted on, may add or remove any number of items of business from the consent motion.
- 23.03 In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately
- 23.04 Items removed from the consent motion at the request of a member of Council will be considered under “New Business”.

24. AMENDMENTS TO MOTIONS

- 24.01 Only one amendment can be presented to the main motion at one time and only one amendment can be presented to an amendment at one time. When a sub-amendment has been disposed of, another may be introduced. When an amendment has been decided, another may be introduced.
- 24.02 The sub-amendment, if any, shall be voted on first. If no other sub-amendment is presented, the amendment shall be voted on next. If no other amendment is introduced, the motion or motions as amended shall be put to a vote.
- 24.03 In the case of an amendment to an amendment, the amendment to the main motion cannot be withdrawn until the amendment to the amendment has been withdrawn or dealt with.
- 24.04 An amendment must be similar in import to the motion which it is proposed to amend and cannot negate the intent of the original motion.
- 24.05 An amendment embodying a matter which has been referred to a Committee, or the consideration of which has been deferred, is not permissible.
- 24.06 It shall be the duty of the Chair to determine what amendments are not in order.

25. DEFERRAL/REFERRAL

- 25.01 A motion to refer or postpone/defer must be disposed of before a motion to amend may be made.
- 25.02 A motion postponed to a definite date shall have precedence over all other business under the order of Unfinished Business on the agenda for that date.

26. MOTION TO CLOSE DEBATE

- 26.01 A motion to close debate applies only to the motion or amendment under consideration at the time the motion to close debate is moved. A motion to close debate is not in order until every member has been given the opportunity to speak at least once to the matter under consideration. Upon a motion to close debate being made, debate shall cease and no amendment may be made to the main motion, until the motion to close debate has been voted on. The motion to close debate shall be put in the following words:

“Shall the question be called?”

- 26.02 If a motion to close debate carries, the main motion or amendment under consideration shall be put immediately without further debate. If the motion to close debate is lost, debate may proceed.

27. PRIVILEGE

- 27.01 Where a member considers that his/her rights, immunities or integrity or the rights immunities or integrity of the Council as a whole or of the Corporation has been impugned, a member may, as a matter of personal privilege rise at any time, and once recognized by the Chair, may draw the attention of the Council to the matter.
- 27.02 Privilege will include such matters as improper conduct of municipal officers, employees or members of the audience, violations to this by-law, disorderly conduct or other offence. Privilege will also include comfort of Members with respect to heating, lighting and ventilation.
- 27.03 The procedure for decision on matters of privilege shall be the same as for a Point of Order in Section 28 herein.

28. POINT OF ORDER

- 28.01 A point of order may be raised at any time by a member who considers that there is a breach of the rules of order pursuant to this by-law.
- 28.02 When a point of order is raised, or when a member is called to order by the Chair, the member speaking shall immediately cease to speak until the Chair has stated and decided the point of order, and may further address the Council only for the purpose of appealing from such decision.
- 28.03 The Chair, in giving his/her decision, should cite the rule or the law governing the case. He/She may ask for the assistance of the Clerk or members in deciding the matter, but his/her decision shall be final if there is no appeal.
- 28.04 If the decision of the Chair is appealed, he/she shall restate the point at issue and his/her ruling thereon and, without further debate, shall put the question, "Shall the ruling of the Chair be sustained?" The Chair may vote on this question and in the event of an equality of vote, the Chair shall be deemed to be sustained, notwithstanding that the challenge be to the interpretation of this by-law.
- 28.05 In all respects when a proceeding of Council is in contravention of any provision of this By-law, and no member objects, it shall be deemed that Council concurs with the proceedings.

29. NOTICE OF MOTION

- 29.01 A written copy of the motion must be presented to the Clerk who will place it on the appropriate Council or Standing Committee Agenda for the next meeting.
- 29.02 A member who presents a written Notice of Motion to the Clerk to be read at any regular meeting must be present during the reading of the notice.
- 29.03 A motion of which Council has received notice shall be placed on the agenda for the date on which it is scheduled for debate. If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be deemed to be withdrawn unless an alternative time for the motion to be debated is given.
- 29.04 Notices of Motion shall be received without comment or debate by any member.
- 29.05 Notice requirements may be waived if a written copy is presented to the Clerk at least twenty-four hours prior to the printing of the agenda and is included therein.

30. COMMUNICATIONS

- 30.01 Every letter, petition, or other communication intended for presentation to Council or to its Committees shall be legibly written or printed and shall be signed by a least one person giving his/her address.
- 30.02 Upon receipt of any letter, petition or other communication addressed to Council or its Standing Committee, the Clerk shall deal with it as follows:
- i) where, in the opinion of the Clerk, the subject matter falls within the jurisdiction of a Standing Committee, it shall be referred to the appropriate reporting Department;
 - ii) the Clerk shall place the matter on the next available Council or Committee agenda;

31. UNFINISHED BUSINESS

- 31.01 Any item of business, which has been discussed by the Council at a prior meeting but not disposed of, may be raised again at any subsequent regular or special meeting of the Council when "Unfinished Business" is called for under the order of procedure.

32. NEW BUSINESS

- 32.01 Any items for consideration by Council or Committee, either removed from the Consent Agenda to be dealt with separately or not listed on the original Agenda, shall be listed on a revised agenda under "New Business" in the following order of procedure:
- i. Delegations
 - ii. Items removed from Consent Motion to be dealt with separately.
 - iii. Staff Reports
 - iv. Other Business.
- 32.02 Members of Council may submit to the City Clerk any item under Other Business up to 10:00 a.m. of the day of the meeting.
- 32.03 The City Clerk shall place the item on the Revised Agenda for distribution at the meeting.
- 32.04 All items raised under Other Business that require Council action shall be considered as Notice of Motion for consideration at the next meeting pursuant to Section 29 (Notice of Motion).

- 32.05 Notwithstanding Section 32.04 any member may request that the matter be dealt with immediately and unless any member objects it shall be deemed that Council concurs with the request.
- 32.06 Should a member of Council object to dealing with a matter immediately, Council may consider a motion to waive the notice requirements by a two-thirds vote of the members present.
- 32.07 Subject to the concurrence of Council any matter under the jurisdiction of a Standing Committee may be considered directly by Council due to time restraints.

33. ADJOURNMENT

- 33.01 The proceedings of the Council on any day shall be terminated as soon after the hour of 11:00 o'clock in the afternoon as the matter under immediate consideration is finalized and Council has established a time and date for the consideration of the balance of the agenda.
- 33.02 Notwithstanding Section 33.01, Council may by resolution continue with the business on hand past 11:00 o'clock in the afternoon.
- 33.03 A motion to adjourn may be made by a member who has the floor, requires no seconder and need not be in writing. However, no motion to adjourn may be made during the taking of a vote on any motion.
- 33.04 Where a motion to adjourn is duly moved and carried and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law may be considered at the appropriate place in the order of procedure at the next meeting.
- 33.05 Where a motion to adjourn is lost no second motion to the same effect may be made until the matter under consideration has been disposed of.
- 33.06 On a motion to adjourn no member shall leave their seat until the Chair has declared the meeting adjourned.

34. CLOSED MEETINGS

- 34.01 Whenever it shall be moved and carried that the Council or Standing Committee convene in closed meeting, the Mayor shall preside over the closed meeting.
- 34.02 A meeting or a part of a meeting may be closed to the public in accordance with the provisions of the Municipal Act, 2001, c.25, Section 238 as amended.

- 34.03 Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:
- i) the fact of holding of the close meeting and;
 - ii) the general nature of the matter to be considered at the closed meeting.
- 34.04 Subject to Section 34.05 a meeting shall not be closed to the public during the taking of a vote.
- 34.05 A meeting may be closed to the public during a vote if the meeting is required or permitted to be closed to the public and 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 contract with the municipality or local board.
- 34.06 Subject to the provisions of this section, Council may hear delegations in closed session.
- 34.07 The rules of procedure of Council shall apply in closed meetings of Council.
- 34.08 If any disorder should arise in a closed meeting, the Chair shall immediately terminate or recess the meeting and any business not completed may be further considered in a closed meeting of Council duly called.

35. NON-JURISDICTIONAL ITEMS

- 35.01 All non-jurisdictional items shall be referred directly to a Standing Committee without debate and are not considered part of the Council agenda with respect to delegations.
- 35.02 Any motion that pertains to a non-jurisdictional matter shall be referred to a Standing Committee without debate.
- 35.03 Council may directly address a non-jurisdictional matter if there is a specific time limitation and a procedural motion to that effect is approved by a majority vote of Council.

36. REFERENCE SOURCE

- 36.01 In all matters not addressed by this By-law, resort shall be made to *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century (James Lochrie)* for guidance on the question, and in such cases the decision of the Chair shall be final and acquiesced in without debate.

36.02 Whenever the singular is used herein, it shall be construed as including the plural and whenever the masculine is used herein, it shall be construed as including the feminine.

36.03 This by-law applies with necessary modifications to delegations.

37. PARAMOUNCY

37.01 All provisions of this by-law are subject to the laws of the Province of Ontario.

38. BY-LAWS REPEALED

38.01 By-law No. 95-16, By-Law No. 97-170 and any other by-law inconsistent herewith are hereby repealed.

ENACTED THIS 5TH DAY OF NOVEMBER, 2007.

(Original signed by Brenda Halloran)
Mayor

(Original signed by Susan Greatrix)
Clerk