

## Appendix A – Draft Procedure By-law

### THE CORPORATION OF THE CITY OF CAMBRIDGE

#### By-law 23-XXX

Being a by-law to govern the proceedings of Council and its Committees and to repeal By-laws 18-15, 165-16, 20-030, 20-073 and By-law 133-18 to define the mandate and meeting procedures for Advisory Committees

**WHEREAS** Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, amended, (“the Act”) provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Cambridge hereby enacts as follows:**

THAT for the purposes of this by-law:

#### **PART 1 DEFINITIONS**

- 1.1 **“Act”** means the Municipal Act, 2001, as amended or re-enacted from time to time;
- 1.2 **“Ad Hoc Committee”** means a Committee or Task Force created by Council with a defined ending, to report directly to Council on a specific matter;
- 1.3 **“Chair”** means the person presiding at a Meeting;
- 1.4 **“Challenge”** means to appeal a ruling of the Chair;
- 1.5 **“Chief Administrative Officer”** or **“CAO”** means the City Manager of the City, or their designate;
- 1.6 **“City”** means the Corporation of the City of Cambridge;
- 1.7 **“City Solicitor”** means the City Solicitor or their designate;
- 1.8 **“Clerk”** means the City Clerk of The Corporation of the City of Cambridge, and/or their designate;
- 1.9 **“Closed Session”** means a Meeting or part of a Meeting of Council, or any of its Committees, not open to the public in accordance with the Act;
- 1.10 **“Committee”** means any advisory or other committee, subcommittee or similar entity and includes a Standing Committee, an Ad Hoc Committee, a Special Committee, or a Task Force of Council;

- 1.11 "**Committee Chair**" means the Chair of a Committee;
- 1.12 "**Committee Vice-Chair**" means the Vice-Chair of a Committee;
- 1.13 "**Confirmatory By-law**" means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council;
- 1.14 "**Consent Agenda**" means a listing of items that include, but are not limited to: those with no Delegations, where no discussion is anticipated, informational items, and routine matters;
- 1.15 "**Corporate Leadership Team (CLT)**" includes the City Manager, Deputy City Managers, Chief Financial Officer, City Solicitor, Director of Communications, City Clerk and Director of Human Resources;
- 1.16 "**Council**" means the Council of The Corporation of The City of Cambridge;
- 1.17 "**Council Workshop**" means a Meeting convened for the purpose of educating or training the Members, for providing the Members with information and/or advice, or to solicit input from the Members;
- 1.18 "**Declared Emergency**" means any period of time during which an emergency has been declared by the Head of Council or the Premier and/or Cabinet under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9;
- 1.19 "**Delegation**" means an address to Council or a Committee at the request of a person wishing to speak;
- 1.20 "**Emergency / Special Meeting**" means any Meeting where notice has not been provided and that is deemed required by the Clerk and Mayor;
- 1.21 "**ex-officio**" means by virtue of the office the Mayor is an ex-officio Member and may attend all Committees and shall have full voting privileges and shall be counted for the purpose of the Committee's Quorum;
- 1.22 "**Hybrid Meeting**" means a type of in-person Meeting operation that also includes virtual (off-site) attendance;
- 1.23 "**Inaugural Meeting**" means the first Meeting of City Council after a regular election as set out in the Act;
- 1.24 "**Majority Vote**" means an affirmative vote of more than one half of the Members present;

- 1.25 **"Mayor"** means that Member of Council holding the office of Mayor and who is the Head of Council;
- 1.26 **"Meeting"** means any regular, special, or other meeting of Council or a Committee where,
- a Quorum of Members is present, and
  - Members discuss or otherwise deal with any matters in any way that materially advances the business or decision-making of the Council or Committee;
- 1.27 **"Member"** means a member of Council and shall include the Mayor;
- 1.28 **"Motion"** means a proposal moved by a Member and, if moved in Council or Committee, seconded by another Member, to adopt, amend or otherwise deal with a matter before Committee or Council;
- 1.29 **"Motion to Call the Question"** means a Motion to end debate and put the matter before the Council for a vote by its Members.
- 1.30 **"Motion to Defer"** means a Motion to delay consideration of a matter until later in the same Meeting or to a future Meeting of Council or a Committee;
- 1.31 **"Motion to Receive"** means a Motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;
- 1.32 **"Motion to Reconsider"** means a Motion to revisit a decision that has been made at the same Meeting where Council realizes that a decision was made without fulsome debate or perhaps additional information was received later in the Meeting that would impact the decision that was already made;
- 1.33 **"Motion to Refer"** means a Motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee body or official;
- 1.34 **"Motion to Rescind"** means a Motion to change a decision that was adopted at a previous Meeting;
- 1.35 **"Motion to Table"** means a Motion to postpone without setting a definite date as to when the matter will be considered again;
- 1.36 **"Non-Jurisdiction"** means a matter that lies with another level of government and is outside the scope of Council's powers as set out in Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, this includes matters that fall under Regional, Provincial

or Federal responsibility or that lie with another municipality;

- 1.37 "**Notice of Motion**" means a written notice of a Motion respecting a substantive matter not on the agenda for a Meeting of Council which is received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on the agenda for a future Meeting of Council;
- 1.38 "**Pecuniary Interest**" means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- 1.39 "**Point of Order**" means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council;
- 1.40 "**Point of Privilege**" means a matter that a Member considers to question their integrity and/or the integrity of the Council;
- 1.41 "**Presentation**" means an address to Council or Committee at the request of Council, a Committee or staff and applies to City staff, consultants or approved agents;
- 1.42 "**Presiding Officer**" means any person who is presiding at a Meeting;
- 1.43 "**Quorum**" means a majority of the whole number of Members required to constitute a Council at a Meeting, or a Committee at a Meeting, as the case may be;
- 1.44 "**Recorded Vote**" means the recording of the name and vote of every Member voting on any matter or question during a Meeting of Council;
- 1.45 "**Region**" means The Regional Municipality of Waterloo;
- 1.46 "**Resolution**" means the decision of Council on any Motion;
- 1.47 "**Rules of Procedure**" shall mean the rules and regulations provided in this by-law;
- 1.48 "**Senior Management Team**" includes the Directors of the various City Divisions and/or their designates;
- 1.49 "**Standing Committee**" means a Committee of which at least 50 per cent of the Members are also Members of Council;
- 1.50 "**Statutory Public Meeting**" means a public Meeting as defined in the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and other applicable Ontario statutes;
- 1.51 "**Two-Thirds Majority**" means a positive vote of at least two-thirds of the Members

present at a Meeting;

1.52 “**Virtual Participation**” means a Member of Council taking part in a Meeting through the use of video conferencing technology that provides for both audio and visual participation in place of attending in person;

1.53 “**Website**” means the official City of Cambridge internet website;

## **PART 2 APPLICATION**

2.1 The rules and regulations contained in this by-law shall be observed in all Meetings and shall be the rules and regulations for the order and dispatch of business of Council and, with necessary modifications, in Standing Committees;

2.2 Any rules or regulations contained in this by-law may be temporarily suspended, except for those rules or obligations that are set out by legislation, with the consent of at least two-thirds of Members present;

2.3 The Clerk shall be responsible for interpreting the Rules of Procedure under this by-law;

2.4 All points of order or procedure for which rules have not been provided in this by-law will be decided by the Chair in accordance with the rules of parliamentary law as contained in Robert’s Rules of Order;

2.5 All Advisory Committees of the City and boards that may be described as Local Boards under the Act, will use the rules of order and debate and relevant provisions of this by-law to govern the calling and proceedings of Meetings except if the Local Board has a Council approved Procedure By-law of its own;

2.6 All Local Boards and Advisory Committees of Council will adopt provisions related to access to public Meetings similar to this by-law;

2.7 Notwithstanding anything in this by-law, where Council or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as applicable, shall govern the proceedings.

## **PART 3 ROLE OF MAYOR AND COUNCIL**

### **Mayor**

3.1 The Role of the Mayor as Head of Council is to:

- a) preside over Council Meetings so that its business can be carried out efficiently and effectively;
- b) provide leadership to Council;

- c) provide information and recommendations to the Council with respect to the role of Council;
- d) represent the municipality at official functions;
- e) carry out the duties of the head of council under the *Municipal Act* and any other Act;
- f) uphold and promote the purposes of the municipality;
- g) promote public involvement in the municipality's activities;
- h) act as the representative of the municipality both within, provincially, nationally and internationally; and
- i) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## **Council**

### 3.2 The Role of Council is to:

- a) represent the public and to consider the well-being and interests of the municipality;
- b) develop and evaluate the policies and programs of the municipality;
- c) determine which services the municipality provides;
- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality;
- g) carry out the duties of council under the Act or any other Act;
- h) uphold the by-laws and policies of the Corporation of the City of Cambridge;
- i) deliberate on the business submitted to Committee and Council;
- j) vote on all Motions before Council; and
- k) respect the Rules of Procedure at all Meetings.

## **PART 4 ROLE OF CLERK AND CHIEF ADMINISTRATIVE OFFICER**

### **Clerk**

#### 4.1 The Role of the Clerk is to:

- a) carry out the responsibilities of their roles as described in Section 228 of the Act;
- b) provide procedure advice to the Chair and to Members on agenda business and on preparing Motions;
- c) ensure notice of Meetings is provided as set out in this by-law;
- d) make minor deletions, additions or other administrative changes to any by-law, Motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;

- e) authenticate by signature, when necessary, all resolutions, by-laws and minutes of Meetings and certify copies of such documents when required; and
  - f) perform such other duties as prescribed by law, or by direction of Council.
- 4.2 The Clerk and/or their designate, will be present at all Meetings of Committee and Council.

### **Chief Administrative Officer (City Manager)**

- 4.3 The Role of the Chief Administrative Officer (City Manager) is to:
- a) exercise general control and management of the affairs of the municipality for the purpose of ensuring efficient and effective operation of the municipality; and
  - b) perform such other duties as are assigned by the municipality.

## **PART 5 STANDING COMMITTEES OF COUNCIL**

### **Standing Committee Structure**

- 5.1 There are two Standing Committees of Council being Budget Committee and Planning – Statutory Public Meeting Committee.

### **Membership**

- 5.2 All Members of Council are Members of the City's Standing Committees of Council.
- 5.3 The Mayor may be an ex-officio Member of each Standing Committee to which the Mayor is not specifically named, shall be counted towards Quorum and entitled to vote at such Meetings at which they are present.

### **Chairs and Vice Chairs**

- 5.4 Through discussions between the Mayor and Members of Council, a Chair for each Standing Committee Meeting shall be determined for the Term of Council.
- 5.5 In the event that the Chair of a Standing Committee has not arrived to the Meeting at which they are to preside within fifteen (15) minutes of the appointed time for the commencement of the meeting, the Committee Vice-Chair shall call the Meeting to order and preside until the arrival of the Chair.
- 5.6 Where neither the Chair nor Vice-Chair attend the Meeting within fifteen (15) minutes of the appointed time for the commencement of the Meeting, those Members in attendance shall appoint one of the Members to act in the place and stead of the Committee Chair and Committee Vice-Chair for that Meeting. Such

Members shall then call the Meeting to order and preside until the arrival of the Committee Chair and/or Vice-Chair.

### **Standing Committee Responsibilities**

5.7 The role of Standing Committees is to:

- a) make recommendations to Council on matters which are connected to their duties or referred to them by the Mayor and/or by Council;
- b) guide and request staff through the Chief Administrative Officer, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and
- c) receive public Delegations and establish mechanisms to receive further public input on vital public policy matters.

### **Budget & Audit Committee**

5.8 The Budget & Audit Committee will meet and report to Council on matters relating to financial planning, funding opportunities and financial statements. The Committee shall study and report to Council on policy matters which include, but are not limited to:

- a) annual budgets and rates/fees;
- b) annual and quarterly financial statements; and
- c) minutes and recommendations from the Grants Review Committee.

### **Planning – Statutory Public Meeting Committee**

5.9 The Planning – Statutory Public Meeting Committee will meet to report to Council on matters affecting the City of Cambridge that require the holding of a Statutory Public Meeting pursuant to legislation including but not limited to the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended.

5.10 Notwithstanding sections 5.8 and 5.9 matters that fall outside of the mandates of either Standing Committee shall be dealt with at Council Meetings or where appropriate, at Council Workshops.

## **PART 6 ADVISORY COMMITTEES OF COUNCIL**

6.1 Council may, at any time, establish a Committee to advise Council on matters within their jurisdiction with such Committee to report to an assigned Standing Committee as set out in their respective terms of reference.

6.2 Interview panels will make recommendations on appointments of Members to advisory Committees with appointments ratified by Council.

6.3 Unless necessary, only one Member of Council will be appointed to each Advisory

Committee to act as a liaison to the Committee.

- 6.4 Advisory Committees will be reviewed by the Clerk at the beginning of each term of Council.
- 6.5 All Advisory Committees will follow the rules of Standing Committees unless otherwise stated in their terms of reference approved by Council.

## **PART 7 COUNCIL AND STANDING COMMITTEE MEETINGS**

### **Meetings Open to the Public**

- 7.1 Except as provided in this by-law, all Meetings will be open to the public.
- 7.2 No person shall be excluded from a Meeting open to the public except for improper conduct or for a break of this by-law or applicable statute.
- 7.3 A Meeting shall not be closed to the public during the taking of a vote, except in accordance with the Act.

### **Recordings of Meetings**

- 7.4 The Act does not require the City of Cambridge to record the Meetings of Council or its Standing Committees; however, the City may choose to offer Live Streamed and/or archived webcasting of Meetings. The official record of the Meeting is the minutes.

### **Annual Schedule of Meetings**

- 7.5 Council shall adopt a schedule of Meetings annually and any changes to the schedule shall be authorized by Council.
- 7.6 All Meetings of Council and any Standing Committees of Council shall be held in the Council Chamber in Old City Hall located in Cambridge or elsewhere at the discretion of the Mayor and Clerk in accordance with the calendar set annually and approved by Council.
- 7.7 In the event that the regular Meeting or date falls on a public holiday, the Council or Standing Committees shall meet at the same hour on the next day not being a public holiday.

### **Meeting Cancellations and Postponement**

- 7.8 Where it has been determined by the Mayor and the Clerk that there are not enough items of importance on an agenda to warrant the holding of a Meeting, the Clerk shall cancel the Meeting and provide public notice in accordance with Part 9 of this by-law.

- 7.9 Where deemed necessary by the Mayor and Clerk, any Meeting may be rescheduled in accordance with the notice requirements in Part 9 of this by-law.

### **Changes to Meeting Start Time and Location**

- 7.10 The Mayor may authorize an earlier or later commencement time of a Meeting, a change to the location of a Meeting and the notice provisions in Part 9 of this by-law shall apply. The Clerk shall notify all Members and provide public notice accordingly.

### **Inaugural Meeting of Council**

- 7.11 The Inaugural Meeting of Council for each term shall be held in accordance with the Act on the third Tuesday of November at a time and place to be fixed by the Clerk.

- 7.12 The order of proceedings at the Inaugural Meeting shall include:

- a) filing of Members' declarations of office;
- b) signing of the Mayor's declaration of office;
- c) passage of a confirming by-law and any other relevant by-laws; and
- d) other ceremonial proceedings as deemed appropriate by the Mayor, the Chief Administrative Officer or the Clerk.

### **Regularly Scheduled Meetings**

- 7.13 The regular Meetings of Council and Standing Committees are routinely held in accordance with the schedule adopted annually by Council, except:

- a) when otherwise directed by resolution of Council; or
- b) when the Mayor advises otherwise upon a minimum of forty-eight (48) hours advance notice, provided that this notice shall not be required in an emergency.

### **Emergency / Special Meetings**

- 7.14 The Mayor may at any time call an Emergency / Special Meeting by providing written direction to the Clerk to issue a Notice of such Meeting.

- 7.15 The only business to be dealt with at an Emergency / Special Meeting is that which is identified in the agenda for the Meeting.

### **Council Workshops**

- 7.16 Council Workshops will be held when time is required for training, discussions with other levels of government and outside agencies, on complex matters or strategic

planning.

- 7.17 The requirement for a Council Workshop shall be determined by the Cambridge Leadership Team and Clerk.
- 7.18 No Delegations will be heard at Council Workshops and only Motions to receive and to direct staff will be in order.
- 7.19 Notwithstanding the requirements outlined in section 13.2 of this by-law, as workshops are for education and training purposes only, a workshop may proceed in the absence of Quorum.

### **Hybrid Meetings**

- 7.20 Any Meeting of Council, its Committees or Local Boards may be conducted as a Hybrid Meeting in accordance with the Act and the Hybrid Meeting Procedure outlined in Schedule A of this by-law.
- 7.21 Virtual participation shall be allowed at any scheduled Meetings of Council, Committee or a Local Board.
- 7.22 A Member of Council, a Committee or a Local Board may participate virtually in a Meeting that is closed to the public.

## **PART 8 CLOSED SESSION**

### **Permitted Reasons for Closed Session**

- 8.1 In accordance with the provisions of the Act, 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; and
- 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;

### **Matters that Require a Closed Session**

8.2 In accordance with the provisions of the Act, a Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:

- a) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, if the council, board, commission or other body is the head of an institution for the purposes of that Act; and
- b) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in section 223.13 (1) of the *Municipal Act* or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*.

### **Education and Training**

8.3 In accordance with the provisions of the Act, a Meeting of a council or local board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:

- a) The Meeting is held for the purpose of educating or training the Members; and
- b) At the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or Committee.

### **Requirement to Pass a Motion**

8.4 Prior to moving into a Closed Session for one of the reasons listed in sections 8.1, 8.2 or 8.3 of the Act Council will pass a Motion stating:

- a) The fact that the body is convening into Closed Session;
- b) The specific provision(s) under the Act that permit the item(s) to be considered in a Closed Session; and

- c) The general nature of the matter to be considered.

### **Discussion of Additional Matters in Closed Session**

- 8.5 Members are prohibited from discussing any additional matters during Closed Session other than those identified by the Motion passed to move into Closed Session.

### **Attendance in Closed Session**

- 8.6 Attendance in Closed Sessions will be limited to the Members of Council, the Clerk and/or their designate(s), Corporate Leadership Team and those specifically invited to remain.

### **Conduct of Members**

- 8.7 The use of electronic devices by Members to record proceedings of a Closed Session or to photograph Closed Session materials is prohibited.
- 8.8 While in Closed Session, all attendees participating virtually shall abide by the Closed Session Meeting criteria for Hybrid Meetings as outlined in the Hybrid Meeting Procedure included as Schedule "A" to this by-law.
- 8.9 Members shall not in any way disclose to any person or other body, by any means, any reports or items, or disclose the nature or content of any reports or items or of discussions, regarding any matters that are confidential and are part of a confidential agenda, without approval of such release by Council.
- 8.10 Any printed Closed Session materials received by Members shall be returned to the Clerk for destruction at the conclusion of the Meeting.

### **Permitted Votes in Closed Session**

- 8.11 When in Closed Session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under section 239(6) of the Act.

### **Reporting out to Public**

- 8.12 While in Closed Session, in consultation with the Clerk the Chair shall ascertain what information shall be released in public.
- 8.13 On reconvening in public session, the Chair will accept a Motion to resolve the matter publicly, or alternatively advise that direction had been given to staff during the Closed Session in accordance with the Act.

### **Closed Meeting Materials and Minutes**

- 8.14 The Clerk is responsible for maintaining a record of all closed Meetings in accordance with the Act. This includes a copy of all original documentation distributed and minutes of all Closed Session Meetings.

### **Closed Meeting Investigations**

- 8.15 Any person may file a complaint as to whether the municipality has complied with the open Meeting legislation by filing the complaint with the Clerk for submission to an Investigator appointed under section 239.2 of the Act.

## **PART 9 NOTICE OF MEETINGS**

### **Timing of Notice to Members**

- 9.1 Notice to Members of all Meetings, agendas, agenda items, cancellations and re-scheduling shall be provided by the Clerk to each Member's residence, City Hall office, place of business or email address, as directed by the Member, not less than seventy-two (72) hours prior to the time set for the Meeting.
- 9.2 Notice of all Emergency / Special Meetings or Workshops, detailing the matters to be considered at the Meeting, shall be delivered to all Members not less than twenty-four (24) hours before the time set for the Meeting.

### **Method of Notice**

- 9.3 Notice may be personally delivered or sent by first-class mail, courier or e-mail. Notice may also be provided by any additional means in case of an emergency. Any notice to Members referred to in this by-law shall be provided to the Member at the address and by the means referred to in Section 9.1 of this by-law.

### **Notice to Media and Public**

- 9.4 The Clerk shall provide notice to the public and the media of all Meetings of Council and Standing Committees including agendas, agenda items, cancellations and re-scheduling by:
- a) publishing the annual schedule of Meetings, once adopted by Council, by posting on the City's official Website and by distributing copies upon request;
  - b) updating the annual schedule of Meetings posted on the City's official website within twenty-four (24) hours of any changes made to the schedule;

- c) not less than seventy-two (72) hours in advance, posting a copy of Meeting notices, main agendas, and main agenda items for review at the Office of the City Clerk; and
  - d) not less than seventy-two (72) hours in advance, posting Meeting notices, agendas and agenda items on the City's official Website.
- 9.5 The notice of a Meeting of Council or its Standing Committees shall indicate the day, date, time and place of commencement of the Meeting, and the contact information for the Clerk's Office.
- 9.6 The notice requirements set out in this by-law are minimum requirements only, and the Clerk may give notice in an extended manner if, after consultation with appropriate parties, the Clerk deems the extended manner reasonable and necessary in the circumstances.
- 9.7 The notice requirements set out in this by-law shall be superseded by any specific requirements for the fixing of notice as prescribed by legislation.
- 9.8 Any Meeting may be cancelled or rescheduled to a day, time and place set out in a notice from the Clerk with at least forth-eight (48) hours before the scheduled date of the Meeting.
- 9.9 Notice which is substantively given but which is irregular or not otherwise in strict compliance with this by-law will not invalidate the holding of a Meeting or any proceeding taken at a Meeting.

## **PART 10 COUNCIL AND STANDING COMMITTEE AGENDAS AND MINUTES**

### **Agenda**

- 10.1 The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution all agendas for Council, Standing Committees, Emergency / Special Meetings and Council Workshops with the routine order of business to be listed as indicated in Section 10.2 of this by-law.

### **Agenda Order of Business**

- 10.2 The Clerk will prepare for Members of Council the order of business which may include any combination of the following:
- a) Meeting Called to Order
  - b) National Anthem
  - c) Indigenous Territory Acknowledgement
  - d) Disclosures of Pecuniary Interest
  - e) Public Meeting Notice
  - f) Public Meetings

- g) Delegations
- h) Presentations
- i) Closed Session
- j) Rise from Closed Session
- k) Consent Agenda
  - Minutes of Previous Council Meetings
  - Council Information Package (CIP)
  - Adoption of Committee Reports
- l) Consideration of Reports
  - Corporate Services
  - Corporate Enterprise
  - Community Development
  - Infrastructure Services
  - Office of the City Manager
- m) Other Business
- n) Correspondence
- o) Notice of Motion
- p) Motion(s)
- q) Motion to Receive Correspondence and Presentations
- r) Introduction and Consideration of By-Laws
- s) Confirmatory By-Law
- t) Adjournment

10.3 The business of Council, Standing Committees, Emergency / Special Meetings and Council Workshops shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise directed by the Chair. Any matter on the agenda not disposed of at a Council or Standing Committee Meeting shall be placed on the agenda of the next regular Meeting of Council or the Standing Committee.

### **Circulation to Public**

10.4 As soon as the agenda and/or addendum is published and distributed by the Clerk to Members, the information may be made available to the public except for information relating to matters to be considered in Closed Session. Certain information may be released sooner to comply with provincial legislation.

### **Council Information Package (CIP)**

10.5 The Clerk will have prepared bi-weekly, or as frequently as may be required, a Council Information Package for Members. If any Member prefers to have an item of correspondence contained therein dealt with by a Standing Committee or Council, the Member will contact the Clerk and it will be placed on the appropriate agenda.

10.6 Items within the Council Information Package may include, but are not limited to internal informational communications in memo format and correspondence from

external bodies including other municipalities and levels of government.

- 10.7 Members of the public are not able to add items to the Council Information Package.

### **Consent Agenda**

- 10.8 All items listed on the Consent Agenda are subject to a single Motion that is neither debatable, nor amendable. A Member may make a brief comment regarding a consent item prior to the consideration of the Motion.
- 10.9 If a Consent Agenda item requires deliberation it must be removed from the Consent Agenda and placed on the regular agenda for discussion.
- 10.10 Items to be placed on the Consent Agenda include, but are not limited to, those with no Delegations, where no discussion or debate is anticipated, informational items, and routine matters.
- 10.11 Items that have by-laws to be passed and/or recommendations requiring funding will not be placed on the Consent Agenda.

### **Other Business**

- 10.12 The placement of an "Other Business" section on a Committee or Council agenda shall be limited to inquiries of Members, announcements or comments. Members will be limited to two items and may use the opportunity to highlight happenings in their Ward or the work of Advisory Committees.

### **Notices of Motion**

- 10.13 A Notice of Motion in respect of a matter which is not within the jurisdiction of Council shall not be in order and shall not be considered by Council.
- 10.14 A Member wishing to bring forward a Notice of Motion shall advise the Clerk who will work with relevant staff to develop the appropriate wording and to verify any financial and other figures included.
- 10.15 The finalized Notice of Motion shall be provided to the Clerk who will circulate the wording to Council prior to the Member bringing it forward at a Council Meeting.
- 10.16 Once a Notice of Motion has been introduced at a Meeting, it will be placed on the agenda for the next Council Meeting.
- 10.17 Where it is deemed necessary to not delay the consideration of a Notice of Motion to the next Council Meeting, a Notice of Motion may be considered by Council

immediately upon its introduction by a successful Two-Thirds Majority vote of Members present.

- 10.18 All Notices of Motion on the agenda and not disposed of shall be placed on the agenda for the next Council Meeting under the heading of "Motions".
- 10.19 In accordance with Section 12.17 subsection (i) of this by-law, no Delegations will be permitted when the Notice of Motion is initially presented to Council.
- 10.20 In accordance with Section 10.17 of this by-law, where Council has deemed it necessary to not delay the consideration of a Notice of Motion to the next Meeting, Council may waive the Rules of Procedure to permit Delegations to speak to the Notice of Motion.
- 10.21 Notwithstanding Section 10.17 of this by-law, any Notice of Motion, the subject matter of which falls within the mandate of a Committee, shall be referred directly to that Committee by the Council unless the Council determines that it should not be first considered by the Committee, for reasons of emergency, health, safety or legal deadline.
- 10.22 When a Notice of Motion has been on the agenda for two consecutive Meetings after notice has been given, and not proceeded with, it shall be dropped from the agenda and deemed withdrawn.
- 10.23 A Member who is unable to attend a Meeting where their Notice of Motion will be brought forward may, at their discretion, have another Member to present the Notice of Motion on their behalf with such arrangement to be communicated to the Chair and Clerk in advance of the Meeting at which the Notice of Motion is to be presented.
- 10.24 After a Notice of Motion is moved at the Council Meeting or placed on the Council agenda it shall be deemed to be in the possession of Council and may be withdrawn with consent of the mover and seconder.

### **Agenda Materials**

- 10.25 Reports of Committees included in the Council agenda will constitute Notice of Motion with respect to any matter contained in the reports and recommended by any Committee for adoption by Council.
- 10.26 Staff reports in the Council agenda, listed under Consideration of Reports, not having been considered by any Committee for adoption by Council, will constitute Notice of Motion for the purposes of any relevant Motion brought at Council.

**Addendum**

10.27 After delivery of the Council or Standing Committee agenda, the Clerk may amend the agenda by way of an addendum by adding or deleting matters from the prepared agenda. In this case, the Clerk shall endeavor to forward additional agenda material to the Members prior to the Meeting. The addendum may be presented at the Council or Standing Committee Meeting and is not subject to the notice requirements set out in Part 9 of this by-law.

**By-laws**

10.28 The adoption of every by-law presented to Council may be the subject of one Motion, unless otherwise provided by legislation.

10.29 By request of any Member, any by-law(s) may be discussed or voted on individually or in smaller groupings.

10.30 Every by-law, when introduced, shall be in typewritten form and shall comply with the provisions of any relevant legislation.

10.31 The proceedings at every Regular and Emergency / Special Meeting of Council shall be confirmed by by-law so that every decision and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

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

10.33 Every by-law enacted by Council shall be signed by the Mayor and Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and deposited in the Clerk's Office Vault and a duplicate originally signed copy will be stored at the City Archives.

10.34 The Clerk may make such minor corrections to any by-law resulting from technical or typographical errors, which may be required for the purpose of ensuring correct and complete implementation of the actions of Council.

**Minutes**

10.35 The minutes of Council and Standing Committee Meetings shall record:

- a) The place, date and time of Meeting;
- b) The name of the Chair and the record of the attendance of the Members and staff;

- c) Declarations of Pecuniary Interest; and
- d) The Motions considered and votes taken by Council, or Committee without note or comment.

10.36 The minutes of each Council and Standing Committee Meeting shall be presented to Council for approval at the next regular Meeting.

10.37 After the Council minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

10.38 Upon approval of Standing Committee minutes, they shall be signed by the Chair and Clerk.

### **Closed Session Minutes**

10.39 Closed session minutes shall record:

- a) The place, date and time of Meeting;
- b) The starting and concluding times for the Closed Session;
- b) The names of the Chair and the record of the attendance of the Members; staff and any other attendees;
- c) A description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- d) The specific provision under the Act under which Meeting in Closed Session was permitted;
- d) The procedural Motions considered and votes taken by Council;
- e) All directions given; and
- f) Any other proceedings.

## **PART 11 CORRESPONDENCE AND PETITIONS FOR COUNCIL**

### **Correspondence**

11.1 Correspondence may be sent related to agenda items before Council and will be included as part of the public record. Correspondence should be legibly written and must contain the name, contact address, telephone number and e-mail address of the sender that the Clerk can communicate with on behalf of the Council or a Committee.

11.2 All correspondence must remain respectful, not include profanity or hate speech.

11.3 Should correspondence be received that includes materials or content that is deemed in violation of public policy, the Clerk will advise and provide the public another opportunity to provide respectful correspondence.

- 11.4 Communication within the jurisdiction of a Standing Committee shall first be referred to the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council.
- 11.5 Communications listed on the agenda, which contain a request for action on the part of Council, shall not be acted upon without Council first receiving a report from staff or the appropriate Committee, unless the action is of a routine or congratulatory nature.

### **Petitions**

- 11.6 Formal petitions on a specific issue coming before Council shall be submitted to the Clerk's Office for inclusion on the agenda.
- 11.7 Petitions that are unrelated to a matter coming before Council by way of a staff report will be forwarded to the appropriate City Department and will be brought forward for Council's consideration through the appropriate Meeting agenda.
- 11.8 Petitions should be legible and include a clear statement or position, be in printed format with the names of signatories visible, contain the contact information of the sender, be respectful in language and tone and not contain any defamatory allegations.
- 11.9 All personal information will be redacted from a petition before it is placed on a Meeting agenda for Council's consideration and for public inspection.

## **PART 12 DELEGATIONS, MEDIA & PUBLIC CONDUCT**

### **Delegations Generally Before Committees**

- 12.1 Delegates shall be directed by the Clerk to the appropriate Standing Committee except where the delegate wishes to address Council with respect to a matter which will be before Council.

### **Requests to Delegate**

- 12.2 Individuals, organizations or groups wishing to address Council shall complete a Delegation Request Form available on the City's Website and return it to the Clerk no later than 4:30 p.m. on the day before a Meeting that starts the following morning or 12 noon on the day of a Meeting that starts at 5 p.m. or afterwards.
- 12.3 Delegation requests must include the name, a primary and secondary phone number (where possible) and e-mail address that the delegate can be reached at along with indication of which item(s) on the agenda the delegate would like to

speak.

### **Delegations with Presentations**

- 12.4 Delegations intending to present to Council and/or Committee using a Power Point Presentation or other visual or written method of Presentation, must provide those items to the Clerk in accordance with this section and in accordance with the agenda and addendum printing deadlines.
- 12.5 If the Delegation has registered on the day of the Meeting and has a Presentation or correspondence to share with Council, the material will be included in the minutes of the Meeting and not on the addendum.
- 12.6 Notwithstanding section 12.4 of this by-law, videos will not be permitted during Presentations.
- 12.7 The City Clerk's decision on whether material is appropriate and can be presented will be final.

### **Statutory Public Meetings**

- 12.8 The requirement to register as a Delegation does not apply to Statutory Public Meetings held under the *Planning Act*.

### **Address Presiding Officer**

- 12.9 All delegates appearing in person at a Council or Committee Meeting shall address the Chair from the lectern in the Council Chamber or from the presenter's table, as the case may be, and shall state their name and whom they represent if speaking on behalf of a group, association or other organization.
- 12.10 Delegates appearing before Council by way of Virtual Participation shall address the Chair from their location and state their name and whom they represent if speaking on behalf of a group, association or other organization.

### **Delegations Representing a Group**

- 12.11 Where there is a group of people wishing to address Council with respect to a particular position on an issue, Council may determine that the group shall be represented by one person.

### **5-Minute Limit**

- 12.12 Unless otherwise permitted by a Majority Vote, delegates, including those representing a group, shall be limited to five (5) minutes for speaking at Council or such other time period approved by Council at the Meeting.

12.13 Delegates requesting time beyond the 5-minute limit may present their request directly to the Chair prior to making their Delegation and the Chair shall put the matter to a vote.

12.14 Notwithstanding Section 12.13 of this by-law, the maximum speaking time to be granted to any group shall not exceed ten (10) minutes.

### **Questions**

12.15 The time involved in receiving and answering questions from Members shall not be deducted from the time limit for the Delegation. Members may address a delegate only to ask questions and not express opinions or enter into debate or discussion.

### **Right to Appear**

12.16 Any person, group of persons or organization may request to speak to an item listed on the agenda provided that the subject matter of the Delegation directly relates to the item on the agenda.

### **Matters to Which Delegations Not Permitted**

- 12.17 Delegations will not be permitted to address Council on matters not appearing on an agenda by way of a staff report or pertaining to the following:
- a) Council Workshops held for the purpose of training, discussions with other levels of government and outside agencies, on complex matters or strategic planning;
  - b) Reports stemming from Closed Meeting, Integrity Commissioner or Ombudsman Investigations;
  - c) Labour relations or employee negotiations;
  - e) Litigation or potential litigation matters;
  - f) Tenders, RFP's and other procurement issues;
  - g) Litigation that is either expected to proceed, that is currently proceeding, or that has already been decided by a trier of fact;
  - h) Matters not within the jurisdiction of the municipality;
  - i) The initial presentation of a Notice of Motion;
  - j) Procedural Motions that are required to be passed before Council may proceed on a matter, i.e. Motions to waive notice or other procedural rules;
  - k) Notices of Motion to Rescind;
  - l) By-laws listed on an agenda;
  - m) Presentations at Council or Committee Meetings; or
  - n) Any other matter that is properly the subject of the Closed Session exclusions in the Act, subject to a Two-Thirds Majority Vote by Council.

- 12.18 Where a member of the public would like Council to take a position on a matter that is not within the jurisdiction of the municipality, the individual may approach their Ward Councillor to request that they bring forward a Notice of Motion to Council on the matter.
- 12.19 Delegations may register to speak to Notices of Motion at the next Meeting when they are presented as a Motion and are on the agenda to be debated and voted or, where the Notice of Motion will result in a report to Council from staff, Delegations may register to speak to the report.

### **Late Delegation Requests**

- 12.20 Council will not hear Delegations who miss the deadline to register as outlined in Section 12.2 of this by-law unless a Motion is made, seconded and confirmed by a Majority Vote to hear the Delegation.
- 12.21 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in Section 12.2 of this by-law for Council consideration. A Majority Vote is required to permit the delegate(s) to speak.

### **Delegations to Matters Not on Agenda**

- 12.22 Any Delegation requests that relate to requests for funding from the City must come at the appropriate budget time.
- 12.23 If a delegate requests to speak regarding a matter not listed on an agenda the Clerk will work with the requestor and appropriate staff to explore options for resolution on their matter.
- 12.24 Should the delegate's request not be resolved by staff and the delegate still wishes to speak to Council regarding the matter they may approach their Ward Councillor who can bring forward a Notice of Motion to Council.

### **Curtailment of Time**

- 12.25 The Chair may curtail any Delegation, any questions of a delegate, or debate during a Delegation for disorder or any other breach of this by-law, and, if the Chair rules that the Delegation is concluded, the person or persons appearing shall withdraw. The Chair can, or can request that the Clerk, mute the delegate's microphone.

### **Behaviour**

- 12.26 No delegate shall:

- a) Speak disrespectfully of any person;
- b) Use offensive words or unparliamentary language;
- c) Speak on any subject other than the subject for which they have received approval to address Council;
- d) Disobey the Rules of Procedure or a decision of the Chair or Council;
- e) Interrupt, speak-over, or continue to speak when advised by the Chair not to, or otherwise disrupt the Chair.

### **Public Conduct at Meetings**

12.27 Members of the public and media who constitute the audience at a Meeting, shall not:

- a) Address Council without permission;
- b) Bring food or beverages into the Council Chamber or Meeting room unless so authorized;
- c) Bring signage, placards, picket signs or banners into City Hall and Historic City Hall;
- d) Wear or otherwise display clothing with political messages;
- e) Heckle or engage in telephone or other conversation, or any behavior that may be considered disruptive or disrespectful;
- f) Use indecent, offensive, or insulting language or speak disrespectfully to anyone;
- g) Engage in any activity or behaviour that would affect the Council or Committee deliberations; and
- h) Without invitation, enter the horseshoe in Council Chambers beyond the Delegation podium.

12.28 Photography and video should be kept to a minimum during a Meeting and will only be permitted so long as it does not interfere with the Meeting in any way.

12.29 At any time during the Meeting, at the discretion of the Clerk, use of electronic devices may also be prohibited if it is believed that the use is interfering with the Meeting.

### **Recording of Meetings**

12.30 Meetings which are not closed to the public may be televised or otherwise recorded so long as the act of recording does not interfere with proceedings at the Meeting, and provided that the recording has been authorized by the Meeting Chair.

### **Expulsion**

12.31 The Chair may cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a Council or Committee

Meeting. If necessary, the Chair may call upon the appropriate assistance from security or police officers to affect this ruling.

## **PART 13 CALL TO ORDER, QUORUM & DISCLOSURES OF PECUNIARY INTEREST**

### **Call to Order**

13.1 The Chair will call the Meeting to order as soon after the hour of Meeting as a Quorum is present. Quorum is achieved when a majority of the Members are present either through in-person or Virtual Participation.

### **Quorum**

13.2 If a Quorum is not present at a scheduled Council or Committee Meeting fifteen (15) minutes after the scheduled commencement time, the Meeting shall stand adjourned until the next regular Meeting of Council or Committee and the Clerk shall record the names of the Members present.

13.3 If a Quorum is lost during a Meeting of Council or Committee then the Chair shall, upon determining that a Quorum is not present, request the Clerk to call for a recess for a period of fifteen (15) minutes, or until a Quorum is present, whichever is sooner.

13.4 If there is still no Quorum of Council or Committee after fifteen (15) minutes, the Meeting shall stand adjourned and the Clerk shall record the names of the Members present. In the case of a Council Meeting, the confirming by-law will reflect all business validly conducted by the Council before Quorum was lost. All unfinished business shall be carried forward to the next Council or Committee Meeting.

13.5 Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are prohibited from participating in a Meeting is such that, at that Meeting, the remaining Members are not of sufficient number to constitute a Quorum, then the remaining number of Members shall be deemed to constitute a Quorum, provided this number is not fewer than two (2).

### **Meeting Recess**

13.6 Council or Committee may, at any point, recess for a period deemed appropriate by the Chair.

### **Adjournment Hour**

13.7 All Meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 11:00 p.m., whichever is earlier.

13.8 No Meeting will proceed beyond the hour of 11:00 p.m.

13.9 Unless decided otherwise prior to the adjournment of the Meeting, any unfinished business will be discussed at the next scheduled Council or Committee Meeting.

### **Disclosures of Pecuniary Interest**

13.10 Where a Member, on their behalf or while acting for, by, with or through another, has any Pecuniary Interest, direct or indirect, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*:

- a) Before the Meeting, submit to the Clerk in writing the Member's interest and the general nature thereof;
- b) Prior to any consideration of the matter at the Meeting, disclose the Member's interest and the general nature thereof; and
- c) Not take part in the discussion of, or vote on any question in respect of the matter; and
- d) Not attempt in any way whether before, during or after the Meeting to influence the voting on the matter.

13.11 Where a Meeting is not open to the public, in addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member shall forthwith leave the Meeting or the part of the Meeting during which the matter is under consideration.

13.12 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Member's interest and otherwise comply at the first Meeting of Council, as the case may be, attended by the Member after the particular Meeting.

13.13 The Clerk shall record in reasonable detail the particulars of any disclosure of Pecuniary Interest made by a Member, and this record shall appear in the minutes of that Meeting and be posted to the City's Conflict of Interest Registry on the City's Website.

## **PART 14 CHAIR'S DUTIES, CONDUCT OF MEMBERS & RULES OF DEBATE**

### **Chair's Duties**

14.1 The Chair shall preside over the Meetings of Council and Committee so that business can be carried out efficiently and effectively, and shall:

- a) Maintain order and preserve the decorum of the Meeting;
- b) Rule on all procedural matters, without debate or comment;

- c) Receive and submit to a vote all Motions presented by the Members that do not contravene the Rules of Procedure;
- d) Decline to put to a vote Motions which do not comply with the Rules of Procedure, or which are not within the jurisdiction of Council;
- e) Announce the results of the vote on any Motions presented for a vote;
- f) Facilitate or delegate the Clerk to facilitate all Delegations;
- g) Expel or exclude from any Meeting any person whom the Chair feels has exhibited improper conduct at the Meeting;
- h) Adjourn, suspend, or recess the Meeting if considered necessary because of grave disorder;
- i) Close the Meeting when business is concluded or recess the Meeting as required;
- j) Keep comments relatively brief and generally for the purpose of summation of the debate before a vote is to occur or to intercede for the purpose of moving a debate forward to a resolve; and
- k) Without limiting the above, preside over the Meeting fairly and objectively without becoming actively involved in debates, calling for Recorded Votes, or moving or seconding Motions.

### **Order to Vacate**

14.2 The Chair, after three warnings, shall call by name any Member persisting in breach of the Rules of Procedure and, subject to an appeal by a Majority Vote of Members present, order such Member in breach of the rules to vacate their seat and leave the Meeting.

### **Appeal of the Chair's Ruling**

14.3 A Member who disagrees with the ruling of the Chair may appeal such ruling to the Chair who, in response, shall call a vote on the question of sustaining the ruling. The Chair may provide further explanation of the ruling prior to calling the vote.

### **Absence of Chair at Scheduled Start Time**

14.4 In the case that the Mayor does not attend within fifteen (15) minutes of the scheduled commencement time for a Council Meeting and a Quorum is present, or after resumption of the Meeting after a recess, the Clerk shall call upon the Acting Mayor for the month in question and they shall preside until the arrival of the Mayor.

### **Mayor's Designation**

14.5 The Mayor may designate another Member of Council as presiding officer during any part of a Council Meeting when they leave the Chair for any reason. The

presiding officer at a Council Meeting shall have and may exercise all the rights, powers, authority and obligations of the Mayor under this by-law.

### **Rules of Conduct**

14.6 The conduct of Members at Council and Committee Meetings shall be governed by the contents of this by-law and by the Hybrid Meeting Procedure attached as Schedule A to this by-law.

No Member shall:

- a) Speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, Council, any Member or any official or employee of the City;
- b) Use offensive words or unparliamentary language;
- c) Engage in private conversation while in the Meeting or use electronic devices in a manner which interrupts the proceedings of the Council or Committee;
- d) Leave their seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- e) Speak on any subject other than the subject under debate;
- f) Where a matter has been discussed in Closed Session, and where the matter remains confidential, disclose the confidential matter or the substance of deliberations at a Closed Session Meeting, except to the extent that Council has previously released or disclosed the matter in public;
- g) Disobey the rules of this by-law or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council; or
- h) Use language that is not inclusive.

14.7 Where a Member has been called to order by the Chair for disregarding the Rules of Procedure and the Member persists in such conduct, the Chair may order the member to vacate the meeting and shall not recognize that Member, except for the purpose of receiving an apology from the Member. If the Member apologizes, the Chair may permit the Member to retake their seat or rejoin the Meeting where such Member is participating electronically.

14.8 If the Member called out does not apologize and will not vacate the Meeting, the Chair will recess the Meeting and request that the Clerk contact security.

14.9 Notwithstanding Sections 14.7 and 14.8 of this by-law, where a Member is participating electronically and refuses to apologize or leave the Meeting, the Chair will recess the Meeting and the Clerk will remove the Member from the Conference System.

**Seating Arrangements**

14.10 For the term of office of the Council the seating order for in-person attendees at the Council table shall be determined by the Mayor.

**Absences from Council and Committee Meetings**

14.11 Members shall inform the Meeting Chair and Clerk of all planned absences and late arrivals.

**Rules of Debate**

14.12 No debate on any item can occur until an item has been both moved and seconded.

14.13 To address Council, a Member shall request to speak and be recognized by the Chair.

**Speaking**

14.14 Prior to speaking to any question or Motion, each Member shall engage their microphone through the Chair or unmute in the Conference System, if participating by electronic means.

14.15 When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

14.16 When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a Point of Order or Privilege.

14.17 Any Member may require a Motion or question under discussion to be read at any time during the debate, but not so as to interrupt the Member speaking.

14.18 No Member shall speak for longer than ten (10) minutes on a question.

14.19 No Member shall speak more than twice to the same question.

**Questions**

14.20 A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Chair, the previous speaker, the City Manager, City Solicitor, Clerk, Deputy City Managers, and their respective designates. All questions must be directed through the Chair.

**Introduction of Additional Items**

14.21 No Member shall introduce any item to Council for its consideration unless:

- a) The item relates to a matter on the agenda for that Meeting; or
- b) The matter is of an urgent nature and leave is granted by a Two-Thirds Majority vote.

**PART 15 MOTIONS****Requirement to be in Writing**

15.1 Except as provided in Section 15.8 of this by-law, all Motions shall be in writing and moved and seconded.

**Assignment of Motions**

15.2 The Clerk will assign Motions to individual Members of Council by Ward, depending on the nature of the matter with the Chair of the associated Standing Committee assigned as the seconder.

15.3 The Clerk will not reassign Motions to other Members of Council without the permission of the Members to whom the Motion was originally assigned.

15.4 The Clerk will allocate Motions as soon as possible after the agenda is printed.

**Alternative Motions**

15.5 Where a Member wishes to introduce an alternative Motion from what is contained in a staff report, they shall notify the Chair and the Clerk of their intent no later than twenty-four (24) hours prior to the Meeting and upon notification of such intent, the Clerk will work with the report author and other necessary staff to develop the wording.

15.7 Once drafted, the new wording will be forwarded for review to the Member so wishing to introduce it and upon the Member's confirmation of the wording, the alternative Motion will be circulated by the Clerk to Members of Council.

**During the Meeting**

15.8 In Council or Committee, the following Motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:

- (a) a Point of Order or Privilege;
- (b) to suspend the Rules of Procedure;

- (c) to postpone definitely (deferral Motion with specified date/Meeting);
- (d) to refer;
- (e) to amend;
- (f) to postpone indefinitely (tables a Motion without specifying a date/Meeting);
- (g) to close debate;
- (h) to adjourn; or
- (i) any other procedural Motion.

15.9 The Chair may require that any amendment be in writing and signed by the mover and the seconder.

15.10 A Motion shall be moved and seconded before the Chair puts the question to vote and the Motion shall be recorded in the minutes of the Meeting.

### **Withdrawal**

15.11 After a Motion is moved and seconded it shall be deemed to be in the possession of Council or Committee and may not be withdrawn without the consent of the mover and seconder.

15.12 A Motion that has been withdrawn after being placed on the floor may be renewed with the mover and seconder, with the same intent, only if no decision was made in the first place.

### **Motion Under Consideration Takes Precedence**

15.13 When a Motion is under consideration, no new main Motion will be accepted. Non-main Motions are acceptable including procedural Motions, and Motions to refer, defer, or amend.

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

### **Non-Jurisdiction Motions**

15.15 A Motion regarding a matter that is beyond the jurisdiction of Council will not be in order and shall not be considered by Council except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally.

15.16 The question of the opinion referenced in Section 15.15 of this by-law is to be decided without debate and requires a Two-Thirds Majority vote passed by Council.

### **Schedule of Common Motions**

15.17 Schedule B of this by-law describes the form and standard descriptive characteristics of Motions commonly used in Council and Committee Meetings.

### **Points of Order and Privilege**

15.18 Schedule C of this by-law provides guidance on Points of Order and Privilege, how they are to be raised and when it is appropriate to bring either forward.

## **PART 16 VOTING**

### **Order of Voting**

16.1 Voting will be conducted in the following order:

- a) amendment to any amending Motion;
- b) upon determination of a) above, any subsequent amendment to the amending Motion;
- c) the amending Motion; and
- d) the main Motion, as amended or as originally presented.

### **Separate Votes**

16.2 Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately and no vote will be required to be taken on the matter as a whole.

### **Members Must Vote**

16.3 Every Member present at a Meeting will vote on every Motion, unless they have declared a Pecuniary Interest. Failure to vote for any reason will be deemed to be a negative vote.

### **Mover May Vote in Opposition**

16.4 A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may vote against the Motion.

### **Actions During Vote**

16.5 When the Chair calls for the vote on a question:

- a) Members must occupy their seat and remain in place until the result of the vote has been declared by the Chair; and
- b) during this time no Member shall walk across the room or make any other

Motion or speak to the question or any other Member or make any noise or disturbance.

### **Method of Voting**

16.6 A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a Recorded Vote is requested. The Chair shall announce the result of all votes taken and shall vote last.

### **Recorded Vote**

16.7 All votes at Council Meetings shall be Recorded Votes with the Clerk to note the name and vote of every Member on any question.

16.8 The Clerk shall use the electronic voting device or may call Members and the Members shall indicate or announce their vote.

16.9 The Clerk shall announce the result of the Recorded Vote.

16.10 Notwithstanding Sections 16.7, 16.8 and 16.9, no Recorded Votes will be taken at Committee Meetings

### **Carried Votes**

16.11 Except as provided elsewhere in this by-law, a Motion will be considered carried when a majority of the Members present and voting have voted in favour of the Motion.

### **Tied Votes**

16.12 When there is a tie vote the Motion is deemed lost.

### **Reconsideration**

16.13 A Motion to Reconsider may be brought forward if a Member wants to revisit and potentially change a decision made at the same Meeting where a decision was made.

16.14 A Motion to Reconsider may only be made if it is possible to reverse or to modify the Motion that was adopted.

16.15 After any question has been decided, any Member who voted with the prevailing side may make a Motion to Reconsider the question with such Motion to be seconded by a Member who voted with the prevailing side.

16.16 For the purposes of determining Section 16.15, the Chair may seek confirmation

from Members on whether they voted with the prevailing side and/or consult with the Clerk on the results of the vote.

- 16.17 No discussion of the main question shall be allowed until the Motion for Reconsideration is carried.
- 16.18 Where a Motion to Reconsider is approved, reconsideration will become the next order of business unless the Motion to Reconsider included direction to postpone reconsideration to a definitive date.
- 16.19 Once the question is reopened, it is reopened in its entirety unless the reopening Motion specifies otherwise.
- 16.20 A Motion to Reconsider a previous decision of Council made earlier in a Meeting;
- a) may be presented at any time prior to the Meeting's adjournment by any Member who voted in the majority when the decision was made;
  - b) may not be applied to a decision to table a Motion; and
  - c) requires an affirmative vote of the majority of the Members present.

#### **Process for Bringing Forward a Motion to Reconsider**

- 16.21 A Member wishing to bring forward a Motion to Reconsider and who voted on the prevailing side should wait to be recognized by the Chair who will then ask for a seconder who voted on the prevailing side.
- 16.22 The Chair will advise that the Motion to Reconsider is pending and open the floor to debate.
- 16.23 Once debate is over, the matter to reconsider the decision that was made shall be put to a vote.
- 16.24 If the Motion to Reconsider is adopted by a Majority Vote, the original recognized Motion is brought back to Council to be voted on again.
- 16.25 Where the Motion to Reconsider is lost, then business proceeds to the next item on the agenda.

#### **Rescinding Something Previously Adopted**

- 16.26 A Motion to Rescind may be used when a Member wishes to change something that was adopted at a previous Meeting.
- 16.27 Notwithstanding Section 16.26, if the original Motion has been acted upon and that action cannot be rescinded, then a Motion to Rescind is out of order such as with

purchasing or contract related matters; however, any unexecuted part could be rescinded or amended.

- 16.28 Any proposed amendment to the original Motion must be within the scope of the notice to rescind something previously adopted.
- 16.29 A Motion to Rescind can be made by any Member, regardless of how that Member voted originally and there is no time limit on making a Motion to Rescind.
- 16.30 In order to rescind something previously adopted by a Majority Vote, Council must have received notice of the intent to present such a Motion either at a previous Meeting or with the call of the Meeting.
- 16.31 In accordance with Schedule B of this by-law entitled “Commonly Used Motions in Council and Committee Meetings”, where notice of intent to present a notice to rescind has occurred the vote required to rescind is a Majority Vote and where notice has not occurred, the vote required to rescind is a Two-Thirds Majority of those present and voting.
- 16.32 No question, after it has been decided, shall be rescinded within two years following the decision of the Council unless Council decides to do so by a Two-Thirds Majority vote. Any Motion to Rescind after this period requires a Majority Vote.
- 16.33 A Member who was not a Member during the vote contemplated in Section 16.31 may make or second a Motion to Rescind.
- 16.34 No discussion of the main question or hearing of Delegations shall be allowed until the Motion to Rescind is carried.
- 16.35 If the question is reopened, all previous decisions of the Council remain in force unless the Council decides otherwise.
- 16.36 No matter before Council that has been the subject of a Motion to Rescind can be rescinded by Council within one year of the original Motion to Rescind.

#### **Process for Bringing Forward a Motion to Rescind**

- 16.37 The Motion to Rescind can be introduced at a time when no other business is pending.
- 16.38 After being recognized by the Chair, a Member may make the Motion to Rescind.
- 16.39 The Motion should include a description or reference to the decision in question (worded as closely as possible to any notice that has already been provided).
- 16.40 Another Member then must second the Motion.

16.41 The Chair will then restate the Motion to Rescind and permit debate.

16.42 During debate, any Member may propose amendments (changes that are greater than the scope of notice are not in order).

16.43 After full debate, the vote is taken on rescinding the Motion.

#### **PART 17 SHORT TITLE**

17.1 This by-law may be referred to as the City of Cambridge Procedure By-law.

#### **PART 18 REPEAL**

18.1 By-laws 18-15, 165-16, 20-030, 20-073 and 133-18 are hereby repealed.

#### **PART 19 SUSPENSION OF THE RULES**

19.1 Any rules or procedures established by this by-law, other than a Quorum requirement, may be suspended at or for a particular Council Meeting, by resolution, provided Two-Thirds of Members of Council present vote in favour thereof, unless prohibited by law.

#### **PART 20 SEVERABILITY**

20.1 If a portion of this by-law is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided and the rest of the by-law remains valid and effective.

#### **PART 21 EFFECTIVE DATE**

21.1 This by-law shall come into force and take full effect on the date of passing.

Enacted and passed this 9<sup>th</sup> day of May, 2023.

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MAYOR

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CLERK