



Memorandum

Corporate By-law Number BL 51/2021

TO: Office of the City Clerk **FILE:**

FROM: Krista Power, City Clerk
City Manager's Office - Office of the City Clerk

DATE: 06/17/2021

SUBJECT: BL 51/2021 - A By-law to govern the proceedings of meetings of City Council and its Committees and to repeal By-law 128-2012.

MEETING DATE: City Council - 08/09/2021 (mm/dd/yyyy)

By-law Description: A By-law to govern the proceedings of meetings of City Council and its Committees and to repeal By-law 128-2012.

Authorization: Report R 93/2021 (City Manager's Office - Office of the City Clerk) - Committee of the Whole - June 28, 2021.

By-law Explanation: The purpose of this by-law is to present a new consolidated procedural by-law that brings together all meetings of City Council, Committee of the Whole, City Council (Public Meeting), Advisory Committees and Ward & Town Hall meetings and includes amendments passed to date. This By-law further expands on the procedural rules for electronic participation for members of council and administration.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 51/2021

A By-law to govern the proceedings of meetings of City Council and its Committees and to repeal By-law 128-2012.

Recitals

1. *The Municipal Act, 2001*, requires municipal councils to adopt procedural rules to govern the proceedings of their meetings. This By-law presents a new consolidated procedural by-law that brings together all meetings of City Council, Committee of the Whole, City Council (Public Meeting), Advisory Committees and Ward & Town Hall meetings and includes amendments passed to date. This By-law further expands on the procedural rules for electronic participation for members of council and administration.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

Article 1.00 Definitions, Application & Interpretation

1.01 **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) “Acting Mayor” means a Member who has been appointed by Council to act as the Mayor in his or her absence by By-law.
- (b) “Accessible” means as defined in applicable legislation.
- (c) “Administration” means the body of persons employed by the Corporation or contracted by the Corporation for services.
- (d) “Advisory Committee” means a Committee established by Council to examine, develop, administer, implement, report upon and recommend initiatives and programs of the City within the jurisdiction of the Council.
- (e) “Amend” means a change in wording or substance of a Motion before Committee or Council or a prior decision of Council.
- (f) “Announcement” means verbal information respecting Ward and Town Hall meetings, Civic meetings and significant events, announcements of community interest provided at the outset of a Committee of the Whole Meeting.

- (g) “Board” means governing bodies of Municipal services established in accordance with Ontario law.
- (h) “By-law” usually means this By-law, including its recitals and schedules which form integral parts of it. When the capitalized term By-law appears with a number after it, however, it is a reference to that particular numbered by-law of the Corporation.
- (i) “Chair” means the person presiding at a Meeting.-
- (j) “City Manager” means the member of Administration who fulfills the role of “Chief Administrative Officer” as set out in *The Municipal Act, 2001*.
- (k) “Clerk” means the member of Administration who fulfills the role of “City Clerk” as set out in *The Municipal Act, 2001*.
- (l) “Committee” means a Committee of Council, established by City Council and includes Committee of the Whole, Special Purpose and Advisory Committees.
- (m) “Committee of the Whole” means a Committee made up of all of the Members. Four sessions of Committee of the Whole are established, namely:
 - (1) Operations Session;
 - (2) Community Services Session;
 - (3) Development & Emergency Services (Planning) Session;
 - (4) Administrative Services Session.
- (n) “Confirming By-law” means a by-law passed prior to adjournment of every Meeting of Council to confirm the Resolutions and actions of Council taken at that Meeting.
- (o) “Corporation” means The Corporation of the City of Thunder Bay.
- (p) “Council” means the municipal council for the Corporation, Members of which are elected or appointed in accordance with Ontario law.
- (q) “Councillor” means any Member with the exception of the Mayor.
- (r) “Debate” means regulated discussion, and speaking in advocacy of a position on an issue.
- (s) “Defer” means to remove a main Motion from consideration of City Council or a Committee until such time as provided for in the deferral Motion.

- (t) “Deputant” means any person who addresses a Committee in the context of a Deputation.
- (u) “Deputation” means a formal address to the Committee of the Whole and any other Committee.
- (v) “Electronic Meeting” means a Committee of the Whole (Open, Closed or Special Session), City Council, Advisory Committee, Ward or Town Hall 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.
- (w) “Holiday” means a holiday as defined by the *Retail Business Holidays Act*.
- (x) “Mayor” means the Mayor, elected (or appointed) as the head of Council, or in the absence of the Mayor, the Acting Mayor or, in the absence of both, another Member appointed in accordance with Ontario law and this By-law.
- (y) “Meeting” means a meeting called in accordance with this By-law.
- (z) “Member” means a person elected or appointed as a member of the municipal Council, including the Mayor; for sections that may apply to Special Purpose or Advisory Committees, members shall also mean those persons appointed to a Committee.
- (aa) “Motion” means a formal proposal that certain actions be taken.
- (bb) “Non-Business Meeting” means a meeting of Committee of the Whole at which no Motions are permitted or considered and no recommendations are passed.
- (cc) “Notice” means an announcement which advises of the time and place of a Meeting.
- (dd) “Notice of Motion” means an advance notice provided by a Member of Council of a Motion where the Member will bring to the floor of a future Meeting for Debate.
- (ee) “New Business” means information received by the Clerk for presentation on a Meeting agenda that is not related to an existing matter on the agenda, and has been received following agenda review.
- (ff) “Point of Order” means a statement made by a Member during a Meeting drawing to the attention of the Chair an alleged breach of the Rules of Procedure.

- (gg) “Point of Privilege” means the raising of a question which concerns a Member, or the Council collectively, when a Member believes that their rights or, the integrity of Council as a whole, have been impugned.
- (hh) “Power” means the legal authority of The Corporation.
- (ii) “Presentation” means:
 - (1) the formal recognition of a visiting delegate to a Committee of the Whole Meeting;
 - (2) an address from Administration or a consultant on behalf of the City to present the interim or final results of a study; or
 - (3) the announcement or promotion of a city-wide event being sponsored or promoted by a community group.
- (jj) “Presenter” means any person who addresses a Committee in the context of a Presentation.
- (kk) “Public Meeting” means City Council (Public Meeting) as per *The Planning Act*.
- (ll) “Quorum” means 50 percent of members plus 1 required to be at a Meeting and legally entitled to vote in order for business to be conducted.
- (mm) “Recess” means to take a break during a meeting for a defined period of time.
- (nn) “Reconsider” means to re-open Debate on a prior decision of Council only, as if the decision had never been made, in strict accordance with the requirements of this By-law. Reconsideration has a corresponding meaning.
- (oo) “Recorded vote” means the recording at a Council Meeting of the name and vote of every Member voting on a Motion.
- (pp) “Refer” means to remove a main Motion from consideration by directing the matter to a Committee or Administration until more information is provided at a time provided for in the referral Motion.
- (qq) “Rescind” means to reverse or cancel a prior decision of Council only, in strict accordance with the requirements of this By-law. Rescission has a corresponding meaning.
- (rr) “Resolution” means to make a decision on a form of action agreed to by a vote.

- (ss) “Revote” means to subsequently vote again on a question which has been voted upon at any prior time within the same Meeting.
- (tt) “Revisit” means to Reconsider, Amend, Rescind or Revote on a prior decision.
- (uu) “Rules of Procedure” means the rules and regulations provided in this By-law and, where this By-law is silent, the rules and regulations provided in Robert’s Rules of Order.
- (vv) “Special Purpose Committee” means a Committee of Council that investigates, reports and recommends on a particular subject or area.
- (ww) “Vice Chair” means the member of a Committee as appointed by the Committee to act as the Chair in absence of the Chair, or when the Chair steps down to act as a member.

1.02 Application:

- (a) The Rules of Procedure must be observed in the proceedings of all Meetings of Council, Committee of the Whole, City Council (Public Meeting), Special Committee of the Whole (Closed Session), Non-Business Meetings and Special Purpose and Advisory Committees of Council, Ward/Town Hall Meeting for the handling of business, unless specifically provided for otherwise.
- (b) Despite the provisions of this By-law, nothing in this By-law shall be construed as giving authority to any Committee, Councillor, Chair of a Committee or not, to direct or interfere with the performance of any work for the City; and the officer in charge shall be subject only to their superior officer as established in the formal organization structure of the City.

1.03 Interpretation Rules: This Section sets out the rules to be followed when reading and interpreting this By-law.

- (a) Number/Gender: This By-law is to be read with the absence of gender and number required by the context.
- (b) Sections/Headings: The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (c) “Includes”: The words “include”, “includes”, “including” and “included” are not to be interpreted as restricting or modifying the words or phrases which precede them.
- (d) Legislation References: Each reference to Provincial legislation in this By-law is printed in Italic font. Where the reference does not include a year, it is a reference to the *Revised Statutes of Ontario, 1990 edition*.

Where the name of the statute includes a year, the reference is to the Statutes of Ontario for that year. In every case, reference to a Provincial statute includes all applicable Amendments to the legislation, including successor legislation.

- (e) Severability: If any article, section, subsection, paragraph, clause or subclause or any of the words contained in this By-law is held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.

1.04 Proper Address for Members/Administration/Public:

- (a) The Mayor shall be addressed as: “MAYOR (surname inserted) or (first name and surname) as requested”, or, alternatively, as “YOUR WORSHIP”.
- (b) The Chair of Committee of the Whole shall be addressed as CHAIR (insert surname) or alternatively CHAIR (first name and surname) as requested.
- (c) All other Members are to be addressed as: “COUNCILLOR (surname inserted) or alternatively COUNCILLOR (first name and surname) as requested”.
- (d) Members of Administration shall be addressed as: “TITLE” or ‘CITY OFFICIAL” (surname inserted) (i.e. City Manager (surname inserted) Clerk (surname inserted) Alternative Title or City Official and (first and surname) as requested
- (e) Presenters/Deputants shall be addressed as ‘PRESENTER/DEPUTANT” (surname inserted) or (first name and surname) as requested)

Article 2.00 Duties, Roles & Acting Designations

2.01 Duties of the Mayor: It is the duty of the Mayor to:

- (a) carry out the responsibilities described in *The Municipal Act, 2001*;
- (b) represent and support the Council and its decisions in all matters;
- (c) respect the Rules of Procedure;
- (d) to authenticate, by signature, all by-laws, and minutes of Council; and
- (e) to act as the Chair for Meetings of Council.

2.02 Duties of Councillors: It is the duty of each Councillor to:

- (a) carry out the responsibilities described in *The Municipal Act, 2001*;
- (b) deliberate on the business submitted to Council;
- (c) vote when a Motion is put to a vote; and
- (d) respect the Rules of Procedure.

2.03 Duties, Authority and Power of the Chair: It is the duty of each Member assuming the role of Chair of a Meeting to:

- (a) work in consultation with the Clerk relative to the development of the agenda for meetings;
- (b) open the Meeting by taking the Chair and calling the Members to order;
- (c) receive and submit, in the proper manner, all Motions duly moved and seconded by Members;
- (d) co-ordinate order of speakers;
- (e) put to a vote, and to vote on, all Motions, after Debate, and to announce the result;
- (f) enforce the Rules of Procedure;
- (g) maintain conduct, order and decorum of the Members;
- (h) call by name any Member persisting in a breach of the Rules of Procedure and order the Member to leave the Meeting, including an order to leave the room within which the Meeting is being held;
- (i) rule on any Points of Order and Points of Privilege raised by Members;
- (j) where it is not possible to maintain order, adjourn the Meeting without the necessity of any Motion being put, to a time named by the Chair; and,
- (k) to call for a Motion to adjourn the Meeting when the business is concluded.

2.04 Acting Mayor:

- (a) On an annual basis Council shall by by-law designate Councillors as Acting Mayor on a rotating basis by By-law.

(b) The rotation list shall be comprised of all the Members of Council to each serve a limited term of one month as the Acting Mayor in the event that the Mayor is absent and unable to perform the duties of his or her office.

2.05 **Duties of the Clerk:**

- (a) Carry out the responsibilities described in *The Municipal Act, 2001*;
- (b) Prepare all items for meeting agendas in accordance with this By-law and relevant legislation and distribute agendas for all Meetings;
- (c) Secretary of all Committees of all Meetings but may assign the duties as Secretary of any Committee as necessary.

Article 3.00 **Meetings:**

3.01 **Place of Meetings:**

- (a) All Meetings of Council, Committee of the Whole and City Council (Public Meeting) shall take place in the Sydney H. Blake Auditorium (Council Chambers), City Hall, 500 Donald Street East, Thunder Bay, unless deemed to be established as an electronic meeting.
- (b) All Meetings of Special Purpose and Advisory Committees and Non-Business Meetings, Ward/Town Hall Meetings established under this By-law or otherwise by Resolution of Council, shall take place at facilities that:
 - (1) are Accessible to the general public;
 - (2) serve the specific needs of each Committee; and
 - (3) are specified in the Notices issued for them (see Section 3.11 - Public Notice of Meetings).
 - (4) are specified as electronic meetings as per Section 238 (3.1) of *The Municipal Act, 2001* and outlined in Article 3.14 of this by-law.

3.02 **Chair of Meeting**

- (a) Each Meeting of Committee of the Whole shall be chaired by the Member of Council so appointed to Chair that particular session. In the absence of the appointed Chair, the appointed Vice Chair shall chair the session. In the absence of both the Chair and Vice Chair, Members present shall elect from amongst themselves a Chair for the Meeting.

- (1) Chairs and Vice Chairs of Committee of the Whole are appointed at the inaugural Meeting of City Council, with the appointments terminating at the last Meeting of Council, in the month of November of the second year of the four-year term; and are appointed for the remaining two years of the four-year term, with the appointments terminating at the last Meeting of Council, in the month of November.
- (b) All closed Meetings of Committee of the Whole shall be chaired by the Chair of the Development & Emergency Services (Planning) Services Session of Committee of the Whole.
- (c) All Special Meetings of Committee of the Whole shall be chaired by the Chair of the Administrative Services Session of Committee of the Whole.
- (d) Each Meeting of Council and City Council (Public Meeting) shall be chaired by the Mayor. In the absence of the Mayor, the appointed Acting Mayor shall chair the session. In the absence of both the Mayor and Acting Mayor, Members present shall elect from amongst themselves a Chair for the Meeting.
- (e) Each Meeting of Special Purpose and Advisory Committees of Council shall be chaired by the member appointed as Chair, according to the process defined in the Terms of Reference of each Committee.
- (f) Each Non-Business Meeting shall be chaired by the City Manager or designate.
- (g) Each Ward/Town Hall Meeting shall be chaired by the Mayor or Member for whom the Meeting has been established.

3.03 **Quorum**: Quorum is required in order for business to be conducted. If Quorum is not reached following 20 minutes of the Meeting start time, the Clerk shall adjourn the Meeting, recording for the minutes of Meeting, the attendance, start and end times.

3.04 **Meetings Open to the Public**: Subject to Section 3.12 of this by-law – Closed Meetings, all Meetings shall be open to the public except as provided for in this By-law and in accordance with *The Municipal Act, 2001* and any other applicable legislation.

3.05 **Confidentiality:**

- (a) All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees is confidential.
- (b) Members and Administration shall not disclose, release or allow access to any confidential information except when required by law to do so.

3.06 **Inaugural City Council Meeting:**

- (a) The inaugural Meeting of Council shall be held on the first Monday of December following the general Municipal election, at 6:30 p.m. in the Council Chambers or established as an electronic meeting as per this By-law.
- (b) The agenda for the inaugural Meeting of the Council shall consist of only the following items:
 - (1) the taking of the oath of allegiance and declaration of elected office by each Member;
 - (2) the appointment of Chairs and Vice Chairs of Committee of the Whole in accordance with this By-law;
 - (3) the appointment of Acting Mayors in accordance with this By-law.

3.07 **Establishing Regular Meetings of Council and Committee of the Whole:**

- (a) City Council shall adopt a schedule of Meetings for the coming year or more, that will provide that in general:
 - (1) Council will meet on the second and fourth Monday of each month;
 - (2) City Council (Public Meeting) will meet on the third Monday of each month;
 - (3) Committee of the Whole shall meet on each Monday for not more than four Meetings in one month;
 - (4) Monthly schedules will be modified when Holidays occur on Mondays;
 - (5) Schedule for the summer months of July and August will be modified to allow for fewer meeting dates;
 - (6) Special City Council Meetings for the purposes of annual meetings for external boards.

- (b) After its inaugural Meeting, the Council and Committee of the Whole shall meet on the dates provided for in the schedule of Meetings as adopted by Council.
- (c) Committee of the Whole Meetings shall commence at 6:30 p.m., to be followed by the Meeting of Council (when one is scheduled).
- (d) City Council (Public Meeting), when scheduled, shall commence at 6:30 p.m., to be followed by Committee of the Whole.
- (e) Committee of the Whole, City Council and City Council (Public Meeting) shall not be scheduled between October and November in the year of the Municipal Election.
- (f) Committee of the Whole, City Council and City Council (Public Meeting) shall not be scheduled if it falls on June 21 in recognition of National Indigenous Peoples Day.
- (g) Council and Committee of the Whole has the authority to amend the Meeting schedule at any time.

3.08 Establishing Additional and Special Meetings:

(a) Additional and Special Meetings may be established by:

- (1) a Motion of the Committee or Council that is meeting;
- (2) at the call of the Chair and by providing Meeting Notice of at least 48 hours prior to the date and time of the Meeting; or
- (3) polling, at the request of the Chair, the majority of the Members if called within less than 48 hours of the date and time of the Meeting. The poll is to be conducted by the Clerk or designate, by either verbal or written expression or e-mail of the Members of Council.

(b) Special Meetings are only held for the purposes of presenting the business identified when the Meeting was established.

3.09 Establishing Non-Business Meetings: Non-Business Meetings are established at the call of the Chair and Notice provided to Members not less than seven days prior to the event.

3.10 Establishing Special Purpose and Advisory Committees of Council Meetings:

Meetings are established as defined in the Terms of Reference for each Committee.

3.11 Public Notice of Meetings:

- (a) Notice of all Meetings of Council, Committee of the Whole, City Council (Public Meeting) and other Committees of Council shall be given to the public in accordance with the Notice by-law and any other applicable legislation, and as otherwise provided for in this and other by-laws of the City.
- (b) Notice of Council, Committee of the Whole, City Council (Public Meeting) and Non-Business Meetings shall include the posting of the Meeting agendas on the City of Thunder Bay's website and through the listings in the Meeting calendar on the City of Thunder Bay's website.

3.12 Closed Meetings:

- (a) Meetings of Committee of the Whole, Non-Business, and Special Purpose and Advisory Committees, may be closed to the public as provided for under the provisions for closing a Meeting contained in *The Municipal Act, 2001*, or in any other applicable legislation.
- (b) A Motion is required to close a Meeting or part of a Meeting to the public. Such a Motion shall state:
 - (1) the fact of the holding of the closed Meeting and the date and time of starting;
 - (2) the general nature of the matter to be considered as specified in the *Municipal Act, 2001* as outlined below:

Section 239 (2)(a-k) A meeting or part of a meeting may be closed to the public if the subject matter being considered is;

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26
- (c) Where the purpose as defined in 3.12 (b) (2) must be amended, a Motion is required to be presented to a Special Committee of the Whole Meeting, held prior to the Closed Session Meeting.
 - (d) Where a Meeting or part of a Meeting is closed to the public, all persons not specifically invited to remain, shall retire from (or not enter) the Meeting.
 - (e) No vote shall be taken during a Meeting or part of a Meeting that is closed to the public, except to give direction to Administration or on Motions of a procedural nature.
 - (f) Recommendations presented in a closed session will only be presented in open session upon the direction of Committee of the Whole.

3.13 Committee of the Whole Meetings:

- (a) To allow for the efficient management of issues to be brought before Committee of the Whole, business will be divided as follows:

- (1) The Operations Session shall consider matters related to the work and services of those Divisions whose business includes roads and highway maintenance, maintenance of parkland and open space and municipal cemeteries, solid waste management and recycling, water and waste water supply and management, and the engineering of municipal infrastructure.
- (2) The Community Services Session shall consider matters related to the work and services of the Divisions whose business includes the provision of culture and recreation services and programming, recreational facilities and associated services together with business respecting the maintenance and supply of the Corporation's facilities and fleets including public transit.
- (3) The Development & Emergency Services Session shall consider matters related to the work and services of the Divisions whose business includes the provision of planning, land use and building development services, business licensing, by-law enforcement real property matters, fire and rescue services and emergency medical services.
- (4) The Administrative Services Session shall consider matters related to the work and services of the Divisions, whose business includes the provision of human resources and corporate safety, corporate information technology, finance and accounting, Long Term Care Homes, purchasing, legal and legislative services, corporate Administration, and matters handled by the Corporation's local Boards or corporate subsidiaries.

In a case of urgency, a report regarding subject matter categorized under one session may be brought to another session of Committee of the Whole with permission from the Clerk.

3.14 Electronic Meetings:

Council may, as provided for in *The Municipal Act, 2001*, establish a Meeting to be held electronically, 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. All articles of this by-law relating to conduct of meeting, agendas, voting, debate etc. apply to an electronic meeting in the same form as a meeting held in person outside from the items detailed below.

- (a) **Electronic Meetings** – Any regular or special Meeting of Council, including a meeting of Committee of the Whole, City Council, City Council (Public Meeting), Advisory Committees, Non-Business and Ward/Town Hall Meetings may be conducted by Electronic Meeting, in accordance with this Article.
- (b) Such meetings may be **Closed Session** – An Electronic Meeting may include a Closed Meeting, which shall be conducted in the absence of the public and in accordance with exceptions outlined in *The Municipal Act, 2001*.

- (c) **Quorum**– Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement of the meeting and at any point in time during the Meeting.
- (d) **Voting** – Members shall be entitled to vote through a vote recorded by the Clerk or designate as if they were attending the Meeting in person, during an Electronic Meeting. All voting, during an Electronic Meeting, shall take place by each Member audibly stating “yea” or “nay” in response to the Clerk calling their name in order.
- (e) **Participation of Members** –
 - (1) Members may be added to the speakers list during an Electronic Meeting by making request of the Chair.
 - (2) Members may move or second a motion during an Electronic Meeting by requesting in advance to the City Clerk or designate or by stating their intent at the meeting.
- (f) **Interruption in Communication** – If there is an interruption in the communications link to any Member who is participating electronically in a Meeting, the Clerk may:
 - (1) decide on a short recess until it is determined whether or not the link can be re-established with no more than two (2) attempts; or
 - (2) continue the Electronic Meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.
 - (3) where communication to all members participating electronically and the connection to the public is interrupted and unable to be resolved, the meeting shall be adjourned and rescheduled.
- (g) **Public Notice of Electronic Meeting** – A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session meeting of such Electronic Meeting, in addition to any other applicable detailed notice requirements as required by the Notice by-law.
- (h) **Deputations**– An Electronic Meeting shall permit public deputations by way of written submission received electronically in advance of the meeting, via virtual participation (audio or video) or via the City Hall deputation kiosk when available, which shall be submitted to the City Clerk’s Office by letter or **via the website www.thunderbay.ca (Request to Speak to Council form)** in accordance with the timeframe established in section 5.08(b)(2), and shall be provided to Members at the Meeting.

3.15 Reconvened Meetings: In the event that agenda material prepared for regular or special Meetings of City Council, Committee of the Whole, City Council (Public Meeting) or Special Committee of the Whole (Closed Session), has not been completed prior to the adjournment of the Meeting, all unfinished business will be

considered at a reconvened session to be held on the date identified by the Members prior to the adjournment of the Meeting.

3.16 Non-Business Meetings:

- (a) Council may, as provided for in *The Municipal Act, 2001* establish a Meeting for the purposes of information or training of Members of Council.
- (b) Such Meetings may be closed to the public only as provided for in this By-law.
- (c) Motions will not be considered.

3.17 Committees of Council:

- (a) Committees for special and specific purposes are established by presentation of a Motion to Committee of the Whole indicating the type of Committee, its general purpose and its composition.
- (b) All Special Purpose and Advisory Committees of Council are required to prepare and submit for approval to Committee of the Whole, Terms of Reference in accordance with the Policies of Council. Terms of Reference includes:
 - (1) Appointment of Chair and Vice Chair on a yearly basis;
 - (2) Review of Terms of Reference on a yearly basis, with updates submitted to Committee of the Whole for approval.
- (c) Special Purpose and Advisory Committees of Council, if required, may establish working groups within their specific Committee for the purposes of achieving the deliverables of each Committee in the timelines indicated.
- (d) Authority for Committees to act independent of a Resolution of Council shall be determined by the Committee's approved terms of reference, or applicable legislation.
- (e) All Special Purpose and Advisory Committees of Council required to either hold a Closed Session Meeting and/or move into a Closed Session Meeting shall follow the rules as identified in Section 3.12 – Closed Meetings.
- (f) All Members of Council not forming part of the membership of the Special Purpose and Advisory Committees of Council, may attend these open session Meetings; receiving approval of the Chair prior to making presentation or participating in any Debate at these Meetings.
- (g) All Special Purpose and Advisory Committees of Council shall report on their proceedings to an identified session of Committee of the Whole through inclusion on an agenda:

- (1) the minutes of their Meetings;
 - (2) reports for information or with recommendations made in keeping with the Committee's terms of reference, as required;
 - (3) memoranda of information, as required.
- (h) Once the final report of a Special Purpose Committee has been submitted to Committee of the Whole for consideration, Committee of the Whole may pass a Motion to:
- (1) Accept or Reject to recommendations of the Special Purpose Committee;
 - (2) Dissolve the Special Purpose Committee;
 - (3) Refer matters back to the Special Purpose Committee;
 - (4) Re-establish the same Special Purpose Committee or another Special Purpose or Advisory Committee of Council.
- (i) Except for Committees/bodies established by a requirement of Provincial statute, Committees of Council shall take one of two forms as set out in this Section.
- (1) Special Purpose Committees: A Committee whose mandate is to investigate, report and recommend on a particular subject or area. In establishing the Special Purpose Committee, Council shall identify:
 - (i) the time frame for the Committee's final report to be no later than the end of term of the Council in which it was established;
 - (ii) the composition of the Committee which shall include no more than 5 Members of Council, all of whom shall be voting Members but may also include other voting members from the general public;
 - (iii) that Administrative resources to Committees shall be determined by the City Manager;
 - (iv) that invitation of non-voting resource members from the community at large be allowed, where such membership is identified in the terms of reference.
 - (2) Advisory Committees: A Committee established by Council to examine, develop, administer, implement, report upon and recommend initiatives and programs of the City within the jurisdiction of the Council. In establishing the Advisory Committee, Council shall identify:

- (i) the composition of the Committee which may include both Members of Council and the general public as voting members. Regardless of the composition, the Committee shall not have more than 5 Members of Council;
 - (ii) that administrative resources to Committees shall be determined by the City Manager.
- (j) Coordinating Committee:
- (1) Coordinating Committee is an Advisory Committee established by Council for the purposes of reviewing the procedural rules as contained in this By-law and the operational practices for the preparation and delivery of the documents as contained in this By-law. This Committee shall:
 - (i) be composed of the Head of Council as Chair together with the Chairs of each of the four sessions of Committee of the Whole;
 - (ii) appoint a Vice Chair at its first Meeting, from among its Members, and yearly thereafter;
 - (iii) develop and be governed by its terms of reference.

Article 4.00 Order of Proceedings

4.01 Committee of the Whole Agendas: The Clerk shall have prepared for the use of the Members at the regular and special Meetings of Committee of the Whole, an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Announcements
- (c) Confirmation of Agenda
- (d) Presentations
- (e) Deputations
- (f) Items arising from Closed Session
- (g) Reports of Committees, Boards and Outside Agencies
- (h) Reports of Municipal Officers
- (i) First Reports
- (j) Petitions and Communications
- (k) New Business
- (l) Outstanding Items
- (m) Adjournment

4.02 **Special Committee of the Whole (Closed Session) Agendas:** The Clerk shall have prepared for the use of the Members at Meetings of the Special Committee of the Whole (Closed Session), an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Confirmation of Agenda
- (c) Reports of Municipal Officers
- (d) Petitions and Communications
- (e) New Business
- (f) Adjournment

4.03 **City Council Agendas:** The Clerk shall have prepared for the use of the Members at the regular and special Meetings of City Council, an agenda that may include the following headings:

- (a) Opening Ceremonies
- (b) Disclosures of Interest
- (c) Confirmation of Agenda
- (d) Minutes of Previous Meetings
- (e) Petitions and Communications
- (f) Reports of Committees, Boards and Outside Agencies
- (g) Reports of Municipal Officers
- (h) By-laws
- (i) New Business
- (j) Notice of Motion
- (k) Confirming By-law
- (l) Adjournment

4.04 **City Council (Public Meeting) Agendas:** The Clerk shall have prepared for the use of the Members at the regular and special Meetings of City Council (Public Meeting), an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Confirmation of Agenda

- (c) Public Meeting
- (d) Reports of Municipal Officers
- (e) By-laws
- (f) Adjournment

4.05 Non-Business Agendas: The Clerk shall have prepared for the use of the Members at Non-Business Meetings, an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Confirmation of Agenda
- (c) Minutes of Previous Meetings
- (d) Discussion Items
- (e) Adjournment

4.06 Special Purpose and Advisory Committees of Council: The Clerk shall have prepared for the use of the members at Special Purpose and Advisory Committees of Council Meetings, an agenda that may include the following headings:

- (a) Election of Chair and Vice Chair
- (b) Disclosures of Interest
- (c) Confirmation of Agenda
- (d) Presentations
- (e) Deputations
- (f) Minutes of Previous Meeting
- (g) Terms of Reference
- (h) Discussion Items
- (i) New Business
- (j) Next Meeting
- (k) Adjournment

Article 5.00 Rules for Agenda Items:

5.01 Opening Ceremonies: Each Meeting of City Council shall commence with one minute of silent reflection.

5.02 Disclosures of Interest:

- (a) Members shall disclose any interest in a matter being considered at any Meeting in accordance with the provision of conflict of interest legislation currently in effect.
- (b) Oral disclosure does not preclude the member from the requirement of completing the disclosure of interest form for inclusion on the conflict of interest registry as per *The Municipal Act, 2001*. Disclosures of interest shall be recorded by the Clerk in the minutes of the Meeting and posted in the Conflict of Interest Registry located on the city's website.
- (c) Disclosures of interest made, and recorded, at a Meeting of Committee of the Whole shall be deemed to be made at the Meeting of City Council at which the minutes of that Committee of the Whole are presented for Council's adoption.

5.03 Confirmation of Agenda: All Meetings will confirm the agenda as distributed including any additional information or New Business

5.04 Minutes of Previous Meetings:

- (a) The minutes shall record:
 - (1) the place, date and time of Meeting;
 - (2) the name of the presiding officer or officers and the names of Members and Administration in attendance; and
 - (3) all other proceedings of the Meeting without note or comment.
- (b) City Council agendas: include the presentation of minutes from previous City Council and City Council (Public Meeting) Meetings for confirmation.
- (c) Non-Business agendas: include the presentation of minutes from previous Non-Business Meetings for information.
- (d) Special Purpose Committee and Advisory Committee agendas: include the presentation of minutes from previous Meetings of the same type for adoption as required.

5.05 **Terms of Reference:** Special Purpose Committees and Advisory Committees present their Terms of Reference for approval following establishment of the Committee, and review yearly thereafter.

5.06 **Discussion Items:** Special Purpose Committees, Advisory Committees and Non-Business Agendas present agenda items for consideration or information.

5.07 **Presentations:**

(a) Scheduling Presentations at Committee of the Whole:

- (1) All requests for Presentations must be made in writing to the Clerk a minimum of 4 calendar days before the date of the Meeting, by 12:00 noon, at which the person wishes to appear.
- (2) The subject matter of the Presentation must meet the definition of Presentation described in this By-law.
- (3) The Clerk shall schedule the Presentation and provide the Presenter with the appropriate information.

(b) Paragraphs as contained in Section 5.08 – Deputations also apply to Presentations, with the exception of Time Limits.

(c) Time limits for Presentations:

- (1) For formal recognition of visiting delegates or the announcement or promotion of city-wide events, the time limit is five (5) minutes.
- (2) For a Presentation of study results by Administration or a consultant on behalf of the City, the time limit is 10 (ten) minutes.
- (3) The time limits for Presentations do not include the time within which Members may question the Presenter.

(d) Rules that apply for Presentations also apply for Special Purpose and Advisory Committees of Council and Non-Business Meetings.

5.08 Deputations:

- (a) No Deputations are heard at City Council or City Council (Public Meeting).
- (b) Request for Deputations (Request to Speak to Council) at Committee of the Whole, Non-Business and Special Purpose and Advisory Committees:
 - (1) Any person who wishes to be a Deputant shall submit a formal request to the Clerk.
 - (2) The request must be submitted either by formal correspondence in writing addressed to the Clerk or as a Request to Speak to Council form located on the City of Thunder Bay website. Requests must be made a minimum of 4 calendar days prior to the Meeting, by 12:00 pm, at which the person wishes to appear.
- (c) The request must describe:
 - (1) the subject matter on which the person wishes to address the Committee;
 - (2) the outcome that is sought; and
 - (3) the efforts the person has made to achieve the desired outcome with Administration.
- (d) Where time constraints are involved, late requests will be received by the Clerk and if the matter is determined to be urgent, the request will be presented to Committee of the Whole as a potential item of New Business.
- (e) Denial of Deputation Requests: The Clerk shall deny a request for a Deputation where:
 - (1) The subject matter that the person wishes to address, or the outcome that the person seeks from the Committee is not within the City's Power;
 - (2) The person wishes to address the Committee to request financial support for a purpose which falls within the criteria of the City's established financial assistance programs including but not limited to Community, Youth, Cultural Funding Program, Community Partnership Program, approved funding agreements by City Council etc.;

- (3) The subject matter involves negotiation for development, land purchase or sale with the City of Thunder Bay;
 - (4) The subject matter involves a report from the Integrity Commissioner appointed to the City of Thunder Bay;
 - (5) The subject matter involves litigation or potential litigation with the City;
 - (6) The subject matter has already been presented to the Committee by the Deputant or an organization to which they belong, unless new information is being presented;
 - (7) The Deputant wishes to address a Meeting of Committee of the Whole at which the annual budget will be presented or considered outside of specific opportunities scheduled for deputations/public engagement within the Special Committee of the Whole (Budget Session) process;
 - (8) The Deputant seeks to have a prior decision of Council Reconsidered; or
 - (9) The Deputant wishes to address a matter which was the subject of the City Council (Public Meeting) under the *Planning Act*.
- (f) Scheduling Deputations:
- (1) Wherever possible, the Deputation shall be scheduled for the appropriate session of Committee of the Whole, considering the subject matter of the Deputation.
 - (2) Where the person requesting the Deputation is unable to attend on that date, or where the matter involves other time constraints, the Deputation shall be scheduled on a date that is most convenient.
- (g) Information to Deputant: The Clerk shall provide the Deputant with information outlining the Deputation process.
- (h) Rules for the Deputant:
- (1) If the Deputant wishes to distribute material with the agenda packages to the Members, the Deputant shall provide the Clerk's office with an electronic copy of the material to supply to Members,

Administration and the media, a minimum of 7 days prior to the Meeting at which they will appear. Information supplied must be accessible as per the Accessibility for Ontarians with Disabilities Act.

- (2) A Deputation shall not exceed 10 minutes in length. This time limit does not include the time within which Members of the Committee may question the Deputant.
- (3) If a Deputation includes more than one person, the combined speaking time of all persons addressing the Committee shall not exceed the limit of 10 minutes.
- (4) The Deputant must restrict their comments to the subject matter outlined in their request for Deputation.
- (5) Where several Deputations are scheduled on the same topic, the Chair may request that Deputations subsequent to each preceding Deputation only bring forward new information to the Committee.
- (6) All comments from the Deputant shall be directed through the Chair without the use of offensive language or behaviour.
- (7) In responding to questions from the Members of Committee, the Deputant shall not enter into Debate or question Members of the Committee.
- (8) Deputants must observe the rules set out in this By-law in addition to the terms and process provided by the City Clerk for attendance at virtual meetings, and the decisions and directions of the Chair presiding at the Meeting.

(i) Sanctions:

1. Where a Deputant disregards any one or more of the rules of this By-law, the Chair shall advise the Deputant of the error, remind them of the rules, and request that they adhere to the rules; or if the Deputant repeatedly ignores the rules, the Chair may call an end to the Deputation.

2. Where a Deputant repeatedly disregards any one or more of the rules the Chair may immediately order the Deputant to leave the Meeting for the remainder of the Meeting.
3. If the Deputant refuses to leave the Meeting, they may be escorted from the building by security or removed from an electronic meeting by the Clerk.
4. Council may, at its discretion, prohibit anyone from making Deputations for a period of time.

(j) Rules for Members and Administration:

1. When a request for a Deputation has been denied, the Clerk shall provide the person who made the request, the Members of the Committee and the City Manager with a memorandum outlining the reasons for the denial.
2. Where a Deputation relates to another matter on the agenda, the Deputation shall be scheduled during the same time on the agenda, following presentation of the related matter.
3. When a Deputation is received after 12:00 noon, 4 days prior to the Meeting, and the Deputation is approved as New Business, it will be presented under Deputations as a New Business Deputation.
4. Upon the conclusion of a Deputation, Members of the Committee may ask questions of the Deputant. Questions to Deputants shall be limited to the subject matter of the Deputation.
5. Members shall not enter into Debate with Deputants.
6. The Deputant shall be excused after Members of Committee have had the opportunity to question him or her. Questions by Members can be addressed to Administration at this point.
7. Except in cases involving established time constraints, no Motion regarding any Deputation aside from a Referral motion to Administration not associated with another agenda item shall be presented at the same Meeting as the one at which the Deputation occurred.

5.09 **Items Arising from Closed Session:** Items previously presented in Closed Session that require decision or direction from Council.

5.10 Reports of Committees, Boards and Outside Agencies:

- (a) Committee of the Whole agendas include presentation of:
 - (1) Minutes of the Special Purpose and Advisory Committees Meetings, and various Boards and Outside Agencies Meetings, for information.
 - (2) Memorandums containing Resolutions from Special Purpose and Advisory Committees Meetings for consideration by Committee of the Whole.
- (b) City Council agendas include the presentation of:
 - (1) Committee of the Whole minutes of Meetings for adoption.
 - (i) A motion as contained in minutes being presented for adoption can be Amended by requesting to vote on the motion separately.
 - (2) Ward and Town Hall minutes to be received.
 - (3) Ratifying Motions previously adopted by Committee of the Whole held earlier in the same evening as the City Council meeting, requiring a two-thirds vote of Council.
 - (4) Non-Business minutes to be confirmed.

5.11 Public Meeting:

- (a) City Council (Public Meeting) is held for the purposes of considering amendments to the zoning by-law and/or official plan and/or draft plan of subdivisions in accordance with the *Planning Act* or any other Act.
- (b) The Clerk will advise those in attendance of the procedures to be followed when holding a Public Meeting pursuant to the provisions of the *Planning Act*, or any other Act.
- (c) For each application presented at a City Council (Public Meeting), the following procedure will occur:
 - (1) The Clerk will provide information on the application;
 - (2) The Planning Division will summarize the application;
 - (3) The Chair will ask the applicant if they wish to present any comments; the applicant will have a maximum of ten (10) minutes to speak to the application;

- (4) The Chair will ask if there are speakers to the application who wish to be heard, speakers will be provided with a maximum of ten (10) minutes to speak to the application;
- (5) The Chair will ask Council if they wish to ask questions of the applicant following comments made by any speakers to the application;
- (6) The Chair will ask Council if they wish to ask questions of Administration.

5.12 Reports of Municipal Officers:

- (a) Corporate Reports prepared for presentation at Committee of the Whole, City Council, City Council (Public Meeting) and Special Committee of the Whole (Closed Session) Meetings are numbered and filed within the Office of the City Clerk.
- (b) Requests for reports from departments, when made at a Meeting of Committee of the Whole, City Council or City Council (Public Meeting.), shall be by majority decision of the assembly and directed to the City Manager who, shall give direction to the appropriate departments, through the distribution of the Resolution.
- (c) Committee of the Whole – Corporate Reports will be presented where possible and efficient for consideration in the following order:
 - (1) Reports for Consideration: Includes those reports presented for the first time, seeking a recommendation from the Committee to Council;
 - (2) Reports for Information: Includes those reports presented for information only.
- (d) City Council – Reports may be presented directly to City Council when:
 - (1) The matter contained in the report is of an urgent nature and cannot be delayed by scheduling presentation at a regular Meeting of Committee of the Whole.
 - (2) Reports presented at the inaugural Meeting of City Council include Appointment of Acting Mayors and Appointments of Chairs and Vice Chairs of Sessions of Committee of the Whole.

- (e) City Council (Public Meeting):
 - (1) Motions from Reports relative to applications considered at a City Council (Public Meeting) portion of the Meeting, are presented in the order they were considered during the Public Meeting.
- (f) Special Committee of the Whole (Closed Session):
 - (1) Confidential Corporate Reports for review.

5.13 **First Reports:** Committee of the Whole – Corporate Reports on subjects that involve substantive policy matters, significant budget issues or that have major implications for the community. ‘First Reports’ are presented initially as information reports to be represented at a predetermined future Meeting for full discussion and Debate by Members. At first presentation there is a Motion to receive the report noting the date for consideration of its more specific recommendations.

5.14 **Petitions and Communications:**

- (a) All petitions and communications presented to a Meeting shall be signed, be legibly written or printed and shall not contain any obscene or improper matter or language.
- (b) Petitions are presented at Committee of the Whole in accordance with the Corporate Policy on Petitions.
- (c) Correspondence received from Members of Council, Administration and the public shall be filed with the Clerk no later than 12 noon, 14 calendar days prior to the Monday of the week in which the regular Meeting is held.

5.15 **By-laws:**

- (a) Corporate by-laws are presented at Meetings of City Council and City Council (Public Meeting) for consideration.
- (b) The subject matter of a by-law must have been either:
 - (1) considered and adopted by Committee of the Whole and ratified by Council; or
 - (2) considered and adopted by City Council.
- (c) Must be in the form conforming to accepted procedure and in compliance with the provisions of any Act and shall be complete with the exception of the date of passing.

- (d) Require only one reading prior to being passed by Council. A majority vote of Council is required.
- (e) Should a By-law be defeated by City Council, direction is given to Administration by that vote.
- (f) Introduced with a Motion, specifying the subject of the by-laws and open to Debate and amendment prior to passing:
 - (1) May be considered and Debated separately;
 - (2) May be Referred to the Committee of the Whole for further consideration;
 - (3) May be Deferred to a subsequent Meeting date of Council.
- (g) Every by-law enacted by Council shall be numbered and dated, signed by the Clerk and Mayor at the Meeting at which the by-law was passed and shall be sealed with the seal of the Corporation.
- (h) Every by-law shall be indexed and filed in a secure location in the Office of the City Clerk.

5.16 New Business:

- (a) The Clerk shall review and approve, in consultation with the Chair, all requests for presentation of New Business on a Meeting agenda.
- (b) No item of New Business may be dealt with by a Committee without the consent of a majority of the Members present.
- (c) All items of New Business shall be written and copied to all Members of the Committee prior to Debate, unless urgent matters arise during a Meeting.

5.17 Notice of Motion: Notice of Motion to Reconsider, Rescind or Amend a prior decision of Council will be presented at City Council Meetings only, in the following order:

- (a) Motions for Debate previously introduced at a prior City Council Meeting.
- (b) Introduction of Notices of Motion.

- 5.18** **Confirming By-law:** The Confirming By-law is presented at each City Council Meeting to confirm the proceedings of Council.
- 5.19** **Outstanding Items:** Outstanding Items will be presented at each Committee of the Whole Meeting and provide for a list of items passed by resolution and directed by Council to return by a designated date. The list of items will pertain to each section of Committee of the Whole.
- 5.20** **Adjournment:**
- (a) The Chair shall call for a Motion to adjourn each Meeting.
 - (b) Committee of the Whole, City Council (Public Meeting), City Council, Special Committee of the Whole (Closed Session) – The Chair presents a Motion to Extend the Hour at 11:00 p.m. and every hour following until the Meeting is adjourned.

Article 6.00 **Motions**

- 6.01** **Motions without Notice:** The Motions listed in this Section may be introduced verbally without written notice:
- (a) A Point of Order or a Point of Privilege;
 - (b) To Refer a matter under discussion;
 - (c) To Defer a matter under discussion;
 - (d) To Amend a matter under discussion;
 - (e) Motions to suspend a Rule of Procedure;
 - (f) Motions to adjourn;
 - (g) Motion to Recess;
 - (h) Motions to vote on the question;
 - (i) Motions that Council resolve itself into Committee of the Whole in Closed Session.

6.02 **Committee of the Whole Motions:**

- (a) All Motions, except procedural Motions, voted on in Committee of the Whole become recommendations to City Council.
- (b) Council must ratify each recommendation of Committee of the Whole before it can become effective, through:

- (1) Presentation of the Committee of the Whole minutes, including all motions contained within the minutes, to City Council; or
 - (2) Presentation of individual recommendations from Committee of the Whole to City Council.
- (c) Council may extract any motion from the Committee of the Whole minutes to consider the motion separately upon request of a Member, using the original mover and seconder of the Motion.
- (d) If the extracted motion is amended or the original decision reversed, the Committee of the Whole minutes will be not be amended.

6.03 Dividing a Question: When a Motion under consideration concerns two or more matters, each matter may be voted on separately upon the request of any Member.

6.04 Withdrawal of Motion: Once a Motion has been introduced, it is in the possession of the assembly and may only be withdrawn through a Motion and subsequent vote of the assembly.

6.05 Subsequent Motions: When a Motion is under Debate, no other Motion shall be in order except a Motion:

- (a) to adjourn;
- (b) to Recess;
- (c) to extend the hour;
- (d) to vote on the question;
- (e) to Defer;
- (f) to Refer;
- (g) to Amend.

6.06 Rules for Subsequent Motions:

(a) Motions to Adjourn:

- (1) Motions to adjourn shall:
 - (i) not be Amended;
 - (ii) not be Debated;
 - (iii) not include qualifications of additional statements; and
 - (iv) always be in order.

- (2) When a Motion to adjourn is lost, no further Motion to adjourn may be made until the matter at hand has been concluded.
- (b) Motions to Recess: Motions to Recess shall:
- (1) Be amendable only as to the length of time of the Recess;
 - (2) Be open to debate;
 - (3) Include the time period for the Recess; and
 - (4) Always be in order
- (c) Motions to Extend the Hour: Motions to Extend the Hour shall:
- (1) Not be Amended;
 - (2) Not be Debated; and
 - (3) Always be in order, except when a Member is speaking or the Members are voting.
- (d) Motions to Vote on the Question: A Motion to close the Debate and vote on the question is in order at any time, and shall:
- (1) Not be Amended;
 - (2) Not be Debated; and
 - (3) If carried lead directly to a vote on the question.
- (e) Motions to Defer: If a Motion to 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. A Motion to Defer a matter pending receipt of further information shall:
- (1) Not be Amended;
 - (2) Be Debated only as to the time period of Deferral or postponement; and
 - (3) Apply to the main Motion and any Amendments to it under Debate at the time when the Motion to Defer was made.

- (f) Motions to Refer: A Motion to Refer a matter under consideration to a Committee or to Administration shall:
- (1) Be open to Debate;
 - (2) Be Amendable; and
 - (3) End further Amendment or Debate of the preceding Motion, unless the Motion to Refer is lost.
- (g) Motions to Amend:
- (1) A Motion to Amend a Motion in possession of the Assembly shall:
 - (i) Be open to Debate;
 - (ii) Be relevant to the question to be received; and
 - (iii) Not be contrary to the main Motion.
 - (2) A Motion to Amend the main Motion must be dealt with prior to presenting any additional Motions to Amend the main Motion.
 - (3) An Amending motion to the main Motion can be Amended, with no more than 2 Amending Motions on the floor at the same time.

6.07 Motion to Suspend the Rules:

- (a) A Motion to suspend the Rules of Procedure of Council:
- (1) Shall be specific to the rule to be suspended and the purpose of doing so;
 - (2) Requires a two-thirds vote of Council; and
 - (3) Shall only be in order at City Council Meetings.

6.08 Jurisdiction: A Motion in respect of a matter that conveys authority or direction, that is beyond the power of Council or Committee is not in order.

6.09 Submission of Motion: Notice of all new Motions except Motions listed in Section 6.01 – Motions without notice, shall be given in writing to the Clerk at least 13 days preceding the date of the Meeting at which a Motion is to be introduced and the Motion shall be prepared for the agenda for that Meeting.

6.10 **Receipt of Motions:** Every Motion, when moved and seconded and presented at a Meeting, in accordance with this By-law, shall be received by the Chair.

6.11 **Order of Precedence of Motions:** Where a Motion is under consideration, no Motion shall be received except a Motion having precedence in the following order:

- (a) to adjourn;
- (b) to Recess;
- (c) to vote on the question;
- (d) to close, limit or extend the Debate;
- (e) to Defer;
- (f) to Refer;
- (g) to Amend.

6.12 **Non-debatable Motions:**

- (a) to adjourn;
- (b) to close, limit or extend Debate;
- (c) Point of Order;
- (d) Point of Privilege;
- (e) to suspend the Rules of Procedure;
- (f) to Defer;
- (g) to request a Revote on a matter at the same Meeting.

Article 7.00 **Debate**

7.01 **Rules of Debate:**

- (a) Debate may not begin until the Chair has stated the Motion.
- (b) Debate must be relevant to the Motion under consideration.
- (c) Debate must be courteous and respectful.
- (d) Members who have declared conflicts of interest may not participate in the Debate.
- (e) A Member who wishes to Debate must raise their hand or signal that they would like to be added to the speakers list in an electronic meeting and wait for

permission from the Chair to speak. The Chair shall keep a list of speakers, calling upon them in order of their recognition.

- (f) A Member may not speak on any subject other than the subject in Debate.
- (g) The Chair may not participate in the Debate on any Motion until all other Members have had at least one opportunity to speak.
- (h) The Chair may make brief remarks on non-debatable Motions.
- (i) A Member may interrupt a speaker on a Point of Order if they believe the speaker is violating any of the Rules of Procedure.
- (j) A Member may interrupt a speaker on a Point of Privilege if they believe the speaker has impugned a Member or the assembly.

7.02 Reopening an item for further Debate: At the request of any Member, any item on the agenda of a Meeting may be reopened with a majority vote of all Members present for further Debate; including a re-vote on the related main Motion or any Amendments that had been made.

7.03 Limits on Speaking:

- (a) Committee of the Whole, Special Committee of the Whole (Closed Session), Non Business Meetings, Special Purpose and Advisory Committees of Council: There is no limit of the number of rounds of speaking permitted by a Member speaking to a Motion or other item under consideration. Each Member is limited to 3 questions per round of speaking.
 - (a.1) Special Committee of the Whole (Budget Session Only): Maximum of three rounds per item is permitted by a Member speaking to a Motion or other item under consideration. Each Member is limited to 3 questions per round of speaking.
 - (b) Presentations and Deputations: Each Member is limited to one round of questions of Presenters and Deputants. Members are limited to 3 questions per round of speaking.
 - (c) Council: One round of speaking is permitted. Each Member is limited to 3 questions per round of speaking. Members may not speak for more than 10 minutes to an item. A Member may speak again, with consensus of Council for no more than 5 minutes.
 - (d) Notice of Motion to Reconsider, Rescind or Amend: There is no limit of the number of rounds of speaking permitted by a Member speaking to a Motion to Reconsider, Rescind or Amend under consideration. Each Member is limited to 3 questions per round of speaking.

7.04 City Council (Public Meeting):

- (1) During the Public Meeting portion of the Meeting - Each Member is limited to one round of questioning for each speaker to an application and to Administration, with three 3 questions per Member per round. Applicants, Speakers (Supporters/Objectors) to applications before City Council Public Meeting are limited to no more than 10 minutes per speaker.
- (2) During the City Council portion of the Meeting - There is no limit of the number of rounds of speaking permitted by a Member speaking to a Motion or other item under consideration. Each Member is limited to 3 questions per round of speaking.

Article 8.00 Voting

8.01 Rules for Voting:

- (a) All Members present when a vote on a question is called must vote by a show of hands with the exception of an electronic meeting where electronic meeting rules apply.
- (b) Any Member who does not vote will be counted as having voted in the negative unless they are prohibited from voting having declared a conflict of interest.
- (c) Once the Chair has called a vote on a Motion, Members may not speak or make another Motion until after the result has been declared.

8.02 Recorded Votes:

- (a) Committee of the Whole: The vote on any particular item shall not be recorded, but a Member may be recorded as being opposed.
- (b) Council:
 - (1) When a Member requests a Recorded Vote, all Members present at the Council Meeting must vote, unless prohibited from doing so having declared a conflict of interest.
 - (2) The names of those who voted for and others who voted against shall be noted in the minutes.
 - (3) The Clerk shall announce the results.

- (4) If there is more than one Recorded Vote at a Meeting the list of Members called on for the vote will be reversed at each vote.

Article 9.00 Revisiting Prior Decisions:

9.01 Revote: Any Member may make a Motion to call for a Revote on a question that has been decided at the same Meeting. The Motion to Revote is non-debatable.

9.02 Reconsideration, Rescission or Amend Prior Decisions of Council made in its Current Term:

- (a) Motions to Reconsider, Rescind or Amend are subject to the following:
 - (1) Introduced at City Council Meetings, according to timelines indicated in 9.02 (b) and (c) prior to Debate at a subsequent City Council Meeting identified at the time of introduction.
 - (2) May only be introduced once during each term of Council with respect to any particular item.
 - (3) A Motion to Reconsider may be introduced by any Member.
 - (4) A Motion to Rescind or Amend may be introduced only by the Member that voted in favour of the prevailing side of the Motion to be Rescinded or Amended.
 - (5) A seconder is not required to Introduce the Notice of Motion.

- (b) Reconsideration
 - (1) The purpose of a Motion to Reconsider is to allow for fresh Debate of a Motion previously adopted by Council, where new information about a decided matter has been introduced.
 - (2) A Motion to Reconsider may only be introduced by placing a Notice of Motion on the:
 - (i) Council agenda where the Motion to be Reconsidered was ratified by Council, or
 - (ii) Council agenda or the next Special Council agenda being held after the Council Meeting where the Motion to be Reconsidered was ratified.
 - (3) During presentation of the Motion at a subsequent Council Meeting:
 - (i) the Motion to vote on whether or not to Reconsider the original Motion is introduced;

(ii) if the Motion to Reconsider is carried by two-thirds vote of Council, the original Motion is introduced;

(iii) the original Motion is now open for Debate and consideration as if the original vote had not occurred. A majority vote is required.

(4) Until the Motion to Reconsider has been dealt with by Council all actions are suspended relating to the original Motion previously adopted by Council.

(c) Rescission or Amendment

(1) The purpose of a Motion to Rescind is to reverse or cancel a decision previously adopted by Council.

(2) The purpose of a Motion to Amend is to change the wording or substance of a Motion or decision previously adopted by Council.

(3) A Motion to Rescind or Amend may only be introduced by placing a Notice of Motion at any City Council Meeting within the term of Council.

(4) During presentation of the Motion at a subsequent Council Meeting, the Motion to Rescind or Amend is carried by two-thirds vote of Council.

(5) Unless and until the Motion to Rescind or Amend has passed by two-thirds vote of Council, the original decision continues in full force and effect.

Article 10.00 Conduct

10.01 Rules of Conduct: Members of Council and Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section. No Member shall:

- (a) Speak disrespectfully of a fellow Member or Administration;
- (b) Use offensive words or un-parliamentary language;
- (c) Operate any communication device during a closed Meeting of a Committee for purposes of recording communications during a Meeting of a Committee;
- (d) Disclose the content of any matter or substance of deliberations discussed in closed Meeting; or
- (e) Disobey the Rules of Procedure, or a decision of the Chair, or of the Committee on questions of order and practice or upon the interpretation of the Rules of Procedure.

10.02 Failure to Obey the Rules of Conduct:

- (a) Where a Member has been called to order by the Chair for failing to observe the Rules of Conduct and the Member persists in such conduct, the Chair

may put the question to a vote, without Amendment, adjournment or Debate being allowed, “that Councillor [Name of Member] be ordered to leave their seat for the duration of the Meeting” or during an electronic meeting, the Chair may advise “that Councillor [Name of Member] will be removed from the electronic meeting by the Clerk for the duration of the Meeting.”

- (b) If a Member apologizes, the Member may, by vote of the Members, be permitted to retake their seat.
- (c) Should a Member fail to leave their seat or exit the electronic meeting after being ordered to do so, the Chair may, at the Chair’s discretion, adjourn the Meeting without Debate or vote.

10.03 Point of Order, Point of Privilege:

- (a) The Chair shall preserve order and decide Points of Order and Points of Privilege.
- (b) A Member may rise at any time, with the consent of the Chair;
 - (1) on a Point of Order; or
 - (2) on a Point of Privilege, where it is considered that the Member’s rights or integrity or the rights or integrity of the Committee or Council as a whole have been impugned;
- (c) Upon being recognized by the Chair, the Member shall state the Point of Order or Point of Privilege;
- (d) The Point of Order or Point of Privilege shall be immediately decided by the Chair, without Debate or discussion; the Chair may ask clarification questions of the person raising the point;
- (e) After a Point of Order or Point of Privilege has been ruled upon, no Member shall address the Chair, except for the purpose of appealing the Chair’s decision to the Committee;
- (f) If no Member appeals, the decision of the Chair is final;
- (g) If a decision is appealed, the Chair shall require that:

- (1) the following question be seconded: “Shall the decision of the Chair be sustained?”; and
- (2) call a vote, without Debate. The results of the vote shall be final.

Article 11.00 General:

11.01 Repeal:

- (a) By-law No 128-2012-as amended, being A By-law to govern the proceedings of City Council and its Committees, is hereby repealed;

12. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 9th day of August, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk