Council

Chapter 0016 Procedure

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WHEREAS pursuant to the provisions of subsection 238 (2) of the Municipal Act, 2001, c. 25, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceeding of the meetings;

AND WHEREAS in accordance with subsection 238 (2.1) of the Municipal Act, 2001, c. 25 states that the procedure by-law shall provide for public notice of meetings.

Article 1 - Interpretation

16.1.1 Act - defined

"Act" shall mean the *Municipal Act, 2001*, c. 25, as amended from time to time.

16.1.2 Clerk - defined

"Clerk" shall be defined as the person, duly appointed, by by-law, pursuant to the provisions of section 228 of the Act as the Clerk of the City of Woodstock

16.1.3 Closed session - defined

"Closed session" shall be defined as a meeting of the Council or Committee that is not open to the public pursuant to subsections 239 (2, 3, 3.1) of the Act.

16.1.4 Committee of the Whole - defined

"Committee of the Whole" shall be defined as a meeting or portion of a meeting where the members of Council can participate in an open discussion of an item. When sitting as Committee of the Whole, the results of votes taken are not final decisions of the Council but have the status of recommendations which the Council is given the opportunity to consider further and which it votes on finally under its regular rules. Committee of the Whole may be held in open session or closed session, if the item to be discussed meets the requirements of subsections 239 (2, 3, 3.1) of the Act.

16.1.5 Head of Council - defined

"Head of Council" means the Head of Council, Acting Head of Council or other presiding officer.

16.1.6 Point of privilege - defined

"Point of privilege" shall be defined as a matter that a member consider to impugn their integrity or the integrity of Council.

16.1.7 Point of order - defined

"Point of order" shall be defined as a matter that a member considers to be departure from or contravention of the rules, procedures or generally accepted practices of Council.

Article 2 – Agenda

16.2.1 Contents - prepared - by Clerk

The Clerk shall cause to be prepared for the use of the members of the Council an "agenda" stating the order in which the business of Council shall be conducted as follows:

Disclosure of Pecuniary Interest
Disclosure of New Business
Matters arising from minutes
Minutes
Additions to agenda
Presentations
Delegations
Consideration of Delegations
Consideration of Planning Reports
Consideration of Correspondence
Presentations from staff and approved agents
Mayor's Report
Deputy Mayor and Councillor Reports
Department Reports
Special Committee and Advisory Task Forces Reports
Notices of Motion
New Business
Draft By-laws
Questions - Addresses - by Members of Council
Adjournment

16.2.1.1 Mayor - Deputy Mayor and Councillors - reports

All Mayor,Deputy Mayor and Councillors' reports shall be in written format with a recommendation.

16.2.2 Disclosure of pecuniary interest

As required by statutes of the province, members of Council shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the Clerk in the minutes. The member of Council with a pecuniary interest shall take no action to participate in, or influence the vote of the other members when the item is being resolved by Council.

16.2.3 Disclosure of new business

This portion of the meeting shall be to provide an opportunity for a member of Council to add a resolution to the agenda which will be considered under the "New Business" portion of the Agenda provided that the resolution is provided to the Clerk by noon the day before the regular meeting. The purpose of this Section is to allow resolutions to be considered that are urgent in nature. Consideration of the draft resolution is undertaken in the New Business portion of the meeting.

16.2.4 Matters arising from minutes

This portion of the agenda shall be used by the members of Council to note any errors and/or omissions in regard to the minutes of the previous meeting.

16.2.5 Minutes - copy - to members - prior to meeting

This portion of the meeting shall be to consider the minutes of the last regular meeting of Council and any special meetings held since the last regular meeting. Upon the adoption of the minutes by Council, the Head of Council or other presiding officer and the Clerk shall sign the minutes.

16.2.6 Presentations

This portion of the agenda shall be used for the purpose of making presentations and/or awards to members of staff and to the public or for presentations to be made to Council as may, from time-to-time, be considered appropriate.

16.2.7 Delegations - Council - notice - Clerk - prior to meeting

This portion of the agenda is to allow anyone desiring to address the Council in person on behalf of themself or otherwise.

a. Delegations wishing to address Council shall make a request in writing to the Clerk not later than 12:00 p.m. on Friday prior to the date of the regular Council meeting;
b. If, after the agenda is made available to the public on the Friday prior to the Council meeting, any person who wishes to address Council on behalf of themself or otherwise with respect to a subject matter listed on the agenda shall make a request to the Clerk not later than 12:00 p.m. on the Tuesday prior to the date of the regular Council meeting;
c. A person or delegation desiring to address Council shall attach to their written request a brief with sufficient details to reveal the nature of the presentation and the decision or action being requested of Council, so that the request and the brief may be circulated to the members of Council. Delegation requests containing offensive, defamatory, or disrespectful language will be denied;
d. Any delegation making a request for financial assistance of any kind shall submit such request in writing accompanied by sufficient information to enable staff to be fully informed for the purpose of assisting Council. If, in the opinion of the Chief Administrative Officer, sufficient information is not available in time for the meeting of Council, the matter shall generally be postponed until sufficient information becomes available for preparation of a staff report;
e. Where background information is provided to Council by City administration with respect to items for which there is a delegation, such information shall also be furnished to the delegation;
f. Any person permitted to address Council shall be limited to five minutes unless otherwise authorized by Council not including the time required to

respond to questions of Council, except in the case of statutory public meetings wherein procedural rules or guidelines are otherwise set forth;

g. Any person or delegation wishing to show an electronic presentation for Council at a public meeting shall be required to furnish same to the Clerk by no later than 12:00 p.m. on the Tuesday prior to the Council meeting. Failure to meet this deadline may result in the delegation being rescheduled to a later meeting of Council;

h. Persons expressing different points of view on any matter shall be permitted, but in order to avoid repetition, Council may decline to hear a repetition of a point of view already expressed;

i. No person shall be allowed to appear before Council a second or subsequent time to address the same subject matter unless the person is providing new information;

j. When any person, not being a member of the Council nor an appointed official, desires to address the Council, and has not notified the Clerk in accordance with the provisions of this Chapter, they shall advise the Clerk prior to the meeting and may be permitted to speak if a motion to that effect is carried by a majority vote of the members present;

k. No person or delegation shall be permitted to address Council with respect to a subject matter that Council, in accordance with subsections 239 (2), (3) and (3.1) of the Act, determines should be considered in a Council meeting that is closed to the public;

l. No person or delegation shall be permitted to address Council on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court, administrative tribunals, Ombudsman or Integrity Commissioner unless such matter is referred to Council by the said body;

m. No person or delegation shall be permitted to address Council regarding appeals by vendors or service providers who were not the successful proponents of awards of contracts by the City;

n. No person or delegation shall be permitted to address Council where the Mayor, CAO and Clerk, acting reasonably and in exceptional circumstances, determine that the delegation is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Council's jurisdiction, or otherwise misuse the privilege of addressing Council. All such refusals of delegations shall be reported to Council by email.

By-law 9715-24 - October 17, 2024

16.2.8 Delegations

Each request, submission or presentation received by Council under "delegations" shall be dealt with under "Consideration of Delegations."

Council may, by a vote to waive the rules of procedure, refuse to hear from any registered delegations.

16.2.9 Consideration - referred to - later time

Council may, with unanimous consent, consider the matter requested by the delegation or if unanimous consent is not provided, consideration will be given at the next meeting of Council under New Business.

16.2.10 Item - listed - order of business - referral

In the event that the subject brought to Council by a delegation is also dealt with in any other item listed on the Agenda, the Head of Council shall direct Council's attention to such item so that it may be brought forward for discussion along with the consideration of the delegation item.

16.2.11 Consideration of planning reports

Planning reports dealing with zoning by-law amendments, subdivision approvals, official plan amendments, severance applications and any other reports in connection with planning matters shall be dealt with at this time.

16.2.12 Correspondence - petitions - letters - other – signed

Every petition, letter or other written communication intended to be presented to the Council shall be legibly written or printed on paper and signed by at least one person giving his/her address. Correspondence containing offensive, defamatory, or disrespectful language will be denied. In the case of a petition, the petition will be provided electronically as part of the agenda to the public and members of Council. The Clerk will provide a summary to Council. The original copy of the petition will be available in the Clerk's office.

16.2.13 Submission - prior to meeting - requirements

Every petition, letter or other written communication shall be deposited with the Clerk not later than 12:00 p.m. on the Friday before the date of the Council meeting when Council is held on the Thursday and, in the event a regular Council meeting is held on a day other than Thursday, not later than 12:00 p.m. on the seventh day preceding the Council meeting date in order that it be included in the Agenda. By-law 9715-24 - October 17, 2024

16.2.14 Submission - late - consideration - urgent matter - only

A petition, letter or written communication that is received by the Clerk later than 12:00 p.m. on the Friday prior to the regularly scheduled meeting may be brought before Council, if in the Head of Council's opinion, the matter is urgent and if a majority of Council approve the matter to be considered. By-law 9715-24 - October 17, 2024

16.2.15 Submission - typed - duplicated - in whole - or part
All petitions or written communications may be submitted in typewritten form or duplicated on the Agenda either in whole or in summary form as the Clerk may deem appropriate.

16.2.16 Matter - placed upon agenda
Where in the opinion of the Clerk, the subject matter of any petition or written communication is properly within the jurisdiction of the Council, such communication shall be placed upon the Agenda for the next regular meeting of Council.

16.2.17 Communications - routine - referral to official
Communications of a routine nature shall be referred by the Clerk directly to the City official concerned, with a copy to the Chief Administrative Officer.

16.2.18 Referral to staff - other - for report - recommendation
All petitions or written communications on any subject may be referred to the City staff on a motion for a report and recommendation; but a member may move that, in referring a petition or other communication, certain instructions may be given by the Council, or that the petition and communication shall be referred to a special committee.

16.2.19 Presentations from staff and approved agents
Presentations by Municipal staff, contractors, or approved agents will be received by Council at this time. Any presentation that includes an electronic presentation for Council shall be furnished to the Clerk by no later than 12:00 p.m. on the Tuesday prior to the Council meeting. By-law 9715-24 - October 17, 2024

16.2.20 Departmental reports - format - written
All departmental reports shall be in written format with a recommendation unless the report is for information purposes only. Reports shall be signed by the department head or their designate and the Chief Administrative Officer or their designate.

16.2.21 Committee - task forces reports - format - signed
All reports of special committees and advisory task forces shall be in written format and signed by the committee Chair or designate and shall contain a recommendation(s) for the consideration of Council.

16.2.22 Report - received - adopted - disposed of - by motion
The report of every committee and task force shall be received, adopted or otherwise disposed of by motion of Council.

16.2.23 Notice of motion - defined
A notice of motion shall be defined as a resolution which a member of Council suggests that Council consider that is not urgent and/or substantial in nature.

16.2.24 Submission - by member - preparation - next meeting
Members of Council may submit a notice of motion on any item which may be dealt with at the next meeting of Council in order to provide time for the preparation of staff reports or added time for Council to consider the matter further.

16.2.25 Submissions - in writing - not debated
Notice of motions shall be submitted in writing at a meeting of Council to the Clerk but shall not be debated or otherwise dealt with until the next regular Council meeting.

16.2.26 Printed - in full - agenda - next meeting
Notices of motion will be printed in full on the Agenda in the New Business portion of the Agenda for the next regular meeting of Council that the member who put forth the motion is in attendance and may be dealt with at that meeting.

16.2.27 Disposal - within three months
The motion shall be disposed of within three months of its original receipt as a Notice of Motion.

16.2.28 New business - items - included - motions - other
New business shall include:

a. motions of which prior notice has been given;
b. motions which have been disclosed in "Disclosure of New Business" and have been placed on the agenda by noon the day prior to the meeting. Where possible, the motions will be in the form of a written resolution;
c. motions of which no prior notification has been provided that are considered urgent matters and of which Council has given unanimous consent to consider at the meeting. If unanimous consent is not given the matter will be considered at the next regular meeting of Council;

16.2.29 By-laws - copy - provided - to members
A copy of every draft by-law being proposed will form part of the agenda.

16.2.30 Introduction - title - purpose - specified - 3 readings
Every by-law shall be introduced by motion, specifying the title or purpose thereof, and shall be given three readings.

16.2.31 First - second readings - one time
The first and second reading of a by-law shall be decided at one and the same time as shall be declared in a written resolution form prepared especially for the occasion.

16.2.32 Amendment - debates - First - Second readings
Amendment to or debate on the contents of the by-law shall not be allowed at the first or second reading.

16.2.33 Resolution - form - preparation - separation
The resolution form prepared may contain any number of by-laws and additionally may be separated into two or more resolutions in accordance with any pecuniary interest of members of Council of which the administrative staff are advised.

16.2.34 Amendment - debate - motion - to Committee
Prior to the third and final reading of a by-law, any member of Council desiring to amend or debate the passage of a particular by-law or have such by-law read in full shall, by motion duly moved and carried, refer such by-law to the Committee of the Whole.

16.2.35 Proceedings - order - clauses - consideration
In proceedings in Committee of the Whole upon by-laws, every clause shall be considered in its proper order.

16.2.36 Proceedings - report - by Chair - to Council
The proceedings in Committee of the Whole shall be reported by the Chair to the Council as soon as the Committee rises and shall be received forthwith.

16.2.37 Amendment - motion - referred back - to Committee
Upon motion for the concurrence of the Council in the report of the Committee, it shall be in order for any member to move an amendment that the report be referred back to the Committee, with instructions to amend the by-laws as thus reported.

16.2.38 Third reading - time for
Every by-law which has been read a first and second time may, at the same meeting or at a subsequent meeting, be read a third time and finally passed.

16.2.39 Debate - amendment - Committee - exemption
It is not a requirement that all by-laws be processed through Committee of the Whole where debate or amendment to a by-law will be permitted.

16.2.40 Third - final reading - resolution form
Third and final reading of a by-law shall be decided by way of a resolution.

16.2.41 Resolution form - preparation
The resolution to consider by-laws may contain any number of by-laws and additionally may be separated into two or more resolutions in accordance with any pecuniary interest of members of Council.

16.2.42 Reading - date - certified
When a by-law is read in the Council, the Clerk shall certify upon it the date of each reading thereof.

16.2.43 By-law passed - corrections - Clerk - responsibility
After by-laws have been passed, the Clerk shall be responsible for their correctness should they be amended.

16.2.44 By-law passed - deposited - in safe - Clerk's office
Every by-law which has passed the Council shall, immediately after being signed by the Head of Council and the Clerk and sealed with the seal of the Corporation, be deposited by the Clerk for security in the safe connected with the Clerk's office.

16.2.45 Questions - from members of Council - to others
Members of Council may submit to any other member or to an officer of the Corporation any question pertaining to the business of the Council and matters of community interest.

16.2.46 Answer - immediate - orally - deferred - next meeting
The member or official to whom a question is directed may answer orally at the same meeting or may request an opportunity to investigate the matter and respond by means of written memo prior to the next regular Council meeting.

16.2.47 Address - any subject - by Council
Any member of Council may present at this time an address on any subject pertaining to the business of Council and matters pertaining to community interest. No member submitting such an address, without leave, shall address the Council for a length of time in excess of five minutes.

16.2.48 Unfinished business - under questions and addresses
Matters relating to unfinished business shall be dealt with under Questions and Addresses.

16.2.49 Adjournment - motion - in order - at request of Chair
In a meeting a standard motion to adjourn shall be in order at the request of the Chair.

16.2.50 Agenda - general - procedure - all cases - as written
The business of council shall in all cases be taken up in the order in which it stands upon the Agenda unless unanimous consent is given otherwise.

16.2.51 Notice - public
The agenda for all meetings including special meetings of Council shall be posted on the City's website a minimum of twenty-four hours in advance of the meeting. In the case of regularly scheduled meetings, the agenda will be posted by the end

of the business day on the Friday prior to the meeting. If the Friday preceding the Council meeting date falls on a holiday, the agenda will be posted by the end of the business day on the Thursday prior to the meeting. By-law 9715-24 - October 17, 2024

16.2.52 Emergency - notice provisions waived - modified
If a matter arises, which in the opinion of the Clerk is considered to be of an urgent or time sensitive nature or which could affect the health or wellbeing of the residents of the City of Woodstock or if a state of emergency is declared, or is so advised by a provincial ministry, the notice requirements of this Chapter may be waived and the Clerk shall make best efforts to provide notice as soon as possible thereafter and the reasons for waiving or varying from the requirements.

16.2.53 Delivered - to members - as prescribed
All members of Council shall receive the Agenda for all special meetings of the Council in either hard copy or electronic format; the format of the Agenda shall be at the discretion of the Clerk. The Agenda for all regularly scheduled meetings of the Council shall be delivered electronically to all members of Council the Friday preceding the date of the Council meeting. If the Friday preceding the Council meeting date falls on a holiday, then the Agenda will be forwarded on the Thursday preceding the Council meeting date.

16.2.54 Retained services - attendance - Council meetings
At the discretion of the Chief Administrative Officer or at the direction of Council, staff and/or retained services will be in attendance at Council meetings.

Article 3 - Committee of The Whole – Proceedings

16.3.1 Chair – Deputy Mayor
Whenever it shall be moved and carried that the Council go into Committee of the Whole, the Head of Council may leave the Chair, and the Deputy Mayor Shall Chair the Committee of the Whole and shall maintain order in the Committee and shall report the proceedings thereof.

16.3.2 Report - by-law - under discussion
When a report or by-law proposed by the Deputy Mayor is under discussion in the Committee of the Whole, the Deputy Mayor shall first appoint another Member of Committee to Chair for the portion of the Committee of the Whole meeting where the report or by-law is under consideration.

Rules of Council - applicable - exception
The rules of the Council shall be observed in the Committee of the Whole, so far as may be applicable, except that no motion for the previous question or for adjournment shall be allowed.

16.3.3 Speaking - time limitation - ten minutes

No member shall speak longer than ten minutes on any one question.

16.3.4 Voters - speakers - not recorded

In taking the yeas and nays, the names of the members shall not be recorded, nor shall the number of times speaking on any question be limited.

Article 4 - Clerk – Duties

16.4.1 Information - supplied - confirm direction - other

The Clerk shall, in addition to those duties prescribed by law, or by any by-law or resolution of the Council, perform the following duties:

a. supply all information relative to their office as the Council may require;
b. conform with all directions of the Council consistent with the by-laws of the City and perform those duties prescribed elsewhere in this Chapter;
c. notify the members of a special meeting of any Committee, when notified by the Head of Council or the Chair of a Committee, twenty-four hours in advance;
d. attend all meetings of Council and to record the minutes, orders, and requests of all such meetings;
e. give notice by way of an "Agenda," or otherwise, of all meetings of Council, other than those fixed by adjournment; and
f. provide, at the request of the Chair, points of clarification arising from the interpretation of this Chapter.

Article 5 - Head of Council – Duties

16.5.1 Duties - additional

The Head of Council shall, in addition to those duties prescribed by the Act, by-law or resolutions of Council perform the following duties:

a. shall be ex-officio a member of all Advisory Committees, Special Committees and Task Forces of the Council and may attend all meetings and shall have full voting privileges but shall not be counted for the purposes of quorum;
b. shall be permitted to wear the "Chain of Office" only when conducting official Council business;
c. shall call on one of the Councillors to fill the Head of Council position until they resume the Chair, if they desire to leave the Chair for the purpose of taking part in the debate;
d. shall preserve order and decorum and decide questions of order;

e. shall when called upon to decide on a point of order or practice, make the decision without unnecessary comment and shall cite the rule or authority applicable to the case;

f. may, (except where the Head of Council is disqualified to vote by reason of pecuniary interest or otherwise) vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be a negative vote; and

g. shall preside at all meetings of Council.

16.5.2 Authority – Deputy Mayor as Chair - Head of Council – absent

In the case of the absence of the Head of Council, or if they are absent through illness, or they refuses to act or their office is vacant, or declares a conflict of interest (any of the foregoing hereinafter referred to as "absent"), the Deputy Mayor shall act in the place and stead of the Head of Council, save that should the Head of Council and the Deputy Mayor be absent, then a Member of Council, with Council's consent has the option to assume the position of Chair. The Deputy Mayor or any Council Member acting in the place and stead of the Head of Council shall have all the rights, powers and privileges of the Chair.

16.5.3 Gavel - use - considered - in order

The use of the gavel shall always be considered to be in order.

Article 6 – Meetings

16.6.1 Inaugural - time for

The inaugural meeting of the Council following a regular election shall be held on November 15th in the year of the election in the Council Chambers of City Hall at 7:00 p.m. Should November 15th fall on a Friday, Saturday or Sunday, the inaugural meeting shall be held on the first day after that date that is not a Friday, Saturday or Sunday.

16.6.2 Inaugural - ceremonial

The inaugural meeting shall be ceremonial in nature for the purpose of the members of Council making their declaration of office and no regular business of Council shall take place.

16.6.3 Inaugural - address - open

The inaugural meeting may be opened with an address lead by a person chosen by the Head of Council elect.

16.6.4 Council - organized - declaration - members made

The Council shall be deemed to be organized within the meaning of the Act when the declaration of office has been made by a majority of the members, and it

may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declaration.

16.6.5 Regular meetings - first - third - Thursday - monthly
Council shall meet in Council Chambers on the first Thursday of the month at 1:30 p.m. and the third Thursday of the month at 7:00 p.m. unless by way of resolution the Council selects an alternate meeting date, time, or another location.

16.6.6 Regular meetings - on holiday - alternate date - set
If the regular meeting date falls on a holiday, Council shall by means of a motion passed at a previous public meeting or under unusual circumstances, by agreement of a majority of the members of Council establish an alternative date upon which the Council shall meet.

16.6.7 Meeting - all - open to public
All Council and committee meetings shall be open to the public.

16.6.8 January - July - August – December-meetings - times
During the months of January, July, August and December, the Council shall meet at the same hour on such days as it may, by resolution, prescribe.

16.6.9 Special meetings - Head of Council - summon
The Head of Council may at any time summon a special meeting of Council and it shall be the duty of the Head of Council to summon a special meeting when so requested in writing by a majority of the members of Council.

16.6.10 Head of Council - vacancy - special meeting
Upon receipt of a petition of the majority of members of the Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.

16.6.11 Notice - special meeting - agenda - stated
A notice for a special meeting shall state the business to be considered at such special meeting and no business other than that stated in the notice shall be considered at such meeting, except with the unanimous consent of the members present.

16.6.12 Closed meetings - conditions
Pursuant to section 239 of the Act, a meeting or part of a meeting of Council or Committee may convene in closed session to discuss any of the following matters:

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; (effective January 1, 2018)
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; (effective January 1, 2018) 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; (effective January 1, 2018)
l. for the purpose of educating or training the members so far as the matter is not dealt with in a way that materially advances the business or decision-making of the Council, local board or committee;
m. a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, board, commission or other body is the Head of Council of an institution for the purposes of that Act;
n. A meeting shall be closed to the public if the subject matter relates to 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 subsection 223.13 (1) of the Act, or the investigator referred to in subsection 239.2 (1) of the Act.

16.6.13 Meeting - closed - purpose stated in motion

Before holding a meeting or part of a meeting that is to be closed to the public, a resolution shall be adopted which states:

a. the fact of the holding of the closed meeting; and
b. the general nature of the matter to be considered at the closed meeting.

16.6.14 Meeting - not closed - public- vote

Subject to Section 16.6.12, a meeting shall not be closed to the public during the taking of a vote. Despite section 244 of the Municipal Act, 2001, a meeting may be closed to the public during a vote if,

a. Subsections 239 (2) or (3) of the Municipal Act, 2001 permits or requires the meeting to be closed to the public; and
b. The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City, Board or Committee of either of them or persons retained by or under a contract with the City or Board.

16.6.15 Meeting- closed- agenda preparation

The Clerk shall, at the direction of the CAO, prepare a closed meeting agenda to be circulated to members of Council.

16.6.16 Meeting-closed-record

The Clerk shall record all vote(s)/direction(s) provided during closed sessions which relate only to the direction provided by Council pursuant to Section 239(6)(b) of the Act. Copies of these records containing only the vote/direction provided by Council will be distributed to Council only, and included with the following closed session agenda. Any inaccuracies in the recording of the votes/direction shall be addressed during the following closed session. The record of vote(s)/direction(s) kept during closed sessions will be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

16.6.17 Meeting - closed - inquiries - response

The response of members to inquiries about any matter dealt with by Council at a closed meeting, prior to its being reported publicly, shall be "no comment" or words to that effect.

16.6.18 Commencement - time change - authority

If in the opinion of the Chief Administrative Officer there is insufficient "Closed Session" business to require the meeting to commence at 6 p.m. The Chief Administrative Officer is empowered to set the commencement of the Closed Session at a later time. When there is no Closed Session business put forth, the regular meeting shall commence in accordance with Section 16.6.5 entitled "Regular meetings - first - third - Thursday - monthly."

16.6.19 Disclosure – by majority – quorum – requirement

When a majority of members has disclosed an interest under the Municipal Conflict of Interest Act, the remaining number of members at that meeting shall be deemed to constitute a quorum, provided such number is not less than two.

16.6.20 Quorum present - call to order

As soon after the hour of the meeting as there shall be a quorum present, the Head of Council shall take the Chair and call the meeting to order.

16.6.21 Quorum - not present - adjournment - names recorded

Unless there is a quorum present within fifteen minutes after the time appointed for the meeting of the Council, the meeting shall be considered adjourned and the Clerk shall take down the names of the members present at the expiration of such fifteen minutes.

16.6.22 Head absent - quorum present - Chair – Deputy Mayor

In the event that the Head of Council, or in his/her absence the Deputy Mayor, does not attend within fifteen minutes after the time appointed, the Clerk shall call the members to order and, if a quorum be present, a Chair shall be chosen who shall preside during the meeting or until the arrival of the Head of Council.

16.6.23 Non-member - during sittings - permission - required

No person except members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without the permission of the Council.

16.6.24 Electronic participation

Members of council may participate electronically in a meeting which is open or closed to the public. A member of council who is participating electronically in such a meeting may be counted in determining whether or not a quorum of members is present at any point in time.

Article 7 - Rules of Conduct - Council Members

16.7.1 Member of Council - prohibitions

A member of Council shall not:

a. speak disrespectfully of reigning Sovereign or of any member of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the Government of the Dominion or of this province;
b. speak on any subject other than the subject under debate;
c. criticize any decision of the Council except for the purpose of moving that the question be reconsidered or rescinded;
d. disturb the Council by any disorderly deportment or conduct;
e. use profane or offensive words or insulting expressions;
f. resist or disobey the rules of Council or a decision of the Chair or the Council on questions of order or practice or on the interpretation of the rules of the Council;
g. leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
h. speak to the same question or in reply for longer than five minutes without leave of the Chair;

i. speak more than once to the same question, without leave of the Chair, except in explanation of a material part of his/her speech which may have been misconceived and in doing so he/she is not to introduce a new matter;

16.7.2 Member of Council - speaking - permission - authority

A member of Council shall:

a. obtain the permission of the Chair to speak, prior to speaking to a question or motion;

b. have the right to speak first in debate, if they are the author of the "question on the floor" or other motion under consideration.

Article 8 - Rules of Debate

16.8.1 Call to order - no debate - explanation

A member called to order from the Chair shall immediately cease to speak but may afterwards explain and the Council, if appealed to, shall decide the case, but without debate; if there be no appeal, the decision of the Head of Council shall be final.

16.8.2 Questions of order - decision - appeal - order

Questions of order arising in Committee of the Whole shall be decided by the Chair, subject to an appeal to the Head of Council, and if any disorder should arise in the Committee, the Head of Council shall resume the Chair, without any question being put.

16.8.3 Motion - to rise - report - decided - without debate

On motion in Committee of the Whole to rise and report, the question shall be decided without debate.

16.8.4 Motion - to rise - without report - leave Chair - in order

A motion in Committee of the Whole to rise without reporting, or that the Chairperson leave the Chair, shall always be in order and shall take precedence over any other motion.

16.8.5 Debate - allowed affirmative vote - deemed negative

On the motion set out in Section 16.8.4, debate shall be allowed but no member shall speak more than once and on an affirmative vote the subject referred to the Committee shall be considered as disposed of in the negative and the Head of Council shall resume the Chair and proceed with the next agenda item.

16.8.6 Disclosure - pecuniary interest - member - absent

Every member who is absent from a meeting of Council when a matter in which they have a pecuniary interest is discussed must disclose such interest at the next meeting they attend.

16.8.7 Disobedience - order to leave - exception - apology
In case any member shall so resist or disobey any provisions of this Chapter, the member may be ordered by the Head of Council to leave their seat for that meeting, and in case of refusing to do so, the member may, on the order of the Head of Council, be removed there from by the police; but in case of ample apology being made by the offender, the member may, by vote of the Council, be permitted forthwith to take their seat.

16.8.8 Motion - seconded - read - requested
When a motion is seconded, it shall be read by the Clerk if requested.

16.8.9 Motion - seconded - withdrawn - before decision
After a motion is duly seconded, it shall be deemed to be in possession of the Council, but may, with permission of the Council, be withdrawn at any time before decision or amendment.

16.8.10 Motion - to adjourn - in order
A motion to adjourn the Council or to adjourn the debate shall always be in order, but no second motion to the same effect shall be made in the event the first motion is defeated until after some intermediate business has been dealt with.

16.8.11 Motion - to adjourn - seconded - form
A motion to adjourn must be seconded.

16.8.12 Motion - to adjourn - opinion - qualifications - added
A motion to adjourn the Council by adding any expression of opinion or qualification shall not come within the terms of this rule.

16.8.13 Motions - precedence - not amendable - debatable
The several motions set out in Section 16.8.23 shall have precedence in the order in which they are named and Section 18.8.23 (b), (e) and (f) shall be neither amendable nor debatable.

16.8.14 Motion - amendment - different subject - prohibited
An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

16.8.15 Motion - amendment - to amendment - one only
Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main question.

16.8.16 Motion - amendment - presentation
Amendments shall be presented in the following manner according to the particular need:

a. I move to amend by adding the word(s) ...;

b. I move to amend by inserting the word(s) ... before (or after) the word ...;
c. I move to amend by striking out the word(s) ...;
d. I move to amend by striking out the word(s) ... and inserting the word(s) ...; or
e. I move to amend by substituting for the pending motion (or amendment) the following …

16.8.17 Motion - amendments - reverse order - than moved
Amendments shall be put in the reverse order to that in which they are moved.

16.8.18 Motion - amendment - submitted - decided - before vote
Every amendment submitted shall be stated orally (or in writing if lengthy or complicated) and shall be decided (or withdrawn) before the main question is put to the vote.

16.8.19 Motion - to divide - form
The motion to divide shall be put forthwith without debate in the form, "I move to divide the resolution so as to consider separately" and, if this motion is resolved in the affirmative, then the main motion, in its divided portions, is then to be decided forthwith.

16.8.20 Pecuniary interest - exclusion - discussion - debate
A member disclosing a pecuniary interest shall not take part in the discussion or vote on such question.

16.8.21 Privilege - consideration - immediate
Whenever any matter of privilege arises, it shall be immediately taken into consideration.

16.8.22 Question - motion - in debate - permitted - limitation
Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

16.8.23 Question - under consideration - motions – received
When a question is under consideration, no motion shall be received, unless:
a. to amend;
b. to lay on the table;
c. to postpone indefinitely;
d. to postpone to a certain time;
e. to adjourn; and
f. to move the previous question.

16.8.24 Question - previous - preclude - amendment - debate
The previous question, until it is decided, shall preclude all amendment and debate of the main motion, and shall be put forthwith without debate in the form "I move the previous question."

16.8.25 Questions - previous - affirmative - negative
If the motion set out in Section 16.8.24 is resolved in the affirmative, then the main motion is put immediately without amendment or debate; but if the motion for the previous question is resolved in the negative, then the debate on the previous question may resume.

16.8.26 Question - distinct propositions - vote - separate
When the question under consideration contains distinct propositions, upon the request of any member, which member shall clearly state the manner in which the question is to be divided, the vote upon each proposition will be taken separately.

16.8.27 Reconsideration - next meeting - new business
A motion to reconsider is not debatable or amendable and requires a majority vote to be reconsidered. The mover of the motion must be a member who voted on the prevailing side of the motion being reconsidered. If the action approved in the original motion cannot be reversed the motion cannot be reconsidered. If the motion for reconsideration is not made until a following meeting, it shall be brought forward under "New Business."

16.8.28 Reconsideration - no more than once - annually
No question shall be reconsidered more than once during a twelve-month period following the date on which the question was decided, nor shall a vote to reconsider be reconsidered.

16.8.29 Reconsideration - vote to reconsider
If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next agenda item. Debate on the motion to be reconsidered may proceed as though it had never previously been voted on.

16.8.30 Reconsideration - member - previously absent
A member who is absent at the time a vote is taken on a motion which subsequently becomes the subject of a motion for reconsideration, shall be deemed for the purposes of reconsideration to have voted with the majority.

16.8.31 Recorded vote - called for
Any member of Council prior to the vote being taken on any matter may request a recorded vote. The member who moved the resolution shall vote first followed by each member present in alphabetical order. The Clerk shall record the vote of each member of Council and state the results of the vote.

16.8.32 Reply - substantive - motion - only
A reply is allowed to a member who has made a substantive motion to the Council but not to any member who has moved an amendment, the previous question, or an instruction to a committee.

16.8.33 Rules - privileges - motion - to the contrary
Whenever the Head of Council is of the opinion that a motion is contrary to the rules and privileges of the Council, they shall apprise the members thereof immediately before putting the question and shall cite the rule or authority applicable to the case without argument or comment.

16.8.34 Speaker - recognition - by Chair
Any member desiring to speak, and upon being recognized by the Head of Council or other presiding officer shall address the Chair. When two or more members wish to speak, the Head of Council shall recognize them in order.

16.8.35 Vote - required - all members present - exception
Every member who is present in the Council Chambers when a question is put shall vote, unless prohibited from voting by the provisions of the *Municipal Conflict of Interest Act*. In the event any member refuses to vote, his/her vote shall be counted in the negative.

16.8.36 Vote result disagreement - objection - immediate
If a member disagrees with the announcement of the Head of Council that a question is carried or lost, the member, but only immediately after the declaration by the Head of Council, may object to the Head of Council's declaration and may require a recorded vote to be taken.

16.8.37 Vote - questions - taken - second vote - requirements
When a question has been brought before the Council and voted upon, it shall not be voted upon a second time unless a resolution to reconsider is moved by a member from among those who voted with the majority.

Article 9 - Special Committees

16.9.1 Established - by resolution - as necessary
Special committees of Council may be established by the Council at any time during the year as deemed necessary by resolution of the Council.

16.9.2 Boards - committees - appointment policy
Appointments required to boards and committees shall be as provided for under Council's Appointments Policy for Council members and members of the public.

16.9.3 Non-Council members - appointed

If deemed advisable, Council may appoint non-members of the Council to special committees.

16.9.4 Non-Council members - policies - established
The appointment of non-Council members to special committees shall be conducted as provided from time to time by the policies established by Council relating to the appointment of committees.

16.9.5 Reports - considerations - matters referred - only
Special committees shall consider and report to Council on such matters which are directly related to their mandate.

16.9.6 Council - attendance - permitted - voting - prohibited
Members of the Council may attend the meetings of special committees but shall not be allowed to vote unless the member of Council is appointed as a member of such committee.

16.9.7 Non-members - discussion - permission - required
Non-committee members shall not be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the committee.

16.9.8 Absence - Council to appoint member
The Council may appoint a member thereof to act on any special committee in lieu and during the absence of any member thereof who is absent from the municipality or unable from illness to attend the meetings of such committee and the member so appointed shall be deemed a member of the Committee and entitled to act thereon only during such absence or illness.

16.9.9 Chair's refusal - Clerk - to call meeting
If the Chair of a special committee neglects or refuses to call a meeting when requested to do so by a member of the Committee, then the majority of the Committee may request the Clerk to call a meeting and the Clerk shall forthwith proceed to call a meeting of the Committee.

16.9.10 Non-attendance - member - removed - other appointed
Should any member of a special committee neglect or refuse to attend regular or properly summoned meetings of his/her committee, the Council may remove the said member from the committee and appoint another member in his/her place; or, should any committee neglect or refuse to give due attention to all business or matters before them, the Council may by resolution discharge such committee and appoint another in its stead.

16.9.11 Minority report - disagreement - report submitted

If any member of a special committee disagrees with the report submitted by the majority of the committee meeting, that member may submit a minority report.

16.9.12 Meetings of special committees
Special committees shall be deemed to have adopted the provisions of this Chapter and shall conduct meetings in accordance with the provisions of this Chapter.

16.9.13 Authority - Council - all matters - referred
No order or authority to do any matter or thing shall be recognized as emanating from any committee and all committee matters shall be referred to the Council and approved before becoming effective.

16.9.14 Minutes - recorded - approved - signed by Chair
The minutes of the transactions of every committee, in accordance with the Act, shall be accurately entered in a book provided for that purpose and at each meeting the minutes of the preceding meeting shall be submitted for confirmation or amendment and, after they have received the approval of a majority of the members present, shall be signed by the Chair.

16.9.15 Reports - presented to Council - at meetings
Special committee reports (majority and/or minority) must be presented to Council at a regular or special Council meeting.

Article 10 - Exceptions

16.10.1 Suspension - rules - two-thirds vote - required
Any one or more of these rules and orders may be temporarily suspended by a vote of two-thirds of the whole Council.

16.10.2 Roberts Rules of Order - precedence
In all unprovided cases in the proceedings of Council or in committee, *Roberts Rules of Order* (current edition) shall govern, a copy of which shall be made available by the Clerk at all meetings of Council.

Article 11 - Repeal - Enactment

16.11.1 By-law - previous
All previous procedure by-laws are hereby repealed.

16.11.2 Effective date
This Chapter shall become effective as the final passing of the enabling by-law.