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CITY OF KINGSTON

Ontario

BY-LAW NO. 98-1

COUNCIL PROCEDURAL BY-LAW

PASSED: January 6, 1998

As Amended By:

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(Office Consolidation)

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NOTE: Reference: Subsection 268, The Municipal Act, SO 2001

Please see E-Laws:

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/01m25_e.htm#BK320

CITY OF KINGSTON
BY-LAW NO. 98-1
COUNCIL PROCEDURAL BY-LAW

PASSED: January 6, 1998

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the City of Kingston enacts as follows:

1.0 Definitions

Agenda	The "Orders of the Day"
Board of Control	(Repealed by By-law 2000-299)
Briefing	A report to the Committee of the Whole, Council, or Standing Committees by city staff,, consultants to the City, ad-hoc city committees and task forces or other committees with representation appointed by Council. <p style="text-align:right">(By-Law No. 2004-359)</p>
Chair	The Head of Council or the Presiding Officer at a committee meeting <p style="text-align:right">(By-law No. 2004-26)</p>
Clerk	The Manager of Council Support of the Corporation of the City of Kingston <p style="text-align:right">(By-law No. 2004-26)</p>
Committee	A standing or advisory/ad hoc committee established by Council but does not include the Committee of the Whole
Committee Chair	Presiding Officer of a standing committee or of an advisory or ad hoc committee of the Council <p style="text-align:right">(By-law No. 2004-26)</p>
Committee of the Whole	Council sitting as the Committee of the Whole <p style="text-align:right">(By-law No. 2000-324)</p>
Controller	(repealed by By-law 2000-299)

Council	The Council of the Corporation of the City of Kingston
Councillor	Councillor of the Corporation of the City of Kingston, elected by district
Defer and Refer	A motion to defer a motion or resolution to a specific time in order to refer it to staff/committee/or another body/institution for further information (By-law No. 2004-26)
Delegation	An address to the Committee of the Whole or Council by one or more persons who are not members of Council or city staff and are speaking to action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise) and shall be limited to 5 minutes. (By-law No. 2000-324; 2004-359)
Deputy Mayor	The member of Council appointed in accordance with Section 13 to serve as the Deputy Mayor at the time (By-law No. 2000-299; 2000-324)
In Camera	A closed session of Council, or a committee or Committee of the Whole not open to the public (By-law No. 2000-299)
Majority	Greater than 50% of the members present (By-law No. 2004-26)
Mayor	The Head of Council (By-Law No. 98-1; 99-175)
Meeting	A meeting of Council, Committee of the Whole or of committees established by Council (By-law No. 2004-26)
Member	A member of Council, and a member of a committee (By-law No. 2000-299; 2000-324)
Motion	An original motion; an amendment to a motion; or a substantive motion

Point of Order - (must deal with a matter that is currently on agenda)

- (a) Breaches of the rules of order of Council
- (b) Difficulty in continuation of the meeting
- (c) Improper, offensive or abusive language
- (d) Notice that the discussion is outside the scope of the motion or the notice of motion
- (e) Irregularities in the proceedings

(By-law No. 98-1; 2004-26)

Point of Privilege A concern about the honour, dignity, character, rights, or professionalism of the Mayor, members of Council, or members of Staff or the dignity of the Council

Presentation A ceremonial presentation to or from the City of Kingston;
(By-law No. 2000-324; 2004-26; 2004-359)

Presiding Officer The Mayor or Acting Head of Council or Chair of a meeting

Privilege The raising of a question which concerns a member of Council, or the Council collectively, when a member believes that his/her rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned
(By-law No. 2004-26)

Quorum Greater than 50% or the members of Council of a committee

Recorded Vote The recording of the name and vote of every member on a motion during the meeting

Resolution A motion that has been resolved by Council or a committee
(By-law No. 2004-26)

Senior Officer The Chief Administrative Officer or his/her designate

Substantive Motion A self contained proposal not incidental to any proceeding and may be referred to as the “main motion” or the “principal motion”. It is amendable and it is drafted in such a way so as to be capable of expressing a decision of Council. It EXCLUDES the following motions:

- (a) To extend time of the meeting
- (b) To move the previous question
- (c) To refer
- (d) To amend
- (e) To lay on the table
- (f) To postpone indefinitely or to a specific day
- (g) To adjourn

(By-Law No. 98-1; 99-175)

2.0 General Rules in Conducting Business of Council

Rules and Regulations Observed at All Times:

2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees and shall be the rules and regulations for the order and dispatch of business in the Council and the Committees,

The rules and regulations contained herein may be suspended by a two-thirds affirmative vote of the members present and voting.

In any case for which provision is not made herein the procedure to be followed shall be, as near as may be, to Bourinot’s Rules of Order.

The rules of proceedings shall be observed in Committee of the Whole and Committee meetings, with the exception of the limit of the number of times for speaking; however, no member shall speak more than once to any question until every other member choosing to speak shall have spoken.

(By-Law No. 98-1; 99-175; 2000-299; 2004-26)

Chairing of Meetings

2.2 Every Council meeting shall be chaired by:

- (a) The Mayor, if present.
- (b) The Deputy Mayor, if the Mayor is absent. (see section 13)
- (c) If both are absent, Council shall select an Acting Chair to serve as Head of Council.

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

Council – Selection of Acting Chair

2.3 In the case of the absence of the Head of Council from the municipality or his/her inability to act, the Deputy Mayor is hereby appointed to act from time to time in the place and stead of the Head of Council and he/she shall have all the rights, power and authority of the Head of Council. Where the Mayor and the Deputy Mayor are both absent from the

municipality or unable to act, Council shall select an Acting Chair to serve as Head of Council in accordance with Section 13.0 of this by-law.

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

Clerk's Attendance at Meetings

2.4 The Clerk shall be present at all meetings; however, he/she may delegate some member of staff to act in his/her stead at the meetings of Council.

(By-Law No. 98-1; 99-175)

Record of Meetings

2.5 Pursuant to Section 228(1)(a) of the Municipal Act 2001, as amended, the Clerk shall provide a written record of meetings, without note or comment, including all resolutions, decisions and other proceedings.

(By-Law No. 99-175; 2004-26)

3.0 Convening of Council Meetings

3.1 Meetings of Council shall be held at City Hall in the Council Chambers at 216 Ontario Street unless otherwise decided by resolution of Council.

(By-Law No. 98-1; 99-175)

3.2 Inaugural Meeting

(a) The Inaugural Meeting of Council shall be held in the Council Chambers on the first Tuesday of the Council year. The first meeting of Council in years two and three of the term shall be on the second Tuesday of the year.

(By-Law No. 98-1; 99-175; 2004-26)

Regular Meetings

(b) Regular Meetings of Council shall be held the first and third Tuesday of each month, at 7:30 p.m., except for the months of July and August when only one meeting will be held, the date of which will be determined by resolution of Council

(By-Law No. 98-1; 2008-114)

Committee of the Whole

(c) The Committee of the Whole shall meet as required and/or during regular meetings of Council.

(By-law No. 2000-324; 2004-26; 2004-359)

Special Meetings - Notice Requirements

(d) The Head of Council may, at any time, summon a special meeting of Council on a minimum of 24 hours notice or, upon the receipt of a petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four hours notice of all special meetings of Council called by the Clerk shall be given to the Members.

(By-Law No. 98-1; 99-175; 2004-26)

Orders of the Day – Lack of Notice

- (e) Notice of meeting for regular or special meetings of Council or its committees shall be accompanied by the Orders of the Day. Lack of notice shall not affect the validity of holding a meeting or any action taken thereat where all the members are present at the meeting or where any member or members who are absent consent to the holding of such meeting and so inform the Clerk.

(By-Law No. 98-1; 2004-26)

- 3.3 As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Presiding Officer shall take the Chair and call the meeting to order. Unless there is a quorum present in twenty minutes after the time appointed for the meeting of Council, the Council shall stand adjourned until the next regular day of meeting unless a special meeting is sooner called.

(By-Law No. 98-1 – 1998; 99-175)

- 3.4 Meetings of Council shall be open.

(By-Law No. 98-1 – 1998; 99-175)

Closed Meetings

- 3.5 Notwithstanding Article 3.4, meetings or a 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 which includes information whose disclosure could reasonably be expected to prejudice the economic interests or the competitive position of Council;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;

(By-Law No. 2003-1)

- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) the receiving of 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 has authorized a meeting to be closed under another Act;
- (h) 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 designated as head of the institution for the purpose of that Act.

(By-Law No. 98-1; 99-175; 2004-26)

Public Statement Required for Closed Meetings

- 3.6 Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution,
- (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.
 - (c) If a member of Council wishes to introduce new business at a closed meeting, it shall only be introduced in open session after roll call while Council is still in the Chambers. When the Council resolves into a closed session, the Council member shall expand further on the nature of the new business and the majority of Council shall determine, by vote, as to whether the matter shall be dealt with in-camera that evening. There shall be no debate on the issue until the motion to deal with the new business has been decided in the majority.

(By-Law No. 98-1; 99-175; 2004-26)

Confidential Documentation

- 3.7 (i) All information, documentation or deliberations received, reviewed or taken in a closed meeting is confidential.
- (a) The Clerk shall distribute all confidential reports and material for closed meetings in sealed envelopes that are marked with the Councillor's name and the Agenda Item number on it. The recommendations shall not be printed on the agenda; however, the agenda shall include a general outline of the item being discussed. If a member of Council determines that he/she has a potential Pecuniary or Conflict of Interest, he/she shall return the envelope, unopened, to the Clerk. The Clerk shall note in the official record that the envelope was returned unopened and then destroy the material."

(By-law No. 2004-26)

Enquiries Regarding Closed Meetings

- (ii) The response of Members to inquiries about any matter dealt with by Council or Committee of Council at a closed meeting, prior to it being reported publicly, shall be "no comment", or words to that effect. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of council or relevant staff members.

(By-law No. 2004-26)

Violating Confidentiality of Closed Meetings

- (iii) Any violation of this regulation may result in exclusion of the offending Member from future closed meetings of Council and that Member no longer being provided with correspondence, materials or information proposed to be dealt with by Council at a closed meeting;

- (iv) The determination of whether or not a violation of the closed meeting provisions of this By-Law and the length of the exclusion from closed meetings, if so determined, shall be made by Council, and the issue shall be considered by Council prior to the affected Member being excluded from any closed meeting. The results of Council's deliberations shall be reported out publicly.
- (v) If the purported violation of the closed meeting provisions of this by-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be adopted;
- (vi) Notwithstanding Article 3.7 (iv) the Member affected shall not be permitted to vote on a motion respecting his or her purported violation of the closed meeting provision of the procedural by-law, his or her exclusion from closed meetings, or the length of any such exclusion.
- (vii) The release of any information about any matters dealt with by Council at a closed meeting shall be by the Mayor or his/her delegate only.
- (viii) Agendas or any items thereon for consideration by Council shall not be released to the public.
- (ix) Any member who contravenes Article 3.7(ii) is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the Provincial Offences Act.
- (x) Despite Article 3.7 (ix), no member shall be convicted or a contravention of Article 3.7 (ii) if the contravention was through inadvertence.
- (xi) No prosecution for a contravention of Article 3.7 (ii) shall be commenced except on the direction of Council, expressed in a resolution of Council.
- (xii) Any decision to prosecute a member of Council shall only be made after Council has met to consider the matter, at which time the member of Council proposed to be prosecuted may be present and shall have the option of attending with legal counsel, it being understood that whether council meets in-camera or in open session shall be determined by the Councillor under investigation

(By-law No. 2004-26)

(By-Law No. 99-175; 2004-26)

- 3.8 Subject to the provision of Section 239 of The Municipal Act, 2001, an in-camera item that requires a final decision shall be done by Council resolution or By-law at a future public meeting of Council.

(By-Law No. 98-1; 99-175; 2000-85; 2004-26)

No Recorded Votes at In Camera Meeting

3.9 A meeting shall not be closed to the public during a vote except when the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained under contract with the municipality for items listed in Article 3.5. There shall be no recorded votes at an In-Camera meeting.

(By-Law No. 98-1; 99-175; 2000-85; 2004-26)

3.10 Deleted by By-law No. 2004-26.

(By-Law No. 98-1; 99-175; 2000-85; 2001-82; 2004-26)

4.0 Meetings

Start and Finish of Meetings

4.1 The City Clerk shall lead the Mayor into Chambers, ring the bell three times and call the meeting to Order. All shall rise upon the Mayor's entrance into Council Chambers.

(By-Law No. 99-175; 2000-140; 2004-26)

Absence of Mayor

4.2 In case the Mayor does not attend within fifteen minutes after the appointed time, there then being a quorum present, the Deputy Mayor shall preside during the meeting or until the arrival of the Mayor. In the absence of the Deputy Mayor, Council shall select an Acting Chair to serve as Head of Council, who shall preside during the meeting or until the arrival of either the Mayor or Deputy Mayor. (See Section 2.2)

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

No Quorum

4.3 If there is no quorum present pursuant to Article 3.3, the Clerk shall record the names of the members then present, and the meeting shall stand adjourned until the next day of meeting.

(By-Law No. 98-1; 99-175; 2004-26)

4.4 The Chair will open the proceedings with Roll Call.

(By-Law No. 98-1; 99-175; 2004-26)

4.5 No item of business may be dealt with after 11:00 p.m., unless extended by a motion carried by a two-third vote, the time may be extended beyond 11:00 p.m. by no more than one thirty-minute period. Should the business of Council not be completed by 11:30 p.m., the business be finished at a meeting established at the call of the Chair or at a Council meeting held just prior to the next Committee of the Whole meeting.

(By-law No. 98-1; 2004-26)

5.0 Conduct During Meetings

5.1 A member shall not:

(a) speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor or any person administering the Government of the Dominion of Canada or the Province of Ontario;

(b) imply attribution of motive or use offensive words/gestures or unparliamentary language in or against the Council or against any Members;

(By-law No. 2004-26)

(c) imply attribution of motive or use offensive words/gestures or unparliamentary language in or against any Members of the Administration. The Chief Administrative Officer or designate of the Corporation shall immediately call the attention of the Chair to such conduct, who shall immediately rule on compliance with the rules of conduct, failing which the action outlined in (f) below shall be undertaken;

(By-law No. 2004-26)

(d) speak on any subject other than the subject in debate. Remarks and arguments must be relevant to the question being considered. The Chair is the judge of relevancy and can interrupt a speaker who is deviating unduly from the main thread of the discussion. Otherwise, a speaker has the right to be heard without interruption, unless committing a breach of order or contravening the rules of the meeting. In this case, any member may interject and the speaker must cease until the matter has been dealt with and subject to a ruling by the Chair.

(By-law No. 2004-26)

(e) (See Section 6.3(a))

(By-law No. 2004-26)

(f) disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith order the Member to leave his/her seat for the duration of the meeting of Council.

Should an appeal of the Chair's decision be put, the Chair shall immediately put the question, no amendment, adjournment or debate being allowed, "that such Member be allowed to retain his/her seat for the duration of the meeting of Council". A two-thirds vote of the Members of Council present and voting is required to overturn the Chair's Ruling that the Member be expelled.

(By-law No. 2004-26)

(g) Disorderly Conduct – Progressive Steps

Apology – Member to Resume Seat – by Permission

- (i) If the member apologizes, the Chair may permit him/her to resume his/her seat.

Disorderly Conduct – Member to be Removed – Question

- (ii) In the event that a member persists in a breach of the rules after having been called to order by the Chair, the Chair may put the question “Shall the member be ordered to leave his/her seat for the duration of the meeting?” and such question is not debatable. If the Council decides the question of removing a member in the affirmative, by a 2/3 vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.

- (iii) If the member apologizes, the Chair, with the approval of a simple majority of Council, may permit him/her to resume his/her seat.

Failure to Leave Seat – Removal

- (iv) If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with this by-law and if the member does not apologize in accordance with the above section, then the Chair shall seek the appropriate assistance.

(By-Law No. 98-1; 99-175; 2004-26)

Condition of Members in Attendance

- h) attend a meeting in a condition unfit for the conducting of business.

(By-Law No. 98-1; 99-175; 2004-26)

Powers to Expel Persons Other than Members of Council

- (i) The Head of Council or Chair may expel any person for improper conduct at a meeting.

(By-Law No. 98-1; 99-175; 2004-26)

- 5.2 No person except Members and Officers of the Council shall be allowed to come within the dais during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.

(By-Law No. 98-1; 99-175)

Speaking to the Subject

- 5.3 When any member is about to speak in debate, or on any subject in Council, he/she may rise in his/her place and respectfully address the Chair and shall confine himself/herself to the question under consideration; he/she shall strictly avoid all personalities and shall sit down as soon as he/she has concluded.

(By-Law No. 98-1; 99-175; 2004-26)

Calling the Question

5.4

- (a) When the Chair is putting a question, no member shall walk out of the room.
- (b) When a member is speaking, no other member shall hold discourse which may interrupt him/her.
- (c) If any member is speaking or otherwise transgressing the rules of Council, the Chair shall call such member to order, in which case the member so called to order shall immediately comply with the call to order, unless permitted to explain and the Council, if appealed to, shall decide on the Member's appeal but without debate. A simple majority is required.
- (d) A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

(By-Law No. 98-1; 99-175; 2004-26)

Leaving Seat Without Consent of the Chair

5.5 The members of Council shall not leave their places without permission of the Chair and on adjournment until the Chair leaves the chair.

(By-Law No. 98-1; 99-175; 2004-26)

5.6 A member shall not leave the meeting when he/she does not intend to return without first advising the Chair and/or City Clerk.

(By-Law No. 98-1; 99-175; 2004-26)

6.0 Rules of Debate

Preserving Order

6.1 The Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council by any member.

(By-Law No. 98-1; 99-175; 2004-26)

6.2 The Chair may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or to speak on a motion, taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the chair. He/She shall call on the Deputy Mayor to fill his/her place until he/she resumes the Chair.

(By-Law No. 98-1; 99-175; 2004-26)

No Criticism/Debate of Previous Council Decisions

6.3 No member shall:

- (a) Criticize or debate any prior decision of the Council except to conclude such remarks with a motion to reconsider the decision by way of a motion that may only be made once and only by a member who previously voted on the side of the majority; (See Section 10.0 - Reconsideration)

(By-Law No. 98-1; 99-175; 2004-26)

Speaking to the Motion/Subject

- 6.3 (b) (i) speak more than once to the same question, without leave of the Council, except in explanation of a material part of his or her speech which may have been misinterpreted, and
(By-Law No. 98-1; 99-175; 2004-26)
- (ii) in doing so, he/she is not to introduce a new matter.
(By-Law No. 98-1; 99-175; 2004-26)
- (iii) A final reply is allowed to a member who has made a motion or amendment to such motion. No member, without the leave of Council, shall speak to the same question or in reply for longer than five minutes;
(By-Law No. 98-1; 99-175; 2004-26)
- (iv) When a motion or issue is being debated that relates specifically to one district, the district representative shall be given the opportunity to speak to the issue first.
(By-Law No. 98-1; 99-175; 2004-26)
- (c) Ask a question except of a previous speaker, and such question must be stated concisely and courteously and relate to the speaker's remarks;
(By-Law No. 98-1; 99-175; 2004-26)
- (d) Interrupt the member who has the floor except to raise a point of order, ask a question of privilege or a question of quorum;
(By-Law No. 98-1; 99-175; 2004-26)
- (e) Deleted by By-law No. 2004-26.
(By-Law No. 98-1; 99-175; 2004-26)
- (f) criticize any decision of the Council except for the purpose of moving that the question be reconsidered. (From 5.1(e))
(By-Law No. 2004-26)
- 6.4 When two or more members wish to speak, the Chair shall designate the member who has the floor, who shall be the member who, in the opinion of the Chair, first requested to speak.
(By-Law No. 98-1; 99-175)
- 6.5 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.
(By-Law No. 98-1; 99-175)
- 6.6 Any member may appeal the decision of the Chair on a point of order to the Council, who shall decide the question, without debate. A two-thirds vote of the members present is required to overturn the Chair's decision.
(By-Law No. 98-1; 99-175; 2004-26)

- 6.7 Debate shall be restricted to each proposal in its turn when a question has been split.
(By-Law No. 98-1; 99-175; 2004-26)
- 6.8 The heads of departments or their representatives are to be on call and available on a few moments' notice to answer questions with reference to items which are on the Orders of the Day. Questions may be asked of a department head by the members through the Chair on the matter under debate. Questions under this subsection shall not be deemed as an infringement of the members' privileges under Subsection 6.3(b) above.
(By-Law No. 98-1; 99-175; 2004-26)
- 6.9 When asked a question by a Member of Council, the staff response shall be concise and to the point.
(By-Law No. 2004-26)

7.0 Delegations and Presentations

Delegations:

- 7.1 All delegations shall be made to the appropriate Standing Committee or advisory committee. A delegate wishing to appear before Council or the Committee of the Whole may only do so if speaking to action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise). With respect to delegations to Council and the Committee of the Whole, a written notice setting out the subject matter of the delegate's address shall be delivered to the Clerk on or before 4:00 p.m. on the Monday prior to the meeting.
(By-law No. 2000-324; 2004-359;2008-114)
- 7.2 No member shall question staff during delegations being made by a member of the public.
(By-law No. 98-1; 2000-40; 2000-324; 2004-359)
- 7.3 The following persons may not appear as a delegation before Council or the Committee of the Whole:
(By-law No. 2000-324; 2004-359)
 - (a) Persons requesting consideration of a matter that is before the Planning Committee for a zone change, official plan amendment or a rental housing protection application prior to the date of a scheduled hearing; and
(By-Law No. 98-1; 99-175; 2004-359)
 - (b) Persons requesting consideration of a matter upon which the Planning Committee has held its scheduled hearing but Council has not yet considered the recommendation of the Committee.
(By-Law No. 98-1; 99-175; 2004-359)

(c) Repealed (By-Law No. 99-175; 2000-40; 2004-359)

(d) Persons requesting consideration of a matter upon which a Standing Committee is considering or has made a recommendation to Council.
(By-Law No. 2004-359)

7.4 A delegation shall not appear before Council, the Committee of the Whole, or a Standing Committee if a member of the public has spoken at a public meeting held by City Council, the Committee of the Whole, or a Standing Committee in respect of the same matter.
(By-Law No. 98-1; 99-175; 2000-40; 2000-32; 2004-359)

7.5 Delegations shall not be permitted at the Council level on a matter upon which Council has already made a determination.
(By-Law No. 98-1; 2000-40; 2004-359)

Maximum of Three Delegations

7.6 A maximum of three (3) delegations shall be allowed to address Council per Council meeting or per Committee of the Whole meeting.
(By-Law No. 98-1; 99-175; 2000-40; 2000-324; 2004-359)

Speak only to Items on Agenda

7.7 Delegates will be restricted to speak to only those action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise).
(By-Law No. 98-1; 99-175; 2000-40; 2000-324; 2004-359)

Delegation – Total of 5 minutes

7.8 Delegations shall be limited to 5 minutes. Where a delegation consists of three or more persons, it may be permissible for two spokespersons to address the Council or Committee of the Whole, and in total the delegation shall not exceed 5 minutes.
(By-Law No. 98-1; 99-175; 2000-40; 2000-324; 2004-359)

7.9 Delegations shall be permitted to speak on a matter only once unless new information has come forward, an error was made in the documentation presented and/or incorrect statements were made during original debate.
(By-Law No. 98-1 – 1998; 99-175; 2000-40; 2004-359)

7.10 Each member of Council may ask a maximum of two (2) questions of each delegation appearing before Council or the Committee of the Whole.
(By-Law No. 98-1 – 1998; 99-175; 2000-40; 2004-359)

7.11 A maximum of three presentations shall be allowed to address Council per Council meeting or Committee of the Whole meeting.
(By-Law No. 98-1 – 1998; 99-175; 2000-40; 2004-359)

7.12 Presentations shall be limited to five (5) minutes.
(By-Law No. 98-1 – 1998; 99-175; 2000-40; 2000-324; 2004-359)

7.13 Signs, banners, emblems and flags are prohibited in the Chambers except by permission of the Chair.

(By-law No. 99-175; 2000-40; 2000-324; 2004-359)

7.14 Staff briefings shall be permitted at meetings of Council, the Committee of the Whole, and Standing Committees and may be scheduled prior to the issue being considered on the agenda, if so desired. Time limits shall be established at the discretion of the Chair.

(By-Law No. 99-175; 2000-40; 2000-324; 2004-359)

8.0 Orders of the Day

8.1 The Clerk shall prepare for the use of the members at the regular meetings of Council the Orders of the Day as follows:

- (a) Call Meeting to Order
- (b) Roll Call
- (c) Disclosure of Potential Pecuniary Interest
- (d) Committee of the Whole "In Camera"
- (e) Motions of Congratulations, Sympathy, Condolences and Speedy Recovery – and that these be presented in order of category and voted on as one motion (By-law No. 2004-135)
- (f) Report of the Committee of the Whole "In Camera"
- (g) Presentations
- (h) Delegations
- (i) Petitions
- (j) Reports of the CAO (Consent), CAO (Recommend), Planning Committee, Local Architectural Conservation Advisory Committee, Miscellaneous Staff Business Reports, and any other reports.
- (k) Committee of the Whole
- (l) Information Reports
- (m) Miscellaneous Business
- (n) Motions
- (o) Notices of Motion
- (p) Report of the Committee of the Whole
- (q) Minutes
- (r) Tabling of Documents
- (s) Communications
- (t) By-Laws
- (u) Adjournment

That "Other Business" not be included on the agenda of Council, or the Committee of the Whole on those occasions when a Committee of the Whole meeting is required, but shall routinely appear on the agenda of all Standing Committees.

(By-Law No. 98-1; 98-103; 98-188; 98-279; 99-175; 2000-299; 2000-324; 2001-69; 2002-254; 2004-26; 2004-135; 2004-359)

Council/Committee of the Whole Minutes

- 8.2 The minutes of a duly constituted meeting will be prepared by the Clerk and copies will be made available for all members. It shall not be necessary for the Clerk to read such minutes prior to their adoption except as much thereof as may be required in order that any errors therein may be corrected.

(By-Law No. 98-1; 99-175)

Communications/Petitions

- 8.3 Every communication or petition intended for presentation to the Council must be legibly written, typed or printed and signed by at least one (1) person. The Clerk shall list on the Orders of the Day only those communications and petitions received prior to 12:00 noon on the Tuesday preceding the regular Council meeting. All communications or petitions received after 12:00 noon on the Tuesday preceding the day of the Council meeting and those pertaining to matters not so contained in the Orders of the Day shall be held over for consideration at a subsequent meeting of Council.

(By-Law No. 98-1; 98-188; 99-175; 2000-299; 2000-324; 2008-114)

Petitions Presented by Members of Council

- 8.4 Members of Council may present petitions to the Clerk during a meeting of Council. They may request that it be referred to a particular staff for a report to Council without debate.

(By-law No. 2004-26)

Communications/Petitions

- 8.5 All communications and petitions on any subject shall be referred to the Committee of the Whole or Department Commissioner without motion unless otherwise ordered by Council. Debate shall not be allowed on petitions or other communications to Council unless a motion is submitted to Council. Every communication or petition that does not pertain to matters in the Orders of the Day shall be directed by the Clerk to staff or to the appropriate committee.

(By-Law No. 98-1; 99-175; 2000-299; 2000-324; 2004-26)

Chief Administrative Officer Reports

- 8.6 Staff reports shall appear on the Council agenda in the form of Chief Administrative Officer reports called Consent, Recommend, or Consider.

Consent Report – All items listed on the Consent Report shall be the subject of one motion and that motion shall be neither debatable nor amendable. However, any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

(By-Law No. 98-1; 98-279; 99-175; 2000-299; 2000-324; 2001-69; 2004-26)

Recommend Report – All items listed in the Recommend Report shall be subject to one motion and that motion shall be debatable and amendable. Every item on the Recommend Report shall be voted on separately.

(By-Law No. 98-1; 98-279; 99-175; 2000-299; 2000-324; 2001-69; 2004-26)

8.6 (Cont'd)

Consider Report – All items listed on the Consider Report must be put on the floor by way of a motion providing staff with direction as to Council's wish for the action to be taken regarding the staff report outlining the matter to be considered.

(By-Law No. 98-1; 98-279; 99-175; 2000-299; 2000-324; 2001-69; 2004-26)

Standing Committee Reports

8.7 a) Items rejected by any Standing Committee that reports to the Committee of the Whole or Council shall be reported to Council or the Committee of the Whole with a "negative recommendation", allowing Council the opportunity to discuss the item.

b) Items that are lost on a tie vote at a meeting of any Standing Committee that reports to the Committee of the Whole or Council shall be reported to Council with no recommendation to allow Council the opportunity to discuss the item.

(By-law No. 2004-26)

c) The Chair or his/her designate of the Standing Committee shall present the report of the Standing Committee to Council. The Committee may request that the report be discussed at the Committee of the Whole and Council shall decide by majority vote of Council, as to whether to resolve into Committee of the Whole to discuss the report. At the time of the presentation, the Chair shall have time, not to exceed 10 minutes, to present the report in its entirety.

(By-Law No. 2004-359)

d) All items listed on the Standing Committee reports shall be the subject of one motion. A Councillor may ask for any item(s) included in the standing committee report to be separated from that motion.

(By-Law No. 2004-359)

e) Following discussion and debate of all items on the report, going from Clause 1 to the end of the report, and just prior to the vote, the Mayor shall ensure that there are no further questions or comments. The Chair of the Standing Committee shall be given an opportunity to respond to comments for a time not to exceed five minutes.

(By-Law No. 2004-359)

f) Any member of Council can request that items be separated for the purpose of the votes, or that items within the report can be separated from discussion for the purpose of declaring potential pecuniary interest.

(By-Law No. 2004-359)

g) The question shall be put for the report first, and then those items separated shall be considered immediately thereafter.

(By-Law No. 2004-359)

Report of the Committee of the Whole

8.8 All items listed on the Report of the Committee of the Whole shall be subject to one motion and that motion shall be neither debatable nor amendable. However, any member may ask for any item(s) included in the Report of the Committee of the Whole to be separated from that motion.

(By-law No. 2004-26)

By-laws

8.9 No by-law brought into Council shall have all three readings on the same day except a by-law to confirm the proceedings of the meeting of Council being held, and all by-laws approving zone changes and official plan amendments.

(By-Law No. 2004-26)

8.10 Every by-law shall be read twice before it is printed and read a third time before it is signed by the Mayor and City Clerk.

(By-Law No. 98-1; 99-175; 2004-26)

Confirmation By-law

8.11 A by-law to confirm the proceedings of the Council during the meeting will be placed before Council for three readings.

(By-Law No. 98-1; 99-175; 2004-26)

Signing of By-laws

8.12 Head of Council or the Presiding Officer in his/her absence and the City Clerk are hereby authorized to sign and seal all by-laws and agreements which have been approved by Council.

(By-Law No. 98-1; 99-175; 2004-26)

Correctness of By-laws

8.13 The Clerk shall be responsible for the correctness of such by-laws, should they be amended, and shall endorse thereon the date on which the by-law was read and passed by Council.

(By-Law No. 98-1; 99-175; 2004-26)

8.14 Every by-law which is passed by Council shall be sealed with the seal of the corporation, signed by the Mayor or the presiding Officer of the meeting at which the by-law was passed and by the Clerk, and shall be deposited with the Clerk for custody. All by-laws adopted by Council may be printed, paged and bound in a separate volume with an index for the year in which they were passed.

(By-Law No. 98-1; 99-175; 2004-26)

9.0 Motions

9.1 Every motion shall be in writing and shall be moved and seconded before being submitted to Council or the Committee of the Whole.

Prior to debate, the Chair shall read such motion aloud and the Mover shall be allowed to speak first on the motion and to make the closing remarks. This shall also hold true if the speaker is the Chair of a particular committee.

After appearing on the agenda, a motion shall be deemed to be in the possession of Council or the Committee of the Whole but may, with the permission of the Council or the Committee of the Whole, be withdrawn at any time before a decision is made.

(By-law No. 98-1; 99-175; 2000-324; 2004-26)

Dividing the Question

- 9.2 If the motion under discussion contains several distinct proposals, it may, upon the request of any member, be divided, and the vote on each proposal shall be taken separately.
(By-Law No. 98-1; 99-175; 2004-26)

Order of Motions

- 9.3 Except as herein otherwise provided, all motions shall be put in the order in which they are moved.
(By-Law No. 98-1; 99-175)

Motions Introducing New Matters

- 9.4 Motions introducing new matters must be in the hands of the Clerk by 12:00 noon on the Tuesday prior to the regular Council or Committee of the Whole meeting for inclusion in the Orders of the Day.
(By-Law No. 98-1;2008-114)

Notice of Motion

Any other motion introducing new matters shall not be presented without notice unless the Council or Committee of the Whole, without debate, dispenses with such notice by a two-third vote of at least two-thirds of the members of the whole of Council or Committee of the Whole.

(By-Law No. 98-1; 98-188; 99-175; 2000-324; 2004-26)

Motions

- 9.5 The following gives the order of precedence of motions, in rank of importance from a – g. When any one of them is immediately pending, the motions below it in the list are in order and those above are out of order.

a) Motion to Refer – Qualifications

A motion to refer a matter under consideration to a committee, to a department or elsewhere

- (i) shall be open to debate;
- (ii) shall be amendable;
- (iii) shall preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

If it should be decided that a subject demands fuller consideration than can be given in a regular meeting, a motion can be made that it be referred, or submitted, to a standing or special committee. Such a motion may be amended and debated but only the issue of referral, not the main question. It cannot be superseded by a motion to postpone or for “the previous question”.

(By-law No. 98-1; 99-175; 2004-26)

9.5 b) Motion to Put the Question – Qualifications

A motion to put the question (to close the debate)

- (i) must be seconded
- (ii) shall not be amended
- (iii) shall not be debated
- (iv) shall apply to the motion or amendment under debate at the time when the motion to put the question is made
- (v) shall require a 2/3 vote of the members present to be decided in the affirmative
- (vi) shall be moved using the words “that the question be now put.”

(By-law No. 98-1; 99-175; 2004-26)

c) Motion to Put the Question – Accepted – Procedure

If a motion to put the question is decided in the affirmative by a 2/3 vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

(By-law No. 98-1; 99-175; 2004-26)

d) Motion – To Take a Recess

If the chair deems it necessary to interrupt a meeting (for example, to obtain information needed by the meeting), he/she can recess the meeting or suggest that it adjourn to another day. To have effect, this suggestion must be adopted by other members of the meeting after a motion has properly been moved, seconded and voted upon. This motion is debatable and is decided by a simple majority of Council.

The chair may, on his/her own initiative, recess or adjourn a disorderly meeting he/she cannot call to order.

(By-law No. 98-1; 99-175; 2004-26)

e) Motion to Adjourn – Qualifications

A motion to adjourn

- (i) must be seconded
- (ii) shall not be amendable
- (iii) shall not be debated (By-law No. 98-1; 99-175; 2004-26)
- (iv) shall not include qualifications or additional statements
- (v) is always in order, except when a member is speaking or the members are voting or when made in the Committee of the Whole
- (vi) if passed, the meeting immediately comes to a halt, regardless of the stage of the proceedings.

(By-law No. 98-1; 99-175; 2004-26)

9.5 f) Motion to Adjourn – Rejected – Procedure

When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

(By-law No. 98-1; 99-175; 2004-26)

Motion to Defer

If the motion carries, the motion to which it applies is removed from debate along with any amendments that have been moved. It cannot be reintroduced until either the time specified in the motion to defer or until it is later revived on motion. The motion is not debatable other than for time, place and direction.

(By-law No. 98-1; 99-175; 2004-26)

Motion to Amend – Main Motion

9.6 Motion to Refer - Qualifications

(a) A motion to refer a matter under consideration to a committee, to a department or elsewhere

(i) Shall not be open to debate;

(ii) Shall be amendable only as to the date and time;

(iii) Shall preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

If it should be decided that a subject demands fuller consideration than can be given in a regular meeting, a motion can be made that it be referred, or committed, to a standing or special committee. Such a motion may be amended and debated but only the issue of reference or committal, not the main question. It cannot be superseded by a motion to postpone or for "the previous question"

(By-Law No. 98-1; 99-175; 2004-26)

Motion to Amend - Amendment

9.7 Only one motion to amend a motion to amend the main motion shall be allowed at one time.

(By-Law No. 98-1; 99-175; 2004-26)

Notice of Motion

9.8 Notices of motion may be introduced by any one member at a regular meeting of Council or Committee of the Whole for consideration at a subsequent meeting, or may be given in writing to the Clerk for insertion in the Orders of the Day for a subsequent meeting of Council or Committee of the Whole as may be designated by the mover. (See section 9.3)

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

Motions Deviating from Policy – Committee of the Whole

9.9 Councillors' motions deviating from existing policy shall be accompanied by a report from the appropriate Administrator. Councillors' motions recommending policy revisions shall be referred to the Committee of the Whole.

(By-Law No. 99-175; 2000-324; 2004-26)

Motions Requesting Staff Reports

9.10 Any request for staff reports shall be made by Council resolution.

(By-law No. 2004-26)

9.11 Requests for substantive reports shall be by Council motion.

(By-law No. 2004-26)

9.12 All major reports and presentations shall be presented to members of Council at least one (1) week prior to deliberation by Council of the said report or presentation.

(By-law No. 2004-26)

Motions of Congratulations – Anniversaries, Birthdays, Achievement

9.13 Motions of congratulations for birthdays will be accepted starting at the person's 75th birthday and continuing every 5 years thereafter.

(By-law No. 2004-26)

9.14 Motions of congratulations for anniversaries will be accepted for the couple's 25th and 50th anniversary and continuing every 5 years thereafter.

(By-law No. 2004-26)

9.15 Motion of congratulations for staff recognition shall be listed for the acceptance of awards, commendations, and the completion of courses.

(By-law No. 2004-26)

9.16 Motions of Special Recognition, which would include awards, significant achievement and/or special service to the community, shall be accepted for inclusion on the Council agenda.

(By-law No. 2004-26)

9.17 Motions of sympathy/condolence/speedy recovery shall be accepted for inclusion on the Council agenda.

(By-law No. 2004-26)

9.18 That motions of congratulations for anniversaries, birthdays, and achievements; of sympathy; of condolences; and of wishes for speedy recovery shall be accepted for inclusion on the Council agenda and may be presented by a member of Council to the Clerk at a Council meeting for inclusion in the orders of the day for that meeting in order to allow these items to be dealt with in a timely manner.

(By-law No. 2004-135)

10.0 Reconsideration

- 10.1 a) A Motion for Reconsideration shall not be in order when the motion has been implemented, resulting in legally binding commitments as of the date for the vote on the reconsideration. It is understood that Council's power to re-examine issues generally remains intact and their lawful power to pass by-laws and their powers permitted under the Municipal Act, the Planning Act, or other provincial acts remains.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- b) Notwithstanding Section 10.1(a), this shall not be meant to limit motions for reconsideration of Council policies other than specific Council actions.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- 10.2 A substantive resolution, by-law, question or matter may be reconsidered, but only if a two-third majority of all the members of Council or the committees of the whole who are present and voting agree to such reconsideration by resolution.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- 10.3 A motion for reconsideration of a decided matter shall only be printed on the agenda.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- 10.4 A motion to reconsider a decided matter shall be introduced by a Member who voted with the majority of the original motion. The Chair may ask the Member to confirm that he/she voted with the majority on the issue in question.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- 10.5 A vote to reconsider a decided matter shall not be considered more than once in a twelve-month period from the date the motion/resolution was approved by Council.
(By-Law No. 98-1; 99-175; 2000-324; 2004-26)
- 10.6 No debate on a motion to reconsider a decided matter shall be permitted; however, the Mover and/or Secunder of a motion to reconsider shall provide a brief and concise statement outlining the reasons for proposing such reconsideration.
(By-Law No. 2004-26)
- 10.7 If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.
(By-Law No. 2004-26)

Reconsideration of Matters at Same Meeting

- 10.8 A motion to reconsider a decided matter shall be introduced at any time when the Reconsider Motion is made at the same meeting at which the original motion was decided. The Mayor may ask the Member to confirm that he/she voted with the majority on the issue in question.
(By-Law No. 2004-26)

10.9 A motion to reconsider a decided matter shall be introduced by a Member who voted with the majority of the original motion. The Chair may ask the Member to confirm that he/she voted with the majority on the issue in question.

(By-Law No. 2004-26)

10.10 No debate on a motion to reconsider a decided matter shall be permitted; however, the Mover and/or Secunder of a motion to reconsider shall provide a brief and concise statement outlining the reasons for proposing such reconsideration.

(By-Law No. 2004-26)

10.11 If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

(By-Law No. 2004-26)

10.12 A motion to recommend the reconsideration of a decided matter of the Council, made at the same meeting, shall only require the approval of a majority of all of the Members present and voting.

(By-Law No. 2004-26)

10.13 If a Member is absent during the vote on the original matter, he/she may not request a motion to reconsider at the same meeting.

(By-Law No. 2004-26)

11.0 Voting

11.1 Every member of Council who shall be present in the Council Chambers or at the Committee of the Whole meeting when a question is put shall vote thereon unless he is disqualified to vote on the question. All votes shall be by show of hands except where a recorded vote is requested by any member.

(By-Law No. 98-1; 99-175; 2000-324)

Results of the Vote

11.2 The Chair shall announce the result of every vote.

(By-Law No. 98-1; 99-175; 2004-26)

11.3 The Chair shall state the question in the form introduced and in which it will be recorded in the minutes.

(By-Law No. 98-1; 99-175; 2004-26)

Result of the Vote - Disagreement

11.4 If a member disagrees with the announcement of the results of the vote by the Chair, he or she may object immediately to the declaration and require that the members be polled individually.

(By-Law No. 98-1; 99-175; 2004-26)

Recorded Vote

11.5 When a recorded vote is requested by a member on any matter or question, the Clerk shall call for a vote and each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly.

No Vote – Deemed Negative

Any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote. Recorded votes shall begin with the person requesting the recorded vote. The recorded vote will then continue with an alphabetical sequential rotation to be administered by the City Clerk.

(By-Law No. 98-1; 99-175; 2004-26)

Tie Vote – Deemed Negative

11.6 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. (Municipal Act 2001, c. 25, s. 245).

(By-Law No. 98-1; 99-175; 2004-26)

No Secret Voting

11.7 No vote shall be taken by ballot or by any other method of secret voting.

(By-Law No. 98-1; 99-175; 2004-26)

Duty of Member

11.8 When present at a meeting at which the matter is considered:

- (i) Where a member, either on his/her own 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 of the Council or local board at which the matter is the subject of consideration, the member
 - (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on, any question in respect of the matter;
 - (c) shall not attempt in any way, either before, during or after the meeting, to influence the voting on any such question.

11.8 (ii) Where the meeting referred to in subsection (i) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

(iii) Where the interest of a member has not been disclosed as required by subsection (i) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (i) at the first meeting of the Council or local board, as the case may be, attended by the member after the meeting referred to in subsection (i) (RSO 1990, c. M.50, s. 5)

Record of Disclosure

- (iv) Every declaration of interest and the general nature thereof made under Section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the Committee or local board, as the case may be.
- (v) Every declaration of interest made under Section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public (RSO 1990, c. M.50, s. 6)

Remedy for Lack of Quorum

- (vi) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that, at that meeting, the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided that such number is not less than two.

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

Votes Taken by Telephone Poll

- 11.9 Telephone polls are permitted only in the event of an emergency and with the approval of the Mayor, the Chief Administrative Officer and the Senior Manager involved.

(By-Law No. 99-175)

12.0 Questions of Privilege and Points of Order**Point of Privilege**

- 12.1 A breach of privilege is a wilful disregard by a member or any other person of the freedom, dignity and lawful authority of a member of Council or of Council as a whole. Note that a misinterpretation that affects one councillor is not the same as one affecting all of Council. When a member desires to address the Council or the Committee of the Whole on a question of privilege for the purpose of directing Council's attention to a matter that affects the members collectively, or for the purpose of explaining any matter that reflects on himself/herself as an individual member of Council, on matters affecting the members' right to sit in Council, freedom of speech while in Council, and contempt of Council as a whole, he/she shall be permitted to raise such matter of privilege, and a matter of privilege shall take precedence over other matters, but he/she shall not be permitted to enter into any argument or introduce any controversial question. The member shall state immediately the reason for rising on a Point of Privilege. When a member rises on a Point of Privilege, the other member who was speaking should sit down. A member raising a Point of Privilege shall be allowed one minute in which to speak.

Members may not rise on a Point of Privilege to correct reports of their speeches or to comment on allegedly inaccurate statements in the news media, since they properly are personal complaints and not Points of Privilege.

Point of Order

Any matter that

- a) breaches of the rules of order of Council
- b) provides difficulty in continuation of the meeting
- c) provides notice that the discussion is outside the scope of the motion or the notice of motion
- d) introduces irregularities in the proceedings

When a member desires to call attention to a violation of the rules of procedure, he or she shall ask leave of the Chair to raise a Point of Order, and after leave is granted, he/she shall state immediately the reason for rising on a Point of Order, and there shall be no debate until the Presiding Officer shall have decided the Point of Order. When a member rises on a point of order, the other member who was speaking should sit down. A member raising a Point of Order shall be allowed one minute in which to speak. The Chair can ask Council for comment on a Point of Order.

Chair’s Decision Final Unless Appealed

Unless a member immediately appeals to the Council from the Chair’s decision, the decision of the Chair shall be final.

Appeal of Decision of Chair

If the decision is appealed to Council, it shall decide the question without debate, and this decision taken by a two-third majority vote of those present shall be final.

(By-Law No. 98-1; 99-175; 2000-324; 2004-26)

Integrity of Staff

12.2 When the Chair considers the personal integrity of a head of a department or other official has been impugned or questioned by a member of Council, the Chair may permit the head or other official to make a statement to Council.

(By-Law No. 98-1; 99-175; 2004-26)

12.3 If the manner in which staff is questioned is inappropriate, hostile, or harassing, the Chair shall take steps as outlined in Section 5 “Conduct During Meetings.”

(By-law No. 2004-26)

13.0 Deputy Mayor

13.1 At the beginning of each term of a newly elected Council, Council shall appoint a Deputy Mayor for two month increments, it being understood that all Councillors who wish to serve as Deputy Mayor shall provide their names to the Clerk, and the Clerk will draw the names at a Council meeting in order to determine the order in which the Councillors will serve;

13.1 cont'd:

Prior to final approval of the date and appointment of Deputy Mayor by Council, Councillors who wish to exchange service dates would have an opportunity to notify the Clerk in order that the Clerk may make the proper adjustments. Following all adjustments a summary of the names and dates that the Councillors will serve as Deputy Mayor will be provided by the Clerk on a Council Agenda for confirmation.

(By-law No. 2004-26; 2005-253; 2007-35)

13.2 At the request of the Mayor, the Deputy Mayor shall be the acting Head of Council with all of the powers, duties, rights and obligations of the Mayor, as well as other duties as assigned

(By-law No. 2004-26)

13.3 Deleted by By-law No. 2004-26.

13.4 Deleted by By-law No. 2004-26.

13.5 Deleted by By-law No. 2004-26.

13.6 Board of Control - (Repealed by By-law 2000-299)

14.0 Committee of the Whole

14.1 Council shall meet as the Committee of the Whole for the purpose of resolving all policy issues that are not included in the mandate of a Standing Committee, prior to such issues being forwarded to Council for final approval.

(By-law No. 98-1 – 1998; 99-175 – 1992, 2000-324; 2004-359)

14.2 All in-camera items shall be discussed by the Committee of the Whole immediately preceding the regular Council meeting. The meeting commences in the Council Chambers in open session, resolves into the Committee of the Whole "In Camera" and proceeds to the Councillor's Lounge for closed meeting.

(By-Law No. 98-1; 2004-26; 2004-359)

Committee Appointments

14.3 Annual committee appointments shall be made during a special untelevised meeting of the Committee of the Whole in the month of November.

(By-Law No. 98-1; 99-175; 2004-26; 2004-359)

14.4 Recommendations from the Committee of the Whole shall be made directly to Council, or the Committee may, upon the approval of Council refer the matter under review to such committee as the Committee of the Whole deems appropriate for further review and recommendations.

(By-Law No. 98-1; 99-175; 2000-324; 2004-359)

14.5 The agenda item "Other Business" shall be included on the Committee of the Whole agenda prior to "Adjournment". Any items that Members of Council wish to include under "Other Business" must be brought forward during the approval of the agenda.

(By-Law No. 2004-26; 2004-359)

15.0 Ad Hoc Committees

15.1 Ad Hoc Committees for special projects may be established by Council, from time to time, directly or upon the recommendation of the Committee of the Whole of staff.

(By-Law No. 98-1; 99-175; 2000;-324; 2004-359)

15.2 Prior to the establishment of an ad hoc committee which Council has determined will include members of the public, the Clerk shall be directed to place an advertisement in a local newspaper inviting members of the public to apply to be a member of the committee.

(By-Law No. 2000-324; 2004-359)

15.3 Each Committee shall be given a clear mandate and well defined terms of reference that shall include:

- a) the mandate
- b) the membership
- c) the composition, including the applicable staff members
- d) the reporting relationships
- e) the staff and other resources to be made available
- f) a start and finish date

(By-Law No. 98-1; 99-175; 2000-324; 2004-359)

15.4 Any member of Council may attend and participate in meetings of ad hoc committees, but may not vote.

(By-Law No. 2000-324; 2004-359)

15.5 The Procedural Rules of governing meetings of Council as set out in this by-law shall apply with necessary modification to any meeting of an ad hoc committee.

(By-Law No. 2000-324; 2004-359)

15.6 No Committee of Council shall be comprised of more than 5 members of Council, with the exception of the Planning Committee, which shall be comprised of 8 members of Council.

(By-Law No. 2004-26; 2004-359)

16.0 Organizational Structure

16.1 No member of Council or committee member shall have the authority to direct or interfere with the performance of any work for the City; and the officer in charge shall be subject only to his or her superior officer as established in the formal organization structure of the City.

(By-Law No. 98-1; 99-175; 2004-359)

16.2 No committee shall have departmental jurisdiction.
(By-Law No. 98-1; 99-175; 2004-359)

16.3 Deleted by By-law No. 2004-26.

16.4 Deleted by By-law No. 2004-26.

17.0 Labour/Management Relationship

17.1 The role of management is executed by senior appointed staff under the direction of the Commissioner of Human Resources. Their role is to develop strategies for the implementation of the policies established by Council.
(By-Law No. 98-1; 99-175; 2004-359)

17.2 The role of the Union is to represent their members and intervention in other activities is not permitted.
(By-Law No. 98-1; 99-175; 2004-359)

17.3 The role of Council is to develop policies and does not include development of strategies for implementation of those policies.
(By-Law No. 98-1; 99-175; 2004-359)

17.4 Direction with respect to contract negotiations will be given by Council in a Committee of the Whole, in an in-camera session.
(By-Law No. 98-1; 99-175; 2000-324; 2004-359)

17.5 City employees or their representatives may not make delegations to Council on matters that are properly resolved through the labour-relations protocols, subject to review by the Director of Human Resources.
(By-law No. 2004-26; 2004-359)

17.6 A member of a committee of Council must inform the Chair of his/her departure and the reason thereof prior to leaving a meeting.
(By-law No. 2004-26; 2004-359)

18. Property Disposal

18.1 Prior to selling or leasing any city owned real property, for 21 years or longer the Council shall:

- (a) by by-law or resolution passed at a meeting open to the public declare the real property to be surplus;
- (b) Obtain at least one appraisal of the fair market value of the real property by a professional A.A.C.I.; and
- (c) Prior to selling any city owned real property, the Council shall give notice to the public of the proposed sale by publication in a newspaper.

(By-Law No. 99-175 – 1999; 2003-1; 2004-359)

18.2 Notwithstanding the provisions of Section (1) hereof, the City of Kingston need not obtain an appraisal to dispose of those classes of property set out in Section 1 of Schedule "A" to this By-Law, or to dispose of any surplus land to any of those classes of public bodies more particularly set out in Section 2 of Schedule "A" to this By-Law.

(By-Law No. 99-175; 2000-324; 2004-359)

18.3 The City shall establish and maintain a public register listing and describing the real property owned or leased by the City of Kingston.

(By-Law No. 99-175; 2004-359)

18.4 Notwithstanding the provisions of Section (3) hereof, the City of Kingston may exclude from the public register the classes of real property as set out more specifically in Section 3 of Schedule "A" to this By-Law.

(By-Law No. 99-175; 2004-359)

18.5 The City Clerk shall issue a Certificate with respect to the sale of real property by the City of Kingston verifying that to the best of his/her knowledge and belief that:

- (a) a procedural by-law governing the sale of real property was in force in this municipality at the time the resolution required by this section was passed;
- (b) the measures required for giving notice to the public required by the procedural by-law have been carried out; and
- (c) the appraisal required by this section was obtained, or
 - (i) the property is of a prescribed class that does not require an appraisal;
 - (ii) the sale is to a prescribed public body, or
 - (iii) the sale is under Section 268 of the Municipal Act, SO 2001, C.25.
- (d) The Certificate issued by the City Clerk shall be included in a Deed or Transfer and, unless a person to whom the real property is sold has notice to the contrary, shall be deemed to be sufficient proof that this section has been complied with.

(By-Law No. 99-175; 2004-359)

SCHEDULE 'A' TO BY-LAW NO. 98-1

DISPOSAL OF PROPERTY

- 1. The City of Kingston or local board may sell the following classes of real property without obtaining an appraisal pursuant to Subsection 268 (8) of the *Municipal Act*, SO 2001:
 - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
 - b) Closed highways if sold to an owner of land abutting the closed highways.
 - c) Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
 - d) Land that does not have direct access to a highway if sold to the owner of land abutting that land.
 - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*.
 - f) Land sold under sections 107, 108 and 109.
 - g) Easements granted to public utilities or to telephone companies. 2001, c. 25, s. 268 (8).

(By-Law No. 99-175; 2004-26)

- 2. The City of Kingston or local board may sell real property to the following classes of public bodies without obtaining an appraisal under Subsection 268 (9) of the *Municipal Act*, SO 2001:
 - a. A municipality.
 - b. A local board, including a school board and a conservation authority.
 - c. The Crown in right of Ontario or Canada and their agencies. 2001, c. 25, s. 268 (9).

(By-Law No. 99-175; 2004-26)

- 3. The City of Kingston or local board is not required to list the following classes of real property in the public register established under Subsection 268 (10) of the *Municipal Act*, SO 2001:
 - a. Land sold under section 110.
 - b. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses. 2001, c. 25, s. 268 (10).

(By-Law No. 99-175; 2004-26)

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