



Council Procedural By-law

By-law No. 2010-1

City of Kingston

CITY OF KINGSTON

Ontario

BY-LAW NO. 2010-1

Council Procedural By-Law

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City of Kingston By-law No. 2010-1

COUNCIL PROCEDURAL BY-LAW

PASSED: June 15, 2010

Section 1: Definitions

Agenda

The order in which business is conducted at a meeting. Also, referred to as "Orders of the Day".

Briefing

A verbal update to the Committee of the Whole, Council, a Standing Committee, another committee of Council, or a special purpose committee or Task Force, that is requested by Council or the Committee or initiated by city staff, which is given by city staff, consultants to the City or someone with expertise who is invited by the body to whom the person is speaking.

Chair

The Mayor or the person elected or chosen to run a Council, committee or other type of meeting.

Clerk

The Clerk of the Corporation of the City of Kingston as required in the Municipal Act, 2001, and as appointed by By-Law.

Closed Meeting

A meeting which is not open for public attendance;

Committee

A standing, advisory, or special purpose committee established by Council, but not Council's Committee of the Whole.

Committee of the Whole

A meeting of Council at which the rules in this by-law with respect to the number of times a member may ask a question or speak to an issue do not apply, with the exception to Delegations.

Communication Device

Includes a cellular phone, pager, smart phone, computer with a link to the Internet, or any other similar piece of technological equipment used for communications purposes

Council

The Council of the Corporation of the City of Kingston

Councillor

The elected representative of a district on the Council of the Corporation of the City of Kingston

Delegation

An address to Council, Committee of the Whole or Committee by one or more persons who are not members of Council or city staff.

Deputy Mayor

The member of Council appointed in accordance with Section 3.1 to serve as the Deputy Mayor for a specific time

Hearing

A meeting hosted by staff, committee or Council to seek public input as required under legislation.

In Camera

A closed session of Council, or a committee or Committee of the Whole, which is not open to the public.

Inaugural Meeting

The first meeting of a new Council after a municipal election where the declarations of office are made.

Majority

Greater than 50% of the members present

Mayor

The Head of Council

Meeting

A majority of the members of Council (Committee) that comes together for the purpose of exercising the power or authority of the Council (Committee) or for the purpose of doing the groundwork necessary to exercise that power or authority.

Presentation

A ceremonial presentation to or from the City of Kingston.

Public Consultation Meeting

A meeting hosted by staff, committee or Council in order to receive input from the public regarding a specific matter.

Public Information Meeting

A meeting hosted by staff, standing committee or Council in order to inform the members of the public about a matter.

Special Meeting

A meeting of Council (Committee) that is arranged outside of the normal meeting schedule to deal with only specific item(s) of business.

Quorum

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

Recorded Vote

The Clerk, according to the procedure in section 11.5, will call on each member who is qualified to vote to vote orally and will record this vote in the minutes.

Senior Officer

The Chief Administrative Officer or his/her designate

Substantive Motion

A self-contained proposal not incidental to any proceeding. Also referred to as the "main motion" or the "principal motion". It is drafted to express a decision of Council. It may be amended. The following motions are not considered substantive motions:

- (a) a motion to defer
- (b) a motion to put the question
- (c) a motion to adjourn

Time Sensitive Items

Those items on the agenda or addendum where action must be taken prior to the next regularly scheduled meeting of Council;

Town Hall Meeting

A public meeting of Council that provides members of the public an opportunity to offer comment on any matter.

Section 2 – Application of this By-law

This By-law applies to all proceedings

2.1 The rules in this by-law apply to all proceedings of Council and Committees and must be observed at all times.

Bourinot's Rules of Order

2.2 Bourinot's Rules of Order applies to any situation that is not covered by the rules in this by-law.

2/3 vote to override By-Law rules

2.3 Two-thirds of the members present and voting at a meeting may agree to suspend a rule in this by-law for the purposes of that meeting.

Section 3 – Appointment of Deputy Mayor and Committee Members

Appointment of Deputy Mayor

- 3.1 All councillors may offer to serve as Deputy Mayor for a two-month period.
- 3.2 At the beginning of the term of a newly-elected Council and as necessary thereafter, the following process is used for Deputy Mayor appointments
- (a) The Clerk asks any councillors who wish to serve as Deputy Mayor to submit their names to the Clerk by a specific deadline.
 - (b) At the next Council meeting, the Clerk puts the names of each councillor who has expressed interest on separate papers and draws names at random for each two-month period.
 - (c) The Clerk prepares the list of councillors and the related two-month time period and sets the deadline by which any changes may be made, giving councillors an opportunity to exchange service dates.
 - (d) The Clerk includes the list of councillors and the time period when they will serve as Deputy Mayor on the Council agenda for confirmation.
- 3.3 When the Deputy Mayor is not present, the Mayor may ask another member of Council to assume the role of Deputy Mayor during the meeting.

Council Appointments to Standing Committees

- 3.4 Council appoints councillors to Standing and other committees in November of each year or as necessary, except in the election year in which case appointments take place in December.

Public Appointments to Committees

- 3.5 Council appoints members of the public to committees in November of each year, or as necessary, following recommendations made by the Nominations Advisory Committee, to commence from the time of appointment and continue to November 30, as determined by the mandate of the committee.

Section 4 – Types of Meetings

Inaugural meeting of Council

- 4.1 The Inaugural Meeting of Council will be held in the Council Chamber on the first Tuesday in December of the new Council term.

Regular meetings of Council

- 4.2 Regular meetings of Council take place on the first and third Tuesday of every month at 7:30 p.m.

Annual meeting schedule

- 4.3 In December of each year, the Clerk provides Council with a report setting out the exceptions to the regular Council and Standing Committee meeting schedule for the upcoming year, including but not limited to March Break, the summer schedule, and the Christmas break.

Meetings of Committee of the Whole

- 4.4 Council may meet as Committee of the Whole to consider budget items, policy issues not included in the mandate of a Standing Committee, or any other matter it decides. Council may meet as Committee of the Whole during a regular meeting of Council if included on the agenda. Council may meet as Committee of the Whole during a regular meeting when it is not included on the agenda by way of motion and a 2/3 vote of the members who are present and voting.

Special meetings

- 4.5 The Mayor may, at any time, call a special meeting of Council by giving a minimum of 24 hours notice.
- 4.6 The Clerk must summon a special meeting of Council when a majority of councillors present a petition asking for a special meeting for a specific purpose. The meeting must be called for that purpose and at the time noted in the petition but the Clerk must give at least 24 hours notice of the meeting to all members of Council.

Closed meetings allowed to advance the business of Council, a Standing Committee, or other Committee

- 4.7 As required in Section 239 of the *Municipal Act, 2001*, all meetings must be open to the public, except that a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- the security of the property of the municipality or local board;
 - personal matters about an identifiable individual including municipal or local board employees;
 - a proposed or pending acquisition or disposition of land by the municipality or local board;
 - labor relations or employee contract negotiations;
 - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - a matter in respect of which Council, board or a committee has authorized a meeting to be closed under any Act;
 - a matter relating 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 an institution for the purpose of the Act.

Section 4 – Types of Meetings, continued

Closed meetings for training purposes

- 4.8 As outlined in Section 239 of the *Municipal Act, 2001*, a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
1. the meeting is held for the purpose of educating or training the members, and
 2. at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.
- 4.9 Before holding a training meeting or part of a meeting that is to be closed to the public, Council or the committee must pass a resolution stating the fact that a closed meeting is taking place and the general nature of its subject-matter and the section of the *Municipal Act* that allows the meeting to be closed to the public.
- 4.10 No voting may take place at a closed meeting held for training purposes.

Special purpose (ad hoc) Committees

- 4.11 Council may establish special purpose committees for special projects, upon the recommendation of Council, Committee of the Whole or staff.
- 4.12 A special purpose Committee must have a clear mandate and well-defined terms of reference that must include:
- a) the Committee's mandate
 - b) the number of members
 - c) the composition of membership, including members of staff, if applicable
 - d) reporting relationships
 - e) staff and other resources to be made available
 - f) a start and finish date
- 4.13 When Council decides to include members of the public on a special purpose Committee, the Clerk will place an advertisement in a local newspaper inviting members of the public to apply to be a member of the committee.
- 4.14 Any member of Council may attend and participate in meetings of a special purpose committee, but may not vote.

Town Hall Meetings

- 4.15 The purpose of a Town Hall meeting is to allow members of the public an opportunity to provide comment and input to Council as a whole.
- 4.16 A majority of members of Council may petition the Clerk to hold a Town Hall meeting.
- 4.17 The Mayor or Deputy Mayor chairs the meeting.
- 4.18 The Chair may ask a staff member to provide information to the public or to answer a question raised by a member of the public.
- 4.19 No member of the public may debate with staff or make derogatory comments to staff.
- 4.20 Each member of the public may speak for up to three minutes and may not speak a second time until after everyone present has had an opportunity to speak, time permitting.

Section 4 – Types of Meetings, continued

Town Hall Meetings continued

- 4.21 At least two weeks' notice must be provided in the newspaper and on the City's website prior to the Town Hall meeting being held.
- 4.22 As a general rule, meetings will be scheduled for at least two hours and all attendees will be given at least one opportunity to speak.
- 4.23 At the call of the majority of Council present the meeting may be adjourned after the time allotted for the meeting has passed or after everyone present has had at least one opportunity to speak.

Section 5 – Closed meeting rules

Public information on closed meeting business

- 5.1 Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them must state by resolution,:
- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - (b) in the case of a meeting under section 239(3.1) of the *Municipal Act, 2001*, the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed under that section. If a member of Council wishes to introduce new business at a closed meeting, it must 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 will expand further on the nature of the new business and the majority of Council must determine, by vote, as to whether the matter will be dealt with in closed session that evening. No debate on the issue will take place until the motion to deal with the new business has been decided in the majority.

Information confidential

- 5.2 All information, documentation or deliberations received, reviewed, or taken in a closed meeting, including the agenda, is confidential and must not be released to the public or any individual not entitled to be present at the meeting.

Distribution of confidential material

- 5.3 The Clerk must 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 must not be printed on the agenda; however, the agenda may include a general outline of the item being discussed.

Member with a pecuniary interest

- 5.4 (a) If a member of Council believes or knows that he/she has a pecuniary interest, the member must return the envelope unopened to the Clerk. The Clerk will note in the official record that the envelope was returned unopened and then destroy the material.
- (b) If a member of Council determines that he/she has a pecuniary interest after reading the material, that material shall be returned to the Clerk as soon as possible.

Limits on voting actions at closed meeting

- 5.5 No voting may take place during a closed business meeting except if the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.

Final decision on item from closed meeting

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

Section 5 – Closed meeting rules continued

Authority to speak on closed meeting matters

- 5.7 Only the Mayor or the Mayor's delegate may release information about any matters dealt with at a closed meeting.

Enquiries regarding closed meetings

- 5.8 The response of members to inquiries about any matter dealt with by Council or a committee of Council at a closed meeting, prior to it being reported publicly, must be "no comment", or words to that effect. No member is allowed to release or make public any information considered at a closed meeting or discuss the contents of such a meeting with anyone other than members of council or relevant staff members.

Violating confidentiality of closed meeting

- 5.9 (a) Any member who violates the closed meeting provisions of this by-law may be excluded from future closed meetings of Council and may no longer be provided with correspondence, materials, or information to be dealt with by Council at a closed meeting;
- (b) Council decides when a violation of the closed meeting provisions of this by-law has occurred and the duration of a member's exclusion from closed meetings and from receiving materials related to those meetings. Council must decide the matter before the affected Member is excluded from any closed meeting. The affected member may be present for the discussion but is not allowed to vote on any matter relating to the exclusion. The results of Council's deliberations will be reported out publicly.
- (c) A separate resolution of Council is required with respect to each member who is found to have violated the closed meeting provisions of this by-law.

Contraventions

- 5.10 (a) Any member who contravenes section 5.8 or section 5.9 is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the Provincial Offences Act.
- (b) Any decision to prosecute a member of Council may 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 has the option of attending with legal counsel. The member under investigation has the option of the meeting being held in public or being closed to the public.
- (c) No prosecution for a contravention of section 5.8 or section 5.9 may be commenced except on the direction of Council, expressed in a resolution of Council.

Inadvertent disclosure

- 5.11 Despite section 5.8 and section 5.9, no member may be convicted of a contravention of either section if the contravention was through inadvertence.

Section 5 – Closed meeting rules continued

Complaints about the appropriateness of a closed meeting

- 5.12 Any complaints made in relation to closed meetings made under section 239.1 of the Municipal Act, 2001 must be directed to the Clerk who will forward them to the Investigator appointed by Council to undertake those duties. All complaints will be treated as confidential at all times and will be forwarded directly to the appointed Investigator without review by the staff of the City of Kingston.

Delivery to independent complaints investigator

- 5.13 Complaints must be submitted on the established complaint form or via written request. The complaint form may be printed from the website or can be obtained from the Clerk's Department. All complaints must be submitted in a sealed envelope marked 'private and confidential' and should contain the following information:
- i. Name of municipality
 - ii. Complainant's name, mailing address, telephone number and e-mail address (if applicable)
 - iii. Date of closed meeting under consideration
 - iv. Nature and background of the particular occurrence
 - v. Any activities undertaken (if any) to resolve the concern
 - vi. Any other relevant information
 - vii. Original signature
- 5.14 Complaints may be submitted by mail or delivered directly to City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 Attention: City Clerk.

Section 6 – Notice of meetings

Publication of time and date of Council and Standing Committee meetings

- 6.1 The time and date of regular Council meetings and regular Standing Committee meetings must be published at least seven days in advance in a Kingston print publication and be included, as soon as possible, on the regularly published Calendar which is also posted on the City website.

Notice given by posting on the web site

- 6.2 Notice to the public of all regular or special meetings of Council or its committees, as well as notice of training sessions, must be provided by posting the agenda on the City website as soon as possible after its delivery to members of council.

Notice of meetings to Council or committee members

- 6.3 Council or committee members must receive the agenda together with the notice of a regular or special meeting of Council or its committees.

Effect of lack of proper notice

- 6.4 Lack of proper notice of a meeting will not affect the validity of holding a meeting or of any action taken at the meeting provided that all members attend the meeting or members who are not in attendance individually inform the Clerk that they consent to the holding of the meeting even though they cannot be present.

Section 7 – Roles of members and staff

Role of Council

- 7.1 The role of Council is to develop policies and does not include the development of strategies to implement those policies.

Limits on role of individual members of Council

- 7.2 No member of Council or committee member has the authority to direct or interfere with the performance of any work being done for the City by a member of City staff, a temporary worker, or a consultant. Reporting relationships are set out in the City's formal organization structure.

Limits on committees

- 7.3 No committee has authority over a city department.

Role of Chair

- 7.4 The Chair of a meeting preserves order and decorum, and decides questions of order.

Role of Deputy Mayor

- 7.5 At the request of the Mayor, the Deputy Mayor will 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.

Role of the Clerk

- 7.6 The Clerk is present at all meetings of Council; however, the Clerk may assign a member of staff to act in his/her stead at a meeting.
- 7.7 Pursuant to Section 228(1)(a) of the *Municipal Act 2001*, as amended, the Clerk must prepare a written record of meetings, without note or comment, including all resolutions, decisions, and other proceedings.

Role of staff at Council meetings

- 7.8 (a) The Commissioners of divisions 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 agenda.
- (b) Members may ask questions of department heads through the chair on matters under debate. Questions in this section do not impact on the member's ability to speak to the matter under debate.
- (c) Staff's response to a question must be concise and to the point.

Role of management

- 7.9 Senior appointed staff, under the direction of the Chief Administrative Officer, fulfill the role of management of the City. They develop strategies to implement policies established by Council.

Role of unions

- 7.10 The role of the Union is to represent its members through normal union/management channels.

Section 8 – Participation at a meeting –pecuniary interest rules

Actions prior to a meeting when member has a pecuniary interest

- 8.1 When a member, either on his/her own behalf or while acting for, by, with or through another, has a pecuniary interest in a matter on the agenda, the member must not attempt in any way, either before, during, or after the meeting, to influence the voting on the matter.

Actions at a meeting when member has a pecuniary interest

- 8.2 At a meeting where a matter regarding which the member has a pecuniary interest is being discussed, the member must, prior to any consideration of the matter at the meeting, disclose the interest and its general nature. The member must not take part in the discussion of, or vote on, any question in respect of the matter.

Actions at a closed meeting when member has a pecuniary interest

- 8.3 At a closed meeting, in addition to complying with the requirements of sections 8.1 and 8.2, the member must immediately leave the part of the meeting during which the matter is under consideration.

When member with a pecuniary interest not present at a meeting

- 8.4 When the interest of a member has not been disclosed as required by section 8.1 by reason of the member's absence from the meeting at which the matter was discussed, the member must disclose the interest and otherwise comply with section 8.1 at the next meeting of the Council or committee, as the case may be, which the member attends. (RSO 1990, c. M.50, s. 5)

Record of disclosure – public meeting

- 8.5 When a meeting is open to the public, every declaration of interest and its general nature made under section 8.1 must be recorded in the minutes of the meeting.

Record of disclosure – closed meeting

- 8.6 When a meeting is closed to the public, every declaration of interest made under section 8.1, but not the general nature of that interest, must be recorded in the minutes of the next meeting that is open to the public (RSO 1990, c. M.50, s. 6)

Section 9 – Rules regarding Council Chambers

Place of Council meetings

- 9.1 Meetings of Council are held at City Hall in the Council Chambers at 216 Ontario Street unless otherwise decided by resolution of Council.

Place of closed meetings of Council

- 9.2 All closed meeting items are 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 "Closed meeting" and proceeds to the Councillors' Lounge or another location for the closed meeting.

Dais area for members and officers only

- 9.3 No person, with the exception of members and officers of Council, may come within the dais during a Council meeting, without permission to do so from the Chair or Council.

Signs, banners, etc. prohibited

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

Recording equipment

- 9.5 Members of the public, including accredited and other representatives of any news media, may use cameras, electric lighting equipment, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record proceedings. These devices may not be used in such a way as to obstruct the proceedings of the meeting.

Communication devices – public meeting

- 9.6 Every member of Council or Committee must disable the audible signals of their communications devices during a Council or Committee meeting.

Communication devices – closed meetings

- 9.7 Every member of Council and every member of staff attending a closed meeting must turn off their communication devices and surrender them for the duration of the meeting to the Clerk in accordance with arrangements made by the Clerk.

Section 10 – Meeting procedures

The Mayor Chairs Council meetings

10.1 The Mayor is the chair of every Council meeting.

Entrance of Mayor to Council Chambers

10.2 The City Clerk leads the Mayor into Chambers and rings HMCS *Frontenac's* bell in accordance with naval practice. All must rise upon the Mayor's entrance into Council Chambers.

Deputy Mayor may Chair Council meetings

10.3 In the absence of the Mayor, the Deputy Mayor chairs the meeting. The Deputy Mayor chairs the meeting until the Mayor arrives.

Neither Mayor or Deputy Mayor present

10.4 If both the Mayor and Deputy Mayor are absent, the Clerk calls the meeting to order 15 minutes after the time fixed for the meeting and asks members to elect a member to chair the meeting. The elected member chairs the meeting until the Mayor or Deputy Mayor arrives.

Start of meeting

10.5 The Chair must call the meeting to order as soon as the time fixed for holding the meeting occurs and a quorum is present.

No quorum after 15 minutes

10.6 When a quorum is not present fifteen minutes after the time fixed for the meeting, the meeting is adjourned until the next regularly scheduled day for a meeting, unless a special meeting is called sooner. The Clerk records the names of those present.

Roll call

10.7 The Chair opens the meeting by asking the Clerk to call the roll or by introducing the members present.

Before a member leaves a meeting for a few moments

10.8 Members of Council must not leave their places without first advising the Chair.

Before a member leaves a meeting, not planning to return

10.9 A member who wishes to leave the meeting and does not intend to return must advise the Clerk or the Chair before leaving.

Section 10 – Meeting procedures continued

Quorum when members absent for pecuniary interest or other reasons

- 10.10 When members are not able to participate in a meeting or part of a meeting because they have a pecuniary interest and the remaining members would not ordinarily be sufficient in number to constitute a quorum, then, despite any other general or special Act, the remaining members may carry on with the business of the meeting and will be deemed to constitute a quorum, provided that there are at least two members able to vote on the matter.

Motion to continue past 11 p.m.

- 10.11 A motion carried by a two-third vote of the members present and voting will extend the meeting.
- 10.12 At 10:45 p.m. the Mayor will ask if Council wishes to proceed beyond 11:00 p.m. A motion put forward must stipulate that the purpose of the extension is to complete the agenda in its entirety, or a certain portion of the agenda, or that the extension is for a specific period of time. This motion is not debatable.
- 10.13 After a Motion has been passed to extend the council meeting, if a member of Council wishes to defer debate on an item to the next meeting of Council, a Motion put forward and duly seconded for such a deferral must immediately be forthcoming. No debate will be allowed and the majority of Council will decide.
- 10.14 If a two-thirds vote is not achieved to extend the meeting, Council will consider the time sensitive items, and at 10:55 p.m. Council will move directly to by-laws.

Section 11 – Order of business at a meeting

Agenda

- 11.1 a) The Clerk prepares the agenda for regular Council meetings in the following order:
- (i) Call Meeting to Order
 - (ii) Roll Call
 - (iii) Committee of the Whole "Closed Meeting"
 - (iv) Disclosure of Potential Pecuniary Interest
 - (v) Presentations
 - (vi) Delegations
 - (vii) Briefings
 - (viii) Petitions
 - (ix) Motions of Congratulations, Recognition, Sympathy, Condolences, & Speedy Recovery
 - (x) Motions deferred from the previous meeting due to lack of time to complete the agenda
 - (xi) Report of the Committee of the Whole "Closed Meeting"
 - (xii) Reports of the CAO (Consent); the CAO (Recommend); the CAO (Consider); Planning Committee; Kingston Municipal Heritage Committee; Administration Policies Committee; Arts, Recreation and Community Policies Committee; Environment, Infrastructure and Transportation Policies Committee; committees reporting to Council; and other reports
 - (xiii) Report of Committee of the Whole
 - (xiv) Committee of the Whole
 - (xv) Information Reports
 - (xvi) Miscellaneous Business
 - (xvii) New Motions
 - (xviii) Notices of Motion
 - (xix) Minutes
 - (xx) Tabling of Documents
 - (xxi) Communications
 - (xxii) Other Business
 - (xxiii) By-Laws
 - (xxiv) Adjournment
- b) Those items on the agenda that are deemed to be time-sensitive will be identified on the agenda or addendum by the Clerk.
- c) Approval of Addeds, if any, directly follows Item (iii) COW Closed Meeting, with a 2/3 vote of the members present and voting.

Presentations

- 11.2 Presentations are limited to five minutes.

Maximum of 3 presentations

- 11.3 A maximum of three presentations may take place per Council meeting or Committee of the Whole meeting.

Delegations

- 11.4 All delegations must provide a written note setting out the subject matter of the delegation to the Clerk on or before 4:00 p.m. on the Monday prior to the Council meeting, or before 4:00 p.m. on the day before a Standing committee or other committee is to meet.

Section 11 – Order of business at a meeting continued

Delegations re: items on the Council agenda

- 11.5 A maximum of three delegations may address Council per Council or Committee of the Whole meeting regarding items on the agenda other than items of correspondence.

Time limit for agenda-item delegations – 5 minutes

- 11.6 A delegation concerning agenda items has a maximum of five minutes. The time may be used by one or more people, as decided by the delegation.

One opportunity to speak

- 11.7 Delegations may speak on a matter before Council only once during the meeting, unless new information has come forward, an error was made in the documentation presented, or incorrect statements were made during the previous debate.

Delegations from city staff

- 11.8 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.

Delegations on planning matters

- 11.9 The following persons may not appear as a delegation before Council or Committee of the Whole:
- (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
 - (b) Persons requesting consideration of a matter upon which the Planning Committee has held its scheduled hearing but Council has not yet resolved the recommendation of the Committee.

Delegation when matter has already been decided

- 11.10 Delegations are not permitted to address Council on a policy matter upon which Council has already made a decision within the last 12 months, if it is in regard to a policy matter, or unless Council has decided to reconsider the matter.

Questions for delegations

- 11.11 A member of Council may ask a maximum of two questions of each delegation appearing before Council or the Committee of the Whole.

No questioning of staff during delegation

- 11.12 No member of Council may question staff during a delegation.

Section 11 – Order of business at a meeting, continued

Briefings

- 11.13 Briefings are allowed at meetings of Council, Committee of the Whole, and Standing Committees at the beginning of the meeting or when the issue arises on the agenda. Briefings are limited to 10 minutes, unless an extension has been recommended by the Chief Administrative Officer to the Clerk due to the importance of the subject and approved by Council by a simple majority.

Petitions

- 11.14 Every petition for presentation to Council must be an original legibly written, typed or printed and signed by at least one person. The Clerk will list petitions received prior to 12:00 noon on the Tuesday preceding the regular Council meeting on the agenda. All petitions received after this time will be held over for consideration at a subsequent meeting of Council unless the petition directly relates to items of business on the agenda. These petitions can be received up until 2:00 p.m. on the day of the meeting and will be included on the addendum.

Petitions referred to staff or committee

- 11.15 A member of Council may present a petition to Council and may request that it be referred to a particular staff or committee for a report to Council without a motion.

No debate on petition

- 11.16 Debate is not allowed on petitions except in the context of a motion already on the Council agenda.

Motions of Congratulations, Recognition, Sympathy, Condolences, Speedy Recovery, etc.

- 11.17 (a) The following motions may be moved and seconded by members of Council and presented by category.
- (i) Motions of congratulations
 - (ii) Motions of special recognition, including awards, significant achievements, or special service to the community
 - (iii) Motions of sympathy, condolences, speedy recovery
- (b) These motions are voted on as a whole.

Motions referred to in Section 11.17 may be included on the agenda or may be presented by a member to the Clerk at a Council meeting for inclusion in the agenda for that meeting.

Chief Administrative Officer Reports

- 11.18 Staff reports will appear on the agenda in the form of Chief Administrative Officer reports called Consent, Recommend, and Consider Reports.

CAO – Consent Report

- 11.19 Consent Report – All items in the Consent Report are the subject of one motion which is neither debatable nor amendable. However, any member may ask for an item or items included in the Consent Report to be separated from that motion. The consent report without the separated item(s) is put to a vote and then the separated item(s) considered next. All separated items are debatable and may be amended at the will of Council.

Section 11 – Order of business at a meeting, continued

CAO – Recommend Report

11.20 Recommend Report – All items in the Recommend Report are debatable and amendable. Each item on the Recommend Report is voted on separately.

CAO – Consider Report

11.21 Consider Report – All items in 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.

Staff reports

11.22 All major staff and consultant reports must be presented to members of Council at least 1 week prior to deliberation by Council of the report.

Committee Reports

- 11.23 a) The Chair or designate of each Standing Committee or other committee that reports to Council presents the recommendations of the committee in a report to Council. The committee report includes the committee's recommendations to act and recommendations to take no action. Items that are lost on a tie vote at standing committees are to be reported to Council with no recommendation to allow Council the opportunity to discuss and make a decision.
- b) The committee may request that the report be discussed in Committee of the Whole. Council decides by majority vote whether or not to resolve into Committee of the Whole to discuss the report.
- c) When presenting the committee report to Council, the Chair may speak about the recommendations in the report for up to 5 minutes but may not express an opinion on them.
- d) All items in a committee report are the subject of one motion. A member may ask for any item(s) included in the committee report to be separated from that motion. When an item is separated, all members of Council, including the councillor who introduced the report, have the opportunity speak to each separated item. A member may ask for an item to be separated to declare a pecuniary interest and withdraw from the meeting when the item is being discussed.
- 11.24 The report without the separated item(s) is put to a vote and then the separated item(s) considered next. Each separated item is debatable and may be amended at the will of Council.

Motions

- 11.25 The Clerk places motions on the agenda in the order in which they were received.
- 11.26 Once a motion appears on the Agenda, the motion is considered in the possession of Council or the Committee of the Whole. It may only be withdrawn before a decision is made with the permission of the Council or the Committee of the Whole.

Notice of Motion at Council meeting

11.27 A notice of motion, with a mover and a seconder, may be introduced by the mover at a regular meeting of Council or Committee of the Whole for consideration at a subsequent meeting.

Section 11 – Order of business at a meeting, continued

Notices of Motion for inclusion in Agenda

- 11.28 A Notice of Motion, with a mover and a seconder, may be given in writing to the Clerk for insertion in the Agenda as a Notice of Motion at the next meeting of Council or Committee of the Whole.
- 11.29 The Clerk places Notices of Motions in the Agenda in the order in which they were received.

Report of the Committee of the Whole

- 11.30 All items in the Report of the Committee of the Whole are the subject of one motion which is neither debatable nor amendable. However, any member may ask for an item or items included in the Report of the Committee of the Whole to be separated from that motion. The report without the separated item(s) is put to a vote and then the separated item(s) considered next. Each separated item is debatable and may be amended at the will of Council.

Minutes

- 11.31 The Clerk prepares minutes of a duly constituted meeting with copies available to all members. The minutes do not need to be read aloud prior to adoption, except as may be required to correct any errors.

Communications

- 11.32 Every communication for Council's attention must be legibly written, typed, or printed and signed by at least 1 person. The Clerk will list on the agenda only those communications received prior to 12:00 noon on the Tuesday preceding the regular Council meeting. All communications received after 12:00 noon on the Tuesday preceding the day of the Council meeting will be held over for consideration at a subsequent meeting of Council, unless they directly relate to items of business on the agenda. Those communications relating to business that are received prior to 2:00 p.m. on the day of the meeting will be included on the adds.

Members may not debate any communication except in the context of a motion on the agenda. Members may refer a communication to staff or committee.

Other Business

- 11.33 A member may make a statement regarding events and issues or bring forward information or ask a question during this portion of the agenda. A member of Council may bring forward a matter of Other Business when the item comes up on the agenda. At a Committee meeting, a member's intention to add an item to Other Business must be stated during the adoption of the agenda at the start of a meeting.

By-laws

- 11.34 No Council by-law may have all three readings at the same meeting except a by-law to confirm the proceedings of that Council meeting, and a by-law approving zone changes and official plan amendments.
- 11.35 When staff request that Council give a by-law all three readings at the same meeting, staff are required to provide an explanation for their request.
- 11.36 Every by-law must be read twice at the meeting at which it is introduced, and read a third time before it is signed by the Mayor and City Clerk.

Confirmation By-law

- 11.37 A by-law to confirm the proceedings of the Council must be given three readings before Council adjourns.

Section 12 – Motions

Putting a motion on the agenda

- 12.1 Motions introducing new matters must be in the hands of the Clerk by 12:00 noon one week before the regular Council, Committee of the Whole, or committee meeting for inclusion on the agenda.
- 12.2 Every motion must be in writing and have a mover and seconder before being submitted to the Clerk for inclusion in the agenda.

Order of Motions

- 12.3 Except as otherwise provided, all motions are put in the order in which they are received or moved.

Section 13 – Motions Relating to Conduct During Deliberations

Priority of Motion on the floor

- 13.1 When a motion is under consideration, no other motion may be received except a motion:
- to defer
 - to amend
 - to put the question
 - to recess, or
 - to adjourn

Motion to defer

- 13.2 A motion to defer must include time, place, and the purpose of the deferral, if applicable. A motion to defer may direct to a committee, to staff, or elsewhere.
- 13.3 A motion to defer is not debatable except as to time, place, and direction. The mover of the motion that is the subject of the deferral may, however, speak before the vote is taken.
- 13.4 When a motion to defer is passed, the motion to which it applies is removed from debate along with any amendments that have been moved.
- 13.5 The motion to which the motion to defer applies cannot be reintroduced until the time specified in the motion to defer.

Motion to amend

- 13.6 A motion to amend is debatable.
- 13.7 There may be only one motion to amend a motion to amend at a time. Debate is confined to the amendment to the motion to amend. When that question is settled, another amendment to the motion to amend may be made. Once all the amendments have been settled, a vote takes place on the main motion, or if any amendment has carried, on the main motion as amended.
- 13.8 A motion to amend must be in writing.

Motion to put the question

- 13.9 A motion to put the question is not debatable.
- 13.10 To carry, a motion to put the question requires 2/3 of the members present and voting to vote for the motion.
- 13.11 If the motion to put the question carries, a vote on the motion must take place without further debate.

Section 13 – Motions Relating to Conduct During Deliberations continued

Motion to recess

- 13.12 The Chair may suggest a recess of the meeting or an adjournment to another day, for example, to obtain information needed by the meeting. To have effect, this suggestion must be moved and seconded, and passed by a majority of members present.
- 13.13 A member may move a motion to recess at any time during a meeting, but not so as to interrupt a speaker or during a vote.
- 13.14 A motion to recess is debatable.
- 13.15 The chair may recess or adjourn a disorderly meeting that cannot be brought to order, without the need for a vote.

Motion to adjourn

- 13.16 A motion to adjourn is not debatable.
- 13.17 A motion to adjourn is always in order except when a member is speaking or during a vote.
- 13.18 If a motion to adjourn carries, the meeting must immediately come to a halt, regardless of the stage of proceedings.
- 13.19 If a motion to adjourn fails, , a new motion to adjourn may not be made until the conclusion of the item.

Motions requesting staff reports

- 13.20 Any request for staff reports and other substantive reports must be made by Council resolution.
- 13.21 Any motions, the carriage of which would result in a budgeting impact, are to be referred to staff or the appropriate Standing committee for a report with regard to the budgetary impact before being debated at Council.

Motion to reconsider past decision

- 13.22 a) A motion for reconsideration of a decided matter is not in order when the motion has been implemented, resulting in legally binding commitments that are in place on the date on which the motion to reconsider is to be debated. It is understood that Council's power to re-examine issues generally remains intact, and its lawful power to pass by-laws and its powers permitted under the *Municipal Act, 2001*, the *Planning Act*, or other provincial acts remain.
- b) Section 13.22 a) is not meant to limit motions for reconsideration of Council policies other than specific Council actions.
- 13.22 A motion to reconsider a substantive resolution, by-law, question, or decided matter must be made by a member who voted with the majority on the original motion or resolution. The Chair may ask the mover to confirm how the mover previously voted on the issue in question.
- 13.24 If a member is absent during the vote on the original motion or resolution, the member may not request that a motion be reconsidered at a subsequent meeting.
- 13.25 A motion to reconsider a decided matter must be printed on the agenda.

Section 13 – Motions Relating to Conduct During Deliberations continued

Motion to reconsider past decision

- 13.26 A motion to reconsider a matter may be brought forward only once in the twelve month period from the date the matter was first decided. Twelve months after a motion has been decided, Council may revisit the motion without a 2/3 requirement.
- 13.27 A motion of reconsideration applies only to a matter previously decided by the current Council. A new Council may review any matter decided by a previous Council, provided contractual agreements or obligations have not been completed.
- 13.28 No debate on a motion to reconsider is permitted. However, the mover and seconder of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.
- 13.29 A motion of reconsideration of a decided matter requires 2/3 of the members present and voting to vote for the motion.
- 13.30 If a motion to reconsider carries, reconsideration of the decided matter is the next order of business. Debate on the matter being reconsidered proceeds as though it had never previously been considered.

Motion to reconsider at same meeting

- 13.31 A motion to reconsider a decided matter may be introduced at any time when it is made at the same meeting at which the original motion was decided.
- 13.32 Sections 13.22, 13.23, 13.27 and 13.29 apply to a motion to reconsider at the same meeting.
- 13.33 A motion of reconsideration of a matter decided at the same meeting requires a majority of members present and voting to vote for the motion.

Introduction of motion not on the agenda

- 13.34 A motion may only be added to the agenda with the support of 2/3 of the members present.

Section 14 – Rules of debate

Chair reads motion aloud

14.1 To begin debate, the Chair reads the motion aloud.

Request to read motion aloud at any time

14.2 A member may require that the question or motion under discussion be read aloud at any time during the debate but not so as to interrupt a member while speaking.

Mover may speak first and last

14.3 The mover of the motion may speak first or at any time during the course of debate and may also reserve the right to speak last.

District Councillor may speak after mover

14.4 When a motion or issue is being debated that relates specifically to one district, the district representative must be given the opportunity to speak to the issue immediately after the mover of the motion, or first if the mover decides not to speak first.

Speaking order

14.5 When two or more members wish to speak, the Chair identifies the member who has the floor first. That member is the one who, in the opinion of the Chair, first indicated the desire to speak.

Member with the floor

14.6 When the Chair recognizes a member, the member may sit or stand and address questions or remarks to the Chair.

Only one speech per issue

14.7 No member may speak more than once to the same motion or issue, without leave of the Council, except to explain a material part of his or her speech which may have been misinterpreted. In doing so, the member may not introduce a new matter and may not speak for longer than 5 minutes.

(By-law 2010-1; 2011-9)

Splitting of Motion

14.8 Debate will be restricted to each proposal in its turn when a question has been split.

Questions

14.9 Questions must be stated concisely and courteously and relate to the subject at hand. They may be directed to staff or Council members for the purpose of clarification.

14.10 A member of Council may direct a question to a member of staff on the matter under debate by going through the Chair. The member does not lose the right to speak to the issue by asking staff questions.

Section 14 – Rules of debate continued

Exception for Committee of the Whole

14.11 When meeting as Committee of the Whole, a speaker may speak more than once to an issue. The Chair must give each member the chance to speak before allowing a member to speak again.

Members must remain quiet

14.12 When a member is speaking, other members must remain quiet.

When speaker may be interrupted

14.13 No member may interrupt a speaker except to raise a point of order or a point of privilege, or a question of quorum. The Chair may interrupt a speaker who is contravening a rule in this By-law.

Point of Order

14.14 A point of order raises a concern about:

- a) a breach in the rules of procedure of Council
- b) a difficulty in continuing the meeting
- c) the relevance of the discussion to the scope of the motion, or
- d) an irregularity in the proceedings, including the lack of quorum.

14.15 To raise a point of order, a member must ask the Chair for permission to speak. Once recognized, the member must state immediately the reason for raising a point of order. The member has 1 minute in which to speak.

14.16 The Chair rules on a point of order. Debate is not permitted, however the Chair may ask members to comment on the point of order raised.

Point of Privilege

14.17 A breach of privilege is a willful 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.

14.18 A member may raise a point of privilege to direct Council's attention to a matter that:

- (a) affects the members collectively
- (b) reflects on the member as an individual member of Council
- (c) affects the members' right to sit on Council
- (d) affects freedom of speech at the meeting, or
- (e) suggests contempt of Council as a whole.

14.19 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. These are personal complaints and not points of privilege.

14.20 The member may raise a point of privilege as a matter of privilege and it takes precedence over other matters.

14.21 A member may not enter into an argument or introduce any controversial question when raising a point of privilege.

14.22 The member who raises a point of privilege must state immediately the reason for the point of privilege. The member has 1 minute in which to speak.

Section 14 – Rules of debate continued

Speaker with floor must cede to point of order, privilege

- 14.23 When a member raises a point of order or a point of privilege, any member who had the floor must sit down and be quiet until the Chair has resolved the matter.

Participation of Chair in debate

- 14.24 The Chair may ask or answer questions and comment in a general way without ceding the chair.
- 14.25 If the Chair wishes to speak on a motion or take a definite position and try to persuade Council to support that position, then the Chair must call on the Deputy Mayor to take over the chairing of the meeting until the Chair has finished speaking.
- 14.26 If the Chair wishes to make a motion, then the Chair must call on the Deputy Mayor to chair the meeting until the motion has been resolved.

Inappropriate Behavior

- 14.27 A member must not
- a) speak disrespectfully of anyone, and in particular of the Reigning Sovereign, or any member of the Royal Family, or the Governor-General, the Lieutenant-Governor or any person in the government of Canada or Province of Ontario.
 - b) attribute motive to anyone, and in particular to any member of Council or City staff.
 - c) use offensive words or gestures
 - d) use unparliamentary language;
 - e) interrupt a member of the public, a member of staff, or a member of Council who is speaking to Council, or
 - f) disobey the rules of Council, a ruling by the Chair, or a decision of Council concerning a ruling by the Chair.

Exception

- 14.28 A member may express opinions on any policy related to the Government of Canada or the Province of Ontario.

Actions when behaviour inappropriate

- 14.29 (i) The Chair may take one or more of the following actions
- (a) ask the person in breach of the rules to stop the behavior;
 - (b) ask the person to withdraw what was said
 - (c) ask the person to apologize, ~~or~~
 - (d) decide that there was no breach of the rule.
- (ii) If previous attempts to call the member to order have failed, the Chair may expel the person for the balance of that Council meeting.
- (iii) Any person ruled against by the Chair in accordance with this section may on announcement of the ruling, challenge the ruling of the Chair in accordance with Section 14.37.

Section 14 – Rules of debate continued

Call to order

- 14.30 If a member is interrupting or otherwise transgressing the rules of Council, the Chair may call the member to order. The member who has been called to order must comply immediately. The Chair may permit the member to explain his/her actions. The member may ask Council to decide on the matter. No debate is allowed. A vote passes with a simple majority.

Behaviour during voting

- 14.31 No member may leave his/her seat or make any noise or disturbance while a vote is being taken or until the result of the vote has been declared.

Integrity of staff questioned

- 14.32 When the Chair considers that the personal integrity of any member of staff has been impugned or questioned by a member of Council, the Chair may permit the Chief Administrative Officer, **or** the Commissioner of the appropriate City Department to make a statement to Council.
- 14.33 If the manner in which staff is questioned is inappropriate, hostile, or harassing, the Chair must call the person to order and take one of the actions in section 14.29.

Identification of a breach of the rules

- 14.34 A member, or, additionally, in the case of section 14.32, the Chief Administrative Officer or designate, may ask the Chair to rule on a suspected breach of section 14.27.

Chair's response to a breach of the rules

- 14.35 The Chair may respond to a breach of the rules by calling for order or making a ruling under section 14.30.

Chair's decision final unless appealed

- 14.36 Unless a member immediately appeals the Chair's decision, the decision of the Chair is final.

Appeal of ruling of the Chair

- 14.37 Any member may challenge the ruling of the Chair on a point of order. Council shall decide the challenge without debate. A two-thirds vote of the members present in favour of the challenge is required to overturn the decision of the Chair.

Section 15 – Voting

Requirement to vote

- 15.1 Every member present at a meeting when a question is put must vote unless disqualified to vote on the question. All votes are by a show of hands except when a member has requested a recorded vote.

No secret voting

- 15.2 No vote may be taken by ballot or any other method of secret voting.

Dividing the question

- 15.3 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 taken separately.

Stating the question

- 15.4 The Chair states the question in the form introduced and in which it will be recorded in the minutes.

Member does not vote – deemed negative

- 15.5 Any failure to vote by a member who is not disqualified is deemed to be a negative vote.

Tie vote – deemed negative

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

Results of the vote

- 15.7 The Chair announces the result of every vote except for the case of a recorded vote, at which time the Clerk announces the results.

Disagreement on result of the vote

- 15.8 If a member disagrees with the announcement of the results of the vote by the Chair, the member may object immediately to the declared outcome and require that a recorded vote take place.

Recorded vote

- 15.9 When a recorded vote is requested by a member on any matter or question, the Chair asks the Clerk to poll members as follows:

- a) voting begins with the member who requested the recorded vote, and continues alphabetically from that member onward until the vote is completed
- b) each member present, except a member who is disqualified from voting by any Act, must announce his or her vote openly.

Section 15 – Voting continued

Voting by telephone poll

- 15.10 Telephone polls are permitted only in the event of an emergency, on the recommendation of the Chief Administrative Officer and the Senior Manager involved, with the approval of the Mayor.
- (a) When conducting the telephone poll, the Clerk must:
 - i) contact all members of Council by telephone, alphabetically, if possible;
 - ii) clearly, concisely outline the purpose of the poll, including information as to the reason for urgency;
 - iii) if there is no answer, a message must be left that indicates a deadline for a return call;
 - iv) when conducting the poll, provide the same information to all members, without comment, or sharing the results of how others have voted.
 - (b) poll outcomes are to be shared in an appropriate manner
 - (c) at the next regular meeting of Council, the item that was the subject of the telephone poll must be included on the consent report so that the decision of the poll may be confirmed.

Section 16 – Authority of By-laws

Signing of By-laws

16.1 The Mayor and the Clerk have the authority to sign and seal all by-laws and agreements which have been approved by Council.

Correctness of By-laws

16.2 The Clerk is responsible for the correctness of all by-laws, as amended, and must endorse on the by-law the date on which it was read and passed by Council.

Seal of the corporation

16.3 Every by-law which is passed by Council must be sealed with the seal of the corporation, signed by the Mayor or the Chair of the meeting at which the by-law was passed and by the Clerk, and must be deposited with the Clerk for custody.

Record of by-laws

16.4 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.

This By-Law shall come into force and take effect on the date of its passing.
