



City of Port Colborne Procedural By-law

Enacted: June 22, 2015

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THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 6250/76/15

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF
COUNCIL AND COMMITTEE MEETINGS, AND TO REPEAL
BY-LAW 4314/150/02 AND AMENDMENTS THERETO

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

AND WHEREAS at its meeting of December 10, 2002, the Council of The Corporation of the City of Port Colborne (“Council”) enacted By-law 4314/150/02, Being a By-law to Govern the Proceedings of Council and Committee Meetings;

AND WHEREAS By-law 4314/150/02 has been amended from time to time;

AND WHEREAS Council has identified the need to amend the rules of procedure governing Council and Committee meetings and adopt a new Procedural By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. DEFINITIONS

“**CAO**” means the Chief Administrative Officer of the City and/or designate.

“**Chair**” means the person presiding over a meeting or a portion of a meeting and who decides questions and points of order or practice, preserves order and maintains decorum.

“**City**” means The Corporation of the City of Port Colborne.

“**Clerk**” means the City Clerk of the City and/or designate(s).

“**Closed Session**” means a meeting or part of a meeting that is not open to the public.

“**Committee**” means the Committee of the Whole of the City, which consists of all Members of Council.

“**Council**” means the Council of The Corporation of the City of Port Colborne.

“**Deputy Mayor**” means that Member of Council who has been appointed to act for a designated period of time in the absence of the Mayor.

“**Emergency**” means a serious, unexpected and potentially dangerous event or situation requiring immediate action.

“**Inaugural Meeting**” means the first meeting of a new Council after a regular election.

“**Member**” means a Member of Council.

“**Pecuniary Interest**” means a direct or indirect Pecuniary Interest of a Member as defined under the prevailing legislation.

“**Public Meeting**” means a meeting of Council required pursuant to the *Planning Act* or other statute.

“**Quorum**” means a majority of the Members of Council or Committee.

“**Recess**” means to take a break in the meeting for a specified length of time.

"Seniority" means in the first instance, the total years of service as a Councillor/Mayor with the City of Port Colborne, and in the second instance, to break a tie in a ward, by majority of votes in that year.

2. GENERAL PROVISIONS

2.1 Rules

- (a) **Title**
This by-law shall be known as the "Procedural By-law" of the City of Port Colborne.
- (b) **Scope**
The rules and regulations contained in this by-law shall be the rules and regulations for the order and dispatch of business in meetings of Council and Committee of the Whole. All boards and citizen committees of the City are expected to adopt procedures regarding the calling and conduct of meetings, and in the absence of such procedures, these rules shall apply.
- (c) **Suspension of Rules**
The rules and regulations contained herein may be suspended on motion, as outlined in Schedule "A" attached hereto. The suspension of the rules should be rare and restricted to cases of urgency. Committee and Council is prohibited from suspending any statutory requirement with respect to its proceedings.
- (d) **Procedures Not Provided for in This By-law**
 - (i) Matters of procedure not covered in these rules are dealt with according to the current edition of Bourinot's Rules of Order, as far as practical.
 - (ii) Matters not governed by this by-law or dealt with in Bourinot's Rules of Order shall be decided by majority vote of the Members present.
- (e) **Amend/Repeal of This By-law**
Provided notice has been given and all other statutory requirements have been observed, these rules may be amended or repealed by a majority vote of the Members present at a regular Council meeting.

2.2 Recording of Meetings

- (a) Anyone may use a device(s) to transmit and/or record proceedings of open meetings of Committee and Council, unless doing so causes a disruption, interferes with the conduct of the meeting or jeopardizes safety, as determined by the Mayor.
- (b) All regular Committee Council and Committee meetings taking place in open session in the Council Chambers may be recorded for public broadcast and may be available online for public viewing.
- (c) Closed Session meetings may be recorded electronically and retained by the City. The Clerk shall be responsible for the care and retention of the recording. A recording of a Closed Session meeting shall only be accessed or disclosed for the purposes of a closed meeting investigation described under the Act, or otherwise required by law.
- (d) No Member or staff, except the Clerk, shall record the proceedings of a Closed Session meeting.

3. ROLES

3.1 Presiding Officer

The Mayor shall preside at all meetings of Council and Committee.

3.2 Duties of the Presiding Officer

It shall be the duty of the presiding officer:

- (a) to put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- (b) to decline to put to vote motions which infringe the rules of procedure;
- (c) to restrain the Members, within the rules of order, when engaged in debate;
- (d) to enforce on all occasions, the observance of order and decorum among the Members;
- (e) to call by name any Member persisting in breach of the procedure of the Council, thereby ordering the Member to vacate the Council Chamber;
- (f) to decide all questions of order at the meeting, subject to an appeal by any Member to Council on any question of order in respect to business before the Council;
- (g) to authenticate, by his/her signature when necessary, all By-laws and Resolutions;
- (h) to declare a meeting of Council which is in session at 11:00 p.m. adjourned forthwith unless in the case of an affirmative vote on a motion to extend the hour of automatic adjournment.

3.3 Deputy Mayor

- (a) The role of Deputy Mayor shall be assumed by each Member of Council on an equitable rotating basis, who in the absence of the Mayor shall act in the Mayor's place and shall preside at Council and Committee meetings with all powers and obligations of the Mayor.
- (b) The role of Deputy Mayor will be filled on a six month basis and rotated amongst each elected Councillor during each new Council term. Rotation will be by Ward One through Ward Four and by seniority in each ward.
- (c) In the absence of the Mayor, or if his office is vacant or if he refuses to act, and in the absence of the Deputy Mayor, the Clerk shall call the Council to order and, if a quorum be present, the members thereof shall choose a presiding officer from amongst the members present and such presiding officer, during such absence or vacancy or refusal to act, has all the powers of the Mayor.

4. MEETING SCHEDULE

4.1 General

- (a) Meetings are held in the Council Chambers of City Hall unless otherwise decided by the Clerk, in consultation with the Mayor and/or CAO.

- (b) Meetings are held on Monday, except when Monday is a public holiday or a day when City Hall is closed, in which case the meeting is held at the same hour on the next day that City Hall is open.
- (c) Council and Committee shall hold only one regular meeting in December, the date of which shall be established by resolution of Council, no later than September 30 of each year.
- (d) Meetings adjourn no later than 11:00 p.m., unless extended by a majority vote of the Members present.
- (e) Where circumstances warrant, the Mayor may, in consultation with the Clerk and/or CAO, cancel a meeting. Where possible notice of cancellation will be given to the Members and staff by e-mail or telephone. Public notice of the cancellation will be provided by way of the City's website and/or posting a written notice at City Hall. The business of the cancelled meeting shall be considered at the next regularly scheduled meeting, or at a special meeting called in accordance with this by-law.

4.2 **Inaugural Meeting of Council**

The first meeting of a newly elected Council shall be held in the Council Chambers of the Municipal Offices, on the first Monday of December following a regular election, at 6:30 p.m., provided that when the first Monday is a public holiday or a civic holiday the Council shall meet as soon after the first Monday in December as set by the Clerk.

4.3 **Regular Council Meetings**

- (a) Regular meetings of Council shall be held on the second and fourth Monday of each month, except as described above, or otherwise provided by a majority vote of the Members.
- (b) All items appearing on a Committee of the Whole agenda shall be ratified at the Council meeting immediately following the Committee meeting.
- (c) Notwithstanding the above, a majority of Members present may redirect the manner by which any item is ratified by Council.

4.4 **Statutory Public Meetings**

Matters requiring a Public Meeting by Council under the *Planning Act* or other statute shall be presented to Council as follows:

- (a) at a special meeting of Council to be held at 6:30 p.m. on the day of regular Council and Committee meetings with the regular Committee meeting rescheduled to follow on adjournment of the special meeting; or
- (b) as a separate item of business on the agenda of a regular Council or Committee meeting, whichever is deemed most expedient by the Clerk in consultation with the CAO.

4.5 **Regular Committee of the Whole Meetings**

Unless otherwise provided by a majority vote of the Members, the regular meeting of Committee shall be held on the second and fourth Monday of each month at 6:30 p.m., except as otherwise described herein.

4.6 **Special Council and Committee of the Whole Meetings**

- (a) The Mayor may at any time call a special meeting of Council or Committee.

- (b) The Mayor shall call a special meeting upon direction of a majority vote of the Members at a regular Council meeting.
- (c) The Clerk shall call a special meeting whenever requested by written petition of a majority of the Members of Council so to do, for the purpose and at the time mentioned in the petition.
- (d) The determination of meeting type (Council or Committee of the Whole), shall be made by the Clerk, in consultation with the Mayor and/or CAO, and shall take into consideration the nature of the business to be considered.

4.7 Special Meeting – Emergency Situation

A Special Meeting may be held, without notice, to deal with an emergency situation as defined under the *Emergency Management and Civil Protection Act* provided that an attempt has been made to reach the Members by telephone and/or e-mail at their respective residence and/or place of business. The consent to the holding of the meeting of a majority of the members present shall be recorded in the minutes. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting.

5. NOTICE

5.1 Agenda - Deemed Notice

- (a) The delivery of the agenda shall be considered adequate notice of all meetings, except as otherwise provided below.
- (b) The agenda is delivered either in hand or electronically to each Member and posted on the City's website, in accordance with the timelines outlined below.
- (c) No business may be transacted at a meeting other than that specified in the agenda, except as otherwise provided below.

5.2 Notice of Inaugural Council Meeting

- (a) Notice of the inaugural meeting shall be given by the City Clerk to each member of Council no less than seventy-two (72) hours prior to the meeting and the notice shall set out those matters to be considered.
- (b) In addition to the agenda, the Clerk shall provide public notice of the inaugural meeting by publication in a newspaper that is, in the Clerk's opinion, of sufficient general circulation in the area to give the public reasonable notice of the meeting, no less than seventy-two (72) hours in advance of such meeting.

5.3 Notice of Regular Council/Committee of the Whole Meeting

The Clerk shall provide notice of all regular Council and Committee of the Whole meetings no less than seventy-two (72) hours in advance of such meeting.

5.4 Notice of Special Council/Committee of the Whole Meeting

The Clerk shall provide notice of all special Council and Committee of the Whole meetings no less than twenty-four (24) hours in advance of such meeting.

5.5 Lack of Notice

Lack of notice shall not affect the validity of a meeting or of any action taken at such meeting.

6.0 AGENDAS AND SUPPORTING MATERIAL

6.1 Agenda - Inaugural Council Meeting

- (a) The Mayor-elect and the Clerk shall be responsible for the content and the format of the agenda for the inaugural meeting and all arrangements for the inaugural proceedings. Any reception following the inaugural meeting will be open to the public.
- (b) At the inaugural meeting, or as soon as possible thereafter, Council shall approve by resolution the Deputy Mayor rotation, in accordance with the schedule outlined herein.
- (c) At the inaugural meeting or as soon as possible thereafter, Council shall make appointments of Members and citizens to boards and committees, as required.

6.2 Agenda - Regular Council and Committee Meetings

- (a) Prior to each regular meeting, the Clerk in consultation with the CAO, shall prepare an agenda of all the business to be brought before Council and Committee.

The agenda shall include the date, time and location of the meeting, and shall accurately reflect the matters intended to be considered at the meeting.

- (b) **Delivery of the Agenda**
Agendas, along with supporting materials, shall be delivered to the members and the public on the Thursday prior to a regular meeting.
- (c) **Information Presented to Council – Written Form**
All information and communications intended to be presented to Council shall be submitted to the Clerk in writing, and prepared by staff using the City's standard report template or in the form of a memorandum.
- (d) **Deadline for Agenda Material**
All documents intended to be submitted to Council shall be delivered to the Clerk no later than 12:00 noon on the Tuesday prior to the meeting.
- (e) **Committee of the Whole Agenda Format**
Committee of the Whole agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be made by the Clerk without requiring amendment to this by-law:

1. Call to Order
2. National Anthem
3. Introduction of Addendum Items
4. Confirmation of Agenda
5. Disclosures of Interest
6. Adoption of Minutes
7. Determination of Items Requiring Separate Discussion
8. Approval of Items Not Requiring Separate Discussion
9. Presentations
10. Delegations
11. Mayor's Report
12. Regional Councillor's Report
13. Councillors' Items
14. Consideration of Items Requiring Separate Discussion
15. Notice of Motion
16. Adjournment

(f) **Council Agenda Format**

Council agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be made by the Clerk without requiring amendment to this by-law:

1. Call to Order
2. Introduction of Addendum Items
3. Confirmation of Agenda
4. Disclosures of Interest
5. Adoption of Minutes
6. Determination of Items Requiring Separate Discussion
7. Approval of Items Not Requiring Separate Discussion
8. Consideration of Items Requiring Separate Discussion
9. Proclamations
10. Minutes of Boards, Commissions & Committees
11. Consideration of By-laws
12. Council in Closed Session (if required)
13. Adjournment

6.3 **Urgent Items by Addendum**

Adding items to the agenda by addendum shall be avoided for all but urgent matters. Addendum items will only be presented to Council or Committee upon approval of the CAO. Addendum items will be introduced by the Clerk at the beginning of the meeting.

7.0 CONDUCT OF MEETINGS

7.1 **Meetings Open to the Public**

All meetings of Council and Committee shall be open to the public, unless the subject matter being considered fits within the limited exemptions outlined under the Act. No person shall be excluded from a meeting that is open to the public except for improper conduct.

7.2 **Commencement of Meetings**

7.21 **Call to Order**

The Mayor shall call the meeting to order once a quorum is present.

7.22 **Mayor Absent**

If the Mayor is not present within fifteen (15) minutes of the time appointed for the meeting, the Deputy Mayor shall call the meeting to order and shall preside during the meeting or until the arrival of the Mayor.

7.23 **Quorum**

A majority of the total number of elected members of Council shall constitute a quorum, the Mayor being counted as a member of Council.

(a) **Quorum Not Present**

If no quorum is present fifteen (15) minutes after the starting time, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regular or special meeting.

(b) **Quorum Lost**

If quorum is lost during the course of the meeting, the meeting shall stand adjourned to reconvene as determined by the Mayor. The balance of the agenda shall be dealt with at the next meeting.

7.24 Entrance Restricted

During a meeting, except for the Members and staff, no person is allowed to proceed beyond the area in the Council Chambers which has been set aside for the public and the media, unless permitted to do so by the Mayor, CAO or Clerk. In no case shall such person be allowed to take a seat among or occupy the seat of a Member.

7.3 Order of Business

All business shall be taken up in the order as listed on the agenda unless otherwise decided by a vote of the majority of Members present.

8.0 DISCLOSURES OF PECUNIARY INTEREST

8.1 General

It is the sole responsibility of each Member to:

- (a) understand and comply with their legal obligations under the prevailing conflict of interest legislation;
- (b) identify and disclose any pecuniary interest as it arises;
- (c) clearly describe the general nature of the interest;
- (d) surrender the Chair, when applicable;
- (e) abstain from discussing and voting on the matter; and
- (f) if the meeting is closed, leave the meeting or the part of the meeting during which the matter is under consideration.

8.2 Disclosure by Majority and Quorum

When a majority of the Members have disclosed a pecuniary interest, the remaining members constitute a quorum, provided there are no fewer than two remaining Members.

9.0 PRESENTATIONS

9.1 Types

Presentations shall include the following:

- (a) individuals appearing before Council to accept an award or receive recognition from the City;
- (b) consultants, external partners and staff of the City, who are requested by the CAO to present a verbal report to provide clarification to the Members on the same night their staff report will appear on the agenda. Members may ask questions of the presenter.

9.2 Request to Appear - Presentations

Those wishing to make a presentation must provide a written submission to the Clerk by 10:00 a.m. on the Thursday prior to the meeting, outlining the name(s), title(s), etc. of those making the presentation and clearly stating the subject matter of the presentation.

9.3 Maximum Number, Time Limit, Use of Audio Visual Equipment

The rules respecting the maximum number of presentations, the maximum time limit for presentations, and the use of audio visual equipment, are the same as those respecting delegations.

10.0 DELEGATIONS

10.1 Request to Appear - Delegations

Any person wishing to be a delegate to address Council or Committee shall register by submitting a written request to the Clerk prior to 12:00 noon on the day of the meeting, clearly stating the subject matter of their delegation.

10.2 Appear Before Committee

Delegations shall appear before Committee rather than before Council.

10.3 Item to be Listed on Agenda

The Clerk shall not register a delegation unless there is a specific item listed on the agenda on which the delegate wishes to speak. Persons wishing to address the Members on a matter which is not listed on the agenda must provide the Clerk with a written submission outlining their request and detailing the matter on which they wish to speak, prior to 10:00 a.m. on the Thursday prior to the meeting.

10.4 List of Delegates

The Clerk shall prepare a list of delegations who, by 12:00 noon on the day of the meeting, have registered to speak. This delegation list will be distributed electronically to the Members, CAO and Directors prior to the meeting and on paper to the Members at the meeting.

10.5 Delegations from the Floor

Delegations shall only be permitted from the floor without prior registration during a public hearing under the provisions of the *Planning Act*, or other statutory public hearing.

10.6 Maximum Number - Delegations

The number of delegations heard at any one meeting shall be limited to three.

10.7 Time Limit

Each delegate shall be permitted a maximum of ten minutes in which to speak.

10.8 Limited to New Information

A delegation who has previously appeared on the same subject matter shall be limited to providing only new information at any subsequent appearance.

10.9 Decorum Observed

Delegations and attendees at a meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive, inconsiderate, disrespectful, or intimidating to others. No delegation shall:

- (a) speak to a matter other than that stated in their request;
- (b) speak disrespectfully or use offensive language;
- (c) disobey the rules of procedure or a decision of the Mayor or Council;
- (d) enter into cross debate with the Members, other delegations or staff;
- (e) use the presentation to advertise, publicize or promote any business or commercial enterprise or event.

10.10 Curtailing Delegation

The Mayor may curtail any delegation, any questions of a delegation and/or debate during a delegation for disorder or any other breach of this by-law and, if the Mayor rules that the delegation is concluded, the delegate shall withdraw.

10.11 Copy of Presentation

A delegation will provide a copy of their presentation to the Clerk for record-keeping purposes. Presentation materials will form part of the official public record of the meeting.

10.12 Use of Audiovisual Equipment

Specific types of audiovisual equipment may be used by delegates provided that arrangements for use of the equipment have been made with the Clerk at the time of registration. PowerPoint presentations, or presentations utilizing similar software, must be provided electronically to the Clerk in advance of the meeting. Every effort shall be made to circulate a copy of the presentation with the agenda.

10.13 Multiple Delegations on Same Subject Matter

An organization or group of individuals wishing to address Council on the same subject matter shall be encouraged to select one person to speak as their representative.

10.14 Jurisdiction of the Municipality

Delegations may be refused when the subject matter is beyond the jurisdiction of the municipality.

10.15 Promotion of Business or Commercial Enterprise

Delegations shall not be permitted for the purpose of advertising, publicizing or promoting any business or commercial enterprise or related event.

10.16 Matters Subject to a Public Meeting

Delegations shall not be permitted on any matter that is the subject of a future Public Meeting.

10.17 Questions of Delegate, Staff and Comments

Upon the completion of the deputation the Mayor will acknowledge Members who wish to ask questions of the delegate; then Members who wish to ask questions of staff; then Members who wish to comment on the matter under consideration. Any discussion between Members and the delegate shall be limited to Members asking questions of clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegate.

10.18 Operational/Administrative Matters

Depending on the situation in question, a person wishing to register as a delegation regarding an operational or administrative matter may be directed to the CAO first to discuss the issue.

10.19 Expulsion for Misconduct

- (a) The Mayor may expel from the meeting, any person who, in the opinion of the Mayor has behaved improperly.
- (b) Improper conduct shall be deemed to exist where any person breaches these rules or interrupts the proceedings such that continuation of the meeting is rendered difficult or impossible.
- (c) If the person does not leave after being ordered to, the Mayor may adjourn the meeting and seek the assistance of the police.

11.0 COMMUNICATIONS/PETITIONS

11.1 Legibly Written and Signed

Every communication, including a petition, intended to be presented to Council and Committee shall be legibly typewritten or printed and shall be signed by at least one person giving their printed name and address.

11.2 Obscene Language

Communications or petitions containing obscene or defamatory language shall not be accepted or presented to Council or Committee.

11.3 Petitions

Petitions shall be presented to the Clerk and must include a written statement or position of those that signed the petition, the legible printed names and addresses of the petitioners, and original signatures of each. The individual or group initiating the petition, or submitting the petition to the Clerk, must also provide their name(s) and contact information to the Clerk.

11.4 Communications Listed on Agenda

Every communication addressed to Council and submitted to the Clerk shall be directed to the agenda of the next regularly scheduled Council and Committee meeting.

11.5 Public Record

All communications addressed to Council, included on an agenda or otherwise considered in open session by Council or Committee or during a public hearing, is deemed to be a communication in the public domain. Such information shall form part of the public record, unless the author expressly requests the removal of particular information. This includes names, addresses and other personal information contained therein. Such information shall be made available to the general public and published in agendas and/or minutes. Any person with questions regarding the public disclosure of this information should contact the Clerk.

12.0 MAYOR, REGIONAL COUNCILLOR REPORTS AND COUNCILLORS' ITEMS

- (a) The Mayor shall have the opportunity at every regular Committee meeting to report on the activities of the Mayor's Office.
- (b) The Regional Councillor for the City of Port Colborne shall have the opportunity at every regular Committee meeting to report on the activities of the Region.
- (c) Councillors shall have the opportunity at every regular Committee meeting to report on constituency activities.
- (d) Any motion arising from the Mayor's Report, Regional Councillors' Report or Councillors' Items that will affect City policies or procedures, or that will require the allocation of financial or other City resources, shall be referred to staff for the preparation of a report to Council.

13.0 RULES OF CONDUCT AND DEBATE

13.1 General

- (a) No Member or person addressing Council or Committee shall:
 - (i) use offensive words or unparliamentary language in or against the Council or against any Member;
 - (ii) speak on any subject other than the subject in debate;
 - (iii) speak for more than ten (10) minutes on any matter;

- (iv) criticize any decision of the Council except for the purpose of moving the question be reconsidered;
 - (v) interrupt the Member who has the floor, except to raise a Point of Order or Privilege.
 - (vi) disobey the rules of the Council or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
- (b) When the Mayor is putting a question or motion, no Member may leave their place or make any noise or disturbance when the Mayor is speaking.
 - (c) When a vote is called for, the Members present shall immediately take their respective places and shall remain seated until the Mayor has declared the result of the vote.
 - (d) Members shall not leave their respective places upon adjournment until after the Mayor declares the meeting adjourned.
 - (e) Consumption of beverages other than water, and the consumption of food, shall not be permitted in the Council Chambers during a meeting.

13.2 **Council Code of Conduct**

In addition to these rules, Council has adopted a Code of Conduct that establishes general standards and expectations for Members in the performance of their duties.

13.3 **Mayor in Debate**

The Mayor may express an opinion on matters under debate, however, should the Mayor wish to take an active part in any matter under debate or leave the Chair for any reason, the Mayor shall call upon the Deputy Mayor or, in the absence of a Deputy Mayor, such other Member who the Members present at the meeting may elect, to act as presiding officer until the Mayor resumes the Chair.

13.4 **Order of Speaking**

A Member who wishes to speak will raise a hand in order to be recognized by the Mayor. Once recognized, the Member shall address their comments to the Mayor. When two or more Members simultaneously indicate that they wish to speak, the Mayor shall designate the order in which they may speak.

13.5 **Speaking – Limitations**

- (a) No Member shall speak until recognized by the Mayor.
- (b) No member shall speak more than once to the same question, motion or matter except to give an explanation, until every Member who desires to speak has spoken.
- (c) A member who has made a substantive motion by making an original motion or moving an amendment shall be allowed a reply.
- (d) No Member shall enter into debate with a delegation or member of staff.

13.6 **Disregard of Mayor**

Where a Member persists in conduct contrary to these rules after being called to order by the Mayor:

- (a) The Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be

ordered to leave their seat for the duration of the meeting”, but if the Member apologizes, they may be permitted to retake their seat.

- (b) If the motion carries, the Mayor shall order the Member to leave the Council Chambers for the remainder of the meeting.
- (c) If a Member does not leave after being ordered to, the Mayor may adjourn the meeting and seek the assistance of the police.

13.7 **Recess**

After a lengthy period of deliberation, the Mayor may call a recess for a specified period of time, after which time the Members and those in attendance shall quickly resume their seats.

14.0 **PRIVILEGE AND POINT OF ORDER**

14.1 **Point of Privilege**

- (a) A Member may rise at any time on a point of personal privilege where such Member feels that their integrity or the integrity of the Council has been called into question by another Member or anyone present at the meeting.
- (b) A point of privilege suspends debate on the matter under consideration at the time until the question is decided.
- (c) Where the Mayor recognizes that a breach of privilege has taken place, the Mayor shall demand that the offending Member or individual apologize, and falling such apology shall require said Member or individual to vacate the Council Chamber for the duration of the meeting.
- (d) Thereafter, a Member shall only address the Mayor for the purpose of appealing the Mayor’s decision on the question of a breach of privilege to the Council.
- (e) If no Member immediately appeals, the decision of the Mayor shall be final.

14.2 **Point of Order**

- (a) A Member may interrupt the person who has the floor to raise a point of order when such Member feels that there has been:
 - (i) a deviation or departure from these rules; or
 - (ii) a deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion;
- (b) The Member shall clearly and succinctly state the point of order, and the Mayor shall decide on the point of order.
- (c) Thereafter, a Member shall only address the Mayor for the purpose of appealing the Mayor’s decision to Council.
- (d) If no Member immediately appeals, the decision of the Mayor shall be final.

14.3 **Appeal**

If a Member immediately appeals the Mayor’s decision on a question of privilege or a point of order, the Member shall have the right to state their case, the Mayor shall have the right to reply and Council shall decide the question “that the decision of the Mayor be sustained” without further debate. The decision of a majority of the Members of Council present shall be final.

15.0 MOTIONS

15.1 Notice of Motion

- (a) Council or Committee will not consider any motion regarding new business, unless:
 - (i) notice of motion was given at the last regular meeting; or
 - (ii) a motion to dispense with notice is passed by a majority vote of all the Members present.
- (b) A Notice of Motion is a statement of intention to introduce a motion at a future meeting. A Notice of Motion is not debatable.
- (c) After having provided a Notice of Motion, the Member shall prepare and submit the motion, in writing, to the Clerk so that it can be included in the agenda for the meeting at which the motion is to be introduced.

15.2 Motions to be Seconded and Positive

- (a) A motion must be seconded before being debated or put to a vote.
- (b) A negative motion is not permitted.

15.3 Motion Withdrawn Prior to Vote

A motion may be withdrawn with the joint support of the mover and seconder at any time before the motion is amended or put to a vote.

15.4 Mayor – Moving/Seconding Prohibited

The Mayor may not move or second any motion.

15.5 Adoption in a Single Motion

One or more items on an agenda may be adopted in a single motion. At a meeting a Member may request that an item be discussed and that item shall not then be included in the motion to adopt the items not requiring separate discussion.

15.6 Call the Question (Close Debate)

A Member may request the Mayor to “call the question,” which, if granted by the Mayor, closes debate and puts the motion to a vote. Unless a member immediately appeals the decision, the decision of the Mayor is final.

15.7 Request to Hear Motion Read Out

A Member may request to have the motion under debate read aloud at any time during debate.

15.8 Common Motions

Schedule “A” forms part of this by-law and shall describe the order of precedence, form and standard descriptive characteristics of motions commonly used in Council and Committee meetings.

16.0 VOTING

16.1 Timing

A motion shall be put to a vote by the Mayor immediately after all the Members who wished to speak on the motion have spoken.

16.2 Every Member Present to Vote – Except Declared Interest

Every Member present shall vote on every motion unless the member has declared a pecuniary interest in the matter.

16.3 Mayor Exercises a Vote

The Mayor shall vote on a motion but shall not have a second or casting vote in the event of an equality of votes on any question.

- 16.4 **Abstention – Deemed Negative, Except for Declaration of Interest**
In the event a Member present declines or abstains from voting, they will be deemed to be voting against the motion, unless the reason for abstaining is due to a declaration of pecuniary interest.
- 16.5 **Method of Voting - Secret Voting Prohibited**
All votes shall be taken by a show of hands, except for a recorded vote. Each Member shall vote openly and individually and no vote shall be taken by ballot, or any other method of secret voting.
- 16.6 **Result**
The Mayor shall announce the result of every vote taken as either “carried” or “lost”.
- 16.7 **Disagreement with Result**
If a Member disagrees with the result as announced by the Mayor, the Member may, but only immediately after the declaration of the result, object to the declaration and require the Mayor to call for another vote on the matter.
- 16.8 **Tie Vote**
Any motion on which there is a tie vote shall be deemed to be lost.
- 16.9 **Recorded Vote**
When a Member requests, immediately prior to the taking of the vote, that the vote be recorded, the Clerk shall call the names of all the Members present in alphabetical order to vote, unless a Member has declared a pecuniary interest, and except that the Mayor shall vote last. Each Member shall answer “yes” or “no” to the motion. The result of the recorded vote shall be announced by the Clerk and the name of each Member who voted and the manner in which they voted shall be recorded in the minutes.
- 16.10 **Motions Containing Two or More Matters**
When the motion under consideration concerns two or more matters, the Mayor, upon the request of Member, shall direct that the vote upon each matter shall be taken separately.

17.0 CLOSED SESSION MEETINGS

- 17.1 **Rules**
These rules shall govern the procedure during closed session meetings, with modifications where necessary, and except that:
- (a) recorded votes shall not be taken; and
 - (b) no member shall be limited in the number of times that they may speak.
- 17.2 **Timing**
Where possible, a closed session meeting shall be held either prior to the start of, or prior to the adjournment of an open meeting.
- 17.3 **Criteria for Closed Session**
No meeting or part of a meeting may be closed to the public unless the subject matter meets the legislated criteria for a closed meeting. The decision to close a meeting is discretionary.
- In accordance with the *Municipal Act, 2001*, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;

- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) educational or training sessions where both of the following conditions are satisfied:
 - (i) the meeting is held for the purpose of educating or training the members; and
 - (ii) 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.

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

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

17.4 **Resolution to Meet in Closed Session**

Before holding a meeting, or part of a meeting, in closed session, Council or Committee shall pass a resolution in open session stating:

- (a) the fact that a closed meeting is being held;
- (b) the general nature of the matter to be considered, so that the information available to the public is maximized without undermining the reason for excluding the public; and
- (c) the relevant section(s) of the Act authorizing the meeting, or part of the meeting, to be held in closed session.

17.5 **Voting in Closed Session**

No vote shall be taken during a Closed Session meeting, unless:

- (a) the meeting satisfies the criteria for conducting a closed meeting; and
- (b) the vote is for:
 - (i) a procedural matter; or
 - (ii) giving directions or instructions to officers, employees or agents of the municipality, local board or committee; or
 - (iii) giving directions to persons retained by or under a contract with the municipality or local board.

17.6 Motion to Reconvene in Open Session

At the conclusion of the closed session meeting, a motion shall be presented to rise from closed session with report (as described below) and reconvene in open session.

17.7 Report in Open Session

Upon reconvening in open session, the Mayor shall accept a motion to resolve the matter publicly, or alternatively advise that direction has been given to staff during closed session in accordance with the *Municipal Act, 2001*.

17.8 Confidentiality

- (a) All information, documentation or deliberations received, reviewed or taken in closed session is confidential.
- (b) Members shall hold in strict confidence all information concerning matters dealt with in closed session. No Member shall release, make public, or in any way divulge any such confidential information or any aspect of closed session deliberations, unless expressly authorized by Council or required by law.
- (c) Any member who contravenes these provisions shall be deemed not to be acting in the interest of, on behalf of, or with the authority of the Council of The Corporation of the City of Port Colborne.

17.9 Closed Meeting Investigation

Any person may file a complaint as to whether the City has complied with the open meeting legislation by filing the complaint with an investigator appointed under the Act.

18.0 MINUTES

18.1 The Clerk shall record, without note or comment, all resolutions, decisions and other proceedings at open and closed meetings of Committee and Council.

18.2 The minutes shall also record:

- (a) the date, time and location of the meeting;
- (b) the name of the presiding officer and the record of attendance of the Members;
- (c) the time of commencement and adjournment;

18.3 The minutes shall be circulated with and presented on the agenda of the next regular meeting for approval.

19.0 BY-LAWS

19.1 Consideration and Passage of By-laws

- (a) All by-laws proposed for consideration shall be listed on the agenda by an identifying number and title. A copy of each by-law shall also be included in the agenda.
- (b) Original copies of the by-laws to be considered shall be in the possession of the Clerk and available for inspection at the meeting.
- (c) No by-law shall be introduced in blank or imperfect form.
- (d) All by-laws proposed for consideration shall be considered and dealt with collectively and presented by a motion in the following words: "That the following by-laws be passed: (here the title of all of the by-laws shall be read)." Only the title of the by-law shall be read.

- (e) Before voting on the motion to pass the by-laws, a Member may request that any by-law be considered separately. Upon the request of the Member, the by-law specified by the member shall, without debate, be removed from the motion and dealt with separately. Where more than one by-law is the subject of a request for separate consideration, each such by-law shall be separately considered in the order the request pertaining to it was made.
- (f) Where a by-law is to receive separate consideration, the specified by-law shall be the next item of business to be dealt with following consideration of the other by-laws before the Council.
- (g) Subject to the provisions of any statute or regulation which requires otherwise, by-laws shall require only one reading prior to being passed by Council.
- (h) By-laws shall be passed by a majority vote.

19.2 Signing, Sealing and Custody of By-laws

Every by-law which has been passed by Council shall be dated, sealed with the seal of the Corporation, signed by the Mayor or Deputy Mayor of the meeting at which the by-law was passed, and by the Clerk, and deposited with the Clerk for record-keeping and to form part of the official public record.

20.0 COMMITTEE OF THE WHOLE

20.1 Composition - Committee of the Whole

There shall be a standing committee composed of all members of Council and designated as the "Committee of the Whole".

20.2 Duties - Committee of the Whole

The Committee may deal with all matters and shall adopt a recommendation to Council relating to the disposition of such matters.

20.3 Committee Procedure

The rules governing the procedure of the Council and the conduct of Members shall be observed in Committee so far as they are applicable, except that recorded votes shall not be taken.

21.0 CORRECTION/MODIFICATION BY CLERK

The Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this or any by-law, motion, resolution and/or minutes as may be determined to be necessary for the purpose of ensuring correct and complete implementation of the actions of Council.

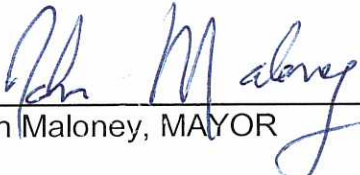
22.0 FORMER BY-LAWS REPEALED


By-law 4314/150/02, Being a By-law to Govern the Proceedings of Council and Committee Meetings, and all amendments thereto, are hereby repealed.

23.0 FORCE AND EFFECT

This by-law shall come into force and take effect on the day of final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
22ND DAY OF JUNE, 2015**


John Maloney, MAYOR


Ashley Grigg, CITY CLERK

**ORDER OF PRECEDENCE AND RULES GOVERNING
COMMON MOTIONS**

1. Order and Precedence of Motions

The order in which motions shall take precedence over one another and be considered shall be as follows:

- (1) to extend the hour of automatic adjournment;
- (2) to adjourn;
- (3) to recess;
- (4) to suspend the rules;
- (5) to table a motion;
- (6) to defer;
- (7) to refer;
- (8) to amend the motion under consideration;
- (9) main motion.

2. Motion to Table

- (a) A motion to table means to postpone consideration of a matter without setting a definite date as to when the matter will be re-introduced for consideration. A matter shall remain tabled until a motion is passed to resume consideration. A motion to table shall:
 - (i) be put to a vote immediately without debate.
 - (ii) not be amended.
 - (iii) apply to the main motion and any amendments to it under debate at the time when the motion to table was made.
- (b) A tabled motion that has not been decided either in the affirmative or in the negative during the term of the Council in which the motion was introduced, shall be deemed to have been withdrawn.

3. Motion to Refer

A motion to refer means to direct a matter under consideration or a staff member, or such other person or body as determined appropriate, for further examination. A motion to refer shall:

- (a) be open to debate as to why the matter should or should not be referred;
- (b) be open to amendment;
- (c) include the name of the committee/staff/person/body to whom the matter is to be referred;
- (d) include the terms on which the motion is being referred and the time at which the matter is to be returned; and
- (e) include the reasons for the referral.

4. Motion to Defer

A motion to defer means to postpone consideration of a matter until a future date which is established as part of the motion. A motion to defer shall:

- (a) be open to debate as to why the matter should or should not be deferred; and
- (b) may be amended as to the time or date to which the matter is to be deferred.

5. Motion to Amend

(a) A motion to amend proposes a formal change to a motion under consideration. A motion to amend shall:

- (i) be open to debate;
 - (ii) be open to amendment;
 - (iii) be relevant to the main motion;
 - (iv) not be contrary to, or substantially alter, the motion under consideration;
 - (v) be decided (or withdrawn) before the main motion is put to a vote;
- (b) A motion to amend an amendment is permitted and shall be decided in the reverse order to which they are put.
- (c) Only one motion to amend an amendment to the main motion shall be allowed at one time. Further amendments may be made to the main motion.
- (d) A motion to amend may be a “friendly amendment” whereby the mover and seconder agree to re-word their motion to accommodate an amendment, provided that no Member immediately appeals.

6. Motion to Reconsider

A motion to reconsider means to revisit a previously decided motion for the purpose of rescinding the motion or of changing the motion’s core purpose and intent.

- (a) After any by-law, resolution, motion or matter has been decided except in those situations described below, any Member who voted with the prevailing side may move for reconsideration.
- (b) Before introducing a motion to reconsider, a Member shall first give Notice of Motion to Reconsider. The Mayor may ask the Member to confirm that they voted with the prevailing side on the matter in question. Such Notice of Motion shall be referred to the next available Council meeting.
- (c) If the Motion to Reconsider is carried, the original motion is put back on the floor for a vote. Debate on the original motion shall proceed as though it had never previously been voted on.
- (d) **Exceptions**
 - (i) No matter or motion shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

- (ii) Actions of the Council that cannot be reversed or suspended cannot be reconsidered.

(e) **Suspension of all action**

- (i) The effect of a Notice of Motion to Reconsider a decided matter is the suspension of all action that depends on the result of the matter to be reconsidered.
- (ii) There is no further discussion of the decided matter unless and until the motion to reconsider is carried by a majority vote of all the Members present.

(f) **Debate prohibited**

A motion to reconsider is not debatable. However, the mover of a motion to reconsider may make a brief and concise statement outlining the reasons for putting the motion forward.

(g) **Absent from meeting – Right to vote on matter**

A Member of Council who was not present at the meeting of the decided matter has the right to vote on the motion for reconsideration and on the decided matter.

7. Motion to Suspend the Rules (Waive the Rules)

A motion to suspend the rules of this by-law shall:

- (a) not be open to debate;
- (b) not be open to amendment;
- (c) identify the rule(s) to be suspended, and the purpose of the suspension.
- (d) require an affirmative vote of the majority of the Members present.